

UNCAT Visit to the UK in April/May 2019

As we reported in our last briefing, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is an international human rights treaty which entered into force in 1987. Its purpose is to prevent the use of torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment). States which sign up to the Convention are obliged to submit a report every four years and in April 2019 the UK was the subject of an inspection as part of the sixth periodic report.

This Briefing outlines some of the major findings of the Committee. The Q-CAT trustees are appalled at the lack of response to the previous recommendations of four years ago and believe that the political stance of the current cabinet and particularly the views of the new Home Secretary mean that there is now even less likelihood of the government acting with any urgency than it has shown in the past. We will however continue to write to MPs and ministers on these matters, and we hope that you will do the same.

The Committee's report began by welcoming some positive developments since its previous visit:

- Criminalisation of forced marriage in England and Wales (2014);
- Serious Crime Act 2015 which created a new offence of controlling or coercive behaviour in intimate or familial relationships;
- Human Trafficking and Exploitation Acts (2015);
- Limitation (Childhood Abuse) (Scotland) Act 2017.

The Committee also commended initiatives to afford greater protection of human rights and to apply the Convention, in particular the adoption of the Modern Slavery Strategy (2014), the update of the Violence against Women and Girls Strategy (2016), the implementation of Scotland's National Action Plan on Human Rights 2013-17, the launch and update of various Hate Crime Action Plans, and the introduction in 2013 of a procedure for the identification and determination of statelessness.

There were, however, several causes for concern. Below, we highlight a selection of the concerns and recommendations:

The Committee's concerns	Recommendations
The Committee was concerned that, 30 years after ratifying the Convention, successive governments have still not incorporated it into the domestic legal order.	The Committee reiterates its recommendation that this should be done. It also reminds the government that information should be sent to the Committee on any cases in which the Convention has been invoked by national courts.
With regard to the UK's relationship with the EU, the Committee was told that the UK would remain party to the European Convention on Human Rights (ECHR) and that the government had no plans to repeal or reform the Human Rights Act 1998, which is the only mechanism through which the right not to be subject to torture or inhuman or degrading	The Committee recommends that the government should ensure that any legislative changes do not diminish the current level of legal protection.

<p>treatment can be directly enforced.</p> <p>The Committee however remains concerned by repeated contradictory statements made by high-level officials.</p>	
<p>The Committee is concerned that current legislation allows for a defence against prosecution for torture in certain circumstances</p>	<p>The Committee reiterates its previous recommendation that this legislation be repealed to ensure that no exceptional circumstances whatsoever may be invoked as a justification of torture.</p>
<p>The Committee noted with concern numerous reports of ill-treatment in places of detention including immigration removal centres, prisons and youth custodial facilities. It regretted that the government had not provided the information requested by the Committee on the number of such complaints nor about criminal investigations and prosecutions of state officials, the sentences imposed on offenders, or an indication of whether the alleged perpetrators were removed from public service.</p>	<p>The Committee therefore urges the government routinely to compile and publish comprehensive statistical information relevant to all complaints and reports received of torture or ill-treatment, whether or not such complaints led to investigation and whether or not the victims obtained redress.</p>
<p>The Committee regrets that the government continues to maintain its position that the Convention is “primarily territorial” and is not applied “extra-territorially”.</p>	<p>The Committee reiterates its previous recommendation that the government should take effective measures to prevent torture not only in its sovereign territory, but also “in any territory under its jurisdiction”.</p>
<p>The Committee also observed with concern that while the Iraq Historic Allegations Team had received about 3,400 allegations of unlawful killings, torture and ill-treatment committed by the UK Armed Forces in Iraq between 2003 and 2009, no prosecutions for war crimes or torture have resulted.</p>	<p>The Committee recommends again that the government take all necessary measures to establish responsibility and ensure accountability for any torture and ill-treatment committed by UK personnel in Iraq during the period concerned, specifically by establishing a single, independent, public inquiry; and that the government should refrain from enacting legislation to grant amnesty or pardon where torture is concerned.</p>
<p>The Committee regrets the government’s failure to establish an independent judge-led inquiry into allegations of torture overseas, including by means of complicity, despite previous assurances to the Committee.</p>	<p>It reiterates its previous recommendation that the government establish without further delay an inquiry into alleged acts of torture and other ill-treatment of detainees held overseas, including consent or acquiescence of British officials.</p>
<p>With regard to the asylum system, the Committee expressed concern that the government does not publish statistics indicating</p>	<p>The Committee therefore recommends that the government compile detailed statistical data on the</p>

<p>the number of persons whom it has expelled or returned to other countries despite their having expressed concern about facing a risk of torture in the destination country. Nor does the government publish statistics indicating the number of persons that it has decided not to expel or return persons to other countries where they have been found to face a risk of torture. The Committee expresses serious concern about arbitrary denial of asylum claims made by victims of past torture.</p>	<p>number of asylum applications involving torture claims and their outcomes; review the application of the standard of proof in asylum decisions and improve performance in this area.</p>
<p>With regard to immigration detention, the Committee is very concerned that victims of torture are routinely detained and that the government's own policy and Rule 35 of the Detention Centre Rules are largely ineffective. The Committee is also concerned that the time limit for immigration detention is still not defined by law and that there are no plans to change this policy.</p>	<p>The Committee recommends that health professional expert statements about torture victims are given due consideration by non-health professional caseworkers and ensure that individuals identified as at risk of future harm receive necessary care and protection. The government should refrain from detaining irregular migrants and asylum-seekers for prolonged periods and should only use detention as a measure of last resort and only for as short a period as possible; and should set in law a time limit for immigration detention</p>
<p>The Committee notes with concern the recent increase in the number of "hate crimes" and that only 2% of all hate crimes result in a successful conviction.</p>	<p>The Committee recommends that the government should increase its efforts to investigate such crimes and to prosecute the perpetrators.</p>

And finally: *The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations, and to inform the Committee about such dissemination.*

This has apparently not yet been put into motion – possibly because the UN procedures take some time, and we have been privileged to have access to an advance version of the report.

As we can see – there is a lot of campaigning still to be done. We are all aware of the febrile and volatile nature of our current political landscape, but we will certainly be looking at these recommendations in future briefings.

Q-CAT Trustees are writing to Edward Argar Parliamentary Under Secretary at the Ministry of Justice who we understand has responsibility for dealing with the recommendations of the UN CAT, to express dismay at the Government's failings set out in the document and lack of progress since the last report, to give detailed comments on a number of the recommendations, to urge that the recommendations be instituted without delay and to ask how and when this will happen.

We encourage all Q-CAT supporters to look carefully at those recommendations which have not been acted upon since they were initially given four years ago, and to write to their MPs asking for

this concern to be raised with the Home Secretary (Priti Patel) and the Minister of Justice (Lucy Frazer).

Briefings are prepared and/or edited on behalf of Q-CAT Trustees by Barbara Forbes forbesbarbarae@yahoo.co.uk

The next Newsletter is planned for early September.
The next Briefing is planned for mid-October.

Website www.q-cat.org.uk or www.qcat.org.uk

Protest at the Arms Fair (Defence and Security Equipment International) ExCel Centre, London

ARE YOU PLANNING TO JOIN US? DO MAKE YOURSELF KNOWN TO OTHERS WITH Q-CAT PLACARDS AND BRING YOUR OWN IF YOU CAN.

Q-CAT placards will focus on the slogan UK MUST NOT SELL TOOLS FOR TORTURE.

The Fair is to be held from 9th to 13th September in London. In the run-up to the Fair Q-CAT plans to be part of the Quaker demonstration against it, organized by Roots of Resistance, on the No Faith in War Day Tuesday 3rd September from 9 a.m., when a coalition of faith groups will gather for a day of worship, prayer, nonviolent resistance and singing, as truckloads of equipment arrive at DSEI. There will be a Quaker Meetings for Worship for all to join in, at 9 a.m. and 2 p.m. From the RoR website rootsofresistance.org.uk (also useful for background):

*We will gather for a briefing session on **Monday 2nd September**, in The Light at Friends House, in Euston, from 1:30pm for action preparation (making banners, etc), and from 5:30 for a full briefing, legal information and meeting for worship, to make sure our hearts and minds are prepared, finishing at 8:30. We would encourage everyone to arrive in London in time to attend as much of the briefing as possible. (See website also for offers of hospitality in London that night.)*

RoR also says *There will be a Zoom call on the weekend before for anyone who can't make it to Friends House: if people add their email here they will get updates about that, plus other useful info: <https://rootsofresistance.org.uk/get-involved/sign-up/>*

Tuesday 3rd September

Where? Outside the ExCel Centre at the eastern end. The ExCel Centre is on the Docklands Light Railway (DLR) and the nearest station is Prince Regent. Walk a short way (for about five minutes) further on from the station, on the lookout for a large group of people! There may be a marshal at the station for part of the day.

When? Tuesday 3rd September from 9am

What should I bring? Food (for yourself and to share), water, Friends and friends*, weather-appropriate clothing – come ready for a full day outside! And, of course, your placards and banners. There will be portaloos.

*RoR hopes that large numbers of Quakers will be able to come together for this.