



UN COMMITTEE AGAINST TORTURE CALLS ON THE UK TO REFRAIN FROM GRANTING AMNESTIES OR PARDONS FOR TORTURE FOLLOWING REVIEW

17 May 2019 — The UN Committee against Torture has today published its recommendations to the UK, following the detailed examination of its record on torture and ill-treatment which took place in Geneva earlier this month.

The findings come just days after the announcement by the Defence Secretary of her intention to introduce amnesties on historical prosecutions for military personnel who served in Iraq, Afghanistan and potentially Northern Ireland.

Around 80 civil society groups and experts [submitted an alternative fact-based report](#) to the Committee on the measures taken by the UK to meet its international obligations to prevent torture and ill-treatment, which revealed wide-ranging failures by the UK. [The report](#) was coordinated by REDRESS alongside Liberty, Freedom from Torture, Liberty, Children's Rights Alliance for England (Just for Kids Law), Children in Wales and Disability Rights UK.

The UN Committee identifies a number of improvements since the last UK examination in 2013, such as several initiatives to revise UK legislation in areas of relevance to the Convention, including: The criminalisation of forced marriage in England and Wales; the enactment of legislation to address violence against women, domestic abuse and sexual violence in Wales, Northern Ireland and Scotland; the adoption of the Modern Slavery Strategy; the establishment of the Independent Inquiry into Child Sexual Abuse; and the launch of actions plans to tackle hate crimes.

However, the UN committee notes the UK's failure to address a number of priority issues that were identified by the Committee five years ago in relation to allegations of torture overseas, the transfer of detainees to Afghanistan, deportations to Sri Lanka, the release and return of Shaker Aamer, and transitional justice in Northern Ireland.

The recommendations ('concluding observations') reflect a number of failures in the UK's compliance with the UN Convention against Torture highlighted by the civil society report, including:

- **On accountability for UK complicity in torture overseas:** The UN Committee echoes calls from civil society for the UK government to establish an inquiry to look into allegations of torture and other ill-treatment of detainees held overseas committed by, at the instigation of, or with the consent or acquiescence of British officials. A similar request made by the UN Committee five years ago remains unmet. The UN Committee is concerned about the "disturbing findings" of the reports on detainee mistreatment and rendition released by the Intelligence and Security Committee (ISC) of Parliament last year. The Committee also reiterates its previous recommendation urging the UK to review the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, in light of its obligations under the Convention against Torture.
- **On accountability for abuses in Iraq:** Recalling its previous recommendations, the UN Committee urges the UK to ensure accountability for any torture and ill-treatment committed by UK personnel in Iraq from 2003-2009, by establishing a single, independent, public inquiry

to investigate those allegations. It also calls on the UK to refrain “from enacting legislation that would grant amnesty or pardon where torture is concerned”, and ensure that all victims of such torture and ill-treatment obtain redress.

- **On accountability for conflict-related violations in Northern Ireland:** Recalling its previous recommendations, the Committee urges the UK to take urgent measures to advance and implement the Stormont House Agreement and the Mechanisms it contemplates for investigating conflict-related violations, particularly the Historical Investigations Unit (HIU).
- **On immigration detention:** The UK remains the only country in Europe where there is no time limit on immigration detention. The Committee urges the UK to consider setting in law a reasonable time limit on the duration of immigration detention; ensure that individuals at risk of future harm in detention receive necessary care and protection, and refrain from detaining irregular migrants and asylum seekers for prolonged periods.
- **On conditions of detention:** The UN Committee expresses concern about the number of deaths in custody and urges the UK to continue its efforts to improve conditions of detention and alleviate overcrowding of prisons and other detention facilities, including through the application of non-custodial measures.
- **On juvenile justice:** The UN Committee reiterates its previous recommendation that the UK raises the minimum age of criminal responsibility in accordance with international standards (currently, the age of criminal responsibility remains at 10 years in England and Wales, and 12 in Scotland). The Committee is strongly concerned about the use of restraints and segregation of children in young offenders’ institutions.
- **On sexual and gender-based violence:** The UN Committee urges the UK to take measures to address low prosecution rates for domestic abuse and sexual violence in the UK.
- **On the use of tasers or electrical discharge weapons:** The Committee reiterates its previous recommendation that tasers should not form part of the equipment of custodial staff in prisons or any other place of deprivation of liberty, including mental health settings.
- **On sexual abuse of children in detention:** The Committee is seriously concerned by the Independent Inquiry into Child Sexual Abuse’s (IICSA) findings, and calls on the UK to ensure that all cases of violence, especially sexual assault, against children in detention, are promptly investigated.
- **On modern slavery and human trafficking:** The Committee calls on the UK to enhance its efforts to investigate claims of human trafficking and prosecute perpetrators, and ensure that victims obtain redress.
- **On abuse and ill-treatment of migrant workers:** The Committee urges the UK to consider adopting further measures to encourage migrant domestic workers who are subjected to ill-treatment to report their abuse to authorities.
- **On hate crimes:** The Committee urges the UK to strengthen its efforts to investigate alleged hate crimes and prosecute perpetrators, noting “the marked increase” in the incidence of racist, xenophobic, antisemitic, anti-Muslim, anti-disabled and anti-transgender crimes in recent years, with only two per cent of all hate crimes resulting in a successful conviction.

- **On Universal Jurisdiction:** The Committee urges the UK to consider creating a specialized unit within the Metropolitan Police and Crown Prosecution Service to handle universal jurisdiction cases, and to take measures to ensure that it does not grant immunity to alleged perpetrators of torture.

The full list of recommendations can be found [here](#).

The UK will have to inform the UN Committee one year from now on the steps taken in relation to serious priority matters identified by the UN Committee. Our civil society coalition will continue to monitor and report on the State's progress.

Rupert Skilbeck, Director of REDRESS, said: *"The UN review makes clear that the record of the UK has got worse on torture and ill-treatment since the last review five years ago. Austerity and the deliberate creation of a hostile environment have contributed to an increase in ill-treatment of migrants and other vulnerable groups including survivors of torture. A culture of denial has also been allowed to take root, whereby serious allegations of torture overseas have not been addressed."*

Louise King, Director of the Children's Rights Alliance for England, part of Just for Kids law, said: *"The UN's verdict should act as a wake-up call to the Government that much more needs to be done to ensure that all children are protected from violence and ill treatment. It's critical that the UK Government shows leadership and takes concerted action to address the UN's concerns, including the very low age of criminal responsibility in England and Wales, the sexual abuse of children in prison and the increasing use of restraint and isolation, the growing use of Tasers on children, and the lack of adequate training for police to ensure they can adequately identify child victims of trafficking."*

Corey Stoughton, Advocacy Director of Liberty, said: *"The UN's review of the UK paints a dark picture. It is clear that the UK's record on torture and ill-treatment has deteriorated since the last periodic review. Five years since the UN last recommended it, we are still waiting for an independent judge-led inquiry into UK complicity in torture overseas. The introduction of the hostile environment has resulted in an increase in ill-treatment of migrants. The UK remains the only country in Europe with indefinite immigration detention, with countless individuals detained who should never be, including torture survivors"*

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Notes for editors

About the UN Convention against Torture: The UK ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 1988. Its purpose is to prevent the use of torture and other ill-treatment. States that have signed up to the Convention against Torture are required to report to the UN on their progress towards implementing the treaty every four years. On 7-8 May 2019, the UK was reviewed by the UN Committee against Torture as part of its sixth periodic review.

About the civil society report: REDRESS coordinated the production of a joint civil society shadow report to the UNCAT to provide an alternative, fact-based view of the measures taken by the UK to implement its obligations under the UN Convention against Torture as part of the UK Torture Review project. REDRESS held four consultation events across England and Wales as well as a call for written evidence throughout October 2018. More than 90 organisations and individuals submitted evidence during this process and 69 organisations and nine experts endorsed the final report. A steering group assisted REDRESS comprised by Children in Wales, Children's Rights Alliance for England (Just for Kids Law), Disability Rights UK, Freedom from Torture and Liberty. The situation in Northern Ireland and Scotland is covered in other civil society reports. A full list of organisations who contributed information can be found in the report. REDRESS would also like to thank the Equality and Human Rights Commission (EHRC) for its contribution in funding for this project. The report does not necessarily reflect the Commission views.