

UNITED KINGDOM 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The United Kingdom of Great Britain and Northern Ireland (the UK) is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect representatives to the House of Commons, the lower chamber of the bicameral Parliament. They last did so in free and fair elections in 2010. Members of the upper chamber, the House of Lords, occupy appointed or hereditary seats. Scotland, Northern Ireland, and Wales each have elected legislative bodies and devolved administrations, with varying degrees of legislative and executive powers. The UK has 14 overseas territories. Each of the overseas territories has its own constitution while the UK government is responsible for external affairs, security, and defense. Security forces throughout the UK and its territories reported to civilian authorities.

During the year there were significant reported incidences of sexual crimes, including the sexual exploitation of children. Police reported more than 45,000 hate crimes, based on factors including race, religion, ethnicity, sexuality, and disability, and both the British Crime Survey and a Northern Ireland Policing Board report suggested such crimes were underreported. There were also reported incidences of child labor and trafficking in persons, both in the UK and in some of its overseas territories.

Other human rights problems include reported deaths in prison, unequal pay for equal work between women and men, child abuse, anti-Semitic crimes, discrimination against Travellers (a distinct ethnic group with its own history and culture), and limitations on the right to strike. In Bermuda, the law provides no protection against discrimination based on sexual orientation or age.

The government investigated all allegations of official wrongdoing, including by police, and there were no reported cases of impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances or politically motivated abductions or kidnappings.

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

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, including access to potable water, and the government permitted visits by independent human rights observers.

Physical Conditions: According to the Ministry of Justice, at the end of December the prison population in England and Wales was 83,825 in a prison system with an official capacity of 90,519. Of the prison population of England and Wales, 3,927 were women, and 1,523 were juveniles. At the time there were 7,613 prisoners and detainees in Scottish jails, which had an official capacity of 7,840. Juveniles accounted for 559 prisoners in Scottish prisons, and 400 were women. The prison population in Northern Ireland at the end of the year consisted of 1,683 persons, of whom 2.3 percent were women, while juveniles comprised less than 1 percent. Foreigners represented 6.7 percent of the prison population. The official capacity of the Northern Irish penal system was 1,765 persons. At the end of the year, there were 252 inmates in Bermuda prisons, which have a total capacity of 385. Of the inmates 13 were women; 11 were juveniles.

In the Official Report produced by the Prisons and Probation Ombudsman for England and Wales, 2011-12, authorities reported 229 prison deaths in England and Wales during the year, of which 142 were attributed to natural causes, 71 were self-inflicted, and 16 were awaiting classification. Prisoners and detainees had access to potable water.

Administration: UK prisons routinely kept good records. Nonviolent offenders can receive community sentences, which can involve unpaid community work, government supervision, paying compensation to victims, and participation in alcohol or drug rehabilitation or mental health treatment. The Prisons and

Probation Ombudsman for England and Wales is charged with investigating complaints from prisoners, as well as deaths that occur in custody. Separate ombudsmen perform similar duties for Scotland, Northern Ireland, and Bermuda. The prisons allowed access to visitors, permitted religious observance, and had provisions for prisoners to submit complaints.

Monitoring: The government permitted monitoring by independent nongovernmental observers. In September a delegation of the Council of Europe's Committee for the Prevention of Torture carried out a 12-day visit to the UK.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Except in Scotland and Northern Ireland, the national police maintain internal security and report to the Home Office. The army, under the authority of the Ministry of Defense, is responsible for external security but may be called upon to support the police in extreme cases. Scotland's judicial, legal, and law enforcement system is fully separate from that of the rest of the UK. Police forces that enforce the law in Scotland report cross-border crime and threat information to the national UK police and respond to UK police needs in Scotland upon request. Scottish police forces report to the justice minister and the lord advocate, who is the state's prosecutor in Scotland, both appointed by the Scottish government.

In June the Scottish parliament enacted the Police and Fire Reform (Scotland) Act 2012 which would amalgamate the eight separate Scottish police services into the new Police Service of Scotland, effective on April 1, 2013.

Northern Ireland also maintains a separate police force, the Police Service of Northern Ireland (PSNI). The PSNI reports to the Northern Ireland Policing Board, a nondepartmental public body composed of members of the Northern Ireland Assembly and independent members of the community. Northern Ireland's Minister of Justice appoints the board, using the UK's principles of integrity for public appointments as set out by parliamentary committee.

Civilian authorities maintained effective control over the security 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

Police must have a warrant issued by a magistrate or a judge to arrest a person, unless there is reasonable suspicion a person has just committed or is about to commit a crime. Police may detain an ordinary criminal suspect for 96 hours without charges. A senior police official must authorize detention for more than 24 hours, and a magistrate must authorize detention for more than 36 hours up to the maximum 96 hours. Police may detain terrorism suspects without charge for up to 14 days.

There is a functioning bail system, and defendants awaiting trial have the right to bail, except for those judged to be flight risks, likely to commit another offense, suspected terrorists, or in other limited circumstances.

All suspects have the right to legal representation, including counsel provided by the government if they are indigent, if questioned at a police station. Suspects who request legal advice cannot be questioned by police until they have it. Detainees may make telephone calls.

The maximum length of pretrial detention is 182 days. The court may extend the detention in exceptional cases. Police respected these rights.

In Scotland police may detain a subject for no more than 24 hours. There is an initial detention period of 12 hours; after this 12-hour period a police custody officer may authorize further detention for an additional 12 hours without authorization from the court if the officer believes it necessary. Any detainee has the immediate right to access to a lawyer, either through a personal meeting or by telephone. A person cannot be detained more than once in relation to the same offense.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary routinely enforced this right. Defendants enjoy a presumption of innocence, and the right to be informed promptly and in detail of the charges. The Ministry of Justice provides an interpreter when needed. Criminal proceedings must be without undue delay and open to the public except for 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 allows for jury trials. In England, Wales, and Northern Ireland the law provides for judge-only trials when there is a “real and present danger that jury tampering would take place.” In Scotland, a judge hears summary procedures without a jury; the maximum prison and financial penalties for summary procedures are fixed at 12 months imprisonment and a fine of 10,000 pounds (\$16,000). Cases involving greater penalties require a jury. 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 timely consultation with an attorney. 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, such as instances in which information pertaining to a suspect relates to national security. Defendants have the right to appeal to successively higher courts and the right to remain silent.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals in the UK may seek civil remedies for human rights violations and have the right to appeal decisions to the European Court of Human Rights (ECHR).

Bermudian law authorizes the Human Rights Commission to investigate violations of human rights. In 2011 the commission investigated 10 claims and referred three to a board of inquiry for adjudication.

Regional Human Rights Court Decisions

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the ECHR. During the year the court made numerous rulings involving the country, and the UK mostly complied with court orders. On January 17, the ECHR ruled that the UK could not deport terrorism suspect Abu Qatada to Jordan to face terrorism charges, since it would violate his right to a fair trial. The UK authorities have worked with authorities in Jordan to ensure that the circumstances of Qatada's deportation meet the requirements set forth in the ECHR's decision. Qatada has challenged his deportation under the new agreement with Jordan, and his challenge is pending in the UK courts. In December the prime minister announced he remained committed to deporting Qatada.

On September 18, the ECHR ruled that the UK's practice of holding prisoners on indeterminate sentences without access to rehabilitation services is unlawful. The government announced the same day that it would appeal the decision.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government routinely respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Internet Freedom

There were no government restrictions on access to the Internet. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. According to the UK's Office of Communications in its annual report for the year, 81 percent of the population used the Internet, 76 percent of whom had broadband access at home.

Civil rights groups expressed concerns over arrests for social media use. These included the arrest of a 17-year-old in July for sending an offensive Twitter

message to British Olympic diver Tom Daley and the November arrest of a 19-year-old for posting a picture of a burning poppy on Facebook on Remembrance Day (the poppy is the symbol of remembrance for those who died in war). Police issued the 17-year-old a harassment warning, while the 19-year-old's case was continuing at the end of the year. In July a judge overturned a conviction against Paul Chambers, whom a judge found guilty in May 2010 for tweeting "a joke" about blowing up an airport over frustration that the airport was closed.

On December 19, to strike a balance between freedom of speech and criminality, the Director of Public Prosecutions issued guidelines, which came into effect immediately, clarifying that social messaging is eligible for prosecution under UK law. Communications that are credible threats of violence, harassment, or stalking (such as aggressive Internet trolling), and posts that breach court orders (such as those protecting the identity of a victim of a sexual offense) can be prosecuted, unlike posts which are "grossly offensive, indecent, obscene, or false."

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for this right, and the government routinely respected it in practice. In Northern Ireland, all parades (excluding funeral processions and Salvation Army processions) must notify the police at least 28 days in advance. The official Parades Commission reviews parades and can impose restrictions on planned processions.

Freedom of Association

The law provides for this right, and the government routinely respected it in practice.

c. Freedom of Religion

See the International Religious Freedom Report at www.state.gov/j/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 routinely respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Bermuda's constitution and laws protect the fundamental rights and freedoms of the individual but do not specifically provide for granting asylum or refugee status, nor has the government established a system for providing protection to refugees.

Safe Country of Origin/Transit: The government places the burden of proof on asylum seekers who arrive from safe countries of origin, who pass through a country where they are not considered to be at risk, or who remain 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. The UK is subject to the EU's Dublin II regulation and considers all other EU member states to be countries of safe origin or transit.

Refoulement: 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.

Some human rights groups continued to criticize the government for forcibly deporting failed Tamil asylum seekers to their country of origin, Sri Lanka. The groups alleged the asylum seekers risked detention and torture upon return. On May 31, a UK High Court judge halted the forced deportation of a Tamil asylum seeker, citing a Human Rights Watch report that "suggests that there may be new evidence" relevant to the risk of mistreatment. This and similar cases are still pending.

Employment: The government does not allow asylum seekers to work. They receive state support at 30 percent below the normal rate for the duration of their asylum application. An asylum seeker whose claim is upheld is granted “refugee status.” Refugees have access to the benefits enjoyed by citizens, including employment opportunities.

Temporary Protection: The government may also provide temporary protection to individuals who may not qualify as refugees under the categories of humanitarian protection and discretionary leave. In 2011, the latest year for which data is available, the government provided humanitarian protection to 285 persons. The government grants varying levels of assistance to refused asylum seekers, including return flights and financial assistance. The country provides “subsidiary protection” to individuals who do not satisfy the legal criteria for refugee status but who cannot return to their country of origin due to a real risk of serious harm. Under EU guidelines, individuals granted subsidiary protection are entitled to temporary residence permits, travel documents, access to employment, and equal access to health care and housing. In line with these guidelines, the government grants a minimum of one year’s permission to remain to those who qualify. In 2011, the latest year for which data is available, the government provided subsidiary protection to 4,690 persons.

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

Recent Elections: The most recent elections, for local representatives in May and for the UK Parliament in 2010; the Scottish Parliament, the National Assembly for Wales, and the Northern Ireland Assembly in May 2011; and in Bermuda in December, were held in accordance with international standards. There were no reports of abuses or irregularities.

Participation of Women and Minorities: In the 2010 national elections, 144 women won seats as members of Parliament (MPs). Women comprised 22 percent of all MPs, the highest number and proportion of female representatives in history. In Northern Ireland, 20 women made up 18.5 percent of the total 108 seats in the

Northern Ireland Assembly. In Scotland 35 percent of the Scottish Parliament's members were women, and women made up 40 percent of the National Assembly for Wales. Bermuda's 36-seat House of Assembly had eight women, with five women in the 11-member Senate. One-third of the British members elected to the European Parliament were women.

Women held four of the 22 UK cabinet posts. Of 121 government ministers, including the cabinet, whips, lords in waiting, and 12 unpaid officials, 22 were women. Women held two of the eight Scottish government cabinet posts and eight of 23 government ministerial positions. Two women (15 percent) served in Bermuda's 13-member cabinet.

There were 27 MPs, or 4 percent of the total, from ethnic minority backgrounds. In Scotland, two ethnic minority candidates, or 1.5 percent of the members, held positions in the Scottish Parliament. In the National Assembly for Wales, there were two ethnic minority representatives, accounting for 3.3 percent of the total. The Northern Ireland Assembly had one minority member, or 1 percent of all members.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government routinely implemented these laws effectively.

Operation Elveden, the investigation into bribes paid by journalists to police and public officials as part of the *News of the World* newspaper scandal, continued. During the year 41 persons were arrested and charged with conspiracy to corrupt and conspiracy to cause misconduct in a public office, bringing the total number of arrests to 50.

The UK publishes the names, grades, job titles, and annual pay rates for most civil servants with salaries more than 150,000 pounds (approximately \$243,000). Government departments publish the business expenses of and hospitality received by their most senior officials. Under the ministerial code issued by the Prime Minister's Office, ministers must follow standards of conduct, including the disclosure of gifts and travel.

All MPs are required to disclose their financial interests. The *Register of Members' Interests* is available online and updated regularly. These public disclosures include paid employment, property ownership, shareholdings in public

or private companies, and other interests that “might reasonably be thought to influence” the MP in any way. The Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, and the Bermudian Parliament have similar codes of conduct for members.

The law provides for public access to information, and authorities routinely 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. There are no fees for requesting information; however, there may be a bill for materials and postal fees. There is a mechanism to appeal denials.

On June 27, the Bermuda Parliament passed a law to discourage financial abuse by government ministers and members of the civil service and further to protect whistleblowers. Under the new law politicians who try to influence the award of government contracts can face a \$10,000 (the Bermudan dollar is pegged at par to the U.S. dollar) fine and a year in prison. The penalties also apply to contractors and public officers found guilty of collusion.

The Bermuda Police Service continued to investigate whether former premier Ewart Brown committed any criminal offenses involving requests for commissions and board memberships.

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

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

Government Human Rights Bodies: 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 undertakes inquiries into human rights matters in the country and scrutinizes legislation affecting human rights. It can call for testimony from government officials, who routinely comply. During the year the committee produced reports on the role of the Children’s Commissioner in the UK, independent living for persons with disabilities, and justice and security measures.

The Equality and Human Rights Commission (EHRC) is a nondepartmental public body which promotes and monitors human rights, and protects, enforces, and promotes equality across nine “protected” grounds--age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation, and gender reassignment.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status, and the government routinely enforced the law effectively. The human rights commissions in England, Wales, and Scotland have mandates to combat discrimination based on race, sex, religion and belief, sexual orientation, and age. The Bermudian constitution and laws protect the human rights of inhabitants of Bermuda, with the exception of protection against discrimination based on sexual orientation and age.

In March the UK government published *Challenge it, Report it, Stop it*, a new strategy to combat hate crime through more effective prevention, reporting, and response. The strategy commits departments across government to specific actions, including funding 2.1 million pounds (\$3.4 million dollars) over three years to organizations supporting hate crime victims, more robust training for police, and working with local authorities and communities to raise awareness of hate crime.

In Northern Ireland in March, the Policing Board published *Human Rights Thematic Review: Policing with and for Lesbian, Gay, Bisexual, and Transgender Individuals*. The report acknowledged that hate crime in Northern Ireland was underreported and included 18 specific recommendations to the PSNI. Hate incidents recorded by the PSNI from April 1, 2010, to March 31, 2012 (the most recent figures available) numbered 2,571 incidents. Of these, the PSNI considered 1,437 sectarian incidents, 842 based on racism, 211 on homophobia, 38 on disability, 22 on transphobia, and 21 incidents on faith or religion.

Women

Rape and Domestic Violence: The law criminalizes rape, spousal rape, and domestic violence. The maximum legal penalty for rape is life imprisonment. The law also provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence. The government enforced the law effectively when cases were reported. For rape,

courts in some cases imposed the maximum punishment. The Home Office reported 14,624 cases of rape of a woman in 2011, the most recent year for which figures were available. The government provided shelters, counseling, and other assistance for victims of rape or violence and offered free legal aid to battered women who were economically dependent on their abusers.

In Northern Ireland the PSNI reported 25,196 incidents of domestic abuse from April 1, 2011, through March 31, 2012. This figure represented an increase of 2,511 incidents (an increase of 9 percent) over the previous year's statistics. The PSNI reported 106 cases of rape with a domestic abuse motivation.

On April 1, the Home Office implemented a new policy for foreign national spouses or partners in the UK who were victims of domestic abuse. The policy allows these victims access to public funds and support services, and includes a provision allowing them to apply for UK residency.

The Metropolitan Police continued investigations into its rape and serious sexual assault unit after allegations that police officers failed to carry out properly their duties. On September 12, former detective constable Ryan Coleman-Farrow pleaded guilty to 13 counts of faking police reports and failing to pass on forensic evidence or interview suspects during his time at the unit.

In Scotland police reported 7,359 sexual offenses in 2011-12.

In Bermuda police reported 21 cases of sexual assault in 2011 compared with 14 in the first half of the year. Police estimated that there were 20 to 30 reported incidents of domestic abuse per week; of these, 10 to 15 resulted in a formal complaint, and two or three of those were prosecuted. In September the nongovernmental organization (NGO) Center against Abuse reported two domestic violence cases involving firearms during the first eight months of the year and two such cases in 2011.

Harmful Traditional Practices: The government's Forced Marriage Unit ran a helpline providing confidential support and advice to victims and professionals and conducted a nationwide outreach program with schools, social services, and police. Between January and June, the Forced Marriage Unit provided advice and support in 747 cases. Of these, 57 percent were 18 years old and older, 86 percent involved female victims, and 14 percent involved male victims.

Sexual Harassment: The law criminalizes sexual harassment. No further information was available.

Reproductive Rights: Couples and individuals can decide freely and responsibly the number, spacing, and timing of children, and generally have the information and means to do so free from discrimination, coercion, and violence.

Discrimination: Women enjoy the same legal status and rights as men under family law, labor law, property law, inheritance law, and in the judicial system. The government's Equalities Office is responsible for the government's overall equality strategy. Its stated aims are to improve equality and reduce discrimination and disadvantage for all, at work, in public and political life, and in a person's life opportunities. According to the NGO Fawcett Society, women earned an average of 14.9 percent less than men.

Children

Birth registration: 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. Children born in Northern Ireland may opt for British, Irish, or dual citizenship. A child born in an overseas territory is a British overseas territories citizen if at least one of the child's parents has citizenship. There are special provisions for granting citizenship for persons who might otherwise be stateless. All births must be registered within 42 days in the district where the baby was born, and unregistered births were uncommon.

Child Abuse: The UK government did not publish annual statistics on child abuse. The PSNI reported 836 incidents of violence against a person under 18 years old in Northern Ireland in 2011-12.

In Bermuda in 2011, the most recent date for which statistics were available, there were 120 cases of physical abuse of children up to the age of 18 years. The Department of Child and Family Services substantiated 52 of the physical abuse cases. Of the rest, 19 cases were unsubstantiated, 24 were suspected, 23 were pending, and two were deemed to be unrelated to child protection.

In March the government of the island of Jersey offered an "unreserved apology" and compensation of up to 60,000 pounds (\$97,000) to 90 persons who suffered physical and sexual abuse by care staff in children's homes between 1945 and

1994, after the government in the parish of Saint Helier offered its own “unreserved apology” to the victims.

Child protection registers contain confidential details of children who are at continuing risk of physical, emotional, or sexual abuse or neglect and for whom there is a child protection plan. Registers cover each local authority area in the country, and individual social services departments managed them. The latest figures available from March 2011 showed 50,552 children on child protection registers in the UK. Of these, 42,700 were in England, 2,401 in Northern Ireland, 2,571 in Scotland, and 2,880 in Wales.

Child Marriage: The minimum legal age for marriage in the UK is 16 years. In England and Wales, persons who have not reached 18 years of age and have not been previously married require the written consent of the parents or guardians. If either of the persons is below 18 years of age, a birth certificate must be presented. In Bermuda, the minimum age of marriage is 18 years.

In 2010, the latest year for which the Office of National Statistics has official data, 3,106 women and 934 men between the ages of 16 and 19 years married in England and Wales. In Scotland in 2010, the latest year for which data is available, 219 women and 79 men under the age of 20 years married. In 2010 in Northern Ireland, 79 women and 42 men between 16 and 19 years married.

Of the 747 cases that the Forced Marriage Unit provided help and advice to between January and June, 43 percent involved girls under the age of 18 years.

In Bermuda, there were no marriages for persons under the age of 18 years in 2011 or during the year.

Harmful Traditional Practices: Female Genital Mutilation/Cutting (FGM/C) is illegal in the UK, with a penalty of up to 14 years in prison and/or a fine. The Home Office estimated that up to 24,000 girls under the age of 15 were at risk of the procedure. In November the government launched a one-year pilot of the cross-government declaration against FGM/C: a pocket-sized document that stated the law and the potential criminal penalties against those who allow FGM/C to take place. The Home Office also launched the FGM/C Fund 2012, which supported community engagement work to tackle FGM/C.

Sexual Exploitation of Children: The minimum age of consensual sex in the UK is 16 years. In Bermuda the legal minimum age for consensual sex is 16 years for heterosexuals and lesbians and 18 years for gay men.

There are strict penalties for sexual offenses against children and the commercial sexual exploitation of children. Some sexual offenses carry penalties up to life imprisonment. Persons convicted of sexual offenses must register with police and notify police any time they change their name or address or travel outside the UK. During the year sex offenders in England and Wales gained the ability to appeal being placed on the register of sex offenders for life following a 2010 Supreme Court ruling that denying offenders the right of appeal was incompatible with their human rights.

Police recorded more than 23,000 sex offenses against children aged under 18 years in England and Wales between April 2010 and March 2011. In May nine men were found guilty of sex offenses against children. The court sentenced the leader of the group to 41 years in prison on 30 counts, including child rape, aiding and abetting, sexual assault, and trafficking for the purposes of sexual exploitation.

As of March 2011, England and Wales registered 35,665 individuals as sexual offenders; however, this figure did not distinguish between offenses against adults and children. In Bermuda officials reported 136 cases of sexual abuse of children up to the age of 18 years in 2011, of which 69 were substantiated, 25 were unsubstantiated, 25 were suspected, 16 were pending, and one was deemed unrelated to child protection.

International Child Abductions: The UK, including Bermuda, is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Due to its distinct and separate legal system, Scotland has an independent body for handling Hague Convention cases and communicates directly with Hague Convention authorities. For information on international parental child abduction, see the Department of State's report on compliance at www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at www.travel.state.gov/abduction/country/country_5790.html.

Anti-Semitism

The UK Jewish population numbers approximately 280,000.

Recorded anti-Semitic incidents dropped in the first half of the year below the figure for the same period in 2011. The Community Security Trust (CST), a UK body that monitors anti-Semitism, reported that in 2011 there were 92 violent assaults, 63 incidents of damage and vandalism to Jewish property (down 24 percent from 2010), and 394 incidents of abusive behavior, such as verbal abuse, hate mail, or anti-Semitic graffiti (up from 391 in 2010). The CST recorded 586 anti-Semitic incidents in 2011, the second successive year in which the number of recorded incidents fell, from the high of 929 in 2009. On May 1, vandals spray painted five swastikas on a Jewish woman's car in Brighton and deflated the tires.

During the year public figures made some statements which could be considered anti-Semitic. On March 1, former London mayor Ken Livingstone, running again for the position, told a group of Jewish leaders that the Jewish community would not vote for him because of its wealth, and used the words Zionist, Jewish, and Israeli interchangeably and "in a pejorative manner," in the words of a group of prominent Jewish Labour Party supporters. Livingstone apologized for his statements.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, and the government effectively enforced this 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. It is against the law for schools to discriminate against students with disabilities: either directly, for example, refusing admission, or indirectly. In October courts found 11 caregivers guilty of abusing special needs residents at a care home in England and sentenced the ringleader to two years in prison.

Bermudian law protects the rights of persons with disabilities in the workplace; the act requires employers to “modify the circumstances of employment” to accommodate persons with disabilities, so long as there is no “unreasonable hardship” on the employer.

From March 2011 to March 2012, police in England and Wales recorded 1,744 hate crimes connected to disability.

The mandate of the EHRC included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The EHRC 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. In July the government accepted many of the recommendations made in the EHRC’s 2011 report on disability-related harassment in the UK; however, a follow-up report on disability released by the EHRC in October stated the government needed to take further steps to address harassment of persons with disabilities.

The London Organizing Committee for the year’s Olympic and Paralympic Games had a special workforce recruitment program for persons with disabilities and an expert panel of disability representatives to ensure the Olympic facilities were fully accessible. The committee implemented a program called Access Now, which guaranteed an employment interview for jobs at the games to any person with disabilities that met the minimum criteria for the job. As a result of the committee’s approach, more than 2,000 persons with disabilities worked at the games in paid and volunteer positions.

During the Paralympic Games, there were public protests against the games’ sponsor Atos, a company contracted by the government to assess disability claims. Protesters alleged that Atos’s Work Capability Assessments repeatedly failed to assess disability properly, resulting in the loss of government benefits by persons unable to work.

National/Racial/Ethnic Minorities

The law prohibits racial discrimination, but Travellers, as well as persons of African, Afro-Caribbean, South Asian, and Middle Eastern origin, at times reported mistreatment on racial or ethnic grounds.

From March 2011 to March 2012, police recorded 43,748 hate crimes. Of these, 35,816 (82 percent) were hate crimes related to race.

In June the Govan Hill Law Center released a report detailing barriers to welfare benefits faced by Romani citizens in Scotland. The report alleged that UK authorities violated the rights of Roma by failing to fulfill their duties in administering welfare benefits.

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

In Bermuda the law discriminates between the legal minimum age for consensual sex for heterosexuals and lesbians (16 years) and for gays (18 years).

In other parts of the UK, the law prohibits discrimination and harassment based on sexual orientation, although individuals reported sporadic incidents of homophobic violence. It encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation was 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. From March 2011 to March 2012, police in England and Wales recorded 4,252 hate crimes related to sexual orientation and 315 transgender hate crimes.

In Scotland racial, sexual, or other discriminatory motivation can be an "aggravating factor" in crimes. Scottish law also criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match and penalizes any threat of serious violence and threats to incite religious hatred through the mail or the Internet.

In Bermuda the law does not protect against discrimination based on sexual orientation. There is no official recognition of same-sex relationships.

Other Societal Violence or Discrimination

There were no reports of violence against persons with HIV infection during the year.

Of the 43,748 hate crimes recorded by police between March 2011 and March 2012, the Home Office classified 1,621 as religious hate crimes.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law does not cover workers in the armed forces, public sector security services, police forces, and freelance or temporary work. Workers serving in the police, the prison service, or the armed forces are excluded from the right to strike. However, according to the International Trade Union Confederation, the right to strike in the UK is “limited” due to prohibitions against political and solidarity strikes, lengthy procedures for calling strikes, and the ability of employers to seek injunctions against unions before a strike has begun if the union does not observe all proper steps in organizing the strike. The law prohibits blacklisting of workers for trade union membership or activity. The government effectively enforced applicable laws, with effective remedies and penalties.

The government generally respected freedom of association and the right to collective bargaining in practice. Unions and management typically negotiated collective “agreements,” which were less formal and not legally enforceable. However, the terms of the agreement could then be incorporated into an individual work contract with legal standing. Worker organizations were independent of the government, although labor unions were an important base of membership in the Labour Party.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor, and the government effectively enforced these laws. The Crown Prosecution Service prosecuted 15 offenses of forced labor/domestic servitude from 2010 through November 30. While the government enforced the labor laws, there were cases of forced labor. In July the courts convicted four members of a family in Bedfordshire on charges of forced labor, servitude, and bodily harm. In September 2011, police freed 24 men that the family held captive and forced to work without pay. There were reports of migrant workers subjected to forced labor in agriculture, construction, food processing, domestic service, nail salons, and food services. In 2011 the government published its human trafficking strategy, which, working closely with source countries, aims to help better identify potential victims. In 2011 the government identified 946 potential victims of trafficking, including 234 children.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

UK law prohibits the employment in any capacity of children under the age of 13. The law prohibits those under 16 years old 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 between the ages of 13 and 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. In Bermuda children under the age of 13 may perform light work of an agricultural, horticultural, or domestic character if the parent or guardian is also the employer of the child.

The Departments of Health, Trade, and Industry and of Education and Skills have regulatory responsibilities related to child labor. Government departments enforced these laws effectively, and resources, inspections, and penalties were adequate. There were reports that some children in the British overseas territories of Anguilla and Montserrat were engaged in the worst forms of child labor, specifically in commercial sexual exploitation. The governments of Anguilla and Montserrat both participate in Safeguarding Children in the Overseas Territories (SCOT) Program, which the United Kingdom's Department for International Development sponsored. Through the SCOT Program, participating governments receive capacity-building and advisory support to implement policies, procedures and best practices to ensure children's health and safety, but there is no evidence that this program had an effect in either territory.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm for information on UK territories.

d. Acceptable Conditions of Work

In October the government increased the UK's national minimum wage for workers who are 21 years old and older to 6.19 pounds (\$10.02), for workers between the ages of 18 and 20 to 4.98 pounds (\$8.06), and for workers under the age of 18 to 3.68 pounds (\$5.95) per hour. Apprentices received 2.65 pounds per hour (\$4.29). In 2010-11, the most recent period for which data was available, the poverty level for households was set at an income of 215 pounds (\$348) per week.

Tax authorities may issue compliance orders against employers who are not paying the minimum wage, but employment tribunals handle disputes. The government aggressively monitored employers' 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. 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 national 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 the law limits overtime to the 48-hour workweek restriction. The law stipulates that the health and safety of employees not be placed at risk. The 48-hour workweek 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. While workers can opt out of the 48-hour limit, there were no reports of workers being forced to so. In April a number of measures took effect to protect overseas domestic workers and private servants in diplomatic households and make them aware of their rights and protections in the UK. Most notably, the measures require the domestic worker and the employer to sign a statement of terms and conditions of employment. The domestic worker must receive a letter, handed to him in person, informing him of his rights in the UK and where to seek help if needed. The government provides this letter in a range of languages in addition to English.

The Health and Safety Executive (HSE), an arm of the Department of Work and Pensions, effectively enforced occupational health and safety laws. It conducted workplace inspections and can initiate criminal proceedings.

In 2010-11 the HSE reported that it had instituted legal proceedings in 551 cases, 517 of which resulted in convictions, with an average fine of approximately 36,000 pounds (\$58,000) per conviction. In 2011-12 the HSE reported 173 fatalities in the workplace. This statistic was approximately the same as the previous year's figure of 175 workplace fatalities. Employers reported 118,000 nonfatal injuries in the workplace in 2010-11.

Bermuda's law does not provide for a minimum wage, but it requires that work in excess of 40 hours per week be paid at the overtime rate or with compensatory time off; employees may waive rights to overtime pay. The law also requires that employees have a rest period of at least 24 consecutive hours per week. It provides for paid public holidays and two weeks' paid annual leave. Regulations, enforced by the Department of Labor and Training, extensively cover the safety of the work environment. In 2011 there were 43 workplace accidents, including one fatality.