



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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4 September 2020

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 66th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/GBR/CO/6, para. 66) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 19, 33 and 41 (a) and (d)–(f) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 21 August 2020 providing your Government's response on the above-mentioned paragraphs (CAT/C/GBR/FCO/6) and to make the following comments:

Sexual abuse of children in detention (para. 19 of the Committee's concluding observations)

The Committee takes note of State party's assurances that comprehensive measures are being taken to eradicate all forms of abuse of children in the care of the State following the recommendations included in the investigation report of the Independent Inquiry into Child Sexual Abuse (*'Sexual Abuse of Children in Custodial Institutions: 2009-2017'*, dated February 2019) and the outcome of the review of the safeguarding practices in youth secure estate in England and Wales, which was carried out by HM Prison and Probation Service's Youth Custody Service. It also appreciates the information included in the follow-up replies regarding the guidance provided to

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judges, prosecutors and members of the police on the investigation and handling of cases of child sexual abuse. However, it regrets not having received detailed information on the number of investigations, prosecutions, convictions and sentences handed down in cases of sexual abuse of children in detention since the adoption of the Committee's concluding observations. It also regrets that the follow-up replies do not indicate whether the State party has taken new specific measures to ensure the effectiveness of the existing complaints mechanisms within the youth justice system (2/B1).

Accountability for abuses in Iraq (para. 33 of the Committee's concluding observations)

The Committee appreciates the information provided by the State party regarding its ongoing efforts to reduce the backlog of compensation claims against the UK Government for alleged unlawful detention and ill-treatment of person in Iraq. While taking note, with bewilderment and concern, of the State party's position that establishing a single, independent, public inquiry to investigate allegations of torture and ill-treatment committed by United Kingdom personnel in Iraq from 2003 to 2009 "would serve no useful purpose", the Committee shares the view of the Equality and Human Rights Commission that the setting up of such an inquiry would be an important step towards identifying further potential systemic issues, including shortcomings in policy, training and supervision (see EHRC's submission, p. 4). With regard to the Committee's recommendation to refrain from enacting legislation that would amnesty or pardon troops who could have been implicated in mistreatment, the Committee is seriously concerned at reports indicating that the Overseas Operations (Service Personnel and Veterans) Bill, published on 18 March 2020, which intends to create a statutory "presumption against prosecution" for members of the UK armed forces accused of crimes, including torture, committed overseas more than five years earlier, would be akin to a statute of limitations and risks creating impunity for torture and other serious offences (see *Ibid.*, p. 6) (3/C).

Accountability for conflict-related violations in Northern Ireland (para. 44 (a) and (d)–(f) of the Committee's concluding observations)

As to the information provided by the State party on the implementation of the Stormont House Agreement, the Committee is concerned by reports indicating that the UK Government's new approach to legacy investigations set out in its written Ministerial statement of 18 March 2020 may not readily meet the investigatory requirements of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see submission by the Northern Ireland Human Rights Commission, pp. 4–6 and submission by Pat Finucane Centre, pp. 6–8). It is also concerned by the fact that the Ministerial statement does not address the issue of expanding the remit of the Historical Investigations Unit to address allegations of torture, sexual violence and disappearances committed during the conflict, as recommended by the Committee. Furthermore, the Ministerial statement proposes that the additional mechanisms for dealing with the past (i.e. the Oral History Archive, the Independent Commission of Information Retrieval and the Implementation and Reconciliation Group) "should be carried out by one independent body", thereby casting doubts about the appropriateness of this approach (see NIHRC's submission, p. 7). The Committee appreciates the State party's statement unreservedly condemning the use of torture or inhuman treatment and its assertion that it does not condone torture for

any purpose, including to obtain information. However, according to the information before the Committee, there would be a significant risk that the Overseas Operations (Service Personnel and Veterans) Bill could be amended to cover Northern Ireland legacy cases (see submission by the Committee on the Administration of Justice, pp. 7–8). The Committee also appreciates the information provided by the State party on the Victims' Payment Scheme, although it notes with concern that its establishment has been delayed. Lastly, the Committee urges the State party to take the necessary steps to implement without further delay the judgement of the UK Supreme Court in the Finucane case of 27 February 2020 (see submission by Pat Finucane Centre, pp. 12–13 and CAJ's submission, pp. 4–5) (2/B1).

Implementation plans (para. 66 of the Committee's concluding observations)

The Committee fully acknowledges the difficulties cited in its follow-up replies by the State party that the Covid-19 pandemic has brought about, but nevertheless regrets the lack of information about specific plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of the United Kingdom is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the sixth periodic report of the United Kingdom or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of the United Kingdom on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

p.p.



Bakhtiyar Tuzmukhamedov
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Committee against Torture