

# UNITED KINGDOM 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The United Kingdom of Great Britain and Northern Ireland (the UK) is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect members of Parliament to the House of Commons (MPs), the lower chamber of the bicameral Parliament. They last did so in free and fair elections on December 12. Members of the upper chamber, the House of Lords, occupy appointed or hereditary seats. Scotland, Northern Ireland, Wales, and Bermuda all have elected legislative bodies and devolved administrations, with varying degrees of legislative and executive powers. The Northern Ireland devolved government was not in operation throughout the year. The UK has 14 overseas territories, including Bermuda. Each of the overseas territories has its own constitution, while the UK government is responsible for external affairs and defense.

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

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

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

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

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

There were no reports of significant human rights abuses.

The government investigated, prosecuted, and punished allegations of official abuse.

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

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

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

### **b. Disappearance**

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

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

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

## **Prison and Detention Center Conditions**

Prison and detention center conditions met international standards but had serious problems.

Physical Conditions: According to the Prison Reform Trust, there were 317 prison deaths in England and Wales between March 2018 and March 2019. These included 87 suicides, three apparent homicides, 164 deaths from natural causes, 11 from other causes, and 52 “awaiting further information.”

According to *Her Majesty’s Chief Inspector of Prisons’ Annual Report for 2018-19*, prisoner-on-prisoner violence increased in more than half the inspected prisons, caused in part by poor living conditions. The same conditions contributed to increased drug use. The recorded use of force increased in 28 prisons.

The Urgent Notification protocol allows the chief inspector of prisons to alert the lord chancellor and secretary of state for justice directly if he or she has an urgent and significant concern about the performance of a prison. Two urgent notifications were issued during the year: one for Her Majesty's Prison in Exeter, and another for a youth offenders' facility in Feltham. Physical conditions remained poor for many prisoners held in segregation units. In some units prisoners were unable to shower or telephone their families every day, most had only 30 minutes a day in the fresh air, and they were locked up for almost 24 hours a day with almost no human contact.

Young offenders below the age of 20 were held in youth offender institutions. Security training centers (STCs) are institutions for young persons up to the age of 17. There were three STCs in England and Wales.

Separate from prisons, there were eight immigration removal centers in England and Wales used solely for the detention of failed asylum seekers and migrants. While conditions were poor, the chief inspector of prisons found deterioration in outcomes at each center visited during the year.

There are 13 publicly managed and two privately managed prisons in Scotland.

In 2018 there were 32 deaths in custody. Of that number, the cause of death for 30 of the prisoners had not been determined. Of the remaining two deaths, one was from suicide and the remaining one was from natural causes.

According to the annual Northern Ireland prisoner ombudsman report, investigations into eight deaths were carried out. Five of those deaths were suicides, and the other three were due to natural causes.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: In England and Wales, the government permitted monitoring by independent nongovernmental observers. Every prison, immigration removal center, and some short-term holding facilities at airports have an independent monitoring board. Each board's members are independent, and their role is to monitor day-to-day activity in the facility and to ensure proper standards of care and decency. Members have unrestricted access to the facility at

any time and can talk to any prisoner or detainee they wish, out of sight and hearing of staff, if necessary.

Scotland operates the Independent Prison Monitoring system. The 2018-19 annual report by the chief inspector of prisons for Scotland found that “prisoners and staff reported they felt largely safe” and that there were “positive and respectful relationships between staff and prisoners.”

A new prisoner ombudsman for Northern Ireland was appointed by the Secretary of State in March.

On October 14-18, the Council of Europe’s Committee for the Prevention of Torture visited Scotland. The report of the visit was not public at year’s end.

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

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

In August, Home Secretary Priti Patel initiated a stop and search pilot scheme for all police in England and Wales. The project, the result of a violent crime crackdown, gives 8,000 police officers enhanced power to stop and search anyone in a designated area without needing reasonable grounds for suspicion.

In Scotland guidelines from 2017 allow police to stop and search persons only when police have “reasonable grounds,” a refinement after criticism that stop-and-search was being used to target specific racial groups. A report published in May by the Independent Advisory Group on Stop and Search concluded that the new guidelines have been “remarkably effective.” Statistics from a report published by the Scottish Police Authority showed an increase of searches from 29,838 in 2017-18 year to 36,307 in the 2018-19 year.

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

Police nationally must have a warrant issued by a magistrate or a judge to arrest a person, unless there is reasonable suspicion a person has just committed or is about to commit a crime. In England, Wales, and Northern Ireland, a senior police official must authorize detention without charges for more than 24 hours, and a magistrate must authorize detention for more than 36 hours up to a maximum 96

hours. Police may detain terrorism suspects without charge for up to 14 days. Police must inform detainees promptly of charges against them, and police generally respected this right.

Nationally there is a functioning bail system, but defendants may be denied bail if, while awaiting trial, they are judged to be flight risks, likely to commit another offense, are suspected terrorists, or for other limited circumstances.

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

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

In Scotland police may detain a subject for no more than 24 hours. After an initial detention period of 12 hours, a police custody officer may authorize further detention for an additional 12 hours without authorization from the court, if the officer believes it necessary. Only a judge can issue a warrant for arrest if he or she believes there is enough evidence against a suspect. A suspect must be informed immediately of allegations against him or her and be advised promptly of the charges if there is sufficient evidence to proceed. Authorities respected this right. Police may not detain a person more than once for the same offense. Depending on the nature of the crime, a suspect should be released from custody if he or she is deemed not to present a risk. There is a functioning bail system.

In Bermuda a court must issue a warrant for an arrest to proceed. The law permits arrests without warrant only in certain conditions. When a police officer has reasonable grounds for suspecting that any offense that is not an arrestable offense has been or is being committed or attempted, they may arrest the relevant person if it appears that service of a summons is impracticable. No arrests or detentions can be made arbitrarily or secretly, and the detainee must be told the reason for his or her arrest immediately. Authorities respected this right. Individuals may be detained initially for six hours, and for two further periods of up to nine hours each subject to review and justification.

There is a functioning system of bail in Bermuda. House arrest and wearing an electronic monitoring device may be a condition of bail. A detainee has an immediate right of access to a lawyer, either through a personal meeting or by telephone. Free legal advice is provided for detainees. Police must inform the arrestee of his or her rights to communication with a friend, family member, or other person identified by the detainee. The police superintendent may authorize incommunicado detention for serious crimes such as terrorism.

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

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

#### **Trial Procedures**

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

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

In May the Scottish Parliament raised the age of criminal responsibility from eight to 12. After receiving protests from the Council of Europe's commissioner for human rights and opposition parties, the Scottish Parliament pledged to review the law within three years.

In Bermuda the law requires a defendant to declare to the prosecutor and the court within 28 days of his arraignment whether he intends to give evidence at his trial. Failure to do so permits the court to direct the jury to draw inferences from the defendant's refusal to testify.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

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

In Bermuda the Human Rights Tribunal adjudicates complaints.

## **Property Restitution**

The UK complies with the goals of the 2009 Terezin Declaration and 2010 Guidelines and Best Practices. The government has laws and mechanisms in place, and NGOs and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens.

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

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

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

Freedom of Expression: The law prohibits expressions of hatred toward persons because of their color, race, nationality (including citizenship), ethnic or national origin, religion, or sexual orientation as well as any communication that is deemed

threatening or abusive and is intended to harass, alarm, or distress a person. The penalties for such expressions include fines, imprisonment, or both.

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

Violence and Harassment: On April 18, freelance reporter Lyra McKee was shot and killed by an unknown assailant in Londonderry, Northern Ireland, while she was covering disturbances related to a police operation. In August, three men were charged with the physical assault on Owen Jones of *The Guardian* newspaper. The motive for the attack was unknown.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The country has no blanket laws covering internet blocking, but the courts have issued blocking injunctions against various categories of content such as depictions of child sexual abuse, promotion of extremism and terrorism, and materials infringing on copyrights.

By law the electronic surveillance powers of the country's intelligence community and police, allow them, among other things, to check internet communications records as part of an investigation without a warrant.

## **Academic Freedom and Cultural Events**

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

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

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

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

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

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

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

Exile: The law permits the home secretary to impose “temporary exclusion orders” (TEOs) on returning UK citizens or legal residents if the home secretary reasonably suspects the individual in question is or was involved in terrorism-related activity and considers the exclusion necessary to protect persons in the UK from a risk of terrorism. TEOs impose certain obligations on the repatriates, such as periodic reporting to police. The measure requires a court order and is subject to judicial oversight and appeal. Home Secretary Sajid Javid confirmed the Home Office served nine TEOs in 2017; this figure has not been publicly updated.

Citizenship: The law allows the home secretary to deprive an individual of citizenship if officials are satisfied this is “conducive to the public good,” but not if this renders a citizen stateless.

In February the home secretary started the process of revoking the citizenship of Shamima Begum, a 19-year-old from east London. Begum was one of three teenage friends who left the UK in 2015 to join ISIS. She was detained in a Syrian refugee camp. Because Begum was British by birth, the home secretary could only cancel her British citizenship if she were a dual national. The home secretary believed that Begum held dual citizenship with Bangladesh because she was of

Bangladeshi heritage. Begum's lawyers disputed that she had Bangladeshi citizenship.

**e. Internally Displaced Persons:**

Not applicable.

**f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: Home Office officials have the power to detain intending asylum seekers and unauthorized migrants who do not enter the asylum system. There was no maximum time limit for the use of detention. Immigration detention was used to establish a person's identity or basis of claim, to remove a person from the country, or to avoid a person's noncompliance with any conditions attached to a grant of temporary admission or release.

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

Access to Asylum: In England, Scotland, Wales, and Northern Ireland, the law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. Bermuda's constitution and laws do not provide for granting asylum or refugee status, and the government does not have an established system for providing protection to refugees.

The UK-wide system for processing asylum applications faced criticism in the media. Asylum seekers in Scotland have to travel 220 miles to Liverpool in order to submit evidence for their application, generally at their own expense. This has led to delays and increased hardship on those seeking asylum in Scotland, according to media reports.

Safe Country of Origin/Transit: The country is subject to the EU's Dublin III regulation and considers all other EU member states to be countries of safe origin or transit. The regulation permits authorities to remove an asylum applicant to another country responsible for adjudicating an applicant's claim. The government places the burden of proof on asylum seekers who arrive from safe countries of

origin, who pass through a country where they are not considered to be at risk, or who remained in the country for a period before seeking asylum.

Employment: Except in limited circumstances, asylum applicants are not allowed to work while their asylum application is under consideration. If the applicant has waited longer than 12 months for the government to make an initial decision on an asylum claim, the applicant may request permission to work. For the duration of their asylum application, asylum seekers are eligible for government support at 30 percent below the normal rate for their family size, an amount which NGOs continued to deem inadequate. NGOs continued to criticize the government for cutting off benefits 28 days after a person is granted refugee status, which they say left some destitute.

In Scotland the devolved government funded the Refugee Doctors' Program, to help 38 asylum seekers and refugees to work for the National Health Service Scotland. The program offers doctors advanced English lessons, medical classes, and placements with general practitioners or hospitals, providing them with the skills needed to get their UK medical registration approved.

Temporary Protection: The government may provide temporary protection to individuals who may not qualify as refugees under the categories of humanitarian protection and discretionary leave. According to EU data, in 2018 it extended subsidiary protection to 1,295 persons and humanitarian protection to another 1,160.

### **g. Stateless Persons**

Not applicable.

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

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

### **Elections and Political Participation**

Recent Elections: UK general parliamentary elections were held on December 12. Bermuda held elections to the House of Assembly in July 2017. Elections to the Northern Ireland Assembly were held in March 2017. Independent observers reported no abuses or irregularities in any of the elections.

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

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

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

Corruption: An inquiry continued into allegations of large-scale corruption in the Northern Ireland Assembly (Stormont) concerning renewable energy incentive payments which led to the collapse of the Northern Ireland government in 2017.

Financial Disclosure: All MPs are required to disclose their financial interests. The *Register of Members' Interests* was available online and updated regularly. These public disclosures include paid employment, property ownership, shareholdings in public or private companies, and other interests that “might reasonably be thought to influence” the member in any way. The Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, and the Bermudian Parliament have similar codes of conduct for members. The ministerial code issued by the Prime Minister’s Office sets standards of conduct, including on the disclosure of gifts and travel. The national government publishes the names, grades, job titles, and annual pay rates for most civil servants with salaries greater than 150,000 pounds (\$190,000). Government departments publish the business expenses of their most senior officials and hospitality received by them.

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

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

Government Human Rights Bodies: Parliament has a Joint Committee on Human Rights composed of 12 members selected from the House of Lords and the House of Commons. The committee investigates human rights matters in the country and

scrutinizes legislation affecting human rights. It may call for testimony from government officials, who routinely comply.

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

The Scottish Human Rights Commission, which is accountable to the Scottish Parliament, monitors and protects human rights in the region. In addition, the First Minister’s Advisory Group on Human Rights Leadership set up a National Taskforce in June to create a statutory framework for enhancing human rights protections in Scotland.

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

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

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. The maximum legal penalty for rape is life imprisonment. The law also provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence. The government enforced the law effectively in reported cases. Courts in some cases imposed the maximum punishment for rape. The government provided shelters, counseling, and other assistance for survivors of rape or violence. According to the Office of National Statistics (ONS), from April 2017 to March 2019, police in England and Wales recorded 53,977 rapes; however, the proportion of offenses prosecuted fell to 1.7 percent, the lowest level since records began a decade ago. NGOs warned

that police and Crown Prosecutorial Services have raised the bar for evidence needed, causing victims to drop out of the justice process.

The law criminalizes domestic violence. Those who abuse spouses, partners, or family members face tougher punishment than those who commit similar offenses in a nondomestic context.

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

FGM/C is practiced in the country, particularly within some diaspora communities where FGM/C is prevalent. There were 298 FGM prevention orders issued to protect children perceived as at-risk of FGM/C. In March a court sentenced a Ugandan woman to 11 years for performing FGM/C on her three-year-old daughter in 2017. Her Ghanaian partner was acquitted of all charges. This was the first FGM/C conviction in the UK.

The government took nonjudicial steps to address FGM/C, including awareness-raising efforts, a hotline, and requiring medical professionals to report FGM/C observed on patients. The National Health Service reported 4,495 newly recorded cases between April 2017 and March 2018.

Sexual Harassment: The law criminalizes sexual harassment at places of work. Authorities used different laws to prosecute cases of harassment outside the workplace. In July the government launched a consultation on sexual harassment in the workplace “to gather evidence that the current laws on protecting people... are effective.” The consultations were a response to a campaign started in June by an alliance of NGOs including Action Aid, Amnesty International, and Time’s Up UK calling for employers to be found liable if they fail to protect their staff from sexual harassment at work.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

## **Children**

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

A Northern Ireland citizen undertook legal action against the UK Home Office for a claimed breach of rights in relation to citizenship and the Belfast/Good Friday Agreement. The citizen identified only as Irish and not as British but was told that under the law she is also a British citizen and legally registered as such despite her objection.

Child Abuse: There are laws preventing the abuse of children punishable up to a maximum sentence of 14 years' imprisonment. Social service departments in each local authority in the country maintained confidential child protection registers containing details of children at risk of physical, emotional, or sexual abuse or neglect. The registers also included child protection plans for each child.

Early and Forced Marriage: The minimum legal age for marriage is 16. In England, Northern Ireland, and Wales, persons younger than 18 require the written consent of parents or guardians, and the underage person must present a birth certificate. The legal minimum age to enter into a marriage in Scotland is 16 and does not require parental consent.

Forcing someone to marry against his or her will is a criminal offense throughout the UK with a maximum prison sentence of seven years. Forcing a UK citizen into marriage anywhere in the world is a criminal offense in England and Wales. In 2018 the joint Foreign and Commonwealth Office and Home Office Forced Marriage Unit provided support in more than 1,764 cases of potential or confirmed forced marriage cases involving UK citizens, which represented a 47-percent increase from the previous year. Assistance included safety advice as well as "reluctant spouse cases" in which the UK government assisted forced marriage victims in preventing their unwanted spouse from moving to the UK. The

government offers lifelong anonymity for victims of forced marriage to encourage more to come forward.

In Scotland 30 cases of forced marriage were reported in 2018, up from 18 in 2017. The Forced Marriage Unit stated that the increase in cases might have been due to an increased awareness of the criminality of forced marriage.

Sexual Exploitation of Children: The penalties for sexual offenses against children and the commercial sexual exploitation of children range up to life imprisonment. Authorities enforced the law. The minimum age of consensual sex in the UK is 16. The law prohibits child pornography in all parts of the UK.

International Child Abductions: The UK including Bermuda is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

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

The annual report of the NGO Community Security Trust (CST) recorded 1,805 anti-Semitic incidents during the year, the highest ever annual figure recorded by the organization and 7-percent higher than the preceding year. This was the fourth year in a row in which the CST documented a record high. More than 100 anti-Semitic incidents were reported every month of the year. The highest single monthly totals came in February and December and, according to the CST, coincided with months when anti-Semitism within the opposition Labour Party was under particular scrutiny. The CST stated that it was “hard to precisely disaggregate the impact of the continuing Labour anti-Semitism controversy upon CST statistics, but it clearly has an important bearing.” The CST recorded 697 anti-Semitic online incidents, an 82-percent rise from 384 in 2018.

The CST recorded 158 violent anti-Semitic assaults during the year, an increase of 25 percent from the 126 incidents of this type recorded in 2018 and the highest number of violent incidents ever recorded by the CST in a single year. Almost half of these 158 violent incidents were recorded in three areas: Barnet and Hackney in

London, and Salford in Manchester. There were 88 incidents of “damage and desecration” of Jewish property; 98 direct anti-Semitic threats; 1,443 incidents in the category of “abusive behavior,” which included verbal and online abuse, anti-Semitic graffiti, and individual cases of hate mail; and 18 incidents of mass-mailed anti-Semitic leaflets or emails.

Almost two-thirds of the anti-Semitic incidents were recorded in Greater London and Greater Manchester--the two largest Jewish communities in the UK. The CST recorded 947 anti-Semitic incidents in Greater London in 2019, three fewer than the 950 incidents recorded in London in 2018. The CST recorded a fall of 11 percent in anti-Semitic incidents in Greater Manchester, from 251 incidents in 2018 to 223 incidents in 2019.

In February several MPs left the Labour Party, some of whom cited the alleged “institutionalized anti-Semitism” as a reason for their decision. In the same month, the Labour Party released figures showing that the party received 673 accusations of anti-Semitism committed by party members between April 2018 and January 2019.

In May the EHRC launched a formal probe to investigate whether the party has “unlawfully discriminated against harassed or victimized people because they are Jewish.” The investigation continued and was expected to be concluded before the year’s end. The Labour Party released a statement to say it is committed to fully cooperating with the investigation.

On July 10, the BBC’s highly regarded investigative program, *Panorama*, detailed allegations of anti-Semitism in the Labour Party and the party’s alleged mishandling of the problem. The program focused on the testimony of eight former members of the party’s Disputes Team staff and Jewish party activists. In the program former party staffers claimed the Leader’s Office interfered in the handling of anti-Semitism cases and said General Secretary Jennie Formby interfered in the party’s top disciplinary body, the National Constitutional Committee. Later in July a YouGov poll for *The Times* showed that 70 percent of Labour members viewed anti-Semitism as a “genuine” problem.

On November 25 in *The Times* newspaper, the chief rabbi of the country’s Orthodox Jewish community, Ephraim Mirvis, called the Labour Party’s claims to be confronting anti-Semitism “a mendacious fiction.” He called anti-Semitism “a new poison--sanctioned from the top” of the party. The Labour Party spokesperson denied the rabbi’s assertions, and, in a BBC interview on November

26, party leader Jeremy Corbyn defended the party's record on addressing anti-Semitic remarks by its members and welcomed a dialogue with the chief rabbi.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

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

The EHRC, contended persons with disabilities were still treated as “second-class citizens,” because progress in promoting improvements by governments, businesses, and the wider community had stalled.

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

Government figures showed a steep rise in official complaints about its disability benefit assessment process, which was last reformed in 2013. In the year ending in February, the Personal Independent Payment was the subject of 9,320 complaints, versus 1,391 in 2016-17. NGOs stated the figures proved that the process was “completely inadequate” for persons with disabilities, adding that the claimant won 73 percent of cases appealed at tribunal.

The Scottish Crime and Justice Survey for 2017-18 reported that persons with disabilities were more likely to be victims of crime than persons without disabilities. The survey estimated 14.9 percent of persons with disabilities were victims of at least one crime, compared to 12.5 percent of the total respondents.

The EHRC provided legal advice and support to individuals, a hotline, and could conduct formal investigations, arrange conciliation, require persons or organizations to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

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

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

Racially motivated crime remained the most commonly reported hate crime. On October 15, the Home Office reported 78,991 racial hate crimes in England and Wales in 2018/19, an increase of 11 percent over 2017/18.

In Scotland racial or other discriminatory motivation may be an “aggravating factor” in crimes. Race-based hate crime remained the most common form of hate crime in Scotland for 2018-19, accounting for 67 percent of all hate crimes.

In Northern Ireland there were 702 racially motivated hate crimes between April 2018 and March 2019, an increase of 93 (13 percent) over the previous year.

“Right to Rent” rules require all landlords in England to check the immigration documents of prospective tenants to verify they were not irregular or undocumented migrants. Landlords can be fined up to 3,000 pounds (\$3,800) for noncompliance. In May the UK High Court ruled that the Right to Rent scheme is incompatible with human rights law and found that it discriminates against anyone without a British passport, including foreign nationals, who have a right to rent. Nevertheless, the rules remain in force.

In Bermuda, where 54 percent of residents describe themselves as black, arrests of black persons constituted 84 percent of all arrest cases in 2017.

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

The law in England and Wales prohibits discrimination and harassment based on sexual orientation. It encourages judges to impose a greater sentence in assault cases where the victim’s sexual orientation was a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. On October 15, the Home Office reported an increase of 25 percent in hate crimes against sexual orientation compared with 2017-18.

Scottish law criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match. In Scotland sexual motivation may be an “aggravating factor” in crimes. Crime aggravated by sexual orientation was the

second most common type of hate crime in Scotland. Hate crime against lesbian, gay, bisexual, transgender, and intersex persons remained the same as in 2016-17, representing 16 percent of all reported hate crimes.

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

Hate speech, notably against Muslims, in some traditional media, particularly tabloid newspapers, continued to be a problem, with dissemination of biased or ill-founded information. On October 15, the Home Office reported 3,530 religious hate crimes against Muslims in England and Wales in 2018/19. Online hate speech also was a problem. A man posted racist anti-Islamic comments with Nazi terminology on Instagram in August.

Scottish law criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match, and penalizes any threat of serious violence and threats to incite religious hatred through the mail or the internet.

In Northern Ireland crimes related to faith or religion totaled 23 for the same period, marking a reduction of 17 (43 percent) over the previous year. Sectarian crimes increased by 46 (8 percent).

## **Section 7. Worker Rights**

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

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

The law allows strikes to proceed only when at least 50 percent of workers who participate in a secret ballot support it. For “important public services,” defined as health services, education for those younger than 17, fire services, transport services, nuclear decommissioning and the management of radioactive waste and spent fuel, and border security, an additional threshold of support by 40 percent of all eligible union members must be met for strike action to be legal.

The law does not cover workers in the armed forces, public sector security services, police forces, and freelance or temporary work. According to the

International Trade Union Confederation (ITUC), the right to strike in the UK is “limited” due to prohibitions against political and solidarity strikes, lengthy procedures for calling strikes, and the ability of employers to seek injunctions against unions before a strike has begun if the union does not observe all proper steps in organizing the strike.

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

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

The law does not allow independent trade unions to apply for derecognition of in-house company unions or to protect individual workers seeking to do so.

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

According to the ONS, approximately 6.2 million employees were trade union members in 2017. The level of overall union members increased by 19,000 (0.3 percent) from 2016. Membership levels were below the 1979 peak of more than 13 million.

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

The law prohibits forced and compulsory labor, but such practices occurred despite effective government enforcement. Resources and inspections were generally adequate, and penalties were sufficiently stringent compared to other sentences for serious crimes.

The law permits punishment of up to life imprisonment for all trafficking and slavery offenses, including sexual exploitation, labor exploitation, and forced servitude. Firms with a global turnover of 36 million pounds (\$45.7 million) that supply goods or services in the UK must by law publish an annual statement setting out what steps they are taking to ensure that slave labor is not being used in their operations and supply chain. Foreign companies and subsidiaries that “carry on a business” in the UK also have to comply with this law. The law allows courts to impose reparation orders on convicted exploiters and prevention orders to ensure that those who pose a risk of committing modern slavery offenses cannot work in relevant fields, such as with children.

Forced labor in the UK involved both foreign and domestic workers, mainly in sectors characterized by low-skilled, low-paid manual labor and heavy use of flexible, temporary workers. Those who experienced forced labor practices tended to be poor, living on insecure and subsistence incomes and in substandard accommodations. Victims of forced labor included men, women, and children. Forced labor was normally more prevalent among the most vulnerable, minorities or socially excluded groups. The majority of victims were British nationals. Albania, Nigeria, Vietnam, Romania, and Poland were the most likely foreign countries of origin. Most migrants entered the UK legally. Many migrants used informal brokers to plan their journey and find work and accommodation in the UK, enabling the brokers to exploit the migrants through high fees and to channel them into forced labor situations. Many with limited English were trapped in poverty through a combination of debts, flexible employment, and constrained opportunities. Migrants were forced to share rooms with strangers in overcrowded houses, and often the work was just sufficient to cover rent and other charges. Sexual exploitation was the most common form of modern slavery reported in the UK, followed by labor exploitation, forced criminal exploitation, and domestic servitude. Migrant workers were subject to forced labor in agriculture (especially in marijuana cultivation), construction, food processing, service industries (especially nail salons), and on fishing boats. Women employed as domestic workers were particularly vulnerable to forced labor.

In Bermuda the Department of Immigration and the Director of Public Prosecutions confirmed there were no cases of forced labor during the year, although historically there were some cases of forced labor, mostly involving migrant men in the construction sector and women in domestic service. Penalties for forced labor were generally adequate to deter violations. The law requires employers to repatriate work-permit holders. Failure to do so had been a migrant complaint. The cases of worker exploitation largely consisted of employers

requiring workers to work longer hours or to perform work outside the scope of their work permit. The government effectively enforced the law.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

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

The Department for Education has primary regulatory responsibility for child labor, although local authorities generally handled enforcement. Penalties were sufficient to deter violations.

In Bermuda children younger than 13 may perform light work of an agricultural, horticultural, or domestic character if the parent or guardian is the employer. Schoolchildren may not work during school hours or more than two hours on school days. No child younger than 15 may work in any industrial undertaking, other than light work, or on any vessel, other than a vessel where only family members work. Children younger than 18 may not work at night, except that those ages 16 to 18 may work until midnight; employers must arrange for safe transport home for girls between ages 16 and 18 working until midnight. Penalties were sufficient to deter violations. The BPS reported no cases of child labor or exploitation of children during the year.

The government of Saint Helena, Ascension, and Tristan da Cunha passed a bill to restrict child labor and improved services for vulnerable children. The governments of Anguilla, the British Virgin Islands, the Falkland Islands (Islas Malvinas), Montserrat, and St. Helena-Ascension-Tristan da Cunha have not

developed a list of hazardous occupations prohibited for children. On Anguilla the minimum age for labor is 12 and for hazardous work 14.

There are legislative gaps in the prohibition of trafficking in children for labor exploitation and the use of children for commercial sexual exploitation on the Falkland Islands (Islas Malvinas) and St. Helena-Ascension-Tristan da Cunha. While criminal laws prohibit trafficking in children for sexual exploitation, they do not address trafficking in children for labor exploitation. Laws do not exist in Monserrat regarding the use of children in drug trafficking and other illicit activities. Traffickers subjected children to commercial sexual exploitation in Turks and Caicos. The government did not effectively enforce the law, and penalties are not sufficient to deter violations.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> for information on UK territories.

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

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

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

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

The Equality and Human Rights Commission is charged with enforcing pay gap reporting requirements.

The finance sector has the highest pay gap of all sectors, with the average woman earning 35.6 percent less than the average man.

In Northern Ireland all employers have a responsibility to provide equal opportunity for all applicants and employees. Discrimination based on religion or political affiliation is illegal. Employers must register with the Northern Ireland Equality Commission if they employ more than 10 persons. Registered employers are required to submit annual reports to the Commission on the religious composition of their workforce.

The Scottish government introduced a plan in March 2019 to address the gender pay gap. This plan set a goal of reducing the gender pay gap by 2021 and includes 50 actions to provide resources and support for working women and mothers. The pay gap in Scotland also decreased from 6.6 percent in 2017 to 5.7 percent in 2018.

During the year the Glasgow City Council settled a 12-year equal pay dispute with thousands of female council workers. The settlement followed a strike of more than 8,000 current and former employees in Glasgow.

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

The minimum wage for workers age 25 or older, known as the National Living Wage, is above the poverty level.

Although criminal enforcement is available, most minimum wage noncompliance is pursued via civil enforcement. Penalties were generally sufficient to deter violations.

The law limits the workweek to an average of 48 hours, normally averaged over a 17-week period. The law does not prohibit compulsory overtime, but it limits overtime to the 48-hour workweek restriction. The 48-hour workweek regulations do not apply to senior managers and others who can exercise control over their own hours of work. There are also exceptions for the armed forces, emergency services, police, domestic workers, sea and air transportation workers, and fishermen. The law allows workers to opt out of the 48-hour limit, although there are exceptions for airline staff, delivery drivers, security guards, and workers on ships or boats.

The government set appropriate and current occupational safety and health standards. The law stipulates that employers may not place the health and safety of employees at risk. The Health and Safety Executive (HSE) is responsible for identifying unsafe situations, and not the worker. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

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

Figures for 2017-18 show that the HSE and COPFS prosecuted 517 cases with at least one conviction secured in 493 of these cases, a conviction rate of 95 percent. Across all enforcing bodies, 11,522 notices were issued. HSE and COPFS prosecutions led to fines totaling 72.6 million pounds (\$92.2 million) compared with the 38.3 million pounds (\$48.7 million) in 2015-16.

According to the HSE’s annual report, 147 workers were killed at work in 2017-18. An estimated 555,000 workers sustained a nonfatal injury at work according to self-reports in 2017-18. A total of 71,062 industrial injuries were reported in 2017-18 in the UK.

Bermuda’s legislation does not provide a minimum or living wage; however, in July the Bermuda government introduced a Wage Commission tasked with gathering information to establish new guidelines. The proposal to introduce a living wage was introduced in the House of Assembly in July 2018 to ensure all workers could afford food, housing, clothes, medical care, and education. The Bermuda Department of Labor and Training enforces any contractually agreed wage. Regulations enforced by the department extensively cover the safety of the

work environment and occupational safety and health standards and are current and appropriate for the main industries. By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment. Penalties were sufficient to deter violations.