



International Covenant on Civil and Political Rights

Distr.: General
17 August 2015

Original: English

Human Rights Committee

Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*, **

1. The Committee considered the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland (CCPR/C/GBR/7) at its 3168th and 3169th meetings (CCPR/C/SR.3168 and 3169), held on 1 and 2 July 2015. At its 3193rd meeting, held on 21 July 2015, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's large delegation on the measures taken by the State party during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/GBR/Q/7/Add.1) to the list of issues (CCPR/C/GBR/Q/7), which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

- (a) Adoption of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, on 13 January 2015;
- (b) Adoption of the Stormont House Agreement, on 23 December 2014;
- (c) Adoption of the Modern Slavery Strategy, in November 2014;
- (d) Criminalization of forced marriage, including in the Anti-Social Behaviour, Crime and Policing Act 2014;

* Adopted by the Committee at its 114th session (29 June-24 July 2015).

** The present document also covers the British overseas territories and the Crown dependencies.



- (e) Adoption of Scotland's National Action Plan for Human Rights (SNAP) 2013-2017;
 - (f) Adoption of the Marriage (Same-Sex Couples) Act, on 17 July 2013;
 - (g) Adoption of the Equality Act 2010, on 8 April 2010.
4. The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:
- (a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 8 June 2009 and 7 August 2009 respectively;
 - (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 20 February 2009, and the extension of the scope of its ratification of the said Optional Protocol to the territory of the Bailiwick of Jersey, on 29 April 2014.

C. Principal matters of concern and recommendations

Applicability of the Covenant and the domestic human rights framework

5. The Committee notes that the Covenant is not directly applicable in the State party and throughout its overseas territories and Crown dependencies, and recalls that several Covenant rights are not covered by the Human Rights Act 1998. It is also concerned about the slow progress in introducing the Bill of Rights for Northern Ireland and about the lack of a comprehensive mechanism for reviewing existing gaps and inconsistencies between the domestic human rights legal framework and the rights as set forth in the Covenant. Finally, the Committee is concerned about a reported plan to repeal the Human Rights Act 1998 and to replace it with a new Bill of Rights for the United Kingdom of Great Britain and Northern Ireland, and that such a development will weaken the degree of protection afforded to the rights enshrined in the Covenant, within the domestic legal order (art. 2).

The State party should:

- (a) **Engage in consultation with stakeholders at all levels to identify ways to give greater effect to the Covenant in all jurisdictions that fall under its authority or control or with regard to which it has formally undertaken to implement the Covenant.**
- (b) **Ensure that the Bill of Rights for Northern Ireland incorporates all the rights enshrined in the Covenant and expedite the process of its adoption;**
- (c) **Ensure that any legislation passed in lieu of the Human Rights Act 1998 — were such legislation to be passed — is aimed at strengthening the status of international human rights, including the provisions of the Covenant, in the domestic legal order, and provide effective protection of those rights across all jurisdictions.**

Reservations and the Optional Protocol

6. While welcoming the information that the State party's reservation to article 11 of the Covenant on behalf of Jersey was withdrawn on 4 February 2015, the Committee notes that the State party continues to maintain reservations to important aspects of articles 10 and 14 of the Covenant, which are based on budgetary or operational considerations, and to article 24 of the Covenant; in the view of the Committee, these reservations are unnecessary in the current context. The Committee also regrets that the State party remains unpersuaded by the benefits, under the Optional Protocol, of the right to individual petition (art. 2).

The Committee reiterates its recommendation (see CCPR/C/GBR/CO/6, para. 7) that the State party review its remaining reservations to articles 10, 14 and 24 of the Covenant with a view to withdrawing them. The State party is urged to reconsider its position regarding accession to the Optional Protocol to the Covenant, which provides for an individual complaint mechanism, with a view to strengthening the protection of Covenant rights domestically and internationally.

Northern Ireland Human Rights Commission

7. The Committee is concerned that the reduction in the budget of the Northern Ireland Human Rights Commission may undermine the fulfilment of its mandated activities (art. 2).

The State party should provide the Northern Ireland Human Rights Commission with adequate funding to enable it to discharge its mandate effectively and independently and in full compliance with the Paris Principles (General Assembly resolution 48/134, annex).

Accountability for conflict-related violations in Northern Ireland

8. While welcoming the adoption of the Stormont House Agreement, the Committee remains concerned (see CCPR/C/GBR/CO/6, para. 9) about the quality and pace of the process of promoting accountability in relation to “the Troubles” in Northern Ireland and about the absence of a comprehensive framework for dealing with conflict-related serious human rights violations. The Committee also notes with concern (a) the multiple independence and effectiveness shortcomings alleged in relation to the Police Ombudsman’s ability to investigate historical cases of police misconduct; (b) that the Legacy Investigation Branch established within the Police Service of Northern Ireland to carry out the work of the closed Historical Enquiries Team may lack sufficient independence and adequate resources; (c) delays in the functioning of the Coroner’s inquest system in legacy cases; (d) the retention in the Inquiries Act 2005 of a broad mandate for government ministers to suppress the publication of inquiry reports and the lack of safeguards against abuse of those executive powers; and (e) that the review relating to the murder of Patrick Finucane (i.e. the de Silva Review) does not appear to satisfy the effective investigation standards under the Covenant. The Committee, while welcoming the proposed establishment of an Historical Investigations Unit to deal with outstanding cases related to the conflict in Northern Ireland, is concerned that the quality of investigations to be conducted may be affected by the passage of time, given that the unit would become fully operational only in 2017 (arts. 2 and 6).

The State party should:

(a) **Ensure, as a matter of particular urgency, that independent, impartial, prompt and effective investigations, including those proposed under the Stormont House Agreement, are conducted to ensure a full, transparent and credible account of the circumstances surrounding events in Northern Ireland with a view to identifying, prosecuting and punishing perpetrators of human rights violations, in particular the right to life, and providing appropriate remedies for victims;**

(b) **Ensure, given the passage of time, the establishment and full operation of the Historical Investigations Unit as soon as possible; guarantee its independence, by statute; secure adequate and sufficient funding to enable the effective investigation of all outstanding cases; and ensure its access to all documentation and material relevant to its investigations;**

(c) **Ensure that the Legacy Investigation Branch and the Coroner’s Court in Northern Ireland are adequately resourced and are well positioned to review outstanding legacy cases effectively;**

- (d) Reconsider its position on the broad mandate of the executive to suppress the publication of inquiry reports under the Inquiries Act 2005;**
- (e) Consider launching an official inquiry into the murder of Patrick Finucane.**

Accountability for human rights violations committed by British forces abroad

9. The Committee, while welcoming the mechanisms in place to investigate allegations of serious human rights violations, including torture, arbitrary detention and enforced disappearances, committed by British forces operating overseas, is concerned about (a) the slow progress in proceedings before the Intelligence and Security Committee of Parliament in relation to the Detainee Inquiry; and (b) the adequacy of the Intelligence and Security Committee of Parliament as an investigation mechanism, inter alia in view of concerns about its independence from the executive and about the power of the Government to withhold sensitive information from it. The Committee is also concerned about the slow progress of the Iraq Historical Allegations Team and the very small number of criminal proceedings completed so far. Furthermore, the Committee is concerned about the lack of information on what investigations, if any, took place into allegations about British special forces personnel handing over detainees into United States custody at Camp Nama, a secret prison at Baghdad International Airport (arts. 2, 6, and 7).

The State party should:

- (a) Ensure that the proceedings before the Intelligence and Security Committee of Parliament meet the requirements of the Covenant, including an adequate balance between security interests and the need for accountability for human rights violations, and consider initiating a full judicial investigation in all relevant detainee cases;**
- (b) Address the excessive delays in the investigation of cases dealt with by the Iraq Historical Allegations Team and consider establishing more robust accountability measures to ensure prompt, independent, impartial and effective investigations;**
- (c) Ensure that the allegations in connection with Camp Nama are thoroughly, independently and impartially investigated.**

Racism and xenophobia

10. While acknowledging the measures taken by the State party to combat hate crimes, the Committee notes a recent increase in the number of hate incidents and crimes on the basis of race, nationality or religion. The Committee is also concerned about the prevalence in the media and on the Internet of racist and xenophobic expressions that may amount to incitement to discrimination, hostility or violence. In this regard, the Committee notes with concern the publication of material containing extremely negative stereotypes of ethnic, religious or other minorities, including persons of African descent and Muslims and particularly migrants and asylum seekers, such as the article entitled “Rescue boats? I’d use gunships to stop migrants” published in the *Sun* newspaper on 17 April 2015 (arts. 19 and 20).

The State party should strengthen its efforts to prevent and eradicate all acts of racism and xenophobia, including in the mass media and on the Internet, in accordance with articles 19 and 20 of the Covenant and the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression, by, inter alia:

- (a) Effectively implementing and enforcing the existing relevant legal and policy frameworks on combating hate crimes;**

(b) Introducing new awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity;

(c) Improving the reporting of cases of incitement to discrimination, hostility or violence, and of cases of hate crimes;

(d) Thoroughly investigating alleged cases of incitement to discrimination, hostility or violence, and alleged hate crimes, prosecuting the perpetrators and, if they are convicted, punishing them with appropriate sanctions, and providing victims with adequate remedies, including compensation.

Stop and search powers

11. The Committee is concerned about the use of stop and search powers in Scotland, and particularly about non-statutory searches undertaken on a large scale by Police Scotland that appear to involve, inter alia, the selective application of such measures in a manner that is allegedly unlawful and disproportionate. Furthermore, while noting the authorization procedure, introduced in 2012, for the use of stop and search powers without reasonable suspicion in the Justice and Security (Northern Ireland) Act 2007, the Committee observes that no data on the community background of persons stopped and searched under that Act appear to have been gathered so as to ensure that such powers are not used disproportionately and arbitrarily against individuals of a particular ethnicity (arts. 2, 9, 12, 17 and 26).

The State party should:

(a) Repeal non-statutory stop and search powers in Scotland and pursue its efforts aimed at improving the process of selecting targets under statutory mandates, so as to ensure conformity with the Covenant, engage in training of law enforcement officers, undertake comprehensive data-gathering about the application of stop and search powers and improve the transparency of the process;

(b) Implement, as a matter of priority, the recommendation by the Policing Board to the Police Service of Northern Ireland (PSNI) concerning the inclusion on the PSNI's recording form of the community background of persons stopped and searched under the Justice and Security (Northern Ireland) Act 2007;

(c) Ensure the operation of robust independent scrutiny and oversight of any stop and search powers in the United Kingdom with a view to ensuring that such powers are not exercised in an arbitrary or discriminatory manner and are fully compliant with the State party's obligations under articles 2, 9, 12, 17 and 26 of the Covenant.

Non-discrimination and gender equality

12. While noting the steps taken by the State party to increase the representation of women in the civil service and in the judiciary, the Committee is concerned about the currently low proportion of women in the civil service, particularly in Northern Ireland, and in the judiciary, where women are concentrated in the lower-instance courts (arts. 2, 3 and 26).

The State party should increase its efforts to achieve equitable representation of women in the civil service and in the judiciary within specific time frames, including through the consideration of temporary special measures, to give effect to the provisions of the Covenant. It should, inter alia, consider the speedy implementation of all recommendations made by the Advisory Panel on Judicial Diversity, in respect of England and Wales, and ensure that all existing and future gender equality strategies and policies, including the Gender Equality Strategy for Northern Ireland,

identify and address effectively the barriers hindering women's access to high positions in the civil service and in the judiciary.

Violence against women

13. While welcoming the array of measures taken to address violence against women, the Committee is concerned about continued reports of violence against women, including domestic violence and rape, particularly in the United Kingdom and Bermuda, mainly affecting black and ethnic minority women (arts. 2, 3, 7, and 26).

The State party should strengthen measures aimed at preventing and combating violence against women, including domestic violence and sexual abuse, by, inter alia:

(a) Introducing, as a matter of priority, domestic violence protection orders in Northern Ireland, as envisaged in the new Justice Bill;

(b) Encouraging the reporting of domestic violence cases, inter alia by informing women of their rights and the existing legal avenues through which they can receive protection;

(c) Ensuring that all domestic violence cases, in all United Kingdom territories and dependencies, are thoroughly investigated, that perpetrators are prosecuted and, if they are convicted, are punished with appropriate sanctions;

(d) Ensuring that victims have access to effective remedies and means of protection, including strong police protection, adequate emergency shelter, rehabilitative services, legal assistance and other support services.

Counter-terrorism

14. The Committee is concerned that the State party has maintained the broadly formulated definition of terrorism in section 1 of the Terrorism Act 2000 that can include a politically motivated action which is designed to influence a government or international organization, despite the concern raised by the two Independent Reviewers of Terrorism Legislation and endorsed unanimously by the Supreme Court in *R v. Gul* (2013) that the definition is "unduly restrictive of political expression". While taking note of the State party's need to adopt measures to combat acts of terrorism, including the formulation of appropriate legislation to prevent such acts, the Committee is concerned that the new Counter-Terrorism and Security Act 2015 (a) introduces wide-ranging powers designed to promote public safety allegedly without putting in place sufficient safeguards; (b) further extends the power of police officers to seize and temporarily retain travel documents if there are reasonable grounds to suspect that a person intends to travel abroad to engage in terrorism-related activities; and (c) extends the actions that can be taken under a Terrorism Prevention and Investigation Measure, including forced relocation of terrorist suspects as far as 200 miles from their current home. The Committee is also concerned that the Protection of Freedoms Act 2012 maintains the 14-day limit on pre-charge detention in terrorism cases and also allows for an extension of up to 28 days in response to "urgent" situations. Furthermore, the Committee is concerned about the potential misuse of arrest powers under section 41 of the Terrorism Act 2000 (arrest without warrant of a person reasonably suspected to be a terrorist), in light of the low charge rate of those arrested under section 41. It is also concerned about the blanket denial of bail to persons arrested under section 41 of the Terrorism Act 2000 (arts. 2, 9, 10, 12, 17, 19 and 26).

The State party should review its counter-terrorism legislation in order to bring it into line with its obligations under the Covenant. It should, inter alia:

- (a) Consider revising the broad definition of terrorism to require intent to coerce, compel or intimidate a government or section of the public, and implementing the recommendations of the Independent Reviewers of Terrorism Legislation;
- (b) Pursue the creation of the Privacy and Civil Liberties Board, as an oversight mechanism;
- (c) Consider reducing the maximum period of pre-charge detention in terrorism cases;
- (d) Undertake a review of the exercise of arrest powers under section 41 of the Terrorism Act 2000 to ensure that the principles of necessity and proportionality are strictly observed when using such powers; ensure that any detention of suspects arrested under the Terrorism Act 2000 is based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, rather than on the nature of the crime; and, while ensuring public safety, make bail available to such persons, as recommended by the Joint Committee on Human Rights and the Independent Reviewer of Terrorism Legislation.

Right of entry and deprivation of citizenship

15. While noting the authority of States to establish laws regarding the acquisition, renunciation or loss of nationality, the Committee is concerned about the introduction of temporary exclusion orders and the use of citizenship deprivation orders in the terrorism context. The Committee is concerned about the possibility of persons being rendered stateless as a result of such measures (arts. 12 (4) and 24 (3)).

The State party should review its laws to ensure that restrictions on re-entry, and denial of citizenship, on terrorism grounds, include appropriate procedural protections and are consistent with the principles of legality, necessity and proportionality. The State party should also ensure that appropriate standards and procedures are in place to avoid rendering an individual stateless.

Self-inflicted deaths, including in custody, and self-harm in custody

16. While noting the various measures taken to prevent and to reduce the numbers of self-inflicted deaths (suicides), the Committee remains concerned about the persistently high number of suicides in Scotland, about the increased number of suicides in custody, particularly in England and Wales, and about other cases of self-harm in custody. The Committee notes that young adults are a particularly vulnerable group in this regard, and that the Independent Review into Self-inflicted Deaths in Custody of 18–24-year-olds (the Harris Review) presented its findings in July 2015 (arts. 2, 6, 7, 9, 10 and 24).

The State party should take robust measures to prevent self-inflicted deaths (suicides), including suicides and self-harm in custody, inter alia by:

- (a) Studying and addressing the root causes of the problem, continuing to improve the identification of persons at risk of suicide and self-harm, and operating effective early prevention strategies and programmes;
- (b) Providing adequate training to prison officials on prevention of suicide and self-harm;
- (c) Ensuring adequate protection of prisoners and appropriate mental health and other support services for them;
- (d) Combating bullying in custody facilities effectively;

(e) Ensuring that cases of suicide and self-harm are independently and thoroughly investigated and that lessons are learned;

(f) Giving due consideration to the Harris Review report and to implementing its recommendations.

Termination of pregnancy in Northern Ireland

17. The Committee is concerned about the highly restricted circumstances in which termination of pregnancy is permitted by law in Northern Ireland and about the severe criminal sanctions for unlawful abortion, which put women's life and health at risk and force them to travel in order to seek an abortion. The Committee notes with concern that the Department of Justice for Northern Ireland, after having held a consultation on the possible decriminalization and legalization of abortion in cases of fatal foetal abnormality and pregnancy as a result of rape or incest, indicated in April 2015 that it would propose legislation to legalize termination of pregnancy only in circumstances of fatal foetal abnormality, due to "complex issues" raised by pregnancy occurring as a result of sexual crimes (arts. 3, 6, 7 and 17).

The State party should, as a matter of priority, amend its legislation on abortion in Northern Ireland with a view to providing for additional exceptions to the legal ban on abortion, including in cases of rape, incest and fatal foetal abnormality. The State party should also ensure access to information on abortion, contraception and sexual and reproductive health options.

Torture

18. While noting the State party's argument that the definition of torture in the Criminal Justice Act 1988 is broader than that in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee is concerned that the defence of "lawful authority, justification or excuse" to a charge of official intentional infliction of severe pain or suffering, as set forth in sections 134 (4) and (5) of the 1988 Act, is broadly worded, and could allow for wide application, including to the absolute prohibition of torture (art. 7).

The State party should review its legislation with a view to ensuring that any possible defences for torture are repealed, in accordance with article 7 of the Covenant and other internationally accepted standards.

Diplomatic assurances and non-refoulement

19. The Committee is concerned that the State party continues to rely on its "deportation with assurances" policy to justify the deportation of foreign nationals suspected of terrorism-related offenses to countries where it is reported that they may face a real risk of torture or other forms of ill-treatment and notes that, while there are no plans to abandon the policy, its framework is under review by the Independent Reviewer of Terrorism Legislation. Despite the memorandums of understanding on deportation with assurances that have been concluded with a number of countries and the arrangements for post-transfer monitoring, the Committee remains concerned that these measures may not ensure that the individuals affected will not be subjected to treatment contrary to articles 6 and 7 of the Covenant (arts. 2, 6 and 7).

The Committee recalls its previous recommendation (see CCPR/C/GBR/CO/6, para. 12) and recommends that the State party strictly apply the absolute prohibition on refoulement under articles 6 and 7 of the Covenant; continue to exercise the utmost care in evaluating diplomatic assurances; ensure that appropriate, effective and independent post-transfer monitoring of individuals who are transferred pursuant to

diplomatic assurances is in place; refrain from relying on such assurances where the State party is not in a position to effectively monitor the treatment of such persons after their extradition, expulsion, transfer or return to other countries; and take appropriate remedial action when assurances are not fulfilled.

Corporal punishment

20. The Committee remains concerned that corporal punishment is still not fully outlawed in the home and certain educational and alternative care facilities in the United Kingdom and in almost all British Crown dependencies and overseas territories. It is also concerned about the lack of an explicit prohibition on corporal punishment in the home and about the existing legal defences of “reasonable punishment” in England, Wales and Northern Ireland and “justifiable assault” in Scotland (arts. 7 and 24).

The State party should take practical steps, including through legislative measures where appropriate, to put an end to corporal punishment in all settings, including the home, throughout United Kingdom and all Crown dependencies and overseas territories, and should repeal all existing legal defences across the State party’s jurisdiction. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

Immigration detention

21. The Committee is concerned that no fixed time limit on the duration of detention in immigration removal centres has been established and that individuals may be detained for prolonged periods. It also notes that the detained fast track system in the asylum process suffers from a number of apparent deficiencies, including failure to prevent torture survivors from entering the detained fast track system and failure to provide effective access to justice, and that it has been criticized by domestic courts and was suspended by the Immigration Minister on 2 July 2015 pending a comprehensive review that is ongoing (arts. 7, 9, 10 and 13).

The State party should:

(a) Establish a statutory time limit on the duration of immigration detention and ensure that detention is a measure of last resort and is justified as reasonable, necessary and proportionate in the light of the relevant circumstances;

(b) Ensure that reforms to the detained fast track system are fully compliant with the State party’s obligations under the Covenant. It should also ensure that the system protects vulnerable persons, and provides for effective safeguards against arbitrariness and for effective access to justice, including to legal aid.

Fair trial and administration of justice

22. The Committee is concerned that the Justice and Security Act 2013 extended the use of closed material procedures to civil proceedings involving sensitive material, the disclosure of which would damage national security, including to civil claims for damages and to historical conflict-related cases in Northern Ireland. The Committee notes the serious concerns in relation to the adequacy of the safeguards in place, notably the special advocate system, which has been widely criticized, including by the Joint Committee on Human Rights, for not securing sufficiently the rights of the affected parties, including equality of arms. The Committee is also concerned that the new test for miscarriage of justice, introduced in 2014, may not be in compliance with article 14 (6) of the Covenant. It is further concerned about the impact of reforms to the legal aid system on access to justice, including cuts to legal aid in Scotland, the shortcomings in the exceptional funding scheme

introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, plans to introduce a residence test for civil legal aid, and the linkage between legal aid for judicial review applications and whether permission to proceed with the case is granted by the court. The Committee is concerned about the delays across the criminal justice system in Northern Ireland (arts. 2 and 14).

The State party should:

(a) **Ensure that any restrictions or limitations on fair trial guarantees that are based on national security grounds, including the use of closed material procedures, are fully compliant with its obligations under the Covenant, and particularly that the use of closed material procedures in cases involving serious human rights violations does not create obstacles to the establishing of State responsibility and accountability or compromise the right of victims to a fair trial and an effective remedy;**

(b) **Review the new test for miscarriage of justice with a view to ensuring its compatibility with article 14 (6) of the Covenant;**

(c) **Ensure that changes to the legal aid system do not undermine the right of access to courts and effective remedy, inter alia by addressing the weaknesses in the exceptional funding scheme for legal aid, by reviewing the need for a residence test and for restrictions on legal aid;**

(d) **Take concrete measures to reduce avoidable delays in the criminal justice system in Northern Ireland, including by introducing custodial time limits.**

Administration of juvenile justice

23. The Committee is concerned that the age of criminal responsibility is set at 8 years in Scotland (and at 12 years for criminal prosecution) and at 10 years in England, Wales and Northern Ireland, which is not in accordance with international standards. It is also concerned about reports that a high number of child defendants remanded in custody do not subsequently receive custodial sentences, which may indicate that their detention was not absolutely necessary (arts. 9, 14 and 24).

The State party should:

(a) **Raise the minimum age of criminal responsibility in accordance with international standards and ensure the full implementation of international standards for juvenile justice;**

(b) **Step up its efforts with a view to further reducing the number of children in the juvenile justice system;**

(c) **Ensure that detention on remand of child defendants is used only as a measure of last resort and for the shortest possible period of time and that suitable bail packages are available to child defendants in Northern Ireland.**

Government surveillance and interception of communications

24. The Committee is concerned that the State party's current legal regime governing the interception of communications and communications data allows for mass interception of communications and lacks sufficient safeguards against arbitrary interference with the right to privacy. It notes, inter alia, reports that Amnesty International's e-mail communications had been intercepted by the Government under a general warrant. The Committee is concerned (a) that the Regulation of Investigatory Powers Act 2000, which makes a distinction between "internal" and "external" communications, provides for untargeted warrants for the interception of external private communications and

communications data that are sent or received outside the United Kingdom without affording the same safeguards as apply to the interception of internal communications; and (b) about the lack of sufficient safeguards in regard to the obtaining of private communications from foreign security agencies and the sharing of personal communications data with such agencies. The Committee is also concerned that the Data Retention and Investigatory Powers Act 2014 provides for wide powers for the retention of communications data, and that access to such data does not appear to be limited to the most serious crimes (arts. 2, 17, 19 and 26).

The State party should:

(a) Review the regime regulating the interception of personal communications and the retention of communications data, also taking into account the recommendations made by the Intelligence and Security Committee of Parliament and the Independent Reviewer of Terrorism Legislation, with a view to ensuring that such activities, both within and outside the State party, conform with its obligations under the Covenant, including article 17. In particular, measures should be taken to ensure that any interference with the right to privacy complies with the principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals whose communications are under direct surveillance;

(b) Ensure that any interference with the right to privacy, with the family, with the home or with correspondence is authorized by laws that (i) are publicly accessible; (ii) contain provisions that ensure that collection of, access to and use of communications data are tailored to specific legitimate aims; (iii) are sufficiently precise and specify in detail the precise circumstances in which any such interference may be permitted, the procedures for authorization, the categories of persons who may be placed under surveillance, the limit on the duration of surveillance, and procedures for the use and storage of data collected; and (iv) provide for effective safeguards against abuse;

(c) Ensure that robust oversight systems over surveillance, interception and intelligence-sharing of personal communications activities are in place, including by providing for judicial involvement in the authorization of such measures in all cases, and by considering the establishment of strong and independent oversight mandates with a view to preventing abuses;

(d) Revise the Data Retention and Investigatory Powers Act 2014 with a view to ensuring that access to communications data is limited to the extent strictly necessary for prosecution of the most serious crimes and is dependent upon prior judicial authorization;

(e) Ensure that persons affected have access to effective remedies in cases of abuse.

Prisoners' right to vote

25. The Committee, recalling its previous concern (CCPR/C/GBR/CO/6, para. 28), regrets the lack of progress in reviewing the State party's legislation denying the right to vote to any prisoner serving a custodial sentence (art. 25).

The Committee reiterates its previous recommendation (CCPR/C/GBR/CO/6, para. 28) that the State party amend its legislation that denies any convicted prisoner the right to vote, with a view to ensuring its full compliance with article 10 (3), read in conjunction with article 25, of the Covenant.

Dissemination of information relating to the Covenant

26. The State party should disseminate widely the Covenant, the text of its seventh periodic report and the present concluding observations, among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.

27. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 8 (accountability for conflict-related violations in Northern Ireland) and 9 (accountability for human rights violations committed by British forces abroad) above.

28. The Committee requests that the State party submit its next periodic report by 24 July 2020 and that it include in it specific up-to-date information on the implementation of all its recommendations and of the Covenant as a whole. The Committee requests that the State party, in preparing the report, broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
