

United Nations International Covenant on Economic, Social and Cultural Rights

United Kingdom, British Overseas Territories, Crown Dependencies

6th periodic report

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List of abbreviations

BOT =	British Overseas Territory ¹
CAT =	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CD =	Crown Dependency ²
CEDAW =	United Nations Convention on the Elimination of All Forms of Discrimination against Women
CESCR =	United Nations Committee on Economic, Social and Cultural Rights
CO =	Concluding Observations of the United Nations Committee on Economic, Social and Cultural Rights ³
CRC =	United Nations Convention on the Rights of the Child
CRPD =	United Nations Convention on the Rights of Persons with Disabilities
ECHR =	Council of Europe European Convention for the Protection of Human Rights and Fundamental Freedoms.
ECNI =	Equality Commission for Northern Ireland ⁴
EHRC =	Equality and Human Rights Commission ⁵
ESC =	Council of Europe European Social Charter (1961)
EU =	European Union
HM =	Her Majesty's
ICCPR =	United Nations International Covenant on Civil and Political Rights
ICCPR-OP2 =	United Nations Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
ICERD =	United Nations International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR =	United Nations International Covenant on Economic, Social and Cultural Rights
ILO =	International Labour Organisation
JCHR =	UK Parliament Joint Committee on Human Rights ⁶
JCPC =	Judicial Committee of the Privy Council ⁷

¹ The ICESCR has been extended to the following BOTs: Bermuda; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno; St Helena, Ascension, Tristan da Cunha; Turks and Caicos Islands; Virgin Islands (commonly known as the British Virgin Islands).

² The ICESCR has been extended to the three CDs: the Bailiwick of Guernsey; the Bailiwick of Jersey; and the Isle of Man.

³ [E/C.12/GBR/CO/5](https://www.unhcr.org/refugees/57c12/GBR/CO/5).

⁴ www.equalityni.org

⁵ <http://www.equalityhumanrights.com/>

⁶ <http://www.parliament.uk/jchr>

NGO =	Non-governmental organisation
NHRI =	National Human Rights Institutions (in the UK, they include the: EHRC; SHRC; NIHRC)
NHS =	National Health Service
NIHRC =	Northern Ireland Human Rights Commission ⁸
OP-CAT =	United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CEDAW =	United Nations Optional Protocol to the Convention on the Elimination of Discrimination against Women
OP-CRC-AC =	United Nations Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
OP-CRC-SC =	United Nations Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
OP-CRPD =	United Nations Optional Protocol to the Convention on the Rights of Persons with Disabilities
PRCO =	United Kingdom's Preliminary Response to the Concluding Observations ⁹
SHRC =	Scottish Human Rights Commission ¹⁰
UK =	United Kingdom
UN =	United Nations
UNRG =	United Nations Reporting Guidelines ¹¹
UPR =	United Nations Universal Periodic Review

⁷ <http://jcpc.uk/>

⁸ <http://www.nihrc.org/>

⁹ [E/C.12/GBR/CO/5/Add.1.](http://www.unhcr.org/refugees/GBR/CO/5/Add.1)

¹⁰ <http://www.scottishhumanrights.com/>

¹¹ [HRI-GEN-2-REV-6](http://www.unhcr.org/refugees/HRI-GEN-2-REV-6)

General information

1. As recommended by the Committee in paragraph 47 of the Concluding Observations (CO), the United Kingdom (UK) Government updated its Core Document, which is being submitted separately, and prepared this 6th treaty-specific report under the International Covenant on Economic, Social and Cultural Rights (ICESCR) on the basis of the UN Reporting Guidelines (UNRG). This periodic report covers the UK, and also the British Overseas Territories (BOTs) and the Crown Dependencies (CDs) which are not part of the UK but for which the UK is responsible on international relations and defence.
2. The UK Government acknowledges that, in May 2014, the Office of the High Commissioner for Human Rights set a limit of 21,200 words for periodic reports and of 42,400 words for Core Documents (General Assembly Resolution [A/68/268](#)). Whilst the UK Government is able to comply with this requirement with regard to the Core Document 2014, it is unable to do so in respect of the ICESCR 6th periodic report. In May 2014, the report had already been circulated to civil society organisations for factual comments (one of the last stages of an engagement process that began in April 2013). To amend the report at such a late stage would have caused severe delay resulting in the report being submitted to the UN after the deadline of 30 June 2014, as the whole engagement process (with governmental and non-governmental stakeholders) would have had to be repeated. The UK Government will, of course, take the new word limit into account in the preparation of future periodic reports.
3. To avoid repeating the same information, references to other UK periodic reports have been included where appropriate, and the section “Provisions of the Covenant” only flags major changes in respect of the information provided in the UK 5th periodic report under the ICESCR¹², and not already covered in the response to the CO. The Committee may also wish to note the UK response to the

¹² [E/C.12/GBR/5](#) ; [E/C.12/GBR/5/Add.1](#) ; [E/C.12/GBR/5/Add.2](#)

UPR (Universal Periodic Review) recommendations from 2012¹³ as well as the UK human rights pledges to the UN in 2013¹⁴.

4. In preparing this report, the UK Government noted the views expressed by the National Human Rights Institutions (NHRIs) and various civil society organizations that were consulted in 2013-14, and the open letter of 16 May 2012¹⁵ from the Chairperson of the Committee on Economic Social and Cultural Rights (CESCR) to all States Parties to the ICESCR.

United Kingdom

Response to the Concluding Observations

The Committee notes the draft Bill of Rights for Northern Ireland, which includes economic, social and cultural rights which are justiciable, and calls for its enactment without delay. (paragraph 10 of the CO).

5. As set out in paragraph 4 of the UK Preliminary Response to the Concluding Observations (PRCO), there is no draft legislative Bill of Rights for Northern Ireland. In December 2008, the Northern Ireland Human Rights Commission (NIHRC) delivered its statutory advice on a potential Bill of Rights for Northern Ireland. The UK Government subsequently carried out a public consultation on this issue, and wants to see the issue of a Bill of Rights for Northern Ireland resolved. However, it remains clear that there is currently no consensus among the political parties in Northern Ireland as to whether such a Bill is desirable, or to its potential content.
6. It should however be noted that the “Programme for Government 2011-2015”¹⁶ of the Northern Ireland Executive does include several areas directly related to progressing economic, social and cultural rights in Northern Ireland.

Bearing in mind that it is the State party which is responsible for the implementation of the Covenant in all its territories, the Committee urges the State party to ensure the equal enjoyment of the economic, social and cultural rights by all individuals and groups of individuals under its jurisdiction, and recommends that the State party adopt a national strategy for the

¹³ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> . The UK will submit a mid-term report on the UPR recommendations in the course of 2014.

¹⁴ [United Kingdom Voluntary Pledges and Commitments on Human Rights - 2013](#)

¹⁵ [CESCR/48th/SP/MAB/SW](#)

¹⁶ <http://www.northernireland.gov.uk/pfg>

**implementation of the Covenant throughout the State party's territories.
(paragraph 12 of the CO).**

7. The non-discrimination and equality framework within the UK is as set out in the Core Document 2014 (section 3 “Information on non-discrimination and equality and effective remedies”). See also the UK 7th periodic report under the International Covenant on Civil and Political Rights (ICCPR)¹⁷, the UK response to the list of issues under the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) examination¹⁸.
8. The UK Government has no plans to establish a national human rights action plan covering the UK, the BOTs and the CDs. The development and management of such a plan would have implications in the context of devolution as well as in the relationship between the UK, the BOTs and the CDs. The UK Government does, however, already have specific plans for tackling areas of concern, for example on combating violence against women and girls¹⁹, and on business and human rights²⁰.
9. Human rights promotion and implementation is further strengthened at devolved level. In Scotland, Scotland’s National Action Plan for Human Rights²¹, developed by the Scottish Human Rights Commission (SHRC) and launched in December 2013, reflects a strong commitment to the equal enjoyment of human rights, including economic, social and cultural rights; it is an evidence-based programme of action, developed through an inclusive process between government, the SHRC, public bodies, third sector organisations, wider civic society and rights holders. In Wales, the Welsh Government established a United Nations (UN) Stakeholder Group to provide expert advice and support to the Welsh Government on UN human rights reporting.
10. See also the UK 5th periodic report under the Convention on the Rights of the Child (CRC)²² for the action plans implementing the CRC.

¹⁷ Page 62 (and following pages) of [CCPR/C/GBR/7](#)

¹⁸ Page 2 (and following pages) of [CEDAW/C/GBR/Q/7/Add.1](#)

¹⁹ <https://www.gov.uk/government/publications/a-call-to-end-violence-against-women-and-girls-action-plan-2014>

²⁰ <https://www.gov.uk/government/publications/bhr-action-plan>

²¹ <http://www.scottishhumanrights.com/actionplan>

²² Pages 9-10 of [CRC/C/GBR/5](#)

The Committee urges the State party to ensure that the Covenant is given full legal effect in its domestic law, that the Covenant rights are made justiciable, and that effective remedies are available for victims of all violations of economic, social and cultural rights. The Committee reiterates its recommendation that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under a legal obligation to comply with such an instrument and to give it full effect in its domestic legal order. In this respect, the Committee again draws the attention of the State party to its general comment no. 9 (1998) on the domestic application of the Covenant. (paragraph 13 of the CO).

11. The UK position on the implementation of its international human rights obligations is set out at paragraph 5 of the PRCO and also in the Core Document 2014 (section 2 C “Acceptance of international human rights norms”). There is no provision in the ICESCR that requires States Parties to incorporate the Covenant into domestic law or to accord to it a specific status in domestic law. The UK Government therefore continues to consider that its method of implementation of the ICESCR, through appropriate legislation and administrative measures, ensures the fulfilment of its obligations under the Covenant.

The Committee recommends once again that the State party adopt a national human rights plan of action which includes specific programmes regarding the realization of economic, social, and cultural rights. It also encourages the State party to consult widely with civil society and national human rights institutions in the preparation of the national human rights plan of action. (paragraph 14 of the CO).

12. See response above to the recommendation at paragraph 12 of the CO.

The Committee recommends that the State party take effective measures to increase awareness of economic, social and cultural rights among the public at large as well as among judges, public officials, police and law enforcement officials, medical practitioners, and other health care-related professionals, including by lending adequate support to civil society and national human rights institutions in their efforts in relation to awareness-raising. It also recommends

that the State party take steps to improve awareness of the Covenant rights as justiciable human rights and not merely rights as part of the “Welfare State”. (paragraph 15 of the CO)

13. As set out in the Core Document 2014 (section 2 E “Framework within which human rights are promoted at the national level”), human rights promotion, including of economic, social and cultural rights, is largely carried out by the NHRIs as part of their statutory duties. The Joint Committee on Human Rights (JCHR) of the UK Parliament also plays a significant role in raising awareness of specific human rights issues in Parliament, for example through the inquiry process.
14. The UK Government regularly updates information on its reporting status under the ICESCR on the website of the Ministry of Justice²³. In preparing this periodic report, the UK Government also engaged the NHRIs and several civil society organisations at stakeholder events in London, Edinburgh (hosted by the Scottish Government), Cardiff (hosted by the Welsh Government), and Belfast. An online submission system was also opened to allow the wider public to submit comments on the preparation of the ICESCR periodic report. The UK Government received approximately 20 submissions on the ICESCR from external stakeholders.
15. As set out above in the response to the recommendation at paragraph 13 of the CO, the ICESCR is not directly enforceable (or “justiciable”) in UK courts, though the rights it contains are given effect in the UK through appropriate legislation and administrative measures. It would therefore be inaccurate, for the purpose of raising awareness of the Covenant, to represent the ICESCR as a set of free-standing “justiciable” human rights.

The Committee recommends that the State party take remedial steps to enforce existing legal prohibitions of discrimination and to enact, without delay, a comprehensive anti-discrimination law, guaranteeing protection against discrimination in the enjoyment of economic, social and cultural rights, as stipulated in article 2, paragraph 2, of the Covenant. It also recommends that the

²³ <http://www.justice.gov.uk/human-rights/periodic-reports-to-the-united-nations> . It should be noted that the UK Government is consolidating all government websites under the portal www.gov.uk , therefore this web link and its content may change in the near future.

State party consider making such comprehensive anti-discrimination legislation applicable to Northern Ireland. (paragraph 16 of the CO)

16. The non-discrimination and equality framework within the UK, including the Equality Act 2010, is as set out in the Core Document 2014 (section 3 “Information on non-discrimination and equality and effective remedies”). See also the UK 7th periodic report under the ICCPR²⁴, the UK response to the list of issues under the CEDAW examination²⁵.
17. With regard to Northern Ireland, the Committee should note the efforts of the Northern Ireland Executive²⁶ in progressing human rights and equality in Northern Ireland, for example through the Equality Schemes²⁷ which require approval by the Equality Commission for Northern Ireland (ECNI), and which include Northern Ireland public authorities’ arrangements for: assessing their compliance with the equality duties under section 75 Northern Ireland Act 1998²⁸; assessing and consulting on the likely impact of policies on the promotion of equality of opportunity; monitoring any adverse impact of policies on the promotion of equality of opportunity; publishing the results of such assessments; training staff; ensuring and assessing public access to information and services provided by the public authority.

The Committee recommends that the State party ensure that its counter-terrorism measures do not have a discriminatory effect on the enjoyment of the Covenant rights on certain groups in the State party, in particular ethnic and religious minorities. (paragraph 17 of the CO)

18. The non-discrimination and equality framework within the UK is as set out in the Core Document 2014 (section 3 “Information on non-discrimination and equality and effective remedies”). See also the UK 7th periodic report under the ICCPR²⁹, the UK response to the list of issues under the CEDAW examination³⁰, , the UK follow up information of 2 January 2013 under the ICERD (International

²⁴ Page 62 (and following pages) of [CCPR/C/GBR/7](#)

²⁵ Page 2 (and following pages) of [CEDAW/C/GBR/Q/7/Add.1](#)

²⁶ <http://www.ofmdfmi.gov.uk/index/equality-and-strategy/equality-human-rights-social-change.htm>

²⁷ http://www.ofmdfmi.gov.uk/ofmdfm_equality_scheme_revised_september_2013_.pdf

²⁸ <http://www.legislation.gov.uk/ukpga/1998/47/contents>

²⁹ Page 62 (and following pages) of [CCPR/C/GBR/7](#)

³⁰ Page 2 (and following pages) of [CEDAW/C/GBR/Q/7/Add.1](#)

Convention on the Elimination of All Forms of Racial Discrimination)³¹, and the UK Government's response of November 2013³² to the annual report of the Independent Reviewer of Terrorism Legislation.

19. The UK has robust anti-discrimination legislation. The data on charges and convictions following terrorism-related arrest show that, statistically, there are no significant differences in the proportions charged, sentence length, or seriousness of offence between Muslim offenders and offenders of other or no religion. Statutory guidance for the police makes clear that a person's race, religion or belief cannot be considered as reasonable grounds for suspicion of the person being a terrorist and should never be considered as a reason to stop and search³³ or arrest³⁴ a person.

The Committee, in line with its general comment no. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, recommends that the State party conduct a comprehensive review of its policies to overcome gender inequalities. It also recommends that the State party continue intensifying its efforts to enhance equality between men and women in the workplace, particularly with regard to equal pay for work of equal value in all sectors of employment. The Committee encourages the State party to take into consideration the findings of the inquiry to be conducted by the Equality and Human Rights Commission and to ensure that the Equality Bill contains effective provisions aimed at closing the wage gap in the private sector. (paragraph 18 of the CO)

20. The non-discrimination and equality framework within the UK, including the Equality Act 2010, is as set out in the Core Document 2014 (section 3 "Information on non-discrimination and equality and effective remedies"). See also the UK 7th periodic report under the ICCPR³⁵, the UK 7th periodic report under the CEDAW³⁶, and the UK response to the list of issues under the CEDAW examination³⁷.

³¹ Pages 4-6 of [CERD/C/GBR/CO/18-20/Add.1](#)

³² <http://www.official-documents.gov.uk/document/cm87/8745/8745.pdf>

³³ <https://www.gov.uk/government/publications/pace-code-a-2013>

³⁴ <https://www.gov.uk/government/publications/pace-code-g-2012>

³⁵ Page 62 (and following pages) of [CCPR/C/GBR/7](#)

³⁶ Page 34 (and following pages) of [CEDAW/C/GBR/7](#)

³⁷ Page 2 (and following pages) and page 23 (and following pages) of [CEDAW/C/GBR/Q/7/Add.1](#)

21. The UK Government's strategy to overcome gender inequalities was set out in the "Building a Fairer Britain"³⁸ paper in December 2010. Progress reports on its implementation have also been published since then³⁹. A number of the measures being implemented include: working with the Women's Business Council to develop a firm programme of action⁴⁰; and increasing the number of companies and voluntary sector organisations reporting on their action to improve gender equality in the workplace (the "Think, Act, Report" framework⁴¹).
22. In Scotland, the Scottish Government has set up, as part of its gender equality agenda⁴², three separate, but related, groups on gender inequalities issues: the Strategic Group on Women and Work; the Occupational Segregation Cross-Directorate Working Group; and the Science and Engineering Profession Working Group on Equality and Diversity. A Programme Board has also been established to oversee the implementation of work to increase the diversity of public and corporate boards in Scotland, addressing gender imbalances in the first instance. A consultation for gender quotas on boards launched in April 2014.
23. In Wales, the Welsh Government provides funding for organisations seeking to address gender inequality⁴³ including work to address issues such as the gender pay gap and occupational segregation. In 2012-13, the project helped 2,476 women to progress in employment and encouraged 369 employers to improve their practice. The Programme for Government⁴⁴ contains a commitment to implement specific equality duties requiring employers to identify the root causes of the gender pay gap in their organisation and take action to address them.

The Committee recommends that the State party introduce a more flexible scheme for paternity and parental leave, taking into consideration the report "Working Better" by the Equality and Human Rights Commission. (paragraph 19 of the CO)

³⁸ <https://www.gov.uk/government/publications/equality-strategy>

³⁹ <https://www.gov.uk/government/publications/the-equality-strategy-building-a-fairer-britain-progress-report>

⁴⁰ <https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/women-in-the-workplace>

⁴¹ <https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/think-act-report>

⁴² <http://www.scotland.gov.uk/Topics/People/Equality/18500>

⁴³ <http://wales.gov.uk/topics/equality/rightsequality/gender/?lang=en>

⁴⁴ <http://wales.gov.uk/about/programmeforgov/?lang=en>

24. See the UK 7th periodic report under the CEDAW⁴⁵.
25. Eligible employees can take unpaid parental leave⁴⁶ to look after their child's welfare. Parental leave is unpaid and the child must be under 5 (or 18 in special circumstances). The UK Government has announced that the age of the child will rise to 18 in all circumstances from April 2015. The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).
26. Paternity leave⁴⁷ is ordinarily for 1 or 2 weeks (but can go up to 26 weeks of paid Additional Paternity Leave if the mother / co-adopter returns to work). The Children and Families Act 2014⁴⁸ creates a new system of "Shared Parental Leave and Pay". From April 2015 this will replace Additional Paternity Leave and will allow a mother or adopter to end maternity or adoption leave early and for eligible working parents to share the remaining leave and pay as "Shared Parental Leave and Pay" up to the child's first birthday or within one year of an adopted child being placed for adoption.

The Committee recommends that the State party strengthen its measures to reduce the substantial number of unemployed persons and to counteract the impact of the economic downturn on employment in order to implement fully the right to work, in particular with regard to the most disadvantaged and marginalized individuals and groups. It also calls upon the State party to reinforce its measures aimed at ensuring that persons with disabilities, including those with learning disabilities, have equal opportunities for productive and gainful employment, equal pay for work of equal value, and provide them with improved, expanded and equal opportunities to gain the necessary qualifications, in line with its general comment no. 5 (1994) on persons with disabilities. (paragraph 20 of the CO)

⁴⁵ Page 35 of [CEDAW/C/GBR/7](#)

⁴⁶ <https://www.gov.uk/parental-leave/overview>

⁴⁷ <https://www.gov.uk/paternity-pay-leave>

⁴⁸ <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

27. See the UK 1st periodic report under the Convention on the Rights of Persons with Disabilities (CRPD)⁴⁹, and the UK 31st report under the European Social Charter (ESC)⁵⁰.
28. The UK Government recently published the disability and health employment strategy which sets out further proposed reforms to tackle unemployment⁵¹, including: helping young people make the transition from education into work; supporting disabled people and people with health conditions finding and keeping a job; reviewing specialist disability employment programmes; and supporting people with mental health problems to enter the labour market.
29. In Scotland, further measures have been introduced to help people finding and keeping a job⁵², for example the Youth Employment Scotland Fund will help support up to 10,000 young people move into sustained employment. Since 2011, Community Jobs Scotland (CJS) has created over 4,000 jobs in the third sector, for long term unemployed young people aged 16-24 (including young people with disabilities or long term illness). In 2014/15, CJS is expected to create up to 1,200 job opportunities (including 200 placements for ex-offenders and care leaver pilots). Scotland has a Supported Employment Framework to ensure the provision of high quality services across Scotland to help more disabled people into employment. In addition, 150 graduate internships for disabled people or those from a minority ethnic background are expected to be created in the third sector in 2014-15.
30. In Wales, the Welsh Government has taken active steps to encourage job creation in general⁵³, and the employment of disabled people in particular for example through the “Framework for Action on Independent Living”⁵⁴ which sets out Welsh Government’s actions to support disabled people to find and retain employment.

⁴⁹ Page 49 (and following pages) of [CRPD/C/GBR/1](#)

⁵⁰ Page 26 (and following pages) of [RAP/Cha/UK/XXXI\(2011\)](#)

⁵¹ <https://www.gov.uk/government/policies/helping-people-to-find-and-stay-in-work>

⁵² <http://www.scotland.gov.uk/Topics/Education/Employability>

⁵³ <http://wales.gov.uk/about/programmeforgov/growth/?lang=en>

⁵⁴ <http://wales.gov.uk/topics/equality/rightequality/disability/framework-for-action/?lang=en>

31. In Northern Ireland, the “Pathways to success” strategy⁵⁵ from May 2012 tackling youth unemployment, and the “Youth Employment Scheme”⁵⁶ should be noted.
32. The UK unemployment rate for September to November 2013⁵⁷ was 7.1% of the economically active population, down 0.5 percentage points from June to August 2013. There were 2.32 million unemployed people, down 167,000 from June to August 2013.

The Committee recommends that the State party take immediate and appropriate measures to reduce unemployment among ethnic minorities and provide them with better employment opportunities. (paragraph 21 of the CO)

33. See the UK 31st report under the ESC⁵⁸.
34. The help and services delivered through Jobcentre Plus⁵⁹ and through Work Programme providers⁶⁰ are designed to allow flexibility to support each individual jobseeker, rather than treat people according to ethnic groups. Jobcentres and Work Programme providers therefore support all their customers. Specific measures on tackling unemployment amongst ethnic minorities include, for example, the “Positive Action Pathway” development programme for, amongst others, minority ethnic employees, which aims to equip participants with the skills and confidence to achieve career progression and to realise their full potential. Where there are significant numbers of local claimants with a shared ethnic background and common barriers to employment, a provider or Jobcentre may choose to put in place provisions designed to help that group.
35. In Scotland, the significant differential between minority ethnic employment rates and the rest of the population is largely due to the wide gap in female employment rates. Initiatives to address the issue include: the women only employability services provided by “Women onto Work” (a Scottish NGO); vocational learning for refugee women; and support for refugee women at work. An existing toolkit for service providers working with people from a minority ethnic background has been updated to reflect gender and other equalities issues.

⁵⁵ <http://www.delni.gov.uk/index/successthroughskills/pathways-to-success.htm>

⁵⁶ <http://www.delni.gov.uk/index/finding-employment-finding-staff/fs-help-to-find-staff/youthemploymentscheme.htm>

⁵⁷ <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/january-2014/index.html>

⁵⁸ Page 26 (and following pages) of [RAP/Cha/UK/XXXI\(2011\)](#)

⁵⁹ <https://www.gov.uk/contact-jobcentre-plus>

⁶⁰ <https://www.gov.uk/government/publications/work-programme-dwp-provider-guidance>

The Committee encourages the State party to ensure that the conditions of work of all migrant workers comply with the provisions of article 7 of the Covenant and calls upon the State party to take all necessary measures to investigate the activities of companies employing migrant workers and ensure that employers contravening the law in this regard are prosecuted and sanctioned. (paragraph 22 of the CO)

36. The rights of migrant workers are protected in domestic legislation, including under the Human Rights Act 1998 and the Equality Act 2010 (see sections 2 and 3 of the Core Document 2014). In addition, migrants who are legally working in the UK enjoy the full protection of UK employment law. Regulatory regimes, such as those administered by the Employment Agency Standards Inspectorate⁶¹ and the Gangmasters Licensing Authority⁶², are designed to protect vulnerable workers, including those from overseas. Migrant workers are also entitled to the same protections under health and safety legislation as any other worker⁶³.

37. In Scotland, under the Agricultural Wages (Scotland) Act 1949⁶⁴, both the employer and worker are responsible for ensuring that all requirements of the Wages Order are complied with in full. Scottish Government officials have the power to conduct routine spot-checks on agricultural premises.

The Committee encourages the State party to ensure that the State pension reform of the Pension Act 2008, which introduces a new private saving scheme to come into effect in 2012, provides sufficient flexibility to enable especially the most disadvantaged and marginalized individuals and groups to benefit from both schemes and to increase their pension entitlements. It encourages the State party to carry out a targeted information campaign about the pension reforms to make people aware of their rights and responsibilities. It also recommends that the State party provide detailed information, in its next periodic report, on the impact of the pension reform, especially on the most disadvantaged and marginalized individuals and groups. (paragraph 23 of the CO)

⁶¹ <https://www.gov.uk/government/policies/making-the-labour-market-more-flexible-efficient-and-fair/supporting-pages/enforcing-standards-in-employment-agencies-and-employment-businesses-and-recruitment-agencies>

⁶² <https://www.gov.uk/government/organisations/gangmasters-licensing-authority>

⁶³ <http://www.hse.gov.uk/migrantworkers/index.htm>

⁶⁴ <http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/30/contents>

38. See the UK 32nd report under the ESC⁶⁵.

39. Information on the workplace pension reforms is publicly available on the UK Government's website⁶⁶. There has also been a long running national advertising campaign to raise awareness. In addition there is detailed guidance for employers on The Pensions Regulator website⁶⁷. In summary, from October 2012 (but the scheme is being progressively rolled out between 2012 and 2018), employers must automatically enrol their workers into a workplace pension if: they are not already in one; they are aged between 22 and the state pension age; earn more than £9,440 a year; and work in the UK. At the end of February 2014, 3.2 million workers have been automatically enrolled into a qualifying pension scheme⁶⁸ and the latest research with large employers indicates that around 91% of individuals are currently choosing to continue to save. The evaluation report of the reform is also publicly available on the UK Government's website⁶⁹, and includes trends in workplace pension participation based on gender, disability, ethnicity and age.

The Committee recommends that the State party reinforce its measures to combat violence against women. It further recommends that the State party intensify its efforts to raise awareness of the gravity of this offence and the mechanisms available to victims of domestic violence, to improve training for police and law enforcement officials and judges in relation to rape cases, and to increase the support services for victims at the local level. The Committee further recommends that the State party take appropriate measures to ensure that complaints of rape are diligently and impartially investigated and prosecuted without any inherent bias or scepticism towards alleged victims. The Committee reiterates its recommendation that physical punishment of children in the home be prohibited by law. (paragraph 24 of the CO)

40. The UK's efforts to combat violence against women and girls are summarised in the UK 7th periodic report under the CEDAW⁷⁰ (and the UK response to the list of issues under the CEDAW examination⁷¹), the UK 7th periodic report under the

⁶⁵ Page 103 (and following pages) of [RAP/Cha/GBR/32\(2013\)](#)

⁶⁶ <https://www.gov.uk/workplace-pension-toolkit> and <https://www.gov.uk/workplacepensions>

⁶⁷ <http://www.thepensionsregulator.gov.uk/employers/detailed-guidance.aspx>

⁶⁸ <http://www.thepensionsregulator.gov.uk/docs/automatic-enrolment-monthly-registration-report.pdf>

⁶⁹ <https://www.gov.uk/government/publications/automatic-enrolment-evaluation-report-2013>

⁷⁰ Page 49 (and following pages) of [CEDAW/C/GBR/7](#)

⁷¹ Page 11 (and following pages) of [CEDAW/C/GBR/Q/7/Add.1](#)

ICCPR⁷², and the UK response to the list of issues under the CAT (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) examination⁷³. Amongst the recent activities by the UK Government⁷⁴, the Scottish Government⁷⁵, the Welsh Government⁷⁶ and the Northern Ireland Executive⁷⁷, the following should be noted: a refreshed action plan to combat violence against women and girls in England and Wales (including the allocation by the UK Government of nearly £40 million until 2015 for specialist local support services and national helplines; commencing domestic violence protection notices and orders⁷⁸; and the criminalisation of forced marriage⁷⁹); a refreshed strategic approach as of Summer 2014 to combating violence against women and girls in Scotland (and the allocation by the Scottish Government of £34.5 million (2012-15) for initiatives to tackle all forms of violence against women; the creation of a National Rape Task Force by the police and of the National Sexual Crimes Unit by the Crown Office in Scotland; the extension to Scotland of the legislation criminalising forced marriage); the Welsh Government's public consultation (which closed in February 2013) on specific legislation on combating violence against women, domestic abuse and sexual violence; and the Northern Ireland Executive's action plan to tackle domestic and sexual violence and abuse.

41. The UK position on corporal punishment of children is summarised in the UK 5th periodic report under the CAT⁸⁰, the UK 7th periodic report under the ICCPR⁸¹, and the UK 5th periodic report under the CRC⁸². In summary, the UK has clear laws that deal with violence towards children, regardless of the setting in which it may take place and regardless of who administers it. The State Party's view is that a mild smack does not constitute violence and that parents should not be criminalised for giving a mild smack to their child.

⁷² Page 79 (and following pages) of [CCPR/C/GBR/7](#)

⁷³ Page 7 (and following pages) of [CAT/C/GBR/Q/5Add.1](#)

⁷⁴ <https://www.gov.uk/government/policies/ending-violence-against-women-and-girls-in-the-uk>

⁷⁵ <http://www.scotland.gov.uk/Topics/People/Equality/violence-women>

⁷⁶ <http://wales.gov.uk/topics/people-and-communities/safety/domestic-abuse/?lang=en>

⁷⁷ <http://www.dhsspsni.gov.uk/dv-publications>

⁷⁸ Sections 24-33 of the [Crime and Security Act 2010](#)

⁷⁹ Section 121 of the [Anti-social Behaviour, Crime and Policing Act 2014](#)

⁸⁰ Page 98 (and following pages) of [CAT/C/GBR/5](#)

⁸¹ Page 98 of [CCPR/C/GBR/7](#)

⁸² Page 21 of [CRC/C/GBR/5](#)

The Committee calls upon the State party to amend the abortion law of Northern Ireland to bring it in line with the 1967 Abortion Act with a view to preventing clandestine and unsafe abortions in cases of rape, incest or foetal abnormality. (paragraph 25 of the CO)

42. Abortion law in Northern Ireland is governed by the Offences Against the Person Act 1861⁸³, the Criminal Justice Act (Northern Ireland) 1945⁸⁴ and case law; the latter⁸⁵ has in fact established that it is lawful to perform an abortion in Northern Ireland where: it is necessary to preserve the life of the woman, or; there is a risk of real and serious adverse effect on the woman's physical or mental health, which is either long-term or permanent (see also the UK 7th periodic report under the CEDAW⁸⁶, and the UK response to the list of issues under the CEDAW examination⁸⁷).

43. Health policy and criminal law are transferred matters, thus within the full legislative competence of the Northern Ireland Executive (for an overview of the devolution arrangements within the UK, please see section B "Constitutional, political and legal structure of the State" of the Core Document 2014). In July 2013, the Northern Ireland Department for Health, Social Services and Public Safety consulted⁸⁸ on a guidance on the termination of pregnancy in Northern Ireland.

The Committee recommends that the State party allow foreign partners from the age of 18 to join their British partners and consider easing restrictions on family reunification in its Immigration Rules in order to comply with the principle of non-discrimination and ensure the widest possible protection of, and assistance to, the family. (paragraph 26 of the CO)

44. The Immigration Rules on family migration⁸⁹ – under which, since 28 November 2011, all spouse and partner applicants and sponsors must be aged 18 or over – differ depending on whether the person in the UK is a settled person (for example,

⁸³ <http://www.legislation.gov.uk/ukpga/Vict/24-25/100/contents>

⁸⁴ <http://www.legislation.gov.uk/apni/1945/15/contents>

⁸⁵ R v Bourne [1939] 1 KB 687 and see also the summary of the law in *Family Planning Association of Northern Ireland v Minister for Health Social Services and Public Safety* (2004) NICA 37.

⁸⁶ Page 39 of [CEDAW/C/GBR/7](http://www.legislation.gov.uk/ukpga/Vict/24-25/100/contents)

⁸⁷ Page 25-26 of [CEDAW/C/GBR/Q/7/Add.1](http://www.legislation.gov.uk/ukpga/Vict/24-25/100/contents)

⁸⁸ <http://www.dhsspsni.gov.uk/showconsultations?txid=62187>

⁸⁹ <https://www.gov.uk/government/policies/securing-borders-and-reducing-immigration>

a British citizen), a migrant worker or student, or a person granted refugee leave or humanitarian protection in the UK. Under the rules for refugee family reunion, a person granted refugee leave or humanitarian protection in the UK can be reunited with pre-flight family members (that is, husband, wife, civil partner, unmarried partner or same sex partner, plus any children under the age of 18, who formed part of their family unit when the person fled to seek asylum). Otherwise, a person granted refugee leave or humanitarian protection in the UK can sponsor family members to join them in the UK under the same rules as a settled person.

The Committee encourages the State party to ensure that asylum-seekers are not restricted in their access to the labour market while their claims for asylum are being processed. It also recommends that the State party review section 4 of the Immigration and Asylum Act 1999 on support and provision regulating essential services to rejected asylum-seekers, and undocumented migrants, including the availability of HIV/AIDS treatment, when necessary. (paragraph 27 of the CO)

45. See the UK 32nd report under the ESC⁹⁰.

46. Except in very limited circumstances, asylum seekers are not normally allowed to work while they are awaiting a decision on their asylum application because entering the UK for economic reasons is not the same as seeking asylum, and it is important to maintain a distinction between the two processes. However, if an applicant has been waiting longer than 12 months (and the applicant is not the cause of the delay), he/she may request permission to work. If the applicant is destitute, he/she may qualify for free housing and financial help.

47. Section 4 Immigration and Asylum Act 1999⁹¹ continues to be in force.

Applicants (including failed applicants) for asylum with special health needs, including care for conditions such as HIV, tuberculosis or severe mental health problems, should inform their case officer so that appropriate action can be taken. In Wales and Scotland, refused asylum seekers are already entitled to health treatment free of charge (a pilot in North Wales has also been developed to test asylum seekers from countries with a high rate of HIV/AIDS infection, thus ensuring that those infected receive proper care).

⁹⁰ Page 151 (and following pages) of [RAP/Cha/GBR/32\(2013\)](#)

⁹¹ <http://www.legislation.gov.uk/ukpga/1999/33/contents>

The Committee urges the State party to intensify its efforts to combat poverty, fuel poverty, and social exclusion, in particular with regard to the most disadvantaged and marginalized individuals and groups and in the most affected regions and city areas. It also calls upon the State party to develop human rights-based poverty-reduction programmes, taking into consideration the Committee’s Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights of 2001 (E/C.12/2001/10). The Committee also encourages the State party to intensify its efforts aimed at achieving its target of reducing child poverty by half by 2010. (paragraph 28 of the CO)

48. The UK position on combating poverty including amongst people with disabilities and children is set out respectively in the UK 1st periodic report under the CRPD⁹², the UK 32nd report under the ESC⁹³, and the UK 5th periodic report under the CRC⁹⁴.
49. The UK target to halve child poverty by 2010 was missed by 600,000. The UK Government has published its report into the reasons for the shortfall⁹⁵. The UK Government remains committed to tackling poverty and social exclusion and has published⁹⁶ its child poverty (based on the Child Poverty Act 2010⁹⁷, and a target of ending child poverty in the UK by 2020), social mobility and social justice strategies designed to ensure that this happens.
50. The CESCR should also note the significant efforts to tackle poverty, particularly child poverty, in Scotland⁹⁸ (for example, the “Child Poverty Strategy for Scotland”, including the “social wage” (free personal care for the elderly; the abolition of tuition fees; scrapping of bridge tolls and prescription charges; free eye examinations; freezing of council tax; concessionary bus passes and increasing the provision of free nursery education); Wales⁹⁹ (for example, the

⁹² Pages 52-53 of [CRPD/C/GBR/1](#)

⁹³ Page 128 (and following pages) of [RAP/Cha/GBR/32\(2013\)](#)

⁹⁴ Pages 38-39 of [CRC/C/GBR/5](#)

⁹⁵ [Child Poverty in the UK: The Report on the 2010 Target](#), June 2012.

⁹⁶ <https://www.gov.uk/government/policies/helping-to-reduce-poverty-and-improve-social-justice>

⁹⁷ <http://www.legislation.gov.uk/ukpga/2010/9/contents>

⁹⁸ <http://www.scotland.gov.uk/Topics/People/welfarereform/tacklingpovertyinscotland>

⁹⁹ <http://wales.gov.uk/about/programmeforgov/poverty/?lang=en>

“Tackling Poverty Action Plan for Wales”) and Northern Ireland¹⁰⁰ (for example, “The Child Poverty Strategy”).

The Committee calls upon the State party, in line with its general comment no. 4 (1991) on the right to adequate housing, to intensify its efforts to ensure that everyone has access to housing and to review its policies and develop effective strategies, including a gender impact assessment, aimed at increasing the levels of affordable housing, including social housing. The Committee also recommends that the State party take into consideration the Homelessness etc. (Scotland) Act 2003 as best practice, especially its provision relating to the right to housing as an enforceable right. (paragraph 29 of the CO)

51. In England, the UK Government has comprehensive strategies in place¹⁰¹ to promote access to affordable housing, such as “Laying the Foundations: A Housing Strategy for England”¹⁰² of November 2011. Notable achievements also include: nearly 420,000 homes¹⁰³ have been delivered since April 2010; over 170,000 affordable homes delivered over the last three years¹⁰⁴; further investment of £23 billion to help ensure another 165,000 new affordable homes are delivered between 2015 and 2018; and significant investment in building new homes for private rent such as through the £10 billion “Housing Guarantees Scheme” and the £1 billion “Build to Rent Fund”. In addition the following measures have also been (or are being) introduced: over 100,000 households are being helped onto the property ladder through government-backed schemes such as “Right to Buy”, “Help to Buy Equity Loan”, and “Help to Buy Mortgage Guarantee” (statistics on the impact of these schemes are regularly updated on the UK Government’s website¹⁰⁵); improving the private rented sector¹⁰⁶ through investing in new homes for private rent as well as looking to introduce a new “tenant package” to ensure

¹⁰⁰ <http://www.ofmdfmi.gov.uk/index/equality-and-strategy/equality-human-rights-social-change/poverty-and-social-inclusion.htm>

¹⁰¹ <https://www.gov.uk/government/topics/housing>;
<https://www.gov.uk/government/policies/increasing-the-number-of-available-homes>;
<https://www.gov.uk/government/policies/improving-the-rented-housing-sector--2> ;
<https://www.gov.uk/government/policies/providing-housing-support-for-older-and-vulnerable-people>

¹⁰² <https://www.gov.uk/government/publications/laying-the-foundations-a-housing-strategy-for-england--2>

¹⁰³ <https://www.gov.uk/government/publications/house-building-in-england-october-to-december-2013>

¹⁰⁴ <https://www.gov.uk/government/publications/affordable-housing-supply-in-england-2012-to-2013>;
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260006/Table_1012.xls

¹⁰⁵ <https://www.gov.uk/government/collections/help-to-buy-equity-loan-and-newbuy-statistics>

¹⁰⁶ <https://www.gov.uk/government/policies/improving-the-rented-housing-sector--2>

that tenants and landlords are better informed of their rights and responsibilities; introducing a new approach to social housing allocations including new statutory guidance for councils¹⁰⁷ to ensure that social housing is prioritised for long-standing local residents, and that Councils are open and transparent about who is being allocated social housing (the impact assessment¹⁰⁸ and the equality impact assessment¹⁰⁹ for affordable rent are publicly available). With regard to tackling homelessness, England has a strong homelessness safety net, in particular: there was a 5% drop in “homelessness acceptances” (that is, number of applicants accepted as owed a main homelessness duty) across England compared with the same quarter in 2012¹¹⁰; nearly £1 billion was made available over the spending round 2013 to prevent and tackle homelessness; Councils have a legal duty to house families who are unintentionally homeless and in priority need, and new powers to help get them into settled accommodation more quickly. UK Government’s funding ensures that every county court in England and Wales provides free on-the-day legal advice for homeowners at risk of repossession. Of particular concern to several civil society organisations was the removal of the spare room subsidy¹¹¹; since April 2013, working-age people living in social housing will receive housing benefit based on the number of people in the household and the size of the accommodation. The rationale for this change is to avoid funding people to live in social housing with more bedrooms than they actually need; the change will help families who live in overcrowded accommodation to find a new home, and reduce the number of people on waiting lists for social housing. For further information, see the UK Government’s response¹¹² to the recommendations contained in the report of the UN Special Rapporteur on Adequate Housing, following her visit to the UK in August-September 2013.

¹⁰⁷ <https://www.gov.uk/government/publications/allocation-of-accommodation-guidance-for-local-housing-authorities-in-england>

¹⁰⁸ <https://www.gov.uk/government/publications/affordable-rent-impact-assessment--2>

¹⁰⁹ <https://www.gov.uk/government/publications/affordable-rent-full-equality-impact-assessment--2>

¹¹⁰ <https://www.gov.uk/government/publications/statutory-homelessness-in-england-october-to-december-2013>

¹¹¹ <https://www.gov.uk/government/collections/local-authorities-removal-of-the-spare-room-subsidy>

¹¹² [A/HRC/25/54/Add.4](https://www.unhcr.org/refugees/2013/08/25/54/Add.4)

52. In Scotland, the Scottish Government has comprehensive strategies in place on housing¹¹³, particularly the “Homes Fit for 21st Century” strategy¹¹⁴ (aimed at improving the supply, choice and quality of housing, with priority given to social housing). Equality impact assessments are a routine part of housing review and development. Since 31 December 2012, all unintentionally homeless households in Scotland have been entitled to settled accommodation under the Housing (Scotland) Act 1987¹¹⁵.
53. In Wales, the Welsh Government has various housing policies in place, particularly the 2012 “Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness”¹¹⁶ (aimed at assisting local authorities in meeting their responsibilities in connection with housing allocations and homelessness).
54. In Northern Ireland, the Northern Ireland Executive’s policies on housing¹¹⁷ include “Facing the Future: Housing Strategy for Northern Ireland 2012-2017”¹¹⁸, with specific focus on increasing access to affordable and social housing, and the “Social Housing Reform Programme”¹¹⁹ announced in January 2013.

The Committee recommends that the State party ensure the provision of sufficient, adequate and secure stopping sites for Roma/Gypsies and Irish Travellers. It also recommends that the State party, in the organization of mega-events, ensure the protection of the most disadvantaged and marginalized individuals and groups, which may be disproportionately affected by such events, in line with the Committee’s general comment no. 7 (1997) on the right to adequate housing: forced evictions. It also encourages the State party to review the provisions of the Unauthorised Encampments (Northern Ireland) Order 2005 and to provide for suitable accommodation arrangements for Roma/Gypsies and Irish Travellers. (paragraph 30 of the CO)

55. In England, to encourage the provision of new Traveller sites, the UK Government secured a £60 million “Traveller Pitch Fund” (to help local

¹¹³ <http://www.scotland.gov.uk/Topics/Built-Environment/Housing>

¹¹⁴ <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/reform>

¹¹⁵ <http://www.legislation.gov.uk/ukpga/1987/26/contents>

¹¹⁶ <http://wales.gov.uk/topics/equality/inclusivepolicy/impactassessments/codeofguidance/?lang=en>

¹¹⁷ <http://www.dsdni.gov.uk/index/hsdiv-housing.htm>

¹¹⁸ <http://www.dsdni.gov.uk/index/hsdiv-housing/hsdiv-publications/hsdiv-facing-the-future.htm>

¹¹⁹ <http://www.dsdni.gov.uk/index/hsdiv-housing/shrp.htm>

authorities and other registered providers build Traveller sites; the programme is currently forecast to deliver 600 new and 400 refurbished pitches by 2015). Local authorities also have a financial incentive to provide sites under the “New Homes Bonus”¹²⁰. The UK Government also funded the Local Government Association to deliver courses for elected councillors on their leadership role around Traveller site provision (almost 30 sessions have been delivered to around 900 people). In April 2011, the UK Government brought into force s.318 Housing and Regeneration Act 2008¹²¹ which applies the Mobile Homes Act 1983¹²² to Traveller sites owned by local authorities (this means that residents of these sites now have greater protection against eviction, and other rights and responsibilities that already applied to residents of other residential mobile sites). The UK Government is also very concerned that Gypsies and Travellers experience some of the worst outcomes of any group across a range of social indicators¹²³, and, in November 2010, the Secretary of State for Communities and Local Government brought together Ministers from key UK Government departments to look at ways to reduce and tackle these inequalities (in April 2012 the Ministerial Working Group published a progress report¹²⁴ setting out 28 commitments from across the UK Government to address these inequalities; the UK Government is reviewing progress on meeting these commitments and will publish a further progress report in due course).

56. In Scotland, local authorities must consider the needs of Gypsy/Traveller communities in preparing local housing strategies, and the Scottish Government¹²⁵ has established the Gypsy/Traveller site Working Group to consider issues relating to Gypsy/Traveller sites. The Scottish Government is also working to develop an overarching strategic framework and action plan for Gypsy/Travellers.

57. In Wales, the Welsh Government¹²⁶ has a comprehensive “Travelling to a Better Future - A Gypsy and Traveller Framework for Action and Delivery Plan”, to

¹²⁰ <https://www.gov.uk/government/publications/new-homes-bonus-allocations-for-2014-to-2015>

¹²¹ <http://www.legislation.gov.uk/ukpga/2008/17/section/318>

¹²² <http://www.legislation.gov.uk/ukpga/1983/34/contents>

¹²³ Page 5 of [Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers](#)

¹²⁴ <https://www.gov.uk/government/publications/reducing-inequalities-for-gypsies-and-travellers-progress-report>

¹²⁵ <http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers>

¹²⁶ <http://wales.gov.uk/topics/housing-and-regeneration/legislation/housingbill/specific-elements/gypsy-and-traveller-sites/?lang=en>

address Gypsies and Traveller issues, including on accommodation. Legislation is being considered to place a duty on local authorities to provide sites for Gypsies and Travellers where a need has been identified.

58. In Northern Ireland, the Unauthorised Encampments (Northern Ireland) Order 2005¹²⁷ (giving the police powers to remove vehicles or property, and making non-compliance an offence) remains in force. Housing is a transferred matter on which the Northern Ireland Executive has full legislative powers (for an overview of the devolution arrangements within the UK, please see section B “Constitutional, political and legal structure of the State” of the Core Document 2014).

The Committee recommends that the human rights framework, including the Equality Impact Assessment, be effectively implemented in Northern Ireland, particularly in the context of urban regeneration programmes by ensuring the participation of the affected populations and the development of adequate policies and targeted measures to promote substantive equality, provide for improved health care, as well as an increase in skills training and employment opportunities for young people and adequate housing programmes for the poor and, in particular, Catholic families. (paragraph 31 of the CO)

59. See the response above to paragraph 16 of the CO. In addition, the Committee should note the launch in May 2013 of the Northern Ireland Executive’s “Together: Building a United Community” strategy¹²⁸, aimed at improving community relations in Northern Ireland including by focusing on children and young people (for example, by creating shared educational campuses) and the community (for example, by creating new shared neighbourhood developments, and by reducing interface barriers).

In line with general comment no. 14 (2000) on the right to the highest attainable standard of health, the Committee recommends that the State party intensify its efforts to overcome the health inequalities and unequal access to health care, in particular for the most disadvantaged and marginalized individuals and groups. It also urges the State party in this regard to fulfil its commitment to reduce

¹²⁷ <http://www.legislation.gov.uk/nisi/2005/1961/contents>

¹²⁸ <http://www.ofmdfmi.gov.uk/index/equality-and-strategy/good-relations/together-building-a-united-community.htm>

health inequalities by 10 per cent by 2010, measured by infant mortality and life expectancy at birth as benchmarks which the State party has set for itself. It also recommends that the State party gather appropriate disaggregated data on an annual basis of the reporting cycle in this respect with a view to assessing the progress made and providing such information to the Committee in its next periodic report. (paragraph 32 of the CO)

60. See the UK 32nd report under the ESC¹²⁹.

61. The National Health Service (NHS) remains a universal service, open to all, and based on need not ability to pay. It is free at the point of use and designed to reduce inequalities in healthcare.

62. In England, the UK Government continues to use the NHS in its effort to reduce health inequalities. The Health and Social Care Act 2012¹³⁰ introduced the first-ever health inequalities duties on access to (and quality of) NHS services. These duties came into force on 1 April 2013. An update report from April 2013 on the Department of Health's progress in meeting its equality objectives is publicly available on the UK Government's website¹³¹.

63. In Scotland, the Scottish Government's efforts to tackle health inequalities¹³² include: the vision that by 2020 everyone is able to live longer, healthier lives at home or in a homely setting; and tackling health issues of people with learning disabilities. A "Person Centred Health and Care Collaborative", an engagement process, is also under way to test and implement changes that keep the person at the centre of their care.

64. In Wales, the Welsh Government's "Fairer Health Outcomes for All" strategy¹³³ covers various action areas, including: giving children a healthy start; improving health literacy; making health and social services more equitable; and the publication of a Tobacco Control Action Plan for Wales (this includes action to reduce children's exposure to passive smoke).

¹²⁹ Page 41 (and following pages), 53 (and following pages) and 84 (and following pages) of [RAP/Cha/GBR/32\(2013\)](#)

¹³⁰ <http://www.legislation.gov.uk/ukpga/2012/7/contents>

¹³¹ <https://www.gov.uk/government/publications/department-of-health-equality-objectives-2012-to-2016-progress-update>

¹³² <http://www.scotland.gov.uk/Topics/Health/Healthy-Living/Health-Inequalities>

¹³³ <http://wales.gov.uk/topics/health/publications/health/reports/fairer/?lang=en>

65. In Northern Ireland, the Northern Ireland Executive continues to monitor closely the indicators on health inequalities which are publicly available on the website of the Department of Health, Social Services and Public Safety in Northern Ireland¹³⁴.

The Committee recommends that the State party take immediate steps to address, as a matter of priority, the poor health conditions for persons with mental disabilities, as well as the regressive measures taken in funding mental health services. (paragraph 33 of the CO)

66. As set out in the UK 1st periodic report under the CRPD¹³⁵ and the UK 32nd report under the ESC¹³⁶, the UK continues to promote access to (and improve) health services for people with disabilities.

67. In England, the UK Government is pursuing various measures¹³⁷ to improve the quality of (and access to) mental health services, including through its 2011 “No Health Without Mental Health”¹³⁸ strategy and its 2012 implementation plan¹³⁹, and the “Learning disabilities good practice project”¹⁴⁰. The “Closing the Gap: priorities for essential change in mental health”¹⁴¹ sets out 25 priorities for change in the next two or three years.

68. In Scotland, the Scottish Government has introduced a Mental Health Strategy 2012-15 and other initiatives¹⁴², as well as the “Keys to life – Improving Quality of Life for People with Learning Disabilities”¹⁴³, focusing in particular on health issues of people with a learning disability.

69. In Wales, the Welsh Government is also pursuing various measures¹⁴⁴ including the “Together for Mental Health – A Strategy for Mental Health and Wellbeing in

¹³⁴ http://www.dhsspsni.gov.uk/index/stats_research/stats-equality/stats-equality-publications.htm

¹³⁵ Pages 24, 43, and 47 of [CRPD/C/GBR/1](http://www.dhsspsni.gov.uk/index/stats_research/stats-equality/stats-equality-publications.htm)

¹³⁶ Pages 45, 84, 93 of [RAP/Cha/GBR/32\(2013\)](http://www.dhsspsni.gov.uk/index/stats_research/stats-equality/stats-equality-publications.htm)

¹³⁷ <https://www.gov.uk/government/policies/making-mental-health-services-more-effective-and-accessible--2>

¹³⁸ <https://www.gov.uk/government/publications/the-mental-health-strategy-for-england>

¹³⁹ <https://www.gov.uk/government/publications/national-framework-to-improve-mental-health-and-wellbeing>

¹⁴⁰ <https://www.gov.uk/government/publications/learning-disabilities-good-practice-project-report>

¹⁴¹ <https://www.gov.uk/government/publications/mental-health-priorities-for-change>

¹⁴² <http://www.scotland.gov.uk/Topics/Health/Services/Mental-Health>

¹⁴³ <http://www.scotland.gov.uk/Publications/2013/06/1123>

¹⁴⁴ <http://wales.gov.uk/topics/health/nhswales/healthservice/mental-health-services/?lang=en>

Wales”, and the implementation of the Mental Health (Wales) Measure 2010¹⁴⁵ (the latter places legal duties on Local Health Boards and Local Authorities about the assessment and treatment of mental health problems).

The Committee recommends that the State party undertake: (a) training programmes for doctors and health-care professionals about the State party’s Covenant obligations, as well as with regard to the prevention and treatment of dementia and Alzheimer’s diseases; (b) awareness-raising campaigns about these diseases among the public at large. (paragraph 34 of the CO)

70. With regard to raising awareness of the ICESCR, see the response above to paragraph 15 of the CO.

71. In England, the UK Government reviewed in November 2013¹⁴⁶ the provision of care for people with dementia, and identified areas for improvement. The report identified the need to do more to support people with dementia and their carers following diagnosis, including providing access to advice, information, care and support to help them live well with the condition. Various initiatives¹⁴⁷ are in place to improve services for people with dementia, including a £90 million package in NHS funding to improve dementia diagnosis and care.

72. In Scotland, “Promoting Excellence”¹⁴⁸ is the national dementia skills and competencies framework for health and social services staff. It is designed to help the services meet the “Standards of Care for Dementia in Scotland”¹⁴⁹. Awareness raising on dementia was piloted in 2009, and fed into the HEAT Standard¹⁵⁰, a monitoring process to check the quality and outcomes of the care received by people with dementia, which is now linked to a target that everyone diagnosed in Scotland from 1 April 2013 will receive a minimum of a year’s worth of dedicated post-diagnostic support.

¹⁴⁵ <http://www.legislation.gov.uk/mwa/2010/7/contents>

¹⁴⁶ <https://www.gov.uk/government/publications/dementia-care-and-support>

¹⁴⁷ <https://www.gov.uk/government/news/nhs-to-tackle-long-waits-for-dementia-assessments>

¹⁴⁸ <http://www.scotland.gov.uk/Publications/2011/05/31085332/0>

¹⁴⁹ <http://www.scotland.gov.uk/Publications/2011/05/31085414/0>

¹⁵⁰

<http://www.scotland.gov.uk/About/Performance/scotPerforms/partnerstories/NHSScotlandperformance/DementiaStandard>

73. In Wales, apart from the Welsh Government's "National Dementia Vision for Wales"¹⁵¹, £250,000 have been awarded to develop training for hospital staff and carers of people suffering from dementia, and £130 million have been made available to provide new elderly mental health facilities across Wales. The "Together for Mental Health" delivery plan 2012-2016 commits the Welsh Government to increase public awareness of mental health issues in older age, including dementia.

The Committee recommends that the State party intensify its efforts to decrease the number of suicides among mental health patients by dealing with the causes of suicide and strengthening the provision of psychological counselling services, as well as training of health professionals on the causes and symptoms of depression and other mental health problems. It also recommends that the State party take all appropriate measures to ensure access of such patients to the complaints system. (paragraph 35 of the CO)

74. See paragraph 7 of the PRCO. For an overview of the measures taken to reduce the number of suicides in places of detention, see the UK 5th periodic report under the CAT¹⁵², and the UK 7th periodic report under the ICCPR¹⁵³.

75. In England, the UK Government has in place the strategy "Preventing Suicide in England: a cross government outcomes strategy to save lives"¹⁵⁴ to reduce the number of suicides. A statistical analysis of the suicide rate is also regularly published¹⁵⁵. Over the past 10 years, good progress has been made in reducing the suicide rate in England (at 8.0 per 100,000 population in 2010-2012). The first annual report on England's cross-government suicide prevention strategy, "Preventing Suicide in England: One year On", was published on 17 January 2014¹⁵⁶. The way complaints are handled in NHS hospitals in England was independently reviewed, at the UK Government's request, in October 2013¹⁵⁷; the review's recommendations are being taken forward as part of the wider

¹⁵¹ <http://wales.gov.uk/topics/health/publications/health/guidance/dementia/?lang=en>

¹⁵² Pages 24-25, 56-58, 74-77, 88-93 of [CAT/C/GBR/5](#)

¹⁵³ Pages 91-93 of [CCPR/C/GBR/7](#)

¹⁵⁴ <https://www.gov.uk/government/publications/suicide-prevention-strategy-for-england>

¹⁵⁵ <https://www.gov.uk/government/publications/suicide-prevention-report>

¹⁵⁶ <https://www.gov.uk/government/publications/suicide-prevention-report>

¹⁵⁷ <https://www.gov.uk/government/publications/nhs-hospitals-complaints-system-review>

programme of work resulting from the public inquiry into Mid Staffordshire NHS Foundation Trust, chaired by Robert Francis QC.

76. In Scotland, the Scottish Government has a number of measures¹⁵⁸ in place to reduce the number of suicides, which are down 18% since 2002. Key actions include the launch of a new Suicide Prevention Strategy 2013-2016, continuing action to improve access to psychological therapies, funding of the “Breathing Space” telephone advice line, funding support to Samaritans and funding of research specific to helping inform suicide prevention actions, and the 2012 Charter of Patient Rights and Responsibilities (which includes information on how to have any concerns or complaints dealt with in the most appropriate way).
77. In Wales, the Welsh Government also has comprehensive measures in place to reduce the number of suicides, including: “The National Action Plan to Reduce Suicide and Self Harm in Wales”¹⁵⁹; extending the availability of the bilingual “Community Advice and Listening Line”; school-based counselling; and the “Applied Suicide Intervention Skills Training” for carers.
78. In Northern Ireland, the Northern Ireland Executive has measures¹⁶⁰ in place to reduce the suicide rate, including “The Northern Ireland Suicide Prevention Strategy 2012-2014”.

The Committee recommends that the State party adopt all appropriate measures to reduce the achievement gap in terms of school performance between British pupils and pupils belonging to ethnic, religious or national minorities in the field of education, inter alia, by ensuring the adequate provision of English-language courses for those students who lack adequate language proficiency and avoiding the overrepresentation of minority students in classes for children with learning difficulties. The Committee further recommends that the State party undertake further studies on the correlation between school failure and social environment, with a view to elaborating effective strategies aimed at reducing the disproportionate dropout rates affecting minority pupils. (paragraph 36 of the CO)

¹⁵⁸ <http://www.scotland.gov.uk/Topics/Health/Services/Mental-Health/Suicide-Self-Harm>

¹⁵⁹ <http://wales.gov.uk/topics/equality/inclusivpolicy/impactassessments/suicide/?lang=en>

¹⁶⁰ <http://www.dhsspsni.gov.uk/suicide-prevention>

79. See paragraph 8 of the PRCO. See also the UK 5th periodic report under the CRC¹⁶¹.
80. In England, the UK Government has in place measures¹⁶² to tackle the achievement gap amongst disadvantaged pupils, including, for example, the “pupil premium” (whereby schools receive extra funding to raise the school attainment of disadvantaged pupils). Statistics on the relationship between pupil characteristics and school attainment are regularly updated¹⁶³.
81. In Scotland, the Scottish Government's “Equality Outcomes and Mainstreaming Report”¹⁶⁴ contains specific equality outcomes for education opportunities for those with protected characteristics under equalities legislation.
82. In Wales, the Welsh Government committed funding under the “Minority Ethnic Achievement Grant”¹⁶⁵, mainly towards specialist “English As an additional Language” teachers and bilingual teaching assistants. The “Ethnic Minority Achievement Services” monitor drop out rates and work to reduce them.

The Committee recommends that the State party, or the devolved administration in Northern Ireland, adopt an Irish Language Act, with a view to preserving and promoting minority languages and cultural heritage, and invites the State party to provide detailed information on the progress made in its next periodic report. (paragraph 37 of the CO)

83. The Northern Ireland Executive’s Department of Culture, Arts and Leisure¹⁶⁶ publicly consulted¹⁶⁷ in 2012 on a “Draft Strategy for Protecting and Enhancing the Development of the Irish Language”¹⁶⁸, based on s.28D Northern Ireland Act 1998¹⁶⁹ and the Northern Ireland Executive’s “Programme for Government 2011-

¹⁶¹ Page 42 of [CRC/C/GBR/5](#)

¹⁶² <https://www.gov.uk/government/policies/raising-the-achievement-of-disadvantaged-children>

¹⁶³ <https://www.gov.uk/government/publications/gcse-and-equivalent-attainment-by-pupil-characteristics-2012-to-2013>

¹⁶⁴ <http://www.scotland.gov.uk/Publications/2013/04/2397>

¹⁶⁵ <http://wales.gov.uk/about/cabinet/decisions/dl2014/janmar/education/hl4203/?lang=en>

¹⁶⁶ <http://www.dcalni.gov.uk/index/language-cultural-diversity-r08.htm>

¹⁶⁷ <http://www.dcalni.gov.uk/index/language-cultural-diversity-r08/consultation-on-the-strategy-for-protecting-and-enhancing-the-development-of-the-irish-language.htm>

¹⁶⁸ http://www.dcalni.gov.uk/strategy_for_protecting_and_enhancing_the_development_of_the_irish_-_12_nov.pdf

¹⁶⁹ <http://www.legislation.gov.uk/ukpga/1998/47/section/28D>

2015”¹⁷⁰. The strategy aims at: increasing the number of those who can access Irish medium education; increasing the number of those that use public services through the Irish language; and increasing access to Irish language media. Since April 2013, a summary of the responses to the consultation, including on an Irish Language Act¹⁷¹, is publicly available on the Northern Ireland Executive website.

84. The CESCR may wish to note that this issue is already being pursued by the Council of Europe under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The UK reports under these instruments are publicly available on the Council of Europe website¹⁷².

The Committee recommends that the State party place sufficient emphasis on the inclusion of enforceable economic, social and cultural rights when drawing conclusions from the consultations on a possible Bill of Rights and Responsibilities. (paragraph 38 of the CO)

85. See also the UK 5th periodic report under the CRC¹⁷³.

86. In line with the commitment made in the “Coalition’s Programme for Government”¹⁷⁴, an independent Commission on a Bill of Rights¹⁷⁵ was established in March 2011 to investigate a UK Bill of Rights. The Commission submitted its final report in December 2012, which also considered economic, social and cultural rights. The UK Government accepted the Commission’s central conclusion that the time was not right to proceed with a Bill of Rights because of the way the human rights framework in the UK is tied into the devolution settlement and the forthcoming referendum in Scotland.

87. The Scottish Government is opposed to the introduction of a UK Bill of Rights. The ECHR is embedded in the Scotland Act 1998 and the Scottish Government expects this to continue to be the case under existing constitutional arrangements.

88. The Welsh Government finds it difficult to see the benefits of a UK Bill of Rights.

¹⁷⁰ Page 49 of <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf>

¹⁷¹ Page 37 (and following pages) of http://www.dcalni.gov.uk/irish_language_consultation.pdf

¹⁷² Respectively: page 70 of [ACFC/SR/III\(2010\)003](http://www.dcalni.gov.uk/irish_language_consultation.pdf); and page 15 and 33 of [MIN-LANG \(2013\) PR01](http://www.dcalni.gov.uk/irish_language_consultation.pdf)

¹⁷³ Page 7 of [CRC/C/GBR/5](http://www.dcalni.gov.uk/irish_language_consultation.pdf)

¹⁷⁴ Page 11 of

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf

¹⁷⁵ <http://www.justice.gov.uk/about/cbr>

The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant. (paragraph 39 of the CO)

89. The UK Government considers that protection for ICESCR-based rights is already afforded by domestic law, including under the Human Rights Act 1998 and the Equality Act 2010; individuals may therefore seek remedies in UK courts or tribunals if they feel that their rights have been breached.

90. The UK accepted the right to “individual communications” to the UN under the OP-CEDAW and the OP-CRPD. The UK experience under both of these Protocols has not yet provided sufficient empirical evidence to decide on the value of other individual complaint mechanisms; at present, the UK Government is unclear about their actual benefits for people in the UK, given that no award for damages or legal ruling on the meaning of the law can result from these processes.

The Committee recommends that the State party give serious consideration to withdrawing its reservations to articles 1, 2, 6, 7, 9 and 10 of the Covenant, especially those that have become obsolete. (paragraph 40 of the CO)

91. The UK Government reviewed its reservations to the ICESCR, and agrees with the CESCR that some of them are now obsolete, namely where they refer to: the Gilbert Islands; Hong Kong; the Solomon Islands; Southern Rhodesia; and Tuvalu. The UK Government will work with the UN Office of Legal Affairs and the UN Office of the High Commissioner for Human Rights to ensure that obsolete reservations are either removed or understood not to have any further application.

The Committee recommends that the State party consider giving workers from 18 to 20 years of age the same minimum wage which is given to those beyond the age of 21. (paragraph 41 of the CO)

92. See the UK 33rd report under the ESC¹⁷⁶.

93. The national minimum wage rates are published on the UK Government’s website¹⁷⁷ and are based on the recommendations of the (independent) Low Pay Commission¹⁷⁸. The hourly rates from 1 October 2013 are: £6.31 (for 21 or over);

¹⁷⁶ Page 14 (and following pages) of [RAP/Cha/GBR/33\(2013\)](#)

¹⁷⁷ <https://www.gov.uk/national-minimum-wage-rates>

¹⁷⁸ <https://www.gov.uk/government/organisations/low-pay-commission>

£5.03 (for 18 to 20); £3.72 (for 16-17); and £2.68 (for apprentices). From October 2014 the rates will be: £6.50 (for 21 or over); £5.13 (for 18 to 20); £3.79 (for 16-17); and £2.73 (for apprentices). Labour market statistics show that unemployment rates are higher for young people, and employment rates lower, and both are more sensitive to the economic cycle. Removing the youth rates would adversely affect employment prospects for this group, dissuading employers from taking on younger, less experienced workers and/or reducing the jobs available to such workers.

94. In Scotland, the Scottish Government committed itself to a Scottish Living Wage rate of £7.65 per hour from 1 April 2014 (increasing from £7.45 per hour) for employees, regardless of age, working in parts of the public sector under the Scottish Government's pay policy, and urged employers in the private, public and third sector to do likewise.

The Committee requests data, in the State party's next periodic report, on the effects of the Welfare Reform agenda that are disaggregated on an annual basis, according to the prohibited grounds of discrimination. (paragraph 42 of the CO)

95. See the UK 32nd report under the ESC¹⁷⁹, and the response above to paragraph 29 of the CO.

96. The Welfare Reform Act 2012¹⁸⁰ introduced the main changes¹⁸¹ to the welfare system, including the introduction of "Universal Credit" (a single payment of a range of working-age benefits). The data requested by the Committee is available in the form of the Impact Assessments¹⁸², including the equality Impact Assessments¹⁸³, on this legislation which are publicly available on the UK Government's website.

97. The impact of the welfare reform is also being closely monitored in Scotland¹⁸⁴ and in Wales¹⁸⁵. A Welfare Reform Bill¹⁸⁶ is being considered by the Northern Ireland Assembly.

¹⁷⁹ Pages 101 (and following pages) and 124 (and following pages) of [RAP/Cha/GBR/32\(2013\)](#)

¹⁸⁰ <http://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

¹⁸¹ <https://www.gov.uk/government/policies/simplifying-the-welfare-system-and-making-sure-work-pays>

¹⁸² <https://www.gov.uk/government/collections/welfare-reform-act-2012-impact-assessments>

¹⁸³ <https://www.gov.uk/government/collections/welfare-reform-act-2012-equality-impact-assessments>

¹⁸⁴ <http://www.scotland.gov.uk/Topics/People/welfarereform>

The Committee encourages the State party to extend its international and regional commitments in the area of social security to the existing advanced instruments and, in this connection, recommends that the State party consider ratifying ILO Convention no. 118 on Equality of Treatment (Social Security) and the European Social Charter (Revised). It also recommends that the State party commit itself fully to all the provisions of ILO Convention no. 102 on Social Security (Minimum Standards) ratified by the State party and, for that purpose, consider withdrawing its reservations to Parts 6, 8 and 9 of the Convention. (paragraph 43 of the CO)

98. The UK Government notes the Committee's recommendation and will keep this issue under review. It should be noted that, with regard to ILO (International Labour Organisation) 118, the UK Government supports the principle of safeguarding the social security rights of migrant workers, but considers that the right way to do this is to conclude bilateral and small multilateral reciprocal agreements with the various countries concerned. In contrast, ILO 118 is based on a broad multilateral approach.

In line with general comment no. 13 (1999) on the right to education, the Committee encourages the State party to review its policy on tuition fees for tertiary education with a view to implementing article 13 of the Covenant, which provides for the progressive introduction of free education at all levels. It also recommends that the State party eliminate the unequal treatment between European Union member State nationals and nationals of other States regarding the reduction of university fees and the allocation of financial assistance. (paragraph 44 of the CO)

99. See the UK 31st report under the ESC¹⁸⁷.

100. In England, the system of funding for higher education was reviewed and options assessed¹⁸⁸ in 2010. The system was found to be financially unsustainable in the long term, therefore the UK Government introduced a more sustainable

¹⁸⁵ <http://wales.gov.uk/topics/people-and-communities/welfare-reform-in-wales/?lang=en>

¹⁸⁶ <http://www.nidirect.gov.uk/changes-to-benefits-welfare-reform>

¹⁸⁷ Page 73 (and following pages) of [RAP/Cha/UK/XXXI\(2011\)](#)

¹⁸⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32413/11-1050-impact-assessment-students-at-heart-of-system.pdf

funding system¹⁸⁹ for higher education whereby all publicly funded providers of higher education can charge students tuition fees up to £9,000 a year for a full time course; students can however take out loans (via “Student Finance England”¹⁹⁰) for their tuition fees and pay them back once they are working and earning above the repayment threshold of £21,000 a year¹⁹¹. To be eligible for a student finance, the applicant must¹⁹², amongst other requirements: be a EU national (resident in the European Economic Area or Switzerland); or have “settled status” when the course started; and have been resident in the UK for the three years prior to that date (and , in the case of maintenance support for EU nationals, have been living in the UK for three years before starting the course). The applicant may also be eligible if the residency status is one of the following: family member of a EU national; a refugee; being in need of humanitarian protection; a EU migrant worker; child of a Swiss national; child of a Turkish worker.

101. In Scotland¹⁹³, Scottish domiciled or eligible EU students studying full time in Scotland do not have to pay tuition fees if studying for a first degree or equivalent. Different levels of tuition fees apply for international students, students from Wales, and students from England and Northern Ireland. Financial help for eligible students¹⁹⁴ is available through the “Student Awards Agency for Scotland”¹⁹⁵.

102. In Wales¹⁹⁶, tuition fees were up to £9,000 a year in 2013/14 for new full time students. The package of financial support for tuition fees made available by the Welsh Government for the 2013/14 academic year includes a non means-tested tuition fee loan of up to £3,575 and a non means-tested tuition fee grant of up to

¹⁸⁹ <https://www.gov.uk/government/policies/making-the-higher-education-system-more-efficient-and-diverse/supporting-pages/creating-a-new-funding-system-for-higher-education>

¹⁹⁰ <https://www.gov.uk/student-finance>

¹⁹¹ <https://www.gov.uk/student-finance/further-information>

¹⁹² <https://www.gov.uk/student-finance/who-qualifies>

¹⁹³ <http://www.scotland.gov.uk/Topics/Education/UniversitiesColleges/16640/financial-help>

¹⁹⁴ https://www.saas.gov.uk/full_time/ug/young/eligibility_residence.htm

¹⁹⁵ <https://www.saas.gov.uk/>

¹⁹⁶ <http://wales.gov.uk/topics/educationandskills/highereducation/highereducationforstudents/?lang=en>

£5,425. Financial help for eligible¹⁹⁷ students, with long term repayment options, is available through “Student Finance Wales”¹⁹⁸.

103. In Northern Ireland¹⁹⁹, tuition fees for Northern Ireland students (or students from the Republic of Ireland) studying in Northern Ireland are up to £3,685 a year in 2014/15²⁰⁰. Different levels of tuition fees apply for international students, and students from England, Scotland or Wales. Financial help for eligible²⁰¹ students, with long term repayment options, is available through “Student Finance Northern Ireland”²⁰².

104. Statistics on higher education student enrolment across the UK are available from the Higher Education Statistics Agency²⁰³.

The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible in the languages of the United Kingdom, and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging national human rights institutions, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report. (paragraph 45 of the CO)

105. See the response above to paragraph 15 of the CO.

106. In preparing this report, the UK Government sought contributions from the devolved administrations, the British Overseas Territories and the Crown Dependencies. It also sought comments from various organisations, including the NHRIs and NGOs. Stakeholder events were held in London, Edinburgh (hosted by the Scottish Government), Cardiff (hosted by the Welsh Government) and Belfast. An online submission system (on the website of the Ministry of Justice) was also

¹⁹⁷ Student Finance Wales, <http://www.studentfinancewales.co.uk/practitioners/resources/academic-year-201314/guides.aspx>

¹⁹⁸ www.studentfinancewales.co.uk

¹⁹⁹ <http://www.nidirect.gov.uk/student-finance.htm>

²⁰⁰ <http://www.nidirect.gov.uk/tuition-fees-by-location>

²⁰¹ Student Finance Northern Ireland, *A guide to financial support for full-time students in higher education 2014/15*

²⁰² www.studentfinanceni.co.uk

²⁰³ <http://www.hesa.ac.uk/content/view/1897/239/>

opened to allow the wider public to submit comments on the preparation of the ICESCR periodic report.

The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. (paragraph 46 of the CO)

107. The UK Government notes the Committee's recommendation and will keep the issue under review. No EU Member State or major industrialised developed state has ratified the Convention. As set out in the response above to paragraph 22 of the CO, the rights of migrant workers are already protected in domestic legislation.

Provisions of the Covenant

108. The Committee may wish to note the following major changes since the UK 5th periodic report under the ICESCR²⁰⁴, not already covered in the response to the CO.

Article 1 (self-determination)

109. See the devolution settlement in the section "United Kingdom" of the Core Document 2014, and the UK 7th periodic report under the ICCPR²⁰⁵.
110. Scotland. The referendum on the independence from the UK will take place on 18 September 2014.
111. Falkland Islands. In March 2013, the Falkland Islands held a referendum on self-determination as a result of which 99.8% of the population voted to maintain the current constitutional arrangement with the UK (see the section "Falkland Islands" of the Core Document 2014).
112. Turks & Caicos Islands. Following the elections in November 2012, self-government was restored under a new Constitution, which specifically protects equality and human rights (see the section "Turks and Caicos Islands" of the Core Document 2014).

Article 2 (realisation of the rights contained in the Covenant)

²⁰⁴ Pages 74-81 of [E/C.12/GBR/5](#)

²⁰⁵ Page 49 (and following pages) of [CCPR/C/GBR/7](#)

113. See the section “United Kingdom” of the Core Document 2014 (particularly the human rights and anti-discrimination protection framework), and the response above to paragraphs 10, 12, 13, 14, 16, 27, 32, 36, 37, 42 of the CO.
114. As indicated in the response above to recommendation 13 of the CO, the UK gives effect to the ICESCR and progressively realises the rights it contains through legislation and administrative measures. As prescribed by Article 2(1) ICESCR, the UK does so to the maximum of its available resources; the budget estimate in 2014/15²⁰⁶ on social expenditure (including: housing/environment, education, social protection, personal social services, industry / agriculture / employment, health) is £533 billions (or 72.8% of total expenditure, and 34.1% of the UK Gross Domestic Product in 2012).
115. The progress reports of the UK Government²⁰⁷, the Scottish Government²⁰⁸, the Welsh Government²⁰⁹ and the Northern Ireland Executive²¹⁰ on the implementation of their programmes of government cover many of the rights contained in the ICESCR (for example the right to work, the right to adequate housing, the right to social security, the right to education, and the right to the highest standard of health). Taken together, the progress reports can therefore serve as general indicators of the UK’s overall progress in realising the rights contained in the ICESCR. A range of statistical indicators on economic, social and cultural rights in the UK is also contained in the Core Document 2014 (section 1A).
116. During the consultations on the preparation of this report, several civil society stakeholders expressed concerns on the apparent lack of effective remedies to enforce economic, social and cultural rights, and on the impact of the UK Government’s reform of the legal aid and welfare systems on people’s effective access to (and enjoyment of) the rights contained under the ICESCR. The UK Government’s position on these three issues is therefore summarised below:

²⁰⁶ HM Treasury, *Budget 2014*, 21 March 2014

²⁰⁷ <https://www.gov.uk/government/publications/the-coalition-government-mid-term-review/the-coalition-together-in-the-national-interest-mid-term-review>

²⁰⁸ <http://www.scotland.gov.uk/About/Performance/purposestratobjs>

²⁰⁹ <http://wales.gov.uk/docs/strategies/130604fully2en.pdf>

²¹⁰ <http://www.northernireland.gov.uk/index/work-of-the-executive/pfg-budget-economic-strategy/pfg/strategic-online-report-2011-2015.htm>

- Effective remedies. Individuals in the UK can seek redress to breaches of the ICESCR rights through the legal framework to protect human rights and combat discrimination in the UK (as set out in sections 2D and 3 of the Core Document 2014) together with the complaint mechanisms under the instruments (legislative or administrative) that progressively realise the ICESCR rights; for example, employment rights are enforced by the Employment Tribunal, and benefits (on, for example, housing, tax or children) are enforced by various organisations depending on the nature of the benefit²¹¹.
- Legal aid. See the UK 1st periodic report under the CRPD²¹², the UK 7th periodic report under the ICCPR²¹³, and the UK response to the list of issues under the CEDAW examination²¹⁴. The UK Government's rationale for pursuing the legal aid reform²¹⁵ is to make legal aid more effective including by targeting the highest priority cases. The key legislation introducing the legal aid reform is the Legal Aid, Sentencing and Punishment of Offenders Act 2012²¹⁶. The legal aid statistics (for England and Wales) are available on the UK Government's website²¹⁷. Equality and diversity information on the provision of legal aid in England and Wales is also available on the UK Government's website²¹⁸. It should be noted that legal aid continues to remain available in cases involving²¹⁹ amongst others: care, supervision and protection of children; special education needs; mental health and mental capacity; community care services; appeals relating to welfare benefits; victims of domestic violence and family matters; forced marriage; breach of the European Convention for the Protection of Human Rights and Fundamental Rights (ECHR) by a public authority; loss of home; homelessness; environmental pollution; and equality.

²¹¹ <https://www.gov.uk/appeal-benefit>

²¹² Page 65 of [CRPD/C/GBR/1](#)

²¹³ Page 136 (and following pages) of [CCPR/C/GBR/7](#)

²¹⁴ Pages 6 and 17 of [CEDAW/C/GBR/Q/7/Add.1](#)

²¹⁵ <https://www.gov.uk/government/policies/making-legal-aid-more-effective>

²¹⁶ <http://www.legislation.gov.uk/ukpga/2012/10/contents>

²¹⁷ <https://www.gov.uk/government/collections/legal-aid-statistics>

²¹⁸ <https://www.gov.uk/government/publications/corporate-equality-information>

²¹⁹ Schedule 1 Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

- Welfare reform. See again the response above to paragraph 42 of the CO. The UK Government's rationale²²⁰ for reforming the welfare system is to make the system simpler and to increase the incentives to encourage people on benefits to start paid work (or to increase their hours of paid work). Amongst the measures being introduced is Universal Credit, a new single system of means-tested support for working-age people who are in or out of work. Support for housing costs, children and childcare costs are integrated in the new benefit. It also provides additions for people with disabilities and for carers. Since 8 April 2013, a Personal Independence Payment (PIP) is progressively being introduced to support disabled people; PIP is a non-means-tested, non-taxable cash benefit that claimants can spend in a way that best suits them, and is payable to people whether they are in or out of work. The Government's Social Justice Strategy²²¹ focuses on tackling the causes of poverty; a progress report on this strategy was published in April 2013²²².

Article 3 (gender equality)

117. As outlined in the response above to paragraphs 18, 19, and 24 of the CO, the UK Government and the Devolved Administrations remain committed to promoting gender equality and to combating violence against women and girls through a combination of legislation, policies and action plans.

Articles 4 and 5 (limitations and derogations)

118. See the response above to paragraph 40 of the CO.

Article 6 (right to work)

119. See the response above to paragraphs 18, 20, 21 and 41 of the CO. See also the UK 31st report under the ESC²²³.

Article 7 (right to just and favourable conditions to work)

120. See the response above to paragraphs 18, 22, 41 of the CO. See also the UK 32nd ²²⁴ and 33rd ²²⁵ reports under the ESC.

²²⁰ <https://www.gov.uk/government/policies/simplifying-the-welfare-system-and-making-sure-work-pays>

²²¹ <https://www.gov.uk/government/policies/helping-to-reduce-poverty-and-improve-social-justice>

²²² <https://www.gov.uk/government/publications/social-justice-transforming-lives-one-year-on>

²²³ Page 1, 61, 73 and 94 (and following pages) of [RAP/Cha/UK/XXXI\(2011\)](#)

²²⁴ Page 2 (and following pages) of [RAP/Cha/GBR/32\(2013\)](#)

Article 8 (right to form and join trade unions)

121. See the UK 33rd report under the ESC²²⁶.

Article 9 (right to social security)

122. The UK continues to have a comprehensive scheme of social security. Social security protection is provided through a range of contributory insurance based benefits, “Statutory Payments” and taxation-funded benefits. In addition, there are non-contributory, non-means tested benefits for people with disabilities and for people with caring responsibilities. As outlined above under Article 2, the welfare system is being reformed under the Welfare Reform Act 2012. Total expenditure on social protection in 2014/15 is estimated at £222 billions²²⁷ (equivalent to 30.3% of total UK Government expenditure, or 14.2% of the UK Gross Domestic Product in 2012).

123. See the response above to paragraphs 19, 23, 42, 43 of the CO. See also the UK 32nd report under the ESC²²⁸.

Article 10 (protection of the family)

124. See the response above to paragraph 26 of the CO. See also the UK 5th periodic report under the CRC²²⁹.

125. England. The UK Government introduced various measures, including on: improving access to childcare; parenting skills and support; and comprehensive reforms to improve the child protection system which include a new inspection framework for local authority child protection services. The Children and Families Act 2014²³⁰ reforms the systems for adoption, looked after children, aspects of family justice and services for children and young people with special educational needs; and provides statutory rights to leave and pay for parents and adopters, and time off work for ante natal care and the right to request flexible working.

²²⁵ Page 5 and 14 (and following pages) of [RAP/Cha/GBR/33\(2013\)](#)

²²⁶ Pages 31 and 33 (and following pages) of [RAP/Cha/GBR/33\(2013\)](#)

²²⁷ HM Treasury, *Budget 2014*, 21 March 2014

²²⁸ Page 100, 124 and 155 (and following pages) of [RAP/Cha/GBR/32\(2013\)](#)

²²⁹ Pages 22-31 of [CRC/C/GBR/5](#)

²³⁰ <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

126. Scotland. The Children and Young People (Scotland) Act 2014²³¹ supports the implementation of Scotland’s children strategy, including childcare and explicitly recognises the role of the CRC in service planning and delivery.

Article 11 (right to an adequate standard of living)

127. See the response above to paragraphs 27, 28, 29, 30, 31 of the CO.

128. Scotland. The Scottish Government is implementing a “National Food and Drink Policy”²³² that seeks to address issues of quality, health and wellbeing and environmental sustainability whilst recognising the need for access and affordability. On housing, the “Homes Fit for the 21st century”²³³ sets out the Scottish Government’s vision for housing in 2020, and the steps required to make that a reality, including effective supply, choice and quality of housing.

Article 12 (right to the highest standard of health)

129. The underlying principle of the NHS as set out in its constitution²³⁴, namely that access to NHS services is based on clinical need and not on an individual’s ability to pay, remains in place. The Health and Social Care Act 2012 introduced significant reforms, including, in England, the creation of NHS England (to oversee health service delivery) and of the Clinical Commissioning Groups (clinically-led organisations responsible for commissioning health services for a set area and population). The health service’s performance is measured against a set of outcomes and indicators, available on the UK Government’s website²³⁵.

130. See also the response above to paragraphs 25, 32, 33, 34, 35, of the CO. See also the UK 32nd report under the ESC²³⁶, and the UK 5th periodic report under the CRC²³⁷.

Article 13 and Article 14 (right to education)

131. See the response above to paragraphs 36, 44 of the CO. See also the UK 5th periodic report under the CRC²³⁸.

²³¹ <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

²³² <http://www.scotland.gov.uk/Topics/Business-Industry/Food-Industry/national-strategy>

²³³ <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/reform>

²³⁴ <http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Documents/2013/the-nhs-constitution-for-england-2013.pdf>

²³⁵ <https://www.gov.uk/government/collections/health-and-social-care-outcomes-frameworks>

²³⁶ Page 31 (and following pages) of [RAP/Cha/GBR/32\(2013\)](http://www.unhcr.org/refugees/rap/cha/GBR/32(2013))

²³⁷ Page 32 of [CRC/C/GBR/5](http://www.unhcr.org/refugees/crc/c/GBR/5)

²³⁸ Pages 41-46 of [CRC/C/GBR/5](http://www.unhcr.org/refugees/crc/c/GBR/5)

132. The UK and Devolved Governments share a common vision for a highly-educated society in which opportunity is more equal for children and young people, regardless of their background or family circumstances.
133. England. England’s “Pupil Premium”²³⁹ provides additional support for disadvantaged pupils in schools, in order to close the attainment gap between them and their peers. Furthermore, the age for participation in some form of education or training was raised to 17 in 2013, and policies to reform post-16 academic and vocational education and training have been implemented²⁴⁰.
134. Scotland. Scotland’s “curriculum for excellence”²⁴¹ aims to achieve a transformation in education in Scotland for 3-18 year olds, by creating a more flexible and enriched curriculum, raising standards in learning and teaching and improving Scottish children’s life chances. The Education (Scotland) Act 1980²⁴² continues to place a statutory duty on all local authorities to provide religious education and observance.

Article 15 (cultural life, scientific progress, intellectual property)

135. See the response above to paragraph 37 of the CO.

British Overseas Territories

Bermuda

136. No major changes to report beyond what already set out in the updated Core Document 2014.

Cayman Islands

Provisions of the Covenant

Article 1 (self-determination)

137. See the section “Cayman Islands” of the Core Document 2014.
138. A referendum on a draft Constitution, which included for the first time in the history of the Islands a Bill of Rights, was held on 20 May 2009 alongside the general elections. The new Constitution was approved by 63% of voters. The most recent general elections in the Islands took place in May 2013. The

²³⁹ <https://www.gov.uk/government/publications/evaluation-of-pupil-premium>

²⁴⁰ <https://www.gov.uk/government/policies/improving-the-quality-of-further-education-and-skills-training>

²⁴¹ <http://www.educationscotland.gov.uk/thecurriculum/>

²⁴² <http://www.legislation.gov.uk/ukpga/1980/44/contents>

“Commonwealth Parliamentary Association’s Election Observers Mission”²⁴³ attended the elections and reported that they met the international standards for democratic, genuine and transparent elections and the results truly reflect the will of the people. In August 2013, an election petition was filed in the Grand Court challenging the nomination of a Minister pursuant to s.66 of the Constitution. The petition was subsequently dismissed.

Article 2 (realisation of the rights contained in the Covenant)

139. By virtue of s.16 of Part I of the Constitution, the Government shall not treat any person in a discriminatory manner in respect of the rights in Part I of the Constitution, on the basis of, among other things, race, colour, national or social origin. In the field of employment, discrimination on the basis of race, colour, creed, sex, age or political beliefs continues to be prohibited by virtue of the Labour Law (2011 Revision)²⁴⁴. However, the Immigration Law (2012 Revision)²⁴⁵ (as amended) continues to distinguish between Caymanians and persons with the right to be Caymanian (who are subject to no restriction with respect to employment) and those persons who do not possess that status and may therefore only carry on gainful occupation in the Islands under the authority of a valid work permit. This distinction, though based on nationality, does not relate to race, colour or creed. All applications for work or other permits are considered on the basis of the character, reputation, health and qualifications of the applicant, the need of the community for the applicant’s particular skills and the availability of Caymanians with comparable skills.

Article 3 (gender equality)

140. In the 2009 elections, 8 of the 43 (19%) candidates were women and in the recent 2013 elections, 9 of the 56 candidates (16%) were women. The 2009 elections witnessed a further decrease in female representation with only 1 female serving in the 15 member Legislative Assembly (6%). Nevertheless, this female member of the Legislative Assembly, the Honourable Juliana O’Connor-Connolly, JP made history by becoming the first female Deputy Premier (2009-2012) and later the first female Premier of the Cayman Islands (December 2012 to May

²⁴³ <http://www.electionsoffice.ky/>

²⁴⁴ <http://www.gazettes.gov.ky/gazette-supplements/2011/07/11/labour-law-2011-revision-g23-s5>

²⁴⁵ <http://www.immigration.gov.ky/pls/portal/docs/PAGE/IMMHOME/HELP/LEGISLATION/IMMIGRATION%20LAW%20%282012%20REVISION%29.PDF>

2013). There are currently only two female members of the Legislative Assembly, one of whom is the Speaker of the House.

141. There is no distinction between men and women in relation to their enjoyment of the rights contained in the Covenant. The representation of women in various sectors of society and in positions of authority remains substantial. There are currently 9 women Chief Officers (Permanent Secretaries and equivalent) out of a total of 16 such positions. Of the 3,601 members of the public service in 2013 (civil servants), 1,912 (53%) were women. The average salary of female civil servants is \$41,248 per annum, compared with \$40,481 per annum for male civil servants. Although there is no legislation on equal pay, the difference between the salaries of both groups cannot be described as overwhelming.
142. The prevailing position is reinforced by legislation such as the Sex Disqualification (Removal) Law (1998 Revision). By virtue of this Law, no person shall be disqualified by sex or marriage from the exercise of any public function, from being appointed to or holding any civil or judicial office or post, or from entering or carrying on any civil profession.
143. In order to facilitate the extension of CEDAW to the Cayman Islands, the Gender Equality Law, 2011²⁴⁶ came into effect in January 2012 to strengthen the principles of equality between women and men by seeking to eliminate discrimination in, amongst other areas, employment, training and recruitment. Pursuant to the Law, a Gender Equality Tribunal has been established to hear discrimination complaints.

Article 7 (right to just and favourable conditions to work)

144. Data from the 2010 Census of Population and Housing revealed that females earned an average of CI\$7,355 less than males per year, a difference of almost 17%. Additionally while this census indicated that females were more likely than males to have an Associate's Degree (8.1% vs. 6.2%), Bachelor's Degree or higher (27.6% vs. 23.5%), it also revealed that at every education level females also earned less than males. The gender gap was widest for those with a university degree with males earning on average CI\$75,291 per year versus females earning an average of CI\$57,860. The Gender Equality Law, 2011 promotes the

²⁴⁶ <http://www.genderequality.gov.ky/legislation>

principles of equal pay for work of equal value between women and men, and allows the independent Gender Equality Tribunal to hear and determine discrimination complaints related to this Law.

145. Certain laws impacting employment such as the Immigration Law (2012 Revision) (as amended) and the Public Service Management Law (2011 Revision)²⁴⁷ (as amended) support the advancement of Caymanians. Where expatriate workers have the same competencies as Caymanians then preference must be given to the latter candidates when considering selection and/or promotion.
146. Occupational safety and health is dealt with in the Labour Law (2011 Revision) and is enforced through the Department of Employment Relations by inspections, accident investigations, job safety analysis and the offering of training. The Labour (Occupational Safety and Health) (Construction Industry) Regulations, 2008 make specific provision for safety requirements for persons involved in the construction industry and impose certain duties on contractors for that purpose. By virtue of the Health Insurance Law (2011 Revision) (as amended), all employers are required to provide health insurance for their employees. With respect to the civil service, Chief Officers are required to operate personnel policies which provides for, inter alia, good and safe working conditions pursuant to the Public Service Management Law (2011 Revision).

Article 8 (right to form and join trade unions)

147. There are no restrictions on the right to form and join trade union for the promotion and protection of one's economic and social rights. This position has been reinforced by s.14 of the Bill of Rights in the Constitution which enshrines the right to assemble freely and form or belong to trade unions or other associations for the protection of his/her interests.

Article 9 (right to social security)

148. The National Pensions Law (2012 Revision)²⁴⁸ requires all employers to provide or make a contribution to a pension plan for every employee in the Islands and an employer who fails to do so may be charged with an offence under the Law. Both employers and employees are required to contribute towards the

²⁴⁷ http://www.gazettes.gov.ky/sites/default/files/gazette-supplements/Gs822011_web.pdf

²⁴⁸ http://www.gazettes.gov.ky/sites/default/files/gazette-supplements/Gs622012_web.pdf

pension plan. This requirement, however, does not apply to certain limited exceptions such as employees who do not possess Caymanian status or are not permanent residents and who, in either case, have been employed in the Islands for nine months or less on a continuous basis as domestic helpers. The Law also provides for the establishment of a National Pensions Board which is responsible for the administration of the Law and the improvement of pension plans throughout the Islands.

149. Pension plans for civil servants are governed by the Public Service Pensions Law (2011 Revision)²⁴⁹. Both employer and employee contribute to the pension plan, as obtains in the private sector.

150. The Department of Children and Family Services offers a full range of casework services to residents, including: day and residential care for indigent, elderly and disabled adults as well as indigent and disabled children; adoption services; foster care; provision of lunch to indigent school children; poor relief as defined in the Poor Persons (Relief) Law (1997 Revision); and temporary financial aid.

Article 10 (protection of the family)

151. See the Cayman Islands's contribution to the UK 5th periodic report under the CRC²⁵⁰.

152. The rights to family life and marriage are now enshrined in the Bill of Rights of the Constitution which expressly provides that no person shall be compelled to marry without his or her free and full consent.

153. The Labour Law (2011 Revision) provides for maternity leave, adoption leave and prohibits certain forms of child labour, including forced or compulsory labour, slavery or servitude, using, procuring or offering a child for prostitution or the production of pornography and any other work which may be prescribed by regulations and may be likely to harm the health, safety or morals of the child.

154. The Protection from Domestic Violence Law, 2010²⁵¹ expanded the definition of conduct that would constitute domestic violence; refined the definition of

²⁴⁹ http://www.gazettes.gov.ky/sites/default/files/gazette-supplements/Gs842011_web.pdf

²⁵⁰ Page 41 of [Annex - BOT-CD](#)

household residence; expanded the categories of persons entitled to protection and types of Court orders available to victims of domestic violence; and permits third party applications for orders on behalf of victims and their dependents. The Family Support Unit is a special unit within the Royal Cayman Island Police which deals specifically with domestic violence cases including child abuse reporting. The Family Resource Centre provides public education on the issues of domestic violence and bullying as well as it coordinates a 3-day domestic violence sensitivity training for front-line responders and anyone interested in learning more about domestic violence. Additionally, Government provides a grant to the Cayman Islands Crisis Centre, a non-profit organization, which assists victims of domestic violence and sexual abuse. In November 2012, a “National Committee on Gender and Family Violence” was established to bring a holistic focus to issues of gender-based violence and family violence and to harness expertise from a variety of stakeholders to provide recommendations to the Government.

Article 11 (right to an adequate standard of living)

155. The Department for Agriculture continues to place emphasis on the adoption of protected agricultural systems as a mechanism for increasing domestic production. Through the provision of agronomic and technical advice, the growth of this subsector has risen to a current estimated 2.6 acres of land now under tropical shade houses, growing a range of fresh vegetables and herbs. In the livestock subsector, the production of fresh eggs and broiler meat is increasing and in 2013 the Department hosted a national workshop to train technicians and farmers in Artificial Insemination for cattle.

156. It is estimated that nearly 100% of the population of the Islands has now been connected to a piped water supply. A very limited number of households are not connected to any water distribution system, but these typically are supplied with potable water which is delivered by water truckers and then stored in cisterns/tanks. Guidelines were introduced in 2007 to address storm water management.

157. The National Housing Development Trust, a statutory non-profit organisation owned by the Government, is mandated to build and sell affordable housing for low-income Caymanians and their families.

Article 12 (right to the highest standard of health)

158. The Tobacco Law, 2008 provides restrictions on dealing with tobacco products; prohibits the advertisement or promotion of tobacco products and the smoking of tobacco in public places (subject to limited exceptions).

159. The Human Tissue Transplant Law, 2013 (not yet in force) is a novel piece of legislation which seeks to regulate the collection and use of human tissue for medical purposes and to regulate commercial dealings with human tissue. To this end, it provides for the establishment of a Council which will be responsible for monitoring the donation of tissue by living persons and the removal of tissue from deceased persons.

Article 13 and Article 14 (right to education)

160. The Cayman Islands' "Strategic Plan for Education 2012-2017"²⁵² focuses on the following main areas: strengthening leadership and building national capacity; building a world-class early childhood care and education system; securing high standards and improving student progress and achievement; building safer school communities and promoting inclusion; enhancing skills for learning, life and work and engaging parents as partners in their children's learning.

161. National education data reports are regularly published on the Government's website²⁵³, thus allowing the Government to monitor the effective implementation of the Strategic Plan.

Article 15 (cultural life, scientific progress, intellectual property)

162. No major changes to report.

Falkland Islands

Provisions of the Covenant

Article 1 (self-determination)

163. See the section "Falkland Islands" of the Core Document 2014.

²⁵²

http://www.education.gov.ky/portal/page?_pageid=3901,7106027&_dad=portal&_schema=PORTAL

²⁵³

http://www.education.gov.ky/portal/page?_pageid=3901,7139120&_dad=portal&_schema=PORTAL

164. The right to self-determination is enshrined in the Constitution. On 10-11 March 2013 a referendum was held and 99.8% of those who voted expressed the wish to maintain the current constitutional arrangement between the UK and the Falkland Islands Government. This result was a clear and comprehensive expression of the wishes of the Falkland Islands people and it is hoped that the UN will acknowledge and respect those wishes as the legitimate voice of the Falkland Islands people.
165. The Members' Remuneration (Amendment) Ordinance 2013 provides that elected Members of the Legislative Assembly will be paid a salary of £40,000 (plus expenses) following the November 2013 General election; rather than the previous position of receiving allowances and expenses which did not amount to an equivalent full time salary. It is hoped this will encourage a wider group of people to stand for election (because they will not have to split their time between a principal earning job and their role as a Member of Legislative Assembly).

Article 2 (realisation of the rights contained in the Covenant)

166. Section 16 of the Constitution provides protection from discrimination by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. For the purposes of section 16 'discriminatory' means affording different treatment to different persons on any grounds such as sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 3 (gender equality)

167. Section 16 of the Constitution provides protection from discrimination of grounds of gender as well as other grounds. The laws which prescribe the qualifications for voting and for candidature for elected office make no distinction between men and women.
168. At the election in November 2013 the percentage of women in the Legislative Council was 25%. The Falkland Islands Census 2012 reveals that out of 1,944 economically active residents 843 were women. The Economic Activity rate for males (88%) is higher than females (79%); this reflects the larger proportion of the

female population who are retired or not working for other reasons (such as homemakers, family carers).

Article 6 (right to work)

169. As detailed in previous reports, there is essentially full employment in the Falkland Islands. The 2012 Census shows 2,327 people of working age (over 15). The Census also highlights the tight labour market within the Islands. The unemployment rate is 1.2% indicating that there is virtually no spare capacity within the labour market to accommodate any additional employment opportunities that may arise in the future. This rate of unemployment is extremely low.

170. There is protection from slavery and forced labour which is contained in s.4 of the Constitution which ensures that there is no impediment to the enjoyment by everyone of the right to the opportunity to gain their living by work which they freely choose and accept.

Article 7 (right to just and favourable conditions to work)

171. The Minimum Wage Ordinance 2013 introduces a minimum wage to the Falkland Islands. The current rates are £5.05 per hour for adults and £3.10 per hour for 16 year olds up to their 18th birthday. Most areas of work are eligible to the minimum wage with the exception of certain voluntary work and training schemes. The law provides provisions for the enforcement of the minimum wage and an annual review of the rates.

Article 8 (right to form and join trade unions)

172. No major changes to report.

Article 9 (right to social security)

173. It remains the case that there is no comprehensive social security system in operation in the Falkland Islands, but provision is made in a number of respects; both statutory and non-statutory, as described in the previous report. A new policy for the payment of non-statutory welfare payments was introduced in 2011. The Finance Ordinance 2010 brought into effect the taxation of “family allowance” paid in respect of each child of a family.

Article 10 (protection of the family)

174. The Children Ordinance is currently under review, and a child safeguarding action plan is being implemented by the Falkland Islands Government in recognition of the need to improve child safeguarding procedures in the light of certain criticisms made recently of the Crown in a number of child protection proceedings currently before the court. Additional resources have been made available to conduct the review and to support the actions necessary under the safeguarding action plan.

Article 11 (right to an adequate standard of living)

175. In the 2012 census, 76.6% of respondents rated their dwelling as good, 20.6% as fairly good and 2.7% as not good. Only 27 dwellings in the Islands have no central heating. 95% of households felt their accommodation was suitable for their needs.

Article 12 (right to the highest standard of health)

176. The Medical Services Tax Ordinance of 2010 introduced a 1% tax on all earned income with a 1 ½ % contribution by employers. The Mental Health Ordinance 2010 reformed and modernised the law relating to persons suffering from mental illness.

Article 13 and Article 14 (right to education)

177. There has been no change since the previous report with regards to the legal position in the Falkland Islands; below are updated figures in relation to the numbers currently in education.

178. In 2012/2013: 318 schoolchildren were being educated in the Falkland Islands; 45 further and higher education pupils were being educated overseas; 72 young people between the ages of 16-19 have participated in tertiary education abroad since 2008 (of that number, 64 have successfully gained certificate diplomas or degrees).

Article 15 (cultural life, scientific progress, intellectual property)

179. No major changes to report.

Gibraltar

180. No major changes to report beyond what already set out in the updated Core Document 2014.

Montserrat

Provisions of the Covenant

Article 1 (self-determination)

181. See the section “Montserrat” of the Core Document 2014.

182. The right to self-determination is enshrined in s.2 of the Constitution.

Article 2 (realisation of the rights contained in the Covenant)

183. Protection against discrimination is enshrined in s.16 of the Constitution.

Article 3 (gender equality)

184. See response under Article 2.

Article 6 (right to work)

185. The Labour Code 2012²⁵⁴ contains statutory provisions on, amongst other areas, working conditions, equality, protection of children, and health and safety at work, and the recognition of trade unions.

Article 7 (right to just and favourable conditions to work)

186. See response under Article 6.

Article 8 (right to form and join trade unions)

187. See response under Article 6. Furthermore, s.14 of the Constitution protects freedom of assembly and of association.

Article 9 (right to social security)

188. The Social Security Act (Cap 18.09)²⁵⁵ establishes a system of social security in Montserrat by providing pecuniary benefits in prescribed circumstances to prescribed beneficiaries.

Article 10 (protection of the family)

189. The Constitution protects the right to marry at s.10. Various laws combat domestic violence and complement the constitutional provisions, for example: the Family (Protection Against Domestic Violence) Act (Cap 5.05)²⁵⁶; the Marriage Act (Cap 5.01)²⁵⁷; the Education Act²⁵⁸; the Labour Code 2012 (which provides for maternity leave (s.53), and overtime pay for nursing mothers (s.36), and prohibits the employment of a person under the age of 16).

²⁵⁴ <http://www.gov.ms/wp-content/uploads/2012/06/Labour-Code-2012.pdf>

²⁵⁵ <http://agc.gov.ms/wp-content/uploads/2011/10/Social-Security-Act.pdf>

²⁵⁶ <http://moh.gov.ms/wp-content/uploads/2008/11/family-protect-against-domestic-violence-act.pdf>

²⁵⁷ <http://agc.gov.ms/wp-content/uploads/2011/10/Marriage-Act.pdf>

²⁵⁸ <http://agc.gov.ms/wp-content/uploads/2011/10/Education-Act.pdf>

Article 11 (right to an adequate standard of living)

190. No major changes to report.

Article 12 (right to the highest standard of health)

191. The Public Health Act²⁵⁹ provides for the promotion and preservation of the health of the inhabitants of Montserrat.

Article 13 and Article 14 (right to education)

192. Section 12 of the Constitution protects the right to education.

Article 15 (cultural life, scientific progress, intellectual property)

193. No major changes to report.

Pitcairn, Henderson, Ducie and Oeno

Provisions of the Covenant

Article 1 (self-determination)

194. See the section “Pitcairn, Henderson, Ducie and Oeno” of the Core Document 2014.

195. A review and restructure of the local Government of Pitcairn Islands was conducted from 2006 to 2009. Legislative changes to electoral ordinances ensured advancement in democratic process. Provision was made in 2008 for proxy voting in Island Council elections by those who are absent from the Island at the time of elections. The Local Government Ordinance²⁶⁰ was further amended in 2011 to remove the position on the Island Council filled by an appointee of the Governor and to add, in its place, one further elected position. In its restructure, the Government divided on-island administrative operational functions across 4 newly created divisions. Since implementation, additional responsibilities which were otherwise done off-island by the ‘Pitcairn Island Office’ based in New Zealand are being devolved to the appropriate division on-island. Each elected officer holds a specific portfolio for each division and importantly there are specific portfolios for ‘Legal and Policy’ and ‘Human Rights’.

196. The new Constitution came into force. Islanders were actively involved in the development of the Constitution through consultation and workshops held on the island. Under s.36(1) of the Constitution, the Governor is required to consult with

²⁵⁹ <http://moh.gov.ms/wp-content/uploads/2008/11/public-health-act.pdf>

²⁶⁰ <http://www.government.pn/Laws/Local%20Government%20Ordinance.pdf>

the Island Council in the exercise of his/her power to make ordinances for Pitcairn. Under s.36(2) of the Constitution, there is provision for any Council member to communicate with a UK Secretary of State if the Governor, in making an ordinance, acts contrary to advice of the Island Council.

197. The community are made aware and empowered on new policies and laws, council minutes and other documents through posting on a community public notice board which ensures accessibility by all. When appropriate community meetings are held for discussion and/or contribution towards proposed policy and law. In addition the government website publicises and makes available current laws²⁶¹ and government policy²⁶².

Article 2 (realisation of the rights contained in the Covenant)

198. The Constitution, in particular Article 23, enshrines the fundamental rights of the islanders against discrimination. The Constitution also protects most economic, social and cultural rights.

Article 3 (gender equality)

199. There is no inequality on the basis of gender on Pitcairn Island. Four of the five Councillor positions on the Pitcairn Island Council are held by women. The Island also has a female police officer and school teacher. Rates of pay are the same for men and women. Training provided by the UK Government and at a local level is available to men and women.

Article 6 (right to work)

200. The Pitcairn Government is the primary employer on Pitcairn Island, and funds 88 part time posts through UK budgetary aid. There are no restrictions as to race, sex, colour, religion or national origin, save that Pitcairners are given preference in public sector employment and non-Pitcairners are subject to a work permit regime. All permits must be approved by the Island Council.

201. Given the very small population of Pitcairn and the nature of the work there is no vocational training provided – however the British Government and the local Council do provide bespoke training in specific areas as required. Islanders can

²⁶¹ <http://www.pitcairn.pn/Laws/index.php>

²⁶² <http://www.pitcairn.pn/policies.php>

also apply to study (for example in New Zealand) but must commit to returning to the island for a fixed period to allow the island to benefit from the investment.

202. There is no forced labour on Pitcairn.

Article 7 (right to just and favourable conditions to work)

203. The Pitcairn Island Council works on an equal pay for equal work basis.

204. There have been no fatalities from work related injuries and the island has in place a health and safety policy and procedure, including an accident reporting system.

205. There are no barriers to promotion in terms of equality (i.e. race, sex, age) however at present many positions are held on a 'job for life' basis or are elected positions which limit opportunities for progression. The 'job for life' scenario is under review by the Island Council and the UK Government.

206. Most employment is on a part time basis and even with multiple jobs no islander works in excess of 140 hours per month. There is no remuneration for public holidays on Pitcairn.

Article 8 (right to form and join trade unions)

207. There are no restrictions on the right to form and join trade unions. By virtue of the Pitcairn Trade Unions and Trade Disputes Ordinance²⁶³ all trade unions must be registered with the Registrar of Unions. There are currently no trade unions on Pitcairn.

Article 9 (right to social security)

208. Pitcairn has a system of provision of old age pensions and child benefits funded by the UK Government. All employment on Pitcairn is in the government sector and all working age people have at least one part time position. This provides de facto social security.

209. The on-island Family and Community Advisor is currently working with the Community Division to develop strengthened elder care policies and practices.

210. Subsidised medical care and emergency evacuation services are available to all islanders. International technical assistance in the form of police, health

²⁶³

<http://www.government.pn/Laws/Trade%20Unions%20and%20Trade%20Disputes%20Ordinance.pdf>

(doctor/clinic/supplies), education (teacher) and social services provision is provided through the UK Government's budgetary aid.

Article 10 (protection of the family)

211. Provision is made within employment contracts for paid maternity leave.
212. Primary education (and education to the age of 16) is compulsory and available free to all children. Medical care for under 16s is free and prescriptions are discounted. Child benefit is paid for each individual child up to the age of 16 and there is scope for extended coverage for those continuing in education.
213. The Island Council bears responsibility to oversee the conditions under which children (persons aged under 16) perform paid or unpaid work. It must ensure that children are not exposed to risks to health, safety or morals in workplaces (these being places where goods are manufactured for sale or trade, or where construction of other public work is being done). The Council must delegate a member to have responsibility for monitoring the conditions of employment of children, many of whom join their family's work on curio production for sale to cruise ship passengers.
214. There are no forced marriages on Pitcairn.

Article 11 (right to an adequate standard of living)

215. Pitcairn is a very small and geographically isolated community with accessibility being one of the major limitations. Regular shipping to the island is quarterly and all island residents are reliant on imported goods including food, clothing and housing construction materials and goods. The regular contracted supply ship is subsidised by the UK Government and islanders can benefit from discounted freight charges.
216. There are 28 residential properties on the island all with running water and electricity. All water supplies on the island are from rain water collection tanks and electricity is provided by a communal generator with subsidised rates for islanders. Higher rates are charged for those visiting or working temporarily on the island. All island homes also have telephone and internet access, again charged at subsidised rates for islanders.
217. All residents have access to a first home loan (up to \$40,000) for materials and construction and all residents can also apply for home improvement loans (up to

\$20,000). These are managed by the on-island Finance Division and funded by the UK Government. All residents are also able to apply for personal loans of up to \$5000 to pay for or towards motor vehicles or household appliances etc.

Article 12 (right to the highest standard of health)

218. Primary health care in the Pitcairn Islands is funded by the UK Government and is available regardless of age, gender or nationality. Doctors are seconded to the island on an annual basis and provide primary care in a well equipped medical centre with the assistance of a locally employed island nurse. Owing to the small size and remote location of Pitcairn, more advanced or specialist treatment is provided either in French Polynesia or New Zealand. Subsidies and loans are available to all islanders. Medical evacuation procedures are also in place.

Article 13 and Article 14 (right to education)

219. Primary education (and education to the age of 16) is compulsory and available free to all. From the age of 13, children complete correspondence courses and between the ages of 14-16 children are given the option to attend school in New Zealand until the age of 18. Applications for schooling in New Zealand are considered on a case by case basis by the UK Government and parents contribute to costs.

220. There is a single multi-level school on the island with a teacher seconded from New Zealand on an annual basis. The New Zealand curriculum is used, and the teacher has access to funds to procure new teaching materials as required. There is a Seventh Day Adventist Sabbath school on the island available free of charge to all children.

Article 15 (cultural life, scientific progress, intellectual property)

221. There are no barriers to participation in cultural activities or life on Pitcairn. In 2013, the Island has established a Culture Centre which displays local handcrafts and other curios. There is a culture teacher employed in the school for 1-2 hours per week who teaches the children about the language and practices of the island. There is a museum which displays the island heritage as well as well stocked library. The tourism department promotes the island and its heritage. There is a locally run entertainment committee which organises markets and meals, sporting events; there is also a Community Awareness Group which works

to support community development. The Sea Scouts are run by the New Zealand seconded police officer free of charge.

222. Pitcairn has no facilities for scientific research, but protection of the environment and the preservation of the natural heritage are recognised in the Pitcairn Ordinances. The island also works very closely with relevant UK based civil society organisations.

St Helena, Ascension and Tristan da Cunha

Provisions of the Covenant

Article 1 (self-determination)

223. See the section “St Helena, Ascension and Tristan da Cunha” of the Core Document 2014.
224. A new Constitution came into force in September 2009 which contains specific provisions on fundamental rights in the islands.
225. St Helena. A General Election was held in July 2013, with 55% of those eligible to vote exercising their right.
226. Ascension. A General Election was held on in October 2013.
227. Tristan da Cunha. A General Election was held in March 2013.

Article 2 (realisation of the rights contained in the Covenant)

228. On the realisation of fundamental rights without discrimination, see the section “St Helena, Ascension and Tristan da Cunha” of the Core Document 2014.
229. St Helena. A human rights awareness campaign opened to all sectors of the population took place in 2010, and in 2011 a local “Human Rights Office” has been established (with a Human Rights Facilitator) to prepare (and ensure the implementation of) an action plan by the St Helena Government.

Article 3 (gender equality)

230. St Helena. There is no gender inequality in the requirements for candidates for elected office and for voting. At present, out of the 12 elected members of the Legislative Council, 2 are women; and, at 31 August 2013, out of a total of 791 posts within the public service: 293 are held by men and 436 by women (with 62 posts currently vacant).
231. Ascension. Three out of five of the last Island Council were women.

Article 6 (right to work)

232. St Helena. A new Immigration Ordinance was brought into force in 2012²⁶⁴.

This allows for persons in possession of a valid Entry Permit to work in the island if certain conditions are met. Spouses or life-partners of persons with St Helenian Status do not require a work permit. In March 2007, the total number of unemployed individuals on the island was 100. At 31 August 2013, the total number of unemployed registered for unemployment allowance stands at eleven. The Charitable Company “SHAPE” (St Helena’s Active Participation in Enterprise) is being supported by St Helena’s authorities and the Society for the Disabled, for the employment of people with disabilities. St Helena’s Government is also supporting the NGO “Enterprise St Helena” to promote the island’s economy (thus creating jobs), and an Adult and Vocational Education Service.

233. Ascension. Requirements to work include: being medically fit for the job; minimum age of 18 (except in the case of young persons already residing in Ascension with their parents). The fact that family accommodation is limited means that some jobs are available only on an “unaccompanied” basis. In addition, since there are no nurseries on Ascension, employees not accompanied by spouses or partners may not bring children with them. Where resident’s children leave school at 16 years the Government and other local businesses have set up a 2 year long salaried “youth training” program whereby the young person spends 6 month “seats” within various departments of government or local businesses. It is open to both girls and boys. This program has resulted in all young people involved thus far, going on to gain full time employment on Ascension.

234. Tristan da Cunha. There is no differentiation between men and women in respect of employment. A new Immigration Ordinance is being created which updates the status of non-residents and returning Tristanians to the island.

Article 7 (right to just and favourable conditions to work)

235. St Helena. The St Helena Government operates on an equal pay for equal work basis. Promotion of staff is on merit and there is a “Job Evaluation Committee” who assesses job profiles for established posts within Government.

²⁶⁴ <http://www.sainthelena.gov.sh/wp-content/uploads/2013/01/Immigration-Ordinance1.pdf>

There have been no fatalities from occupational accidents. The Employment Rights Ordinance²⁶⁵ was brought into force in July 2013 and includes provisions for the appointment of a “Labour Regulating Authority” and an “Employment Rights Committee”.

236. Ascension. There is no differentiation on Ascension in relation to work conditions and pay levels between men and women. The Government is currently reviewing the Workman’s Protection Ordinance. Health and Safety legislation ensures that employers are responsible for the welfare of their employees and the Constitution makes it unlawful for the Government to discriminate against any person. The Public Holidays Ordinance ensures that public holidays are remunerated and all non-governmental contracts are reviewed by the Administrator to ensure that they provide adequate holiday allowance and at least one day per week is given as a minimum rest period.

237. Tristan da Cunha. The Tristan Government operates on an equal pay for equal work basis with promotion being based on merit.

Article 8 (right to form and join trade unions)

238. The Trade Unions and Trade Disputes Ordinance (Cap. 119)²⁶⁶ sets out the conditions to register a trade union. There are currently no trade unions registered under this Ordinance.

Article 9 (right to social security)

239. St Helena. In April 2011, legislation²⁶⁷ for the provision of payment of social benefits was introduced for the first time²⁶⁸. The new legislation provides for two benefits: the Basic Island Pension; and the Income Related Benefits. The “Occupational Therapy Scheme” provides protected occupation to those who are suffering from a disability.

Article 10 (protection of the family)

240. St Helena. All persons who have attained the age of majority may marry freely. The legally recognized age for marriage is 21 (persons under that age must

²⁶⁵ <http://www.sainthelena.gov.sh/wp-content/uploads/2013/01/Employment-Rights-Ordinance-310712.pdf>

²⁶⁶ <http://www.sainthelena.gov.sh/wp-content/uploads/2013/01/Trade-Unions-and-Disputes-Ordinance.pdf>

²⁶⁷ <http://www.sainthelena.gov.sh/wp-content/uploads/2013/01/Social-Security-Ordinance-310712-21.pdf>

²⁶⁸ <http://www.sainthelena.gov.sh/health-and-social-welfare/>

obtain the consent of a parent or guardian or, if such consent is withheld, the Supreme Court). Since April 2011, there are no free tax allowances for those with children (but a higher personal allowance, of £7,000 per annum, was introduced). Antenatal and postnatal care is available to all women and is free of charge. The Employment Rights Ordinance provides that dismissal of an employee may be unfair, regardless of the minimum period of employment, if the sole or principal reason for such dismissal relates to pregnancy, childbirth or maternity of such employee. Provisions for maternity leave are also in place. Crèches and registered child minding facilities are inspected in accordance with the Welfare of Children Ordinance 2008²⁶⁹, which also specifically refers to the CRC and updates the law accordingly (including the establishment of a “Safeguarding Children’s Board”).

241. Ascension. The provisions on marriage mirror those of St Helena. The Child Welfare Ordinance²⁷⁰ of 2011 introduced provisions on the welfare and rights of the child, in line with the CRC, including the establishment of the “Safeguarding Children’s Board”. The Control of Alcohol and Access to Bars (Children and Young Persons) Ordinance, 2013²⁷¹ creates offences regarding the supply of alcohol to or by young persons and for setting a time limit for children being permitted in bars. The Tobacco Ordinance 2013²⁷² also introduced a ban on children (under 18 years) being sold, supplied or being in possession of tobacco /products.

242. Tristan da Cunha. St Helena law applies to areas where the local law is non-existent and, as a last resort, the laws of England and Wales apply. Tristan has a specific policy created in 2011 in-line with UK law on the safeguarding of children.

Article 11 (right to an adequate standard of living)

243. St Helena. House-building by private individuals continues to increase. In the past ten years the building of Government Landlord Houses has not been a priority, although renovations to the existing stock of 184 properties has seen

²⁶⁹ <http://www.sainthelena.gov.sh/wp-content/uploads/2013/01/Welfare-of-Children-Ord-310712.pdf>

²⁷⁰ <http://www.ascension-island.gov.ac/wp-content/uploads/2013/04/Child-Welfare-Ordinance-2011.pdf>

²⁷¹ <http://www.ascension-island.gov.ac/wp-content/uploads/2013/04/Control-of-Alcohol-and-Access-to-Bars-Ordinance-20131.pdf>

²⁷² <http://www.ascension-island.gov.ac/wp-content/uploads/2013/04/Ascension-Control-of-Tobacco-Ordinance-2013.pdf>

larger dwellings converted to smaller dwellings for single occupancy which is where the greatest demand lie. Land is also being made available for the development of 'Community Development Areas', which will comprise privately owned and Government Landlord premises. There have been a few cases of homelessness in 2012 and temporary emergency accommodation has been made available in those instances. There are currently 60 applications pending for Government Landlord housing, 17 whom are single persons. Privately rented homes are not affordable to the majority of local residents. The whole population of St Helena has access to safe water supplies, with 88.6 % of the water supply being treated; and for the 13.5 % of the supply that is untreated, free water sterilisation tablets are available. All of the residents also have adequate facilities for the disposal of human and other waste.

244. Ascension. The Workman's Protection Ordinance states that it is the responsibility of the employer to ensure their employees are adequately housed, and that the necessary water and food provisions are in place. All of the Islands food requirements are satisfied by importing food products from the UK, St Helena, South Africa or the United States.

Article 12 (right to the highest standard of health)

245. St Helena. Medical and dental care is not completely free but is heavily subsidised. However children under 16, those aged 16-18 who are in full-time education and persons in receipt of income related benefits are exempt from paying medical fees. Ante-natal and post-natal care is free for all women. Persons in receipt of a Basic Island Pension are entitled to free prescriptions only, if their income is below £3,000 per year, they can apply for exemption from payment of medical fees. There is a free immunisation programme for children against tetanus, diphtheria, polio, measles, mumps, rubella, meningitis, HPV (Human Papilloma Virus) and TB (Tuberculosis). Health programmes for all school children, including those in nursery school, include checks in respect to hygiene, hearing and vision and annual dental checks. In 2011, legislation was introduced on St Helena to prohibit smoking of tobacco in certain premises, and to prohibit the sale of tobacco products to persons under the age of 18.

246. Ascension. By statute, all employers are responsible for the health and wellbeing of their employees (and dependants); where the medical services in the

island are insufficient, the patient is referred to a private clinic in the UK, with the costs for doing so borne by the employer. In 2013, Ascension Island introduced anti-smoking legislation similar to that in St Helena.

247. Tristan da Cunha. Healthcare is subsidised with free prescriptions for pensioners.

Article 13 and Article 14 (right to education)

248. The situation in respect of this part of the Covenant remains substantially as previously reported.

Article 15 (cultural life, scientific progress, intellectual property)

249. NGOs, with encouragement and assistance from the authorities, continue to play an important role in the promotion of cultural life in the islands, including the promotion of tourism and the protection of the environment.

Turks and Caicos Islands

Provisions of the Covenant

Article 1 (self-determination)

250. See the section “Turks and Caicos Islands” of the Core Document 2014.

251. The new Constitution protects the right to self-determination. General elections were in fact held in November 2012. Indigenous communities are protected through numerous laws, for example, the Business Licensing Ordinance 2012 has a reserved category of nineteen areas that are set aside specifically for “Belongers”.

252. Public consultations, including through local media, are held on major legislation (for example, the proposed changes to the Immigration Laws, the revised Constitution and the Equality Bill 2012).

Article 2 (realisation of the rights contained in the Covenant)

253. See the section “Turks and Caicos Islands” of the Core Document 2014 (particularly the human rights protection framework).

Article 3 (gender equality)

254. See the section “Turks and Caicos Islands” of the Core Document 2014 (particularly the human rights protection and anti-discrimination framework).

255. Additional anti-discrimination provisions are contained in the following legislation: Employment Ordinance, the Trade Union Ordinance²⁷³; the Public Sector Ordinance 2012 and the Equality Bill 2012.

Article 6 (right to work)

256. The Turks and Caicos authorities are engaging various organisations, including the Turks & Caicos Islands Hotel and Tourism Association, to formulate strategies to reduce unemployment.

257. The Government is also developing a national skill audit, which will look comprehensively into the different employment sectors to identify gaps.

258. Technical and vocational subjects are included in the National Curriculum to offer students an opportunity to acquire a skill or a trade, thus increasing their chances to find a job.

Article 7 (right to just and favourable conditions to work)

259. A national minimum wage has been legally established and it applies to all categories of workers. Minimum working conditions²⁷⁴, including combating discrimination and sexual harassment at work, are set out in the Employment Ordinance.

260. Legislation on Occupational Health and Safety is currently being considered.

Article 8 (right to form and join trade unions)

261. Freedom of assembly and association is enshrined in the Constitution. The conditions for registering a trade union are outlined in the Trade Unions Ordinance. At present, there are no registered trade unions; the only group which is involved in collective bargaining is the Civil Service Association.

Article 9 (right to social security)

262. Specific assistance is provided to those in need, for example: foster care for children; assistance for older people and people with mental health problems; assistance (including financial support) for people with disabilities (mainly through the Disabled Persons Ordinance 2009).

²⁷³ <http://www.labour.tc/go/en/ordinances--page.html>

²⁷⁴ <http://www.labour.tc/go/en/Basic-Working-Rules-and-Conditions--page.html>

263. Section 13 of the National Insurance Ordinance provides for old age non-contributory pensions. National insurance contributions are administered by the National Insurance Board²⁷⁵, whilst the National Health Insurance Board²⁷⁶ facilitates the provision of accessible, affordable and quality health care services.

264. Legal migrants have access to health care.

Article 10 (protection of the family)

265. The Constitution recognises the right to marry. Persons over the age of 21 do not need parental consent to marry; however, persons between the ages of 16 and 21 do require parental consent.

266. Financial assistance is available for poor families and single-parent families. Foster Care services are available for children in need.

267. The Employment Ordinance covers the unfair dismissal of pregnant women (and related penalties for the employer) and the provision of maternity leave. Paternity leave (two weeks) of the mother's leave is granted to the father of a child who is a public servant and subject to agreement of the mother. A total of 14 weeks maternity leave will be granted between the mother and the father (Public Service Handbook; Chapter 9.4.5). Section 9 of the Employment Ordinance 2009 prohibits the employment of minors.

268. The Government in collaboration with the Organisation of Eastern Caribbean States sought to reform the current legislation related to women and children's rights. As a result, the following six Bills are being considered: Status of Children; Custody of Children; Child care and Adoption; Child Maintenance; Domestic Violence; and Juvenile Justice.

269. A Sexual Offences and Domestic Violence Unit within the Royal Turks and Caicos Police Force is already in place, as are awareness raising activities by the Human Rights Commission and civil society organisations.

Article 11 (right to an adequate standard of living)

270. Food. The recent Animal and Plant Health Ordinances contain sanitary measures on imported food to ensure that is of a high quality. There are posters and a weekly radio programme informing people about healthy diets; the

²⁷⁵ <http://www.tciyellowpages.com/national-insurance-board-nib/government/national-insurance>

²⁷⁶ <http://tcinhip.tc/>

Government's nutritionist also regularly visits schools, and awareness raising events are held in schools and with parents.

271. Water. People across the islands have access to an adequate level of water service. Various water source protection measures are in place to keep contaminants out of drinking water and to reduce the need for costly water purification measures and the construction of new wells.
272. Housing. The Government has in place a freehold land purchase program to assist persons intending to build their own home. Building codes have also been revised to increase safety and accessibility to buildings particularly for the elderly and those with special needs.

Article 12 (right to the highest standard of health)

273. Primary health care is accessible to all. A National Health Insurance Plan²⁷⁷, established under the National Health Insurance Ordinance 2009, is in place to provide medical coverage.
274. Various immunization programmes and awareness raising activities (particularly on HIV) are in place.

Article 13 and Article 14 (right to education)

275. Section 12 of the Constitution protects the right to education, which is implemented through the Education Ordinance. Compulsory school age is between 4 and 16, and without discrimination.
276. Primary and secondary education in publicly funded schools is free. The Government also provides school books at cost price, and free transportation on the islands of Providenciales and North Caicos for children attending both primary and high schools. Secondary schools also provide vocational education. Schools employ truancy officers to ensure school attendance; counselling is available in schools as are meals for children from less wealthy families.
277. The Government implemented a "Continuous Education" program for teenage mothers and adults. An education programme for young people in prison is currently being developed.

²⁷⁷ <http://tcinhip.tc/>

278. The Government provides close to US \$3m to support access to higher education, including the local Community College. The Government provides US \$2m for scholarships and grants to islanders attending universities and colleges abroad.

Article 15 (cultural life, scientific progress, intellectual property)

279. In the course of 2014, “Cultural Liaison Officers” will be identified in each school, and local culture included in the teaching material for schools. Free internet access is available in schools.

280. A National Trust is in place to protect and raise awareness of the islands’ heritage, and a National Honours Committee has also been established.

281. Patents are protected by the Patents Ordinance.

Virgin Islands (commonly known as British Virgin Islands)

Provisions of the Covenant

Article 1 (self-determination)

282. See the section “Virgin Islands” of the Core Document 2014.

Article 2 (realisation of the rights contained in the Covenant)

283. The Virgin Islands remains committed to affording the rights under Article 2 ICESCR without discrimination. A Bill establishing a Human Rights Commission was submitted to Cabinet in April 2013. This Commission will be established to oversee the protection of human rights on the territory and these rights are protected under the Constitution (see the section “Virgin Islands” of the Core Document 2014).

Article 3 (gender equality)

284. Since the last report, the Virgin Islands remains committed to affording the rights under Article 3 ICESCR without discrimination on the basis of gender. The representation of women in various sectors of society and in positions of authority continues to be substantial. Since the 2011 elections, there are three women members of the House of Assembly, one of whom is the Speaker of the House.

Article 6 (right to work)

285. In respect of both employment and vocational guidance and training, there is no discrimination on any basis save that Belongers are given preference in

employment (section 117 of the Labour Code, 2010²⁷⁸) and non-Belongers are subject to a work permit regime in the private sector (Part X of the Labour Code, 2010). Persons awarded work permits are drawn from different backgrounds and nationalities.

Article 7 (right to just and favourable conditions to work)

286. The Labour Code, 2010 has been brought into force. Section 2 of the Code recognises the need for basic minimum conditions of work. With the passage of the Code, the Virgin Islands continue to seek to improve the work conditions for all without discrimination.

Article 8 (right to form and join trade unions)

287. To date, there are no restrictions on the right to form and join trade unions for the promotion and protection of one's economic and social rights. By virtue of the Trade Union Act (Cap.300) all trade unions must be registered with the Registrar of Unions (section 12). Since the last report, freedom of assembly and association is now also protected under the Constitution. This serves to further strengthen the legislation.

Article 9 (right to social security)

288. The Social Security scheme continues to provide adequate social insurance for the Virgin Islands under the Social Security Ordinance, Cap. 266.

Article 10 (protection of the family)

289. Since the last report, the right to family life and the protection of children are now also protected under the Constitution Order (sections 19, 20 and 30). This serves to further strengthen the various pieces of legislation reported on in the last report.

Article 11 (right to an adequate standard of living)

290. The Social Security Board currently manages a compulsory insurance plan to which employers, employees, and self-employed persons contribute. The benefits include medical leave, maternity leave, workman's compensation, and disability insurance. The Government is the largest employer and its employees have access to health insurance.

Article 12 (right to the highest standard of health)

²⁷⁸ http://www.bvigazette.org/extrfile/G00307_Labour%20Code%20Act,%202010.pdf

291. The Government established a strategic plan for the period 2008–2011. Critical strategic priorities were identified including: strengthening the leadership, governance, and management of the health sector; enhancing the quality and accessibility of personal health services; and ensuring clean, safe, and healthy communities.
292. The Infectious Diseases Notification Act 2012 centralises the reporting of infectious diseases. Under the Act, all medical practitioners are required to report certain infectious diseases to the Chief Medical Officer with 24 hours.

Article 13 and Article 14 (right to education)

293. Since the last report, the right to education is now also protected under the Constitution (section 22). This serves to further strengthen the various pieces of legislation reported on in the last report.

Article 15 (cultural life, scientific progress, intellectual property)

294. No major changes to report.

Crown Dependencies

Bailiwick of Guernsey

Provisions of the Covenant

Article 1 (self-determination)

295. See the section “Bailiwick of Guernsey” of the Core Document 2014.
296. In 2008 Sark’s Parliament, the Chief Pleas of Sark, agreed to reform its system of government. The Chief Pleas of Sark now derives its authority and powers from the Reform (Sark) Law, 2008²⁷⁹, as amended, which came into force in 2010.
297. The Inheritance (Guernsey) Law, 2011²⁸⁰ which came into force on, 2 April 2012, introduced complete testamentary freedom in respect of real and personal property under Guernsey Law. The law also provides that civil partners who have registered as such in the UK or whose legal relationship formed elsewhere would be recognised and treated as a civil partnership and will enjoy full inheritance rights in Guernsey where the deceased was domiciled in Guernsey or owned real property in Guernsey.

²⁷⁹ <http://www.guernseylegalresources.gg/article/97000/Reform-Sark-Law-2008>

²⁸⁰ <http://www.guernseylegalresources.gg/article/100370/Inheritance-Guernsey-Law-2011-Consolidated-text>

298. The Bailiwick authorities will continue to give consideration to introducing the ICESCR into domestic law but have no present intention of doing so. The States of Deliberation takes into consideration the rights set out in the ICESCR in the drafting of new legislation. Furthermore, the States' priority on equality and human rights are: research on additional measures required to further implement the CEDAW; formulation, approval and implementation of disability and inclusion strategy; and civil partnership/civil union. All employees of the States of Guernsey are required to adhere to the principles of the ICESCR as set out in the Human Rights (Bailiwick of Guernsey) Law 2000. All employees are required to follow a "Dignity at Work" policy which ensures awareness of economic, social, and cultural rights.

Article 2 (realisation of the rights contained in the Covenant)

299. See the human rights protection and anti-discrimination framework in the section "Bailiwick of Guernsey" of the Core Document 2014. See also the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law 2004²⁸¹.

Article 3 (gender equality)

300. In October 2009 the States of Deliberation agreed to prioritise work towards the prevention of discrimination against women in its social policy strategic plan. As part of this, a comprehensive review of the relevant legislation and policies regarding gender equalities has taken place. Once appropriate legislation has been put in place, the States of Guernsey will look to have the CEDAW extended to Guernsey.

301. On 27 February 2012 (Billet d'État IV) the States of Deliberation resolved to agree a number of maternity and paternity provisions in line with recommendations set out in the CEDAW.

Article 6 (right to work)

302. At the end of December 2012, 28,895 people were employed in Guernsey. This figure includes both employed and self-employed people. The total number of female employees (13,989) was 183 people lower in December 2012 than in December 2011, an annual decrease of 1.3%. Women comprised 48.4% of the

²⁸¹ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=71702&p=0>

total number of employed people. The number of male employees decreased by 0.7% to 14,906 since December 2011. The number of people registered unemployed at the end of December 2012 was 409, representing 1.3% of the workforce. Of the people registered unemployed, 35% were women. Of the registered unemployed who visited the Social Security Department in a week at the end of December 2012, 47% had been registered unemployed for less than three months at that time. 21% of claimants had been registered unemployed for more than a year.

303. In 2011, the Bailiwick of Guernsey established a cross department “Skills Agency”²⁸² in partnership with employers and training providers. Skills Guernsey has responsibility for ensuring that strategy and policy for skills and participation in the workforce takes account of, and is allied to, the broader aims for education, social cohesion and economic development expressed in departmental strategies and plans, and the wider States Strategic Plan.

304. On 27 November 2013, the States agreed the Disability and Inclusion Strategy²⁸³, which aims to improve the quality of life of disabled Islanders and their carers through changing attitudes towards disabled people and carers so that they can be active and engaged socially, economically and culturally. A fundamental part of the Strategy will be to support the development of employment opportunities for disabled Islanders.

305. There is no discrimination between migrant and non-migrant workers, in terms of employment. Migrant workers are not excluded from Minimum Wage protection or the right to receive written statements of terms & conditions and payslips and could make a claim for unfair dismissal subject to the same conditions as non-migrant workers. All complaints and enquiries are dealt with in the same way to non-migrant workers.

Article 7 (right to just and favourable conditions to work)

306. The Minimum Wage (Guernsey) Law, 2009²⁸⁴ came into force on 1 October 2010. On 1 October 2012, the qualification age for the adult rate was reduced from 19 years to 18 years. Under Guernsey law workers are therefore currently

²⁸² <http://www.gov.gg/skillsguernsey>

²⁸³ <http://www.gov.gg/disabilitystrategy>

²⁸⁴ <http://www.guernseylegalresources.gg/article/95824/Minimum-Wage-Guernsey-Law-2009-Consolidated-text>

entitled to be paid a minimum wage as follows: adult Rate (18 years and over) £6.50 per hour; young person's rate (16 and 17 years old) £5.25 per hour²⁸⁵. If a worker is provided with accommodation and food the offset is £90 per week. If a worker is provided with accommodation only the offset is £63 per week. The Minimum Wage rates apply to all workers with the exception of share fisherman, prisoners, and voluntary workers. Apprentices under 18 are not protected by the Law but all employees aged 18 and over qualify for the Adult Rate.

307. It is unlawful in Guernsey to sexually discriminate against any person in the workplace under the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005²⁸⁶. The Protection from Harassment (Bailiwick of Guernsey) Law, 2005²⁸⁷, protects all citizens from harassment both in and out of the workplace. Labour inspection in Guernsey is under the supervision and control of the Health and Safety Executive of the States of Guernsey Commerce and Employment Department.

Article 8 (right to form and join trade unions)

308. No major changes to report.

Article 9 (right to social security)

309. No major changes to report.

Article 10 (protection of the family)

310. On 27 February 2012 (Billet d'État IV) the States of Deliberation resolved to agree a number of maternity and paternity provisions in line with recommendations set out in the CEDAW. The States agreed the introduction of two weeks compulsory statutory maternity leave and the introduction of 12 weeks basic statutory maternity and the introduction of an enhanced period of 26 weeks statutory maternity leave for employees who have been continuously employed by their current employer, including an associate employer, for at least fifteen consecutive months prior to their due date. Statutory time off to attend ante-natal appointments was also agreed. Similar statutory leave provisions were included for parents who adopt children as would be available for parents of a new born as

²⁸⁵ <http://www.gov.gg/article/3724/Minimum-Wage>

²⁸⁶ <http://www.guernseylegalresources.gg/article/97229/Sex-Discrimination-Employment-Guernsey-Ordinance-2005>

²⁸⁷ <http://www.guernseylegalresources.gg/article/98545/Protection-from-Harassment-Bailiwick-of-Guernsey-Law-2005-Consolidated-text>

well as a new benefit of parental allowance of £180 per week (2011 rate) which can be claimed by either parent immediately following the adoption of a child.

311. The Reform (Guernsey) (Amendment) Law, 2007²⁸⁸ reduced the voting age from eighteen to sixteen years.
312. The Children (Guernsey and Alderney) Law 2008²⁸⁹ came into force in January 2010, updating in its entirety the legislation dealing with the care and protection of children and young persons. The principal purpose of this Law was to reform the law relating to children and their families, including the establishment of a Child, Youth and Community Tribuna (offering children and young people in need or in trouble the opportunity to have their case heard outside of a court environment). The Chief Pleas of Sark are developing an equivalent law for that island.
313. The Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law 2008²⁹⁰ also came into force, which brings in considerations to be taken into account when dealing with a child who has committed an offence. The main consideration is the prevention of offending in the long and short term. The age at which a child can be convicted under the Law is 12 years. Children under twelve can still be referred to the Tribunal if they are in need of control.
314. The “Supported Living and Ageing Well Strategy”²⁹¹ aims to make sure that services (including housing and care) can cope, financially and practically, with the increasing demand that will result from an ageing population. It will also enable people (of any age) who need a high level of care or support to receive that support as close to home as possible. In May 2011, the States of Deliberation approved Phase 1 of the building of extra care housing which targets the promotion of independent living for elderly people in place of institutionalised care; in addition, accommodation will be provided for persons with a learning disability as part of the project (see also the Disability and Inclusion Strategy referred to above).

²⁸⁸ <http://www.guernseylegalresources.gg/article/96983/Reform-Guernsey-Amendment-Law-2007>

²⁸⁹ <http://www.guernseylegalresources.gg/article/94046/Children-Guernsey-and-Alderney-Law-2008>

²⁹⁰ <http://www.guernseylegalresources.gg/article/97862/Criminal-Justice-Children-and-Juvenile-Court-Reform-Bailiwick-of-Guernsey-Law-2008-Consolidated-text>

²⁹¹ <http://www.gov.gg/article/107357/Supported-Living-and-Ageing-Well-Strategy>

315. A Domestic Abuse Strategy for Guernsey and Alderney was approved by the States of Guernsey in 2009²⁹². The vision of the Strategy focuses on meeting the needs of all victims who experience abuse through the development of better, more equitable, accessible and effective services; and on working towards the development of a society in which domestic violence and abuse is unacceptable and will not be tolerated. The ultimate goal is to put in place all practicable measures towards the elimination of domestic violence and abuse. The strategy aims to educate children and young people and the wider general public that domestic abuse is wrong and is unacceptable and to enable them to make informed choices. The Domestic Abuse Strategy complements the Children and Young People's Service Plan, in particular those elements which relate to the safety of children and young people and support for parents/carers and families. During 2012, there were 705 reported incidents of domestic abuse. Within that total, 356 cases related to repeat victims/offenders within the preceding 12 months. Guernsey Police has a dedicated Domestic Abuse officer, responsible for supporting victims and disseminating good practice. Guernsey Police Officers assigned to deal with victims of sexual offences, including rape, are trained and qualified through a nationally accredited Sexual Offence Investigative Techniques course. Officers directly supervising the investigation into such crimes are qualified through the Initial Management of Serious Crimes course. There are specific facilities separate from Police Headquarters where victims of such offences can be interviewed in a less intimidating environment.

Article 11 (right to an adequate standard of living)

316. Poverty. The States Strategic Monitoring Report²⁹³ monitors progress of the States of Guernsey implementing the objectives set out in the States Strategic Plan. As part of this it monitors relative poverty in Guernsey. The proportion of people living in households with an income below 60% of the Island's median household income has fallen from 18.9% in 1999 and 16.6% in 2006, to 16.1% in 2011. 9.1% of people lived in households with an income below 50% of median income in 2011, compared to 11.1% in 2006 and 12.1% in 1999. 4.6% of people lived in households with an income below 40% of median income in 2011,

²⁹² <http://www.gov.gg/domestic-abuse>

²⁹³ <http://www.gov.gg/article/103254/States-Strategic-Monitoring-Report-and-Facts-and-Figures-2012-published-today>

compared to 7.6% in 2006 and 6.4% in 1999. These figures indicate that over the 12 years, the depth of relative poverty has reduced.

317. **Benefits.** Supplementary Benefit²⁹⁴ is a cash benefit to ensure household income is brought up to the calculated minimum amount needed to live on, the Requirement Rate. The Social Welfare Benefits Investigation Committee was formed on 11 December 2013 with a mandate to examine all aspects of Supplementary Benefit and all relevant aspects of the current States Housing Laws, in order to develop and form a single and comprehensive social benefits model capable of fulfill and balance the social and fiscal objectives of the States. It is expected that proposals will be returned to the States of Deliberation by March 2015.

318. **Food.** In November 2009, the States of Deliberation agreed to implement an Obesity Strategy with 27 recommendations to combat the problem. The strategy has a strong focus on education to promote messages and themes, which also include alcohol, drug and tobacco education.

319. **Housing.** The Corporate Housing Programme Plan²⁹⁵ is an action plan of housing-related projects being carried out by States' departments, voluntary organisations and the private sector to improve the quality of life of Islanders, particularly for households on a low income or with a need for supported or specialised housing. The current plan is for 2011-2016. There were three evictions between 2008 and 2012.

Article 12 (right to the highest standard of health)

320. The overall average life expectancy at birth in the three year period from 2008 to 2010 was 82.5 years. The average life expectancy at birth for women (84.5 years) was 4.1 years longer than the average life expectancy for men (80.1 years).

321. In 2009, the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008²⁹⁶, which concerns the regulation of medicinal and veterinary medicinal products, came into force. In 2012, the Guernsey's Tobacco Control Strategy was updated to introduce a Licensing Framework for tobacco products and more

²⁹⁴ <http://www.gov.gg/spb>

²⁹⁵ <http://www.gov.gg/corporatehousingpolicy>

²⁹⁶ <http://www.guernseylegalresources.gg/article/95740/Medicines-Human-and-Veterinary-Bailiwick-of-Guernsey-Law-2008-Consolidated-text>

stringent controls on sales. A combined Drug & Alcohol Strategy has been running from 2007. The primary aim of this Strategy is to minimise the harm caused by drug and alcohol misuse by Bailiwick residents of all ages.

322. In 2011, the States of Guernsey adopted the Health and Social Services Department's "2020 Vision for health and social care"²⁹⁷, which sets the island's policy direction in both these areas. In the same year, the Department adopted an "Ethical Framework for the Health and Social Care Prioritisation"²⁹⁸, and continues to develop prioritisation policies under the auspices of that framework. The most recent annual report of Guernsey's Medical Officer of Health²⁹⁹ (the 113th report, covering the years 2011-2012) had "Health Equity" as its special theme. Its publication gave rise to considerable political interest, and the report was debated by the States in May 2013, with certain resolutions made in respect of health and social inequality. In respect of access to healthcare for the most disadvantaged groups, the poorest islanders, who are in receipt of Supplementary Benefit, are entitled to full coverage of their medical and para-medical costs by the Social Security Department. Means-tested coverage of medical costs is also available to those who do not receive Supplementary Benefit, but for whom medical costs may nonetheless otherwise be unaffordable.

323. The Mental Health (Bailiwick of Guernsey) Law, 2010³⁰⁰ came into force on 8 April 2013. This Law updates previous legislation to ensure that those with mental health problems receive the most appropriate treatment and covers the reception, care and treatment of mentally disordered patients, including the management of their property and other related matters. On 27 February 2013, Guernsey's parliamentary assembly approved the construction of a Mental Health and Wellbeing Centre which will replace the current facilities (the new centre is expected to be opened in mid-2015). At the same parliamentary meeting, a mental health strategy was approved; as was a resolution with regard to the provision of legal aid, in compliance with human rights legislation, to ensure that detainees are able to appeal against their detention through the Mental Health Review Tribunal established under the new Law.

²⁹⁷ <http://www.gov.gg/Hssd2020Vision>

²⁹⁸ <http://www.gov.gg/CHttpHandler.ashx?id=82833&p=0>

²⁹⁹ <http://www.gov.gg/CHttpHandler.ashx?id=78876&p=0>

³⁰⁰ <http://www.guernseylegalresources.gg/article/95741/Mental-Health-Bailiwick-of-Guernsey-Law-2010>

Article 13 and Article 14 (right to education)

324. The States have embarked on a wholesale review of the Education (Guernsey) Law, 1970 with the aim of implementing a new updated law during 2015. The age of statutory education in the Bailiwick is currently 5 to 16. Any new law may include the right to education until the age of 18.
325. A recent restructuring of special educational needs provision means that from September 2013 the Bailiwick will have a full time special school provision for pupils with social, emotional and behavioural difficulties.
326. The Bailiwick's Education Department operates the English as an Additional Language Service which works in partnership with schools to help meet the needs of pupils for whom English is not their first language. On average this group makes up less than 0.4% of the total pupil population in States-maintained schools at any one time. The Service uses the NASSEA steps (Northern Association of Support Services for Equality and Achievement) to provide consistency and track the progress of individual pupils to ensure they reach their potential in the English Language.
327. Within Guernsey and with the small numbers involved there is no evidence that minority pupils experience disproportionate dropout rates from education.

Article 15 (cultural life, scientific progress, intellectual property)

328. A Guernsey Language Commission³⁰¹ was launched in 2013 to preserve and develop Guernésiais, the Island's indigenous language, by raising awareness of the language and assisting existing groups and individuals who speak or are committed to preserving, developing or teaching the language.

Bailiwick of Jersey

Provisions of the Covenant

Article 1 (self-determination)

329. See the section "Bailiwick of Jersey" of the Core Document 2014.
330. Since the previous report the number of elected members of the States Assembly has been reduced from 53 to 51 members as follows: 10 Senators; 12 parish Connétables; 29 Deputies. From 2014 the number of Senators will be

³⁰¹ <http://language.gg/>

reduced again from 10 to 8 and all 8 will then be elected for a 4-year term of office, as all Connétables and Deputies.

331. In September 2013, the States decided to appoint a Minister for External Relations, increasing the number of Ministers from 10 to 11.

Article 2 (realisation of the rights contained in the Covenant)

332. Since the last report, the States of Jersey have enacted the following legislation with regard to non-discrimination: the Wills and Successions (Amendment) (Jersey) Law 2010³⁰²; and the Civil Partnerships (Jersey) Law 2012³⁰³.

333. Further legislation adopted and given Royal Assent on 9th October 2013: Wills and Successions (Amendment No. 2) (Jersey) Law 2013³⁰⁴; and the Discrimination (Jersey) Law 2013³⁰⁵. The Wills and Successions Amendment No. 2 Law shall equalise the rights of surviving widows and widowers as regards the immovable estate of the deceased spouse or civil partner, who has died testate. The Discrimination (Jersey) Law, when it comes into force, will prohibit discrimination on the grounds of race (colour, nationality, ethnic origin and national origin) in connection with areas including employment, education, access to services and accommodation.

Article 3 (gender equality)

334. Since the last report, the States of Jersey have enacted the following legislation: the Gender Recognition (Jersey) Law 2010³⁰⁶.

335. The new Discrimination (Jersey) Law will also provide that characteristics other than race can be protected from discrimination in future.

Article 6 (right to work)

336. Every adult person in Jersey has the right to gain a living by work which they freely choose or accept. Total employment in Jersey was 53,690 as of December 2012. In July 2013, the total number of people registered as unemployed and actively seeking work in Jersey was 1,860. The March 2011 estimate of the ILO

³⁰² <http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce/htm/LawFiles/2010/L-22-2010.htm>

³⁰³ <https://www.jerseylaw.je/law/lawsinforce/htm/LawFiles/2012/L-04-2012.pdf>

³⁰⁴ <http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.146-2013.pdf>

³⁰⁵ <https://www.jerseylaw.je/Law/Display.aspx?url=/law/lawsinforce/htm/LawFiles/2013/L-10-2013.pdf>

³⁰⁶ <http://www.jerseylaw.je/Law/Display.aspx?url=/law/lawsinforce/htm/LawFiles/2010/L-01-2010.pdf>

rate of unemployment for Jersey was 4.7 percent, which compares favourably with other jurisdictions.

337. In October 2007, the Council of Ministers agreed to the creation of “Skills Jersey”³⁰⁷, the overall aim of which is to support the achievement of the States Strategic Plan³⁰⁸. To this end, it will develop means to enhance the skills levels of Jersey’s resident population to meet the changing needs of the economy. The Island has a range of programmes and initiatives to promote employment, including: “Trackers”³⁰⁹ (an enhanced apprenticeship scheme which has four elements: technical qualification, vocational competencies in the workplace, key skills (literacy, numeracy and softer skills) and employer/employee responsibilities including health and safety); “Back to Work” employability training (which combines intensive job search, one-to-one mentoring, numeracy, literacy, confidence building, interview techniques and specific skills training); “Advance to Work” and “Advance Plus”³¹⁰ (training and employment schemes for adults in specific industry areas, with intensive skill and personal development training and work experience placements); “Skills accelerator”³¹¹ (which supports people in work to improve their skills by partly funding training up to £5,000); “Community jobs fund”³¹² (which pays the full wages of an eligible candidate recruited by an employer into a job for up to six months that will provide the candidate with skills and experience as well as providing a tangible benefit to the wider community); and the “Jersey Undergraduate Internship Programme”³¹³.

Article 7 (right to just and favourable conditions to work)

338. The minimum wage, established by the Employment (Jersey) Law 2003³¹⁴, continues to apply to employees over compulsory school leaving age. Where an employee (over compulsory school leaving age) is undertaking formal approved training, a lower trainee rate may be paid for up to two years. The independent

³⁰⁷ <http://www.gov.je/Working/Careers/Employers/Pages/SkillsJersey.aspx>

³⁰⁸ <http://www.gov.je/Government/PlanningPerformance/StrategicPlanning/Pages/StrategicPlan.aspx>

³⁰⁹ www.gov.je/Working/Careers/16To19YearOlds/WorkTraining/Pages/Apprenticeships.aspx

³¹⁰ www.gov.je/Working/Careers/Employers/EmploymentTrainingSchemes/Pages/index.aspx

³¹¹ www.gov.je/Working/Careers/Employers/EmploymentTrainingSchemes/Pages/SkillsAccelerator.aspx

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³¹² www.gov.je/Working/BacktoWork/Pages/CommunityJobsFund.aspx

³¹³ www.gov.je/Working/Careers/Employers/Recruitment/Pages/UndergraduateInternships.aspx

³¹⁴

http://www.jerseylaw.je/Law/Display.aspx?url=/law/lawsinforce/consolidated/05/05.255_EmploymentLaw2003_RevisedEdition_1January2013.pdf

consultation body, the Employment Forum (which is made up of three employers, three employees and three independent representatives), continues to have a statutory duty to review and make recommendations to the authorities on the level of the minimum wage and trainee rates. The recommendations and the rates that have applied since the minimum wage was introduced in 2005 are available on the Government's website³¹⁵.

339. The legal requirements for the provision of safe and healthy working conditions are set out under the Health and Safety at Work (Jersey) Law, 1989³¹⁶. The Law places general duties on the various parties involved with working activities, including employers, employees and the self employed (duty holders). In addition, Regulations set out requirements for certain types of working activities and Codes of Practice set out practical guidance on how duty holders can meet their general duties in respect of specific issues. The Law was amended by the Health and Safety at Work (Amendment No. 4) (Jersey) Law 2010³¹⁷ to clarify the need for employers to undertake risk assessments for their employees' health and safety. The website of the Health and Safety at Work Inspectorate³¹⁸ provides up-to-date information, including the annual report of the Inspectorate which includes statistical information on work related accidents and ill health as a result of claims made by individuals for Social Security benefit (Short Term Incapacity Allowance).

Article 8 (right to form and join trade unions)

340. The Employment Relations (Jersey) Law 2007³¹⁹ came into force on 21 January 2008. The main aims of the Law are to: provide a system of legal identification and registration of trade unions and employer associations and to give such bodies legal status; create a legal dispute resolution process which supports and develops good industrial relations, with the aim of reducing the likelihood of disputes and enabling early resolution of disputes where they occur,

³¹⁵ <http://www.gov.je/Working/EmploymentRelations/Pages/MinimumWage.aspx>

³¹⁶ <http://www.jsc.je/media/441/Health%20and%20safety%20law%20Jersey%201989.pdf>

³¹⁷ <http://www.jerseylaw.je/law/Display.aspx?url=/law/LawsInForce/htm/LawFiles/2010/L-03-2010.pdf>

³¹⁸

<http://www.gov.je/Government/Departments/SocialSecurity/HealthSafetyInspectorate/Pages/index.asp>

³¹⁹

X

http://www.jerseylaw.je/Law/Display.aspx?url=/law/lawsinforce/consolidated/05/05.260_EmploymentRelationsLaw2007_RevisedEdition_1February2008.pdf

using the Employment Tribunal where necessary; support codes of practice to describe good and reasonable employment relations practice. In preparing the codes of practice, regard was given to Jersey's human rights legislation and international obligations (see the section "Bailiwick of Jersey" of the Core Document 2014).

Article 9 (right to social security)

341. The provisions of this Article are implemented by the following legislation: Social Security (Jersey) Law 1974³²⁰, as amended; the Health Insurance (Jersey) Law 1967³²¹, as amended; and a substantial body of subordinate legislation made thereunder³²². Details of the various benefits are available on the States of Jersey website³²³.
342. Implemented in 2008 by virtue of the Income Support (Jersey) Law 2007³²⁴, Income Support is a single, means-tested benefit that replaced many of the benefits previously paid through States Departments and the Parish Welfare system. Income Support is delivered from a central location, with one application form and a means-test based on household income. The benefits that were replaced include: Attendance Allowance; Family Allowance; Welfare Milk; Adult Disablement Allowance; Child Disablement Allowance; Disability Transport Allowance; Child Care Allowance, Health Insurance Exceptions and Parish Welfare Grants. Income Support provides financial assistance to in-work and out-of-work households and includes special payments for emergency expenses. It also provides winter fuel payments to households that contain an elderly or disabled member, or a young child.
343. In 2008 a new non-contributory benefit was introduced to compensate for the introduction of a new goods and services tax on food items for low income households. This benefit was later extended to provide an annual lump sum to reflect both the cost of food and the cost of purchase tax on food for these

³²⁰

http://www.jerseylaw.je/law/lawsinforce/consolidated/superseded/26/26.900_SocialSecurityLaw1974_RevisedEdition_1October2004.pdf

³²¹ <http://www.statesassembly.gov.je/ScrutinyReviewResearches/2010/S-41409-36404-2142010.pdf>

³²² <http://www.jerseylaw.je/law/lawsinforce/chapter.aspx?chapter=26>

³²³ <http://www.gov.je/Benefits/Pages/default.aspx>

³²⁴

http://www.jerseylaw.je/law/Display.aspx?url=/law/lawsinforce/consolidated/26/26.550_IncomeSupportLaw2007_RevisedEdition_1January2009.pdf

households³²⁵. In 2012, an additional lump sum benefit was introduced for low income pensioner households, providing support for winter heating costs, based on the local temperature during each winter month³²⁶. An existing benefit, the Christmas Bonus has been reformed and is now governed by the Christmas Bonus (Jersey) Law 2011 and certain individuals, primarily pensioners above 65, continue to benefit from this annual lump sum.

344. In 2012, by virtue of the Civil Partnerships (Jersey) Law 2012, social security benefits were amended to provide civil partners with the same rights as married couples.

345. In 2013 Invalid Care Allowance was replaced with Home Carer's Allowance, a very similar benefit but now funded through the Social Security Fund. At the same time, future eligibility to survivor's pension was restricted to survivors born on or before 31/12/1957, or who continue to care for a dependent child or young person. Eligibility to survivor's allowance, paid for 12 months following the death of the partner is unchanged.

Article 10 (protection of the family)

346. The Social Security Department pays the following benefits to women who have paid sufficient social security contributions: maternity grant (a lump sum which may be paid either before or after the birth to help with the cost of necessary items for the baby; from October 2012 £561.75); maternity allowance (a weekly benefit which can be paid for a maximum of 18 weeks as compensation for loss of earnings and can start between 11 and 6 weeks before the baby is due; from October 2012 £187.25 per week).

347. The right to paid maternity leave and other family related rights was addressed as part of a consultation process undertaken by the Employment Forum and the Forum presented a recommendation to the Minister for Social Security³²⁷. The Minister is committed to progressing that legislation in 2014 and the proposed

³²⁵

http://www.jerseylaw.je/law/display.aspx?url=lawsinforce%2fconsolidated%2f26%2f26.470_FoodCostsBonusRegulations2011_RevisedEdition_1January2012.htm

³²⁶

http://www.jerseylaw.je/law/display.aspx?url=lawsinforce%2fconsolidated%2f26%2f26.250_ColdWeatherBonusRegulations2012_RevisedEdition_1January2013.htm

³²⁷ www.gov.je/SiteCollectionDocuments/Working%20in%20Jersey/R%20EmploymentForumsRecommendationMaternityPaternityFamilyFriendly%2020091211%20EV.pdf

new rights will include: time off work for antenatal care appointments for pregnant women; a period of maternity, paternity or adoption leave for parents; the right to return to their job after that leave; and protection against dismissal on grounds of claiming these rights³²⁸.

348. Article 48 of the Children (Jersey) Law 2002³²⁹ gives the Minister for Health and Social Services the power to make Orders with respect to the employment of children. The Children (Regulation of Employment) Order 2011³³⁰ prohibits the employment of children under the age of 13 and includes other provisions including the prohibition of certain types of work, permitted hours of employment and periods of rest.

Article 11 (right to an adequate standard of living)

349. See the introduction of Income Support summarised in relation to Article 9 above.

350. The States of Jersey have adopted a Rural Economy Strategy (2011-2015)³³¹. It is designed to grow the rural economy in line with the objectives of the States Strategic Plan, whilst safeguarding Jersey's countryside, its character and the environment. The Strategy recognises that economic sustainability of the rural sector depends on also providing positive environmental and social benefits.

351. There have been no further significant changes since the previous report.

Article 12 (right to the highest standard of health)

352. The Business Plan of the Health and Social Services Department³³², updated annually, includes the overarching aim to: "Improve the health and social well-being of the population". This is delivered according to the following high level objectives : redesign of the health and social care system to deliver safe, sustainable and affordable health and social services; improved health outcomes by reducing the incidence of mortality, disease and injury in the population;

³²⁸

www.gov.je/SiteCollectionDocuments/Working%20in%20Jersey/R%20Response%20to%20maternity,%20paternity%20and%20family%20friendly%20working%20recommendations%2020110420%20JS.pdf

³²⁹ <http://www.statesassembly.gov.je/ScrutinyReviewResearches/2007/S-32203-12458-3152007.pdf>

³³⁰

[www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2fconsolidated%2f12%2f12.200.65_Children\(RegulationofEmployment\)Order2011_RevisedEdition_1January2012.htm](http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2fconsolidated%2f12%2f12.200.65_Children(RegulationofEmployment)Order2011_RevisedEdition_1January2012.htm)

³³¹ <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=529>

³³² <https://www.gov.je/Government/Departments/HealthSocialServices/Pages/index.aspx>

improved consumer experience of Health and Social Services; promotion of an open culture based on good clinical and corporate governance with a clear emphasis on safety; manage the Health and Social Services budget to deliver services in accordance with the Medium Term Financial Plan.

353. The health of the population is monitored by the Island's Public Health Directorate through the annual production of a Health Profile³³³. This benchmarks Jersey's health indicator data against neighbouring England. In summary, Jersey residents have high life expectancy, and regular smokers are smoking less, with a decrease in lung cancer rates. However, premature deaths - especially from lung cancer, suicide and liver disease - are still higher than in our comparator region of England. Stillbirths and infant mortality rates remain low, termination of pregnancy rates were low and there was a high uptake in child immunisation.

Article 13 and Article 14 (right to education)

354. The right of everyone to education is recognised in the Education (Jersey) Law 1999³³⁴. Every child of compulsory school age is entitled to free full-time education appropriate to the child's age, ability and aptitude. Academic and vocational courses are also available free of charge to children in the 16-18 age range, subject to pupils demonstrating that they meet the required entrance standards. Extra support is given to children and young people who have, for whatever reason, not received or completed their primary education. This generally takes the form of additional support during normal school hours (for example, literacy, numeracy, English as a Second Language).

355. Higher education is also available to young people, who are eligible to apply for a student grant to cover the costs of tuition and living expenses for course in the UK or overseas. This grant is means-tested according to household income, and is subject to the applicant being accepted on to the course that s/he wishes to follow.

³³³ <http://www.gov.je/News/2012/Pages/HealthProfile2010Report.aspx>

³³⁴ http://www.jerseylaw.je/law/display.aspx?url=lawsinforce%2Fconsolidated%2F10%2F10.800_EducationLaw1999_RevisedEdition_1January2014.htm

356. In 2008, the Minister made the Education (Discretionary Grants – General) (Jersey) Order 2008³³⁵ and the Education (Discretionary Grants – Amounts) (Jersey) Order 2008³³⁶ to update the provision of financial assistance to persons over compulsory school age attending courses of education. The Law was also amended by the Education (Amendment No.2) (Jersey) Law 2013³³⁷ with regard to the calculation of grants based on family income. The Education (Nursery Fees) (Jersey) Regulations 2011³³⁸ were introduced with regard to the payment of fees by the parent of a child below compulsory school age for the attendance of the child in a nursery school, or nursery class, established and maintained by the Minister.

357. In 2012, the government of Jersey launched Digital Jersey which, working collaboratively with other organisations, will play a key role in the island’s education and skills development agenda and to promote the vision of a connected community.

Article 15 (cultural life, scientific progress, intellectual property)

358. In 2009 the government of Jersey signalled its intent to request an extension to Jersey of the UK’s ratification of the Berne Convention for the Protection of Literary and Artistic Works. A programme work has been completed to ensure that Jersey is fully compliant with the requirements of the Convention including the Intellectual Property (Unregistered Rights) (Jersey) Law 2011³³⁹ governing copyright and other unregistered intellectual property rights which came into force on 18 December 2012. A formal request has now been made for extension of the Berne Convention to Jersey.

Isle of Man

Provisions of the Covenant

Article 1 (self-determination)

335

https://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2Fconsolidated%2F10%2F10.800.30_Education%28DiscretionaryGrants-General%29Order2008_RevisedEdition_1January2014.htm

336

http://www.jerseylaw.je/law/display.aspx?url=lawsinforce%2Fconsolidated%2F10%2F10.800.29_Education%28DiscretionaryGrants-Amounts%29Order2008_RevisedEdition_1January2014.htm

337 <http://www.jerseylaw.je/Law/Display.aspx?url=/law/lawsinforce/htm/LawFiles/2013/L-08-2013.pdf>

338

[http://www.jerseylaw.je/Law/Display.aspx?url=/law/lawsinforce/consolidated/10/10.800.50_Education\(NurseryFees\)Regulations2011_RevisedEdition_1January2012.pdf](http://www.jerseylaw.je/Law/Display.aspx?url=/law/lawsinforce/consolidated/10/10.800.50_Education(NurseryFees)Regulations2011_RevisedEdition_1January2012.pdf)

339 <http://www.jerseylaw.je/law/lawsinforce/htm/LawFiles/2011/L-29-2011.pdf>

359. See the section “Isle of Man” of the Core Document 2014.
360. Tynwald (the Isle of Man’s Parliament) has accepted the principle of changes to the constituencies from which Members of the House of Keys (the publicly elected Branch of Tynwald) are elected. The fundamental principles, accepted and agreed by Tynwald, are that there should be equality of representation and equivalency of size of population of constituencies. Under the current position constituencies elect 1, 2 or 3 Members and there are wide variations both in the overall population of the constituencies and in the number of constituents per elected Member. Legislation has been introduced to reform the position so that each constituency will elect 2 Members and each will have equivalent populations ($\pm 15\%$). This Bill³⁴⁰ is expected to complete its parliamentary procedures and receive Royal Assent by summer 2014 and the changes will apply from the next House of Keys’ General Election in September 2016.

Article 2 (realisation of the rights contained in the Covenant)

361. The Race Relations Act 2004³⁴¹ was brought into operation in November 2010. This Act makes it unlawful to directly or indirectly discriminate against a person in the provision of goods and services on the grounds of colour, race, nationality or ethnic or national origins. The Act does not cover the field of employment but, under the Employment Act 2006³⁴², dismissal on the grounds of race or religion is considered to be unfair dismissal and may be dealt with as such by the Employment Tribunal. The 2004 Act also imposes a duty on every public authority to make appropriate arrangements to ensure that their functions are carried out with due regard to the need: to promote equality of opportunity, and good relations, between persons of different racial groups; and to eliminate unlawful racial discrimination.
362. The Isle of Man Government intends to broaden its anti-discrimination measures and it has included an Equality Bill in its legislative programme. This Bill will be based on the UK’s Equality Act 2010 (see the section of the Core

³⁴⁰

http://www.tynwald.org.im/business/bills/Bills/Representation_of_the_People_%28Amendment%29_Bill_2013.pdf

³⁴¹ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2004/2004-0006/RaceRelationsAct2004_2.pdf

³⁴² http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2006/2006-0021/EmploymentAct2006_1.pdf

Document 2014 on the UK anti-discrimination framework) with adaptations so as to provide an appropriate comprehensive equality framework in the law of the Isle of Man. Drafting of this Bill has begun and it is envisaged that it will be ready for public consultation in summer 2014³⁴³.

Article 3 (gender equality)

363. No major changes to report, apart from what already stated under Article 2 above (the Equality Bill is in fact intended to replace existing legislation concerning sexual discrimination in employment (Employment (Sex Discrimination) Act 2000³⁴⁴).

Article 6 (right to work)

364. No major changes to report, except that the Isle of Man's Control of Employment ("work permit") legislation is currently in the process of being updated and modernised.

365. Current information on job market statistics in the Isle of Man can be found on the website of the Isle of Man Government³⁴⁵.

Article 7 (right to just and favourable conditions to work)

366. Except set out below, the position remains substantially as previously reported.

367. Currently equal pay for men and women engaged in work of equal value is not a requirement under the law of the Isle of Man. However, work has begun on developing a comprehensive Equality Bill for the Isle of Man, which is expected to be based on the UK's Equality Act 2010, and the issue of equal pay will be considered.

368. The minimum wage continues to be set under the Minimum Wage Act 2001³⁴⁶. It is periodically updated with the latest increase having effect from 1 October 2013. Further information about employment rights in the Isle of Man,

³⁴³ <http://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/equality-at-work/>

³⁴⁴ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2000/2000-0016/EmploymentSexDiscriminationAct2000_1.pdf

³⁴⁵ <http://www.gov.im/categories/working-in-the-isle-of-man/unemployment/>

³⁴⁶ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0025/MinimumWageAct2001_1.pdf

including the minimum wage rates³⁴⁷, can be found on the website of the Isle of Man Government³⁴⁸.

369. Following a restructuring of Government in 2010, the Health and Safety at Work Inspectorate is now an independently operating unit situated within the Department of Infrastructure.

Article 8 (right to form and join trade unions)

370. No major changes to report.

Article 9 (right to social security)

371. The provision of benefits in the Isle of Man is substantially unchanged from that previously reported with much, but not all, provision being shared with or broadly analogous to that in the UK. The levels of the available benefits are periodically reviewed.

372. From 1 April 2014, a single Department of Health and Social Care (uniting the Department of Health and the Department of Social Care) will be established, but with the Social Security functions being transferred to the Treasury.

373. As in the UK, changes are taking place in respect of the age for receipt of a state retirement pension. Initially these changes are to bring the age for receipt of a state retirement pension of women into line with that of men at 65: women born between 6 April 1950 and 5 December 1953 will have a state pension age between 60 and 65; and women born on or after 6 December 1953 will have a State pension age of 65. Subsequently, it is intended that the pension age for both men and women will be gradually increased to 68. This change is currently planned to take place over a period of several decades. Further information about the specific social benefits currently available in the Isle of Man can be found on the website of the Isle of Man Government³⁴⁹.

374. There have been some changes to the pension provisions of those working in the public sector and the Public Sector Pensions Act 2011³⁵⁰ established the “Public Sector Pensions Authority” as the body responsible for the administration

³⁴⁷ <http://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/minimum-wage/>

³⁴⁸ <http://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/>

³⁴⁹ <http://www.gov.im/categories/benefits-and-financial-support/>

³⁵⁰ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2011/2011-0018/PublicSectorPensionsAct2011_1.pdf

and management of schemes in accordance with the Act. As in a number of other countries, consideration and debate has begun on the sustainability into the future of the current models for the provision of healthcare, social services and pensions, including the universality (that is, non-means tested nature) of certain provisions, particularly in view of the challenges of an ageing population. However, it is recognised that this should be within the framework of protecting and developing still further a strong, fair, inclusive and tolerant Island with a sustainable and stable economy. As a first step, it is intended that the provision of child benefit will be means tested from April 2014.

Article 10 (protection of the family)

375. At the request of the Isle of Man Government, the Care Inspectorate of Scotland undertook a joint inspection of children's services between August and October 2013. The inspection report was published³⁵¹ and identified three key priorities that the Isle of Man needs to concentrate on: improvements in the provision of effective early intervention and support for children, young people and families; improvements in the immediate response to children who may be at risk of abuse or neglect and the key processes that support this; and stronger collaborative leadership to advance creativity and innovation within and across Departments. However, the inspection also found that all staff in children's services are committed to ensuring all children on the Isle of Man get, if needed, the support and services they require to be safe and achieve their potential, but this could be improved. All Departments involved in children's services have already started work on the improvements needed to address the three key points identified with a view to demonstrating to a follow up inspection in a year's time that the services have improved substantially.

376. The Gender Recognition Act 2009³⁵² was brought fully into operation in July 2010. Under this legislation any transgendered resident of the Isle of Man who has obtained a full gender recognition certificate from the UK Gender Recognition Panel established under the Gender Recognition Act 2004 is legally recognised as a person of their acquired gender. The Isle of Man's Act is closely based on the UK Act so a transgendered person in the Island has the same rights as a

³⁵¹ <https://www.gov.im/news/2014/mar/05/inspection-report-on-children's-services/>

³⁵² http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2009/2009-0011/GenderRecognitionAct2009_1.pdf

transgendered person in the UK, including: being able to get married in the acquired gender (to a person of the opposite gender or (from March 2011) form a civil partnership in the acquired gender with a person of the same gender); being eligible for the State retirement pension and other benefits at the age appropriate to the new gender; and being able to apply for a new birth certificate in their acquired name and gender (if their birth was registered in the Isle of Man).

377. The Civil Partnership Act 2011³⁵³ came into operation in March 2011. This Act is closely based on the UK Civil Partnership Act 2004, and allows same-sex couples into a legal relationship. The Act gives civil partners parity of treatment with spouses, as far as is possible, in the rights and responsibilities that flow from forming a civil partnership.

378. The Management of Health and Safety at Work Regulations 2003³⁵⁴ require employers to carry out an assessment of the health and safety risks of their employees and there are additional requirements for the risk assessment in relation to new and expectant mothers.

379. In 2012, the Island's Department of Education and Children ceased to be a direct provider of preschool provision. This was partly in response to the economic situation in the Isle of Man, but also because the Department had only been able to provide a service for about 43% of the children in their preschool year. The Department switched its support for preschool education to the introduction of a credit scheme to provide financial support to all families. Data from July 2013 indicates that 664 families have accessed the £350 credit, and an additional 229 families have qualified for £1,150 credit (an additional £800 is available for those who would be eligible for free school meals, that is those in receipt of Employed Person's Allowance, Income Support or income based Jobseeker's Allowance). These statistics indicate that 88% of children who will be in the reception class in the school year 2013/14 have benefited from publicly supported preschool care and education. In addition, the Department has offered, and will continue to offer, the old preschool facilities within its schools to the private and third sectors on flexible leases. It is accepted that the changes to the

³⁵³ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2011/2011-0002/CivilPartnershipAct2011_2.pdf

³⁵⁴ <http://www.tynwald.org.im/links/tls/SD/2003/2003-SD-0877.pdf>

provision of pre-school services have not been universally popular with parents but in all circumstances the Department considers that the changes were both appropriate and necessary.

380. The Employment of Children Regulations 2005³⁵⁵ regulate the types of employment which children may undertake and the hours of work for which they may be employed. These Regulations also require employers to maintain a register of children of school age employed by them. Under these Regulations no child may be employed in any work if he or she is under the age of 13 years and no child under the age of 15 years may be employed in work other than light work. “Light work” is defined in the Regulations as work which does not involve: standing for any considerable time; walking any considerable distance; the operation of heavy machinery; moving, lifting or carrying heavy weights; or any other heavy labour of any description. The Management of Health and Safety at Work Regulations 2003 also include provision specifically for the protection of children and young persons.
381. The Performances by Children Regulations 2004³⁵⁶ make provision for regulating performances by children of or below compulsory school age. Children must not take part in dangerous performances and a licence is required for training children for such performances and, with certain exceptions, for children taking part in performances in the Island.
382. In addition to provision concerning trafficking of persons for exploitation or prostitution contained in the UK’s Immigration Acts that have been extended to the Isle of Man by the Immigration (Isle of Man) Order 2008³⁵⁷, there are offences of people smuggling and trafficking in persons in the Organised and International Crime Act 2010³⁵⁸ (an Act of Tynwald). Under the 2010 Act if a person being trafficked is under the age of 18, this is to be treated by the courts as an aggravating factor for sentencing of a convicted trafficker.

³⁵⁵ <http://www.tynwald.org.im/links/tls/SD/2005/2005-SD-0355.pdf>

³⁵⁶ <http://www.tynwald.org.im/links/tls/SD/2004/2004-SD-0439.pdf>

³⁵⁷ <http://www.legislation.gov.uk/ukxi/2008/680/contents/made>

³⁵⁸ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2010/2010-0006/OrganisedandInternationalCrimeAct2010_1.pdf

383. The Children & Young Persons Act 2001³⁵⁹ has been amended in two relevant respects. In 2011 an Amendment Act³⁶⁰ provided for Special Guardianship Orders which give the carer clear responsibility for all aspects of caring for the child, thus providing a firm foundation on which to build a lifelong permanent relationship between the child and his/her carer. In 2013 a further Amendment Act³⁶¹ has been passed that will alter the way in which unmarried fathers achieve Parental Responsibility, bringing the Island into line with the UK in this respect.
384. The Regulation of Care Act 2013³⁶² received Royal Assent in October 2013. The implementation of this new legislation will introduce a comprehensive, robust and proportionate regulatory system for the Island. It will also provide more protection for care service users many of whom are society's most vulnerable people. Amongst other things, this Act increases the number of children's services that will be regulated and inspected. Inspection reports will be available to the public and there will be stricter sanctions and penalties for non-compliance with registration standards.

Article 11 (right to an adequate standard of living)

385. In October 2012, the Government set out the strategy "Agenda for Change"³⁶³ for stimulating economic growth, rebalancing Government finances, and protecting the vulnerable. There are five policy themes under Agenda for Change: economy; environment and infrastructure; good Government; income and expenditure; and welfare reform and wellbeing. Within each theme there is a range of high level priorities. The January 2014 performance report on the strategy, including on the availability of housing and food, is available on the website of the Isle of Man Government³⁶⁴.

³⁵⁹ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0020/ChildrenandYoungPersonsAct2001_1.pdf

³⁶⁰ <http://www.legislation.gov.im/cms/acts-of-tyrwald-as-enacted/category/12-primary-2011.html?download=142%3Achildren-and-young-persons-amendment-act-2011>

³⁶¹ <http://www.legislation.gov.im/cms/acts-of-tyrwald-as-enacted/category/15-primary-2013.html?download=183%3Achildren-and-young-persons-amendment-act-2013>

³⁶² <http://www.gov.im/about-the-government/departments/health-and-social-care/registration-and-inspection-unit/new-regulation-of-care-act/>

³⁶³ <https://www.gov.im/about-the-government/government/the-council-of-ministers/agenda-for-change/>

³⁶⁴ https://www.gov.im/media/1001535/q3_performance_report.pdf

386. Housing. Under the Housing (Miscellaneous Provisions) Act 2011³⁶⁵, the Department of Environment, Food and Agriculture proposes to introduce regulations requiring flats and Houses in Multiple Occupation (HMOs) to be registered with the local authorities. Similar regulations are proposed setting out the standards of amenity in both flats and HMOs. Currently HMOs are illegal, but it is accepted that there are a number of old hotels and guest houses that currently offer low quality unregulated accommodation, where facilities are limited and shared by unrelated people, including families. Enforcement of the existing laws may create housing problems in the Island by making people homeless. Whilst some choose to live in HMOs, there is a genuine concern that there may be more vulnerable persons that have little choice. The proposed regulations should ensure that all have a reasonable home in which to live. Legislation is also being progressed by the Department of Social Care (Department of Health and Social Care from 1 April 2014) which will require all private landlords to be registered and ensure that their rental properties meet certain minimum standards.

Article 12 (right to the highest standard of health)

387. The provision of healthcare in the Isle of Man is substantially unchanged from that previously reported with it being broadly similar to that provided in the UK.

388. From 1 April 2014, a single Department of Health and Social Care (uniting the Department of Health and the Department of Social Care) will be established, but with the Social Security functions being transferred to the Treasury.

389. In 2013, the Department of Health engaged the West Midlands Quality Review Service (WMQRS)³⁶⁶ in the UK to establish a rolling programme of external independent quality assurance of health services over the next three years. Review visits will take place three times a year covering a number of linked pathways or services. There is a commitment to act on any recommendations made in due course by the WMQRS.

390. The Isle of Man has enacted the Prohibition of Female Genital Mutilation Act 2010³⁶⁷, which came into operation on 1 July 2011. This Act, which is based on

³⁶⁵ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2011/2011-0019/HousingMiscellaneousProvisionsAct2011_1.pdf

³⁶⁶ <http://www.wmqrns.nhs.uk/>

³⁶⁷ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2010/2010-0002/ProhibitionofFemaleGenitalMutilationAct2010_1.pdf

UK legislation, prohibits all female genital mutilation unless it is committed by an approved person who performs: a surgical operation on a woman or a girl which is necessary for her physical or mental health; or a surgical operation on a woman or a girl who is in any stage of labour, for purposes connected with labour or birth.

391. The Department of Environment, Food and Agriculture is currently progressing a Public Health (Amendment) Bill. Amongst other things this Bill includes new provisions to reflect modern concerns about the spread of infectious disease and matter such as contamination by chemicals or radiation. It also permits the Department to give effect in the Island to the new International Health Regulations adopted by the World Health Organisation in 2007.

392. As referred to under Article 9, consideration and debate has begun on the sustainability into the future of the current models for the provision of healthcare, social services and pensions, including the universality (that is, non-means tested nature) of certain provision, particularly in view of the challenges of an ageing population. However, it is recognised that this should be within the framework of protecting and developing still further a strong, fair, inclusive and tolerant Island with a sustainable and stable economy.

Article 13 and Article 14 (right to education)

393. The situation in respect of the provision of education from the primary level up to the age of 18 is largely unchanged although in 2010 the Department of Education was renamed as the Department of Education and Children (DEC) as part of a reorganisation of the structure of the Isle of Man Government Departments.

394. A new curriculum for Isle of Man schools, “Essentials for Learning”³⁶⁸, was introduced in June 2011 which replaced the 2006 Curriculum for Learning and Achievement. The curriculum underlines the importance placed on developing a wide range of social and emotional skills as well as a child's ability to learn. As children progress through Key Stage 3 and 4, the content of the curriculum is increasingly shaped by the external examinations they sit. DEC continues to review the Island’s educational curriculum to ensure that it is relevant and appropriate and to ensure that children’s potential is identified and developed as

³⁶⁸ <https://www2.sch.im/groups/essentialsforlearningparentsinformation/>

much as possible. Human rights, respect and understanding of a multicultural world, and their associated principles are encouraged throughout all schools and built into the curriculum and ethos of school culture.

395. As part of focussing on the most effective use of its resources, in 2011 DEC raised the academic qualifications needed for students to be eligible to make applications for funding of degree level courses, which are usually undertaken by Isle of Man students at universities in the UK. Subject to eligibility and personal circumstances, financial support is available and consists of two elements: a fees grant to cover tuition fees, up to a maximum of £9,000 (subject to certain exceptions) but less any required contribution; and a means-tested maintenance grant towards living expenses. For undergraduate degree courses starting in the academic year beginning on or after 1 September 2013, with effect from the second year of the course, a loan-supported contribution of £2,500 per annum will be required towards the cost of the tuition fees charged by the academic institution. Where household total gross income exceeds £100,000 per annum, this universal contribution of £2,500 towards annual tuition fees is increased by 35% of that part of gross income above £100,000 up to the full cost of tuition fees. This additional contribution is payable by the student and/or contributors and is not covered by the loan scheme operated by DEC. For postgraduate courses starting in September 2013, the contribution towards a fees grant is £5,000.

396. Under an amendment to the Education Act 2001³⁶⁹ made by the Education (Miscellaneous Provisions) Act 2009, there is now a requirement that, where a child of compulsory school age is not a registered pupil at a provided school, maintained school or special school (for example, because of home schooling), the parent of the child must notify DEC in writing of the arrangements made for the child to receive education. The purpose of this requirement is to ensure that all children in the Isle of Man receive an appropriate standard of education.

397. Further information about education, training and careers in the Isle of Man can be found on the website of the Isle of Man Government³⁷⁰.

Article 15 (cultural life, scientific progress, intellectual property)

³⁶⁹ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0033/EducationAct2001_1.pdf

³⁷⁰ <http://www.gov.im/categories/education,-training-and-careers/>

398. Subject to the comments below the position under this Article is largely unchanged and, for example, the Isle of Man Government continues to be supportive of the use of the Manx Gaelic language by those who are interested in this aspect of the Island's cultural heritage.

399. In respect of the rights of authors, the Isle of Man Government has been engaged in a programme of updating the Island's intellectual property legislation during 2013 to bring it into line with the current legislation in the UK and the EU. It is expected that this programme will be completed in 2014/15.