



# Protecting

# human rights:

Key challenges for the

UK's third Universal

Periodic Review

# About this publication

## What is the aim of this publication?

This report sets out the ongoing human rights challenges in Great Britain across 12 different areas of life, including education, health and privacy. It also provides recommendations to the UK, Scottish and Welsh Governments on how to better respect and protect human rights, and fulfil their international obligations.

The Commission submitted the report for the UK's third assessment under the UN Human Rights Council's Universal Periodic Review (UPR).

## Who is it for?

The primary audience for this report is UN member states who conduct the UPR, to help them engage with our recommendations and understand the key human rights concerns in this country. It will also be useful for parliamentarians, civil society and other stakeholders working on the issues covered.

This report was submitted to the Office of the High Commissioner for Human Rights on 22 September 2016.

## Why has the Commission produced this?

We are a statutory public body established in 2007 to promote and protect human rights in Great Britain, and are one of three 'A' status UK National Human Rights Institutions. We have a responsibility to inform the UN of our view of human rights in Great Britain through the UPR process every five years.

To find out more go to [www.equalityhumanrights.com](http://www.equalityhumanrights.com) and search 'UPR'.

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## Foreword from the Chair

The Universal Periodic Review (UPR) places every country's human rights record under the international microscope. In 2017, the world will gather at the UN in Geneva to hear about the human rights situation in the United Kingdom.

This comes at an important moment for the nation. Brexit has led many to ask how this will affect our national identity. What are our shared values and aspirations? What kind of global role do we want for our country?

In uncertain times, human rights and the rule of law should be seen as society's bedrock, providing both protections from harm and obligations for further progress.

The UPR provides the Equality and Human Rights Commission with a valuable opportunity to carry out a stocktake of human rights in the UK. In our role as a UN 'A' status National Human Rights Institution, we have taken a step back to see what has happened in the last five years, and where more work is needed.

We have based our analysis on a detailed evidence base. Last year we published 'Is Britain Fairer?', the most comprehensive review ever on progress towards greater equality and human rights protections. We have also drawn on our UN treaty monitoring work to provide an overview across a range of human rights issues.

Britain has a strong reputation as an international leader in human rights and we want this to continue. While we all try to understand the impact of leaving the EU, the Commission will work hard to ensure that existing equality and human rights standards do not slip, regardless of arrangements put in place for the UK's exit.

We have serious concerns about the UK Government's proposal to replace the Human Rights Act (HRA) with a 'British Bill of Rights'. The HRA is well-crafted legislation that has improved people's lives. Our message to the UK Government is clear: any proposed changes to human rights law must not weaken the protections we all enjoy or move our country backwards.

There are positive developments. The UK Government has received global praise for passing the landmark Modern Slavery Act, echoed by the Scottish Government's Human Trafficking and Exploitation Act, to prevent the spread of sexual exploitation, forced labour and domestic servitude of adults and children from across the world. But gaps remain in the legal definitions of what constitutes a criminal offence. Provisions to identify and support victims lack clarity, and the monitoring body tasked with spearheading the UK's fight against slavery is woefully under-resourced.

Stop and search is another area for cautious optimism in England and Wales. Police stop and search powers have not always been used in a justified way, contributing to community tensions. By working with the National College of Policing to improve officer training, the number of searches has dropped by 68 per cent in the last five years. However, it is unacceptable that a Black person in England and Wales is nearly five times more likely to be stopped than a White person.

For many of the other issues in our report the outlook is less positive. Hate crime is on the increase across Great Britain. Despite this, I believe that most people want to celebrate and harness our diversity, build on our track record of treating people with fairness and respect, and to protect the most marginalised in our society.

The state's treatment of those in custody, such as prisons, police cells or immigration detention centres, causes serious concern. We are facing the highest number of child refugees since the Second World War, but our national response has been found wanting. That's why our report includes five recommendations specifically to protect and respect the rights of child refugees.

Access to civil justice has deteriorated significantly since the UK's last UPR in 2012. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 drastically altered the legal aid landscape in England and Wales. Combined with higher employment tribunal fees in Great Britain, there's evidence people are being priced out of justice. Since the new tribunal fees came into effect, pregnancy discrimination cases fell by 50 per cent and disability discrimination cases by 59 per cent. Rights are of no value unless people have means of redress.

The UK's social security system has changed considerably in the last five years. The cumulative impact of multiple changes has negatively affected several groups, including women and children. Disabled people have been hit by a perfect storm of changes, which the UN has found to be in breach of their rights to an independent and adequate standard of living. It's vital that the UK Government undertakes cumulative impact analysis for future spending decisions so life for society's most vulnerable is not made even harder.

All of these issues, and the many others explored in this report, have answers. We've set out 30 clear recommendations for the UK, Scottish and Welsh Governments to action.

The UPR is an opportunity to highlight these recommendations on a global stage, with the oversight and engagement of the international community. However, when the examination is complete it is crucial that we return home and work together. National Human Rights Institutions, civil society and parliamentarians are essential partners in holding governments to account and making these recommendations a reality for all members of our society.

**David Isaac**

**Chair of the Equality and Human Rights Commission**

# The view from Scotland



The Universal Periodic Review presents a real opportunity to evaluate and identify where we are now and what more needs to be done to better protect human rights across Scotland. This report includes over 30 recommendations, 10 of which are directed at the Scottish Government, to improve the human rights situation in Scotland.

There have been some very positive developments. The Scottish Government has committed to reintroducing binding child poverty targets, after these were recently repealed at Westminster. It has also enhanced the status of the UN Convention on the Rights of the Child in Scottish law through the Children and Young People (Scotland) Act 2014.

However, the Scottish Parliament needs to go further to embed all seven UN conventions which the UK has ratified into Scots law.

A significant number of human rights, including comprehensive rights for disabled people, will not be delivered for the people of Scotland until these UN conventions are incorporated into our domestic law.

The devolution of social security powers to the Scottish Parliament also gives the Scottish Government an excellent opportunity to further the promotion and protection of economic, social and cultural rights. It is encouraging to note that the First Minister has already stated that 'dignity and respect' will be at the heart of the new Scottish social security system. The challenge now will be to give this real meaning in practice and to deliver that change.

There are also still areas where the Scottish Government has a great deal more to do. For example, the backgrounds and communities of children continue to unduly affect their educational attainment levels when compared to national averages.

Our findings also show that equality gaps in the employment rate remain at unacceptable levels. In addition, despite an improving labour market, many people in Scotland still face pay discrimination and employment terms and conditions which mean that around one in five employees in Scotland earns below the Living Wage.

Our report also highlights that a lack of residential and transit accommodation across Scotland continues to affect Gypsy/Travellers' right to an adequate standard of housing. This creates barriers to accessing public services, education and health care. We are therefore calling on the Scottish Government to improve the adequacy of site provision and adopt a national Gypsy/Roma and Irish Traveller integration strategy.

We hope that this report will be the catalyst for a national debate, recognising the good work already underway in Scotland from which others can learn. However, our report also shines a light on the areas where Scotland can and must do better.

**Lesley Sawers**

**Scotland Commissioner**



# The view from Wales

Human rights are the basic rights and freedoms that we hold in common. They underpin our way of life: in our homes, in our communities and in our use of public services, such as schools and hospitals. As a result, we should all be treated with dignity and respect in our everyday lives.

The Commission has a statutory responsibility to monitor how our human rights are being protected and promoted in Wales and across Britain. This submission provides our current assessment and makes recommendations where improvements are needed.

The report shows there is much in Wales of which we can be proud.

Human rights have been enshrined in Welsh law since the National Assembly's creation in 1999. The Welsh Government is bound to act in a way compatible with human rights. This gives a firm foundation for the protection of human rights in Wales.

The Welsh Government for its part brought forward legislative proposals that enshrine the rights of children when decisions are being taken; that aim to eradicate violence against women, domestic abuse and sexual violence; and that place duties on local authorities to provide Gypsy and Traveller sites where a need has been identified. These are some of the positive steps taken towards bringing about the full realisation of human rights in Wales.

However, we know that legislation itself does not always bring about practical change. Wales is still a country where there are major entrenched inequalities and our evidence shows that human rights must be further protected and assured.

This report is informed by our recent 'Is Wales Fairer?' publication, which identified key challenges that need to be addressed.

For example, our evidence shows that a child's background has a major impact on their education. Action is needed to close attainment gaps for those groups who are falling behind the national average. Mental health services are not fully meeting local demand and must improve access for all. Reforms to civil legal aid constrain people's access to justice. Poverty and hate crime are other areas of major concern in Wales.

The preparation, submission and consideration of this report can all help bring about change. Many Welsh organisations have played a part in the Universal Periodic Review process by highlighting what they consider to be the most pressing human rights concerns in Wales and Britain. There is common ground with the topics in our report.

We look forward to the response and recommendations of the UN Human Rights Council. We stand ready to work with others across Wales who share our commitment to advance human rights in every aspect of our lives and in all Welsh communities.

**June Milligan**

**Wales Commissioner**

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## Submission of stakeholder reports

- The UN encourages stakeholders, including national human rights institutions (NHRIs) and civil society, to submit reports on the human rights situation in the State under Review (SuR).
- Reports should consider progress in implementing recommendations from previous Reviews, as well as new challenges.
- The Office of the High Commissioner for Human Rights (OHCHR) summarises these reports for the Human Rights Council.

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## Implementation

- The SuR is responsible for implementing the recommendations before the next Review in five years' time.
- The UN encourages the SuR to work with all relevant stakeholders in doing so.
- After two and a half years, the SuR, NHRIs and civil society can produce 'mid-term reports' to review progress.

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## The recommendations

- The troika prepares an 'outcomes report' summarising the Review and including a list of the recommendations.
- This is adopted by the UPR Working Group, when the SuR can decide to 'accept' or 'note' each recommendation.
- At its next full session the Human Rights Council decides whether to approve the report, when the SuR may make a fuller statement on the recommendations in the session.
- At this point NGOs and NHRIs may also make general comments on the outcome of the Review.

# What is the Universal Periodic Review?

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## The state report

- The SuR publishes its own report setting out the country's human rights situation.
- This should be done in consultation with relevant stakeholders, and highlight both progress and challenges in implementing its human rights obligations.

3

## The Review

- A 'troika' of three states leads the Review, but any UN member state can participate in the Review of another country.
- Reviews take place during a session of the Human Rights Council's UPR Working Group
- The SuR presents its report and responds to any questions that other states may have submitted in advance.
- There is then a dialogue, where any state can raise relevant points and recommendations, before the SuR makes a final statement.

The UN Human Rights Council uses the Universal Periodic Review (UPR) to assess the human rights record of every country in the world. Each State under Review (SuR) is examined by its fellow states once every five years. The aim of the UPR is to share best practice and improve human rights across the globe.

UNIVERSAL PERIODIC REVIEW





## The view from civil society

The British Institute of Human Rights (BIHR), a charity which works across the UK to bring human rights to life, has been at the forefront of supporting civil society organisations (CSO) to engage with the UK's recent Universal Periodic Review (UPR) examinations. In both 2012 and 2016, this work was made possible with support from the Equality and Human Rights Commission.

In 2016 BIHR's UPR project – Human Rights Check UK – took us across Great Britain to raise awareness about human rights and the UPR process. No matter where we went we were struck by the enthusiasm of CSOs to learn more about human rights accountability. At a time of significant challenge in the UK, with concerns about austerity and inequality, human rights provides a framework of rights, duties and accountability which has real relevance.

From York to Cardiff, Leicester to Inverness, Exeter to London, we spoke with carers, local advice centres, support services, policy workers, disabled people's groups, youth services, international organisations, legal specialists, educators, unions, and so on. While many would not ordinarily identify as human rights groups, human rights is at the heart of work they do challenging discrimination, supporting people in vulnerable situations, reducing marginalisation and seeking positive social change.

Through Human Rights Check UK BIHR was able to build and strengthen CSO awareness of the UPR, gather valuable evidence for our Joint Shadow Report to the UN, and empower other groups to submit their own reports. It is clear that CSOs have vital contributions to make to the UPR process, including:

- **Giving voice to a range of stakeholders.** This is particularly important for people in vulnerable situations who may face human rights risks but not necessarily use this language. In such circumstances the prospect of engaging with international monitoring processes is remote at best and unknown at worst.
- **Providing a rich source of alternative information.** It is essential the UPR process has access to information from sources other than the official Government report – that will only ever be one side of the story. Civil society organisations have access to different information about the impact of certain policies or practices. We may have different interpretations about whether

Government action is respecting and protecting people's human rights. For example, our 2016 Joint Civil Society Shadow Report flags up significant concerns about the regressive impact of Government policy on welfare and housing. It also highlights how cuts to legal aid are negatively impacting on access to justice.

- **Monitoring Government implementation.** The UPR process is not simply about reporting to the UN every four and half years. Recommendations are set for our Government, and implementing these should be influencing policy and practice between each examination. As CSOs we can use the UN recommendations to call for changes in the UK, encouraging the Government to ensure better protection of international human rights standards here at home.

While the UPR is a state-driven peer review process, our experience shows that civil society has an important role in ensuring the best possible evidence is available to the UN. CSOs can connect the international process with people's lived experiences of human rights protections in their state – ensuring the human is always central to rights protection and monitoring.

**Stephen Bowen**

**Director of The British Institute of Human Rights**

# The Equality and Human Rights Commission's Universal Periodic Review submission

## Introduction

This report covers 12 priority themes, related to 54 per cent of the UK's 132 recommendations from the 2012 second cycle of the UPR.<sup>1</sup>

It includes 30 recommendations for the UK, Scottish and Welsh Governments to improve the promotion and protection of human rights across Great Britain.

### Recommendation:

- **The establishment of a UK national action plan on human rights,<sup>2</sup> learning from Scotland's National Action Plan for Human Rights,<sup>3</sup> including concrete actions to implement UN recommendations.<sup>4</sup>**



## Enhancing the status of international human rights in domestic law

The UK is party to the European Convention on Human Rights (ECHR), incorporated into domestic law through the Human Rights Act 1998 (HRA).

The Equality and Human Rights Commission (EHRC) considers that the HRA:

- Is well-crafted to protect and promote human rights.
- Is embedded in the UK's constitutional arrangements.
- Maintains parliamentary sovereignty and a primary role for domestic courts.

The UK Government has committed to repeal the HRA and bring forward proposals on a Bill of Rights.<sup>5</sup>

**Recommendation: UK Government should:**

- **Ensure proposals for a Bill of Rights do not reduce the protections or access to redress in the Human Rights Act.<sup>6</sup>**

We encourage Britain's leading role in shaping the international human rights framework, including its support for the UN's first Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.<sup>7</sup> The UK has ratified seven of the nine 'core' human rights conventions but not directly incorporated them into domestic law.<sup>8</sup> The Scottish and Welsh Governments have enhanced the status of the Convention on the Rights of the Child in national law,<sup>9</sup> providing models to give effect to all Convention provisions. The UK Government has not supported the establishment of a Convention on the Rights of Older Persons.

**Recommendation: UK and devolved governments should:**

- **Enhance the status of all seven ratified human rights conventions in domestic law.**
- **Support the development of international human rights frameworks, such as a Convention on the Rights of Older Persons.<sup>10</sup>**

The Equality Act 2010 is the most comprehensive anti-discrimination legislation in the world. It covers nine 'protected characteristics' across Great Britain: gender, race, disability, sexual orientation, transgender status, age, religion or belief, pregnancy and maternity, and marriage/civil partnership. Several of its provisions have not been brought into legal effect, or have been repealed by the UK Government.<sup>11</sup>

The EHRC welcomes the UK Government's commitment to keep the Equality Act 2010 under review in relation to gender identity.<sup>12</sup>

**Recommendation: UK Government should:**

- **Reinstate all original and implement any outstanding provisions of the Equality Act 2010.<sup>13</sup>**

## Independent and adequate standard of living and social protection

Since 2012, successive UK Governments<sup>14</sup> have reformed social security. Some reforms have adversely affected children and groups with protected characteristics, including women and ethnic minorities.<sup>15</sup>

Social security reforms<sup>16</sup> have had a particularly disproportionate, cumulative impact on the rights to independent living and an adequate standard of living for disabled people.<sup>17</sup>  
<sup>18</sup> <sup>19</sup> The UK Government has assessed the equality impact of individual policies,<sup>20</sup> but not the cumulative impact of several changes. An EHRC-funded study found that cumulative impact assessments are both feasible and practicable.<sup>21</sup>

### **Recommendation: UK Government should:**

- **Extend monitoring and analysis of spending decisions to include the cumulative impact on individuals with protected characteristics.**
- **Give primary consideration to the best interests of the child.**
- **Mitigate adverse impacts where identified.**
- **Justify regressive measures by demonstrating they are temporary, necessary, proportionate, non-discriminatory and do not undercut a core minimum level of human rights protections.<sup>22</sup>**

The Welfare Reform and Work Act 2016 changed how the UK Government assesses child poverty.<sup>23</sup> It restates the four indicators in the Child Poverty Act 2010<sup>24</sup> and an obligation to publish data against these annually,<sup>25</sup> but repeals the binding targets to reduce child poverty.<sup>26</sup> The Scottish Government is reintroducing legally binding targets.<sup>27</sup>

### **Recommendation: UK Government should:**

- **Establish clear accountability mechanisms for eradicating child poverty, including binding targets, with a set timeframe and measurable indicators.<sup>28</sup>**

The lack of residential and transit accommodation across Great Britain<sup>29</sup> affects Gypsies' and Travellers' right to an adequate standard of living and, through consequent barriers, to accessing services to education, employment and health.<sup>30</sup> Objections from local councillors and residents, often stigmatising, are the most common barrier to site provision.<sup>31</sup>

### **Recommendation: UK and devolved governments should:**

- **Improve the adequacy of site provision for Gypsies and Travellers across all local authorities.**
- **Work together to adopt a Great Britain-wide<sup>32</sup> Gypsy/Roma and Irish Traveller integration strategy<sup>33</sup> focused on access to education, employment, healthcare and housing.<sup>34</sup>**

“The lack of residential and transit accommodation across Great Britain affects Gypsies’ and Travellers’ right to an adequate standard of living”



## Hate crime, hate speech and identity-based violence

Between 2013/14 and 2014/15, police recorded hate crime increased<sup>35</sup> in all five categories in England and Wales, with a total increase of 18 per cent.<sup>36</sup> In Scotland, the number of charges in all hate crime categories, with the exception of race, increased in 2015-16.<sup>37</sup> Across Great Britain, race remains the most commonly recorded motivation for hate crime. EHRC research has highlighted significant under-reporting of disability<sup>38</sup> and lesbian, gay, bisexual and transgender hate crime.<sup>39</sup> In the two weeks following the EU Referendum, there was a 57 per cent increase in online reports of hate crime in England and Wales.<sup>40</sup>

### **Recommendation: UK Government should:**

- **Report on the impact of the new hate crime action plan.**
- **Work with criminal justice agencies to develop new preventative measures based on recent research on motivations.**
- **Review the effectiveness of the current legal framework.**<sup>41 42</sup>

In April 2015, the UN High Commissioner for Human Rights criticised the UK tabloid press for 'demonising foreigners and minorities', which 'has continued unchallenged under the law for far too long'.<sup>43</sup> The EHRC and many international experts share these concerns.<sup>44</sup>

### **Recommendation: UK Government should:**

- **Work with relevant stakeholders to tackle the negative portrayal of particular groups by the media, such as Gypsies and Travellers, Muslims, lesbian, gay, bisexual and transgender people, asylum seekers and refugees.**<sup>45</sup>

The EHRC considers violence against women and girls (VAWG) to be 'one of the most pervasive human rights issues' in the UK.<sup>46 47</sup> Ratification of the Istanbul Convention would help the UK to tackle VAWG,<sup>48</sup> but further action is needed in order to ratify and implement it fully, such as the adequate provision of specialist support services.<sup>49</sup>

### **Recommendation: UK Government should:**

- **Make the necessary law, policy and practice changes to be able to ratify the Istanbul Convention and dedicate sufficient resources to central, devolved and local authorities to ensure its effective implementation.**<sup>50</sup>

## Access to civil justice

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) significantly narrowed the scope of civil legal aid in England and Wales.<sup>51</sup> The number of cases for initial advice has fallen by two-thirds, and representation in court is down by a third.<sup>52</sup> LASPO may have a disproportionately adverse impact on children, disabled people, ethnic minorities and women, potentially limiting access to justice.<sup>53</sup>

### Recommendation: UK Government should:

- **Expedite the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).**
- **Commission independent research on the equality and human rights impact of LASPO on disabled people, ethnic minorities, children and women.**
- **Mitigate any indirectly discriminatory effects.**<sup>54</sup>

Changes to court fees in England and Wales, and tribunal fees in Great Britain, may also affect access to justice. New employment tribunal (ET) fees coincided with a 59 per cent decrease in disability discrimination cases and a 50 per cent drop in pregnancy-related cases<sup>55</sup> (recommendations on the latter were rejected by the UK Government).<sup>56</sup> The Scottish Government has pledged to abolish ET fees.<sup>57</sup> The EHRC shares the concerns of the UK Parliament's Justice Committee<sup>58</sup> about the proposed 500 per cent increase in immigration and asylum tribunal fees.<sup>59</sup>

### Recommendation: UK Government should:

- **Mitigate adverse impacts from increased employment tribunal (ET) fees.**
- **Delay the proposed increase of immigration and asylum tribunal fees until the review of ET fees has reported.**<sup>60</sup>

Impact of employment tribunal fees on the number of disability and pregnancy discrimination cases:



## Human trafficking and modern slavery

The Modern Slavery Act 2015 (MSA)<sup>61</sup> and Human Trafficking and Exploitation (Scotland) Act (2015)<sup>62</sup> are major steps forward. However, the EHRC has highlighted gaps in the legislation and implementation, including:

- Lack of detail in provisions to identify and support victims.
- Gaps in criminal offences.
- Weaknesses in the National Referral Mechanism – for identifying and supporting trafficking victims.
- Weaknesses in the powers and resources of the Independent Anti-Slavery Commissioner.<sup>63</sup>

### Recommendation: UK and Scottish Governments should:

- **Monitor the effectiveness of anti-trafficking legislation and amend it to address any weaknesses.**
- **Strengthen the National Referral Mechanism.**<sup>64</sup>

There are also concerns about MSA provisions for the identification and support of child victims. Data suggests approximately 60 per cent of suspected child victims of trafficking in local authority care go missing, and two-thirds are never found.<sup>65 66</sup>

### Recommendation: UK Government should:

- **Establish statutory independent guardians for all unaccompanied and separated children entering the UK.**
- **Introduce a statutory duty to record and report trafficked and refugee children who go missing from care.**<sup>67</sup>

“The Modern Slavery Act 2015 is a major step forward, however gaps remain”



## Just and fair conditions of work

All people should be able to access work free from discrimination, but some still experience difficulties.<sup>68</sup> Younger groups were worst affected by the recession, and have taken the longest to recover.<sup>69</sup> The EHRC welcomes the UK Government's pledge to halve the employment gap for disabled people (at 31.7 per cent).<sup>70</sup>

### Recommendation:

- **UK and devolved governments should take positive steps to close equality gaps in employment.**
- **UK Government should introduce interim targets and a statutory reporting requirement on its commitment to halve the disability employment gap.<sup>71</sup>**

The gender pay gap was 19.2 per cent in 2015,<sup>72</sup> <sup>73</sup> with progress slowing in recent years.<sup>74</sup> The ethnic pay gap was 5 per cent and the disability pay gap 9 per cent per cent in 2013.<sup>75</sup> Low paid work<sup>76</sup> affects 21 per cent of workers in Britain – the majority are women.<sup>77</sup> There are concerns about how the new National Living Wage, applicable to workers aged 25 and over, will affect women and those under-25 if there is a 'race to the bottom' on pay.<sup>78</sup>

### Recommendation:

- **UK Government should produce regular estimates of the gaps in hourly pay, for full-time and part-time workers, disaggregated by gender, race and disability.**
- **UK and Scottish Governments should monitor the impact of the National Living Wage on women and young people.<sup>79</sup>**



## Privacy and security

The EHRC welcomes the UK Government's reform of privacy and surveillance laws, which have struggled to keep pace with technological advances and the need to protect the public while respecting individuals' rights.<sup>80</sup>

**Recommendation: UK Government should ensure the new privacy and surveillance framework:**

- **Improves protection of privacy rights through clearly defined and limited powers.**
- **Has improved oversight and accountability measures.**
- **Keeps pace with modern technology.<sup>81</sup>**

## Detention and asylum

The EHRC is concerned by increases in self-harm and suicide in prisons in England and Wales<sup>82</sup> and the impact of prison staff retention problems on prison safety.<sup>83</sup> The Chief Inspectors of Prisons for England and Wales, and for Scotland, have reported that overcrowding continues to pose a significant problem (though Scotland's prison population is dropping).<sup>84</sup>

**Recommendation: UK and Scottish Governments should:**

- **Produce action plans to improve prisoner safety.<sup>85</sup>**

Guidelines for England and Wales state that restraint should only be used against children and young people in the youth justice secure estate as a last resort, but these are not consistently followed in practice<sup>86</sup> - usage is at a five-year high,<sup>87</sup> with troubling injury levels.<sup>88</sup> One in three children in the youth justice secure estate in England is subject to solitary confinement, with certain groups at increased risk.<sup>89</sup> The Scottish Government does not record the use of restraint or solitary confinement within its youth justice secure estate.

**Recommendation:**

- **UK Government should ensure that in the youth justice system:**
  - **Restraint is only used:**
    - **As a last resort and proportionate response to an imminent threat of injury.**
    - **Safely and not deliberately to inflict pain.**
- **Solitary confinement is prohibited.**
- **The Scottish Government should collect data on the use of restraint and solitary confinement in its youth justice secure estate.<sup>90</sup>**

The EHRC welcomes the UK Government's commitment to reduce the number of people who are detained in police cells under the Mental Health Act 1983 (MHA).<sup>91</sup> The figure is falling, but was at 6,028 in 2013/14.<sup>92</sup>

**Recommendation: UK Government should:**

- **Continue to reduce the number of adults detained in police cells under mental health legislation.**<sup>93</sup>

Following an independent review of the welfare of immigration detainees,<sup>94</sup> the UK Government agreed to reform the system. It passed the Immigration Act 2016, however, without introducing a statutory time limit on detention. The UK is the only country in Europe without a statutory limit<sup>95</sup> and some vulnerable persons, such as pregnant women, continue to be detained.<sup>96</sup>

**Recommendation: UK Government should:**

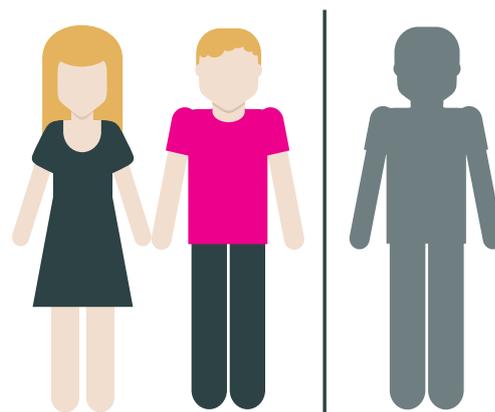
- **Use immigration detention as a last resort.**
- **Cease the detention of vulnerable persons, such as pregnant women.**
- **Set a statutory time limit of 28 days for immigration detention.**<sup>97</sup>

The UK Government may have reneged on its commitment to end the practice of unnecessarily detaining children for immigration purposes.<sup>98</sup> The EHRC is concerned that age assessments of young asylum seekers continue to be carried out on a subjective basis by immigration officers.<sup>99</sup>

**Recommendation: UK Government should:**

- **Cease the immigration detention of children, and ensure children seeking refugee status receive appropriate protection.**
- **Introduce a presumption that, where a young asylum seeker's age is uncertain, they must be treated as a child until their age has been assessed objectively by an independent expert.**<sup>100</sup>

“1 in 3 children in the youth justice secure estate in England is subject to segregation”



## Stop and search

The EHRC welcomes recent initiatives from the Home Office to improve use of stop and search powers in England and Wales.<sup>101</sup> Recent data shows a reduction in the use of these powers under the Police and Criminal Evidence Act 1984,<sup>102</sup> however, the EHRC is concerned that a Black person is five times more likely to be stopped and searched than a White person.<sup>103</sup>

**Recommendation: UK Government should:**

- **Ensure stop and search powers are used only on the basis of intelligence and are justified and lawful.**
- **Where there is evidence of disproportionate use of stop and search powers with ethnic minorities, ensure the relevant police service implements monitoring, training and scrutiny.<sup>104</sup>**

“Black people in England and Wales are **5 x** more likely to be stopped and searched than White people”



## Accountability for human rights abuses committed by British military abroad

In 2015, the UN Human Rights Committee questioned the UK Government over delays in investigating allegations of human rights abuses committed by the British military abroad.<sup>105</sup> The Detainee Inquiry into alleged complicity in acts of torture and ill-treatment of detainees overseas was passed to the UK Parliament’s Intelligence and Security Committee, whose last substantive statement on this was in February 2015.<sup>106</sup> The Iraq Historical Allegations Team – which assesses allegations of abuse of Iraqi citizens by British service personnel – has addressed just 3.8 per cent of its cases.<sup>107</sup>

**Recommendation: UK Government should expedite investigation of allegations of:**

- **British complicity in torture and cruel, inhuman or degrading treatment in Iraq.**
- **Complicity of British military personnel in the ill-treatment of detainees and civilians overseas.<sup>108</sup>**

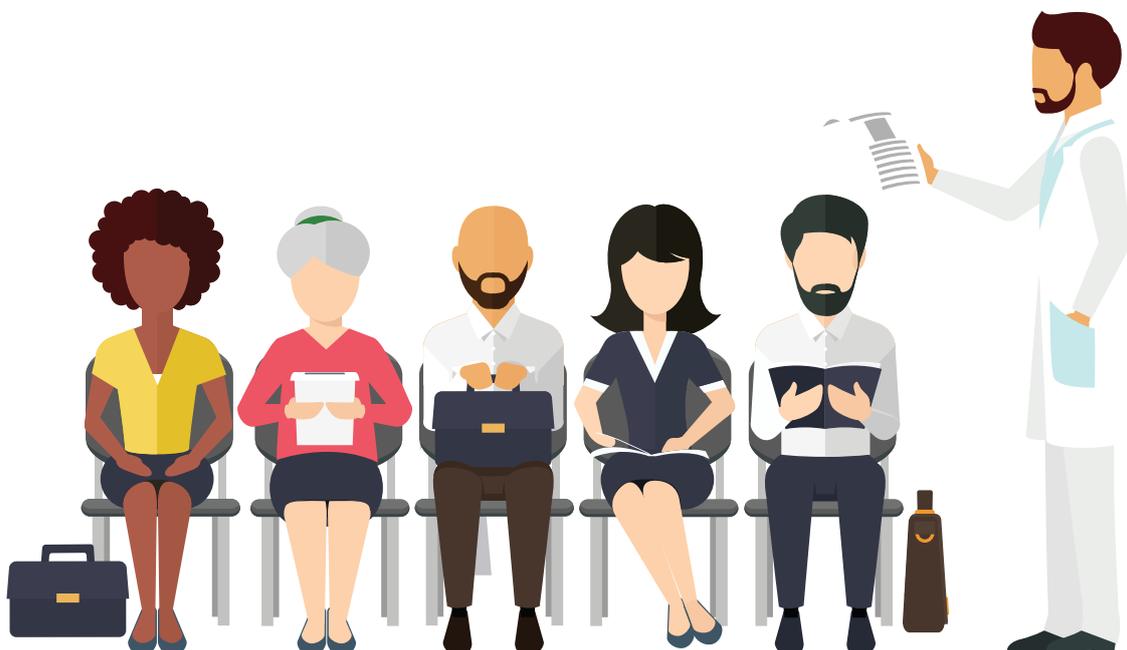
## Highest attainable standard of mental and physical health

There are significant disparities in access to, experience of, and outcomes from health services for some groups:

- Black and minority ethnic groups are more likely than average to be admitted to psychiatric hospitals.<sup>109</sup>
- Children and young people with mental health needs experience high referral thresholds and long waiting times.<sup>110</sup> Many receive no support, albeit with regional differences.<sup>111</sup>
- Gypsies and Travellers face barriers in accessing health services,<sup>112</sup> with evidence suggesting they are almost twice as likely to report poor health.<sup>113</sup>
- Transgender people encounter significant problems using general health and Gender Identity Services, often due to a lack of understanding within services.<sup>114</sup>

**Recommendation: UK and devolved governments should ensure:**

- **The collection and maintenance of data on access to, experience of, and outcomes of health services, disaggregated by protected characteristics.**
- **Appropriate mitigation of inequalities.**
- **Mental health services funding meets local demands.**
- **Healthcare professionals implement guidance on providing effective care to groups with particular needs, and comply with the Human Rights Act.<sup>115</sup>**



## Educational attainment

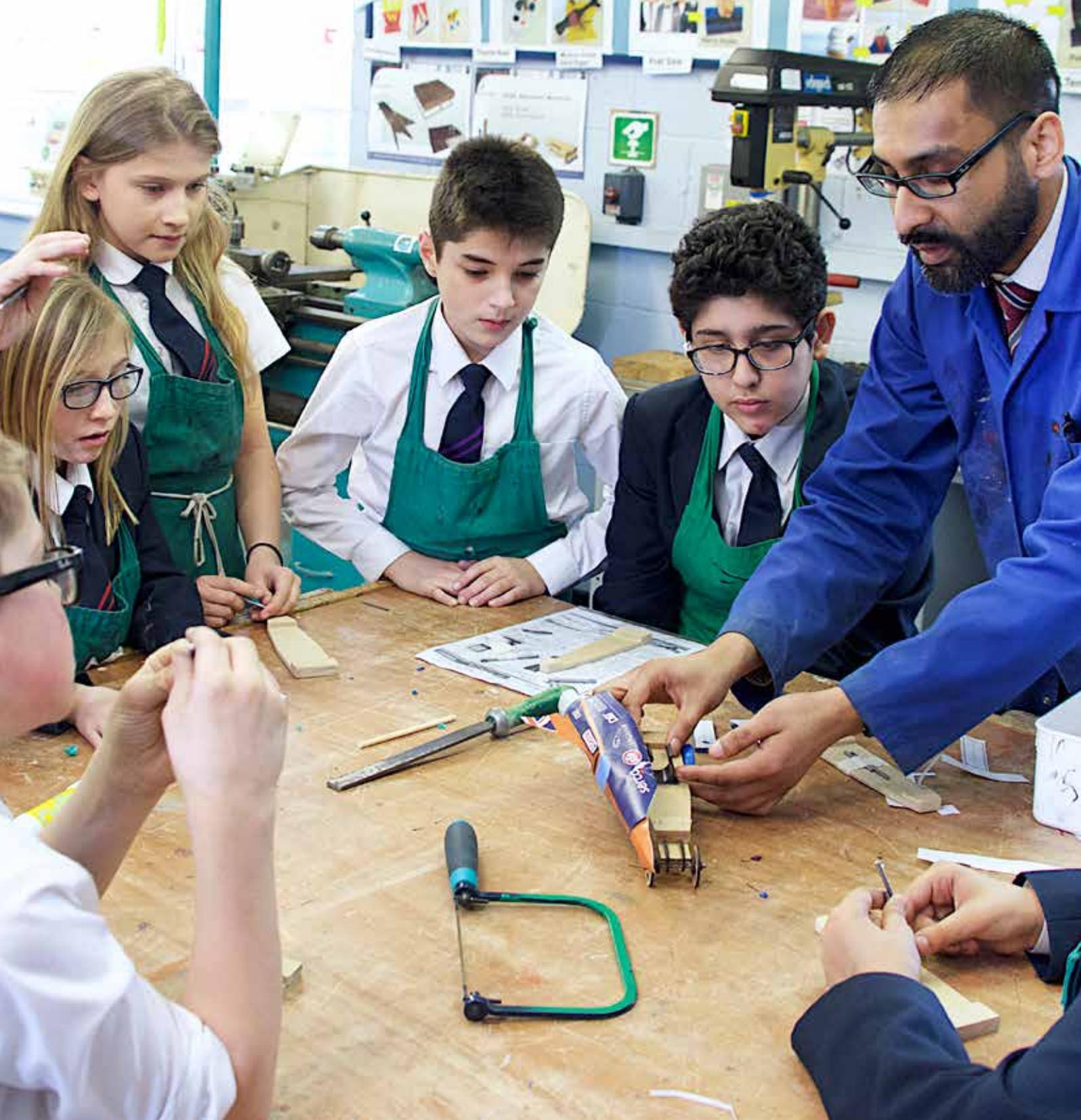
Educational attainment in Britain is improving, though children with special educational needs (SEN) in England and Wales or, in Scotland, additional support needs (ASN), Gypsy and Traveller children, children in the care of a local authority and those with socio-economic disadvantage continue to underperform against average levels.<sup>116</sup>

The rate of school exclusions is generally falling, but pupils with SEN, those eligible for free school meals (FSM) and Gypsy/Roma and Traveller pupils are more likely to be excluded on a permanent or fixed-term basis. For example, in England, Gypsy and Traveller pupils had the highest rates of any group.<sup>117</sup> In Wales, the rate for pupils eligible for FSM was up to four times higher than those not eligible,<sup>118</sup> as it was for pupils with ASN in Scotland<sup>119</sup> compared to those without.<sup>120</sup>

### Recommendation:

- **UK and devolved governments should take action to close educational attainment gaps of Gypsy and Traveller children, those on free school meals, ‘looked after’ children, and those with special educational needs or additional support needs.**
- **UK and Scottish Governments should provide clear guidance<sup>121</sup> to schools that the disciplinary measures of both permanent and temporary school exclusions must only be used as a ‘last resort’.**<sup>122</sup>

“UK and devolved governments should take action to close educational attainment gaps”



# Recommendations summary

1. The establishment of a UK national action plan on human rights, learning from Scotland's National Action Plan for Human Rights, including concrete actions to implement UN recommendations.

## Enhancing the status of international human rights in domestic law

2. UK Government should ensure proposals for a Bill of Rights do not reduce the protections or access to redress in the Human Rights Act.
3. UK and devolved governments should enhance the status of all seven ratified human rights conventions in domestic law.
4. UK and devolved governments should support the development of international human rights frameworks, such as a Convention on the Rights of Older Persons.
5. UK Government should reinstate all original and implement any outstanding provisions of the Equality Act 2010.

## Independent and adequate standard of living and social protection

6. UK Government should:
  - extend monitoring and analysis of spending decisions to include the cumulative impact on individuals with protected characteristics
  - give primary consideration to the best interests of the child
  - mitigate adverse impacts where identified, and
  - justify regressive measures by demonstrating they are temporary, necessary, proportionate, non-discriminatory and do not undercut a core minimum level of human rights protections.
7. UK Government should:
  - establish clear accountability mechanisms for eradicating child poverty, including binding targets, with a set timeframe and measurable indicators.
8. UK and devolved governments should:
  - improve the adequacy of site provision for Gypsies and Travellers across all local authorities, and
  - work together to adopt a Great Britain-wide Gypsy/Roma and Irish Traveller integration strategy focused on access to education employment, healthcare and housing.

## Hate crime, hate speech and identity-based violence

9. UK Government should:

- report on the impact of the new hate crime action plan
- work with criminal justice agencies to develop new preventative measures based on recent research on motivations, and
- review the effectiveness of the current legal framework.

10. UK Government should:

- work with relevant stakeholders to tackle the negative portrayal of particular groups by the media, such as Gypsies and Travellers, Muslims, lesbian, gay, bisexual and transgender people, asylum seekers and refugees.

11. UK Government should:

- make the necessary law, policy and practice changes to be able to ratify the Istanbul Convention and dedicate sufficient resources to central, devolved and local authorities to ensure its effective implementation.

## Access to civil justice

12. UK Government should:

- expedite the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), and
- commission independent research on the equality and human rights impact of LASPO on disabled people, ethnic minorities, children and women.

13. UK Government should:

- mitigate adverse impacts from increased employment tribunal (ET) fees
- delay the proposed increase of immigration and asylum tribunal fees until the review of ET fees has reported, and
- mitigate any indirectly discriminatory effects.

## Human trafficking and modern slavery

14. UK and Scottish governments should:
  - monitor the effectiveness of anti-trafficking legislation and amend it to address any weaknesses, and
  - strengthen the National Referral Mechanism.
15. UK Government should:
  - establish statutory independent guardians for all unaccompanied and separated children entering the UK, and
  - introduce a statutory duty to record and report trafficked and refugee children who go missing from care.

## Just and fair conditions at work

16. UK and devolved governments should take positive steps to close equality gaps in employment.
17. UK Government should introduce interim targets and a statutory reporting requirement on its commitment to halve the disability employment gap.
18. UK Government should:
  - produce regular estimates of the gaps in hourly pay, for full-time and part-time workers, disaggregated by gender, race and disability.
  - UK and Scottish Governments should: monitor the impact of the National Living Wage on women and young people.

## Privacy and security

19. UK Government should ensure the new privacy and surveillance framework:
  - improves protection of privacy rights through clearly defined and limited powers
  - has improved oversight and accountability measures, and
  - keeps pace with modern technology.

## Detention and asylum

20. UK and Scottish Governments should produce action plans to improve prisoner safety.
21. UK Government should ensure that in the youth justice system:
  - restraint is only used: as a last resort and proportionate response to an imminent threat of injury; safely and not deliberately to inflict pain
  - solitary confinement is prohibited, and
  - the Scottish Government should: collect data on the use of restraint and solitary confinement in its youth justice secure estate.
22. UK Government should: continue to reduce the number of adults detained in police cells under mental health legislation.
23. UK Government should:
  - use immigration detention as a last resort
  - cease the detention of vulnerable persons, such as pregnant women, and
  - set a statutory time limit of 28 days for immigration detention.
24. UK Government should:
  - cease the immigration detention of children, and ensure children seeking refugee status receive appropriate protection, and
  - introduce a presumption that, where a young asylum seeker's age is uncertain, they must be treated as a child until their age has been assessed objectively by an independent expert.

## Stop and search

25. UK Government should:
  - ensure stop and search powers are used only on the basis of intelligence and are justified and lawful, and
  - where there is evidence of disproportionate use of stop and search powers with ethnic minorities, ensure the relevant police service implements monitoring and training and scrutiny.

## Accountability for human rights abuses committed by British military abroad

26. UK Government should expedite investigation of allegations of British complicity in torture and cruel, inhuman or degrading treatment in Iraq.
27. UK Government should expedite investigation of allegations of complicity of British military personnel in the ill-treatment of detainees and civilians overseas.

## Highest attainable standard of mental and physical health

28. UK and devolved governments should ensure:
  - the collection and maintenance of data on access to, experience of, and outcomes of health services, disaggregated by protected characteristics
  - appropriate mitigation of inequalities
  - mental health services funding meets local demands, and
  - healthcare professionals implement guidance on providing effective care to groups with particular needs, and comply with the Human Rights Act.

## Educational attainment

29. UK and devolved governments should take action to close educational attainment gaps of Gypsy and Traveller children, those on free school meals, 'looked after' children, and those with special educational needs or additional support needs.
30. UK and Scottish Governments should provide clear guidance to schools that the disciplinary measure of both permanent and temporary school exclusions must only be used as a 'last resort'.

# Endnotes

- 1 Where a recommendation contained in this report relates to a recommendation from the UK's second cycle UPR, a footnote has been added citing the relevant number and source. See also the EHRC's mid-term report from the second cycle of the UPR. Available at: <https://www.equalityhumanrights.com/en/publication-download/universal-periodic-review-mid-term-report> [accessed: 22 August 2016]
- 2 See EHRC (2016), 'Socio-economic rights in the UK: Updated submission to the UN Committee on Economic, Social and Cultural Rights in advance of the public examination of the UK's implementation of ICESCR', p.71. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-economic-social> [accessed: 22 August 2016]
- 3 See <http://www.scottishhumanrights.com/actionplan/readfullreport> [accessed: 22 August 2016]
- 4 Relates to second cycle recommendation 46, which enjoys the UK Government's support, stating that: 'The UK already ensures rights and fundamental freedoms in the European Convention on Human Rights are and continue to be enshrined in our domestic laws'. See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]. This submission uses the UK Government's own terminology in describing its position on each recommendation in terms of whether it enjoys their support, enjoys their support in part or does not enjoy their support. However, the EHRC recognises that under the modalities of the UPR, the reviewed State must choose to either accept or note the recommendations received.
- 5 See <https://www.gov.uk/government/speeches/queens-speech-2016> [accessed: 22 August 2016]. Both the Welsh and Scottish Governments have voiced opposition to proposals to repeal the Human Rights Act. See <http://news.scotland.gov.uk/News/First-Ministers-of-Scotland-and-Wales-meet-1988.aspx> [accessed: 22 August 2016]
- 6 Relates to second cycle recommendation 32 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 7 See <https://www.gov.uk/government/world-location-news/human-rights-council-32-sexual-orientation-and-gender-identity-statement-30-june-2016> [accessed: 22 August 2016]
- 8 The two Conventions not yet ratified by the UK are the Convention on the Rights of Migrant Workers and their Families, and the Convention on Enforced Disappearances (CED). No apparent progress has been made on ratifying the CED despite the UK Government having accepted UPR recommendations on this in 2012. See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 9 The Rights of Children and Young Persons (Wales) Measure 2011. Available at: <http://www.legislation.gov.uk/mwa/2011/2/contents> [accessed: 23 August 2016]. For information on the measure, see <http://gov.wales/topics/people-and-communities/people/children-and-young-people/rights/uncrc/?lang=en>

[accessed: 23 August 2016]. The Children and Young People (Scotland) Act 2014 Sections 1 and 2. Available at: <http://www.legislation.gov.uk/asp/2014/8/contents/enacted> [accessed: 22 August 2016]

- 10 Relates to second cycle recommendations 9 (does not enjoy the UK's support), 10 and 32 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 11 Including:
- Section 1 on a socio-economic duty.
  - Section 9(5) on amending the statutory definition of race to include caste.
  - Section 14 on intersectional (dual) discrimination.
  - Section 40 on third-party harassment.
  - Section 78 on gender pay reporting. The UK Government has committed to introducing mandatory gender pay gap reporting for larger employers from April 2017. See <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-04-18/34340/> [accessed: 22 August 2016]. Provisions of the Equality Act 2010 that have not yet been brought into legal effect, or have been repealed, include:
    - Section 1, which sets out the duty of certain public authorities to have due regard to the desirability of reducing socio-economic disadvantage when taking strategic decisions about how to exercise their functions. This section has not been brought into force, but could provide a model for enhancing the status of the International Convention on Economic, Social and Cultural Rights (ICESCR) in domestic law. The EHRC has raised concerns that the duty has not been commenced in Great Britain, and has supported a UK Government amendment to the Scotland Bill enabling Scottish Ministers to commence the duty in respect of Scottish public bodies at a time of their choosing. The Scotland Act 2016 gives Scottish Ministers the power to commence the duty. That power came into force on 23 May 2016 and the First Minister delivered a speech on 25 May 2016 confirming that her Government would commence the socio-economic duty in this Parliament. The EHRC has also supported the proposal in the Wales Bill to devolve powers to commence the socio-economic duty in relation to Welsh public bodies to the National Assembly for Wales.
    - Section 9(5), which was amended by S97(6) of the Enterprise and Regulatory Reform Act 2013 so that a Minister must, by order, amend the statutory definition of race to include caste and may provide for exceptions in the Act to apply or not to apply to caste. The EHRC supported this amendment. The power under subsection 5(a) may not be exercised before the end of the period of five years beginning with the day on which this Act is passed. That indicates that Ministers cannot exercise this function until 2018. However, to date, the order has not been made.
    - Section 14, which is the provision for tackling intersectional (dual) discrimination. In March 2011, the UK Government announced that it would not bring this section into force.
    - Section 40, which is the provision on third-party harassment. In October 2013, the UK Government repealed this provision.

- Section 78, covering gender pay reporting measures, which the UK Government says it will not implement while it is working with business on how to best support increased transparency on a voluntary basis. The UK Government will annually review this approach, in order to assess whether this is successful and take a view over time whether alternatives are required, including using a mandatory approach through section 78 of the Equality Act 2010.
- Section 106, which would require registered political parties to publish data on the diversity of party candidates seeking selection, enjoyed cross-party support. However, it was not enacted by the Coalition Government.

- 12 See <http://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/transgender-equality-government-response-published-16-17/> [accessed: 22 August 2016]
- 13 Relates to second cycle recommendations 39, 42, 49, 50, 52, 62, 116 (enjoys the UK's support), 66 (enjoys the UK's support in part) and 61 (does not enjoy the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 14 While the UK Government has reserved powers in the area of social security, devolved governments have taken separate steps to mitigate the impact of the changes in Scotland and Wales. Furthermore, the Scotland Act 2016 will devolve significant new powers in this area to the Scottish Parliament. The Scottish Government has committed to ensuring that 'dignity and respect' are at the centre of any new social security regime in Scotland. For further information see EHRC (2016), 'Socio-economic rights in the UK: Updated submission to the UN Committee on Economic, Social and Cultural Rights in advance of the public examination of the UK's implementation of ICESCR'. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-economic-social> [accessed: 22 August 2016]
- 15 Ibid.
- 16 Including the closure of the Independent Living Fund (except in Scotland where the Scottish Government has continued to protect eligible users' awards via the Scottish Independent Living Fund), the transition from Disability Living Allowance to Personal Independence Payments, some measures brought about through Universal Credit, the under-occupation deduction to housing benefit and other measures. See EHRC (2016), 'Socio-economic rights in the UK: Updated submission to the UN Committee on Economic, Social and Cultural Rights in advance of the public examination of the UK's implementation of ICESCR'. Available at: <http://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-economic-social> [accessed: 24 August 2016]
- 17 This is also the subject of an independent inquiry being conducted by the UN Committee on the Rights of Persons with Disabilities. See House of Lords Research Briefing: <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7367> [accessed: 22 August 2016]
- 18 Social Security Advisory Committee (2014), 'The Cumulative Impact of Welfare Reform: a commentary'. Available at: <https://www.gov.uk/government/publications/ssac-occasional-paper-12-the-cumulative-impact-of-welfare-reform-a-commentary> [accessed: 22 August 2016]

- 19 The Welsh Government did analysis of welfare reforms on people with protected characteristics. See link stage 3 research at: <http://gov.wales/topics/people-and-communities/welfare-reform-in-wales/analysing-reforms/?lang=en> [accessed: 22 August 2016]
- 20 See <http://www.publications.parliament.uk/pa/cm201516/cmpublic/welfarereform/memo/wrw85.htm> [accessed: 22 August 2016]
- 21 Reed, H. and Portes, J. (2014), 'Cumulative Impact Assessment: A Research Report by Landman Economics and NIESR for the EHRC'. Available at: <https://www.equalityhumanrights.com/sites/default/files/research-report-94-cumulative-impact-assessment.pdf> [accessed: 22 August 2016]
- 22 Relates to second cycle recommendations 42, 49 and 101 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 23 Welfare Reform and Work Act 2016. Available at: <http://www.legislation.gov.uk/ukpga/2016/7/contents/enacted/data.htm> [accessed: 22 August 2016]
- 24 'Domain F: Standard of living' from the 'Is Britain Fairer?' Evidence Paper Series reported that the child poverty targets, which were legally binding at the time, were likely to be missed by a considerable margin (see pp.103-4). Available at: <https://www.equalityhumanrights.com/en/britain-fairer/britain-fairer-report/supporting-evidence/standard-living-domain> [accessed: 22 August 2016]
- 25 While the Child Poverty Act 2010 (CPA) included UK-wide targets, the devolved governments also have their own strategies, powers and targets to tackle child poverty within their jurisdictions. The new reporting duties under the CPA would apply to England alone. Section A1A CPA, as added by section 5 of the Welfare Reform and Work Act 2016 (WRWA). Through the WRWA, the Child Poverty Act 2010 was renamed the Life Chances Act 2010. Available at: <http://www.legislation.gov.uk/ukpga/2016/7/contents/enacted/data.htm> [accessed: 22 August 2016]
- 26 EHRC (2016), 'Parliamentary briefing: Welfare Reform and Work Bill, Report Stage, Clauses 1, 4, 7 and 8, House of Lords, 25/01/16'. Available at: <http://www.equalityhumanrights.com/legal-and-policy/our-legal-work/parliamentary-briefings/welfare-reform-and-work-bill-report-stage-clause-1-4-7-and-8-house-lords-25-january-2016> [accessed: 22 August 2016]
- 27 See <http://news.scotland.gov.uk/News/Eradicating-child-poverty-2738.aspx> [accessed: 22 August 2016]
- 28 Relates to second cycle recommendation 41 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 29 This situation may be further impacted by recent planning policy changes in England, which restrict the definition of a Gypsy or Traveller to exclude those who have permanently ceased travelling. See EHRC (2016), 'Race rights in the UK: Submission to the UN Committee on the Elimination of Racial Discrimination in advance of the public examination of the UK's implementation of ICERD'. Available

at: [https://www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016_0.pdf) [accessed: 22 August 2016]. In Scotland, while there is a requirement to assess Gypsy and Traveller site provision need in the five-yearly Housing Demand Needs Assessment, there is no consequent requirement for this need to be met by local authorities. See <https://www.equalityhumanrights.com/en/publication-download/developing-successful-site-provision-scotland%E2%80%99s-gypsytraveller-communities> [accessed: 22 August 2016]. The Housing (Wales) Act 2014 places a duty on local authorities to provide sites for Gypsies and Travellers where a need has been assessed and identified. See <http://www.legislation.gov.uk/anaw/2014/7/contents> [accessed: 22 August 2016]

- 30 United Nations Human Rights Council (2013), 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik'. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx> [accessed: 17 June 2016]
- 31 EHRC (2014), 'Response of the Equality and Human Rights Commission to the Department for Communities and Local Government's Consultation – "Ensuring Fairness in the Planning System", November 2014'. Available at: <https://www.equalityhumanrights.com/en/legal-responses/consultation-responses> [accessed: 24 August 2016].
- 32 The Welsh Government has a Gypsy and Traveller Framework for Action and Delivery Plan entitled 'Travelling to a Better Future', which aims to ensure that the needs of Gypsies and Travellers are assessed, planned and implemented in a more strategic way. See <http://gov.wales/topics/people-and-communities/communities/communitycohesion/gypsytravellers/?lang=en> [accessed: 24 August 2016]
- 33 Council of the European Union (2011), 'Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020'. Available at: [http://ec.europa.eu/justice/discrimination/files/cc3089\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/cc3089_en.pdf) [accessed: 23 August 2016]
- 34 Relates to second cycle recommendations 53 and 117 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 35 The recent recognition of under-reporting of hate crimes has led to greater efforts to encourage reporting, so it is unclear whether increases (or decreases) in numbers represent greater reporting or more hate crimes being committed. In fact, because the numbers of recorded hate crimes are so low, we can cautiously welcome increased reports, as long as they correlate with increased prosecutions, conviction rates and sentence uplifts.
- 36 In 2014/15 in England and Wales, police recorded hate crime was distributed across the five monitored categories as follows: race: 82 per cent; sexual orientation: 11 per cent; religion: six per cent; disability: five per cent; and transgender: one per cent. These proportions sum to more than 100 per cent as a hate crime can have more than one motivating factor. See Home Office (2015), 'Hate Crime, England and Wales, 2014/15'. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467366/hosb0515.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf) [accessed: 22 August 2016]
- 37 Crown Office and Procurator Fiscal Service (2016), 'Hate crime in Scotland 2015-16'. Available at: <http://www.crownoffice.gov.uk/media-site/media-releases/1329-hate-crime-in-scotland-2015-> [accessed: 22 August 2016]

- 38 Coleman, C., Sykes, W. and Walker, A. (2013), 'Crime and disabled people'. EHRC. Available at: <https://www.equalityhumanrights.com/en/publication-download/research-report-90-crime-and-disabled-people> [accessed: 22 August 2016]
- 39 Chakraborti, N. and Hardy, S-J. (2015), 'LGB&T Hate Crime Reporting: Identifying Barriers and Solutions'. EHRC. Available at: <https://www.equalityhumanrights.com/en/publication-download/lgbt-hate-crime-reporting-identifying-barriers-and-solutions> [accessed: 22 August 2016]
- 40 Police Scotland has not recorded a corresponding rise in hate crimes in Scotland. See <http://news.npcc.police.uk/releases/hate-crime-is-unacceptable-in-any-circumstances-say-police> [accessed: 22 August 2016]
- 41 As recommended by the Law Commission. See Law Commission (2014), 'Hate Crime: Should the Current Offences be Extended?'. Available at: <https://www.gov.uk/government/publications/hate-crime-should-the-current-offences-be-extended> [accessed: 17 March 2016].
- 42 Relates to second cycle recommendations 59, 60, 90 (enjoys the UK's support) and 91 (enjoys the UK's support in part). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 43 OHCHR. 2015. *UN Human Rights Chief urges UK to tackle tabloid hate speech, after migrants called 'cockroaches'*. [ONLINE]. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15885&LangID=E> [accessed: 22 August 2016]
- 44 See European Commission on Racism and Intolerance (2010), 'ECRI Report on the United Kingdom', p.46. Available at: [http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united\\_kingdom/GBR-CbC-IV-2010-004-ENG.pdf](http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united_kingdom/GBR-CbC-IV-2010-004-ENG.pdf) [accessed: 22 August 2016]. See also Committee on the Elimination of Racial Discrimination (2016), 'Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland'. Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en) [accessed: 26 August 2016]
- 45 Relates to second cycle recommendations 59, 60, 90, 97, 107 (enjoys the UK's support), 11 and 12 (does not enjoy the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 46 EHRC (2014), 'Submission to the United Nations Committee Pre-Sessional Working Group on the United Kingdom's Implementation of the International Covenant on Civil and Political Rights', pp. 54-7. Available at: [www.equalityhumanrights.com/about-us/our-work/human-rights/international-framework/international-covenant-civil-and-political-rights](http://www.equalityhumanrights.com/about-us/our-work/human-rights/international-framework/international-covenant-civil-and-political-rights) [accessed: 22 August 2016]
- 47 In 2015, there was a 30 per cent increase in police recorded rape in England and Wales (note that, in 2014, the UK Statistics Authority found that the underlying data on crimes recorded by the police in England and Wales may not be reliable. As such, these police recorded crime figures should be treated with caution). In 2014-15 in Scotland, there was an increase of five per cent in police recorded rape.

See <http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdecember2015> [accessed: 22 August 2016] and <http://www.gov.scot/Resource/0048/00484776.pdf> [accessed: 22 August 2016]. Additionally, more than one in four women in England and Wales will experience domestic violence in their lifetimes (differing legislative definitions of domestic violence means that direct comparison with Scotland is not possible). See <http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2015/chapter4intimatepersonalviolenceandpartnerabuse> [accessed: 22 August 2016]

- 48 The Scottish and Welsh Governments have both recently passed their own legislation to tackle VAWG. The Abusive Behaviour and Sexual Harm (Scotland) Act 2016 has come into force in Scotland, creating the offence of aggravated abusive harm (whether sector response to such abuse and violence. See <http://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/?lang=en> [accessed: 22 August 2016]
- 49 Joint Committee on Human Rights (2015), 'Violence against women and girls: Sixth Report of Session 2014-15, section 4'. Available at: <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news/violence-against-women-and-girls-report/> [accessed: 16 February 2016]
- 50 Relates to second cycle recommendations 29, 40, 51, 69, 70 and 71 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 51 Since the introduction of LASPO, civil legal aid in England and Wales does not cover private family law, housing, non-asylum immigration, social security, employment, debt, community care or education. The Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1 is available at: <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted> [accessed: 22 August 2016]
- 52 Legal Aid Agency (2016), Legal aid statistics main tables: October to December 2015, Table 1.2: Civil legal aid workload summary since 2001–02. Available at: <https://www.gov.uk/government/statistics/legal-aid-statistics-october-to-december-2015> [accessed: 22 August 2016]
- 53 For more information, please see Anthony, H. and Crilly, C. (2015), 'Equality, human rights and access to civil law justice: a literature review'. EHRC. Available at: <https://www.equalityhumanrights.com/en/publication-download/equality-human-rights-and-access-civil-law-justice-literature-review> [accessed: 24 August 2016]. The EHRC has also provided evidence on the impact of changes to civil legal aid in the following Treaty Body submissions:
  - EHRC (2015), 'Civil and Political Rights in the UK: Equality and Human Rights Commission Submission to the United Nations Human Rights Committee on the United Kingdom's Implementation of the International Covenant on Civil and Political Rights'. Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fGBR%2f20681&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fGBR%2f20681&Lang=en) [accessed: 22 August 2016]

- EHRC (2015), 'Children's Rights in the UK: Submission to the UN Committee on the Rights of the Child', pp. 82-6. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/convention-rights-child> [accessed: 22 August 2016]
- See EHRC (2016), 'Socio-economic rights in the UK: Updated submission to the UN Committee on Economic, Social and Cultural Rights in advance of the public examination of the UK's implementation of ICESCR'. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-economic-social> [accessed: 22 August 2016]
- See EHRC (2016), 'Race rights in the UK: Submission to the UN Committee on the Elimination of Racial Discrimination in advance of the public examination of the UK's implementation of ICERD'. Available at: [https://www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016_0.pdf) [accessed: 22 August 2016]
- See EHRC (2016), 'Legal aid reforms and women's access to justice' (EHRC shadow report to the UN Committee on the Elimination of Discrimination against Women: Follow up procedure). Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/convention-elimination-discrimination> [accessed: 24 August 2016]

- 54 As LASPO only came into effect in April 2013, access to justice was largely overlooked in the second cycle (though recommendation 76 did refer to the provision of legal aid for victims of trafficking). However, it was raised as an emerging challenge in the EHRC's mid-term update. See EHRC (2014), 'Mid-Term Universal Periodic Review Report'. Available at: <https://www.equalityhumanrights.com/en/publication-download/universal-periodic-review-mid-term-report> [accessed: 22 August 2016]
- 55 MoJ (2016), Tribunal and gender recognition statistics quarterly: October to December 2015, Table 1.2. Available at: <https://www.gov.uk/government/statistics/tribunal-and-gender-recognition-statistics-quarterly-october-to-december-2015> [accessed: 22 August 2016]
- 56 See the Department for Business, Innovation and Skills (BIS) and EHRC joint research to investigate the prevalence and nature of pregnancy discrimination and disadvantage in the workplace. The results are based on interviews with 3,034 employers and 3,254 mothers. This is available at: <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings> [accessed: 22 August 2016]. In March 2016, the UK Government rejected two of the report's recommendations, which were to take action to ensure employment tribunal fees are not a barrier to access to justice, and to consider increasing the three-month time limit for pregnancy-related applications. See <https://www.gov.uk/government/publications/pregnancy-and-maternity-related-discrimination-and-disadvantage-government-response> [accessed: 22 August 2016]
- 57 Section 39 of the Scotland Act 2016 would enable transfer of powers over specified tribunal functions to Scottish tribunals, allowing the Scottish Parliament to determine tribunal fees, however the Scottish Government has pledged to abolish the fees when they are clear how the transfer of powers and responsibilities will work. See <http://www.legislation.gov.uk/ukpga/2016/11/contents/enacted> [accessed: 22 August 2016]

- 58 See <http://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/news-parliament-20151/courts-and-tribunals-fees-report-published-16-17/> [accessed: 22 August 2016]
- 59 See the Response of the Equality and Human Rights Commission to the consultation on proposals for the First-tier Tribunal (Immigration and Asylum Chamber) and Upper Tribunal (Immigration and Asylum Chamber) fees. Available at: <https://www.equalityhumanrights.com/en/legal-responses/consultation-responses/consultation-response-proposals-amend-immigration-and-asylum> [accessed: 22 August 2016]
- 60 As the increased fees came into effect after 2012, this issue was largely overlooked in the second cycle. However, it was raised as an emerging challenge in EHRC's mid-term update. See EHRC (2014), 'Mid-Term Universal Periodic Review Report'. Available at: <https://www.equalityhumanrights.com/en/publication-download/universal-periodic-review-mid-term-report> [accessed: 22 August 2016]
- 61 Modern Slavery Act 2015. Available at: <http://services.parliament.uk/bills/2014-15/modernslavery.html> [accessed: 22 August 2016]
- 62 Most of the provisions in the MSA extend to England and Wales only, although some also extend to Scotland and some to Northern Ireland. The Human Trafficking and Exploitation (Scotland) Act 2015 replicates many provisions of the MSA at the devolved level. See [www.legislation.gov.uk/asp/2015/12/enacted](http://www.legislation.gov.uk/asp/2015/12/enacted) [accessed: 3 February 2016]
- 63 EHRC (2015), 'Children's Rights in the UK: Submission to the UN Committee on the Rights of the Child', pp. 82-6. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/convention-rights-child> [accessed: 22 August 2016]
- 64 Relates to second cycle recommendations 72, 73, 74 (enjoys the UK's support), and 75 and 76 (enjoys the UK's support in part). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 65 House of Lords European Union Committee (2016), 'Children in crisis: unaccompanied migrant children in the EU'. Available at: <http://www.publications.parliament.uk/pa/ld201617/ldselect/lddeucom/34/3402.htm>. See also All Party Parliamentary Group for Runaway and Missing Children and the All Party Parliamentary Group for Looked After Children and Care Leavers (2012), 'Report from the Joint Inquiry into Children who go Missing from Care', p.13. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/175563/Report\\_-\\_children\\_who\\_go\\_missing\\_from\\_care.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175563/Report_-_children_who_go_missing_from_care.pdf) [accessed: 22 August 2016], ECPACT and Save the Children (2007), 'Missing Out: A Study of Trafficking in the North West, North East and West Midlands', p.5. Available at: [http://www.ecpat.org.uk/sites/default/files/missing\\_out\\_2007.pdf](http://www.ecpat.org.uk/sites/default/files/missing_out_2007.pdf) [accessed: 22 August 2016]
- 66 This aligns with Europol concerns that by January 2016 at least 10,000 unaccompanied refugee children had disappeared after arriving in Europe and warnings that pan-European gangs are targeting minors for sex abuse and slavery. See <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2016-0088> [accessed: 22 August 2016]

- 67 Relates to second cycle recommendation 7 (enjoys the UK's support), 113 (enjoys the UK's support in part) and 115 (does not enjoy the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 68 See EHRC (2016), 'Socio-economic rights in the UK: Updated submission to the UN Committee on Economic, Social and Cultural Rights in advance of the public examination of the UK's implementation of ICESCR', p.71. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-economic-social> [accessed: 22 August 2016]
- 69 EHRC (2015), 'Domain G: Productive and valued activities', pp. 90-2. Available at: <http://www.equalityhumanrights.com/about-us/our-work/key-projects/britain-fairer/supporting-evidence/productive-and-valued-activities-domain> [accessed: 22 August 2016]
- 70 Note that 'Disabled people' includes those with 'physical or mental health conditions or illnesses' lasting or expected to last 12 months and which limit day-to-day activities. ONS (2016), Annual Population Survey dataset on Nomis, January-December 2015. Available at: <https://www.nomisweb.co.uk/articles/948.aspx> [Accessed: 8 June 2016]
- 71 Relates to second cycle recommendations 66 (enjoys the UK's support) and 102 (does not enjoy the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 72 This takes into account the average hourly pay of both full-time and part-time workers. ONS (2015), Statistical bulletin: Annual Survey of Hours and Earnings: 2015 Provisional Results. Available at: <http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2015provisionalresults> [accessed: 22 August 2016]
- 73 There are specific public sector equality duties in Scotland to publish information on gender pay gaps every two years. The specific public sector equality duties in Wales also include requirements aimed at tackling gender pay differences. See Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Available at: <http://www.legislation.gov.uk/sdsi/2012/9780111016718/regulation/7>, and <https://www.equalityhumanrights.com/en/advice-and-guidance/guides-psed-wales> [accessed: 22 August 2016]
- 74 EHRC (2015), 'Domain G: Productive and valued activities', pp. 90-2. Available at: <http://www.equalityhumanrights.com/about-us/our-work/key-projects/britain-fairer/supporting-evidence/productive-and-valued-activities-domain> [accessed: 22 August 2016]
- 75 EHRC (2015), Data tables, Productive and values activities domain, EG2.2 GB,E,S,W LFS Pay gap in median hourly earnings of employees. Available at: [http://ehrcv2oszpjdinzc.devcloud.acquia-sites.com/sites/default/files/eg2.2\\_esw\\_pay\\_gap\\_lfs.xls](http://ehrcv2oszpjdinzc.devcloud.acquia-sites.com/sites/default/files/eg2.2_esw_pay_gap_lfs.xls) [accessed: 22 August 2016]
- 76 Low paid work referred to here is work where pay is below two-thirds median hourly pay in April 2013.

- 77 Resolution Foundation (2015), 'Low Pay Britain 2015', p. 5. Available at: <http://www.resolutionfoundation.org/publications/low-pay-britain-2015/> [accessed: 21 April 2016]
- 78 See EHRC (2016), 'Socio-economic rights in the UK: Updated submission to the UN Committee on Economic, Social and Cultural Rights in advance of the public examination of the UK's implementation of ICESCR'. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-economic-social> [accessed: 22 August 2016]
- 79 Relates to second cycle recommendations 52, 62, 63, 64 and 65 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 80 EHRC, (2015), 'Civil and Political Rights in the UK: Equality and Human Rights Commission Submission to the United Nations Human Rights Committee on the United Kingdom's Implementation of the International Covenant on Civil and Political Rights'. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-civil-and> [accessed: 22 August 2016]
- 81 Relates to second cycle recommendations 119, 120, 121 and 124 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 82 In the 12 months to March 2016, there were 100 apparent self-inflicted deaths in prisons in England and Wales (up 27 per cent from the previous 12 month period). In the 12 months to December 2015, reported incidents of self-harm were up 25 per cent. See <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2015> [accessed: 22 August 2016]
- 83 See <http://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/news-parliament-20151/prison-safety-report-published-15-16/> [accessed: 22 August 2016]
- 84 EHRC (2015), 'Is Britain fairer? The state of equality and human rights 2015', p. 78. Available at: <http://www.equalityhumanrights.com/about-us/our-work/key-projects/britain-fairer/great-britain-report> [accessed: 22 August 2016]
- 85 Relates to second cycle recommendations 85, 86 and 87 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed 24: August 2016]
- 86 See <http://www.publications.parliament.uk/pa/jt201415/jtselect/jtright/144/14403.htm> [accessed: 22 August 2016]
- 87 Ministry of Justice and Youth Justice Board (2015), 'Youth justice annual statistics 2013-14', p. 49, Chart 8.2B. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/399379/youth-justice-annual-stats-13-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399379/youth-justice-annual-stats-13-14.pdf) [accessed: 22 August 2016]

- 88 The use of restraint which caused injuries to children in 2013/14 was 448 per cent higher than previously reported by the Ministry of Justice. See Ministry of Justice and Youth Justice Board (2015), 'Youth justice annual statistics: 2013 to 2014'. Available at: <https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2013-to-2014> and <http://qna.files.parliament.uk/qna-attachments/446043/original/23231%20Table.xls> [accessed: 22 August 2016]
- 89 Including Black and mixed heritage children, children with a recorded disability, looked after children and children assessed as a suicide risk. See Office of the Children's Commissioner for England (2015), 'Unlocking Potential: A study of the isolation of children in custody in England', p.2. Available at: <https://www.childrenscommissioner.gov.uk/publications/unlocking-potential> [accessed: 22 August 2016]
- 90 Relates to second cycle recommendations 87 (enjoys the UK's support) and 94 (does not enjoy the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 91 See <https://www.gov.uk/government/speeches/home-secretarys-police-federation-2015-speech> [accessed: 22 August 2016]
- 92 Health and Social Care Information Centre (2014), Inpatients Formally Detained in Hospitals Under the Mental Health Act 1983 and Patients Subject to Supervised Community Treatment, England – 2013-2014, Annual figures. Available at: <http://www.hscic.gov.uk/catalogue/PUB15812> [accessed: 22 August 2016]
- 93 This was not raised at the UK's second cycle UPR, though is an issue which pre-dates 2012.
- 94 Shaw, S. (2016), 'Review into the Welfare in Detention of Vulnerable Persons: A report to the Home Office'. Available at: <https://www.gov.uk/government/publications/review-into-the-welfare-in-detention-of-vulnerable-persons> [accessed: 2 February 2016]
- 95 James Brokenshire, Minister of State for Immigration, Home Office, Hansard, 14 January 2016. Available at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-01-14/HCWS470/> [accessed: 2 February 2016]
- 96 EHRC (2016), 'Torture in the UK: Submission to the UN Committee Against Torture 57th session on the sixth periodic report of the UK on compliance with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'. Available at: [https://www.equalityhumanrights.com/sites/default/files/torture\\_in\\_the\\_uk\\_1.pdf](https://www.equalityhumanrights.com/sites/default/files/torture_in_the_uk_1.pdf) [accessed: 22 August 2016]
- 97 Relates to second cycle recommendations 88 (enjoys the UK's support), 111, 112, 113, 114 (enjoys the UK's support in part) and 115 (does not enjoy the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 98 Restrictions on the detention of children for immigration purposes have existed for some considerable time in the UK. These have now been expressed in primary legislation by way of the Immigration Act 2014 which amended the general powers of

detention that are contained in the Immigration Act 1971 so as limit their application to children. However, children continued to be unnecessarily detained in practice until 2010 when the Coalition Government committed to the end the immigration detention of children. The Coalition Government commissioned the children's charity, Barnardo's, to run Cedars, the only pre-departure accommodation in the UK designed to provide a secure facility which respects the privacy and independence of children and their families. The UK Government announced the closure of Cedars on 21 July 2016. See <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2016-07-21/HLWS114/> [accessed: 22 August 2016]. Children will now be detained in a 'discrete unit' within Tinsley House Immigration Removal Centre. The EHRC considers this move to be a retrograde step that is especially disappointing given HMI Prisons found that Cedars delivers the best outcomes for detainees, notably children. See <https://www.justiceinspectorates.gov.uk/hmiprisons/media/press-releases/2012/10/cedars-pre-departure-accommodation-an-exceptional-facility/> [accessed: 22 August 2016]

- 99 See *R (AA) v Secretary of State for the Home Department* [2016]
- 100 Relates to second cycle recommendations 7 (enjoys the UK's support), 17 and 115 (does not enjoy the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 101 See EHRC (2016), 'Race rights in the UK: Submission to the UN Committee on the Elimination of Racial Discrimination in advance of the public examination of the UK's implementation of ICERD'. Available at: [https://www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016_0.pdf) [accessed: 22 August 2016]
- 102 Home Office (2015), Police powers and procedures England and Wales year ending 31 March 2015: data tables. Available at: <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2015> [accessed: 17 March 2016]
- 103 Ibid.
- 104 Relates to second cycle recommendations 54, 55, 57 (does not enjoy the UK's support), 56 and 58 (enjoys the UK's support in part). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 105 UN Human Rights Committee, 'Concluding observations on the seventh periodic report of the United Kingdom, July 2015', para 9. Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=en) [accessed: 22 August 2016]
- 106 Intelligence and Security Committee of Parliament. 2015. News Archive, 11 February 2015. [ONLINE] Available at: <http://isc.independent.gov.uk/news-archive/11february2015> [accessed: 3 February 2016]
- 107 Ministry of Defence (2016), 'The Iraq Historic Allegations Team quarterly update: January to March 2016'. Available at: <https://www.gov.uk/government/publications/iraq-historic-allegations-team-quarterly-updates> [accessed: 23 August 2016]

- 108 Relates to second cycle recommendations 33, 122 (does not enjoy the UK's support), 67, 68, 118 (enjoys the UK's support in part) 84 and 126 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]
- 109 CAAPC (2016), 'Old Problems, New Solutions: Improving Acute Psychiatric Care for Adults in England'. Available at: <http://www.caapc.info/#!/publications/cgbd> [accessed: 23 August 2016]
- 110 EHRC (2015), 'Is Britain Fairer? The state of equality and human rights 2015', p. 52. Available at: <https://www.equalityhumanrights.com/en/britain-fairer/britain-fairer-report> [accessed: 23 August 2016]
- 111 The Scottish Government reduced the maximum waiting time target for children and adolescents from 26 weeks to 18 weeks in December 2014, which is beginning to show some improvement. See EHRC (2016), 'Is Scotland Fairer? The state of equality and human rights 2015', p. 55. Available at <https://www.equalityhumanrights.com/en/britain-fairer/scotland-fairer-introduction/scotland-fairer-report> [accessed: 23 August 2016]. The Welsh Government announced new investment in Children and Adolescent Mental Health Services in 2015, though it is too early to assess whether this will increase access to provision. See EHRC (2015), 'Is Wales Fairer? The state of equality and human rights 2015', p. 21. Available at: <https://www.equalityhumanrights.com/en/wales-fairer> [accessed: 23 August 2016]
- 112 RCGP (2013), 'Improving access to health care for Gypsies and Travellers, homeless people and sex workers', p. 21. Available at: [http://www.rcgp.org.uk/common-elements/rss/~/\\_media/Files/Policy/A-Z-policy/RCGP-Social-Inclusion-Commissioning-Guide.ashx](http://www.rcgp.org.uk/common-elements/rss/~/_media/Files/Policy/A-Z-policy/RCGP-Social-Inclusion-Commissioning-Guide.ashx) [accessed: 23 August 2016]
- 113 In 2011, 30 per cent of Gypsies and Irish Travellers in England and Wales reported 'not good' health, compared to 19 per cent in the population as a whole. See [http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/dcp171776\\_318773.pdf](http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/dcp171776_318773.pdf) [accessed: 23 August 2016]. In Scotland, 32 per cent of Gypsy/Travellers reported 'not good' health, compared with 18 per cent overall. See <http://www.gov.scot/Resource/0046/00460679.pdf> [accessed: 23 August 2016]
- 114 Women and Equalities Committee (2016), 'Transgender Equality'. Available at: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/transgender-inquiry-report-published-15-16/> [accessed: 23 August 2016]
- 115 Relates to second cycle recommendations 102 (does not enjoy the UK's support) and 103 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed 24: August 2016]
- 116 For example, in 2014/15, only 36.7 per cent of disadvantaged pupils in England (those eligible for free school meals (FSM) at any point in the last six years or those who are looked after by the local authority) achieved five A\*-C GCSEs including English and Maths, compared with 64.7 per cent of all other children. See <https://www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2014-to-2015> [accessed: 23 August 2016]. In Wales, in 2014/15 only 23.3 per cent of those with SEN achieved the level 2 threshold including a GCSE grade

A\*-C in English or Welsh First Language and Mathematics, compared to 58.9 per cent of all pupils, and just 13 per cent of Gypsy/Roma children in Wales in 2013/14 achieved this grade, compared with 53 per cent of all pupils. See EHRC (2015), 'Is Wales Fairer? The state of equality and human rights 2015'. Available at <https://www.equalityhumanrights.com/en/wales-fairer> [accessed: 23 August 2016]. In Scotland in 2014/15, 35 per cent of looked after school leavers achieved one or more qualifications at SCQF level five or better, compared to 85 per cent of all school leavers. See <http://www.gov.scot/Resource/0050/00501939.pdf> [accessed: 23 August 2016]

- 117 As the population of Traveller of Irish Heritage pupils is relatively small these figures should be treated with some caution. See <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2014-to-2015> [accessed: 23 August 2016]
- 118 In both primary and secondary schools. See <http://gov.wales/statistics-and-research/permanent-fixed-term-exclusions-from-schools/?lang=en> [accessed: 23 August 2016]
- 119 A National Improvement Framework was introduced in Scotland in 2016, which is designed to close the attainment gap and will see new standardised assessments give detailed information to teachers on children's education needs.
- 120 Scottish Government (2015), 'Summary statistics for schools in Scotland'. Available at: <http://www.gov.scot/Publications/2015/12/7925/downloads> [accessed: 23 August 2016]
- 121 The Welsh Government has guidance on the parameters for the exclusion of pupils, including that it should only be used as a last resort. See <http://gov.wales/topics/educationandskills/schoolshome/pupilsupport/exclusion/?lang=en> [accessed: 23 August 2016]
- 122 Relates to second cycle recommendations 66 (enjoys the UK's support in part) and 106 (enjoys the UK's support). See Annex 1, UPR Recommendations to the UK. September 2012. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> [accessed: 24 August 2016]



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## Contacts

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