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2010 Human Rights Report: United Kingdom

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

The United Kingdom of Great Britain and Northern Ireland (the UK), with a population of 62.3 million, is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect representatives to the House of Commons, the lower chamber of a bicameral legislature. They last did so in free and fair elections on May 6. Members of the upper chamber, the House of Lords, occupy hereditary or appointed seats. Security forces reported to civilian authorities.

There were some reports of police misconduct and that police, military personnel, and employees of government contractors occasionally abused detainees and other persons. There were also reports of overcrowded prisons and inadequate prison infrastructure. Societal problems included discrimination against religious minorities and mistreatment of women, children, ethnic minorities, lesbian, gay, bisexual, and transgender persons, and persons with disabilities. Trafficking of persons was also reported.

Bermuda is a UK overseas territory with a population of 62,000. A governor represents the queen on the island; Bermuda's constitution provides for internal self-government, while the British government retains responsibility for external affairs, defense, and security. Citizens elect representatives to the House of Assembly, most recently in free and fair elections in 2007. The governor, the premier, and the opposition appoint members to the Senate. The premier is head of government and is chosen from among the elected members of the governing party. The constitution and the Human Rights Act of 1981, as amended, protect the human rights of inhabitants of Bermuda, with the exception of protection against discrimination based on sexual orientation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings; however, the nongovernmental organization (NGO) Inquest reported three deaths of persons in police custody during the year, one fewer than in 2009.

In September in Northern Ireland, the International Monitoring Commission (IMC) released a report on its inquiry into the killing of Loyalist Volunteer Force leader Billy Wright, whom republican prisoners in the Maze Prison shot and killed in 1997. The report concluded that there was no state collusion in the killing, but the government acknowledged that failings within the prison regime had "facilitated" its occurrence.

Proceedings continued in cases involving allegations of government involvement, collusion, or culpability in killings during the conflict in Northern Ireland between the 1970s and 1990s. In June Lord Saville published the report of his independent inquiry into the 1972 deaths of 14 civil rights protesters shot by the British Army in Londonderry, also known as "Bloody Sunday." Lord Saville's inquiry found that the deaths and injuries were "unjustifiable."

The public inquiry begun in 2008 into the death in 2003 of Iraqi civilian Baha Mousa, who suffered 93 injuries while in the custody of British troops in Iraq, finished taking oral evidence on October 14. Drafting of the final report continued at the end of the year.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and authorities did not usually engage in them; however, there were allegations that members of the military services were at least complicit, if not participants, in the mistreatment of detainees overseas; that individual police officers occasionally abused detainees; and that guards under contract to immigration authorities abused deportees while returning them to their home countries. Police are subject to oversight by the Independent Police Complaints Commission, which investigates charges of abuse and has the power to punish police officers if abuse is found.

A July 2009 report by a consortium of NGOs documented the claims of more than 300 persons who accused the private contractors of physical and sexual assault and racial abuse. Dame Nuala O'Loan, former police ombudsman for Northern Ireland, was instructed to reopen 50 cases that the government previously classified as unsubstantiated to address the appropriateness of using private contractors and whether the use of "reasonable force" was appropriate in dealing with failed asylum seekers. The *Guardian* stated that the official inquiry report released in March determined that the UK Border Agency (UKBA) did not have "proper processes in place to investigate claims of mistreatment of failed asylum seekers." The inquiry also concluded that private contractors did not engage in systematic abuse of deportees.

There were a number of allegations that the intelligence services colluded in the abuse of citizens or residents overseas. On July 6, Prime Minister Cameron announced a formal inquiry into the allegations, with the proceedings set to last for 12 months.

In September 2009, the latest date for which data is available, the Independent Police Complaints Commission issued statistics for 2008-09 indicating that approximately 7,679 complaints of sexual assault, serious nonsexual assault, and "other assault" were made against police, which represented an increase of approximately 4 percent from the previous year. Investigations were initiated in 57 percent of the serious nonsexual assault complaints, 47 percent of the sexual assault complaints, and 37 percent of the other assault complaints in 2008-09. Of the investigations that were resolved in

2008-09, the complaints were found to be substantiated in 10 cases of serious nonsexual assault, six cases of sexual assault, and 108 cases of other assault.

Prison and Detention Center Conditions

Prison conditions mostly met international standards, and the government permitted visits by independent human rights observers; however, overcrowding remained a problem. The NGO Inquest indicated that 52 persons committed suicide in prison during the year, as did 24 detainees on remand.

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On June 20-21, a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited Radislav Krstic, convicted by the International Criminal Tribunal for the former Yugoslavia and serving his sentence in the UK, after he was reportedly attacked in his cell in Wakefield Prison by other inmates.

According to the Ministry of Justice, the prison population in England and Wales on August 31 was 85,200 in facilities designed to accommodate 85,986. The Prison Reform Trust released a report, based on government statistics, stating that 88 out of 140 prisons held more than the "certified normal accommodation." The Scottish Prison Service announced that the prison population reached a daily average of 7,835 inmates in prisons designed for approximately 6,600. The Northern Ireland Prison Service reported that the prison population on December 27 was 1,412, housed in three prison facilities with a total capacity of 1,513. The Bermuda Department of Corrections reported on October 12 that the prison population on the island was 277 in facilities with a capacity of 373. England, Wales, and Scotland continued early release programs for nonviolent offenders in an effort to reduce overcrowding.

At times juveniles, including some under the age of 16, were held together with adult prisoners. Although rare, there were instances when pretrial detainees were lodged with convicted prisoners due primarily to overcrowding.

In Northern Ireland the governor of the high-security Maghaberry Prison, who had been in that position for five months, resigned in December 2009 in the wake of a series of critical reports regarding the prison's operations and investigations into the 2008 suicide of inmate Colin Bell. The head of the Northern Ireland Prison Service, Robin Masefield, resigned on November 30, after the Prison Officer's Association in Northern Ireland called for Masefield and two other prison officials to resign over their handling of staff disciplinary actions following the Colin Bell suicide. Maghaberry prisoners tied to republican paramilitary organizations staged "dirty protests" (a protest in which excrement and other unhygienic material is thrown around) against conditions in the prison, specifically related to restrictions of movement, body searches, and restrictions placed on outside visitation rights. Northern Ireland prisoner ombudsman Pauline McCabe stated in her 2009-10 annual report that "there is general recognition that change is needed across Northern Ireland's prisons."

Prisoners had reasonable access to report allegations of inhumane conditions and were permitted religious observance.

The Prisons and Probations Ombudsman (PPO) for England and Wales investigates complaints from prisoners and detainees held in immigration detention centers. All deaths that occur in prison, immigration centers, and probation hostels fall under the PPO's purview and are investigated. The PPO received 4,641 complaints from July 2009 to July 2010, an 8 percent increase from the previous year.

In February more than 50 female detainees went on a hunger strike for three weeks in the Yarl's Wood detention center alleging mistreatment by guards and prolonged detention.

The media reported that in September an army inspector found British military detention facilities to "be in compliance with international law," although some soldiers lacked proper training on the treatment of prisoners.

The government permitted independent monitoring of prison conditions by local and international human rights groups, the media, the International Committee of the Red Cross, and the independent International Center for Prison Studies based at Kings College London.

On March 15-26, a CPT delegation visited prisons, detention centers, and other facilities on the Channel Islands for the first time. On Jersey, the delegation noted that access to an attorney was immediate only for very serious crimes, such as rape or murder, and that some detention cells had inadequate natural light, ventilation, and access to drinking water. On Guernsey, the delegation noted allegations of the use of excessive force by police during arrest, and that 17-year-olds were treated as adults.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, critics charged that some procedures justified by the government as necessary to combat terrorism constituted precharge detention. Currently, the government can hold terrorism suspects in precharge detention for up to 28 days.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the regional police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

In most cases police may make an arrest only if they have reasonable grounds for suspecting a person has committed or is about to commit one or more listed "arrestable offenses," or if a police officer believes an arrest is necessary to prevent physical injury or damage to property.

The law allows police chiefs to grant auxiliary nonpolice officers "enforcement powers," including the right to issue citations and fines for minor violations of public order, and to request the names and addresses of persons stopped in the street. Participants in this program wear police uniforms and carry identification while on duty. As of 2008, the most recent date for which data are available, 23 police forces granted enforcement powers to 1,600 civilians in community safety programs. Human rights groups and opposition politicians called the practice a civil rights violation and a move towards excessive surveillance.

Police may detain an ordinary criminal suspect for 96 hours without charges. Detention for more than 24 hours must be authorized by a senior police official, and detention of more than 60 hours requires the approval of a magistrate. Only terrorism suspects may be detained without charge for longer than 96 hours. Authorities may hold terrorism suspects for up to 28 days before formally charging them with a crime. All detainees are entitled to counsel during this period. The law permits the extended detention of foreigners suspected of being terrorists but who cannot be deported immediately because of the risk they would be tortured or executed in their countries of destination. The government continued to hold a number of detainees deemed dangerous but not deported due to concerns about torture in their home countries. Such individuals may appeal their designation as terror suspects.

To combat the rise in gang and gun crime in Bermuda, the government enacted the Police and Criminal Evidence Amendment (No. 2) Act in August (effective in the summer of 2011), increasing to 66 hours the length of time suspects can be held in police custody without being charged. A senior police officer reviews the case at 42 and 54 hours and in each review must be satisfied that the investigation is being conducted expeditiously and diligently. A magistrate may order a further 30 hours of detention to give police time to complete their investigation. Under the new legislation police

may also deny bail to suspects as young as 16 years of age, a change from the previous age designation of 18. For those arrested on firearms or ammunition offenses, the Firearms Amendment Act of 2010 passed in July authorizes police to apply for a warrant of detention to hold suspects without charge for 14 days and also allows police to apply for a second 14-day warrant. Police may use the time to gather evidence or obtain forensic results from overseas, but not to question suspects.

In July Bermuda enacted the Court of Appeal Amendment Act, allowing prosecutors to take previously tried cases to the Court of Appeal when new and compelling evidence, such as DNA, comes to light. The law applies to defendants acquitted of murder, found guilty on a lesser charge, or whose cases were discharged.

In the UK the law gives defendants awaiting trial the right to bail, except for those judged to be flight risks, likely to commit another offense, suspected terrorists, or in other limited circumstances. Detainees may make telephone calls and have legal representation, including government-provided counsel if they are indigent.

The law permits a judge (or the home secretary, with a judge's permission) to impose "control orders," which include a range of restrictions up to house arrest on individuals suspected of involvement in terrorism-related activities, regardless of nationality or perceived terrorist cause. Control orders may be renewed on an annual basis. The government used control orders to keep terrorism suspects under arrest without allowing suspects to know the charges against them or to see the government's evidence. The Law Lords ruled in June 2009 that the government's refusal to allow two defendants to know the charges against them was a violation of the Human Rights Act. In February Parliament's Human Rights Joint Committee noted the need for changes in the control orders regime to make it "human rights compatible" and stressed that the cost of lengthy litigation and infringement on individuals' right to liberty was too great to be sustainable. Like other aspects of the government's antiterror legislation, the control order system was under government review during the year.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Criminal proceedings must be public except cases in juvenile court or those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

The law generally allows for jury trials. In England and Wales the law provides for judge-only trials when there is a "real and present danger that jury tampering would take place." In Northern Ireland trials by jury are the norm. However, as in the case of England and Wales, nonjury trials may be held in cases involving possible intimidation of juries. Scotland allows jury trials in criminal and civil cases. Bermudian law provides for jury trials in criminal cases and for trial by judge in civil cases.

Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Indigent defendants have the right to free counsel of their choice, with some exceptions. Defendants may question witnesses against them. Defendants have access to government-held evidence relevant to their cases, with some exceptions, including instances in which information pertaining to a suspect relates to national security. The NGO Justice claims this practice has increased during the past decade.

"Intercept evidence" – evidence collected by electronic interception – is not admissible in a court of law. The police claimed that divulging their methods and sources would hamper their effectiveness. Human rights organizations and

prominent politicians asserted that the inadmissibility of intercept evidence led the government to use administrative or nonjudicial means to detain criminal suspects who could not otherwise be prosecuted. Defendants have the right to appeal to successively higher courts.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

The government was involved in 44 decisions of the European Court of Human Rights (ECHR) from January to November. In 2009 the ECHR issued 14 judgments, each of which found one or more violations by the state of the European Convention on Human Rights, including seven violations of the prohibition of discrimination, three violations of the right to liberty and security, four violations involving the length of legal proceedings and the right to respect for family and private life, and two violations involving the right to a fair trial and freedom of expression.

In January the ECHR determined that the police power to "stop and search" violated two defendants' right to a private and family life and that the "discriminatory use" of the power was a "real consideration" when determining the outcome of the case. In July the government ceased using the stop and search power as originally defined under antiterror legislation.

In 2008 the ECHR ruled that indiscriminate retention of DNA and fingerprint data of 850,000 persons who were arrested but never charged was not in line with article 8 of the Human Rights Convention. In November the home secretary announced a new DNA retention system that permits the destruction of DNA from persons never charged with a crime.

In October the Scottish Supreme Court ruled that allowing suspects to be held and questioned for six hours without access to a lawyer breached the European Convention on Human Rights. The Scottish Parliament passed legislation requiring suspects to have immediate access to legal counsel, but extended the time a suspect can be detained from six to 12 hours with the possibility of a 12-hour extension.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies were also available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

The use of electronic surveillance requires the approval of the home secretary, who authorizes an "interception warrant," which must name or describe either a person or a single set of premises where the interception is to take place. However, in limited circumstances the home secretary may issue a "certified" interception warrant, eliminating the requirement to specify a person or premises. Certified warrants are intended only for communications with overseas parties. They include communications channeled through a foreign Internet service provider (ISP). An independent "interception of communications commissioner" oversaw interception warrants, and the Investigatory Powers Tribunal investigated public complaints of surveillance abuses. In July one case was decided in favor of the complainant.

The law requires service providers to retain records of all users' landline, cellular telephone calls, and Internet activity for one year. Intelligence and law enforcement agencies, emergency services, and a number of other governmental bodies may request the data but must demonstrate a legitimate need for the information to protect public safety and ensure

compliance with the law. Critics claimed that in practice agencies may self-authorize warrants and that the ability to intercept communications was too broad.

In April the government announced that it would not create a centralized database that would store all communications data collected by communications service providers. Human rights groups had been critical of plans to do so.

Bermuda enacted the Telecommunications Amendment Act in July requiring telecommunications companies to install equipment enabling police to monitor, pursuant to a warrant, landlines, mobile telephones, and the Internet and provide police with a database of customer names, addresses, and phone numbers. Police officers already had the power to intercept landline messages if the police commissioner and the governor ruled it in the public interest to do so. The new law provides the additional capacity to fine carriers up to \$10,000 per day for noncompliance.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government respected these rights in almost all cases. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Individuals could criticize the government publicly or privately without reprisal. The independent media were active and expressed a wide variety of views without restriction. However, the law also prohibits the use of "threatening words or behavior" toward a religious, ethnic, or racial group. The prohibition applies specifically to words, behavior, or displays of written material; publishing or distributing written material; the public performance of a play; distributing, showing, or playing a recording; broadcasting or including a program in a program service; or the possession of written materials or recordings with intent to display, publish, distribute, or include such materials in a program service.

Judges may issue media suppression orders to prevent the publication of information about trial proceedings or other topics.

Court decisions have established that the government may legally prohibit possession of materials providing practical assistance to terrorists, such as the *al-Qa'ida Manual*, the *Terrorist's Handbook*, the *Mujahideen Poisons Handbook*, and a number of military manuals.

In June Anthony Bamber was cleared of all charges in connection with his arrest, along with three other persons, for distributing leaflets blaming Muslims for the heroin trade in Ireland and the country in 2008. The Crown Prosecution Service advised police that while racist (most UK Muslims are of South Asian or African descent), the leaflets were protected speech. The three other persons did not face charges.

In Bermuda, local newspapers, television stations, and a radio station created a voluntary Media Council to raise journalistic standards, elevate accountability, and provide an effective forum for grievances against the media. The effort sought to forestall creation of a legislatively mandated media review group that they believed could have imposed censorship.

Internet Freedom

There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were no reports that authorities routinely monitored e-mail or Internet chat rooms. However, the law permits communications data surveillance, including of Internet usage, in the interests of national security, to prevent or detect a crime or in the interests of public safety. Authorities did not publicly discuss details of their monitoring activities. By law all ISPs must retain records of Internet usage for one year.

The Internet was widely available throughout the country and available at no cost in public libraries. Approximately 84 percent of the population used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to refugees, asylum-seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it in practice.

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Based in part on the EU's "Dublin procedure," the government placed the burden of proof on asylum seekers who arrived from "safe countries" of origin, based on a list promulgated by the home secretary, who passed through a country where they were not considered to be at risk, or who remained in the country for a period of time before seeking asylum. The law permits authorities to remove an asylum applicant to another country that is deemed responsible for adjudicating an applicant's claim.

In practice the government provided protection against the return of persons to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, on November 10, Amnesty International called on European governments not to return asylum seekers to Iraq because of the allegedly dangerous security situation there. The group claimed that on September 22 the British, Swedish, and Norwegian governments "forcibly returned" over 50 Iraqis to their home country.

The government may also provide temporary protection to individuals who may not qualify as refugees under the categories of humanitarian protection and discretionary leave. However, at the end of 2009, the most recent year for which figures were available, the government provided protection to no such persons according to UNHCR.

On February 23, Human Rights Watch alleged that the country's "fast track" system for handling asylum requests "is not rigorous enough to meet basic standards of fairness," especially for women. The group stated that the system did not give women sufficient time to gather evidence to support their claims of fleeing mistreatment and called for the abolition of the system.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Free and fair elections to the House of Commons took place on May 6. Political parties operated without restriction or outside interference. After observing the national election, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe concluded that the election "was administered in a transparent and professional manner and demonstrated an open, pluralistic, and highly competitive process."

There were 143 women in the 650-seat House of Commons and 164 women in the 777-seat House of Lords. There were four women in the prime minister's cabinet. An additional 15 women held other ministerial posts. There was one woman among the 11 justices of the Supreme Court.

There were 27 members of ethnic minorities in the House of Commons. The number of members of ethnic minorities in the House of Lords was not available; there was one member of an ethnic minority in the Cabinet.

Bermuda held free and fair elections in 2007. There were seven women in the 36-seat House of Assembly and six women in the 11-member Senate. Five women served in the 13-member Cabinet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were reports of government corruption during the year; however, there were no reports of police corruption during the year.

Following a parliamentary allowances scandal more than a dozen members of Parliament declared they would not run for reelection in May. The Independent Parliamentary Standards Authority, which began operation in September 2009, imposed clear rules on what members of Parliament can claim as an expense and publishes expense claims of members.

In February the Serious Fraud Office reached an agreement with the country's largest defense contractor, BAE Systems, which included a guilty plea by BAE for violating the law and a payment of 30 million pounds (approximately \$45 million) to benefit the people of Tanzania.

The law provides for public access to information, and authorities generally granted access to citizens and noncitizens, including foreign media. There are exceptions to the availability of government information, including those relating to national security and defense, personal privacy, and possible risks to health and safety. In some instances authorities are not obliged to indicate whether relevant information exists; however, according to authorities, they are obliged to state the reason for refusing a request. There are no fees for requesting information; however, there may be a bill for materials and postal fees. Government agencies may refuse a request if the cost to the government will exceed 450 or 600 pounds (approximately \$730 or \$955), depending on the agency. There was a mechanism to appeal denials.

In July Bermuda enacted the Public Access to Information Act (PATI), which establishes a mechanism through which the public may access information. The government appointed three individuals to make PATI operational.

The November 2009 and 2008 reports of the UN Group of Experts on the Democratic Republic of the Congo (DRC) presented information indicating that Afrimex and Amalgamated Metals Corporation (AMC), which were registered in the

UK, directly or indirectly funded conflict and perpetrators of human rights abuses in the eastern DRC. AMC announced in September 2009 that it had ceased purchasing minerals from the DRC.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Equality and Human Rights Commission (EHRC), an independent body funded by the government to protect and promote human rights in the country, enjoyed the government's cooperation and operated without government interference. It had adequate resources and functioned effectively. The EHRC produced numerous reports on various human rights matters. In October the EHRC's first-ever triennial review (*How Fair is Britain?*) concluded that England and Wales were a more diverse and "fair place" than 20 years earlier. However, some groups, including Roma, Travellers, and other migrants, were still likely to experience prejudice and much more likely than others to fare poorly in education, work, and public life.

Parliament has a Joint Committee on Human Rights, composed of 12 members selected from the House of Lords and the House of Commons. The committee undertook inquiries into human rights matters in the country and scrutinized legislation affecting human rights. The committee produced reports on the government's control order policy, the EHRC, children's rights, and human rights in the private sector.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, nationality, gender, sexual orientation, or disability, and the government generally enforced the law effectively. The EHRC has a mandate to combat discrimination based on race, sex, religion and belief, sexual orientation, and age.

Women

Rape, including spousal rape, carries a maximum penalty of life imprisonment. According to the British Crime Survey (BCS), in 2009-10 police recorded 43,579 sexual crimes. The large majority of these crimes were perpetrated against women. Of the most serious cases where the gender of the victim was identified, women were victims of 13,991 cases of rape, an increase of 13 percent from the previous year, and 19,873 cases of indecent or sexual assault. The government acknowledged that its 6 percent conviction rate in rape cases was low. The government estimated that one in 20 women in the country had been raped.

The law prohibits domestic violence, including spousal abuse, and authorities strictly enforced the law in cases reported to them. The courts imposed punishment ranging up to life imprisonment; however, violence against women continued to be a problem. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence.

According to the 2009-10 BCS, 7 percent of women (and 4 percent of men) were victims of domestic abuse during the year. The BCS estimated that in 2009-10 approximately 14 percent of all violent crime in England and Wales was domestic and that 30 percent of all violent incidents against women were domestic. Scotland police recorded 51,926 incidents of domestic violence in 2009-10, a 4-percent decrease from the previous year.

NGOs raised concerns that some police officers were not adequately trained to identify and respond when women sought protection.

The government provided shelters, counseling, and other assistance for victims of battery or rape and offered free legal aid to battered women who were economically dependent on their abusers. The government operated 29 sexual assault resource centers.

In Bermuda, aggravated sexual assault is a felony carrying a maximum penalty of life imprisonment, and serious sexual assault has a maximum penalty of 30 years' imprisonment. Sexual assault by a person with AIDS, HIV, Hepatitis B, or other sexually transmitted diseases also carries a maximum penalty of 30 years' imprisonment. Police reported two serious sexual assaults (rapes) against women during the year, but both complaints were withdrawn. Police estimated 20-30 reported incidents of domestic abuse per month, approximately five of which involved physical violence. Of these, only two or three were official complaints moving forward to prosecution. Several NGOs provided assistance to abuse victims.

On October 18, the Bermudian government appointed a new Women's Council to empower women and improve the quality of life for women, families, and society.

Police and NGOs estimated that approximately a dozen honor killings occurred during the year, although there were no formal statistics. Many observers regarded honor killings as the extreme end of a spectrum of violations of human rights that included abductions, forced abortions, imprisonment, mental and physical abuse, and rape. Honor killing was generally considered an "imported crime," since a majority of the incidents involved families from Asia, Turkey, Algeria, and Nigeria. Many of the crimes involved hiring outside "hit men"; in other instances the perpetrator was the youngest member of the family, whom older family members supervised.

In September police in Scotland announced a public campaign to address honor-based crimes, including abduction, assault, threats, killing, and forced marriage.

Forced marriages continued to be a problem, although their extent remained unknown. In 2009, the last year for which data was available, the Forced Marriage Unit's helpline received 770 calls or e-mails, a 16 percent increase over the previous year. The law criminalizes forced marriage and makes taking individuals out of the country on false pretenses roughly equivalent to kidnapping. The law provides for the annulment of marriages made outside of the country against the will of one partner. A person must be at least 21 years of age to sponsor a spouse for a marriage visa, and intending sponsors of such visas must register their intent to seek the visa before traveling abroad. Authorities believed that young adults often traveled on what they expected to be a vacation to the home country and were subsequently pressured into marriage and applying for the spouse's visa. The law requires schools, social services, and police to receive training about this problem and to take steps to combat it, ranging from increased truancy monitoring to assisting young persons who seek their help without parental input.

The law prohibits sexual harassment and provides penalties of up to five years' imprisonment; authorities followed up on the isolated complaints that were filed.

Couples and individuals enjoy the basic right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. According to data from the 2009 UN Population Fund report, the maternal mortality rate was 12 per 100,000 live births. Skilled attendants assisted in 99 percent of births in the country. The percentage of women using contraception was 84 percent. Women have access to prenatal, obstetric, and postpartum care through the National Health System and can freely choose to have a midwife present during childbirth. The Department of Health had a National Support Team for Sexual Health, which worked to provide universal access to contraception to prevent sexually transmitted diseases and unwanted pregnancies. There was also an Infant Mortality Support Team to improve the health of infants and mothers after birth.

Women enjoy the same legal rights as men, including rights under family and property law and in the judicial system; however, in practice women experienced some discrimination. The World Economic Forum estimated that women in the UK earn 67 percent of what men earn. The government passed the Equality Act in April, containing measures to address the gender pay gap and other equality problems.

There was a cabinet-level Minister for Women and Equalities. The EHRC supported women by enforcing equality legislation and actively promoting gender equality.

Children

All births must be registered within 42 days in the district where the baby was born, and unregistered births were uncommon. Local authorities have procedures for the late registration of babies whose births were not registered within 42 days. A child born in the UK receives the country's citizenship at birth if one of the parents is a British citizen or legally settled resident.

Child abuse remained a problem, although there were no reliable figures on its prevalence. In Northern Ireland it is a criminal offense to fail to report most offenses against children. England, Wales, and Scotland do not have such laws; however, civil servants charged with the care, education, and welfare of children are "responsible" for their protection. The minister of state for children and families coordinated government policy concerning children and young persons in England and Wales. In Northern Ireland the Commissioner for Children and Young People performed the same function. In Scotland the Ministries of Education, Children and Early Years, and Housing and Communities supervised similar programs designed to protect and assist minors.

Female genital mutilation (FGM) is illegal. The maximum penalty for aiding, abetting, counseling, procuring, or carrying out this practice is 14 years' imprisonment. FGM was most often practiced by immigrant or refugee groups on girls aged seven to nine from Eritrea, Ethiopia, Somalia, West Africa, and Yemen. The BCS estimated that 141 cases of FGM and FGM-related blood poisoning occurred in 2009-10.

The statutory rape law makes it illegal for a person over the age of 18 to have sex with a person under 16 years old, unless the younger person is over 13 and the adult reasonably thought the younger person to be over 16. Penalties range from fines to 14 years' imprisonment. The law prohibits child pornography and provides for a maximum sentence of 10 years' imprisonment.

The law prohibits child sex tourism and allows authorities to prosecute citizens or residents for offenses committed abroad. Individuals were arrested outside the country and in some cases jailed on such charges, but, according to the charity End Child Prostitution, Child Pornography, and Trafficking Children for Sexual Purposes, there were only a few cases of prosecution in the country since the early 1990s, and there were no reports of prosecutions during the year.

Penal reformers and children's groups continued to criticize the government's reliance on antisocial behavior orders (ASBOs), civil "warnings" that may limit children's access to a geographic area or impose tailored curfews and fines. ASBOs were introduced to prevent youths from interacting with the courts and youth services as a result of minor infractions. However, youth who subsequently violate ASBOs could be arrested and enter the criminal system. Opponents contended that the ASBOs led to criminal records for youth whose behavior in the past would have been seen as "kids being kids." According to one expert, more than 1,000 youths had been incarcerated for violating the ASBOs since their inception in 2000. Critics claimed that police were too quick to issue the orders for such minor infractions as excessive loudness or congregating in large numbers, violations that some children's advocates described as inevitable. Some experts contended that a third of youths receiving the orders had mental or behavioral problems that did not permit them to understand the orders.

In July the prison service manual on restraint techniques to use on children as young as 12 years old was made public after a five-year legal battle. The Ministry of Justice stressed that restraint by force was a last resort for prison staff.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish population numbered approximately 300,000. There was a small spike in anti-Semitic incidents after the Gaza flotilla incident on May 31. The Community Security Trust, a group that tracked anti-Semitic activity, reported 74 anti-Semitic incidents in June alone with 28 occurring in the first week of the month. Anti-Semitic acts from January to June were fewer than during the same period in 2009 (the year of the conflict in the Gaza Strip) but continued to be slightly higher than in 2008. The incidents included property damage, threats, abusive behavior, and mass-produced or mass-mailed anti-Semitic literature.

In September researchers from the Simon Wiesenthal Center discovered dozens of anti-Jewish Facebook pages from the UK and other countries. The group said that Facebook officials were "very cooperative" in disabling the sites.

According to the BBC, in October vandals sprayed "Nazi graffiti" on the doorstep of the UK Holocaust Center.

In November, *BBC Panorama* determined that about 5,000 pupils were being taught the official Saudi national curriculum in UK schools. Education Secretary Michael Gove said that there was no place for anti-Semitic or homophobic lessons in British schools.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services or areas. It mandates access to buildings for persons with disabilities, and the government effectively enforced this requirement in practice.

The law requires that all public service providers (except in the transportation sector) make "reasonable adjustments" to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities.

The mandate of the EHRC included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The commission provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the government. It may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

A briefing paper produced by the UK Learning Disabilities Observatory suggested that persons with learning disabilities face many health inequalities and have a disproportionately higher risk of health disorders. The group noted the need for

promoting "health literacy" among persons with learning disabilities by increasing access to information, appointment times, and the number of regular health checks.

National/Racial/Ethnic Minorities

The law prohibits racial discrimination, but Travellers (a distinct nomadic ethnic group with its own history and culture), as well as persons of African, Afro-Caribbean, South Asian, and Middle Eastern origin, at times experienced mistreatment on racial or ethnic grounds.

The law authorizes police to order Travellers' caravans to move on from any rest area or other roadside location. Travellers' organizations also reported that local governments across the country sought to evict them from so-called "illegal encampments." In a high-profile case that has continued for more than five years, Travellers fought an eviction order by the town council of Basildon (Essex) to remove them from the Dale Farm Traveller Settlement. As of the end of the year, the eviction did not take place.

During the year the British Crime Survey recorded 10,221 racially or religiously aggravated crimes and 23,235 incidents of racially or religiously aggravated harassment, public fear, alarm, or distress.

During 2009-10 the Police Service of Northern Ireland (PSNI) reported a 15-percent increase in sectarian incidents, from 1,595 in 2008-09 to 1,840 in 2009-10. These included vandalism of Protestant Orange Order halls, Roman Catholic churches, and Gaelic Athletic Association sports facilities.

In Northern Ireland, the trial of the persons charged in the killing of Kevin McDaid in May 2009 was still pending, as was the trial of McDaid's sons, who were arrested on charges of assaulting one of those accused of killing their father. In July two men were arrested in connection with the unresolved McDaid case for intimidation and making threats to kill witnesses.

The PSNI also noted a 5percent increase in racially motivated incidents, from 990 to 1,038 over the year prior to March 31. Families of Indian, Filipino, and eastern European descent were targeted in racially motivated attacks in the greater Belfast area. In June vandals burned vehicles belonging to Indian and Filipino residents in the Whiteabbey area of Belfast. Physical assaults against Asian immigrants in the area were also reported.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination and harassment based on sexual orientation; however, sporadic incidents of homophobic violence were reported. The law encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation is a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. Dozens of gay pride marches and other activities took place in locations throughout the country legally and with no interference by the authorities. During the year 20 Bermudians took part in the London Pride parade, protesting Bermuda's failure to outlaw discrimination based on sexual orientation.

According to the Crown Prosecution Service, 1,373 homophobic crimes were referred to it in 2009-10, of which 66 percent resulted in charges being pressed. The service prosecuted 1,152 homophobic cases, 81 percent of which resulted in a conviction. In Northern Ireland, the PSNI noted a 2 percent decrease in homophobic incidents in the past year.

According to the BBC, the Forced Marriage Unit reported an increase in the number of cases of forced marriage among lesbian, gay, bisexual, and transgendered teenagers.

A report published during the year by the NGO Stonewall stated that lesbian, gay, and bisexual asylum seekers experienced "significant disadvantages" because of their sexual orientation. Stonewall claimed that, by "fast tracking" these more complex cases and denying them quickly, UKBA staff did not give applicants time to talk openly about their sexual orientation.

Other Societal Violence or Discrimination

There were no reports of violence against persons with HIV infection during the year. In September in Wales, the chair of the Equality and Opportunity Committee hosted a debate on the committee's report on discrimination against HIV patients by healthcare providers and professionals. The report called for better training for healthcare professionals who treat HIV patients and for an HIV public awareness campaign.

Section 7 Worker Rights

a. The Right of Association

The law provides for the right of workers, except those in the armed forces, public sector security services, police forces, and freelance or agency work, to form and join independent unions without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 26 percent of the workforce was unionized. Coverage was most widespread in the public sector, where almost 60 percent of workers were unionized. In contrast, 17 percent of private sector workers in manufacturing, transport, and distribution trades were unionized. The law allows unions to conduct their activities without interference, and the government protected this right in practice. Workers have the right to strike and freely exercised it during the year.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected in law and was freely practiced. Unions and management typically negotiate collective "agreements," which are less formal than collective bargaining contracts. Collective agreements are considered "implied" individual work contracts and are legally enforceable as such. They covered approximately 35 percent of the workforce. In 2009 an investigation by the Information Commissioner's Office (ICO) revealed evidence of trade union "blacklisting" in the construction industry. The ICO successfully prosecuted and effectively closed down the company involved in the blacklisting. There were no reported instances of antiunion discrimination during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The government prohibits forced and compulsory labor, including by children; however, there were reports of forced labor by men, women, and children. Women, men, and children were trafficked to and within the country for labor exploitation and worked as domestic servants in private homes, beggars, pickpockets, and drug couriers, and in sweatshops, restaurants, agricultural and rural settings, construction, and catering. See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, and the government generally enforced these laws effectively; however, there were some reports that unaccompanied foreign children, including girls from China, were subjected to sexual exploitation and forced labor. Vietnamese organized-crime gangs subjected hundreds of young

children, many from Vietnam and China, to debt bondage and forced them to work on cannabis farms. (See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip).

The law prohibits the employment in any capacity of children under 13. Those under 16 are not permitted to work in an industrial enterprise, including transportation or street trading; their work hours are strictly limited and may not interfere with school attendance. Children under 16 may work as part of an educational course. Children aged 13 to 16 must apply for a work permit from a local authority, and the local authority's education and welfare services have primary responsibility for oversight and enforcement. Authorities effectively enforced these laws. The Departments of Health, Trade, and Industry, and Education and Skills also have regulatory responsibilities related to child labor. However, anecdotal evidence from social workers and NGOs made clear that many children work longer or later hours than the law allows and many do not have the proper work permits. In many cases, this was voluntary, and the children's parents agreed to or encouraged the child's working. In other cases, children were found working illegally in restaurants, farms, factories, the sex industry, and in cleaning and other low-paid service-sector jobs with long hours and low pay. Many of these children did not attend school. These problems affected migrant children disproportionately, but legally resident children were affected as well.

e. Acceptable Conditions of Work

The national minimum wage, which ranged from 3.57 to 5.93 pounds (approximately \$5.65 to \$9.37) per hour, depending on the age of the employee, did not provide a decent standard of living for a worker and family; however, government benefits, including complete free universal access to the National Health Service, filled the gap. Tax authorities may issue compliance orders against employers who are not paying the minimum wage, but employment tribunals handle disputes. The government aggressively monitored employer efforts to bring pay practices into compliance with minimum wage law. Unions and NGOs were also actively involved in ensuring employees' awareness of their rights.

The law limits the workweek to 48 hours when averaged over a 17- to 26-week period; however, the regulations do not apply to senior managers and others who can exercise control over their own hours of work. There are also exceptions for the armed forces, emergency services, police, domestic workers, sea and air transportation workers, and fishermen. Workers can opt out of the 48-hour limit. The law provides for one day of rest per week, 11 hours of daily rest, and a 20-minute rest break when the working day exceeds six hours. The law also mandates a minimum of four weeks of paid annual leave, including eight national holidays. However, the average worker received five weeks of paid annual leave plus eight bank holidays as part of collective agreements. An individual employee may agree through a contract to work overtime for premium pay. The law does not prohibit compulsory overtime, but overtime is limited by the 48-hour workweek restriction.

The law stipulates that the health and safety of employees not be placed at risk, and it was effectively enforced by the Health and Safety Executive (an arm of the Department of Work and Pensions), which could initiate criminal proceedings in appropriate cases. Workers' representatives also actively monitored enforcement of the law. Workers may legally remove themselves from dangerous work conditions without jeopardy to their continued employment.

The *Independent* reported in November that factory workers in Leicester making clothing for large retailers were working in "cramped and over-heated conditions with unsanitary toilets and at least one blocked fire exit." One of the retailers mentioned in the report decided to launch its own investigation into the allegations.

In April the courts ordered a fruit farmer to pay two Polish workers 26,000 pounds (approximately \$41,000) for wages he withheld and for stress caused by work conditions. The two fruit pickers lived with 200 other workers in metal cabins with no running water and worked 10 to 11 hours a day for 0.90 to 4.75 pounds (approximately \$1.50 to \$7.50 an hour), according to media reports.

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