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COMMITTEE ON ECONOMIC, SOCIAL  
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of the United Kingdom of Great Britain and  
Northern Ireland to the list of issues (E/C.12/GBR/Q/5) to be taken up  
in connection with the consideration of the fourth periodic report of  
Australia (E/C.12/GBR/5)**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND\* \*\***

[11 February 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes may be consulted in the files of the Secretariat.

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## I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED<sup>1</sup>

**Question 1. Please provide further detailed information on the measures taken by the State party to increase awareness of the provisions of the Covenant and their application among judges, public officials, police and law enforcement officers, medical practitioners, nurses and other health-care professionals, teachers, social workers and the public at large, including in the Crown Dependencies and the Overseas Territories. (E/C.12/GBR/5, paras. 34-48 and 91-96; E/C.12/GBR/5/Add.1, paras. 30-31 and 41; E/C.12/GBR/5/Add.2, paras. 16, 239-241, 388, 446 and 701)**

1. The UK Government is fully committed to a vigorous development of economic, social and cultural policy within the UK. It has consistently pursued a progressive social and economic agenda and can point to sustained progress on social inclusion, action on unemployment, and increased funding for education and healthcare as evidence of its commitment to domestic realisation of the rights set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

2. The Government values the important role of the Covenant in improving standards of living and public service and is constantly seeking to improve these further through progressive realisation of the Covenant rights. However, the approach of the United Kingdom, in line with its approach to international treaties generally, is to ensure compliance with the Covenant through specific domestic law measures and policies rather than through incorporation. It believes that domestic law and specific official guidance provide officials with the best framework for delivery of services to the public. For this reason the Government considers it more appropriate for training and guidance for public officials and service providers to focus on their duties under the specific laws and policies which they are required to implement, rather than on the provisions of the Covenant as such. The Government does not believe that further awareness raising of the general provisions of the Covenant would be of practical benefit to officials delivering specific services, or to improved standards of service.

3. The Government is confident that, in general, people in the United Kingdom are aware of their economic, social and cultural rights. Although the development of the Welfare State began before the creation of the Covenant, and was not based on legally enforceable rights, the benefits and services provided by the Welfare State (such as the National Health Service, and free schooling) have become so deeply engrained in the culture of the UK that they are universally regarded as “rights”.

4. There is a wealth of advice and guidance from NGOs, charities and other independent organisations about rights under the Covenant, some of which is used in human rights or citizenship education, for example, in schools. The Government does not believe that further raising of awareness of the provisions of the Covenant would be of practical benefit to the general public, or that it would necessarily lead to better standards of service.

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<sup>1</sup> Statistics and information with regard to the Overseas Territories and Crown Dependencies are contained in annexes to this document.

5. Various watchdog bodies established, and often funded by the government, assure effective delivery of services relating to economic, social and cultural rights. People in the United Kingdom are able to enforce their rights through the courts, various specialised independent tribunals, and by reference to the independent Parliamentary Commissioners for Administration (Ombudsmen).

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **A. Article 2 (para. 1) - International assistance and cooperation**

**Question 2. Please provide information on the measures foreseen for increasing the level of official development assistance (ODA) to 0.7 per cent of gross national product (GDP), as recommended by the United Nations. (E/C.12/GBR/5, paras. 55-70 and 80-83)**

6. The UK is committed to providing 0.7 per cent of its Gross National Income (GNI) as Official Development Assistance (ODA) by 2013, two years ahead of the European Union target. Following the 2007 Comprehensive Spending Review the Department for International Development received an average annual 11 per cent real term increase over three years expanding its budget from £5.3 billion in 2007/08 to £7.9 billion in 2010/11.

7. Augmented by contributions from other government departments, UK ODA is projected to rise to £9.1 billion over the same period, four times the amount in 1997 and representing 0.56 per cent of GNI. This is in line with the European Union's collective commitment to reach an ODA/GNI ratio of 0.56 per cent by 2010.

### **B. Article 2, paragraph 2 - Non-discrimination**

**Question 3. According to reports received, persons belonging to racial, ethnic and national minorities, including Roma and Muslim persons, continue to experience discrimination in the fields of employment, housing, health and education. Please provide detailed information on the implementation of the various legislative, regulatory and policy measures adopted by the State party to eliminate racial discrimination and increase community cohesion, and indicate which remedies are available to victims of racial discrimination in case of violations of their economic, social and cultural rights. (E/C.12/GBR/5, paras. 102-106)**

8. Racial and ethnic minorities, including Roma, Gypsies and Travellers, and members of faith groups, including Muslims, are fully protected by the UK's comprehensive anti-discrimination legislation, which, among other things, outlaws discrimination on grounds of race or religion or belief in employment, provision of goods, facilities and services and public functions.

9. The Race Relations Act 1976 and Race Relations (Amendment) Act 2000 form the centrepiece of Great Britain's race discrimination legislation. The Acts outlaw discrimination (direct and indirect) and victimisation in all public authority functions with only a few exceptions. The limited exceptions include: discrimination on grounds of nationality and ethnic

or national origin (but not on grounds of race or colour) in immigration and nationality functions, where this is contained in legislation or expressly authorised by Ministers; and the core functions of the intelligence and security agencies. Individuals can bring proceedings and claim damages under this legislation. There is also a general duty on public bodies to have due regard to the need to promote race equality and good race relations. This general duty is supported by specific duties on many public bodies.

10. In 2003, the United Kingdom's anti-discrimination legislation was further strengthened when the European Race and Employment Directives were transposed into domestic law. Among other things, this provided additional protection for victims of discrimination by reversing the burden of proof in discrimination cases, introducing a statutory definition of racial harassment, and prohibiting discrimination on grounds of religion or belief in employment and vocational training. The Equality Act 2006 extended the law to cover discrimination in the provision of goods, facilities and services and public services.

11. Improving Opportunity, Strengthening Society, launched in 2005, to increase race equality and community cohesion, forms the basis of a renewed programme of action across Government and more widely. This Strategy meets the Government's commitments to action agreed at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the development of a national action plan against racism. It covers all the key areas of the Durban Programme of Action, including education, employment, health, housing and the criminal justice system.

12. In 2006 and 2007 the Government published annual reviews of the above strategy. These reports outlined progress towards achieving equality in the key public services: education, the labour market, housing, health and the criminal justice system. A third progress report is scheduled for publication in February 2009.

13. On 1 October 2007 the Equality and Human Rights Commission came into full operation. The Commission brings a fresh approach to equality and human rights in Great Britain by working across the different equality strands (i.e. race, gender, disability, sexual orientation, religion or belief, and age), rather than focusing on single equality strands in isolation.

14. In October 2007 the Government announced an action plan to promote cohesion and tackle community tensions, including £50 million of investment. This forms part of the Government's response to the review by the Commission on integration and cohesion which looked at the major challenges Britain faces in responding to increasing change in local communities.

15. Also in October 2007 the Government set out its key targets for the next three years. Each key delivery Department has targets to reduce the gap between outcomes for people from Black and Ethnic Minority backgrounds and those for the population as a whole. There are new targets on: narrowing educational gaps; reducing worklessness; reducing discrimination in employment; reducing unfair treatment at work, college or school, or when using health services and public transport; reducing health inequalities, and access to psychological therapies; reducing hate crime; increasing engagement in public life; and improving confidence in the criminal justice system. These targets, and the funding that will follow them, demonstrate the Government's commitment to tackling inequalities.

16. Legislation on racial discrimination is reserved to the UK Parliament at Westminster. However, the Scottish Government published a Race Equality Statement in December 2008, which sets out the priorities for its work to tackle racism and racial discrimination and promote good community relations.<sup>2</sup>

17. The Welsh Assembly Government (WAG) have worked in partnership with the Commission for Racial Equality initially and subsequently the Equality and Human Rights Commission, to deliver the Croeso project which is about promoting good relations and community cohesion - mainly targeted at children and young people in Wales, but aspects go wider. Further information can be found online.<sup>3</sup>

18. WAG is working in partnership with Welsh Local Government Association, the police service, the Association of Chief Police Officers Cymru, the Equality and Human Rights Commission, and faith groups among others, to develop a Community Cohesion Strategy for Wales. The next phase in its development is consultation with interested organisations and individuals across Wales. The key message of the draft Strategy is that Wales needs to develop stronger communities.

**Question 4. Please provide updated information on progress made since the adoption of the Discrimination Law Review in February 2005 in reviewing the existing anti-discrimination legislative framework and adopting a single equality act covering all forms of discrimination on the grounds of race, religion, gender, sexual orientation, disability and age. Please also provide more specific information on the general anti-discrimination framework existing in the Overseas Territories and Crown Dependencies. (E/C.12/GBR/5, paras. 199-204; E/C.12/GBR/5/Add.1, paras. 26-27, 85, 336-339, 354, 606-610; E/C.12/GBR/5/Add.2, paras. 8-10, 251-252, 393 and 636; see also CCPR/C/GBR/6, paras. 256-272)**

19. In February 2005, the Government launched the Discrimination Law Review to consider opportunities for creating a clearer and more streamlined discrimination legislative framework that produces better outcomes for those who currently experience disadvantage. In June 2007 the Government published a consultation paper, *A framework for fairness: proposals for a Single Equality Bill for Great Britain*. More than 4,000 responses were received, including around 600 from organisations. The consultation was followed in June and July 2008 by two Command Papers setting out the Government's proposed policy for the new Equality Bill: *Framework for a fairer future - the Equality Bill*; and a more detailed paper, *The Equality Bill - Government response to the consultation*. The main objectives of this project are to streamline and harmonise all existing domestic discrimination legislation and to strengthen protection.

20. Framework for a Fairer Future summarized the main proposed strengthening measures as including: a new streamlined Equality Duty on public bodies to have due regard to the need to eliminate discrimination and promote equality of opportunity, which will bring together the

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<sup>2</sup> <http://www.scotland.gov.uk/Topics/People/Equality/18934/RaceEqualityStatement>.

<sup>3</sup> <http://wales.gov.uk/topics/equality/rightsequality/race/croesocampaign/?lang=en>.

existing duties on race, disability and gender and also cover gender reassignment, age, sexual orientation and religion or belief; a ban on unjustifiable age discrimination when providing goods, facilities or services and carrying out public functions; measures to increase transparency in the public sector, including a ban on secrecy clauses which prevent people discussing their own pay; a widening of the scope for employers to take voluntarily positive action to redress disadvantage; and measures to strengthen enforcement. The new Equality Bill was included in the Queen's Speech for the fourth session of Parliament and will be introduced in that session.

**Question 5. Please provide updated information, disaggregated on the basis of gender and national or ethnic origin, on the number of requests for refugee status presented in the last five years, as well as statistics on the number of accepted and rejected applications, disaggregated by country of origin, gender, and, where relevant, grounds for rejection. Please also provide additional information on the legislation and policies of the State party regarding asylum-seekers and refugees, and indicate which measures the State party has adopted and implemented to protect the economic, social and cultural rights of asylum-seekers during the refugee status determination process. (E/C.12/GBR/5, paras. 192-198)**

21. For statistics, please see annex.

22. The UK Border Agency operates in accordance with the 1951 United Nations Convention relating to the Status of Refugees and other international human rights commitments including the European Convention on Human Rights (ECHR).

23. Each claim for asylum is considered on its individual merits by specially trained caseworkers to determine whether the applicant has demonstrated a well-founded fear of persecution in his or her country of nationality or habitual residence for one of the reasons set out in the Convention: race, religion, nationality, membership of a particular social group, or political opinion.

24. Article 3 of the ECHR precludes the UK from removing people to another country, where removing them would expose them to a real risk of torture or inhuman or degrading treatment or punishment.

25. The UK Government believes that managed migration is a valuable source of skills and labour to the British economy and there are recognised routes into the UK for those seeking to work. However, entering the country for economic reasons is not the same as seeking asylum, and it is important to maintain the distinction between the two. It is important that those who apply for asylum in the UK have their applications processed as quickly as possible, which is why the Government have set a target to conclude (grant or remove) 90 per cent of asylum applications within six months by December 2011. Anyone seeking asylum can have their case reviewed by an independent judge but those that a court says have no genuine need for asylum are expected to return home voluntarily. Return and reintegration assistance is available through the International Organization for Migration.

26. The Immigration and Asylum Act 1999 ("the 1999 Act") ended asylum-seekers' eligibility for social security benefits and introduced a new system of support which came into force in April 2000. Asylum-seekers who are destitute may be eligible for asylum support while their

claim is being considered. This support is provided subject to various terms and conditions and which may be suspended or discontinued in circumstances set out in regulations. There are three packages of support available: subsistence and accommodation; subsistence only; accommodation only.

27. When an asylum-seeker has been found not to need protection it is UK government policy to discontinue providing support. There are safeguards for families with dependent children under the age of 18 years who continue receiving support until they leave the UK; for children and vulnerable adults qualifying for local authority care provision; and for people who are temporarily prevented from leaving the UK through no fault of their own if they would otherwise be destitute.

28. Failed asylum-seekers who are unable to leave immediately due to circumstances beyond their control may be eligible for support providing they would otherwise be destitute and certain conditions are met. Additional support is available for pregnant women and new mothers; and for dependent children.

29. Failed asylum-seekers are not allowed to work. Giving asylum-seekers or failed asylum-seekers permission to work would be likely to encourage asylum applications from those without a well-founded fear of persecution, thereby slowing down the processing of applications made by genuine refugees and undermining the integrity of the managed migration system. This is why we do not generally allow asylum-seekers to work while their claim for asylum is under consideration. The only exception is asylum-seekers who have been waiting 12 months for a decision, where this delay cannot be attributed to them.

30. Asylum-seekers and their dependants are eligible to receive health care from the National Health Service (NHS), which entitles them to free medical treatment by a general practitioner (GP) or at a hospital. Asylum-seekers who are receiving accommodation and social assistance from the UK Border Agency may obtain supplementary free health care services, such as NHS prescriptions and dental care. Other asylum-seekers may apply to receive these services free on grounds of low income.

31. Asylum-seekers between ages 5-16 have the same rights as all other children in the UK including a period of compulsory education. All 16-18 year old asylum-seekers are eligible for the Learning and Skills Council (LSC) or Welsh Assembly Government funding in respect of their attendance on a further education course in the same way as UK students.

32. Asylum-seekers aged 19 or over are treated as UK students for the purpose of fees for further education, where they have been legally in the UK for longer than six months pending consideration of their application for asylum, or where they have failed in their claim but have been granted support under the Immigration and Asylum Act 1999. This follows the granting of concessions to enable asylum-seekers to access LSC funding in certain circumstances, for example for courses teaching English for Speakers of Other Languages. Otherwise they are treated as international students, and may be required to cover the full cost of their course. However an FE college or provider has discretion over the level of fee that they actually charge. WAG considers asylum-seekers in receipt of certain benefits or support to be 'home' students for funding purposes. Asylum-seekers access higher education courses as international students and can expect to be charged the full cost of their course by the university concerned.

**Question 6. Please provide detailed information, including statistical data disaggregated by country of origin, gender, and documented/undocumented status, on migrants living in the territory of the State party, and indicate the measures adopted by the State party to combat discrimination against them and their families in the fields of employment, housing, health care, education and culture.**

33. For migration statistics, please see annex.

34. Migrants who have permanent residency status in the UK enjoy the same legal protections as UK nationals. Migrants who are legally present but subject to immigration restrictions may have conditions attached to their entitlement to seek employment and access social benefits such as social housing. Overseas nationals who are not ordinarily resident in the UK will be chargeable for secondary care NHS services unless exempt under Department of Health regulations, and exemptions apply to workers, long term students and asylum applicants amongst other categories. Immediate, necessary medical treatment is never withheld, irrespective of the person's immigration status. Generally, illegal migrants are prohibited from accessing the labour market and social benefits, excluding primary and secondary education. Special provision is made to support asylum applicants who meet destitution criteria.

35. Please see response to issue 3 regarding protection against discrimination.

36. For recognised refugees, a national refugee integration and employment service (RIES) started on 1 October 2008 to ensure that new refugees can benefit from a standard level of integration support wherever they live. The provision of RIES is closely aligned to our Regional Asylum Case Management function as part of the end to end process for those granted refugee leave or humanitarian protection who are over 18 years of age. The service focuses particularly on employment as a key driver to successful integration outcomes but also provide practical advice on shorter term needs. There are three elements of the service provided over a 12 months period: initial intensive advice and support to help with critical needs, such as housing, health and education; specialist employment advice and support; and a volunteer mentoring service.

37. The UK has developed a handbook *Life in the UK: A Journey to Citizenship*, which is used as the basis for testing knowledge of life in the UK for the purposes of permanent residence or citizenship. The handbook contains useful information on social and cultural rights; there are chapters on UK history, customs and traditions, equal rights and discrimination, health, education, employment and the legal system. There is a chapter on community engagement which gives information about ways in which migrants can engage with wider UK society. The UK has also developed "language with citizenship" courses for people with lower levels of language competence which aim to develop their ability to access goods and services whilst at the same time giving them the opportunity to explore specific areas of social, cultural or political rights that are of particular interest to them.

**Question 7. Please provide information, including recent statistical data, on measures taken by the State party to ensure the equitable representation of persons belonging to ethnic minorities in the Parliament, the devolved Assemblies and Parliaments, and in local councils, as well as in the Government, the judiciary and the public administration.**

38. The forthcoming Equality Bill will include a broad range of positive action provisions that will allow political parties and public bodies to take a range of steps to encourage involvement amongst under-represented groups.

39. The Government made a new commitment to address under-representation in public life for women and ethnic minorities over the period April 2008 to March 2011, and has taken a range of action to address this under-representation in political and public life.

40. With regard to Parliament, the number of black, Asian and minority ethnic (BAME) MPs remains too low. For statistics, see annex. The Ministers for Women made this one of their priorities on women in July 2007 and reported on progress in July 2008.

41. The Sex Discrimination (Election Candidates) Act 2002 enables political parties to use women-only electoral shortlists to boost the number of women standing in local, national and European elections. This is aimed at all women including BAME and disabled women. The Government has announced that it intends to extend these special measures to 2030.

42. In November 2008, a Speakers Conference was convened in November 2008 to consider representation of women, ethnic minorities and disabled people in the House of Commons.

43. The National Muslim Women's Advisory Group was launched in November 2007, made up of women in positions of leadership to act as ambassadors and role models for Muslim women. The Government have provided funding to Operation Black Vote over the last three years to help increase the number of BAME people involved in all areas of public life, as well as BAME registration for and turn-out at elections.

44. The Government wants to increase representation at local level. In a White Paper *Communities in Control - Real People, Real Power* published in July 2008, the Government agreed to take action to put legislation in place to support local government in its work to meet the aims of the independent Councillors Commission. The duty on local councils to promote democracy is the central theme of the White Paper, and creates the framework for a change in emphasis and culture that is expected to lead to a broader range of people standing for office.

45. In May 2008, Ministers launched a new cross-party taskforce, which is leading a programme of outreach events across Great Britain to raise awareness of the role of a councillor and provide advice and information to support BAME women to apply.

46. The Government is committed to an impartial, high quality judiciary that enjoys full public confidence. In 2005 it created the Judicial Appointments Commission (JAC) to be a new independent judicial selection body. Parliament required the JAC to appoint solely on merit but also to have regard to the need to encourage diversity in the range of persons available for selection for appointments.

47. The JAC operates an outreach programme to encourage candidates from under-represented groups to apply for judicial appointment. The diversity of those recommended for part-time (fee-paid) office is an encouraging development.

48. For statistics, please see annex.

49. In Wales, WAG is working with organisations representing minority ethnic communities to encourage applications for public appointments. This is supplemented with an advertising campaign, started in February 2008, which features as role models public appointees from the minority ethnic communities. A training course has also been developed to help potential candidates with the application process.

50. The National Assembly for Wales, in collaboration with Operation Black Vote, operated a shadowing scheme in 2007/8, in which BAME people were paired with Assembly Members from all parties in the Assembly. There is evidence that this has assisted the “shadows” in their political development. The Welsh Assembly Government is now co-operating with the National Assembly and the Welsh Local Government Association to operate a similar scheme both in the Assembly and in local government in 2009/10. In December 2008 WAG also supported a Government Equalities Office event designed to encourage black and Asian women to enter local government.

51. The Scottish Government provides funding to BEMIS (Black & Ethnic Minorities Infrastructure in Scotland) and CEMVO Scotland (Council of Ethnic Minority Voluntary Sector Organisations) to build capacity in the minority ethnic voluntary sector. CEMVO Scotland receive funding to take forward specific work to increase participation of people from minority ethnic communities in mainstream democratic decision making structures; their Black Leadership Network (BLN) was established in January 2006 to develop a collective leadership agenda amongst minority ethnic managers and develop these leaders.

52. CEMVO Scotland also receive funding to support the Ethnic Minority Civic Congress (EMCC) consisting of representatives from community groups across Scotland, which is working to change the civic landscape in Scotland through creating “a visible structure for civic engagement.” EMCC has been developed in response to poor levels of representation from ethnic minorities amongst current civic leaders, and is being used to build participative and leadership skills through regional workshops with black and minority ethnic individuals.

### C. Article 3 - Equal rights of men and women

**Question 8. Please provide information on the progress made, and the obstacles encountered, in addressing the wage gap and career inequalities between men and women existing in the State party. In particular, please provide updated information on measures adopted to implement the recommendations contained in the report entitled “Shaping a Fairer Future”, presented by the Women and Work Commission in February 2006. (E/C.12/GBR/5, annex I: report under ILO Convention No. 111, paras. 29-32)**

53. The independent Women and Work Commission was established to consider the influences that have contributed to the gender pay gap and to make recommendation on how they might be addressed. They presented their report, *Shaping a Fairer Future* in February 2006. The report proposed a wealth of practical ideas and contained 40 recommendations covering skills, training, part-time work etc. The Government is continuing to take action on the recommendations set out by the Commission to tackle the gender pay and opportunity gap. The Government has recently issued an update on progress in implementing the Commission’s recommendations in their report *Towards a Fairer Future*, which describes the comprehensive

and co-ordinated programme.<sup>4</sup> The Commission was recently invited by the Minister for Women and Equality to reconvene in order to investigate how well its original recommendations have been implemented by the Government. It is expected to publish its view in Spring 2009.

54. The Government's work involves identifying best working practice among employers; developing an equality check list to help employers look at the range of issues that impact on the gender pay gap; funding Trade Union equality representatives to promote equality in the workplace; funding projects to improve the availability of high quality part-time work opportunities; supporting women's enterprise; and improving careers advice to young people.

55. In addition the Government is also working to enable families to have greater flexibility in how they share childcare responsibilities. Under the Employment Act 2002, parents of children under 6 and parents of disabled children, as well as carers of adults, have the right to request flexible working. The Government have recently announced that from April 2009 this right will also be extended to parents of children up to the age of 16.

56. Government has extended statutory maternity pay, maternity allowance and statutory adoption pay from 26 weeks to 39 weeks, and remains committed to increasing statutory maternity pay to 12 months. It is also the Government's intention that employed fathers will be able to take up to 26 weeks Additional Paternity Leave, so that they can play a greater role in bringing up their children, and allow mothers to return to work earlier if they wish to.

57. In Northern Ireland, the Department for Employment and Learning funds childcare payments, to assist any students who would otherwise be particularly disadvantaged in entering the labour market because they have childcare responsibilities. The advertising campaign for this provision includes the depiction of young women in 'non-traditional' roles (plumbing etc.), thereby contributing toward the challenging of stereotyping in subject choice.

58. In Wales, WAG has worked in partnership with the Trade Union Congress and the Equality and Human Rights Commission to deliver several phases of the "Close the Pay Gap" campaign<sup>5</sup> which is aimed at closing the pay gap between men and women. It is currently funding a project to raise awareness and promote the business case for equal pay.

59. The Scottish Government published its Gender Equality Scheme in March 2007, setting out its high level objectives for delivering on gender equality. These include an objective on equal pay and one on tackling occupational segregation, a major contributor to the pay gap. Also as required by the duty, the Scottish Government is reporting on progress annually.

60. The Scottish Government continues to fund and be a partner in the Close the Gap project. This project raises awareness amongst employers and employees about the gender pay gap and the reasons for it (including career inequalities between women and men) and encourages and supports action to close the pay gap.

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<sup>4</sup> [http://www.womenandequalityunit.gov.uk/women\\_work\\_commission/](http://www.womenandequalityunit.gov.uk/women_work_commission/).

<sup>5</sup> [http://www.tuc.org.uk/the\\_tuc/tuc-12013-f0.cfm?regional=2](http://www.tuc.org.uk/the_tuc/tuc-12013-f0.cfm?regional=2).

61. Towards the end of 2006, a cross-directorate working group was set up as the main vehicle for taking forward the Scottish Government's work to tackle gender stereotyping and occupational segregation; and to implement the recommendations of the UK Women and Work Commission's report of February 2006 to close the gender pay and opportunity gap within a generation. The group's report was published in August 2008.<sup>6</sup>

**Question 9. Please provide updated information, including recent statistical data, on progress made by the State party in ensuring the equitable representation of women in public life, particularly at senior levels of the executive and judiciary and in Parliament, and also in the private sector. (E/C.12/GBR/5, paras. 199-204; E/C.12/GBR/5/Add.2, paras. 253, 395-397 and 637; see also CCPR/C/GBR/6, paras. 299, 301-302 and 314)**

62. The Government is committed to equal representation of women and men in political life. It made a new commitment to address under-representation in public life for women and ethnic minorities over the period April 2008 to March 2011. A Speakers Conference was convened in November 2008 to debate and consider the issue of representation of women, ethnic minorities and disabled people in the House of Commons.

63. The Sex Discrimination (Election Candidates) Act 2002 allowed positive measures towards women's increased participation. The Government has announced that it intends to extend the use of these special measures to 2030.

64. The Work and Families Act helped to create a better work-life balance and widened the scope of existing legislation to enable those with wider caring responsibilities the right to request flexible working. This will help women to overcome barriers to reach the top.

65. The Commissioner for Public Appointments has been given a stronger diversity role, with the power to take steps to promote diversity in the procedures for making public appointments within her remit. The Women's National Commission (WNC) has undertaken a programme to connect women's organisations to the public appointments advertising process with new women in public life pages on the WNC website.

66. The forthcoming Equality Bill will include a broad range of positive action provisions that will allow political parties and public bodies to take a range of steps to encourage involvement amongst under-represented groups including targets on gender, race and disability in public appointments.

67. For details of government action in relation to the judiciary, please see response to issue 7. For statistics please see annex X.

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<sup>6</sup> <http://www.scotland.gov.uk/Publications/2008/08/27101332/0>.

### III. ISSUES RELATING TO THE SPECIAL PROVISIONS OF THE COVENANT (arts. 6-15)

#### A. Article 6 - The right to work

**Question 10. Please provide detailed information on progress made in the implementation of the different strategies, including the *New Deal for Skills*, adopted by the State party to provide professional training and employment opportunities for persons belonging to specific groups, such as single parents, persons over 50 years of age, persons with disabilities and persons belonging to racial, ethnic and national minorities. (E/C.12/GBR/5, annex I: report under ILO Convention No. 111, paras. 58-66 and 88-95; E/C.12/GBR/5, annex II: report under ILO Convention No. 122, paras. 77-105)**

68. New Deal for Skills (NDfS) is a package of measures aimed at improving the skills of individuals where lack of skills is the main barrier to the person securing or sustaining employment. A key focus is to improve joint working between Department for Children, Family and Schools (DCSF), the Learning and Skills Council (LSC), Department for Work and Pensions (DWP) and Jobcentre Plus (JCP) to improve their effectiveness in raising the skills levels of individuals both in and out of work.

69. NDfS builds on recommendations in the National Employment Panel (NEP) reports *Welfare to Workforce Development (2004)* and *Enterprising People, Enterprising Places (2005)*. The NEP is an employer-led body providing independent advice to ministers on the design, delivery and performance of the UK Government's labour market policies and programmes.

70. NDfS comprises four elements: "Skills Coaching" provides individually tailored support to help unemployed people develop the skills necessary to sustain and progress in employment; "Skills Passport" helps individuals and employers by identifying, planning and recording skills and qualifications; "Adult Learning Option" offers full-time training for benefit recipients with qualifications below National Vocational Qualifications (NVQ) to Level 2; includes a training allowance which does not affect entitlement to benefits; and "Welfare to Work Agenda" is a strategy to improve the employability of low skilled benefit recipients, particularly those below Level 2, and provide support into sustainable employment.

71. There are a number of New Deal programmes, each targeting different groups. These include: New Deal for Lone Parents, for lone parents who are not working or working less than 16 hours per week; New Deal Plus for Lone Parents, currently being piloted in certain areas; New Deal for Disabled People or Pathways to Work for disabled people; New Deal 50 Plus, for people aged 50 and over looking for work.

72. Other programmes within New Deal are: New Deal for Young People for 18 to 24 year olds who have been claiming Job Seekers Allowance (JSA) for at least 6 months; New Deal 25 Plus for those over 25 who have claimed JSA for 18 months or 18 out of the previous 21 months; New Deal for Partners, for partners of people claiming JSA, Income Support, Incapacity Benefit, Carer's Allowance or Severe Disablement Allowance for six months or more; New Deal for Musicians, to enable unemployed musicians, who are eligible for either the NDYP or ND25+, to pursue a career in the music industry.

73. Proposals for a new, more flexible New Deal were outlined in the UK Government paper *Ready for work: full employment in our generation* (December 2007). This will combine and replace the employment support provided via current programmes, building upon the proposals in the 2007 report, *Reducing dependency, increasing opportunity: options for the future of welfare to work*.

74. Proposals for reform of incapacity benefits set out in *A New Deal for Welfare: Empowering people to work* (2006) have been implemented in the Welfare Reform Act 2007. The Employment and Support Allowance (ESA) will replace Incapacity Benefit (IB) and Income Support based on incapacity or disability for new claimants from 27 October 2008. The new provisions will include a new medical assessment (the Work Capability Assessment) to assess an individual's entitlement to ESA and the possible support that would be needed to return to work; and a requirement for people who are able to work to attend Work Focused Interviews and develop a plan of action, with their advisors, to help them take steps to return to work.

75. ESA will build on the support provided by Pathways to Work provision, one of the key reforms in the UK Government's Welfare to Work agenda for people with health conditions and disabilities.

76. In Northern Ireland, many changes have been made to the New Deal programme since its introduction in 1998. For example, lone parents, the majority of whom are women, may now access all of the New Deal provision, whereas in the past access was restricted to certain elements of the programmes. The programme is now closed to new entrants.

77. A new programme, 'Steps to Work', has now been developed. This is a menu-based approach, better targeted to address individuals' barriers to employment. Steps to Work has been available from Autumn 2008. The provision is open to a very wide range of individuals who are unemployed/economically inactive. These include lone parents, those aged over 50, and those with health conditions or a disability. The provision is available to all eligible clients regardless of race, gender, religion etc.

78. An additional range of provision is available to people with a disability to assist them to move into work.

**Question 11. Please provide detailed information on the employment/unemployment rate of persons with disabilities, including statistical data disaggregated by age, gender and type of disability. Please also provide updated information on progress made by the State party in the implementation of the various legislative measures and policies it has adopted to combat discrimination and promote equality of opportunities for persons with disabilities in the field of employment. (E/C.12/GBR/5, annex I: report under ILO Convention No. 111, paras. 107-108; E/C.12/GBR/5, annex II: report under ILO Convention No. 122, paras. 15-26)**

79. For statistics on employment rates of persons with disabilities, please see annex.

80. Please see the response to issue 10 regarding Employment and Support Allowances and the New Deal for Disabled People. Please see the response to issue 4 regarding changes to the general framework for protection against discrimination.

**Question 12. According to reports received, migrant workers from the Central and Eastern European countries that joined the European Union in May 2004 are subject to significant forms of exploitation in the field of employment, including low rates of pay, often below the national minimum wage, delays in the payment of wages, excessively long working hours, withholding of travel documents, violence and abuse at workplace, and unsafe/unhealthy conditions of work. Please provide detailed information on the implementation of the various legislative and policy measures adopted by the State party to protect migrant workers, including undocumented migrant workers and those employed in the informal economy, from all forms of discrimination and abuse at the workplace.**

81. Legal migrant workers have the same employment rights and recourses as UK workers. Workers who are not working in the UK legally do not have access to the same basic employment rights, although all workers are entitled to a safe and healthy working environment. By improving enforcement of employment rights the government aims to provide a more level playing field and drive out rogue employers, to achieve better treatment for all workers.

82. The government has created a fair framework of employment rights including the right to a minimum wage, a right to 24 days paid leave - being increased to 28 days from April 2009 - and the right not to be forced to work more than 48 hours a week. The government has a programme of work to ensure that all workers, including migrant workers, have access to their rights and that they are properly enforced. Key measures include: a campaign to raise vulnerable worker awareness of basic employment rights and encourage the reporting of workplace abuses; a single enforcement and compliance helpline through which vulnerable workers will be able to report abuses and access information and advice about the rights enforced by government; action to tackle the legal information-sharing barriers that prevent inspectors passing information to each other; more face to face contact with advice bodies, community groups and local authorities to raise awareness of the National Minimum Wage (NMW), employment agency standards and other basic rights, and to build local contacts for intelligence about non-compliant employers.

83. A Fair Employment Enforcement Board chaired by the Employment Relations Minister will bring together the enforcement bodies and external stakeholders to drive forward these improvements.

84. Government has also strengthened enforcement of employment rights. The Employment Act 2008 introduces stronger penalties for non-compliance with the NMW, and improves protections for agency workers by making infringements of employment agency regulations indictable, so that they can be tried in a Crown Court where tougher penalties are available and cases can be brought by the enforcement body without a witness.

85. The government has taken steps to raise migrant worker awareness of workplace rights, both prior to their arrival and once they are in the UK. It is particularly important to reach workers in the host country before they leave as it is often much harder to help workers, who may not speak English and have no accommodation arranged, once they arrive.

86. We have offered to work with the Governments of all the new EU Member States, to prepare bi-lingual "know before you go" leaflets aimed at ensuring potential migrants are aware of their rights and responsibilities both before they leave their own country and on arrival in the UK. Leaflets have been produced with the Polish, Lithuanian and Romanian governments. They have been distributed widely in both the workers' home country and the UK.

87. The government has publicised the NMW, and has specifically put together information to ensure that migrant workers are aware of their entitlement to the NMW and know where to go for advice. An awareness raising campaign, targeting Polish, Lithuanian and Slovakian workers through outreach work, posters and online activity took place in 2008.

88. In addition Accession country workers (A8 - Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia, which joined the EU in 2004 - and A2 - Bulgaria and Romania, which joined in 2007), who are required to register under the Home Office's Worker Registration Scheme, receive a Know Your Rights leaflet available in six languages.

89. In Northern Ireland, migrant workers who are working legally have the same employment rights as indigenous workers, including provisions relating to the NMW, working time and holiday entitlement. Breaches of employment rights are normally taken through the tribunals system.

90. Relevant NI Employment Inspection and Enforcement bodies and UK and Republic of Ireland departments and agencies with similar responsibilities, work together to develop a platform for potential information sharing and to benchmark approaches.

#### **B. Article 7 - The right to just and favourable conditions of work**

**Question 13. Please indicate whether the national minimum wages are sufficient to enable workers and their families to enjoy an adequate standard of living. Please also provide information on the implementation of the measures adopted by the State party to prevent and punish violations of the minimum wage standards. With regard to those Crown Dependencies and Overseas Territories where there is no legislation providing for minimum wages, please indicate which mechanisms have been established to guarantee a decent standard of living to workers and members of their families. (E/C.12/GBR/5, paras. 107-108 and 211-213; E/C.12/GBR/5/Add.1, paras. 42, 91-92, 361-373, 401-403 and 611; E/C.12/GBR/5/Add.2, paras. 96, 267-269, 411 and 466)**

91. The Government takes advice on the National Minimum Wage (NMW) and the level of pay rates from the independent Low Pay Commission (LPC). The LPC takes into account a range of factors to ensure that the minimum wage is set at a level that guarantees a decent minimum wage for people at work and that it does not impact adversely on employment.

92. The minimum wage forms part of the Government's wider strategy for tackling low living standards and needs to be seen in conjunction with other measures for alleviating poverty. From October 2008, the minimum wage (adult rate), along with Working Tax Credits and other benefits, provides a guaranteed income of at least £292 per week for families with one child and one full time worker, which is equivalent to over £7.38 per hour.

93. Based on the recommendations of the independent Low Pay Commission, from 1 October 2008: the adult rate (for those aged 22 and over) increased from £5.52 to £5.73 per hour; the development rate (for those aged 18-21) increased from £4.60 to £4.77 per hour; and the 16-17 year old rate increased from £3.40 to £3.53 per hour. The national minimum wage is currently 51.3 per cent of the median wage (as of April 2008).

94. These minimum wage rates provide a wage floor below which pay must not fall. The aim when setting the new rates was to help the low paid through an increased minimum wage, while making sure that their employment prospects were not damaged by too high a rate.

95. The UK Government is committed to simple, effective NMW enforcement which supports workers and businesses by deterring non-compliant employers from underpaying their workers and removing the unfair competitive advantage that underpayment can bring. The Employment Act 2008 strengthens the enforcement of employment law through the introduction of new penalties for employers who have not complied with minimum wage requirements and additional powers for minimum wage enforcers to enable them to deal more effectively with serious cases of non-compliance. It also introduces a new method of calculating minimum wage arrears to take account of the time that has elapsed since the underpayment took place. The new enforcement regime will help to ensure that individuals are fairly treated if their rights are infringed and will provide a greater deterrent to non-compliance. These changes will come into force on 6 April 2009.

96. In 2007/08 the Government helped to restore £3.9 million in arrears to over 19,000 workers.

97. In Northern Ireland, under Schedule 3 to the Northern Ireland Act 1998, the NMW is a reserved matter. Almost all UK workers have a legal right to a minimum level of hourly pay under the Act, regardless of the work they do or the type of business they work for. The rates vary according to age and fall into three brackets - workers aged 22 and over; workers aged 18 to 21; and workers aged 16 to 17. National Minimum Wage protection does not extend to workers under 18 years of age.

**Question 14. Please provide updated information on the legislation and policies existing in the State party with regard to (a) obligatory rest period; (b) overtime work and remuneration rates; (c) paid public holidays; and (d) periodic holidays with pay.**

98. Under the European Working Time Directive and the UK Working Time Regulations (1998, with amendments on subsequent occasions), the following entitlements exist:

1. Rest breaks at work - If a worker is required to work for more than six hours at a stretch, he or she is entitled to a rest break;
2. Daily rest - A worker is entitled to a rest period of 11 uninterrupted hours between each working day;
3. Weekly rest - A worker is entitled to one whole day off a week. Days can be averaged out over a two week period, meaning workers can take two days off a fortnight.

99. A worker cannot be forced to work for more than 48 hours a week on average. A worker can agree to work beyond the 48-hour limit. The agreement must be in writing and signed by the worker. Such agreements are terminable by the employee on not less than seven days' written notice to the employer. Remuneration rates are contractual issues to be negotiated individually.

100. There is no statutory right to receive an enhanced rate of pay for work on a public holiday although individual contracts may allow for this.

101. Since 1 October 2007 the Government has implemented phased legislation to increase the statutory minimum leave entitlement and ensure that every worker - whether part-time or full-time - covered by the Working time Regulations is entitled to 4.8 weeks paid annual leave (24 days if they work a five day week) pro-rata for those working part-time. This will increase to 5.6 weeks (28 days if they work a five day week) from 1 April 2009.

### C. Article 8 - Trade union rights

**Question 15. According to the European Committee of Social Rights, the legislation of the State party on the right to strike is not in conformity with article 6, paragraph 4, of the European Social Charter because (a) the scope for workers to defend their interests through lawful collective action is excessively circumscribed; (b) the requirement to give notice to an employer of a ballot on industrial action is excessive; and (c) the protection of workers against dismissal when taking industrial action is insufficient. Please comment. (E/C.12/GBR/5, paras. 109-115 and 218)**

102. The UK would respectfully disagree with the European Committee of Social Rights. It considers that the UK's legal framework on industrial action is fully compatible with the European Social Charter and the UK's other international obligations regarding trade unions. Although there is no explicit provision in UK law about a right to strike, the same effect is achieved through section 236 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the "1992 Act"). This section provides that courts cannot order any employee to do any work or attend any workplace. This means that individuals are free to withdraw their labour and cannot be compelled by the courts to work. The ECSR refers in particular to three matters, which the following paragraphs deal with.

103. With regard to the scope for workers to defend their interests through lawful collective action, the Government is satisfied that the definition of a trade dispute should be limited to disputes between workers and the direct employer. The Government believes that secondary action should remain unlawful as it is particularly disruptive in the UK setting. The Government considers that the law is workable, and provides ample scope for trade unions to defend their members' interests by taking or threatening to take industrial action. Employers in the UK perceive the strike weapon of unions as potent.

104. Most, if not all, member states impose some restrictions on the ability of trade unions to organise industrial action. Those restrictions are designed in accordance with their own individual systems and practices of industrial relations. The UK imposes limitations which are necessary in its own circumstances. The Government considers it is essential under the UK's system of decentralised industrial relations that it should remain unlawful for a trade union to organise any form of secondary industrial action. Further, it considers that these limitations on trade unions are necessary and appropriate, and therefore in accordance with the UK's international obligations.

105. With regard to notices to employers in advance of a ballot on industrial action, the law on industrial action notices is found at sections 226A and 234A of the 1992 Act. Measures were

taken in both the Employment Relations Act 1999 and the Employment Relations Act 2004 to clarify and modernise industrial action law, including the reduction of unnecessarily complex requirements. Both sections 226A and 234A were substantially revised as a result.

106. The provisions of the 1992 Act concerning notices provide important flexibility to trade unions. There is no requirement for the union to obtain information beyond that which it already holds when intending to conduct a ballot. Nor is there any expectation that the union should hold perfect information about the members whom they intend to ballot.

107. The Government considers that the requirement to give notice of industrial action to an employer should remain. Informing employers of a ballot is useful as it shows that the situation has moved closer to possible strike action. This allows time for more efforts on both sides to try to resolve the dispute and so avoid strike action.

108. With regard to protection of workers against dismissal for taking industrial action, the Government would respectfully point out that protection for UK employees was significantly increased as a result of measures taken in the Employment Relations Act 1999 and the Employment Relations Act 2004. These new protections are two fold and they apply to all official industrial action which is lawfully organised by a trade union.

109. First, it is automatically unfair for an employer to dismiss an employee for taking industrial action lasting twelve weeks or less (days where employees have been locked out by the employer do not count). The large majority (over 95 per cent) of industrial action in the UK is within this period.

110. Second, it is unlawful for an employer to dismiss an employee for taking industrial action of whatever duration where the employer has not taken all reasonable procedural steps to resolve the trade dispute with the trade union. This means that the employer is generally required to exhaust dispute procedures and utilise the services of conciliators and mediators (where requested by the trade union) before any dismissals can occur.

111. The Government does not support the view that the employer must never dismiss workers under any circumstances when they take industrial action. The law strikes a reasonable balance between the interests of the employer and the worker, at the same time as encouraging parties to resolve their dispute through negotiation.

#### **D. Article 9 - The right to social security**

**Question 16. Please provide more detailed information on the pension reform, as well as on other measures the State party intends to take in order to cover the higher pension and health costs arising from the ageing of its population. (E/C.12/GBR/5, paras. 227-228)**

112. The Pensions Act 2008 makes reforms to the private pension system, as set out in the White Paper, *Personal Accounts: a new way to save* published in December 2006. These reforms build upon the *Pensions Act 2007* and are aimed at enabling and encouraging more people to build up a private pension income to supplement the money received from their basic State Pension. The Act applies in Great Britain but it is intended that Northern Ireland, which has its

own pensions legislation, will make corresponding provision in due course. The Government plans to introduce these reforms from 2012, but information will be made available in advance of this date to ensure that those affected are prepared for the changes before they take effect.

113. From 2012, it is planned that employers will automatically enrol eligible workers between the ages of 22 and State Pension Age who are not in a qualifying scheme into a qualifying workplace pension scheme (which can include the new 'personal accounts' scheme). Automatic enrolment means instead of choosing whether to join a workplace pension scheme provided by their employer, all eligible workers will have to actively decide not to be in a scheme, if for any reason they feel this is not a suitable form of personal saving for their situation.

114. To encourage participation, for the first time all employers will be required to contribute a minimum of 3 per cent (on a band of earnings) to an eligible employee's workplace pension scheme. This will supplement the 4 per cent contribution from the employee and around 1 per cent from the Government in the form of tax relief.

115. From 2012 the Government intend to introduce a new low cost saving vehicle (the personal accounts scheme) aimed at employees who do not have access to a good quality work based pension scheme - in the main, median to low earners. There will be contribution limit of £3,600 per year (based on 2005 earning levels) and a general ban on transfers in and out of the scheme, to focus the scheme on the target market.

116. The Act includes measures to enforce employer duties through a compliance regime for which the Pensions Regulator will have overall responsibility, and extend the remit of the delivery authority.

117. The Act also includes a number of measures designed to simplify the existing system for state and private pensions. These include the consolidation of additional State Pension and removal of rules relating to contracted-out rights. It makes a number of changes relating to the operation of the Pensions Protection Fund (PPF) including enabling PPF compensation to be shared on divorce as well as enabling individuals in the PPF with terminal illness to commute their entitlement into a lump sum. Further, it includes measures that will enable changes to the qualifying conditions for the Financial Assistance Scheme (FAS).

**Question 17. Please provide more detailed information on measures adopted in the Crown Dependencies to ensure that all women have the right to paid maternity leave or leave with adequate social security benefits for an adequate period of time before and after the birth of their babies. (E/C.12/GBR/5/Add.1, paras. 146, 444, 459, 612 and 616)**

118. For response in relation to the Crown dependencies, please see annex.

#### **E. Article 10 - Protection of the family, mothers and children**

**Question 18. Please provide detailed information on the number of prosecutions and convictions, and on the sanctions imposed, with regard to criminal offences relating to gender violence, including rape, as well as disaggregated data on the number of women who have been hosted in shelters for victims of gender violence in the last five years. (E/C.12/GBR/5, paras. 116-125)**

119. For statistics, see annex.

120. This year the UK Government has supported rape crisis centres through a £1.1 million cross-government fund, announced by the Minister for Women and Equality in March 2008. Twenty rape crisis centres have benefited from this fund, ensuring that they were able to continue providing services to victims of sexual abuse and violence. This funding was additional to other funding for the sexual violence and abuse third sector - through the Victims' Fund the UK Government provided in this financial year (2008/09) £1.25 million for voluntary and community sector services, including Rape Crisis Centres, for victims of sexual violence and abuse. The Government has also provided £150K core funding to umbrella organisations, Rape Crisis England and Wales and The Survivors' Trust, to help build the stability of the sector. The UK Government is aware that some organisations in the sexual violence voluntary sector still face real challenges and we have discussed with the two main umbrella organisations how these challenges can be met.

121. For Scotland, the attached table shows the number of persons prosecuted for crimes of indecency in the last five years broken down by the type of crime (rape and attempted rape, indecent assault, lewd and indecent behaviour and other crimes of indecency) and the main penalty given out. This is the closest match we can provide from courts data to "criminal offences relating to gender violence", although information is only available about the accused and not the victim.

122. The most recent annual Homicides publication was published in December 2008.<sup>7</sup> Table 3, annexed, provides details of the age and sex of victims of homicide.

123. In Northern Ireland, the Sanctuary scheme is a victim centred Northern Ireland Housing Executive (NIHE) led initiative to assist victims of domestic violence and prevent homelessness in Northern Ireland. It involves the creation of a sanctuary room - a safe room within the home where the victim can call and wait for the arrival of the police. In 2007/08 the Housing Executive Homelessness budget paid out £86,000 to the Women's Aid Domestic Violence Helpline and the various Women's Aid schemes throughout Northern Ireland have also been paid a total of £349,390 in Housing Benefit. Supporting People Division also makes payments to Women's Aid to support the victims of domestic violence. Payments in 2007/08 from Supporting People are over £3m.

**Question 19. Please provide updated information on the prevalence of corporal punishment in the home, in schools and in alternative care settings, also with regard to Crown Dependencies and the Overseas Territories. (E/C.12/GBR/5, paras. 126-130)**

124. There have been no large scale studies into the prevalence of physical punishment in the home in recent years. However in 2007, the Department for Children, Schools and Families (DCSF) commissioned a survey of parents' attitudes to smacking. The report of this survey, A study into the views of parents on the physical punishment of children, is available online.<sup>8</sup>

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<sup>7</sup> <http://www.scotland.gov.uk/Publications/2008/12/15155727/0>.

<sup>8</sup> [www.dcsf.gov.uk/publications/section58review](http://www.dcsf.gov.uk/publications/section58review).

125. The study showed that 29 per cent of parents of children aged under 18 said that they had smacked at least one of their children during the previous year, which suggests that most parents had not recently smacked their children. 57 per cent said they had smacked one of their children at some stage. 24 per cent of parents use or have used smacking to improve or manage their child's behaviour; of those around three in ten believe it to be one of the most effective means of doing so. Smacking was becoming a less commonly used form of discipline as parents recognise that there are more effective approaches to discipline: 44 per cent of parents now aged over 65 have used smacking to improve or manage their child's behaviour, compared with seven per cent of parents now aged 15-24. The figures for age groups between those extremes show a progressive reduction in the use of smacking to improve or manage behaviour, correlated with age.

126. The study also showed that a majority of parents do not want smacking to be banned: it said that 59 per cent agree with the statement: "the law should allow parents to smack their children", and 67 per cent disagreed with the statement: "there should be a complete ban on parents hitting their children, even a smack, as a punishment"; even among those parents who were against smacking, 45 per cent opposed a complete ban.

127. The Government does not condone smacking, but it disagrees with the view that banning smacking is the right way to reduce the practice. The Government is pleased that parents' attitudes towards smacking have been changing over time. It is determined through positive parenting to encourage this direction of travel.

128. Physical punishment has been abolished in schools in England and Wales. It is not permitted in alternative care settings in England and Wales. It is not permitted in the young peoples secure estate in England and Wales, which includes young offender institutions, secure training centres and secure children's homes.

129. In Northern Ireland, corporal punishment of pupils in grant-aided schools became unlawful on 15 August 1987 under Article 3 of the Education (Corporal Punishment) (NI) Order 1987. This legislation was extended to cover pupils in the small number of independent schools in Northern Ireland in the Education and Libraries (NI) Order 2003.

130. In September 2006, the law on physical punishment in Northern Ireland was changed in line with England and Wales, so that the defence of "reasonable chastisement" cannot be used by parents when charged with serious offences against their children, but can still be used as a defence against charges of common law assault. In essence this means that the defence of "reasonable chastisement" will now only be considered if the harm is seen as minor. Treatment which causes more than transitory or minor discomfort is unlawful.

131. In Scotland the Criminal Justice (Scotland) Act 2003 ensures that certain forms of punishment are never justifiable and imposes a test as to whether other forms are justifiable in the circumstances. It was hoped the effect of the Act would lead to a change in parent's attitudes and the absence of reported case law is encouraging. The defence of justifiable assault is not available for any act which would constitute violence.

132. In Scottish schools corporal punishment may not be administered to pupils attending state school or independent schools whose fees or costs are financed or supported by public funds, and

for a range of other categories. Corporal punishment generally may not be administered if the punishment is inhumane or degrading. Alternate Care Settings in Scotland: Corporal punishment is prohibited in all residential establishments.

133. The draft revised Looked After Children Regulations (currently out for consultation) will state that the use of physical punishment by foster carers is prohibited. It is intended that this should cover kinship care as well. The National Standards for Foster Care also make clear that “each child in foster care is protected from all forms of corporal punishment”.

134. In Scottish Prisons and Young Offenders Institutions, “Corporal punishment” is deemed to be a breach of Article 3 of the ECHR (Prohibition of Torture). The Scotland Act 1998 provides that an Act of the Scottish Parliament cannot include provisions which are incompatible with the Convention Rights. The 1998 Act also provides that a member of the Scottish Executive (Government) has no power to make any subordinate legislation or do any other act, which would be incompatible with the Convention Rights. The Prisons Rules are subordinate legislation. Therefore, it is clear that the Scottish Executive (Government) cannot introduce any provisions under the Rules, which are incompatible with the Convention rights.

**Question 20. Please provide detailed information on the measures adopted by the State party to combat trafficking in human beings, in particular women and children, and to provide assistance and support to the victims of trafficking. Please also provide information on the implementation of such measures, with particular regard to disaggregated statistical data concerning the number of persons who have been prosecuted and convicted for trafficking in the last five years.**

135. The UK Government aims to make the UK a hostile environment for trafficking and protect victims and potential victims. The UK has a comprehensive victim-centred end-to-end strategy in place to tackle human trafficking, contained in an Action Plan first launched in March 2007 and updated in July 2008. The Plan sets out the Government’s strategy on tackling all forms of human trafficking, detailing 85 actions to tackle trafficking across four key areas: prevention; investigation/law enforcement and prosecution; providing protection and assistance to adult victims; and child victims.

136. An Inter-Departmental Ministerial Group on Human Trafficking has been established to co-ordinate work on this issue across Government. An NGO Stakeholder Group, chaired jointly by the Home Office and the Solicitor General, will act as a consultative forum on Government policy on trafficking and related issues.

137. With regard to enforcement and prosecution, in 2006 the Government established the United Kingdom Human Trafficking Centre (UKHTC) a multi-agency organisation that co-ordinates intelligence, analysis and operational activities around human trafficking.

138. The Sexual Offences Act 2003 covers trafficking for sexual exploitation, and the Asylum and Immigration (Treatment of Claimants) Act 2004 criminalizes trafficking for forced labour. Under both Acts the maximum sentence for human trafficking is 14 years imprisonment along with a possible fine. There have been 92 convictions for trafficking for the purpose of sexual exploitation (1 May 2004 to November 2008) and 4 convictions for labour trafficking (to November 2008). A number of further cases are proceeding through the criminal justice system.

However, traffickers can be convicted of a whole range of crimes like rape, kidnapping and brothel related offences. It is not possible to state categorically how many have been prosecuted for human trafficking. The Crown Prosecution Service and the UKHTC are developing a more robust method of data collection.

139. Pentameter 2, the largest ever police-led enforcement campaign to combat human trafficking for sexual exploitation succeeded in recovering 167 victims, 13 of whom were children, from across 833 premises, and made 528 arrests. In addition, over half a million pounds were seized and in excess of £3m assets were held under restraint.

140. Tackling Human Trafficking is now core-police business and every police force should have the capacity to address trafficking within their area. A priority will be to build on the lessons learnt from Pentameter 2 and embed best practice. Tackling organised immigration crime, including human trafficking is also the second priority for the Serious Organised Crime Agency (SOCA), which co-ordinates a multi-agency programme aimed at tackling organised immigration crime in the key source and transit countries that impact on the UK.

141. With regard to prevention, in November 2008 the Government published findings of a review of what more can be done to tackle demand for prostitution. It contains measures for a new (strict liability) criminal offence of paying for sex with someone who is trafficked or pimped.

142. The UK Human Trafficking 'Blue Blindfold' awareness campaign is increasingly being adopted by international partners (including Crime Stoppers International). The Government also funded a Poppy project poster campaign with London Transport aimed at raising awareness domestically about the realities of trafficking.

143. The Government's aim is to ensure that all victims receive the right support and protection. Victims of crime are legally entitled to minimum standards of support under the Victims Code of Practice. They have access to the Criminal Injuries Compensation Scheme; and are eligible for special measures to help give their best evidence if vulnerable or intimidated. The availability of Victim Personal Statements ensures that the impact of the crime on the victim is taken into consideration. A Victims Champion has been appointed to ensure the needs and experiences of victims are fully represented in the justice system.

144. A £5.8m investment in the Poppy project over the last 6 years provides high-level specialist support for victims trafficked into sexual exploitation. This includes as a minimum: safe accommodation; advocacy; access to counselling; access to legal advice and; interpretative services. This project has supported over 423 victims since 2003. Victims are provided with support for an initial thirty-day period whilst they consider their options. Longer term support is offered in return for cooperation with the authorities in a criminal investigation. We also work with the International Organisation for Migration to provide a voluntary returns scheme. The services available will be expanded to all identified victims of trafficking this year.

145. Responsibility for the care, protection and accommodation of child trafficking victims falls within the designated responsibilities of local authorities for safeguarding and promoting the welfare of all children under the provisions of the 1989 and 2004 Children Acts. Separated and vulnerable children from abroad enjoy the same entitlements as all UK born or resident children.

146. The NSPCC Child Trafficking Advice and Information Line acts as a first point of contact for professionals to gain advice in dealing with children suspected of being trafficked. In addition the Government have published Working Together to Safeguard Children Who May Have been Trafficked as a resource to guide practitioners in their decision making.

147. In the summer of 2008 UKBA led a multi-agency pilot campaign targeting particular geographic areas and employment sectors to test a mechanism of victim identification and referral on labour trafficking. This is now in the assessment stage. This will include looking at what is required to assist in the development of support packages for victims of this type of crime.

148. Human trafficking is often a cross-border crime and the Government is committed to working with international partners to address this problem.

149. The Northern Ireland Office is currently in negotiations with service providers to ensure that the necessary victim support mechanisms are in place by 1st April 2009.

150. Once in place the package of provisions for any victims found here will include: safe and appropriate accommodation in Northern Ireland; an environment that is conducive to the recovery of victims and encourages them to seek justice (where appropriate); one-to-one support by experienced support workers; help with day-to-day living/travel costs; information in a language victims can understand; opportunities to speak to the relevant authorities (mainly the police) if the victim's wishes; help to access emergency and non-emergency health care (including sexual health services, access to GP services, dental and other medical treatment as appropriate); help to access to Interpreter/translation services; sign-posting to immigration advice; sign-posting to independent legal advice; and help to access counselling or other therapeutic services.

151. This service is planned to run as a pilot for a 12-month period initially with a review at the end of that period to see how it can be improved.

152. A dedicated Police Service for Northern Ireland (PSNI) Human Trafficking Unit was established in June 2008 and since its inception 14 searches have been carried out during four operations into human trafficking and seven arrests made. Five people were charged with offences relating to controlling a brothel, money laundering and facilitation offences. To date there has been one suspended jail sentence for human trafficking in Northern Ireland.

153. The Scottish Government co-published the UK Joint Action Plan on Human Trafficking and is responsible, in relation to devolved issues, for ensuring compliance with the Council of Europe Convention against Trafficking in Human Beings.

154. Scottish police forces took part in Operation Pentameter 2. 15 adult victims were recovered in Scotland (no children were recovered). Scottish Government officials sit on the Association of Chief Police Officers in Scotland sub-group on human trafficking, which co-ordinates enforcement work to combat human trafficking in Scotland. A police officer from Scotland assists UKHTC with Scottish issues.

155. A Scottish stakeholders' group works with NGOs, local authorities and enforcement agencies to put in place mechanisms for supporting victims of trafficking. This group is preparing a model protocol that can be adapted by local agencies to help co-ordinate activities in support of victims.

156. The Scottish Government provided funding of £70,950 to the Trafficking Awareness Raising Alliance (TARA), which is based in Glasgow and provides support to women trafficked for the purpose of commercial sexual exploitation. It aims to raise awareness amongst front line staff. The additional funding allowed TARA to extend its coverage across Scotland for a six month trial period.

157. Very little information is available in relation to child trafficking in Scotland. The Scottish Government intends to publish guidance shortly to meet the particular needs of children who may have been trafficked. Local authorities have a statutory duty under the Children (Scotland) Act 1995 to provide support to unaccompanied children within their area, which includes victims of trafficking.

158. In Scotland any decision to prosecute is made by the Procurator Fiscal who will consider all of the facts and circumstances of the individual case. The Crown Office and the Procurators Fiscal Service (COPFS) is reviewing policy and practice on the handling of cases involving human trafficking. The review will consider guidance issued by the CPS in England and Wales.

**Question 21. Please provide detailed information regarding the number of pending applications from spouses and children of immigrants seeking entry in the territory of the State party for the purpose of family reunification. Please also explain which measures have been taken to reduce delays in clearing these applications, in line with the State party's obligations under the Covenant.**

159. At 10 January 2009, 260,850 applications from spouses and children of immigrants seeking entry into the territory for the purpose of settlement with family members were under consideration (pending). The UK Border Agency has performance targets to resolve all applications for settlement within 120 working days of application. In the last quarter (September-December) of 2008, all such applications for settlement were resolved within 60 working days.

#### **F. Article 11 - The right to an adequate standard of living**

**Question 22. In addition to the information provided in the report, please provide updated information on the progress made by the State party in combating poverty and social exclusion. Please include recent statistical data, disaggregated by age, gender, race, and ethnic or national origin, on the number of persons living below the poverty line. (E/C.12/GBR/5, paras. 131-148; E/C.12/GBR/5/Add.1, paras. 35-40, 155-158, 469 and 513)**

160. The UK Government is committed to building an inclusive, cohesive and prosperous society with fairness and social justice at its core, in which child poverty has been eradicated, everyone who can work is expected to contribute to national prosperity and share in it, and those who cannot work are supported.

161. The government is committed to building a society in which social exclusion is reduced by improving employment prospects for people facing the greatest disadvantage, such as ex-offenders, the homeless and drug users, providing equality for ethnic minorities, disabled people and older people and eradicating child poverty.

162. Both European and national indicators of poverty and social exclusion show that the UK continues to make significant progress. The UK National Action Plan on Social Inclusion (NAP) outlines the current position and the action that the government will take in the years 2008 to 2010 to tackle poverty and increase social inclusion.

163. In 2006, the UK Government set up the Social Exclusion Task Force to focus more closely on the problems of severe deprivation and those who are most at risk of social exclusion. Key work of the Task Force has been to support socially excluded adults into a job and a home, and cross-Government work to improve services and systems for families at risk of exclusion. Progress made in these areas is outlined in the report.

164. The UK Government has committed, from 2010, to change the benefit rules so parents who get child maintenance will not have it offset against benefits; and to eradicate child poverty by 2020. Substantial progress has been made since the Government's pledge in 1999 to eradicate child poverty in the UK. For example, some 600,000 children have been lifted out of relative poverty between 1998 and 2007, and the risk of children living in poverty fell from 26 to 22 per cent. The strategic aim is to ensure that every child gets the best possible start in life and the opportunity to fulfil their potential. The key elements of the child poverty strategy are: helping people who can work to move into employment and progress in work; providing additional resources for when work does not pay, or when families cannot work; ensuring that communities are safe, sustainable places where families can thrive; and improving opportunities and outcomes for children from low-income families.

165. Full employment is at the heart of the UK strategy. We have therefore introduced measures to further increase the opportunities for those in key target groups: disabled people; older people; lone parents; people from ethnic minorities; those living in the most deprived areas; and people with low or no qualifications.

166. Efficient and effective public services play a key role in tackling social exclusion. The NAP sets out how policies and services are being integrated more effectively at national and local level and how investment in public services has produced significant improvements in education, health and other areas. These include: education, transport, the health service and services for ex-offenders, the homeless and older people. It also includes strategies to: tackle fuel poverty, reduce re-offending and increase financial inclusion and access to computers and other digital technology.

167. In Northern Ireland, the reduction in the number of qualifying years required for a full basic State Pension from 39 to 30 is the key measure within a complementary package of reforms which should enable more women to combine periods of paid and non-paid activity such as caring and still build up State Pension entitlement.

168. Achieving our Potential: A framework for tackling poverty and income inequality in Scotland was launched on 24 November 2008. This sets out the joint approach of the Scottish Government and the Convention of Scottish Local Authorities (COSLA) in the fight against poverty. At its heart is a delivery plan to increase overall income and the proportion of income earned by the three lowest income deciles as a group by 2017. There are also a number of specific actions, set out in the Framework, to which the Scottish Government has committed itself.

169. The Framework outlines the key actions required by Government and its partners such as the strengthening of income maximisation work, launching a campaign to raise awareness of statutory workers' rights and supporting people who find it hardest to get into jobs or use public services, which will be backed by up to £7.5 million over the next two financial years. It also calls for the UK government to transfer responsibility for personal taxation and benefits to Scotland, simplify the tax credits scheme and promote the greater availability of childcare vouchers.

170. The Scottish Government has made clear its commitment to the UK Government's child poverty targets. It is committed to help halve child poverty by 2010, and eradicating it by 2020. However, it considers that the limited nature of devolved powers restricts its ability to take significant short-term action to achieve the 2010 milestone.

171. In addition to Achieving Our Potential, other critical pieces of work include: the joint Scottish Government and COSLA approach to Early Years and Early Intervention, based on our understanding that it is in the early years of life that inequalities in health, education and employment opportunities are passed on, and that this is where our efforts should therefore be targeted. The second is the Ministerial Task Force on health inequalities which worked across Government, local authorities, the Third Sector and the NHS to address the wider determinants of health inequalities. Equally Well made some important recommendations, for example around the development of financial advice and support within mainstream public services.

**Question 23. Please provide updated information on the implementation of the various measures adopted by the State party to prevent and tackle homelessness, including recent statistical data, disaggregated by age, gender, race, and ethnic or national origin, on the number of persons who are homeless or live in temporary or insecure accommodation. (E/C.12/GBR/5, paras. 149-168; E/C.12/GBR/5/Add.1, paras. 50-51, 176, and 485-486)**

172. The Government takes all aspects of homelessness very seriously and has made significant progress in reducing homelessness. The number of people sleeping rough has been reduced and the long term use of Bed & Breakfast accommodation as temporary accommodation for families provided under the homelessness legislation has ended. There has been a reduction of 60 per cent in the number of homelessness acceptances since 2003. In addition, there has been a 74 per cent reduction in rough sleeping since 1998 and reductions are being sustained.

173. By July 2003, following the introduction of the Homelessness Act 2002 every housing authority in England had adopted a strategy for preventing and tackling homelessness. Around one third of authorities have met the target to halve the number of households in temporary accommodation by 2010.

174. The Homelessness Act 2002 requires all housing authorities to have a strategy for preventing homelessness. Local authorities have been working closely with their partners in the voluntary sector and elsewhere to ensure that homelessness is prevented, wherever possible, and this work has been supported by funding from the Department Communities and Local Government (DCLG). Prevention schemes such as rent deposits (which help people to access homes in the private rented sector) and family mediation (to help address relationship breakdown) are two examples among the wide range which have been introduced to ensure homelessness can be avoided wherever possible.

175. In a survey undertaken in 2005, 99 per cent of local authorities reported that they operate one or more prevention scheme and most reported running eight or nine (see chart at annex). From 2005/06 to 2007/08, data about the number of cases where homelessness has been prevented through the provision of housing advice have been measured in a robust and audited way.

176. An independent evaluation of existing prevention schemes (such as rent deposits and family mediation) which have been developed with Communities and Local Government (formerly ODPM) homelessness grants since 2002 has been carried out. A summary of the evaluation together with a good practice guide was published on 12 June 2006. The main conclusion was that the homelessness prevention ethos works effectively to prevent homelessness in a variety of ways. The evaluation found that many local authorities have embraced the more proactive and responsive way of working required in order to prevent homelessness, and are operating a number of successful homelessness prevention activities.

177. To follow up the 2005 survey, a further survey was conducted to collect up to date information from authorities on homelessness prevention and progress on meeting our target to halve the use of temporary accommodation by 2010. This survey (published in June 2007) showed that local authorities estimated that the total number of preventions had increased by 46 per cent between 2005/06 and 2006/07.

178. The Government will continue to support schemes that work and we will monitor housing authorities' performance in preventing homelessness. In December 2007 the Government announced that local authorities will receive at least £150 million over the next three years to help them prevent and tackle homelessness in their areas.

179. The Government continues to emphasise to local authorities that their efforts to prevent homelessness must work alongside their obligations under the homelessness legislation. In particular, the revised Homelessness Code of Guidance for Local Authorities, published in July 2006, makes clear that when considering applications for assistance, authorities must not avoid their obligations under the legislation.

180. The way forward is outlined in Homelessness Strategy - Sustainable Communities: settled homes; changing lives (published March 2005). It includes the challenging aim of halving the number of households in insecure temporary accommodation to 50,500 by 2010 (compared to the number at the end of 2004). The aim is to achieve this target by increasing investment in homelessness prevention and increasing the opportunities for moving out of temporary accommodation and into settled homes.

181. In November 2006 the Government set the further aim that by 2010, no homeless 16 or 17 year old should be placed in Bed and Breakfast accommodation by a local authority under the homelessness legislation, except in an emergency.

182. A wider range of effective front-line preventative services, increasing homelessness grants is being made available to local authorities and voluntary sector agencies. Better use is being made of existing social and private sector housing, including converting temporary accommodation into settled homes, where suitable, and improving co-operation between local authorities and housing associations in the allocation of social housing. Supported lodgings schemes are being established across the country, providing accommodation, advice and mediation services for young people who can no longer stay in the family home.

183. For key homelessness statistics see annex.

184. The Welsh Assembly Government has placed a high priority on tackling homelessness in Wales since it established a Homelessness Commission in 2001. It first adopted a homelessness strategy in 2003, and then a revised National Homelessness Strategy for Wales for the period 2006-8. Under this strategy significant progress was made, with the numbers of households accepted as homeless falling by 17 per cent.

185. The Welsh Assembly Government is now consulting on a ten year Homelessness Plan for Wales, which will set out a long term policy direction aimed at building on this success and minimising homelessness through an inclusive approach and preventing homelessness wherever possible.

**Question 24. According to reports received, Roma/Gypsies and Travellers who prefer to live in mobile homes are faced with a serious shortage of adequate stopping sites. It also appears that a considerable part of the non-settled Roma/Gypsy and Traveller population live in unauthorized camps lacking basic infrastructure and services and are constantly exposed to the threat of eviction, as well as to harassment and intimidation by the local population. Please provide detailed information on the implementation of the measures adopted by the State party to remedy the shortage of adequate stopping sites for the Roma/Gypsy and Traveller population, as well as to improve the housing situation of Roma/Gypsies and Travellers and their right to security of tenure. (E/C.12/GBR/5, paras. 161, 284 and 291)**

186. In March 2006, a Circular published by the Office of the Deputy Prime Minister set out the need for local authorities to undertake assessments of the accommodation needs of Gypsies and Travellers in the same way that they do for those residing in bricks and mortar accommodation. This information is used by the regional planning body which allocates a distribution of Gypsy and Traveller caravan pitches for each authority within its area. All local authorities have now completed assessments of the accommodation needs of Gypsies and Travellers, and are working on developing an appropriate planning framework to deliver an increase in site provision. Guidance on developing these assessments draws attention to the need for provision to identify whether the need is for residential, transit or stopping sites.

187. In December 2007, the Government announced a £97 million programme of funding over the period 2008/09-2010/11 to facilitate new site provision and refurbishment of existing sites. This grant is available to all local authorities and registered social landlords, and follows grant provision of £56 million in the preceding two years.

188. Prior to the *2008 Housing and Regeneration Act*, to evict a resident, a local authority simply needed to give a minimum of 28 days notice to terminate the license and obtain a court order for possession. The 2008 Act will remove the exclusion for local authority Gypsy and Traveller sites from the *Mobile Homes Act 1983*, which will improve security of tenure, and other rights and responsibilities, for Gypsies and Travellers on local authority sites. The Government is currently considering responses to consultation on implementation of the 1983 Act on local authority Gypsy and Traveller sites, including proposals to address concerns raised by stakeholders, and transitional provisions for existing site residents.

189. In Northern Ireland, the 2008 Traveller Accommodation Needs Assessment outlined a continuing need for Traveller Accommodation. The Housing Executive is currently updating its programme of accommodation in order to meet the need identified. One of the challenges is acquiring sites in the right places and securing planning approval particularly when there are a large number of objections to such developments from the settled community. The Housing Executive works closely with Traveller Support Groups and local representatives in order to deal with issues involving intimidation and anti social behaviour.

190. In Scotland, the Housing (Scotland) Act 2001 set out the requirement for local authorities to produce a 5-year local housing strategy for their area. In this strategy, local authorities are required to assess the accommodation needs of Gypsies/Travellers in their area. The Scottish Government directly supports local authorities to increase and improve their provision of Gypsy/Traveller sites. Over 2008/09-2009/10, £2 million has been allocated for Gypsy/Traveller site grants to support improvements to existing sites and for new residential or transit sites.

191. The Scottish Government issued Guidelines in December 2004, which encouraged local authorities, in conjunction with the police, to develop their own strategies for managing unauthorised camping, or camping without seeking permission. These guidelines state that the police and other partners should work pro-actively to facilitate access to services for Gypsies/Travellers such as providing information about vacancies on their own sites and neighbouring sites to support Gypsies/Travellers.

192. The Scottish Housing Regulator, who has responsibility for inspecting local authority housing services, has a series of Performance Standards which are used for self-assessment by local authorities and assessment by the inspectors. The Race Equality Statement, published December 2008, also proposes to provide resources to specifically fund transit sites and aims to have a number of transit sites in operation by March 2011.

193. In Wales, The Welsh Assembly Government is developing a policy framework that will have important implications for provision of services to Gypsies and Travellers in Wales. The objective is to ensure that the needs of Gypsies and Travellers are assessed, planned and implemented in a more strategic way.

194. Welsh Assembly Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites was issued in December 2007 to local planning authorities (County Councils and National Park Authorities) in Wales. These authorities are now required to assess the need for sites in their development plans.

195. In the 2007/08 financial year the Gypsy Traveller £1 million Refurbishment Grant was launched. Additional funds were secured and in the first year of the grant, £1.7 million was awarded to seven Local Authorities in Wales to refurbish nine Gypsy Traveller sites. Applications for the 2008/09 Grant are currently being assessed. The Grant has helped to bring the recipient Gypsy Traveller sites up to a higher standard and improved the quality of life for all residents. The Gypsy Traveller New Sites grant, with a budget of £1.5 million, was launched by the Minister for Social Justice and Local Government in March 2008.

196. The Welsh Assembly Government are finalising Good Practice Guides for the Design and Management of Gypsy Traveller sites. These guides were widely consulted on with internal and external stakeholders, including members of the Gypsy Traveller community.

197. For security of tenure, the Welsh Assembly Government is pursuing the same amendments to the Act as for England. It is currently undertaking consultation with stakeholders in relation to the issues. It was agreed that joint commencement will be pursued.

**Question 25. Please provide information on the measures taken by the State party to ensure that the organization of the Olympic Games in London in 2012 does not have a negative impact on the right to adequate housing and other associated rights, such as the prohibition of forced evictions, the rights to participation and information, the requirement of non-discrimination, and legal security of tenure. In particular, please provide detailed information on the measures aimed at protecting vulnerable communities and individuals that may be disproportionately affected by Olympics-related urban redevelopment, including the homeless, the poor and minority groups, such as Roma/Gypsies and Travellers. (E/C.12/GBR/5, para. 346)**

198. The Olympic bid was based on a vision of hosting an inspirational, safe and inclusive Olympic Games and Paralympic Games, which would leave a sustainable legacy for London and the UK. Work is currently underway to develop a Legacy Framework that will guide the development of the Olympic Park in the period following the Games. This work is being led by the London Development Agency (LDA). Following consultation with local communities in 2008, the LDA has recently published its preferred framework, which is subject to further consultation as well as detailed appraisal and testing.

199. Subject to the consultation and testing, it is expected that the Olympic Park area has the potential to deliver up to 10,000 new homes in Legacy, in addition to Stratford City and the Olympic Village. At a rate of 35 per cent affordable housing, this would deliver up to 3,500 new affordable homes and up to 41 per cent would be defined as family-sized housing. It is also intended that the Legacy development should increase the diversity of housing types available - offering a wider range of living choices for all household types, including singles, couples, families, older people, students and those requiring sheltered and supported living.

200. The LDA was responsible for the land assembly required to deliver the 2012 Olympic and Paralympic Games. The LDA prepared a detailed Equalities Impact Assessment identifying all measures necessary to ensure that this process did not unfairly discriminate against particular communities.

201. As part of the land assembly process, there were 425 residents in a single social housing estate as well as two Traveller sites that needed to be relocated. All of these residents were relocated by agreement and without the need for any forcible possessions. Before commencing the relocation process, the LDA undertook detailed consultation with those affected to ensure that their expectations and aspirations were understood and to design a relocation process that met these as far as was possible. All residents were also provided with specific, independent advice services and had direct access to named representatives from the LDA team throughout the relocation process.

202. The residents of the housing estate were all offered a choice of properties with a range of social housing providers for their relocation. Vulnerable individuals were identified in consultation with their existing care providers and additional support provided to assist with the relocation process and to ensure that they continued to access the support they required after their move.

203. Given the lack of appropriate, existing, alternative accommodation, the LDA directly developed new authorised sites to accommodate the relocation of the Travellers previously resident within the area required for the Olympic Park. In response to the consultation responses received from the Travellers, the LDA has undertaken a number of specific measures to seek to meet their aspirations.

204. Every resident relocated by the LDA has been offered the same or improved security of tenure in their new homes as they held previously.

205. Forced Evictions: tenants who have secure or assured tenancies enjoy the protections provided by those tenancies, i.e. they cannot simply be evicted unless proceedings are successfully issued under grounds set out in law. The minority of social tenants who hold a less secure form of tenancy (normally one of various types of common law tenancy) have basic protection under the Protection from Eviction Act 1977. Residents cannot lawfully be evicted without a possession order from the court. However, there are some exceptions to this. The exceptions where possession proceedings are not necessary include for example: accommodation shared with the landlord; holiday lets; licences or tenancies granted as a temporary expedient to trespassers; free occupation; and some cases of asylum or hostel accommodation.

206. Where the development requires that the tenants cease to occupy property, either on a permanent or temporary basis, the court may grant the landlord possession if suitable alternative accommodation is available for the tenant. (Housing Act 1985 and Housing Act 1988).

**G. Article 12 - The right to the highest attainable standard of physical and mental health**

**Question 26. Please provide further information on the implementation of the measures described in the report to reduce the existing inequalities in access to health care, and to ensure that vulnerable individuals and groups - including persons belonging to racial, ethnic and national minorities, communities living in poor areas, older persons, homeless people, persons with mental disabilities and asylum-seekers and refugees - have equal access to adequate health-care facilities and services. (E/C.12/GBR/5, paras. 302-305)**

207. Narrowing health inequalities is a top priority for government. The government's health inequalities national PSA targets are to reduce inequalities in health by 10 per cent by 2010 as measured by infant mortality and life expectancy at birth (baseline 1997-1999); and to reduce by at least 10 per cent the gap in life expectancy between the fifth of areas with the "worst health and deprivation indicators" and the population as a whole by 2010 (baseline 1995-1997).

208. These health inequalities targets are deliberately ambitious. A national health inequalities strategy for England (Tackling Health Inequalities: A Programme for Action (2003)) supports the targets and works towards a sustainable reduction in health inequalities. In particular the strategy aims at improving the health of the poorest, located in "Spearhead areas" where the worst health and deprivation and the greatest burden of disease exists. The "Programme for Action" also identified a number of vulnerable groups for specific community support. These groups include BME communities, older people, mentally ill people, homeless people, prisoners and asylum-seekers and refugees. Action in Spearhead areas has supported these groups.

209. Progress is reported annually. The most recent data (2005-07) shows the relative gap in life expectancy between Spearhead areas and the England average has increased for both males and females since 1995-97. The gap is now 4 per cent for males (compared to 2 per cent in 2004-06) and 11 per cent for females (the same as 2004-06). For infant mortality, the latest figures show a slight narrowing in the gap between the "routine and manual" group and the population as a whole for the third successive year. If the gap continues to narrow at this rate, the Infant Mortality inequality target will be met. In addition, according to the latest data, the gap on cancer and cardiovascular-vascular diseases is closing. There has been a 35.9 per cent reduction in the absolute CVD inequality gap, and a 13.2 per cent reduction in the absolute cancer inequality gap - exceeding the original target.

210. In June 2008 the Government published Health Inequalities: Progress and Next Steps, reaffirming its commitment to tackling health inequalities. It set out further intensive actions and key interventions at national and local level to tackling health inequalities. These include the establishment of a National Support Team (NST) for Infant Mortality to deliver the Health Inequalities Infant Mortality implementation Plan (2007), a new NST for alcohol and further investment in the NST for health inequalities and tobacco control. An improved Health Inequalities Intervention Tool, an interactive website designed to help local health services and councils improve life expectancy in local areas has also been launched.

211. In November 2008, the Government announced a Post 2010 Strategic Review of Health Inequalities. The review will explore how the recommendations from the WHO Commission

Report can be adapted into the English context, identify new evidence relevant to future policy and action on reducing health inequalities in England, and make recommendations to Government.

212. In Scotland, a Ministerial Task Force on Health Inequalities was established in October 2007 to identify practical actions to reduce health and associated inequalities. Its report - *Equally Well* - was published in June 2008 and introduces 78 recommendations for action across the public, private and third sectors to provide better access to support for those most vulnerable to poor physical and mental health outcomes. An implementation plan was published in December 2008.

213. The Scottish Government continues its commitment to targeting resources to those areas where concentrations of health inequalities exist and where interventions can make a difference to those most at risk of preventable ill health e.g. “Keep well” GP health checks for those aged 45-64 in the most deprived areas. Targeted high risk primary prevention approaches continue to be developed to identify and engage with those most in need of support, for example the prison population.

214. Scotland’s national performance framework includes key targets relating to improving health in deprived areas and tackling wider inequalities across society. All NHS Boards and their planning and delivery partners have comprehensive strategies and action plans in place to address health inequalities in access to services and outcomes.

215. In Wales, health inequalities targets, currently set to 2012, include: improving coronary heart disease mortality in all groups; and improving cancer mortality in all groups. Both targets require a more rapid improvement in the most deprived groups.

216. In terms of progress against targets, heart disease has decreased for all age groups in Wales. The rate of deaths in 2006 is 106.2 deaths per 100,000, 23 per cent less than that in 2001. Whilst there continues to be a gap between the results for the most and least deprived quintiles, indications show that Wales is on track to meet the target with a gap of 69.1 compared to 78.0 in 2001. There has been an increased inequality in deaths from cancer: the gap between the least and most deprived quintiles has increased from 62 deaths per 100,000 in 2001 to 78 deaths per 100,000 in 2006.

217. The Welsh Assembly Government has a dual strategy approach to improving health and tackling health inequalities, through action inside and outside the NHS. Tackling inequality underpins every public health policy and is a cornerstone of Our Healthy Future: Public Health Strategic Framework, which provides the focus for public health in Wales to 2020. The goal is to reduce barriers to individuals and communities in achieving good health outcomes. This approach is complemented by specific health policies, strategies and programmes covering areas such as Smoking, Substance Misuse, Sexual health, Food and Fitness and Mental & Well-being. These activities contribute to WAG’s own response to Health Challenge Wales.

**Question 27. Please provide detailed information on the incidence of teenage pregnancies and abortions in the State party, and indicate which measures the State party has adopted to address these problems. (E/C.12/GBR/5, paras. 133 and 305)**

218. Reducing England's historically high rates of teenage pregnancy continues to be a Government priority. The under-18 conception rate is one of the national indicators in the new Public Service Agreements (PSAs). The Government's ten year Teenage Pregnancy Strategy began in 2000 and represents the first co-ordinated attempt to tackle both the causes and the consequences of teenage pregnancy. All local areas have a 10-year strategy in place, with local under-18 conception rate reduction targets of between 40 and 60 per cent. These local targets underpin the national 50 per cent reduction target. The Strategy is supported by the Teenage Pregnancy Unit (TPU) at DCFS.

219. Between 1998 (the baseline year for the Strategy) and 2006 (latest year for which data are available) the under-18 conception rate has fallen by 13.3 per cent, to its lowest level for over 20 years. The under-16 rate has fallen by 13.0 per cent over the same period. Full conceptions data can be found online.<sup>9</sup>

220. The NHS Operating Framework 2009/2010, which identifies priorities for the coming year, calls upon Primary Care Trusts to reduce teenage pregnancy rates by providing a full range of contraception services and methods.

221. Following the recommendations from the reviews of both sex and relationships education and drug and alcohol education, the Government decided to make Personal, Social and Health Education (PHSE) statutory in schools from Key Stage 1 to Key Stage 4.

222. The Government is delivering media campaigns for contraception aimed at young people. The "RU Thinking" campaign is aimed at younger teenagers and promotes the benefits of delaying first sex and helps them to avoid peer pressure. The Want Respect: Use a Condom campaign is aimed at older, sexually active teenagers and seeks to associate condom use with the sort of behaviour that will earn them respect from their peers. The Condom Essential Wear Campaign aims to raise awareness about the prevalence and invisibility of sexually transmitted infections, while promoting condom use among sexually active young adults (18-24 year olds).

223. The Government recognises that the provision of contraception is an important health care service that contributes to better maternal and child health and that there are strong economic arguments for the provision of such services. Prescribed contraception is available free of charge under NHS arrangements. The Government has announced £26.8 million new investment for 2008/09 to improve women's knowledge of and access to contraception and help reduce the number of teenage pregnancies, abortions and repeat abortions. This includes £3.5m to develop contraceptive services in Further Education colleges and £0.5m to develop a new, targeted campaign to highlight the full range of contraceptive choices available to women.

224. In Scotland, the Scottish Executive (now Scottish Government) Health Department launched its national sexual health strategy 'Respect and Responsibility' in January 2005. The strategy includes actions to reduce the incidence of sexually transmitted infections and unintended teenage pregnancies. Measures taken include: the production of guidance on reducing teenage pregnancies; the delivery of comprehensive Sex and Relationship Education in

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<sup>9</sup> <http://www.statistics.gov.uk/statbase/product.asp?vlnk=15055>.

all schools and for young people who don't attend school; and the delivery of drop-in services for young people in all local areas. Scottish Government has a target to reduce teenage pregnancies in 13-15 year olds by 20 per cent by 2010.

225. Statistics on abortion and teenage pregnancy are annexed.

**Question 28. In addition to the information provided in the reports, please provide detailed information, including recent statistical data disaggregated by age, gender, race, and ethnic or national origin, on the number of persons living with HIV/AIDS in the Overseas Territories and the Crown Dependencies, and indicate the measures adopted by the State party to prevent the spreading of the disease and protect the human rights and dignity of persons living with HIV/AIDS. (E/C.12/GBR/5, paras. 173-174; E/C.12/GBR/5/Add.2, paras. 191-193, 336, 391 and 707)**

226. For details regarding the Overseas Territories and the Crown dependencies, please see annex.

**Question 29. Please provide information on the measures adopted State party to prevent and combat alcohol and drug abuse, particularly among young persons.**

227. For statistics, please see annex.

228. "Safe. Sensible. Social" the next steps in the National Alcohol Strategy was published in June 2007. The cross-government strategy has the goal of targeting the minority of drinkers who cause or experience the most harm to themselves, their communities and their families. These are: young people under 18 who drink alcohol, many of whom are drinking more than their counterparts did a decade ago; 18-24 year old binge drinkers, a minority of whom are responsible for the majority of alcohol-related crime and disorder; and harmful drinkers, many of whom do not realise that their regular excessive drinking damages their physical and mental health and may be causing substantial harm to others.

229. Scotland, Wales and Northern Ireland each have specific strategies encompassing their areas of legislative competence. These are summarised separately.

230. The Government has a new PSA target to reduce drug and alcohol harm that includes a new national indicator to measure change in the rate of hospital admissions for alcohol-related conditions (hospital episode statistics data) - the first-ever national commitment to monitor how the NHS is tackling alcohol harms.

231. In November 2008, the Department of Health launched the Alcohol Improvement Programme, providing Primary Care Trusts with support and tools to reduce admissions in their areas.

232. On 2 June 2008, DCSF, the Department of Health (DH) and the Home Office (HO) launched the Youth Action Plan (YAAP) setting out how the Government will address the issues surrounding young people's alcohol consumption. This includes measures to tackle unsupervised drinking of alcohol among young people; advise and support young people and parents; clamp down on illegal sales; and ensure that the alcohol industry plays its part in preventing harm by marketing and promoting alcohol more responsibly.

233. The Chief Medical Officer (CMO) is developing guidelines for children and young people and their parents to help them become aware of the risks of drinking alcohol, particularly at a young age. The guidelines will be based on the latest medical research on the effect of alcohol on young people's cognitive development and health.

234. A new social marketing campaign led by DCSF is planned for early 2009, aimed at young people and their parents. It will particularly target the 11-15 age group. Its aims will be to change attitudes, to encourage young people to delay the age at which they start drinking and to encourage them to drink only at lower-risk levels when they do start drinking.

235. Since September 2006, The Government have been running a social marketing programme to ensure that people know the consequences of drinking. This programme is jointly funded by DH and HO, with an overall budget of £10 million this year. There are two strands to the programme - the 'units' campaign which raises the awareness of alcohol units and the impact of regularly exceeding recommended guidelines on health, and the 'binge' campaign which challenges the public acceptability of drunkenness by highlights the personal and social consequences.

236. The Government has just launched a new strategy to target higher-risk drinkers, together with a pilot in the North West - where alcohol-related hospital admissions are at their highest. People in the region have received packs in the post to make them think about their drinking and help them cut down.

237. In December 2008, the government announced its intention to introduce a mandatory code of practice, affecting licensed premises in England and Wales, which would reduce irresponsible promotion and sales of alcoholic drinks and therefore encourage sensible and responsible drinking. DH and HO are currently working to develop proposals for this new mandatory code, which will be consulted on in early 2009. Underlying legislation is currently being considered by Parliament.

238. The Scottish Government is making available £120 million over three years (2008-2010) to tackle alcohol misuse. This will enable significant improvements to be made both in support services to prevent alcohol misuse problems arising in the first place, and in treatment and support for those already experiencing problems.

239. The Scottish Government's discussion document, *Changing Scotland's relationship with alcohol*, issued in June 2008, set out the Government's strategic approach to tackle alcohol misuse, the scale of the alcohol misuse problem in Scotland and a range of radical new proposals aimed at reducing alcohol-related harm, drawing on the best available international evidence. The Scottish Government will announce its next steps shortly. The discussion paper was clear that action must be taken to protect children, young people and families from the harm caused by theirs and others' alcohol misuse and to support them to make positive choices.

240. In Northern Ireland, the Department of Health, Social Services, and Public Safety launched the New Strategic Direction for Alcohol and Drugs (NSD) in October 2006. The NSD identified two themes, "Children, Young People, and Families" and "Adults and the General Public", to enable the development of an integrated and co-ordinated approach to tackle the issue.

241. The NSD is being taken forward in partnership with a range of key stakeholders and organisations. It is outcome based, with actions being taken to achieve its aims and objectives at both a regional and local level. Much of the work to achieve the outcomes identified in the Strategy is taken forward at a local level.

242. In support of the NSD's outcomes and key priorities, the Department has developed an Action Plan to address hidden harm (i.e. supporting the needs of children born to, or living with, substance misusing parents or carers), and is also in the process of developing an integrated action plan to specifically address young people's drinking.

243. In Wales, 'Working Together to Reduce Harm' is the Welsh Assembly Government's 10 year strategy 2008-2018 which aims to set out a clear national agenda for tackling and reducing the harms associated with substance misuse. It sets out our approach to tackling the full range of substances that are misused in Wales and covers illegal drugs, alcohol, prescription-only medicines, over-the-counter preparations and volatile substances.

244. The new strategy includes a greater emphasis on tackling alcohol misuse and is intended to improve the availability and quality of education, prevention and treatment services and to focus efforts on those drinkers whose drinking levels or patterns are causing them longer term damage or are causing problems for the wider community. The Government believe that there are distinctive issues to be considered in relation to alcohol misuse and a clear consensus exists for the strategy to focus on tackling the problems caused by inappropriate or risky consumption of alcohol. However the strategy continues to take a joint approach to tackling drugs, alcohol and other substances.

### **Drug strategy**

245. The UK's ten-year drug strategy (2008-2018) aims to restrict the supply of illegal drugs and reduce the demand for them. It focuses on protecting families and strengthening communities. The four strands of work within the strategy are: protecting communities through tackling drug supply, drug-related crime and anti-social behaviour; preventing harm to children, young people and families affected by drug misuse; delivering new approaches to drug treatment and social re-integration; and public information campaigns, communications and community engagement.

246. Key policies include: embedding action to tackle drugs within the neighbourhood policing approach; targeting the drug-misusing offenders causing the highest level of crime; strengthening and extending international agreements to intercept drugs being trafficked to the UK; extending powers to seize the cash and assets of drug dealers; focusing on the families where parents misuse drugs, developing a package of support to help people in drug treatment to complete treatment and to re-establish their lives; using opportunities presented by the benefits system to support people in re-integrating into society.

247. The Scottish Government published a new national drug strategy *The Road to Recovery* in May 2008. Central to the strategy is the idea that people can and do recover from problem drug use. The Government wants recovery to be the aim of all drug treatment and rehabilitation with a wider range of services in place than there has been in the past. The Scottish Government are reforming the way that services are planned, commissioned and delivered to focus public expenditure on achieving clear outcomes and promoting recovery.

248. The strategy also sets out action that is being taken across Government to ensure better prevention of drug use, to ensure communities are safer and stronger places to live and work; and that children affected by parental substance misuse are safer. The strategy is supported by £94m of funding for the period 2008-9 to 2010-11 from the Drug Misuse budget in the Justice portfolio alone, this represents a 14 per cent increase in spending by 2010-11.

**Question 30. Please provide detailed information, including recent statistical data disaggregated by age, gender, race, and ethnic or national origin, on the incidence of overweight and obesity in the State party, and indicate the measures adopted to reduce their prevalence, especially among children and young persons, and promote a healthy balanced diet and an increased participation in physical activities. (E/C.12/GBR/5, paras. 277-282, 305, 313-316 and 318; E/C.12/GBR/5/Add.1, paras. 159 and 532; E/C.12/GBR/5/Add.2, paras. 171, 318 and 428)**

249. The Government has set itself the ambition to make the UK the first major nation to reverse the rising tide of obesity and overweight in the population by enabling everyone to achieve and maintain a healthy weight. By 2020 it aims to reduce the proportion of overweight and obese children to 2000 levels.

250. In January 2008, the Government published "*Healthy Weight, Healthy Lives; A Cross-Government Strategy for England*". £372 million has been made available to implement the strategy, which sets out how the Government will enable everyone in society to maintain a healthy weight.

251. The strategy includes a framework for action in five key areas:

- Children: healthy growth and healthy weight focuses on early prevention of weight problems. It sets out a comprehensive approach across a range of services from promoting breastfeeding, the Child Health Promotion Programme, through schools-based activities to promote healthy eating and increased activity, to a major social marketing campaign which is initially targeted on high risk families with young children.
- Promoting healthier food choices by reducing the consumption of foods that are high in fat, sugar and salt and increasing the consumption of healthier foods, like fruit and vegetables. This includes: developing a Healthy Food Code of Good Practice.
- Building physical activity into our lives by getting people moving as a normal part of their day.
- Creating incentives for better health through working with employers, and increasing the understanding and value people place on the long-term impact of decisions including personalised advice and support complementing preventative action with personalised advice for everyone on how to maintain a healthy weight and support for overweight and obese individuals.

252. The Government has recently launched a high profile advertising campaign, which aims to raise awareness of the problems caused by our sedentary lifestyles and poor diets. *Change4Life* will seek to get a broad range of organisations and individuals involved, in helping people to be more active and make healthier food choices.

253. The Government will publish the first annual report by spring 2009, which will assess progress since the publication of *Healthy Weight, Healthy Lives*, look at the latest evidence and trends and make recommendations for further action.

254. For data on obesity, see annex.

255. To address the issue of obesity in Northern Ireland, the Fit Futures taskforce was established by the Ministerial Group in Public Health (MGPH), with the role of examining the options for preventing overweight and obesity in children and young people, and to make recommendations to MGPH on priorities for action. The final report of the Fit Futures taskforce to MGPH was published in March 2006, identifying a number of priority approaches and making over 70 recommendations. Significant progress has been made to date in implementation of the Fit Futures recommendations. A steering group has been established to oversee, review and drive forward the Fit Futures Implementation Plan.

256. In Scotland, the Government is investing £56m in initiatives set out in Healthy Eating, Active Living, a three year action plan published in June 2008 which sets out the actions the Scottish Government will take, together with partners to improve diet, increase physical activity and tackle obesity. On 1 June 2008 the 'Take Life On' campaign was launched; it covers physical activity, healthy eating, wellbeing and alcohol consumption, and is aimed at adults, in particular men over 50 and women from 16 years old. The central message is that simple achievable changes in everyday life can bring real benefits for health and wellbeing, in terms of helping to reduce the risk of heart disease, cancer and diabetes and making people feel more positive.

257. The Welsh Assembly Government has moved towards an integration of healthy eating and physical activity policies and programmes. This recognises the fact that the effects of diet and physical activity on health often interact particularly in relation to obesity. *Health Challenge Wales*, the national focus for efforts to improve health in Wales, focuses on small and inexpensive changes to daily routine making a big difference to health: *The small steps to a healthier you. Climbing Higher - Next Steps*, provides the Welsh Assembly Government's framework for action for creating a fitter, healthier and more successful sporting nation. A physical activity action plan is currently being developed for launch in Spring 2009.

258. Food and Fitness - Promoting Healthy Eating and Physical Activity for Children and Young People in Wales is a five Year Implementation Plan (2006-2011) that sets out some of the ways in which the Assembly Government is helping to support parents and children and young people in their efforts to eat well, stay fit and reduce the incidence of obesity in children and young people.

259. In addition consultation on a Quality of Food strategy to improve the quality of food consumed in Wales was carried out in Autumn 2007, through the Welsh Food Debate. The

results are being used to inform a 5 year action plan with a food and health focus, addressing the broader food quality issues of accessibility and affordability, sustainability, environment and fair trade.

## **H. Articles 13 and 14 - The right to education**

**Question 31. Please provide detailed information on the measures adopted by the State party to reduce the high dropout rates of students belonging to racial, ethnic or national minorities and the significant disparities in educational outcomes between them and other students. (E/C.12/GBR/5, paras. 326-337)**

260. The Government has Strategic Objectives to close the gap in educational achievement for children from disadvantaged backgrounds; and to keep children and young people on the path to success. Public Service Agreements towards these are: to raise the educational achievement of all children and young people; and to narrow the gap in educational achievement between children from low income and disadvantaged backgrounds and their peers. In addition, there is a policy priority to decrease the proportion of young people not in education or training (NEET) who are disabled or from over-represented minority ethnic communities.

261. The gaps continue to close for most historically underachieving minority ethnic groups. There is no evidence that children with English as an additional language (EAL) systematically remain behind their peers; on the whole they catch up within two years, although EAL pupils can reach a plateau which limits achievement at the highest National Curriculum levels.

262. Local authorities receive funding to provide support for minority ethnic pupils and pupils with EAL, who are at risk of underachieving. The grant is around £187 million in 2008-09 and will continue to rise to £207 million by 2010-11.

263. Other support to local authorities and schools to raise attainment of minority ethnic pupils includes the 'National Strategies' (an experienced field workforce) who work with local authorities to support practitioners and schools/other settings to raise standards for all pupils and close attainment gaps through school improvement programmes. In addition the National Strategies have produced a range of cross-phase and age specific resources focused on narrowing the gap.

264. Local authorities have new statutory duties to assess and secure sufficient childcare places and improve the outcomes for young children. Guidelines for local authorities highlight the importance of having a clear understanding of the demographics of their local area, including the numbers of ethnic minority children and ensuring that ethnic minority groups are consulted.

265. The 'September Guarantee' offers all young people completing compulsory education a place to continue their learning post-16. The Guarantee was developed to try to ensure that the post-16 learning system provided suitable opportunities for all young people, including those with specific needs. 94 per cent of 16 year olds said they wished to remain in learning and received an offer under the Guarantee in 2008. The Guarantee was extended to 17-year-olds, and nearly 80 per cent of those who had left one year courses, or who were NEET, were made an offer to remain in education or training.

266. The Learning and Skills Council (LSC) is responsible for commissioning and funding post-16 education and training (other than higher education). It funds schools, colleges, adult and community learning services, work-based learning and other providers to deliver education and training. It collects data on the success rates of different groups. By 2010, the LSC aims to: raise the success rates for 16-18 year olds taking full Level 2 (5+ GCSEs grade A\*-C or NVQ 2) and Level 3 (A Levels or NVQ 3) courses for all groups of learners to at least the 2005/06 average; to ensure that success rates for all groups of learners continue to improve; to raise the success rates of males and Black or Black British Caribbean learners; and to reverse the recent fall in success rates on Level 2 and 3 courses for 16-18 year-old Bangladeshi learners.

267. The non-continuation rates for young, full-time entrants for first-degrees from minority ethnic and white groups have been consistent over the last few years. For 2005/06 the rate was 6.6 per cent (minority ethnic) against 7.1 per cent (white), leaving after the first year and not transferring to another institution. Non-continuation rates for mature, full-time entrants show that mature minority ethnic full-time first-degree students have higher non-continuation rates than mature white students - 17.3 per cent against 12.8 per cent. It is not clear why the mature non-continuation rate is higher; factors such as prior attainment might have an effect. In terms of overall context the participation rate for minority ethnic students is much higher than for white students even after controlling for prior attainment (Source: Higher Education Funding Council for England (HEFCE) 2005/06 figures).

268. The Government regularly gives specific funding to Higher Education Institutions (HEIs) to help them provide additional support measures to help minimise student drop-out via the HEFCE. The Government is investing £21 million in the Aimhigher Associates scheme, which will allow term individual and face-to-face support for more than 21,000 pupils in schools and colleges.

269. The Gateways to the Professions Development Fund provided nearly £4 million of funding from 2005-2008 to encourage people from non-traditional backgrounds to enter the professions.

270. The Scottish Government has abolished the Graduate Endowment fee, immediately benefiting 50,000 students and graduates, and has made £30 million available for 2010-11 to further support students. A fairer means-test has been introduced in further and higher education to ensure that support is targeted where it is needed most, as has a £38 million package of grants for part-time learners in higher education. Around 20,000 students will no longer have to rely exclusively on student loans; the Government is providing £16 million per annum to institutions to alleviate student hardship.

**Question 32. Please provide detailed information on measures adopted by the State party to facilitate access to education for Roma/Gypsy and Traveller children, including measures to ensure their participation in mainstream education.**

271. The 'National Strategies' (funded by Government) manage a Gypsy, Roma and Traveller Achievement Programme supporting local authorities and schools to meet the aspirations of Gypsy, Roma and Traveller (GRT) pupils and parents more effectively. The programme aims to improve the quality, sensitivity and relevance of education provision for all GRT pupils. The programme was launched in September 2006 and now covers 22 local authorities and 79 schools.

272. The E-Learning and Mobility Project (E-LAMP) programme covers supported distance learning for pupils through the use of laptops and datacards and also targets pupils who have become disengaged with schooling. The programme continues to expand and works with over 1000 pupils.

273. In 2008, the DCSF published *The Inclusion of Gypsy, Roma and Traveller Children and Young People* which is available online.<sup>10</sup> This is a practical guide for schools, local authorities, parents and pupils that includes strategies for building confidence in self declared ascription amongst GRT children. Increased ascription will lead to higher levels of self-confidence amongst pupils thereby raising the chances of reaching their full educational potential.

274. In Northern Ireland, the creation of a central service for the education of GRT children is a high priority and will enable government to further develop and build on existing good practice, expertise and resources in one single service. This will mean the services provided to schools with GRT children, the children themselves and their parents will be of a uniformly high standard across the north of Ireland, providing equality of access and outcomes for this disadvantaged group. In addition, successful projects that concentrate on improving attendance and attainment can be taken forward on a regional basis. In 2006/07 there were 166 GRT children in Post Primary Education.

275. In Scotland, The Education (Additional Support for Learning) (Scotland) Act 2004 requires local authorities to identify, meet and keep under review the needs of all pupils for whom they are responsible, including GRT children in Scotland.

276. The Scottish Government currently funds and meets with the Scottish Travellers Education Programme (STEP) and the Traveller Education Network (TENET), who work with education authorities in promoting and developing inclusive educational approaches for both settled and mobile GRT Families.

277. The STEP/Learning and Teaching Scotland produced *Inclusive Educational Approaches for Gypsies and Travellers within the context of interrupted learning* provides valuable guidance for local authorities. Her Majesty's Inspectorate of Education (HMIE) has produced a publication which builds on self evaluation guidance given in *How good is our school?*, entitled *Taking a closer look at: Inclusion and Equality - meeting the needs of Gypsies and Travellers*. This guide can be used by schools to evaluate the quality of their approaches to inclusion and equality relating to GRT, and also provide examples of best practice.

**Question 33. Please provide an explanation for the unequal treatment between nationals of Member States of the EU and nationals of other States as regards the reduction of fees and the allocation of financial assistance, as well as for the alleged less favourable treatment that EU students receive with regard to financial assistance vis-à-vis national students. (E/C.12/GBR/5, paras. 175-179)**

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<sup>10</sup> Document reference 00063-2008 on [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications).

278. Under English legislation, eligibility to pay regulated fees and for student support for higher education is established by residence, not nationality. Students must generally be resident in England on the first day of the first academic year of the course and be ordinarily resident in the UK and Islands for the three year prior to that date. Students must also be 'settled' in the UK on this date within the meaning of the Immigration Act 1971. In other words, ordinarily resident here without being subject under the immigration laws to any restriction on the period for which they may stay. There are exceptions to the 3 year residency requirement in the UK & Islands which can apply to specific categories of EU/EEA nationals.

279. Support for tuition fees is extended to nationals of non-UK EU member states on the same basis as for UK domiciled students to ensure equal access to higher education. Article 24, paragraph 1, of Directive 2004/38/EC, which is based on Article 18 of the Treaty applies. It specifies the position of EU citizens exercising their right of free movement and states that all Union citizens (as well as their family members who have the right of residence or permanent residence) residing in the territory of the host Member State shall enjoy equal treatment with the nationals of that Member State. With regard to access to national educational institutions this rule applies without exceptions.

280. Maintenance support is paid in accordance with Article 24, paragraph 2 of Directive 2004/38/EC, a host Member State is not obliged to grant maintenance aid to citizens of other EU Member states before they acquire the right of permanent residence in its territory. However, following a judgment on the Bidar case (C-209/03) in 2005, the European Court of Justice (ECJ) concluded that maintenance support also falls within the scope of the EC treaty. The ECJ supported a residence condition as acceptable to establish a genuine link with another Member State and eligibility for maintenance support. Therefore, as with home students, EU nationals who have lived in the UK and Islands for three years prior to the start of their course can apply for all aspects of maintenance support.

281. With regard to "international" students, The Education (Fees & Awards) (England) Regulations 2007 establishes categories of 'excepted' student who may not be charged a rate of fees higher than that which is charged to "home" students; this is based on residence not nationality. It is at the discretion of the institution what level of fee they charge any student who does not fall in to any of the categories covered in the legislation.

282. Under Scottish legislation, eligibility for fee and student support for further and higher education is established by residence not nationality.

283. Support for tuition fees in Scotland is extended to nationals of Non-UK EU member states on the same basis as for Scottish domiciled students to ensure equal access to further and higher education.

284. Non-UK EU nationals, or the child of a non-UK EU national who have been ordinarily resident in the UK and Islands for the preceding three years are eligible to apply for fee and student support in higher education; fee waiver and discretionary bursary support in further education, provided they are ordinarily resident in Scotland on the first day of the course.

285. Where a non-UK EU national or the child of a non-UK EU national has been ordinarily resident in the EEA or Switzerland throughout the immediately preceding three-year period, they may be eligible for fee support in both higher and further education if undertaking a course of study in Scotland.

286. There are exceptions to the three-year residency requirement in the UK & Islands which can apply to specific categories of EU/EEA nationals.

287. In Scotland, the Education (Fees & Awards) (Scotland) Regulations 2007 makes provisions identical to those for England outlined at paragraph 281 above.

### **I. Article 15 - Cultural rights**

**Question 34. Please provide additional information on the implementation of the measures adopted by the State party to preserve regional and minority languages and to ensure the right of persons belonging to linguistic minorities to use their regional and minority languages and to enjoy their cultures, with particular regard to measures aimed at encouraging, and facilitating access to, radio and television broadcasting in regional and minority languages. (E/C.12/GBR/5, paras. 347-349 and 369, 390-394)**

288. The Government is committed to supporting broadcasting in regional and minority languages. Government recognises the importance of ensuring a sustainable future for Gaelic and recognises that broadcasting has an important role to play in promoting and preserving the language as a living tongue and in sustaining the distinctive cultures based upon it.

289. The BBC has been broadcasting Gaelic for over 80 years, has been committed to Welsh since the 1920s and has broadcast in Irish over the radio for nearly 25 years. There are also services in Ulster-Scots. Local radio stations in England carry over 67 hours of specialist language programming each week, including: Bengali, Cantonese, Cornish, Guernsey French, Gujarati, Hindi, Mandarin, Mirpuri, Polish, Portuguese, Punjabi, Somali and Urdu.

290. The S4C Authority is an independent body which is responsible for the provision of Welsh language television programme services. The Authority is accountable for S4C's output and the proper management of S4C. The S4C Authority performs a broadly similar role to the BBC Trust. S4C receives a grant estimated to be £98 million in 2008-09 from the UK Government.

291. In September 2008, the BBC, in partnership with the Gaelic Media Service, launched a Gaelic TV service, known as BBC Alba. The Scottish Executive currently provides funding of £11.9m per annum. The BBC also provides support in cash (£2.5m per annum) and assistance in kind.

292. In Scotland, Gaelic is considered to be an integral part of the National identity and a vital part of the community life and culture where the language is spoken. The Scottish Government has high ambitions to build on, and improve, existing provision and has given commitments to further expand the place of Gaelic in education, improve the status of Gaelic throughout Scotland and support Gaelic-speaking communities.

293. The current administration's pre-election commitments set out an ambitious agenda for Gaelic development. Key ambitions for the Scottish Government are: increasing the place of

Gaelic in education, improving the status of the language throughout Scotland and supporting Gaelic-speaking communities; setting a target of ensuring that by the 2021 census, the proportion of Gaelic speakers has increased to at least 2001 levels; setting a target to expand the number of children in Gaelic-medium education within its first term of office; guaranteeing in law the right to a Gaelic-medium education at primary level, where reasonable demand exists, and addressing Gaelic teacher recruitment issues; monitoring the operation of the Gaelic Digital TV Service to ensure that it brings economic as well as cultural benefits, to the islands in particular, and push to make it available on Freeview.

294. The Gaelic Language (Scotland) Act 2005 recognises Gaelic as an official language of Scotland commanding equal respect to the English language. The Act was commenced in February 2006 and contains a number of statutory provisions designed to secure the status of Gaelic in Scotland.

295. A number of important steps have been taken to extend and strengthen Gaelic-medium education. Gaelic education is available at all levels of education with much improved resources and materials. In August 2006, the new Glasgow Gaelic School opened for pre-school, primary and secondary pupils. They will be taught in Gaelic from ages 3-18 and it is expected that this will strengthen Gaelic subject delivery at secondary level in Scotland. In August 2007 the first Gaelic medium Primary school opened in Inverness.

296. In March 2001, the UK Government ratified the European Charter for Regional or Minority Languages and in doing so recognised Scottish Gaelic as one of the seven regional or minority languages in the UK.

297. In Northern Ireland, The Irish Language Broadcast Fund (ILBF) was launched in September 2005. The core aim of the fund is to develop an independent film and television production sector in Northern Ireland to provide a range of quality television productions in the Irish language. This was initially funded from within the Northern Ireland funding block to the tune of £12m over four years. However, following a decision by the Northern Ireland Department of Culture, Arts and Leisure to cease funding from 2009 the UK government has agreed to provide an additional £6m over two years to enable the ILBF to continue beyond its current end date of 2009.

298. More generally, the Government is committed to ensuring that the Irish language television channel, TG4, continues to be carried on a universal basis in Northern Ireland after the digital switchover.

**Question 35. Please provide information as to whether persons belonging to linguistic minorities have the right to use their own language before the courts and other public authorities.**

299. In the Tribunals Service across England, Wales, Scotland and Northern Ireland appellants can state their requirements on their appeal form for an interpreter to translate their language at a hearing. An interpreter will be booked on the basis of the language requested without reference to their ethnicity or their religious beliefs.

300. Currently in Her Majesty's Court Service, and Northern Ireland Court Service, court proceedings are conducted in English. There is no automatic right to use a minority language, but if a person is not able to speak or understand English, an interpreter will be provided.

301. In Wales, The Welsh Language Act 1993 provides that 'In any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it, subject in the case of proceedings in a court other than a magistrates' court to such prior notice as may be required by rules of court; and any necessary provision for interpretation shall be made accordingly.' There is also a power to prescribe Welsh versions of official forms.

302. Her Majesty's Court Service (HMCS) has a Welsh Language Scheme. HMCS has adopted the principle that in the conduct of public business and the administration of justice in Wales it will treat the English and Welsh languages on a basis of equality. The Welsh Language Scheme sets out how HMCS will give effect to that principle. There are arrangements in place to enable those who wish to use Welsh in court to do so.

303. For example: proceedings can be commenced (county court) in either Welsh or English; bilingual forms are used in Wales; Allocation Questionnaires / Pre-trial checklists / Plea and Case management hearing questionnaires contain questions as to language preference; Oath or affirmation can be taken in Welsh (on a Welsh Bible) or English; Welsh speaking judges in the Crown and county courts or in the magistrates' court a Welsh speaking bench to hear cases where the Welsh language is used; simultaneous translation of evidence given in Welsh (HMCS responsible for the cost of the interpreters and for the translation of documents).

304. In Scotland, an Act of Court was passed in Grampian, Highlands on 11 June 2001 and came into effect on 1 July in Lochmaddy, Portree and Stornoway Sheriff Courts in pursuance of the EU Charter for Regional or Minority Languages enabling parties in civil cases to apply to court to be allowed to address or give oral evidence to court in Gaelic.

305. In those instances where Gaelic is used, the court provides and pays for an interpreter. There is currently no equivalent provision for criminal proceedings. Currently, staff in Lochmaddy and Portree Sheriff Courts are able to converse in Gaelic and these courts have bilingual signage to reflect this practice.

306. Other courts on the west coast, such as Oban, have dual signage within court buildings. A communication facility called Language Line, available to all courts, enables low volume phone calls and enquiries to be translated into various languages including Gaelic. Bòrd na Gàidhlig (the public body set up to promote Gaelic issues) will in due course require that the Scottish Courts Service develop a Gaelic Language Plan, and would expect the current level of Gaelic provision to be revisited and at least expanded incrementally.

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