

# UNITED KINGDOM 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The United Kingdom of Great Britain and Northern Ireland (the UK) is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect representatives to the House of Commons, the lower chamber of the bicameral Parliament. They last did so in free and fair elections in June 2017. Members of the upper chamber, the House of Lords, occupy appointed or hereditary seats. Scotland, Northern Ireland, Wales, and Bermuda each have elected legislative bodies and devolved administrations, with varying degrees of legislative and executive powers. The UK has 14 overseas territories, including Bermuda. Each of the overseas territories has its own constitution, while the UK government is responsible for external affairs, security, and defense.

Civilian authorities throughout the UK and its territories maintained effective control over the security forces.

The most significant human rights issues included violence motivated by anti-Semitism and against members of minorities on racial or ethnic grounds. Authorities generally investigated, and where appropriate prosecuted, such cases.

The government investigated, prosecuted, and punished allegations of official abuse, including by police, with no reported cases of impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards but had serious problems. A July 18 report from the chief inspector of prisons for England and Wales noted, “violence continued to escalate at an unacceptable rate.”

Physical Conditions: The *Annual Report 2016-17* of the chief inspector of prisons for England and Wales released on July 18 stated, “There have been startling increases in all types of violence,” and that “safety had declined in 15 prisons inspected with just five prisons showing improvement.” In the 12 months to December 2016, assaults on staff rose by 38 percent to 6,844 incidents. Of these, 789 were serious, an increase of 26 percent. In total, throughout the prison system, there were 26,000 assaults, an increase of 27 percent. Of the 29 local prisons and training prisons inspected, 21 were judged to be “poor” or “not sufficiently good” in the area of safety. There were more than 40,161 incidents of self-harm in 2016, an increase of 24 percent from 2015, and in the year up to March 2017, 113 prisoners took their own lives. Between May and August, the number of prisoners in England and Wales unexpectedly rose by 1,200, reaching a total of 86,413. A former head of the prison service, Phil Wheatley, called the system, “woefully short of spare capacity” and said prisons were “in crisis.” The president of the prison governors’ association said the unforeseen surge in numbers had left them with “virtually no head room” at a time when many prisons were already in crisis.

Regarding children and young people, the report notes “there is not a single establishment that we inspected in England and Wales in which it was safe to hold children and young people.”

The *Official Annual Report of the Prisons and Probation Ombudsman for England and Wales* for the period 2016-17 released in July stated there were 361 deaths in custody, an increase of 19 percent from the preceding year. Of these deaths, 11 were in “approved premises” (halfway houses), down from 12 in the preceding year; three deaths were in immigration removal facilities, the same as in the previous year. There were 115 self-inflicted deaths, an increase of 11 percent from the previous year, and an increase of nearly 50 percent over the past two years. There were 208 deaths from natural causes; the ombudsperson explained the higher number by the increase in the number of older prisoners. The prison service also

noted four deaths as apparent homicides; a further 16 deaths were classified as “other non-natural,” of which nine were drug related.

Two of the four young offender institutions the chief inspector visited were “not sufficiently good in the area of safety.” “Increasing violence” led to reduced time out of cell, meaning that many “served most of their sentence locked up,” according to the report.

UK media, including the BBC, raised concerns about inmates still held under “IPPs”--Imprisonment for Public Protection sentences. Introduced in 2003, IPPs are designed to detain serious offenders, mostly sex offenders, perceived to be a risk to the public. Prisoners can be kept in prison indefinitely as long as the Parole Board believed they still posed a threat. In 2012 IPPs were abolished following a European Court of Human Rights ruling. The abolition, however, was not retrospective, and there remained 3,500 prisoners serving sentences without a release date.

Scottish Prison Service figures showed 28 deaths in prisons in Scotland in 2016, an increase of four over 2015. Of those 28 deaths, the cause of 23 was still to be determined, following the conclusion of a Fatal Accident Inquiries that must take place following any death in custody. Two deaths were suicides and three were from natural causes.

A July 2017 report by the investigative website *The Ferret* stated that incidents in which people tried to hurt or kill themselves in Scottish prisons had risen by more than one-third in the last four years. Official reports of actual, attempted, and threatened self-harming incidents in 15 Scottish prisons increased to more than 400 a year in the last two years. The figures were released to *The Ferret* under Freedom of Information legislation. The Scottish Prison Service stated that self-harm figures could be misinterpreted because they included threats as well as actual incidents.

A July 2017 report carried out by Her Majesty’s Inspectorate of Prisons for Scotland claimed that the Scottish Prison Service was not equipped to deal with the needs of older prisoners. The report claimed many prisoners over the age of 60 received poor health care and faced isolation, boredom, and loneliness.

In Northern Ireland women did not have a separate facility from juveniles. According to the prisoner ombudsperson for Northern Ireland’s annual report for 2016-17, the ombudsperson began investigations into five deaths (three more than

in 2016). Three of the deaths appeared to be suicides, and the cause of the other deaths was unclear.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. Every prison, immigration removal center, and some short-term holding facilities at airports have an independent monitoring board. Each board's members are independent, and their role is to monitor day-to-day life in their local facility and to ensure that proper standards of care and decency are maintained. Members have unrestricted access to their local prison or immigration detention center at any time and can talk to any prisoner or detainee they wish, out of sight and hearing of staff, if necessary.

For two weeks beginning on March 30, 2016, the Council of Europe's Committee for the Prevention of Torture (CPT) visited places of detention in England. The report, published in April, expressed "serious concerns over the lack of safety for inmates and staff" because of "prison violence spiraling out of control, poor regimes, and chronic overcrowding." Government statistics in April showed 68 percent of prisons hold more inmates than their usable "certified normal accommodation" with 80 prisons out of 117 holding more than 50 percent over the recommended levels.

In August 2016 the Independent Prison Monitoring in Scotland, a voluntary advisory group, marked its first full year of operation. More than 150 volunteers joined the new system, working in 15 teams, one in each prison in Scotland.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government routinely observed these requirements.

Stop-and-search in the country has declined from 1.2 million to 380,000 during the last five years. Three-in-four black, Asian, or minority ethnic Britons, however, feel that their communities are targeted by stop-and-search policies.

In January the Scottish government published new guidelines regarding the appropriate use of stop-and-search actions. Under the new guidelines, which came into force in May, police are able to stop and search persons only when they have "reasonable grounds."

In Bermuda there were approximately 1,123 stop-and-search actions in the first half of the year, a significant decrease from a high of approximately 5,500 at the end of 2012, when gang violence was at its height. Civil rights groups stated the stop-and-search law unfairly targeted blacks.

### **Role of the Police and Security Apparatus**

Except in Scotland and Northern Ireland, the national police maintained internal security and reported to the Home Office. The army, under the authority of the Ministry of Defense, is responsible for external security and supports police in extreme cases. The National Crime Agency (NCA) investigates many serious crimes in England, Scotland, Wales, and Northern Ireland, and it has a mandate to deal with organized, economic, and cybercrimes as well as border policing and child protection. The NCA director general has independent operational direction and control over the NCA's activities and is accountable to the home secretary.

By law authorities must refer to the Independent Police Complaints Commission all deaths and serious injuries during or following police contact, including road traffic fatalities involving police, fatal police shootings, deaths in or following police custody, apparent suicides following police custody, and other deaths to which the action or inaction of police may have contributed. In March an inquest into the death of a prisoner in 2015 ruled that he died after being unlawfully restrained by prison officers in Manchester.

A coalition of community and human rights groups urged Home Secretary Amber Rudd to publish a report on deaths in police custody, which was ordered by former home secretary Theresa May in 2015. The report was to examine whether the criminal justice system made it too hard to get answers about such deaths. The report was due in 2016 but was not made public.

Scotland's judicial, legal, and law enforcement system is fully separate from that of the rest of the UK. Police Scotland reports to the Scottish justice minister and the state prosecutor. Police Scotland reports cross-border crime and threat information to the national UK police and responds to UK police needs in Scotland upon request.

Northern Ireland also maintains a separate police force, the Police Service of Northern Ireland (PSNI). The PSNI reports to the Northern Ireland Policing Board, a nondepartmental public body composed of members of the Northern Ireland Assembly and independent members of the community. Northern Ireland's

minister of justice appoints the board. Due to the lack of devolved government, 10 political appointments remained vacant. The other nine independent members continued to meet.

The Bermuda Police Service (BPS) is responsible for internal security on the island. The BPS reports to the governor appointed by the UK but is funded by the elected government of the island.

Civilian authorities maintained effective control over the security forces, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Coroner's inquests investigated deaths related to the Troubles in Northern Ireland. The Historical Enquiries Team was closed in 2014 and replaced by the Legacy Investigations Branch located in the PSNI. The 2014 Stormont House Agreement and the Fresh Start Agreement of 2015 provide for the creation of legacy bodies to deal with the past, which would include establishment of a historical investigations unit. Two years on, these institutions had not been established.

### **Arrest Procedures and Treatment of Detainees**

Police nationally must have a warrant issued by a magistrate or a judge to arrest a person, unless there is reasonable suspicion a person has just committed or is about to commit a crime. In England, Wales, and Northern Ireland, a senior police official must authorize detention without charges for more than 24 hours, and a magistrate must authorize detention for more than 36 hours up to a maximum 96 hours. Police may detain terrorism suspects without charge for up to 14 days. Police must inform detainees promptly of charges against them, and this right was respected.

Nationally there is a functioning bail system, and defendants awaiting trial have the right to bail, except for those judged to be flight risks, likely to commit another offense, suspected terrorists, or in other limited circumstances.

If questioned at a police station, all suspects have the right to legal representation, including counsel provided by the government if they are indigent. Police may not question suspects who request legal advice until a lawyer is present. Detainees may make telephone calls. The maximum length of pretrial detention is 182 days. The court may extend the detention in exceptional cases. Suspects were not held incommunicado or under house arrest. Authorities routinely respected these rights.

In Gibraltar the CPT found that, while the right of access to a lawyer is adequately enshrined in law, a lawyer was only accessible at the detainee's own expense.

In Scotland police may detain a subject for no more than 24 hours. After an initial detention period of 12 hours, a police custody officer may authorize further detention for an additional 12 hours without authorization from the court, if the officer believes it necessary. Only a judge can issue a warrant for arrest if he or she believes there is enough evidence against a suspect. A detainee must be informed immediately of allegations against him or her and be advised promptly of the charges if there is sufficient evidence to proceed. Police may not detain a person more than once for the same offense. Depending on the nature of the crime, a suspect should be released from custody if the detainee is deemed not to present a risk. If police consider it important that the case be heard at court quickly, the suspect may be released on an "undertaking," that is, without bail but under certain conditions and with a promise to attend court when summoned. Suspects perceived to be a risk to the public can be held in custody until the next court day. There is a functioning bail system.

In Bermuda a person must usually be arrested with a warrant issued by a court. The law permits arrests without warrant in certain conditions. No arrests or detentions can be made arbitrarily or secretly. The detainee must be told the reason for his arrest immediately upon being arrested. Detainees may be held for 42 hours for investigation, but detention should be reviewed at specified intervals of initially six hours, then every 12 hours, until 42 hours are reached. For serious crimes, a senior police officer may authorize additional detention of up to 72 hours before charges are filed. Crimes with firearms automatically allow detention up to 72 hours and have special provisions under the law to detain without charge for two weeks, followed by an additional two-week period with the approval of the Supreme Court.

There is a functioning system of bail in Bermuda. A detainee has the immediate right of access to a lawyer, either through a personal meeting or by telephone. Free legal advice is provided for detainees. A detainee who wishes to have another lawyer can have one at his own expense. Police may interview without a lawyer in exceptional circumstances that must be authorized, such as to save life or to find a kidnapping victim. Police must inform the arrestee of his rights to communication with a friend, family member, or other person identified by the detainee. The police superintendent may authorize incommunicado detention for serious crimes

such as terrorism. House arrest does not legally exist but may be a condition of bail.

Formal complaints about arrests in Bermuda can be made to an independent criminal compensation board, the police complaints authority, the Human Rights Commission, or a court.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: All citizens in the UK have a right to habeas corpus; in Northern Ireland they apply via Northern Ireland's devolved judicial system. In Scotland the right to habeas corpus is protected by law.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government respected judicial independence and impartiality.

#### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary routinely enforced this right. Defendants enjoy a presumption of innocence, and the right to be informed promptly and in detail of the charges, with free interpretation as necessary from the moment charged through all appeals. Criminal proceedings must be held without undue delay and be open to the public except for cases in juvenile court or those involving public decency or security. Defendants have the right to be present at their trial. Under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

Defendants have the right to communicate with an attorney of their choice or to have one provided at public expense if unable to pay. Defendants and their lawyers have adequate time and facilities to prepare a defense and free assistance of an interpreter if necessary. Defendants have the right to confront witnesses against them, present witnesses and evidence, and not to be compelled to testify or confess guilt. Defendants have the right to appeal adverse verdicts.

In Bermuda the Disclosure and Criminal Reform Act 2015 passed early in 2016 requires a defendant to declare to the prosecutor and the court within 28 days of his arraignment whether he intends to give evidence at his trial. Failure to do so permits the court to direct the jury to draw inferences from the defendant's refusal to testify.



**Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

**Civil Judicial Procedures and Remedies**

Nationally, nongovernmental organizations (NGOs) and groups of individuals may seek civil remedies for human rights violations and have the right to appeal to the European Court for Human Rights decisions involving alleged violations by the government of the European Convention on Human Rights.

In Bermuda the Human Rights Tribunal adjudicates complaints.

**Property Restitution**

The UK complies with the goals of the Terezin Declaration. The government has laws and mechanisms in place, and NGOs and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens.

**f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

The Investigatory Powers Act 2016 came into effect in 2017 granting intelligence and police forces greater investigatory powers, including new powers for interception and collection of communications.

**Section 2. Respect for Civil Liberties, Including:****a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government routinely respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The law prohibits expressions of hatred toward persons because of their color, race, nationality (including citizenship), ethnic or national origin, religion, or sexual orientation as well as any communication that is threatening or abusive and is intended to harass, alarm, or distress a person. The penalties for such expressions include fines, imprisonment, or both.

Press and Media Freedom: The law's restrictions on expressions of hatred apply to the print and broadcast media. In Bermuda the law prohibits publishing written words that are threatening, abusive, or insulting, but only on racial grounds; on other grounds, including sexual orientation, the law prohibits only discriminatory "notices, signs, symbols, emblems or other representations."

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The country has no blanket laws covering internet blocking, but the courts have issued blocking injunctions against various categories of criminal content such as depictions of child sexual abuse, promotion of extremism and terrorism, and materials infringing on copyrights. Courts have blocked torrent file-sharing sites such as The Pirate Bay and Newzbin, primarily for hate speech and violations of intellectual property rights.

In recent years the government has placed significant emphasis on stopping the dissemination of terrorist and hate speech online and on protecting individuals from targeted harassment on social media. In 2015 laws were amended to increase prison time for those convicted of targeting individuals with abusive and offensive content online "with the purpose of causing distress or anxiety." Also in 2015 English and Welsh laws were amended to criminalize pornographic images distributed online without the subject's permission and with the intent to harm the subject, so-called revenge porn.

During the year the Investigatory Powers Act of 2016 came into force. It expands the electronic surveillance powers of the nation's intelligence community and police, allowing them, among other things, to check internet communications records as part of an investigation without a warrant.

According to the Office for National Statistics (ONS), in the first quarter of the year, 89 percent of adults had used the internet in the last three months, up from 88 percent in 2016.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government routinely respected these rights.

A protest against legislation to redevelop Bermuda's airport resulted in a dispute between demonstrators and police in December 2016. After local activists blocked entrances to the House of Assembly, police used pepper-spray in an attempt to disperse the crowd. Activists and members of the community accused the Bermuda Police Service of using excessive force. Governor John Rankin ordered a peer review of the incident, while the government launched investigations into complaints against the police department. In August the Police Complaints Authority released a report concluding that although the use of pepper-spray could have been avoided, officers did not engage in any misconduct.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government routinely respected these rights.

Since 2015 the law permits the home secretary administratively to impose "Temporary Exclusion Orders" (TEOs) on a returning UK citizen or others with a right to live in the UK if the home secretary reasonably suspects the individual in question is, or has been, involved in terrorism-related activity and reasonably considers it necessary to protect persons in the UK from a risk of terrorism. TEOs impose certain obligations on the repatriates, such as periodic reporting to police. The measure requires a court order and is subject to judicial oversight and appeal.

Home Secretary Rudd confirmed in May that only one TEO has been issued since their 2015 introduction.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Home Office officials have the power to detain asylum seekers and unauthorized migrants who do not enter the asylum system. Immigration detention was used to establish a person's identity or basis of claim, to remove a person from the country, or to avoid a person's noncompliance with any conditions attached to a grant of temporary admission/release.

Although home office policy stated detention should be used sparingly and for the shortest period necessary, there was neither a maximum time limit for the use of immigration detention nor automatic judicial oversight of decisions to detain. In response to calls from NGOs and the CPT to introduce a maximum time limit and to enhance existing mechanisms for independent oversight, the Home Office began to review its use of immigration detention and the length of time individuals can spend in detention.

In-country Movement: The home secretary may impose terrorism prevention and investigation measures (TPIMs) based on a "balance of probabilities." TPIMs are a form of house arrest applied to those thought to pose a terrorist threat but who cannot be prosecuted or deported; a TPIM can last for up to two years. The measures include electronic tagging, reporting regularly to the police, and facing "tightly defined exclusion from particular places and the prevention of travel overseas." A suspect must live at home and stay there overnight, possibly for up to 10 hours. Suspects can be sent to live up to 200 miles from their normal residence. The suspect may apply to the courts to stay elsewhere. The suspect can use a mobile phone and the internet to work and study, subject to conditions. In November 2016, six citizens and one foreign national were subject to TPIMs.

## **Protection of Refugees**

Access to Asylum: In England, Scotland, Wales, and Northern Ireland, the law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Bermuda's constitution

and laws do not provide for granting asylum or refugee status, and the government does not have an established system for providing protection to refugees.

Effective July 1, the government announced that it would grant those admitted under the Syrian Vulnerable Resettlement Scheme (VPRS) refugee status and five years' limited leave. Those resettled under this program before July 2017 would be given the opportunity to request a change in status from humanitarian protection to refugee status. On July 3, the government announced it would broaden the criteria for inclusion in the VPRS to all nationalities who have fled the Syria conflict, rather than Syrians alone.

Safe Country of Origin/Transit: The country is subject to the EU's Dublin III regulation and considers all other EU member states, except Greece, to be countries of safe origin or transit. The regulation permits authorities to remove an asylum applicant to another country responsible for adjudicating an applicant's claim. The government places the burden of proof on asylum seekers who arrive from safe countries of origin, who pass through a country where they are not considered to be at risk, or who remained in the country for a period before seeking asylum.

Employment: The government did not allow asylum seekers to work. They received government support at 30 percent below the normal rate for their family size for the duration of their asylum application. The government granted an asylum seeker with an upheld claim "refugee status" and the benefits enjoyed by citizens, including employment opportunities.

The Scottish government was funding a program for 38 qualified asylum seekers and refugees to work for the National Health Service Scotland. The program offers refugee doctors advanced English lessons, medical classes, and placements with general practitioners or hospitals, providing them with the skills needed to get their medical qualifications certified in the country.

Access to Basic Services: In February 2016 the "Right to Rent" entered into force. It requires all landlords in England to check the immigration documents of prospective tenants to verify they are not irregular or undocumented migrants. Landlords can be fined up to 3,000 pounds (\$3,930) for noncompliance.

Temporary Protection: The government may provide temporary protection to individuals who may not qualify as refugees under the categories of humanitarian protection and discretionary leave.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The most recent Northern Ireland legislative assembly elections were in March. The UK held national parliamentary elections in June. Bermuda held elections in July. Independent observers reported no abuses or irregularities in any of the elections.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government implemented the law effectively. There were no reports of government corruption during the year.

Financial Disclosure: All members of Parliament (MPs) are required to disclose their financial interests. The *Register of Members' Interests* was available online and updated regularly. These public disclosures include paid employment, property ownership, shareholdings in public or private companies, and other interests that “might reasonably be thought to influence” the member in any way. The Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, and the Bermudian Parliament have similar codes of conduct for members. Under the ministerial code issued by the Prime Minister’s Office, ministers must follow standards of conduct, including the disclosure of gifts and travel. The national government publishes the names, grades, job titles, and annual pay rates for most civil servants with salaries greater than 150,000 pounds (\$196,500). Government departments publish the business expenses of and hospitality received by their most senior officials.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings of human rights cases. Government officials were routinely cooperative and responsive to their views.

Government Human Rights Bodies: Parliament has a Joint Committee on Human Rights composed of 12 members selected from the House of Lords and the House of Commons. The committee investigates human rights matters in the country and scrutinizes legislation affecting human rights. It may call for testimony from government officials, who routinely comply.

The Equality and Human Rights Commission (EHRC) is an independent, nondepartmental public body that promotes and monitors human rights and protects, enforces, and promotes equality across nine “protected” grounds: age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation, and gender reassignment. The sponsoring department is the Government Equalities Office. The commission was considered effective.

The Northern Ireland Human Rights Commission, sponsored by the Northern Ireland Office, and the Equality Commission for Northern Ireland, sponsored by the Office of the First Minister and Deputy First Minister, monitored human rights in that province. These entities were considered effective.

In Bermuda the Human Rights Commission is an independent body that effectively administers the law regarding human rights by the investigation and resolution of complaints lodged with it.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape, spousal rape, and domestic violence. The maximum legal penalty for rape is life imprisonment. The law also provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence. The government enforced the law effectively in reported cases. Courts in some cases imposed the maximum punishment for rape. According to the ONS, from April 2016 to March, police recorded 41,150 rapes. The government provided shelters, counseling, and other assistance for survivors of rape or violence

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. The law also requires health and social care professionals and teachers to report to police cases of FGM/C on girls less than 18 years of age. It is also illegal to take abroad a British national or permanent resident for FGM/C or to help someone trying to do this. The penalty is up to 14 years in prison. An FGM protection order, a civil measure that can be applied for through a family court, offers the means of protecting actual or potential victims from FGM/C under the civil law. Breach of an FGM protection order is a criminal offense carrying a sentence of up to five years in prison.

Sexual Harassment: The law criminalizes sexual harassment. No further information was available.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law provides the same legal status and rights for women as for men. Women were subject to some discrimination in employment.

## **Children**

Birth Registration: A child born in the UK receives the country's citizenship at birth if one of the parents is a UK citizen or a legally settled resident. Children born in Northern Ireland may opt for UK, Irish, or dual citizenship. A child born in an overseas territory is a UK overseas territories citizen if at least one of the child's parents has citizenship. All births must be registered within 42 days in the district where the baby was born; unregistered births were uncommon.

Child Abuse: Social service departments in each local authority in the country maintained confidential child protection registers containing details of children at risk of physical, emotional, or sexual abuse or neglect. The registers also included child protection plans for each child.

Early and Forced Marriage: The minimum legal age for marriage is 16. In England and Wales, persons under 18 and not previously married require the written consent of parents or guardians, and the underage person must present a



birth certificate. Forcing a UK citizen into marriage anywhere in the world is a criminal offense in England and Wales.

The legal minimum age to enter into a marriage in Scotland is 16 and does not require parental consent.

Sexual Exploitation of Children: The penalties for sexual offenses against children and the commercial sexual exploitation of children range up to life imprisonment. The minimum age of consensual sex in the UK is 16. In Bermuda, the legal minimum age for consensual sex is 16 for heterosexuals and lesbians and 18 for gay men.

International Child Abductions: The UK including Bermuda is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

The 2011 census recorded the Jewish population at 263,346. Some considered this an underestimate, and both the Institute for Jewish Policy Research and the British Board of Deputies suggested that the actual figure was approximately 300,000.

The NGO Community Security Trust (CST) published a semiannual report recording 767 anti-Semitic incidents nationally in the first six months of the year, a 30 percent increase from 2016 and the highest total CST recorded for the January-June period of any year. The CST recorded 80 incidents categorized as assaults, a 78 percent increase from the previous year; 74 percent of the incidents took place in Greater London and Greater Manchester. While the number of incidents in Greater London increased by 10 percent compared with the previous year, those in Greater Manchester increased by 84 percent.

On May 9, police arrested a man waving a meat cleaver and threatening customers and staff at two kosher stores in North London. In June arsonists attacked two kosher restaurants in Manchester within five days. In July police arrested a man armed with two knives while he attempted to enter a London synagogue. In August a man threw glass bottles and yelled, "Hitler was a good man" at two teenage Jewish girls in London.

In January a brick with images of swastikas and anti-Semitic messages was thrown through the window of a Jewish home in the Edgware district of London, and a group of Jewish individuals was pelted with eggs. Swastikas were discovered on various properties and posters in the North London neighborhood.

In September, Chelsea sports fans sang a song about Alvaro Morata, a player on the team, that included an anti-Semitic slur. Morata told Chelsea supporters to “respect everyone,” and the club condemned the song, stating it would impose a life ban on any fans found guilty of joining in anti-Semitic songs.

A National Union of Students survey revealed that two-thirds of Jewish university students believed they had been targeted due to their religion, and more than a quarter worried about being the victim of an anti-Semitic attack. The number of anti-Semitic incidents reported at British educational institution nearly doubled from the preceding year, from 21 to 41.

The Labour Party held a disciplinary hearing at the end of March into MP Ken Livingstone’s comments that Zionists collaborated with Hitler. The disciplinary body suspended Livingstone from holding office in the party for two years. The Board of Deputies of British Jews called the ruling not to suspend him permanently “a hopelessly wrong decision,” and the Chief Rabbi said that the Labour Party had “failed all those who believe in zero tolerance of anti-Semitism.”

Some Labour election campaign material in Bristol superimposed a Star of David as an earring on Prime Minister Theresa May, provoking accusations that Labour had tapped into anti-Semitic sentiment.

In May, Labour leader Jeremy Corbyn responded in a video to the Jewish Board of Deputies manifesto, stating, “We should all be deeply troubled by the rise of anti-Semitic, Islamophobic, and other racially motivated hate crimes.”

In September, during the Labour Party’s annual conference, members of the party called for the expulsion of the Jewish Labour Movement for supporting the state of Israel, and some compared Zionists to Nazis. Another member called for Labour to “respect the people’s right to question the Holocaust” during a debate at which Labour agreed to adopt tough new rules to tackle anti-Semitism within the party.

In July, MP John Mann, who leads the All-Party Parliamentary Group Against Anti-Semitism, called for action to be taken following the publication of a report

into links between the Scottish Palestinian Solidarity Campaign and anti-Semitism in Scotland.

As of September 29, the UK government outlawed neo-Nazi groups Scottish Dawn and National Socialist Anti-Capitalist Action (NS131) as aliases for banned neo-Nazi group National Action; police arrested 11 of their members.

Home Secretary Rudd said the government was providing 13.4 million pounds (\$17.6 million) to protect Jewish sites and 900,000 pounds (\$1.179 million) for “innovative schemes to tackle various types of hate crime.”

In February the Jewish community held a rededication service for the 13 Jewish graves destroyed in Belfast, Northern Ireland, in August 2016. The Belfast lord mayor and representatives from the two largest Unionist parties attended the ceremony.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government effectively enforced the law.

Britain’s equality watchdog, the EHRC, contended persons with disabilities were still treated as “second-class citizens,” because progress in promoting improvements by governments, businesses, and the wider community had stalled. In January a man with disabilities won a Supreme Court case over a wheelchair space on public buses. He was refused entry into a bus operated by FirstGroup because a mother with a baby stroller refused to make room for him.

Bermudian law protects the rights of persons with disabilities in the workplace. The law does not include any protection from discrimination on the grounds of mental health.

The EHRC provided legal advice and support to individuals, a hotline and could conduct formal investigations, arrange conciliation, require persons or

organizations to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

### **National/Racial/Ethnic Minorities**

The law prohibits racial and ethnic discrimination, but Travellers, Roma, and persons of African, Afro-Caribbean, South Asian, and Middle Eastern origin at times reported mistreatment on racial or ethnic grounds.

In Northern Ireland, the PSNI reported that the number of incidents and crimes fell into four of six hate-related motivations: racist, homophobic, sectarian, and disability. It increased slightly in two categories: faith/religion and transphobic.

In England and Wales, police recorded 80,393 racially motivated offenses in which one or more hate-crime strands were considered a motivating factor.

In 2015-16, Scottish police recorded 3,349 race crimes, a 9 percent decrease from the previous year and the lowest number recorded since 2003-04. Race crime, however, remained the most commonly reported hate crime in Scotland. In Northern Ireland from April 2016 to March 2017, the PSNI recorded 660 hate crimes connected to racism, a decrease of 193 crimes from the previous year.

In Bermuda, arrests of black persons were disproportionately high. In 2016, 85 percent (2,213) of 2,526 persons arrested were black (excluding mixed race). According to the 2010 census, 54 percent of all residents described themselves as black.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

In Bermuda the legal minimum age for consensual sex is 16 for lesbians and 18 for gay men. The British territories of Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands, and the Bailiwick of Guernsey set different ages of consent for same-sex acts.

The law in England and Wales prohibits discrimination and harassment based on sexual orientation, although individuals reported sporadic incidents of homophobic violence. It encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation was a motive for the hostility, and many local police

forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks.

In Scotland, racial, sexual, or other discriminatory motivation may be an “aggravating factor” in crimes. Scottish law also criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match and penalizes any threat of serious violence and threats to incite religious hatred through the mail or the internet. Crime aggravated by sexual orientation was the second most common type of hate crime.

In October 2016 Police Scotland announced a new network of lesbian, gay, bisexual, transgender, and intersex (LGBTI) liaison officers to improve the reporting of hate crimes.

In Northern Ireland, an appeal court in October 2016 upheld a decision that the owners of Ashers bakery discriminated based on sexual orientation by refusing an order from a gay customer. During the year members of the PSNI marched in the Belfast Pride parade for the first time.

### **Other Societal Violence or Discrimination**

According to the European Commission against Racism and Intolerance, intolerant political discourse focused on immigration and contributed to increasing xenophobic sentiments. Certain politicians and some policies portrayed Muslims in a negative light. Hate speech in some traditional media, particularly tabloid newspapers, continued to be a problem, with dissemination of biased or ill-founded information.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The government routinely respected these rights. The law prohibits antiunion discrimination and protects employees from unfair dismissal while striking, provided the union has complied with the legal requirements governing such industrial action.

The new Trade Union Act allows strikes to proceed only when there has been a ballot turnout of at least 50 percent. For “important public services,” defined as

health services, education for those age under 17, fire services, transport services, nuclear decommissioning and the management of radioactive waste and spent fuel, and border security, an additional threshold of 40 percent of support from all eligible union members must be met for strike action to be legal.

The law does not cover workers in the armed forces, public-sector security services, police forces, and freelance or temporary work. The law excludes workers serving in the police, the prison service, and the armed forces from the right to strike. According to the International Trade Union Confederation (ITUC), the right to strike in the UK is “limited” due to prohibitions against political and solidarity strikes, lengthy procedures for calling strikes, and the ability of employers to seek injunctions against unions before a strike has begun if the union does not observe all proper steps in organizing the strike.

The government enforced applicable laws. Remedies were limited in situations where workers faced reprisal for union activity, and the ITUC stated that the law does not provide “adequate means of protection against antiunion discrimination,” and noted that legal protections against unfair labor practices only exist within the framework of organizing a recognition ballot. Penalties range from employers paying compensation to reinstatement and were sufficient to deter violations.

The government and employers routinely respected freedom of association and the right to collective bargaining. Unions and management typically negotiated collective “agreements,” which were less formal and not legally enforceable. The terms of the agreement could, however, be incorporated into an individual work contract with legal standing.

The law does not allow independent trade unions to apply for de-recognition of in-house company unions or to protect individual workers seeking to do so. Labor-market surveys suggested that employers expanded the practice of “zero-hour contracts” in which workers are required to be available but are not guaranteed any minimum work hours, which potentially eroded independent trade union membership and further limited worker rights. In the final three months of 2016, there were 905,000 individuals on zero-hours contracts, which represented a rise of more than 100,000, or 13 percent, compared with the same period in 2015. Approximately 68 percent of the individuals on zero-hour contracts reportedly were satisfied with the arrangement, while 32 percent said they would prefer more hours or a different job.

Various labor NGOs advocated for worker's rights freely within the UK and acted independently from trade unions, although often advocacy problems overlapped. NGOs advocated for improvements in paid family leave, a minimum/living wage, and worker safety among other problems.

According to the ONS, approximately 6.2 million employees were trade union members in 2016. The level of overall union members decreased by 275,000 (4.2 percent) from 2015, the largest annual fall recorded since the series began in 1995. Current membership levels were below the peak of more than 13 million in 1979.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced and compulsory labor, but such practices occurred. The government routinely enforced these laws effectively. Resources and inspections were generally adequate and penalties were sufficiently stringent compared with other sentences for serious crimes.

The Modern Slavery Law, enacted in 2015, requires more than 12,000 firms with a global turnover of 36 million pounds (\$47.2 million) that supply goods or services in the UK to publish an annual statement setting out what steps they are taking to ensure that slave labor is not being used in their operations and supply chain. Foreign companies and subsidiaries that "carry on a business" in the UK also have to comply with this law. The law includes the ability for courts to make reparation orders following the conviction of exploiters and prevention orders to ensure that those who pose a risk of committing modern slavery offenses cannot work in relevant fields, such as with children.

Forced labor in the UK involved both foreign and domestic workers, mainly in sectors characterized by low-skilled, low-paid manual labor and heavy use of flexible, temporary workers. Those who experienced forced labor practices tended to be poor, living on insecure and subsistence incomes and often in substandard accommodations. Victims of forced labor included men, women, and children. Forced labor was normally more prevalent among the most vulnerable, minorities or socially excluded groups. Albania, Nigeria, Vietnam, Romania, and Poland were the most likely countries of origin, but some victims were from the UK itself. Most migrants entered the UK legally. Many migrants used informal brokers to plan their journey and find work and accommodation in the UK, enabling the brokers to exploit the migrants through high fees and to channel them into forced labor situations. Many with limited English were trapped in poverty through a combination of debts, flexible employment, and constrained opportunities.

Migrants were forced to share rooms with strangers in overcrowded houses, and often the work was just sufficient to cover rent and other charges. Sexual exploitation was the most common form of modern slavery reported in the UK, followed by labor exploitation, forced criminal exploitation, and domestic servitude. Migrant workers were subject to forced labor in agriculture, construction, food processing, service industries (especially nail salons), and on fishing boats. Women employed as domestic workers were particularly vulnerable to forced labor.

In Bermuda the Department of Immigration and the Director of Public Prosecutions confirmed there were no cases of forced labor during the year, although historically there were some cases of forced labor, mostly involving migrants, among men in the construction sector and women in domestic service. Media did not report any cases of forced labor or worker exploitation in 2016. The law requires employers to repatriate work-permit holders. Failure to do so had been a migrant complaint. The cases of worker exploitation largely consisted of employers requiring workers to work longer hours or to perform work outside the scope of their work permit. The Department of Immigration imposed civil penalties in approximately eight such cases. The penalties for employing someone outside the scope of their work permit are 5,000 Bermudian dollars (\$5,000) for the first offense and \$10,000 Bermudian dollars (\$10,000) for the second or subsequent offenses.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

UK law prohibits the employment of children under the age of 13 with exceptions for sports, modeling, and paid performances, which may require a child performance license. The law prohibits those under 16 from working in an industrial enterprise, including transportation or street trading. Children's work hours are strictly limited and may not interfere with school attendance. Different legislation governs the employment of persons under 16, and, while some laws are common across the UK, local bylaws vary. If local bylaws so require, children between the ages of 13 and 16 must apply for a work permit from a local authority. The local authority's education and welfare services have primary responsibility for oversight and enforcement of the permits.



The Department for Education has primary regulatory responsibility related to child labor, although local authorities generally handled enforcement. Penalties for noncompliance consist of relatively low fines. The Department of Education did not keep records of the number of local prosecutions, but officials insisted the department effectively enforced applicable laws.

In Bermuda children under the age of 13 may perform light work of an agricultural, horticultural, or domestic character if the parent or guardian is the employer. Schoolchildren may not work during school hours or more than two hours on school days. No child under 15 may work in any industrial undertaking, other than light work, or on any vessel, other than a vessel where only family members work. Children under 18 may not work at night, except that those ages 16 to 18 may work until midnight; employers must arrange for safe transport home for girls between ages 16 and 18 working until midnight. Penalties for violations of the law begin at 350 Bermudian dollars (\$350) for the first offense and 720 Bermudian dollars (\$720) for the second and subsequent offenses. The penalty for willfully abusing, mistreating, neglecting, deserting, or abandoning a child is a fine not exceeding 3,000 Bermudian dollars (\$3,000) or imprisonment for a term not exceeding six months. The BPS reported no cases of child labor or exploitation of children during the year.

Labor laws do not set a minimum age for work in the territories of Anguilla, St. Helena-Ascension-Tristan da Cunha, and the Falkland Islands. The governments of Anguilla, the Falkland Islands, and St. Helen-Ascension-Tristan da Cunha have not developed a list of hazardous occupations prohibited for children.

There are legislative gaps in the prohibition of trafficking in children for labor exploitation and the use of children for commercial sexual exploitation on the Falkland Islands and St. Helena-Ascension-Tristan da Cunha. While criminal laws prohibit trafficking in children for sexual exploitation, they do not address trafficking in children for labor exploitation. It is unclear whether laws exist in Monserrat regarding the use of children in drug trafficking and other illicit activities. Traffickers subjected children to commercial sexual exploitation in Turks and Caicos.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/) for information on UK territories.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment or occupation regarding race, color, sex, religion or belief, political opinion, national origin or citizenship, social origin, disability, sexual orientation, gender identity or reassignment, marriage and civil partnership, being pregnant or on maternity leave, age, language or HIV-positive status or other communicable diseases. Legal protection extends to others who are associated with someone who has a protected characteristic or who have complained about discrimination or supported someone else's claim. The government effectively enforced these laws and regulations.

Discrimination in employment and occupation occurred with respect to race, gender, and sexual orientation and gender identity. Complainants faced higher fees in discrimination cases than in other types of claims made to employment tribunals or the Employment Appeals Tribunal.

The law requires equal pay for equal work. The government enacted mandatory gender pay reporting, aimed at closing the "gender pay gap," a separate concept from the equal pay principle. From April, businesses with more than 250 employees are required to measure, and then report, on how they pay men and women. This affected 8,000 businesses employing approximately 11 million persons. The gap has narrowed over the long term for low earners but has remained largely consistent over time for high earners.

In July the government required the BBC to publish information on the earnings and salaries of employees making 150,000 pounds (\$196,500) or more. The information revealed two-thirds of the 96 top earners were men and that the highest-paid woman earned less than a quarter of the salary of the highest-paid man. While the list showed a gender pay gap in the BBC at 10 percent, the gap across the UK was 18 percent.

A report survey in August by public body Creative Scotland found that one-half of women working in the arts in Scotland believed their gender was a barrier in career development. The report, which surveyed 1,500 individuals working in the arts, found that men were more likely to work in senior roles and more likely to earn more than women.

### **e. Acceptable Conditions of Work**

The new National Living Wage became law on April 1. All workers age 25 and over are legally entitled to at least 7.50 pounds (\$9.82) per hour. Workers between

21 and 24 are legally entitled to the National Minimum Wage, which was 7.05 pounds (\$9.23) for individuals.

The government measures the poverty level as income less than 60 percent of the median household income; thus, the poverty line moves with the median income year to year.

Although criminal enforcement is available, most minimum wage noncompliance is pursued via civil enforcement. Civil penalties for noncompliant employers include fines of up to 200 percent of arrears capped at 20,000 pounds (\$26,200) per worker) and public naming and shaming.

During the year catalogue retailer Argos was forced to pay 2.4 million pounds (\$3.14 million) in wages to more than 37,000 current and former workers and was fined nearly 1.5 million pounds (\$1.96 million) after HM Revenue and Customs investigation.

In February the Court of Appeal upheld a ruling that a London plumber who worked as a contractor for a company full time for six years was entitled to employment benefits such as sick pay.

The law limits the workweek to an average of 48 hours, normally averaged over a 17-week period. The law provides for one day of rest per week, 11 hours of daily rest, and a 20-minute rest break when the working day exceeds six hours. The law also mandates a minimum of four weeks of paid annual leave, including eight national holidays. As part of collective agreements, however, almost all workers are legally entitled to 5.6 weeks' paid holiday per year, while an employer can choose to include bank holidays as part of a worker's statutory annual leave. An individual employee may agree by contract to work overtime for premium pay. The law does not prohibit compulsory overtime, but it limits overtime to the 48-hour workweek restriction. The 48-hour workweek regulations do not apply to senior managers and others who can exercise control over their own hours of work. There are also exceptions for the armed forces, emergency services, police, domestic workers, sea and air transportation workers, and fishermen. The law allows workers to opt out of the 48-hour limit, although there are exceptions for airline staff, delivery drivers, security guards, and workers on ships or boats.

The government set appropriate and current occupational safety and health standards. The law stipulates that employers may not place the health and safety of

employees at risk. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Health and Safety Executive (HSE), an arm of the Department for Work and Pensions, effectively enforced occupational health and safety laws in all sectors including the informal economy. The fines for penalties are 400 pounds (\$524), which was sufficient to deter violations. The HSE conducted workplace inspections and may initiate criminal proceedings. HSE inspectors enforced health and safety standards by giving advice on how to comply with the law. Employers may also be ordered to make improvements, either through an improvement notice, which allows time for the recipient to comply, or a prohibition notice, which prohibits an activity until remedial action has been taken. The HSE issued notices to companies and individuals for breaches of health and safety law. The notice may involve one or more instances when the recipient has failed to comply with health and safety law, each of which was called a “breach.” The HSE prosecuted recipients for noncompliance with a notice while the Crown Office and Procurator Fiscal Service (COPFS) prosecuted similar cases in Scotland.

Figures for 2015-16 show the HSE and COPFS prosecuted 696 cases with at least one conviction secured in 660 of these cases, a conviction rate of 95 percent. Across all enforcing bodies there were 11,403 notices issued. HSE and COPFS prosecutions led to fines totaling 38.3 million pounds (\$50.2 million) compared with the 18.1 million pounds (\$23.7 million) in fines from 2014-15.

Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

According to the HSE annual report, 137 workers were killed at work in 2016-17. An estimated 621,000 workers sustained a nonfatal injury at work according to self-reports.

Bermuda’s law does not provide for a minimum wage, but the Department of Labor and Training enforces any contractually agreed wage. The law requires that work in excess of 40 hours per week be paid at the overtime rate or with compensatory time off; employees may waive rights to overtime pay. The law also requires that employees have a rest period of at least 24 consecutive hours per week. It provides for paid public holidays and two weeks’ paid annual leave. Regulations enforced by the Department of Labor and Training extensively cover the safety of the work environment; occupational safety and health standards are

current and appropriate for the main industries. By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment. No industrial injuries were reported in 2016.