

**United Nations Universal Periodic Review**

**United Kingdom of Great Britain and Northern Ireland**

**Update**

**26 July 2018**

## **Index**

Abbreviations / Glossary.....	3
Update since the UK response of 29 August 2017 to the UPR recommendations .....	4
Domestic human rights framework, including the status of UN human rights treaties .....	5
Combating violence against women and girls.....	7
Tackling racial discrimination.....	10
Access to justice .....	13
Combating human trafficking and slavery .....	15
Crown Dependencies .....	18
Overseas Territories .....	21

## Abbreviations / Glossary

BAME	Black, Asian and Minority Ethnic
CAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CRC	United Nations Convention on the Rights of the Child
Crown Dependencies	There are three Crown Dependencies <sup>1</sup> : Bailiwick of Guernsey; Bailiwick of Jersey; Isle of Man
ECHR	Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.
ECtHR	Council of Europe European Court of Human Rights
EU	European Union
FGM	Female Genital Mutilation
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
Lanzarote Convention	Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse
Overseas Territories	There are fourteen British Overseas Territories but only ten have permanent populations <sup>2</sup> , namely: Anguilla; Bermuda; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; the group Pitcairn, Henderson, Ducie and Oeno; the group St Helena, Ascension, Tristan da Cunha; Turks and Caicos Islands; Virgin Islands (commonly known as the British Virgin Islands).
UK	United Kingdom (England, Northern Ireland, Scotland, Wales)
UN	United Nations
UPR	United Nations Universal Periodic Review
VAWG	Violence against women and girls

---

<sup>1</sup> <https://www.gov.uk/government/publications/crown-dependencies-jersey-guernsey-and-the-isle-of-man>

<sup>2</sup> <https://www.gov.uk/government/publications/the-overseas-territories>

## Update since the UK response of 29 August 2017 to the UPR recommendations

1. In its response<sup>3</sup> to the UPR recommendations received during the dialogue with the Human Rights Council on 4 May 2017, the UK Government committed to follow up the recommendations by: preparing an update on up to five recommendations in 2018; and a mid-term report on all recommendations in 2019.
2. This document fulfils the commitment to follow up in 2018, and is based on contributions from relevant central departments, the Devolved Administrations, the Crown Dependencies and, via the Foreign and Commonwealth Office, the Overseas Territories. Given the range of issues arising from the 227 UPR recommendations that the UK received in 2017, a decision was taken not to pick five individual recommendations, but instead to cover five thematic areas from the UPR recommendations.
3. In selecting the five thematic areas, the UK Government took into account the views of civil society organisations and the UK's National Human Rights Institutions over the course of March-April 2018. The comments received from these bodies, for which the UK Government is very grateful, understandably reflected the diversity of interests and focus of the various organisations. In making a final decision on the five areas, the UK Government chose those areas which attracted significant common interest. These were:
  - domestic human rights framework, including the status of UN human rights treaties;
  - combating violence against women and girls;
  - tackling racial discrimination;
  - access to justice; and
  - combating human trafficking and slavery.
4. We would also like to reflect some of the other issues flagged as important thematic areas within the UPR by civil society organisations and the National Human Rights Institutions, these included: children's rights; Bill of Rights for Northern Ireland; abortion legislation in Northern Ireland; investigating conflict-related deaths in Northern Ireland; impact of the welfare reforms; full implementation of the Equality Act 2010; and human rights compliance of counter-terrorism legislation. As mentioned above, the UK Government has committed to provide an update on all UPR recommendations in 2019, and we therefore expect to consider these additional areas as part of that process. We look forward to engaging with civil society organisations and the UK's National Human Rights Institutions on this in due course.

---

<sup>3</sup> <https://www.gov.uk/government/publications/third-universal-periodic-review-uk-response-to-the-recommendations>

## Domestic human rights framework, including the status of UN human rights treaties<sup>4</sup>

5. The UK Government's position on the **domestic human rights framework** has not substantively changed since August 2017. The UK has a longstanding tradition of ensuring our rights and liberties are protected domestically and of fulfilling our international human rights obligations. Our commitment to human rights pre-dates the UK membership of the European Union, and the decision to leave does not change this commitment. There are no plans to withdraw from the ECHR. The UK Government will consider further the human rights legal framework when the process of leaving the EU concludes.
6. Rights continue to be protected domestically through the Human Rights Act 1998 – which gives further effect to the ECHR – and through the devolution statutes, as well as other key pieces of legislation such as the Equality Acts, and the common law. In December 2017<sup>5</sup>, the UK Government submitted its report to the UK Parliament on the implementation of human rights judgments from the ECtHR and our domestic courts. The report showed that, at the end of 2016, the UK was responsible for only 21 (0.2%) of a total 9,941 pending judgments<sup>6</sup> before the Council of Europe's Committee of Ministers; this is lower than for other States with a similar population.
7. The **status of UN human rights treaties** in domestic law also remains unchanged since August 2017. The UK has put in place a combination of policies and legislation to give effect to the UN human rights treaties that it has ratified<sup>7</sup>. The UN human rights treaties have not been incorporated into UK domestic law, and they do not require States Parties to do so. Since August 2017, the UK has completed the following milestones in the human rights periodic reporting process to the UN: 6<sup>th</sup> periodic report under CAT<sup>8</sup>; 8<sup>th</sup> periodic report under CEDAW<sup>9</sup>. There are currently no overdue human rights reports to the UN.

### Scotland

8. The Scottish Government's 2017-18 Programme for Government contained a commitment to: "*establish an expert advisory group to lead a participatory process to make recommendations on how Scotland can continue to lead by example in human rights, including economic, social, cultural and environmental rights*". The **First Minister's Advisory Group on Human Rights Leadership**<sup>10</sup> is chaired by the former Chair of the Scottish Human Rights Commission, Professor Alan Miller, and includes the Commission's current Chair amongst its members. Seven further members contribute

---

<sup>4</sup> In particular, UPR recommendations: 134.56-61; 134.66-78.

<sup>5</sup> <https://www.gov.uk/government/publications/responding-to-human-rights-judgments-2016-to-2017>

<sup>6</sup> These are adverse judgments whose implementation is still being supervised by the Council of Europe.

<sup>7</sup> For an overview of the UK measures implementing the UN human rights treaties, please see the UK periodic reports under each treaty at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/countries.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx).

<sup>8</sup> <https://www.gov.uk/government/publications/convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-periodic-report>

<sup>9</sup> <https://www.gov.uk/government/publications/8th-report-to-the-committee-on-the-elimination-of-discrimination-against-women>

<sup>10</sup> <https://beta.gov.scot/groups/first-ministers-advisory-group-on-human-rights-leadership/>

expertise in relation to civil, political, economic, social, cultural and environmental rights, and on EU and constitutional matters. The Group will carry out its work independently of government and has been asked to report by the end of 2018. It will examine the human rights impact of leaving the EU, and how best to protect and promote all human rights across all potential scenarios. The Group will also give particular consideration to the potential for incorporation of international human rights treaties into Scottish law, and the means by which this might in practice be undertaken.

9. The 2017-18 Programme for Government also contains a commitment to undertake a comprehensive audit on the most effective and practical way further to embed the principles of the **CRC** into legislation, policy and practice, including the option of full incorporation into Scottish law. The audit will look across the full range of legislative and delivery issues relevant to children's rights and the principles underpinning the CRC. Work around the audit will also seek the views of children and young people. Exact timescales are still being determined and stakeholders will be kept up to date.

## Combating violence against women and girls<sup>11</sup>

10. Between 8 March and 31 May 2018, the UK Government carried out a wide-ranging consultation on the **draft Domestic Abuse Bill** and non-legislative package. The consultation set out the government’s approach to dealing with domestic abuse at every stage, from prevention to rehabilitation, and reinforced the government’s aim to make domestic abuse everyone’s business. It sought views on the steps we can take to raise awareness, support victims, and ensure perpetrators are stopped, including legislative proposals and a package of practical actions. We are now in the process of reviewing responses.
11. The UK remains committed to ratifying the **Istanbul Convention** as soon as possible. In November 2017, we published the first Progress Report<sup>12</sup> setting out the steps required to ratify the Convention. In the Domestic Abuse Bill consultation, the UK Government proposed extending extraterritorial jurisdiction over offences required by the Convention when committed abroad by UK nationals or UK residents. This will enable England and Wales to be compliant with the jurisdiction requirements of the Convention.
12. The UK Government is supporting the introduction of a new civil **Stalking Protection Order** through the Stalking Protection Bill, after responses to a public consultation highlighted a significant gap in the existing protective order regime - particularly in cases of so called ‘stranger stalking’, where the perpetrator is not a current or former intimate partner of the victim. The intention of the Stalking Protection Bill is to provide the police with an additional tool with which to protect victims of stalking and to fill the gap within the existing protective order regime, complementing the government’s ongoing wider work to tackle VAWG. The Stalking Protection Bill passed Second Reading on 19 January and will progress to Committee stage as soon as parliamentary time allows.
13. The UK Government continues to drive progress against our VAWG **Strategy Action Plan**, which is supported by £100m of funding over this Parliament.

### *Northern Ireland*

14. The Department for Communities, the Department of Health and the Department of Justice have contributed to the Northern Ireland Executive’s “Stopping Domestic and Sexual Violence and Abuse in Northern Ireland”<sup>13</sup> 7-year strategy. The Departments are **working with all stakeholders to implement its strategic priorities**.
15. The Department for Communities, through the Northern Ireland Housing Executive, currently provides **Supporting People Programme**’s funding annually to the NGO “Women’s Aid” in excess of £4.5 million. In addition, the Department for Communities

---

<sup>11</sup> In particular, UPR recommendations: 134.43-134.48 (on ratifying the Istanbul Convention); and 134.180-134.188 (on combating VAWG, FGM and forced marriage).

<sup>12</sup> <https://www.gov.uk/government/publications/ratification-of-the-council-of-europe-convention-on-combating-violence-against-women-and-domestic-violence>

<sup>13</sup> <https://www.health-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-strategy>

supports the 24-hour **Domestic and Sexual Violence Helpline**, currently delivered by the NGO “Women’s Aid Federation Northern Ireland”. The Helpline provides information, advice and support for all those affected by domestic and sexual violence and abuse in Northern Ireland. The Helpline is jointly funded by the Department of Health, Department of Justice and the Department for Communities. These Departments also fund the **Rowan Sexual Assault Referral Centre for Northern Ireland**, which also offers support for those who have experienced sexual violence and abuse.

### *Scotland*

16. The **Domestic Abuse (Scotland) Act 2018**<sup>14</sup> creates a new specific offence of domestic abuse, which provides that it is an offence for a person to engage in a course of behaviour that is abusive of their partner. The definition includes physical violence and overt threats, and psychological abuse and coercive and controlling behaviour, which are difficult to prosecute using the existing law. The Act makes provision for a number of reforms to criminal procedure intended to prevent the abuse of a complainant through the court process, for example by prohibiting the accused from personally conducting their own defence or precognition of the complainant. It provides for a presumption against bail where someone is accused on indictment of a domestic abuse offence – or any serious sexual or violent offence - and has a previous track record of serious violent, sexual or domestic abuse offending.
17. The Act also provides for a presumption that the court shall impose a non-harassment order on a person convicted of domestic abuse unless, in the particular case, the court concludes such an order is not necessary to protect the victim. The Act provides for a statutory sentencing aggravation that where the perpetrator uses a child in committing the offence; directs behaviour at a child in committing the offence; where the child sees, hears or is present when the abuse is taking place; or where a child is likely to be adversely affected by the perpetrator’s behaviour, the offence is aggravated. Where the aggravation is proven, the court is required to take account of this in sentencing the offender and state how the sentence differed from that which the court would otherwise have imposed. This ensures that the harm caused to children by the abuse of their parent or carer is formally recognised and recorded.
18. It is anticipated that the new offence will come into force in early 2019. Effective implementation is important: the Scottish Government is ensuring training for 14,000 police officers and staff, and is working with police, Crown Office and Procurator Fiscal Service and third sector stakeholders to consider what measures must be put in place.

### *Wales*

19. As a result of the **Welsh Government’s National Training Framework**<sup>15</sup>, relevant authorities in Wales must ensure that all staff are trained to understand what violence against women, domestic abuse and sexual violence is, recognise the signs and

---

<sup>14</sup> <http://www.legislation.gov.uk/asp/2018/5/contents/enacted>

<sup>15</sup> <https://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/publications/national-training-framework/?lang=en>



understand their role in tackling violence against women, domestic abuse and sexual violence. The Welsh Government has developed an eLearning package to meet these learning outcomes which, in August 2017 had been completed by over 70,000 people.

20. As part of its commitment to make early intervention and prevention a priority, the Welsh Government has developed “**Ask and Act**”<sup>16</sup> an innovative policy and training programme for key public service workers to undertake targeted enquiry to identify abuse. In November 2017, the Welsh Government published two pieces of working draft guidance on “Ask and Act” to assist in its roll out across Wales.
21. The Welsh Government has launched two **national campaigns on violence against women, domestic abuse and sexual violence**. **THIS IS ME**, launched in January 2018, aims to challenge gender stereotypes in a positive way and encourages people to ‘live fear free’ from gender constraints and gender norms. The “Don’t be a Bystander” campaign, launched in April 2018, aims to show how powerful a positive intervention with someone who is experiencing or who has experienced violence can be. The creation of both campaigns has been strongly influenced by survivors of abuse including a survivor of FGM.
22. The Welsh Government is committed to ongoing sustainable survivor engagement. In March 2018, it launched a consultation on proposals for a **National Survivor Engagement Framework**<sup>17</sup>. Options were based on survivor engagement which took place in Autumn 2017.

---

<sup>16</sup> <http://livefearfree.gov.wales/policies-and-guidance/ask-and-act?lang=en>

<sup>17</sup> <http://livefearfree.gov.wales/policies-and-guidance/national-survivor-engagement-framework?lang=en>

## Tackling racial discrimination<sup>18</sup>

23. In October 2017, the UK Government published the main findings from the first release of data from the **Race Disparity Audit**. The Prime Minister launched the Race Disparity Audit in August 2016 to look into racial disparities in our public services. It highlights the differences in outcomes for people of different backgrounds, in every area from health to education, childcare to welfare, employment, skills and criminal justice. This audit is the first of its kind and helps to highlight disparities where they exist, allowing the UK Government – and more importantly, society as a whole – to identify areas where change is needed.
24. In December 2017, the UK Government published its **response to the Lammy review**<sup>19</sup> outlining the actions that we have taken (or that we will take) on the recommendations from David Lammy MP on the treatment of, and outcomes for, BAME individuals in the criminal justice system in England and Wales. In December, the UK Government convened a ministerial **seminar on hate on the internet**, bringing together victims' groups, stakeholders and industry representatives, aiming to identify best ways to tackle this rising phenomenon.
25. Between March and June 2018, the UK Government consulted on an **Integrated Communities Strategy Green Paper**<sup>20</sup>. We have a proud history as a multi-racial, multi-faith, multi-cultural society and that will continue. This Government has an ambitious goal: to build strong integrated communities where people - whatever their background - live, work, learn and socialise together, based on shared rights, responsibilities and opportunities. We are investing £50m into integration over the next two years to support the priorities set out in the Green Paper. We recognise that integration challenges are not uniform throughout the country and that is why we invited five local authorities across England to participate in the new Integration Area Programme announced through the Green Paper.

### *Northern Ireland*

26. The Northern Ireland Executive's **Racial Equality Strategy 2015-2025**<sup>21</sup> established a framework to: tackle racial inequalities and to open up opportunity for all; eradicate racism and hate crime; and promote good race relations and social cohesion. The Strategy includes a shared aim to combat racism and hate crime as well as a shared aim to eliminate racial inequalities. The Strategy sets out key actions and does not attempt to list all the actions that government or others need to take or will take over the life of the strategy. Rather, it establishes a mechanism – through the Racial Equality Subgroup (which comprises people working with or representing minority ethnic groups and

---

<sup>18</sup> In particular, UPR recommendations: 134.84-134.85 (on combating hate speech); 134.100-134.106, 134.108, 134.110-134.123 (on combating hate crime).

<sup>19</sup> <https://www.gov.uk/government/publications/lammy-review-government-response>

<sup>20</sup> <https://www.gov.uk/government/consultations/integrated-communities-strategy-green-paper>

<sup>21</sup> <https://www.executiveoffice-ni.gov.uk/publications/racial-equality-strategy-2015-2025>

migrants) and Racial Equality Champions in each Northern Ireland Department – to oversee implementation plans and to monitor and review progress on implementation.

27. Although recent figures show an overall decrease in hate crime it remains a significant concern. The Department of Justice continues to be proactive in its approach to hate crime, working closely with the voluntary sector, the local community, and other statutory and non-governmental partners to provide reassurance and encourage reporting of hate crimes. Part of these **confidence building measures**, is a commitment in the draft Programme for Government to review hate crime legislation to address concerns regarding the implementation and operation of existing legislation, particularly in relation to sentencing practice.
28. The Department of Justice is currently engaged in a scoping exercise to develop broad terms of reference for a **review of current legislation**. This process will allow consideration of issues such as, whether the current enhanced sentence approach is the most appropriate to take, if there is an evidential basis to support the introduction of statutory aggravated offences, and the effectiveness of legislation in dealing with prohibited conduct and their public dissemination.

### *Scotland*

29. The Scottish Government’s **Race Equality Action Plan** of December 2017<sup>22</sup> sets out actions to drive positive change for minority ethnic communities. Throughout 2017, Race Equality Framework-themed roundtables were held, involving policy officials and experts from statutory and third sector organisations and from academia.
30. A **minority ethnic women’s network** has been established for mentoring, peer support, capacity building, training, and influencing workforce/workplace policies and practices – such as increasing the number of minority ethnic women in senior management roles within the public sector. An event in September 2017 focused on the Equally Safe strategy<sup>23</sup> for preventing and eradicating violence against women and girls.
31. The Scottish Government commissioned the NGO “Young Scot” to co-design the Fairer Future project, which is based on a panel of 16 young people aged 14-21 from diverse backgrounds. Following an event involving young people, youth organisations, minority ethnic organisations and relevant policy makers in June 2017, the **Creating a Fairer Future** report was published in November 2017.
32. On 31 May 2018, Lord Bracadale published his **review into hate crime legislation in Scotland**<sup>24</sup>. The Scottish Government welcomes Lord Bracadale’s report and accepts the recommendation to consolidate all Scottish hate crime legislation into one new hate crime statute. The report and recommendations will form the basis for consultation on the detail of what should be included in a new hate crime bill, and the Scottish Government will report to the Scottish Parliament in the Autumn setting out how it intends to move

---

<sup>22</sup> <http://www.gov.scot/Publications/2017/12/8700>

<sup>23</sup> <http://www.gov.scot/Publications/2014/06/7483>

<sup>24</sup> <http://www.gov.scot/Publications/2018/05/8696>

forward. All concerns will be listened to – updated hate crime legislation must balance protections required with human rights, freedom of speech and civil liberties. The Scottish Government recognises that legislation in and of itself is not enough to build an inclusive and equal society, however it forms the basis of understanding what is not acceptable in society.

### *Wales*

33. The Welsh Government is funding the NGO “Victim Support Cymru” to operate the **National Hate Crime Report and Support Centre**; the current funding will continue until 2020. This has helped to create a reporting system across Wales which provides an initial point of contact for victims and provides advocacy, support and signposting. In 2018, Victim Support Cymru produced ‘Train the Trainer’ learning material to help support relevant front-line staff across the public sector including housing, education, health and social services.
34. The Welsh Government has provided funding to each of the Welsh Police and Crime Commissioners to support activities during **Hate Crime Awareness Week**, on 16-20 October 2017. The focus is to increase awareness and community engagement across Wales and challenging underlying attitudes and behaviours. Work continues throughout the year to raise awareness and engage with communities. This week is a key opportunity for our partners including the Police to highlight this ongoing action, particularly in terms of encouraging victims to report.
35. In 2017-18, the Welsh Government continued funding for its network of eight **Regional Community Cohesion Co-ordinators** across Wales. They play a vital role supporting delivery of our community cohesion programme, under four objectives: building community cohesion at a national level; cohesion support at a regional level for isolated groups; supporting integration of new arrivals; mitigating tensions and tackling hate crime. Specific work in 2017-18 included: supporting Public Service Boards to take community cohesion into account when developing their plans under the Well-being of Future Generations (Wales) Act 2015; monitoring hate crime and support for victims through the Hate Crime Criminal Justice Board Cymru; developing a multi-agency Equality and Inclusion communications network across Wales to deliver positive inclusion messages and counter negative rhetoric; and working with the four police forces and Cardiff University on a project to develop our multi-agency responses to on-line and off-line community tensions.

## Access to justice<sup>25</sup>

36. HM Courts and Tribunals Service is embarking on a **£1 billion programme<sup>26</sup> to reform the courts and tribunals services in England and Wales**, which will modernise and upgrade the justice system so that it works even better for everyone, from judges and legal professionals, to witnesses, litigants and the vulnerable victims of crime. The programme has already started improving life for those who use and need courts. A number of high quality new digital services have been delivered. The public can now apply for uncontested divorce online, apply for probate online, make pleas online for low level offences (such as traffic offences or evading bus fare), respond to jury summonses, track social security appeals online, and issue and respond to civil money claims. Over 21,000 people have used these pilots and received straightforward, digital access to the courts for the first time; and the public feedback has been extremely positive.
37. On 26 July 2017, the Supreme Court handed down judgment in the case of *R (on the application of Unison) v Lord Chancellor* [2017] UKSC 51. The UK Government took immediate steps to stop charging fees in Employment Tribunals. On 20 October 2017, we also announced the launch of the first phase of the **Employment Tribunals Refunds scheme** and, following its success, the full scheme was rolled out on 15 November 2017. Details of refunds are published in the statistical bulletin “Tribunals and gender recognitions certificates statistics quarterly”<sup>27</sup>.
38. On 30 October 2017, the UK Government announced the **post implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**. The objectives of the legal aid reforms were: to discourage unnecessary and adversarial litigation at public expense; to target legal aid at those who need it most; to make significant savings to the cost of the scheme; and to deliver better overall value for money for the taxpayer. The aim of the review will be to assess the impact of the legal aid reforms against these objectives. Guidance, including the terms of reference, for the review is publicly available on the GOV.UK portal<sup>28</sup>. The evidence gathering phase of the review has begun, with the first two rounds of consultative group meetings held in April and July. We are keen to hear from many interested parties to establish the impact of the legal aid changes. The consultative groups are just one facet of the evidence gathering process. Alongside this, the review team are engaging with interested parties in smaller groups or bilateral meetings. There is also a dedicated email inbox through which interested parties can submit data and evidence to officials for consideration as part of the review. We expect to publish our findings later this year. The UK Government plans to use this opportunity of engagement with stakeholders to inform its wider consideration on the future of legal support in the justice system.
39. On 8 January 2018, changes to evidence requirements in private family law disputes came into effect, making it easier for **victims of domestic violence to get more support**. There is no longer a time limit on abuse evidence, which previously stood at five years.

---

<sup>25</sup> In particular UPR recommendation 134.154.

<sup>26</sup> <https://www.gov.uk/government/news/hmcts-reform-programme>

<sup>27</sup> <https://www.gov.uk/government/collections/tribunals-statistics#tribunal-statistics-quarterly>

<sup>28</sup> <https://www.gov.uk/government/publications/post-implementation-review-of-laspo>

Additionally, the range of documents accepted as evidence of abuse has been widened to include statements from domestic violence support organisations and housing support officers. Following a review of the evidence requirements set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, legal aid is available to people involved in private family disputes if they are victims, or are at risk of becoming victims, of domestic violence or child abuse.

### *Scotland*

40. On 1 February 2017, the Scottish Government announced a comprehensive **independent review of legal aid**, to fulfil the commitment to maintaining access to public funding for legal advice and representation in both civil and criminal cases alongside measures to expand access to alternative methods of resolving disputes. While recognising that the current system compares very well internationally, the report “Rethinking Legal Aid, An Independent Strategic Review”<sup>29</sup>, published in February 2018, sets out a 10-year vision for legal aid in Scotland and makes 67 recommendations on how this vision can be delivered. The report’s recommendations are currently being analysed and discussions are on-going with stakeholders - such as the Law Society of Scotland, the Faculty of Advocates, the Scottish Legal Aid Board and others in the third sector - to seek their views. Once this analysis is complete and an action plan developed, a Scottish Government response will be issued.

---

<sup>29</sup> <http://www.gov.scot/Resource/0053/00532544.pdf>

## Combating human trafficking and slavery<sup>30</sup>

41. The UK publishes an **annual assessment of modern slavery in the UK**, which sets out the UK's existing and future response to combating modern slavery and human trafficking. The UK's latest Annual Report was published in October 2017<sup>31</sup>.
42. In October 2017, the UK Government announced a significant package of **reform of the National Referral Mechanism**, the UK's mechanism for identifying and providing comprehensive support to victims of modern slavery. Through the reform, the UK Government is aiming to create a quicker, more certain and credible, decision making process with: the digitisation of the referral process; the merging of two decision making authorities into one competent authority; and the introduction of expert panels to quality assure all negative conclusive grounds decisions. The reforms will also: increase the support offered to victims before, during and after referral in England and Wales; create places of safety to accommodate suspected victims as they consider entering the referral process; treble the period of 'move on' support from 14 to 45 days for confirmed victims after their minimum 45-day Reflection and Recovery period, as they integrate into local communities; and provide a drop-in support service for victims after leaving the referral process. The UK is also addressing the specific vulnerabilities of children by making the referral process more child-friendly and rolling out **independent child trafficking advocates** to provide specialist support to trafficked children. Lastly, the UK Government has committed to improve the identification of victims of modern slavery by expanding and strengthening the role of front line staff who identify potential victims.
43. The UK Government has also launched the **Business Against Slavery Forum**, which is a new partnership between government and business to accelerate progress in eliminating modern slavery from supply chains. The first meeting in October 2017 brought together a range of multinational organisations with the Home Secretary to share experiences and galvanise action on this issue.
44. The UK has also taken various steps to raise the issue internationally. For example, in September 2017, the Prime Minister held a modern slavery event during the 72<sup>nd</sup> Session of the UN General Assembly. The attending UN Member States (with more joining later) endorsed an ambitious **Call to Action to End Forced Labour, Modern Slavery and Human Trafficking**<sup>32</sup>, setting out the practical steps that countries will take to respond to modern slavery and to fulfil the commitments set out by the international community. In September 2017, the UK Government also announced it would increase its overseas spend to £150 million to tackle modern slavery internationally.

---

<sup>30</sup> In particular UPR recommendations 134.138-134.147.

<sup>31</sup> <https://www.gov.uk/government/publications/2017-uk-annual-report-on-modern-slavery>

<sup>32</sup> <https://www.gov.uk/government/publications/a-call-to-action-to-end-forced-labour-modern-slavery-and-human-trafficking>



## *Northern Ireland*

45. Section 12 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015 places a requirement on the Department of Justice in Northern Ireland to produce an annual strategy on human trafficking and modern slavery. **Annual strategies** for 2015/16 and 2016/17 have been published and a draft annual strategy for 2018-19 has been developed in discussion with statutory and non-statutory partners and, subject to the necessary approvals, is due to be launched for public consultation shortly.
46. Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 places a duty on the Health and Social Care Board in Northern Ireland to make arrangements to enable an independent guardian to be appointed for child victims and potential victims of human trafficking, as well as separated children. In line with this requirement, from 1 April 2018 an **Independent Guardian Service** has been established in Northern Ireland to provide specialist support and advice for separated and trafficked children.
47. **Northern Ireland's Modern Slavery Awareness campaign** was launched on Anti-Slavery Day in October 2017. Opportunities to promote anti-slavery messages and awareness take place regularly across a range of key sectors and through various media, and a successful workshop took place in January 2018 with all regional organisations with first responder duties, to improve identification of possible victims of modern slavery for referral for support to the UK's National Referral Mechanism. A more strategic approach to training and awareness is planned and a dedicated resource has been prioritised to develop a regional, multi-agency **Training Needs Analysis and Training Plan for Northern Ireland**, with work commencing in June 2018.

## *Scotland*

48. On 30 May 2017, the Scottish Government published its **Trafficking and Exploitation Strategy**<sup>33</sup>, aimed at: identifying victims and supporting them to safety and recovery; identifying perpetrators and disrupting their activity; addressing the wider factors that foster trafficking and exploitation; and specific actions for child victims of trafficking. On 14 June 2018, the first annual progress report on implementation of the Strategy was published<sup>34</sup>.
49. On 29 August 2017, the Scottish Government launched a **public awareness raising campaign**<sup>35</sup>. Public surveys undertaken in Spring 2018 show increased awareness of human trafficking, and also that more people say they would report concerns about trafficking to the police<sup>36</sup>.
50. On 1 April 2018, changes came into force to double, from 45 to 90 days, the **statutory minimum period** for which adult victims of human trafficking and exploitation recovered in Scotland would be provided with support, and for victims of slavery,

---

<sup>33</sup> <http://www.gov.scot/Publications/2017/05/6059>

<sup>34</sup> <http://www.gov.scot/Publications/2018/06/7045/0>

<sup>35</sup> <https://news.gov.scot/news/human-trafficking-is-closer-to-home-than-most-scots-think>

<sup>36</sup> <https://news.gov.scot/resources/human-trafficking-report>



servitude and forced or compulsory labour. To reflect this commitment, as well as the increase in victims identified through the National Referral Mechanism, the Scottish Government has increased funding to two organisations that support trafficking victims in Scotland: Trafficking Awareness Raising Alliance (TARA) and Migrant Help, and has established a three-year funding agreement to provide greater stability. Over £3 million has been committed over a three-year period. In addition, the Scottish Government has increased funding for psychological trauma support for adult trafficking victims through The Anchor – a 65% increase to £115,000 for 2018-19. Children are supported through the child protection system and eligible children are given the additional support of an **independent child trafficking guardian**.

51. A **corporate group** has been established, drawing together representatives from key businesses in Scotland who have a role to play in tackling trafficking. The group is looking into the provision of guidance and training to businesses on human trafficking; raising awareness and sharing best practice; and improving the quality of Slavery and Human Trafficking Statements.

## Crown Dependencies

### *Bailiwick of Guernsey*

52. Whilst there is an established Human Rights (Bailiwick of Guernsey) Law, 2000, which gives effect in Guernsey to the ECHR, two significant developments are underway with human rights at their centre. As part of the **Disability and Inclusion Strategy**<sup>37</sup>, the States of Guernsey agreed to the principle of establishing an **Equality & Rights Organisation** aligning with the UN Paris Principles. The Committee for Employment & Social Security is currently undertaking initial work to develop a proposal for such an organisation; this is conditional on factors such as a business plan, resourcing and prioritisation. On 5 June 2018, the States of Guernsey agreed to expand the existing project to develop **disability discrimination legislation proposals** into a project, which would develop proposals for a single piece of legislation covering multiple grounds of protection from discrimination (which may include disability, age, race, sex, sexual orientation, marital status, gender reassignment or gender identity, family status and religion). It is intended that the proposals for this legislation will return to the States of Guernsey for debate before the end of this political term in 2020.
53. A review of **refuge provision** for victims on VAWG has been carried out, and work is under way to identify the feasibility of introducing a new refuge provision that is more accessible to specific groups including disabled people, large families, women with complex needs and male victims. A new “strengths-based model perpetrator programme” is being piloted. It is being tailored to the individual, rather than being a one-size-fits-all model. It is open to both statutory and non-statutory referrals. **Local domestic abuse services** were recommissioned in 2017/early 2018. This included new funding for a children and young people’s **Independent Domestic Violence Advocacy Worker**. Initial investigations have begun into what a **Violence Against Women and Girls Strategy** for Guernsey might look like. This includes identifying where key local legislation may benefit from being updated to align with UK best practice.
54. A **Justice Framework** is being investigated as part of the States of Guernsey’s commitments to contribute positively to the development of a responsible, tolerant and inclusive society. It has been acknowledged that contact with the criminal justice system can be an intimidating experience for victims, witnesses and their families, so to help remedy this, “A Guide for Victims and Witnesses”, sponsored by the States of Guernsey, has been produced. It provides detailed information on the criminal justice system in Guernsey, explains how the organisations that make up the criminal justice system all work to meet the needs and expectations of those affected by crime in the Bailiwick, and identifies what support is available and where it can be accessed.
55. Officers from various services areas within the States of Guernsey have engaged with the third sector to understand international best practice regarding the **detection and prevention of any potential cases of modern slavery and human trafficking** in Guernsey. Guernsey Police and the Guernsey Border Agency continue to actively engage

---

<sup>37</sup> <http://signpost.gg/article/151313/Improving-Island-life-for-disabled-people-and-carers>

with other jurisdictions to help combat this global issue. Both entities participate in the completion of risk assessments as part of Project Aidant national risk assessments with regard to modern slavery and human trafficking.

### *Bailiwick of Jersey*

56. The **Sexual Offences (Jersey) Law 2018**<sup>38</sup> provides for protection to individuals of all genders, and, most particularly, aims to protect children and vulnerable adults in Jersey from abuse and exploitation and ensures that abusers can be appropriately punished. Significant consideration has been given to the definitions and importance of “consent” and “reasonable belief”, offences against children (by adults and children), prostitution (replacing some old legislation and adding new provisions) and creating new offences around FGM. The States Assembly has approved changes to the Marriage and Civil Status (Jersey) Law 2001, which will improve safeguards to help protect against **forced or sham marriage**. These changes will come into force on 1 July, subject to States debate on the Appointed Day Act. The States of Jersey Police Strategic Assessment and Control Strategy for 2018 identifies Organised Criminality (inclusive of prostitution) to be a top priority subject matter, along with vulnerable adults and child protection.
57. A multi-agency partnership group was created in 2017 to improve local frontline awareness and reporting of indicators of **modern slavery**.
58. Following an **extensive review of access to justice**, including public consultation, the Government of Jersey has proposed that a legislative basis should be established for legal aid in Jersey. The draft Access to Justice (Jersey) Law 201- was placed before the States Assembly in Jersey in February 2018. Following a general election in May, the States Assembly started detailed consideration of the proposals in July 2018.

### *Isle of Man*

59. In respect of combating VAWG, the Isle of Man Government is consulting on a Bill<sup>39</sup> which has as one of its objectives the **criminalisation of coercive or controlling behaviour** and the introduction of powers for the Isle of Man Constabulary to issue Domestic Violence Protection Notices, which may be established for up to 28 days by order of the court. The latter provisions recognise that when police officers are called to a domestic abuse incident immediate remedial action may be necessary to ensure the victim is protected and the perpetrator is restrained or removed from the situation. It is recognised that, whilst both men and women may be perpetrators of domestic abuse, the overwhelming majority of victims are women and girls. Accordingly, the provisions in the draft Bill are currently based on legislation found in England and Wales, but the Isle of Man Government is open to developing the provisions further in the light of responses to the public consultation, especially from Isle of Man charities working with victims of domestic abuse.

---

<sup>38</sup> <https://www.jerseylaw.je/laws/enacted/Pages/L-20-2018.aspx>

<sup>39</sup> <https://consult.gov.im/home-affairs/criminal-justice-2018/>

60. The **Equality Act 2017**<sup>40</sup>, has been enacted and a commencement order has been made that will bring the Act's provisions in respect of racial discrimination into operation on 1 January 2019. The Isle of Man has put in place additional dedicated resources to support the introduction of this new legislation. Further consideration will be given by the Isle of Man Government to strengthening its legislation in respect of incitement to racial hatred and racially aggravated offences.

---

<sup>40</sup> <https://www.gov.im/about-the-government/equality-act/>

## Overseas Territories

61. The UK and the Overseas Territories share a common resolve to promote respect for human rights and tackle discrimination, and to comply with international obligations. They reaffirmed this shared resolve at the **Overseas Territories Joint Ministerial Council**<sup>41</sup> in November 2017.
62. Since August 2017, Pitcairn is continuing the process of extension of the **CEDAW**; Montserrat has also committed to its extension. Specific domestic legislation has come into force in the Falkland Islands for recognition of **same sex marriage and civil partnerships**, and St. Helena introduced same sex marriage in its Marriage Ordinance of December 2017. In Bermuda, the Domestic Partnerships Act 2018 came into operation on 1 June 2018, and provides a framework for domestic partnerships for both same and opposite sex couples. There is an ongoing challenge before the Bermudian courts to aspects of this legislation.
63. Territory Governments, with support from the UK, continue to progress **work to look after vulnerable members of society**. At the November 2017 Joint Ministerial Council, Territory Leaders reaffirmed their commitment to ensuring the highest possible standards for protection of children and promotion of children's welfare in the Territories, discussing progress in promoting interagency cooperation, the development of national response plans to define policy priorities for child safeguarding, and progress made under a memorandum of understanding to promote more effective collaboration between the Territories for child safeguarding.
64. Territories are continuing to incorporate **protection for women and girls and access to criminal justice** into their local legislation. For example, draft legislation on child protection and criminal justice is being discussed in Anguilla. In the British Virgin Islands, the Domestic Abuse Ordinance 2017 has been introduced, to make provision for protection Orders to safeguard persons in domestic relationships and relevant children from domestic abuse. In the Falkland Islands, domestic abuse legislation is at the drafting stage to provide protection additional to the Crimes Ordinance (April 2017), and the Royal Falkland Islands Police is developing infrastructure for addressing domestic abuse. The **Lanzarote Convention**<sup>42</sup> has been analysed by the Falkland Islands Government with the aim of seeking extension from the UK as soon as possible. Part of this process will involve extending the work undertaken by the probation officers in working with child sex offenders and employing a trauma counsellor for victims, and in January 2018 Special Guardianship Orders were introduced for adults caring for children. Draft legislation is in place to introduce a responsibility on the Government to care for its vulnerable citizens, which will be supported by the setting up of Safeguarding Adult Boards. An independent Child Safety Review completed on Pitcairn in 2017, reviewing the safeguarding of children, including against sexual and other violence, found that all the Pitcairn children were safe, healthy, achieving and participating. In September 2017 further training and a Reconciliation Workshop were provided to the community.

---

<sup>41</sup> <https://www.gov.uk/government/publications/overseas-territories-joint-ministerial-council-2017-communique>

<sup>42</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201>

65. Regarding **tackling racial discrimination**, St. Helena is addressing discriminatory obstacles for those born overseas through its Births and Deaths (Registration) Ordinance, which will permit overseas births to be registered in St. Helena. This will be presented at the next standard Legislative Council. Regarding **access to justice**, Anguilla's Criminal Justice Reform Bill 2017 is in draft. With regards to **combating human trafficking and slavery**, the British Virgin Islands have expressed an interest in having the **Convention on the Civil Aspects of International Child Abduction**<sup>43</sup> extended.

---

<sup>43</sup> <https://www.hcch.net/en/instruments/conventions/full-text/?cid=24>