



HUMAN
RIGHTS
WATCH

**Human Rights Watch Submission to the UN Human Rights Committee
in advance of its review of the United Kingdom of Great Britain and Northern Ireland**

February 2024

This submission provides an overview of Human Rights Watch’s main concerns with respect to the human rights situation in the United Kingdom (hereinafter “the UK”), submitted to the United Nations Human Rights Committee in advance of its review of the UK in March 2024. We hope it will inform the Human Rights Committee’s preparation for its upcoming review of the UK’s compliance with its obligations under the International Covenant on Civil and Political Rights (hereinafter “the Covenant”).

For additional information, please see Human Rights Watch’s country page on the UK:
<https://www.hrw.org/europe/central-asia/united-kingdom>.

Backsliding on Human Rights, Rule of Law and International Standards

The current UK government has been severely backsliding on domestic human rights protections and sought to renege on its international obligations. This has not only posed a serious threat to the rights of people in the UK, including some of the most vulnerable and marginalised, but has also undermined international standards and the international rules-based order. Not only does it encourage other serial violators of the European Convention on Human Rights (ECHR) and international law more broadly to ignore their obligations and the decisions of international bodies but has undermined the UK’s efforts to promote the rule of law and human rights globally.

In 2022, the government passed a series of laws that violate or threaten human rights, including criminalising protest (addressed below); the Elections Act requiring voter identification, likely to create disenfranchisement based on race, ethnicity and socioeconomic status, and reducing the independence of electoral oversight;¹ as well as the Judicial Review and Courts Act limiting people’s rights to judicial review of social security and immigration tribunal decisions.²

In June 2022, the government announced legislation to repeal the Human Rights Act, replacing it with a Bill of Rights Bill that would have significantly weakened rights protections in the UK and made it more difficult to enforce claims under the ECHR in domestic courts.³ The proposed legislation

¹ Elections Act 2022. See Human Rights Watch, “A Bleak Week for Rights in the UK: Eroding Civil Liberties Against Backdrop of Falling Living Standards Will Cause Harm,” April 30, 2022, <https://www.hrw.org/news/2022/04/30/bleak-week-rights-uk>.

² Judicial Review and Courts Act 2022. See Human Rights Watch, “A Bleak Week for Rights in the UK: Eroding Civil Liberties Against Backdrop of Falling Living Standards Will Cause Harm,” April 30, 2022, <https://www.hrw.org/news/2022/04/30/bleak-week-rights-uk>.

³ Bill of Rights Bill, <https://bills.parliament.uk/bills/3227>; Human Rights Watch, “Joint UK Civil Society Briefing on the Bill of Rights Bill: For Second Reading in the House of Commons,” September 7, 2022 <https://www.hrw.org/news/2022/09/07/joint-uk-civil-society-briefing-bill-rights-bill>.

attracted widespread criticism, including from domestic civil society groups, UN experts, and the Council of Europe's Commissioner for Human Rights.⁴ The possibility of abolishing the domestic protection of human rights by a simple Act of parliament would be inconceivable in other countries where human rights have a constitutional level of protection.

While repeal of the Human Rights Act is now off the table, following the Bill of Rights Bill having been withdrawn, the government has not ruled out withdrawing from the ECHR. As discussed below, the government has empowered itself in the Illegal Migration Act to ignore interim measures issued by the Strasbourg Court and the Safety of Rwanda (Asylum and Immigration) Bill currently before parliament prohibits UK courts from having regard to an interim measure issued by Strasbourg when considering any application/appeal relating to the removal of a non-Rwandan asylum seeker to Rwanda, under the UK-Rwanda scheme.⁵

The Human Rights Committee should recommend that the UK government:

- Restate the commitment to remaining part of the Council of Europe and party to the European Convention on Human Rights, fully implementing and giving effect to the ECHR domestically and extraterritorially, and complying with all decisions and interim measures of the European Court of Human Rights and Committee of Ministers.
- Repeal the Elections Act and the Judicial Review and Courts Act.
- Complete the process begun with the Human Rights Act by ensuring that human rights have a constitutional level of protection in the UK as in many other countries.
- Restore the level of human rights protections in the UK to that guaranteed by the EU Charter on Fundamental Rights and other EU laws before Brexit, including in equality, workers and data protection rights.

Non-discrimination and the Rights of Minorities (arts. 1, 2, 12, 18 and 26)

Since 2017, the Race Disparity Audit has played a significant role in visualising the extent of racial and ethnic disparities and discrimination in various policy areas, e.g. policing, health, housing and education, based on the collection of disaggregated, intersectional anti-discrimination data.⁶ The UK government has however failed to adequately address structural and systemic inequalities and discrimination experienced by racial, ethnic and religious minorities,⁷ including the UK's living colonial and slavery legacies which form part of the root causes of systemic racism in the UK. In January 2023, during its visit to the UK, the UN Working Group of Experts on People of African Descent raised deep concerns about "the human rights situation of people of African descent in the UK" due to "[s]tark and unsustainable inequalities" underpinned by "systemic racism, bias, racially disparate and discriminatory policing, and surveillance and control of people of African descent."⁸

⁴ Ibid; Letter from Special Rapporteurs and Working Group on Arbitrary Detention, OL GBR 12/2022, August 17, 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27487>; Council of Europe Commissioner for Human Rights, "United Kingdom: backsliding on human rights must be prevented," July 4, 2022, <https://www.coe.int/en/web/commissioner/-/united-kingdom-backsliding-on-human-rights-must-be-prevented>.

⁵ Illegal Migration Act 2023; Safety of Rwanda (Asylum and Immigration) Bill, <https://bills.parliament.uk/bills/3540>.

⁶ UK Cabinet Office, "Race Disparity Audit," October 2017 (revised March 2018), <https://www.gov.uk/government/publications/race-disparity-audit>.

⁷ UK Government, "UN Human Rights Council 51: UK explanation of vote on racism resolution," October 7, 2022, <https://www.gov.uk/government/speeches/un-human-rights-council-51-uk-explanation-of-vote-on-racism-resolution>.

⁸ OHCHR, "Visit to the United Kingdom of Great Britain and Northern Ireland - Report of the Working Group of Experts on People of African Descent," A/HRC/54/67/Add.1, October 5, 2023,

Legacy of Windrush

The UK's immigration system, and the hostile environment policy, has been found to exhibit elements of institutional racism. The Windrush generation, from former British colonies in the Caribbean, were invited by the UK government after World War II to rebuild the country. Half a decade later, these Black Britons are still fighting for their right to an effective remedy after being wrongfully treated as undocumented immigrants.⁹ Their path to justice is gradually fading as the government fails,¹⁰ five years since the "Windrush scandal" broke, to make good on its promises to right the wrongs including through serious flaws in the Windrush Compensation Scheme.

The Committee should recommend that the government:

- Adopt evidence-based policies to address racial and ethnic disparities and discrimination in all areas of public life based on data collected through the Race Disparity Audit and in close collaboration with civil society, which would also address the UK's living colonial and slavery legacies.
- Honour all 30 recommendations¹¹ of the independent 'Windrush Lessons Learned Review,' including reforms of the hostile environment policy and ensuring a culture shift within the Home Office that addresses officials' racial biases and racial discrimination.
- As part of giving effect to the 30 recommendations of the abovementioned Review, the government should, in particular, significantly reform the Windrush Compensation Scheme to protect people's right to an effective remedy that sees all eligible members and relatives of the Windrush generation being compensated for losses and hardships they suffered as a result of not being able to prove their lawful status in the UK.¹²

The Chagossian People

In the 1960s and 1970s, the Chagossian Indigenous people were expelled from their homeland, the Chagos Islands, by the UK to make way for a US military base on Diego Garcia, which Human Rights Watch has found amounts to an ongoing crime against humanity of deportation or forcible transfer of a population.¹³ Human Rights Watch also found that the UK committed two further crimes of

<https://www.ohchr.org/en/documents/country-reports/ahrc5467add1-visit-united-kingdom-great-britain-and-northern-ireland>.

⁹ Human Rights Watch, "UK: "Hostile" Compensation Scheme Fails 'Windrush' Victims: Independence, Legal Aid, Appeals Rights Needed to Provide Effective Remedy," April 17, 2023,

<https://www.hrw.org/news/2023/04/17/uk-hostile-compensation-scheme-fails-windrush-victims>; Human Rights Watch, "UK: "Hostile" Compensation Scheme Fails 'Windrush' Victims," video, April 14, 2023, <https://www.hrw.org/video-photos/video/2023/04/14/uk-hostile-compensation-scheme-fails-windrush-victims>.

¹⁰ Ibid,

¹¹ Home Office, "Windrush Lessons Learned progress update," March 31, 2022,

<https://www.gov.uk/government/news/windrush-lessons-learned-progress-update>.

¹² Urgent reforms of the scheme are needed to ensure the right to an effective remedy for eligible claimants:

1. Legal aid should be guaranteed to all eligible Windrush claimants, which would provide scrutiny over and consistency in the Home Office's compensation decisions and most likely speed up the compensation process by ensuring more timely processing of applications by the Home Office; 2. The Home Office should provide claimants with the right of appeal to an independent and impartial tribunal and make such appeal decisions binding. This is essential to ensure that there is an effective review of decisions; 3. The Home Office should lower the burden of proof for claims to ensure that people are compensated fully for their losses and hardships and the impact of the experience on their life regardless of the complexity, including in particular their pension losses.

¹³ Human Rights Watch, "'That's When the Nightmare Started': UK and US Forced Displacement of the Chagossians and Ongoing Colonial Crimes," February 15, 2023,

humanity: prevention of their return home and their persecution by the UK on the grounds of race and ethnicity. It is also an ongoing violation of article 12(4) of the ICCPR on the right to return. To date, the UK government has prevented the Chagossian people from returning to live in their homeland.

The UK has persistently opposed or tried to minimise the application of international human rights law to the acts of its armed forces and state officials outside the territory of the UK and in other territory it controls or occupies. With respect to the ICCPR and the British Indian Ocean Territory, it has apparently claimed that the ICCPR has no application to a territory without a permanent population—disregarding that the reason the territory currently has no permanent population is because the UK forced the entire population to leave—a position this Committee has rejected.¹⁴

Currently, the UK government is negotiating an agreement with Mauritius on the sovereignty of the Chagos Archipelago and issues relating to the former inhabitants of the Chagos Archipelago. There has been no effective consultation with the Chagossians despite this agreement being about their homeland.¹⁵ The Chagossian people have the right to self-determination (article 1(1) ICCPR).

The Committee should recommend that the government:

- Commit to full reparations to the Chagossian people for the crimes and serious human rights violations committed against them, after meaningful consultation with all parts of the Chagossian people, in particular:
 - Remove all legal restrictions on their right to return to live in all the Chagos islands, including Diego Garcia.
 - Commit to restoring the islands so the Chagossians can live there in dignity and prosperity.
 - Commit to full compensation to all Chagossians, including those in Seychelles, the United Kingdom, Mauritius and elsewhere, for all the harms inflicted on them as a result of their unlawful displacement.
 - Guarantee that such crimes will not be repeated, including by extending the application of the ICCPR, and all other human rights and international criminal law treaties ratified by the UK to all overseas territories, without distinction.
 - Issue a full apology for the crimes against humanity committed against the Chagossian people.
 - Ensure and support full accountability for those responsible for crimes against humanity against the Chagossian people.

Hate and Intolerance

In recent years, hate crimes against Jews and Muslims steadily increased. According to the Home Office's Hate Crime report providing data from 2022 to 2023, 44 percent of religious hate crimes

<https://www.hrw.org/report/2023/02/15/thats-when-nightmare-started/uk-and-us-forced-displacement-chagossians-and>.

¹⁴ Concluding Observations of the Human Rights Committee on the United Kingdom of Great Britain and Northern Ireland, CCPR/C/GBR/CO/6, July 30, 2008, <https://www.ohchr.org/en/documents/concluding-observations/ccprcgrco6-concluding-observations>, para. 22.

¹⁵ Human Rights Watch, "Negotiations between the UK and Mauritian Governments on the exercise of sovereignty over the Chagos Archipelago," Letter to Mr. Cleverly, December 15, 2022, <https://www.hrw.org/news/2022/12/15/negotiations-between-uk-and-mauritian-governments-exercise-sovereignty-over-chagos>; Human Rights Watch, "Ongoing Negotiations between the UK and Mauritian Governments on the exercise of sovereignty over the Chagos Archipelago," Letter to Lord David Cameron, January 24, 2024, <https://www.hrw.org/news/2024/01/25/human-rights-watch-letter-lord-david-cameron>.

targeted Muslims and 19 percent targeted Jewish people.¹⁶ London’s Metropolitan Police recorded an increase in Islamophobic offences and antisemitic offences from 1 to 18 October 2023 compared to the same period in 2022.¹⁷ In a 2018 survey focused on experiences of antisemitism conducted by the EU Agency for Fundamental Rights, Jewish people raised concerns about rising antisemitism in the UK.¹⁸ Civil society reporting in mid-2023 also demonstrates increased attacks against Muslims and mosques since 2012.¹⁹

In its 2015 concluding observations to the UK government, the Human Rights Committee already noted with concern the increase in hate on- and offline, highlighting, among others, “with concern the publication of material containing extremely negative stereotypes of ethnic, religious or other minorities, including persons of African descent and Muslims and particularly migrants and asylum seekers.” To address growing intolerance and hate, it also recommended that the government introduce “awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity.” The government failed to implement these recommendations, as it reinforced negative narratives around migrants, particularly those of ethnic and racial minority origins, which is reflected in a series of discriminatory migration measures introduced since 2015.²⁰

The Committee should recommend that the government:

- Refrain from rhetoric that promotes hate and intolerance towards ethnic, racial and religious minorities in all areas of policymaking, including immigration decisions.
- Commit to addressing the root causes of hate and intolerance and protecting people from all forms of violence and discrimination, including within state institutions.

Sexual and Reproductive Health Rights and Equality (arts. 2, 3, 6, 7 and 26)

Abortion

¹⁶ Home Office, “Hate crime, England and Wales, 2022 to 2023,” November 2, 2023, <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023>.

¹⁷ Metropolitan Police, “Met response to terror attacks in Israel and ongoing military action in Gaza,” October 20, 2023, <https://news.met.police.uk/news/update-met-response-to-terror-attacks-in-israel-and-ongoing-military-action-in-gaza-474080>.

¹⁸ EU Agency for Fundamental Rights, “Experiences and perceptions of antisemitism: Second survey on discrimination and hate crime against Jews in the EU,” 2018, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf.

¹⁹ TellMAMA, “A Decade of Anti-Muslim Hate,” July 20, 2023, <https://tellmamauk.org/a-decade-of-anti-muslim-hate/>.

²⁰ See e.g., Human Rights Watch, “France/UK: Lone Children From Calais Left in Limbo: Ensure Fair, Transparent Process for UK Entry,” December 21, 2016, <https://www.hrw.org/news/2016/12/21/france/uk-lone-children-calais-left-limbo>; Human Rights Watch, “Britain Cannot Turn Its Back on Lone Children Now Parliament’s House of Lords Should Reject Plan to Block Family Reunification After Brexit,” January 20, 2020 <https://www.hrw.org/news/2020/01/20/britain-cannot-turn-its-back-lone-children-now>; Human Rights Watch, “Draconian UK Law Puts Vulnerable Asylum Seekers at Risk: Proposed Borders Bill Would Cause More Suffering, Less Protection,” December 17, 2021, <https://www.hrw.org/news/2021/12/17/uk-set-renege-fundamental-protections-asylum-seekers>; Human Rights Watch, “The UK is Completely Abandoning its Duties Towards Refugees,” January 17, 2023, <https://www.hrw.org/news/2023/01/17/uk-completely-abandoning-its-duties-towards-refugees>; Joint Civil Society Statement on the Passage of the Illegal Migration Act, July 2023, <https://www.hrw.org/news/2023/07/19/joint-civil-society-statement-passage-illegal-migration-act>; Human Rights Watch, “UK Should Abandon Dangerous, Authoritarian Rwanda Bill: Bill Seeks to Place UK Government Above the Law,” January 30, 2024, <https://www.hrw.org/news/2024/01/30/uk-should-abandon-dangerous-authoritarian-rwanda-bill>.

To bolster the UK's position as a champion of sexual and reproductive health rights and provide a strong counter example to rollbacks occurring elsewhere, the government should decriminalise abortion and ensure health regulations recognise and safeguard access to abortion as the essential health care that it is. Government data has shown increasing prosecutions for alleged illegal abortion under an outdated law from 1861.²¹ Investigations and prosecutions for terminating pregnancies often punish women and girls in need of mental health or social support, highlighting the need for judicial reform.²² The Royal College of Obstetricians and Gynaecologists has highlighted the risks to both health care providers and pregnant people, stating that "it is never in the public interest to investigate and prosecute women who have sought to end their own pregnancy. These women should be treated with care and compassion, without judgment or fear of imprisonment. Outdated, antiquated abortion laws mean women who have experienced unexplained pregnancy loss are also vulnerable to criminal investigation, and health professionals are placed under unacceptable and unwarranted scrutiny."²³ The government should amend the outdated legislation requiring two doctors to authorise an abortion. International human rights bodies, including this Committee,²⁴ have called on states to ensure access and remove barriers to safe abortion and post-abortion care.²⁵ The government should ensure access to safe and legal abortion throughout its territory, including in Northern Ireland, where the government has failed to ensure access following decriminalisation.²⁶

Foreign Policy

Despite prior leadership on comprehensive sexual and reproductive health rights internationally, the government has compromised this position with recent missteps in its foreign policy agenda. The

²¹ Offences against the Person Act 1861, <https://www.legislation.gov.uk/ukpga/Vict/24-25/100/crossheading/attempts-to-procure-abortion>; The Independent, "Fears for vulnerable women amid rise in Britons investigated over illegal abortions by police," August 19, 2022, <https://www.independent.co.uk/news/uk/home-news/abortion-women-police-investigation-rise-b2147009.html>.

²² British Pregnancy Advisory Service, Joint Letter to the Director of Public Prosecutions, July 14, 2022, <https://images.bpas-campaigns.org/wp-content/uploads/2022/07/15141818/15.07.22-letter-to-DPP-Max-Hill-QC.pdf>; The Independent, "What we know about the two British women facing life sentences for abortion in the UK," August 11, 2022, <https://www.independent.co.uk/life-style/women/women-abortion-jail-life-sentence-uk-b2142960.html>; The Guardian, "Woman jailed for taking abortion pills after time limit to be freed from prison," July 18, 2023, <https://www.theguardian.com/uk-news/2023/jul/18/carla-foster-woman-jailed-obtaining-tablets-pregnancy-freed-appeal>.

²³ Royal College of Obstetricians and Gynaecologists, "RCOG issues guidance for healthcare professionals on involving the police following abortion and pregnancy loss," January 22, 2024, <https://www.rcog.org.uk/news/rcog-issues-guidance-for-healthcare-professionals-on-involving-the-police-following-abortion-and-pregnancy-loss/>.

²⁴ Concluding Observations of the Human Rights Committee on Zambia, CCPR/C/ZMB/CO/3, August 9, 2007 para. 18, <https://www.ohchr.org/en/documents/concluding-observations/ccprczmbco3-concluding-observations-human-rights-committee>.

²⁵ Concluding Observations of the Committee on the Elimination of Discrimination against Women on Paraguay, CEDAW/C/PRY/CO/6. November 8, 2011, para. 31, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolNo=CEDAW%2FCO%2FPRY%2FCO%2F6&Lang=en; Committee on Economic, Social and Cultural Rights, General comment No 22 on the right to sexual and reproductive health, E/C.12/GC/22, May 2, 2016, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-22-2016-right-sexual-and>.

²⁶ Time, "Women in Northern Ireland Still Struggle to Access Abortion More Than 2 Years After Decriminalisation," June 30, 2022, <https://time.com/6192022/northern-ireland-abortion-access/>; House of Commons Library, "Abortion in Northern Ireland: recent changes to the legal framework," February 6, 2023, <https://commonslibrary.parliament.uk/research-briefings/cbp-8909/>; Amnesty International, "Legal but not local: Barriers to accessing abortion services in Northern Ireland," December, 2023, <https://www.amnesty.org.uk/resources/legal-not-local-barriers-accessing-abortion-services-northern-ireland>.

removal of “sexual and reproductive health and rights” and “bodily autonomy” from a UK-led multilateral statement on women’s fundamental rights sent a dangerous message to governments and anti-rights groups aiming to undermine these rights.²⁷ The UK government should not waiver on its commitment to comprehensive sexual and reproductive health rights as part of the fundamental rights to life, to health, to freedom from cruel, degrading and inhumane treatment, and to non-discrimination and equality. The government should also restore foreign assistance for sexual and reproductive health. Despite previous leadership in this area, massive funding cuts in 2020 have reportedly inhibited efforts to curb unintended pregnancies and combat maternal morbidity and mortality.²⁸

The Committee should recommend that the government:

- Champion sexual and reproductive health rights by amending UK law to decriminalise abortion and remove barriers to safe and legal abortion, including by amending legislation to eliminate the requirement of approval from two doctors.
- Ensure access in practice to safe and legal abortion throughout its territory.
- Prioritise protecting sexual and reproductive health rights globally, including by restoring pre-2020 levels of foreign assistance for sexual and reproductive health care and upholding a commitment to sexual and reproductive health rights in bilateral and multilateral fora.

Gender-based Violence (arts. 2, 3, 6, 7 and 26)

Despite championing the fight against sexual and other gender-based violence in its foreign policy, a persistent disconnect with domestic policy jeopardises the UK’s standing as a stalwart in protecting the rights of women and girls.

The UK’s commitment to protecting women and girls from violence must start within its own borders. Key to doing so is ensuring legal protections from violence for all women and girls irrespective of migration status by removing the government’s reservation to Article 59 of the Council of Europe Convention on Preventing and Combating Violence against Women (Istanbul Convention).²⁹ The reservation to Article 59 leaves migrant women who depend on their abusers without assured access to crucial support or a safe pathway to escape violence. This puts their health and lives at risk and contravenes the very spirit and intention of the Istanbul Convention.

Migrant women face particular barriers to getting critical services:³⁰ Their abusers use their immigration status to control them or prevent them from seeking help, and they may fear approaching authorities due to risk of detention, deportation or separation from their children. People on visas such as spousal or fiancé visas have “No Recourse to Public Funds” under the Immigration and Asylum Act 1999, making them ineligible for most government benefits.³¹ Because refugees often depend on

²⁷ Joint Letter to Foreign Secretary, July 22, 2022, <https://humanists.uk/wp-content/uploads/2022-07-22-RT-Joint-letter-to-Liz-Truss-re-SRHR-deletion-from-Ministerial-statement.pdf>.

²⁸ FP2030, United Kingdom, <https://www.fp2030.org/united-kingdom/>; Guttmacher Institute, “Just the Numbers: Impact of UK Sexual and Reproductive Health Funding for Family Planning, Fiscal Year 2021–2022,” October 21, 2021, <https://www.guttmacher.org/just-numbers-impact-uk-international-family-planning-assistance-2021-2022>.

²⁹ Human Rights Watch, “UK: Tackling Violence against Some Women, But Not All: Government Set to Exclude Migrant Women in Ratification of Key Treaty,” July, 22, 2022, <https://www.hrw.org/news/2022/07/22/uk-tackling-violence-against-some-women-not-all>.

³⁰ Human Rights Watch, “UK Failing Domestic Abuse Victims in Pandemic: Enact Legislation Protecting Those Most At Risk,” June 8, 2020, <https://www.hrw.org/news/2020/06/08/uk-failing-domestic-abuse-victims-pandemic>.

³¹ Human Rights Watch, “HRW submission to the Home Office of the Government of the UK: Open Consultation on Domestic Abuse Act statutory guidance,” September 14, 2021,

government housing benefit payments for financial support, many cannot accept survivors with “No Recourse to Public Funds.” Policies intended to address this gap still exclude women with this status who are not on spousal visas.

The government should urgently remove “No Recourse to Public Funds” for migrant victims of domestic abuse, which inhibits their access to services, and introduce a “firewall” between immigration authorities and violence against women reporting and services. Evidence in March 2023 that police had reported victims of domestic abuse, sexual exploitation, trafficking and other crimes to immigration enforcement shows that the risks for migrants who report abuse are not merely hypothetical.³² To truly lead on combatting violence against women and girls, the government should end the two-tier system wherein only some women and girls are deemed worthy of protection.

The Committee should recommend that the government:

- Withdraw reservation on Article 59 of the Istanbul Convention and ensure protection of and support to all women and girls who are victims of violence.
- Ensure comprehensive protections for migrant women victims of violence, including by eliminating “No Recourse to Public Funds” for migrant women victims of domestic abuse.
- Establish a “firewall” between police or other authorities involved in providing services to women who experience gender-based violence and immigration enforcement.
- Provide targeted support for specialist violence against women services run by-and-for migrant, Black, Asian and other minoritised or marginalised groups.

Freedom of Expression, Right of Peaceful Assembly and Freedom of Association (arts. 19, 21 and 22)

In 2022, the government passed a series of laws that violate some human rights, including the Police, Crime, Sentencing and Courts Act, which restricts and increases penalties for protests.³³ Throughout 2023, the government introduced a number of laws that further undermine free speech and democratic rights in the UK.

In April 2023, the government passed the Public Order Act, which further criminalises people’s right to peaceful protest, violating freedoms of expression, peaceful assembly and association.³⁴ The bill was introduced amid an ongoing crackdown on climate change protesters,³⁵ and then rushed through Parliament ahead of the coronation of King Charles III, and dozens were arrested on the day of the coronation, including six anti-monarchy protesters.³⁶

<https://www.hrw.org/news/2021/09/14/hrw-submission-home-office-government-uk>; Human Rights Watch, “Submission to the House of the Lords: Briefing on the Need for Urgent Amendments to the Domestic Abuse Bill,” November 2, 2020, <https://www.hrw.org/news/2021/03/19/human-rights-watch-submission-house-lords>.

³² The Guardian, “UK police reported sexually exploited children to immigration enforcement,” March 5, 2023, <https://www.theguardian.com/uk-news/2023/mar/05/uk-police-reported-sexually-exploited-children-to-immigration-enforcement>.

³³ Police, Crime, Sentencing and Courts Act 2022.

³⁴ Public Order Act 2023. Human Rights Watch, “UK Should Protect the Rights to Protest and Strike, not Undermine Them: Proposed Law Would Fundamentally Restrict Right to Free Assembly,” December 14, 2022, <https://www.hrw.org/news/2022/12/14/uk-should-protect-rights-protest-and-strike-not-undermine-them>; OHCHR, “UN Human Rights Chief urges UK to reverse ‘deeply troubling’ Public Order Bill,” April 27, 2023, <https://www.ohchr.org/en/press-releases/2023/04/un-human-rights-chief-urges-uk-reverse-deeply-troubling-public-order-bill>.

³⁵ Ibid.

³⁶ AP, “UK police under fire over coronation protester arrests,” May 9, 2023, <https://apnews.com/article/king-charles-coronation-police-protesters-arrested-04b571c1e9268f59e65a02272af4fe75>.

At the start of 2023, at least 13 climate protesters were behind bars, serving sentences or awaiting trial and further jail sentences were imposed in 2023.³⁷ Recently, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention expressed his serious concern about these regressive new laws and the “increasingly severe crackdowns on environmental defenders in the United Kingdom, including in relation to the exercise of the right to peaceful protest.”³⁸

In July 2023, the government passed the Strikes (Minimum Service Levels) Act limiting workers’ strikes, which the Joint Committee on Human Rights concluded is likely incompatible with the right to freedom of association.³⁹

UK police forces are increasingly using live facial recognition technology to monitor peaceful gatherings, from Notting Hill Carnival to the coronation of King Charles III.⁴⁰ Northamptonshire Police used live facial recognition technology at the 2023 Formula 1 Grand Prix, seemingly in an attempt to deter and monitor environmental protests at the event.⁴¹ Facial recognition surveillance technology is simply not compatible with human rights, and Human Rights Watch calls for a ban on its use in public spaces, as it undermines privacy rights, and poses a serious risk to non-discrimination, freedom of expression, assembly and association rights.

The UK’s response to the recent hostilities between Israel and Palestinian armed groups in Gaza since October 7, 2023 has raised concerns about the potential impact on peaceful pro-Palestinian protest and expression. While police in London have largely permitted pro-Palestinian protests since October 7, including in relation to the use of slogans in protests that have been cited elsewhere in Europe to justify bans, there has been political pressure on the police by the former UK Home Secretary to use “the full force of the law ” in the context of pro-Palestinian protests and warning that “behaviours that are legitimate in some circumstances, for example the waving of a Palestinian flag, may not be legitimate” in these protests, and a statement by the former UK Foreign Secretary calling on pro-Palestinian supporters to stay at home.⁴² These statements, together with the recent legislation

³⁷ The Guardian, “More than 100 writers sign letter in solidarity with jailed UK climate activists,” January 6, 2023, <https://www.theguardian.com/environment/2023/jan/06/writers-sign-letter-solidarity-jailed-uk-climate-activists>; Euronews Green, “‘It is a long time’: Just Stop Oil protesters who scaled UK bridge jailed for five years,” April 25, 2023, <https://www.euronews.com/green/2023/04/25/it-is-a-long-time-just-stop-oil-protesters-who-scaled-uk-bridge-jailed-for-five-years>.

³⁸ Visit to London, United Kingdom of Great Britain and Northern Ireland, 10-12 January 2024, End of mission statement, January 23, 2024, https://unece.org/sites/default/files/2024-01/Aarhus_SR_Env_Defenders_statement_following_visit_to_UK_10-12_Jan_2024.pdf.

³⁹ Strikes (Minimum Service Levels) Act 2023; UK Parliament, “Strikes Bill fails to meet human rights obligations – JCHR,” March 6, 2023, <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/186524/strikes-bill-fails-to-meet-human-rights-obligations-jchr/>.

⁴⁰ Metropolitan Police, “Metropolitan Police Service – Live Facial Recognition Trials,” February, 2020, <https://www.met.police.uk/SysSiteAssets/media/downloads/central/services/accessing-information/facial-recognition/met-evaluation-report.pdf>; Science, Innovation and Technology Committee, Oral evidence: Governance of artificial intelligence, May 24, 2023, <https://committees.parliament.uk/oralevidence/13201/html/>.

⁴¹ BBC, “F1 British Grand Prix: Facial recognition at Silverstone being used,” July 6, 2023, <https://www.bbc.co.uk/news/uk-england-northamptonshire-66120010>; The Guardian, “Major UK retailers urged to quit ‘authoritarian’ police facial recognition strategy,” October 28, 2023, <https://www.theguardian.com/technology/2023/oct/28/major-uk-retailers-urged-to-quit-authoritarian-police-facial-recognition-strategy>.

⁴² Home Office, Letter to Chief Constables in England and Wales following the Israel-Hamas conflict, October 10, 2023, <https://www.gov.uk/government/publications/police-chiefs-asked-to-protect-communities-from-provocations/letter-to-chief-constables-in-england-and-wales-following-the-israel-hamas-conflict-accessible>.

restricting assembly, risk a chilling effect on the right to protest and free expression.⁴³ The former UK immigration minister called for the revoking visas of people who spread “hate and division,” “incite antisemitism,” or support proscribed organisations, which in the UK includes Hamas, and said this process has already begun. These policy approaches and the context of their introduction risk discrimination against Muslim and Arab migrants and bias in the application of immigration policies, including in the asylum procedure.⁴⁴

In June 2023, the government introduced an anti-boycott bill, the Economic Activity of Public Bodies (Overseas Matters) Bill, into Parliament which will restrict public bodies from making investment and procurement decisions in line with their human rights and environmental responsibilities and obligations.⁴⁵ One of the stated objectives of the bill is to address antisemitism. If adopted as law, the bill will unreasonably interfere with and curb the freedom of expression and conscience of individuals who are making or have a stake in the procurement and investment decisions of public bodies (articles 18 and 19 ICCPR).⁴⁶ The bill would also have a chilling effect on those advocating for public bodies to take account of the human rights implications of their procurement and investment decisions. A UN Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression has stated that “Boycott ... has long been understood as a legitimate form of expression, protected under Article 19(2) of the ICCPR.”⁴⁷ The bill clearly restricts political speech, which is subject to higher levels of protection under international human rights law, and it is highly questionable whether the restrictions are necessary and proportionate given that the government provides no evidence of how suppressing legitimate political expression under the bill will protect against hate and discrimination targeting Jewish communities in the UK. Instead of restricting legitimate political expression, the UK should consider other means that have been effective in combatting antisemitism, such as investigating and punishing threats and violence against Jews and other minorities, condemning intolerant speech, tackling societal and structural discrimination against Jews, fostering intercultural dialogue, and strengthening education.⁴⁸

The bill also includes pervasive disclosure requirements relating to information notices and it is unclear whether the bill provides sufficient data protection safeguards such as those governing the storage, sharing or publishing of personal data, which may not comply with Article 17 of the ICCPR protecting the right to private life.⁴⁹

The Committee should recommend that the government:

- Repeal the Police, Crime, Sentencing and Courts Act, the Public Order Act, and the Strikes (Minimum Service Levels) Act.

⁴³ Human Rights Watch, “Israel-Palestine Hostilities Affect Rights in Europe: Combat Antisemitism, Islamophobia; Protect Democratic Protest, Expression,” October 26, 2023, <https://www.hrw.org/news/2023/10/26/israel-palestine-hostilities-affect-rights-europe>.

⁴⁴ Ibid.

⁴⁵ Human Rights Watch, “Human Rights Watch Briefing - Economic Activity of Public Bodies (Overseas Matters) Bill,” July 3, 2023, <https://www.hrw.org/news/2023/07/03/human-rights-watch-briefing-economic-activity-public-bodies-overseas-matters-bill>.

⁴⁶ Ibid.

⁴⁷ Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, OL USA 2/2019, February 14, 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24338>.

⁴⁸ Human Rights Watch, “How Can Europe Make Human Rights of Jews Count? A Human Rights-Centred Approach to Antisemitism in A Time of Polarisation,” January 16, 2024, <https://www.hrw.org/news/2024/01/16/how-can-europe-make-human-rights-jews-count>.

⁴⁹ Human Rights Watch, “Human Rights Watch Briefing - Economic Activity of Public Bodies (Overseas Matters) Bill,” July 3, 2023, pgs. 4 and 9, <https://www.hrw.org/news/2023/07/03/human-rights-watch-briefing-economic-activity-public-bodies-overseas-matters-bill>.

- Avoid restrictions on protests unless they are absolutely necessary, and if imposed, should be strictly proportionate, based on a case-by-case assessment.
- Ensure that they carry out policing and security functions without discrimination and protect everyone's rights. The need to counter violence based on hatred and to protect people should never be used to justify state discrimination or abusive immigration measures.
- Stop the use of facial recognition and other mass surveillance technologies by law enforcement agencies at protests, in order to safeguard privacy, non-discrimination, freedom of expression, association, and assembly rights for protesters.
- Withdraw the Economic Activity of Public Bodies (Overseas Matters) Bill or repeal the law if passed.

Refugees and Asylum Seekers (arts. 2, 6, 7, 9, 13, 14, 17 and 26)

The UK government has introduced an array of laws and policies that seek to dismantle the international refugee protection framework in the UK, placing it in breach of its obligations under international law. The human rights of asylum seekers, refugees, migrants, and trafficking and slavery survivors, including men, women and children, are currently under grave threat in the UK.

In 2022, the government introduced the Nationality and Borders Act, which inter alia discriminates against and criminalises those seeking asylum through irregular routes, provides for pushbacks at sea and offshore processing, and increases powers to strip citizenship.⁵⁰ It was roundly criticised by the UN Refugee Agency, UN experts, and more than 200 domestic civil society groups.⁵¹

In July 2023, the UK government adopted the Illegal Migration Act, which bars access to asylum and modern slavery and trafficking protections for anyone who arrives "irregularly" to the UK, with very limited exceptions.⁵² People arriving without proper documentation can be automatically detained for up to 28 days without access to immigration bail or judicial review (with some exceptions for unaccompanied children and pregnant women) pending removal to their home country if it is a "safe country of origin" or to a "safe third country."⁵³ The act is a flagrant breach of the UK's international obligations, including Article 31 of the UN Refugee Convention, which prohibits penalising refugees and asylum seekers on account of their "illegal entry or presence."⁵⁴ The UK still has no statutory limit

⁵⁰ Human Rights Watch, "World Report 2023: United Kingdom," <https://www.hrw.org/world-report/2023/country-chapters/united-kingdom>.

⁵¹ UNHCR, "UNHCR's Grandi fears UK legislation will dramatically weaken refugee protection," April 27, 2022, <https://www.unhcr.org/news/press-releases/news-comment-unhcrs-grandi-fears-uk-legislation-will-dramatically-weaken>; OHCHR, "Nationality and Border Bill – We urge the UK to take the right decision," February 28, 2022, <https://www.ohchr.org/en/press-releases/2022/02/nationality-and-border-bill-we-urge-uk-take-right-decision>; Refugee Action, "We Won't Rest: More than 235 Organisations Pledge to Carry On Fight Against Government's Anti-Refugee Laws", April 28, 2022, <https://www.refugee-action.org.uk/we-wont-rest-more-than-235-organisations-pledge-to-carry-on-fight-against-governments-anti-refugee-laws/>.

⁵² Human Rights Watch, "UK Says Refugees Not Welcome: Government Shouldn't Ban Asylum for Channel-Crossers," March 8, 2023, <https://www.hrw.org/news/2023/03/08/uk-says-refugees-not-welcome>; Joint Civil Society Statement on the Passage of the Illegal Migration Act, July 2023, <https://www.hrw.org/news/2023/07/19/joint-civil-society-statement-passage-illegal-migration-act>.

⁵³ The Illegal Migration Act refers specifically to 'pregnant women'. Human Rights Watch recognises that this should include all people who can become pregnant, including those who identify as lesbian, bisexual, trans and intersex women and girls.

⁵⁴ UNHCR Legal Observations on the Illegal Migration Bill, May 2, 2023, pgs. 25-28, <https://www.unhcr.org/uk/media/unhcr-legal-observations-illegal-migration-bill-02-may-2023>.

on the amount of time a person can be held in immigration detention, which can result in people being indefinitely detained.⁵⁵

In April 2022, the UK concluded a Memorandum of Understanding (MoU) with Rwanda to forcibly transfer people who arrive irregularly to the UK there, despite Rwanda not being a safe third country for asylum seekers.⁵⁶ In November 2023, the UK Supreme Court held that Rwanda is not a safe country for the UK to send asylum seekers. It agreed with the Court of Appeal that there are substantial grounds for believing that asylum seekers removed to Rwanda would face a real risk of being returned to their home country where they could face ill-treatment. This would put the UK in breach of its obligations of non-refoulement under international and domestic law.⁵⁷

In December 2023 in response to the Supreme Court ruling, the government introduced the Safety of Rwanda (Asylum and Immigration) Bill and signed a treaty with Rwanda.⁵⁸ The bill provides that “Every decision-maker must conclusively treat the Republic of Rwanda as a safe country.” By legislating to ignore the ruling, this bill poses a grave threat to the rule of law and human rights, and risks setting a dangerous legal and constitutional precedent.⁵⁹ The government has tried to alleviate concerns about Rwanda’s dire human rights record, insisting that the scheme would be subject to rigorous oversight and monitoring mechanisms under the UK-Rwanda treaty. However, attempting to prevent the courts and immigration officials from reconsidering Rwanda’s safety when deciding or hearing a case, renders any oversight wholly ineffective. Even if evidence is uncovered showing a lack of effective protection for and violations against asylum seekers, the proposed law would instruct decision-makers to ignore the facts and rubber stamp removals to Rwanda, except in the very limited case where there is compelling evidence relating specifically to the person’s particular individual circumstances that Rwanda would not be safe for them (and not on the ground that Rwanda is not a safe country in general). It is of grave concern that the UK is trying to shield itself from judicial scrutiny and remove people’s access to justice for decisions that may affect their fundamental rights such as the prohibition on non-refoulement, right to life, right to be free from torture and cruel, inhuman or degrading treatment or punishment, and right to an effective remedy.

The UK-Rwanda scheme amounts to an abrogation of the UK’s international obligations towards refugees and asylum seekers under the ICCPR and other sources of international law, shifting them

⁵⁵ Human Rights Watch, “Dismantling Detention: International Alternatives to Detaining Immigrants,” November 3, 2021, <https://www.hrw.org/report/2021/11/03/dismantling-detention/international-alternatives-detaining-immigrants#1591>.

⁵⁶ Human Rights Watch, “UK Plan to Ship Asylum Seekers to Rwanda is Cruelty Itself: Government Continues to Rip Up its Duties to Asylum Seekers,” April 14, 2022, <https://www.hrw.org/news/2022/04/14/uk-plan-ship-asylum-seekers-rwanda-cruelty-itself>; Human Rights Watch, “Public Letter to UK Home Secretary on Expulsions to Rwanda,” June 11, 2022, <https://www.hrw.org/news/2022/06/11/public-letter-uk-home-secretary-expulsions-rwanda>; Human Rights Watch, “UK’s Rights Assessment of Rwanda Not Based on Facts Abuses Overlooked to Justify Cruel Asylum Policy,” May 12, 2022, <https://www.hrw.org/news/2022/05/12/uks-rights-assessment-rwanda-not-based-facts>.

⁵⁷ *AAA (Syria) & Ors, R (on the application of) v Secretary of State for the Home Department* [2023] UKSC 42 (15 November 2023); Human Rights Watch, “UK Supreme Court Finds UK-Rwanda Asylum Scheme Unlawful: Rwanda Not A Safe Country to Send Asylum Seekers,” November 15, 2023, <https://www.hrw.org/news/2023/11/15/uk-supreme-court-finds-uk-rwanda-asylum-scheme-unlawful>.

⁵⁸ Home Office, “Safety of Rwanda (Asylum and Immigration) Bill: factsheet,” January 26, 2024, <https://www.gov.uk/government/publications/the-safety-of-rwanda-asylum-and-immigration-bill-factsheets/safety-of-rwanda-asylum-and-immigration-bill-factsheet-accessible>.

⁵⁹ Human Rights Watch, “The UK Can’t Legislate Away Rwanda’s Rights Record: Government Pushes Ahead with Plan despite Supreme Court Ruling and Known Abuses,” December 8, 2023, <https://www.hrw.org/news/2023/12/08/uk-cant-legislate-away-rwandas-rights-record>; Human Rights Watch, “UK Should Abandon Dangerous, Authoritarian Rwanda Bill: Bill Seeks to Place UK Government Above the Law,” January 30, 2024, <https://www.hrw.org/news/2024/01/30/uk-should-abandon-dangerous-authoritarian-rwanda-bill>.

onto other countries with less capacity to examine claims and provide effective protection to those needing it, and setting a dangerous precedent.

Accommodation, Discrimination and the Rights of the Child (arts. 2, 6, 7, 24 and 26)

The UK continues to house asylum seekers in inadequate and inhumane settings, which has jeopardised mental and physical health and increased the risk of traumatising people who have faced torture, trafficking and other serious human rights abuses.⁶⁰ People have committed suicide in Home Office accommodation.⁶¹ Children and their families seeking asylum face inadequate and abusive living conditions in government-provided temporary housing—including rat infestations and mould—affecting their health, well-being and education.⁶²

Asylum seekers with disabilities continued to be housed in accommodation without access to adequate support and services.⁶³ The UN Convention on the Rights of Persons with Disabilities (CRPD), which the UK ratified in 2009, requires governments to ensure equal access to basic services such as medical care, mental health services and psychosocial support. This includes support for people with disabilities in situations of risk and humanitarian emergencies. Failure to do so is a form of discrimination.

The Committee should recommend that the government:

- Immediately repeal the Nationality and Borders Act, the Illegal Migration Act and withdraw the Safety of Rwanda (Asylum and Immigration) Bill or repeal the bill if passed.
- Abandon the UK-Rwanda scheme and not conclude any similar arrangements with third countries.
- Establish a clear time limit on the length of immigration detention and take urgent steps to implement long-term alternatives to detention.
- Enact legal provisions conclusively prohibiting the detention of children.
- Reform the accommodation of asylum seekers, refugees and other migrants, including by:
 - Only housing people in accommodation that is suitable and meets minimum legal standards and standards of habitability, including adequate space and protection from cold, damp, heat, rain, wind and other threats to health and life.
 - Abandoning plans to place people seeking asylum on barges, in military barracks, or similar large-scale, institutionalised settings, in recognition of the known risk of harm of such settings in the UK.
 - Ending the use of hotel accommodation for unaccompanied children. Instead, all unaccompanied children should be in the care of child protection authorities in settings that safeguard their welfare and are consistent with children’s best interests and right to special measures of protection.
 - Rigorously applying the Home Office’s 19-day target for moving families with children to long-term (“dispersal”) accommodation, in recognition of the reality that hotel

⁶⁰ Human Rights Watch and Just Fair, ““I Felt So Stuck”: Inadequate Housing and Social Support for Families Seeking Asylum in the United Kingdom,” September 14, 2023, <https://www.hrw.org/report/2023/09/14/i-felt-so-stuck/inadequate-housing-and-social-support-families-seeking-asylum>.

⁶¹ The Guardian, “Suicides of asylum seekers in Home Office accommodation double in last four years,” December 21, 2023, <https://www.theguardian.com/uk-news/2023/dec/21/suicides-of-asylum-seekers-in-home-office-accommodation-double-in-last-four-years>.

⁶² Human Rights Watch and Just Fair, ““I Felt So Stuck”: Inadequate Housing and Social Support for Families Seeking Asylum in the United Kingdom,” September 14, 2023, <https://www.hrw.org/report/2023/09/14/i-felt-so-stuck/inadequate-housing-and-social-support-families-seeking-asylum>.

⁶³ Human Rights Watch, “UK Turns its Back on Asylum Seekers with Disabilities: Authorities Should Ensure Access to Services and Support,” July 3, 2023, <https://www.hrw.org/news/2023/07/03/uk-turns-its-back-asylum-seekers-disabilities>.

accommodation is not suitable housing for children in families beyond very short-term stays.

- Ensuring that dispersal accommodation is allocated with due regard for the best interests of the child.

Rights of People with Disabilities (arts. 2, 7 and 9)

Thousands of people with psychosocial (mental health conditions) or intellectual disabilities in the UK continue to be segregated and, in some cases, arbitrarily detained in abusive conditions in psychiatric hospitals and residential care homes. Across the UK, thousands of people with disabilities live in residential care homes, often because support services in the community are not available or are too expensive. Many of the institutions are run by private for-profit companies, despite the fact that some of the care homes are deemed “unsafe” or “inadequate.”⁶⁴

The CRPD guarantees the right for all people with disabilities to live independently and be included in the community. Yet, there are still over 2,000 people with learning disabilities and/or autism held in inpatient mental health units in England and more than 50% of them have been hospitalised for over 2 years.⁶⁵ Official data indicates that people from minoritised communities are particularly impacted: between March 2021 and 2022, Black people were almost 5 times as likely as white people to be detained under the Mental Health Act.⁶⁶

According to media reports, people with psychosocial or learning disabilities held in assessment and treatment units, long-stay hospitals, and residential special schools experience a range of abuses including arbitrary detention, forced treatment, sexual and physical violence, prolonged seclusion, and restraint.⁶⁷ For example, we found that one woman was restrained by up to 10 staff members, stripped down to her underwear, and left in seclusion for hours. She told us she was sexually abused on another occasion.⁶⁸ In another case, a girl with autism was placed in a seclusion room for over 2 years. During that time, her only interaction with family was holding hands with her father through a hatch in the door. She had no access to education, fresh air or exercise, and the only windows in her room were high on the wall, so she couldn't look out. When she turned 18, she was moved to an adult unit and placed in seclusion again. At mealtimes, staff made her sit on the floor behind a line and raise her arms and legs, and only then they would open the door and push her the food inside.

The Committee should recommend that the government:

- Recognise involuntary hospitalisation based on the existence of a disability as a form of discrimination and without consent of the individual as a form of arbitrary detention.
- Ban all forms of involuntary treatment without the person's free and informed consent. Explicitly prohibit the use of seclusion and prolonged restraint.

⁶⁴ The Guardian, “English councils spent £480m on ‘inadequate’ care homes in four years,” March 23, 2023, <https://www.theguardian.com/society/2023/mar/23/english-councils-spent-480m-on-inadequate-care-homes-in-four-years>.

⁶⁵ NHS England, “Learning Disability Services Monthly Statistics, AT: April 2023, MHSDS: February 2023,” May 18, 2023, <https://digital.nhs.uk/data-and-information/publications/statistical/learning-disability-services-statistics/at-april-2023-mhsds-february-2023-final>.

⁶⁶ The Independent, “Pinned down, force-fed and drugged into ‘zombie-like’ state: ‘Systemic abuse’ at children’s hospitals revealed,” October 27, 2022, <https://www.independent.co.uk/news/health/mental-health-abuse-hospital-b2204922.html>.

⁶⁷ Ibid; BBC, “Culture of abuse found at three Doncaster special schools – review,” October 26, 2022, <https://www.bbc.co.uk/news/uk-england-south-yorkshire-63392167>; BBC, “‘Toxic culture’ of abuse at mental health hospital revealed by BBC secret filming,” September 28, 2023, <https://www.bbc.co.uk/news/uk-63045298>.

⁶⁸ Human Rights Watch interview with a woman with autism (name and details withheld by Human Rights Watch), London, October 2023.

- Progressively develop rights-respecting, voluntary and quality community-based support and services in consultation with organisations of persons with disabilities.
- Ensure that no adult person with a disability is stripped of legal capacity. Amend the Mental Health Act and the Mental Capacity Act to remove the system of guardianship on the basis of disability and replace it with an effective system of supported decision-making, including through implementing the CRPD.
- Develop a time-bound plan to phase out the use of residential institutions for people with disabilities and redirect funding from institutions toward increased community-based support services.
- Progressively develop voluntary and accessible community-based support services, including access to housing, education, employment, personal assistance, and mental health services, using examples of integrated networks of community-based services provided in the WHO guidance on community mental health services.⁶⁹
- Pending full deinstitutionalisation, ensure regular and independent monitoring of all residential institutions and ensure that people with disabilities who live there have access to an anonymous and effective complaint mechanism to report abuses.

Technology and Surveillance (arts. 2, 17, 19, 21, 22 and 26)

The UK's 2016 Investigatory Powers Act (IPA) brought in sweeping new powers of state surveillance without adequate legislative checks and balances, and effectively legalised mass surveillance by the UK's police and security services.⁷⁰ The government is currently revising the IPA, and the Investigatory Powers (Amendment) Bill is currently before the House of the Lords.⁷¹ This is an opportunity to update the IPA in line with human rights laws and standards, however, the amended bill instead proposes to weaken privacy and freedom of expression rights in the UK. It is currently set to expand the mass surveillance provisions in the IPA by broadening the parameters for state bulk information collection and creates new requirements for tech companies to divulge information to UK government agencies.⁷²

In an attempt to regulate online content, the UK government passed the Online Safety Act 2023. The Act is a sprawling piece of legislation that undermines freedom of expression rights by gifting broad, unchecked new censorship powers to Ministers, potentially penalising content for 'promoting' positive depictions of migration, while failing to adequately address the human rights harms associated with tech platforms – as many civil society groups have flagged.⁷³

Over the past decade, the government has repeatedly threatened to criminalise end-to-end encrypted messaging, impacting popular applications like WhatsApp and Signal, with a view to monitoring online communications.⁷⁴ Outlawing the use of secure encryption in messaging platforms would interfere

⁶⁹ WHO, "Guidance on community mental health services: Promoting person-centred and rights-based approaches," June 9, 2021, <https://www.who.int/publications/i/item/9789240025707>.

⁷⁰ Human Rights Watch, "Written Evidence to the Joint Committee on the Draft Investigatory Powers Bill," January 7, 2016, <https://www.hrw.org/news/2016/01/07/written-evidence-joint-committee-draft-investigatory-powers-bill>.

⁷¹ <https://bills.parliament.uk/bills/3508/stages>

⁷² Open Rights Group, "Joint Briefing on the Investigatory Powers (Amendment) Bill: House of Lords, Report Stage," January 17, 2024, <https://www.openrightsgroup.org/publications/joint-briefing-on-the-investigatory-powers-amendment-bill/>.

⁷³ Open Rights Group, "Org Warns of Threat to Privacy and Free Speech as Online Safety Bill Is Passed," September 19, 2023, <https://www.openrightsgroup.org/press-releases/org-warns-of-threat-to-privacy-and-free-speech-as-online-safety-bill-is-passed/>.

⁷⁴ The Guardian, "May calls again for tech firms to act on encrypted messaging," January 25, 2018, <https://www.theguardian.com/technology/2018/jan/25/theresa-may-calls-tech-firms-act-encrypted->

with privacy rights and threaten to undermine freedom of expression and association rights.⁷⁵ Secure communication platforms are particularly important to enable the work of human rights defenders, journalists, activists, whistleblowers and lawyers, without fear of reprisal.

Some UK police forces have adopted and expanded the use of facial recognition surveillance technology in public spaces over the past decade, despite Human Rights Watch and many other civil society groups calling for a ban on such use.⁷⁶ Facial recognition surveillance technology is simply incompatible with privacy, non-discrimination, freedom of expression, assembly and association rights.⁷⁷ A 2019 independent ethics review of the Metropolitan Police Force's use of facial recognition found that the technology poses a chilling effect on Londoners, disproportionately felt by young people and black, ethnic and minority people.⁷⁸

While the European Union is moving to ban widespread law enforcement use of facial recognition technology via the EU AI Act, the UK government has instead signalled an increased interest in using the technology for law enforcement purposes. The draft Criminal Justice Bill includes a provision that the policing Minister has said will be used to grant law enforcement agencies access to vast biometric databases, including Driver and Vehicle Licensing Agency (DVLA) and passport data, for the purposes of running images through facial recognition software.⁷⁹ This will effectively undermine due process and put millions of people in the UK on a virtual line up, without any suspicion of criminal activity or wrongdoing.

The Committee should recommend that the government:

- Revise the Investigatory Powers Act, the Investigatory Powers (Amendment) Bill, and the Online Safety Act in line with human rights principles, notably privacy and freedom of expression rights.
- Refrain from imposing blanket measures that weaken encryption for everyone in the UK, as such measures are unavoidably unnecessary and disproportionate.

messaging; The Guardian, "WhatsApp and Signal unite against online safety bill amid privacy concerns," April 18, 2023, <https://www.theguardian.com/technology/2023/apr/18/whatsapp-signal-unite-against-online-safety-bill-privacy-messaging-apps-safety-security-uk>.

⁷⁵ Human Rights Watch, "Comments Submitted to the UN Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression On the Use of Encryption and Anonymity in Digital Communications," February, 2015,

https://www.hrw.org/sites/default/files/related_material/EncryptionandAnonymity_Feb1015.pdf; Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/29/32, May 22, 2015, <https://undocs.org/A/HRC/29/32>.

⁷⁶ Human Rights Watch, "Time to Ban Facial Recognition from Public Spaces and Borders: Rights Groups Sound the Alarm on Mass Surveillance Technology," September 29, 2023, <https://www.hrw.org/news/2023/09/29/time-ban-facial-recognition-public-spaces-and-borders>.

⁷⁷ Ibid.

⁷⁸ London Policing Ethics Panel, "Final Report on Live Facial Recognition", May, 2019, p. 24, http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/live_facial_recognition_final_report_may_2019.pdf; UN General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/75/590, November 10, 2020, <https://undocs.org/A/75/590>; UN General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on Racial discrimination and emerging digital technologies: a human rights analysis," A/HRC/44/57, June 18, 2020, <https://undocs.org/A/HRC/44/57>.

⁷⁹ House of Commons Parliamentary Debates, Public Bill Committee, Criminal Justice Bill, December 12, 2023, https://publications.parliament.uk/pa/bills/cbill/58-04/0010/PBC010_Criminal_1st2nd_Compilation_12_12_2023.pdf; The Guardian, "Police to be able to run face recognition searches on 50m driving licence holder," December 20, 2023, <https://www.theguardian.com/technology/2023/dec/20/police-to-be-able-to-run-face-recognition-searches-on-50m-driving-licence-holders>.

- Ban law enforcement use of facial recognition surveillance technology in public spaces, as the technology is incompatible with privacy, non-discrimination, freedom of expression, assembly and association rights.
- Regulate the use of facial recognition and other biometric surveillance technologies via a national law that includes human rights safeguards.
- Scrap elements of the Criminal Justice Bill that provide for expansive law enforcement access to biometric databases collected for non-law enforcement purposes, with the intention of repurposing the likes of DVLA and passport photos for facial recognition systems.
- Maintain the office of the Biometrics Commissioner, due to be disbanded in 2024, and grants the Commissioner oversight and investigation powers over any relevant laws and policies.

Compliance with Human Rights Obligations Abroad, Accountability, and Right to an Effective Remedy (arts. 2, 6, 7, 9, 14 and 26)

The UK has a poor record of addressing war crimes and crimes against humanity committed, or allegedly committed by its governments, officials or members of its armed forces overseas, including in Iraq, Afghanistan and the Chagos Islands. It is vital that domestic investigations and prosecutions of these crimes proceed swiftly, transparently and fairly, with the criminal justice system fully independent of the executive, ensuring that members of the government, including the Attorney General of England and Wales, cannot interfere with criminal investigations and prosecutions, including by removing all powers of the executive to approve or prevent decisions to prosecute.

The Overseas Operations (Service Personnel and Veterans) Act 2021 still limits the application of criminal law to the UK armed forces for actions committed overseas, creating a ‘presumption against prosecution’ after five years and requiring approval by the Attorney General, a member of the government for decisions to prosecute.⁸⁰

The Committee should recommend that the government:

- Reform the UK justice system to ensure its full independence from the executive, particularly by reforming the position of the Attorney General so that no member of the government has a role in individual prosecutions, including approving, directing or blocking such prosecutions.
- Repeal the Overseas Operations Act and be clear that international criminal law applicable in the territory of the UK, including under the International Criminal Court Act 2001, will apply to all overseas territories, and to all acts of all UK officials and members of the armed forces anywhere in the world.
- Seek all opportunities to support credible justice processes for serious international crimes globally, regardless of where they are committed or by whom. This includes ensuring UK police, prosecutors and courts have sufficient resources to support the use of universal jurisdiction in a manner consistent with domestic law; rule-of-law assistance to effective investigations and prosecutions in third countries and public and private diplomacy to engage with authorities in third countries to encourage effective and independent justice; and consistent backing across the work of the International Criminal Court, including full cooperation and ensuring the court’s regular budget has the resources it needs to deliver meaningful access to justice for victims and survivors.
- Support processes before the International Court of Justice, including compliance with decisions relevant to the erga omnes obligations of states.
- Endorse the political declaration on the suspension of the UN Security Council veto power in cases of mass atrocities.

⁸⁰ Human Rights Watch, “UK Bill a License for Military Crimes? Law Would Stymie Prosecution of Armed Forces for Abuses,” March 20, 2020, <https://www.hrw.org/news/2020/03/20/uk-bill-license-military-crimes>.

Anti-Boycott Bill

As raised earlier in the freedom of expression section, the government has introduced the Economic Activity of Public Bodies (Overseas Matters) Bill aimed at stopping public bodies from taking account of foreign states' conduct, including their human rights record, when making procurement and investment decisions.⁸¹ Given the bill applies to public bodies, which have international obligations not to contribute or facilitate human rights abuses and are an arm of the UK government, the bill unreasonably restricts public bodies from taking measures to ensure that they are not complicit or otherwise involved in human rights violations in other countries. This could include restricting public bodies from responsibly divesting or not investing in companies that are involved in the Chinese government's systematic repression of Uyghurs or companies that do business in or sell products from illegal Israeli settlements in the occupied West Bank.⁸²

The Committee should recommend that the government:

- Withdraw the Economic Activity of Public Bodies (Overseas Matters) Bill or repeal the law if passed.

⁸¹ Human Rights Watch, "Human Rights Watch Briefing - Economic Activity of Public Bodies (Overseas Matters) Bill," July 3, 2023, <https://www.hrw.org/news/2023/07/03/human-rights-watch-briefing-economic-activity-public-bodies-overseas-matters-bill>.

⁸² Ibid.