



House of Lords  
House of Commons  
Joint Committee on  
Human Rights

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# **Review of International Human Rights Instruments**

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**Seventeenth Report of Session  
2004–05**





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Joint Committee on  
Human Rights

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2004–05

*Report, together with formal minutes, oral and  
written evidence*

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## Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

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### Current Staff

The current staff of the Committee are: Nick Walker (Commons Clerk), Ed Lock (Lords Clerk), Murray Hunt (Legal Adviser), Róisín Pillay (Committee Specialist), Duma Langton (Committee Assistant), Pam Morris (Committee Secretary) and Tes Stranger (Senior Office Clerk).

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## Summary

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This report responds to and evaluates the recent Government review of the UK's international human rights obligations. The Government review, which concluded in July 2004, considered the range of human rights treaties by which the UK is bound, the reservations, declarations and derogations entered in respect of those treaties, whether to ratify additional human rights instruments or protocols, and whether to accept individual complaint procedures. The Government decided to ratify the Optional Protocol to the UN Convention for the Elimination of all forms of Discrimination Against Women (CEDAW), allowing individuals to bring complaints to the UN Committee which supervises that treaty, but decided not to accept rights of individual petition under other UN human rights treaties. It was also decided to maintain the existing position in relation to a wide range of human rights treaties, additional protocols and reservations.

This report welcomes the decision to allow for individual petition under CEDAW on an experimental basis, to be reviewed in two years' time. However, it notes the absence of detailed reasons for the decisions made in the Government review, in particular in relation to the decision not to accept individual petition under other UN treaties. Noting the widespread acceptance of rights of individual petition, in particular by other EU states, the report considers the value and costs of individual petition procedures, and concludes that the Government has not put forward compelling reasons for non-acceptance of rights of individual petition. It recommends that a clear timetable should be set for further review of rights of individual petition, under treaties other than CEDAW, in two years' time.

The report welcomes UK ratification of a number of recent protocols to the European Convention on Human Rights and UN human rights treaties. It concludes, however, that the Government's caution in deciding not to ratify Protocol 12 to the ECHR, which guarantees a free-standing right to equality, is unwarranted. It suggests that further consideration be given to ratification of Protocol 4 ECHR (which guarantees freedom of movement, and protects against arbitrary and collective expulsions) and to ratification of the Revised European Social Charter. It expresses concern that the reservation entered by the UK to the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict is overly broad, and undermines the UK's commitments under the Protocol.

The report also considers two reservations to human rights treaties, which the review concluded should remain in force. Under the immigration and nationality reservation to the Convention on the Rights of the Child (CRC), the rights in the Convention do not apply as regards the entry, stay in and departure from the UK, of children subject to immigration control. The report reiterates the Committee's previously stated view that this reservation is contrary to the object and purpose of the Convention and undermines the UK's commitment to protecting children's rights, and should therefore be withdrawn. The second reservation to the CRC (also reflected in a reservation to the International Covenant on Civil and Political Rights) allows for children to be detained alongside adults

where there is a lack of suitable accommodation in separate facilities. The report concludes that the Government should establish a timetable for full provision of separate accommodation for children, and withdrawal of the reservations.



# 1 Introduction

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1. This report responds to the recent Review by the Government of the United Kingdom's position on international human rights instruments. Its purpose is to provide an evaluation of the Review, and to help to inform Parliament and the wider public about the full range of human rights instruments which the Government has decided should continue to bind the UK, and about those human rights treaties by which it has decided the UK should not be bound or in respect of which it maintains reservations or interpretative declarations. It also scrutinises the reasons given by the Government for its decision not to sign or ratify certain human rights instruments, and to maintain existing qualifications to the UK's obligations under certain instruments.

## The Review

2. The Government's Review, led by the Department of Constitutional Affairs, began work in May 2002. The terms of reference of the Review were—

To Review the UK's position on international human rights instruments in the light of experience of the operation of the Human Rights Act, the availability of existing remedies within the UK, and law and practice in other EU Member States.

3. The Review encompassed—

- UK reservations to and derogations from UN and Council of Europe human rights instruments and whether they should be maintained;
- ratification of additional human rights instruments;
- ratification of additional protocols;
- acceptance of the individual complaint procedures under the UN instruments (for example, under the Optional Protocol to the ICCPR).

4. The Review was subject to some delays, and finally reached a conclusion on 22 July 2004.<sup>1</sup> Its principal decisions were—

- to ratify the Optional Protocol to the UN Convention for the Elimination of all forms of Discrimination Against Women ("CEDAW"), allowing individuals or groups of individuals to complain to the UN Committee on the Elimination of Discrimination Against Women;
- not to accept the equivalent right of individual petition to the relevant UN Committees under the Optional Protocol to the International Covenant on Civil and Political Rights ("ICCPR"), the Convention for the Elimination of Racial Discrimination ("CERD") or the UN Convention Against Torture ("UNCAT");

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<sup>1</sup> Department for Constitutional Affairs, *Report on the UK Government's Inter-Departmental Review of the UK's Position under various International Human Rights Instruments*, July 2004 (Hereafter 'Report on International Human Rights Instruments')

- to ratify, during the course of the Review, Protocol 13 to the European Convention on Human Rights (abolishing the death penalty in all circumstances); the Optional Protocol to the UN Convention Against Torture (allowing for a system of inspection of places of detention); and the Optional Protocol to the Convention on the Rights of the Child relating to Children in Armed Conflict;
- to maintain the existing position in relation to a wide range of instruments, reservations and interpretative declarations.

## Our inquiry

5. Following the Government's Report, we decided to conduct a short inquiry into its findings. In October 2004, we issued a call for evidence on the outcome of the Review. We received written evidence from a number of organisations including British/Irish Rights Watch, Redress, the Committee on the Administration of Justice (CAJ), the Children's Law Centre Northern Ireland, the Institute of Employment Rights, the European Law Students Association (ELSA)(Cambridge) and the Children's Rights Alliance for England. In January 2005, we heard oral evidence from Mr David Lammy MP, Parliamentary Under Secretary of State at the Department of Constitutional Affairs. We are grateful to those who assisted us in our inquiry.

6. This Report is intended to enhance Parliament's involvement in what would otherwise be the exclusively Executive domain of deciding by which international human rights obligations the UK should be bound.<sup>2</sup> The scope of the Government's Review included whether the UK should continue to be bound by human rights obligations incurred by the Executive in the past, without any effective parliamentary scrutiny of those decisions. The consideration of the outcome of that Review is therefore an opportunity for Parliament to debate, if it wishes, the Government's decision that the UK should continue to be bound by all those human rights treaties which it has so far entered into. We therefore included in our call for evidence an invitation for submissions as to whether the UK should withdraw from any of the human rights instruments by which it is currently bound. We did not receive any submissions to this effect. The lack of such submissions suggests that, notwithstanding the lack of effective parliamentary scrutiny in the past when these treaties were entered into, there is no widespread dissatisfaction with the substance of those obligations. The concerns expressed to us in the course of our inquiry all related to the Government's decision not to be bound by certain human rights treaties, or to maintain reservations or interpretative declarations qualifying the obligations which have been assumed, and these therefore provide the focus of our Report.

7. The outcomes of the Review have been viewed by many as disappointing, as is clear from the written evidence to this inquiry. In particular, the decision not to accept a number of rights of individual petition has been widely criticised. The form of the Report which concluded the Government's Review was also subject to criticism in much of the written evidence we received.<sup>3</sup> **We consider it unsatisfactory that, following a lengthy review, the Report stated its conclusions in brief terms, and supported those conclusions with only**

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<sup>2</sup> In this respect it follows on from our First Report of Session 2004–05, *Protocol No. 14 to the European Convention on Human Rights*, HL Paper 8, HC 106

<sup>3</sup> Ev 16; Ev 17

**very general reasons.** It is a matter of record that, on key points in the Review, those consulted were unanimous in recommending changes which the Review ultimately concluded against:<sup>4</sup> on these points, and others, the report contains no analysis of the arguments put by those who were consulted in the course of the Review.

8. We do not think that the subject matter of this Review can be dismissed as being of technical or legal significance only. Many of the reservations and unratified provisions considered as part of this Review have been raised repeatedly in our inquiries, as affording human rights protection for vulnerable people. The availability of complaints mechanisms, such as those considered in this Review, is likewise a key element in transforming human rights principles into real protection for individuals. These matters therefore deserve the serious attention of the Government.

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4 HL Deb, 2 December 2004, col. 15WA

## 2 Rights of Individual Petition

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9. Rights of individual petition are available under four UN treaties, the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and the Convention Against Torture (CAT). They permit anyone claiming to be a victim of a violation of rights under a treaty to bring their case before the supervising treaty body, a committee of independent experts appointed by States.<sup>5</sup> In general, the communication from an individual is first assessed by a rapporteur or working group of the committee to determine its admissibility; if admissible, the treaty body then considers the case on the basis of written submissions only, and delivers its “Views” or “Opinion”. Decisions of the treaty bodies are not judicial decisions, are not binding in either international or national law, and cannot provide an individual with compensation or other remedies, although they may recommend remedial action, and request a response from the state concerned within a specified period.

10. Rights of individual petition do not apply to states parties to the treaties unless they are specifically accepted by the state.<sup>6</sup> The right of individual petition under the Optional Protocol to the ICCPR has been widely accepted, including by all EU Member States besides the United Kingdom. Those states which have accepted the right of individual petition also include commonwealth states such as Australia, Canada, New Zealand and South Africa.<sup>7</sup> Individual petition under Article 22 of CAT has been accepted by the majority of EU Member States<sup>8</sup> and by Australia, Canada, New Zealand and South Africa. The right of individual petition under Article 14 of CERD has been accepted by the majority of European States.<sup>9</sup> The relevant UN treaty bodies—the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee Against Torture—have repeatedly called on the UK to accept rights of individual petition available under the treaties.<sup>10</sup> **In light of the widespread acceptance of the right of individual petition by comparable States, and the avowed acceptance by the UK of the standards in the UN human rights Conventions, there is a strong onus on the Government to justify its refusal to accept individual petition.**

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5 The relevant treaty bodies are: the Human Rights Committee (which supervises implementation of the ICCPR); the Committee on the Elimination of Racial Discrimination (the supervisory committee of CERD); the Committee on the Elimination of Discrimination Against Women (the supervisory committee of CEDAW) and the Committee Against Torture (the supervisory committee of CAT).

6 Rights of individual petition to the Human Rights Committee under the ICCPR are contained in the Optional Protocol to the ICCPR; to the Committee on the Elimination of Racial Discrimination are contained in Article 14 CERD; to the Committee on the Elimination of Discrimination Against Women under the Optional Protocol to CEDAW; and to the Committee Against Torture under Article 22 CAT.

7 104 of the 154 states parties to the ICCPR accept the right of individual petition under the Optional Protocol to the Convention.

8 With the exception of Cyprus, Estonia, Lithuania, Latvia and the UK. A total of 55 of the 139 states parties to the Convention have accepted individual petition.

9 Individual petition under Article 14 CERD has been accepted by 45 out of 170 state parties, including Commonwealth states such as Australia and South Africa and all EU member states with the exception of Estonia, Greece, Latvia, Lithuania and the UK.

10 See for example, Concluding Observations of the Human Rights Committee, CCPR/CO/73/UK, 6 December 2001; Concluding Observations of CERD, C/63/CO/11, 10 December 2003; Concluding Observations of CAT, CAT/C/CR/33/3, 25 November 2004

## The Review's Conclusions

11. The conclusion of the Review of International Human Rights Obligations, was that the UK should accept rights of individual petition under CEDAW, but not those under the ICCPR, CAT and CERD. Individual petition under CEDAW is to be accepted as a pilot “so as to enable [the government] to consider on a more empirical basis the merits of the right of individual petition which exists under a number of UN treaties”.<sup>11</sup> The Report states that “the government proposes to review this experiment two years after the coming into force of this Protocol”.<sup>12</sup> Mr Lammy, however, told us that this should not be taken to imply a reconsideration of individual petition under the ICCPR, CERD and CAT in two years’ time, but only a review of how individual petition had worked under CEDAW, in particular the resource implications both for government and individuals, and the implications for domestic law and policy.<sup>13</sup> This strikes us as a clear change of position from that stated in the Review. He nevertheless considered that with acceptance of individual petition under CEDAW “we are departing on a course” and that this marked the first step in a cautious but “evolutionary” approach to international human rights obligations.<sup>14</sup>

**12. We welcome the ratification of the Optional Protocol to CEDAW, allowing for individual petition under that Convention. We are disappointed, however, that the government has decided to accept only the CEDAW right of individual petition at this stage. In our view, at a time when the government is seeking to harmonise equality legislation, as well as the institutional structure for protecting equality through the establishment of a Commission for Equality and Human Rights, it is unfortunate that rights of individual petition are to be made available in respect of gender equality only, and excluded in respect of CERD and the general equality right under the ICCPR. We are concerned that there appears to be no clear timetable for consideration of individual petition under the remaining UN treaties, on the basis of the experience under CEDAW. We recommend that, two years following the coming into force of the Optional Protocol to CEDAW, there should be a review by Government of the merits of accepting individual petition under the ICCPR, CERD and CAT.**

13. The Report of the Review puts forward three main arguments for the decision not to accept individual petition under the ICCPR, CAT and CERD—

- A high level of protection for the rights protected by these treaties is already afforded by national law, including under the Human Rights Act 1998;
- The UN Committees have non-judicial status only, with no ability to award damages, and can issue only non-binding decisions, and the practical value of individual petition to the individual is therefore unclear;
- Preparation of submissions on petitions to UN Committees could impose a burden on public funds, in particular if “individual petition were used extensively as a

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<sup>11</sup> *Report on International Human Rights Instruments*, Appendix 5

<sup>12</sup> *ibid.*, Appendix 5

<sup>13</sup> Q 2

<sup>14</sup> Q 3

means of seeking to explore the legal meaning of a treaty’s provisions”, and this is difficult to justify since the process will not produce a binding legal judgment.

## National Law

14. There is no doubt that many of the rights protected by the international human rights treaties under which individual petitions can be brought are well protected by UK law and practice, through the common law, legislation and in particular the Human Rights Act 1998. We agree that this means that the number of cases likely to be taken under the right of individual petition would be relatively small. We do not, however, see that this provides a rationale for non-acceptance of the right to individual petition. International mechanisms of human rights protection are not intended to provide routine recourse in individual disputes. They are intended to provide a long stop of accountability in those cases where the national system of state protection has failed, or where the compliance of national law with the terms of international human rights law requires clarification. We note that, for a communication to any of the treaty bodies to be admissible, it must be established that the applicant has exhausted all available domestic remedies.

15. Although the UK record of compliance with international human rights standards is in general a good one, there is no doubt that significant concerns remain in relation to compliance with each of the international human rights treaties. This much is apparent from the concluding observations issued by the treaty bodies following consideration of UK periodic reports.<sup>15</sup> Over the past three years, we have also conducted our own assessments of UK compliance with three of the UN human rights treaties, including the Convention on the Elimination of all Forms of Racial Discrimination.<sup>16</sup> The concluding observations of the UN treaty bodies, whilst acknowledging the substantial protection afforded to the rights these treaties protect, within national law and policy, have each identified points on which it appears that the UK does not fully comply with the rights which, in ratifying these treaties, it has undertaken to protect.

16. Since the Government has undertaken to protect these rights, it follows, in our view, that it should allow the individual some means to ascertain whether his or her rights under these treaties have, in practice, been protected. Mr Lammy, presenting oral evidence, suggested that the reporting process under the UN treaties afforded sufficient protection for the treaty rights.<sup>17</sup> This process, however, since it operates on a very general level and does not take account of individual cases, does not in our view fulfil this role. National law, although it provides protection which on many points is equivalent to that of the treaties, does not, except in certain defined circumstances, for example where there is an ambiguity in legislation, allow for the terms of the treaties to be directly applied by the national courts.<sup>18</sup> There is therefore an important role for the international individual petition

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15 Concluding Observations of the Human Rights Committee, CCPR/CO/73/UK, 6 December 2001; Concluding Observations of CERD, C/63/CO/11, 10 December 2003; Concluding Observations of CAT, CAT/C/CR/33/3, 25 November 2004

16 Fourteenth Report of Session 2004–05, *Convention on the Elimination of Racial Discrimination*, HL Paper 88, HC 471; Tenth Report of Session 2002–03, *The UN Convention on the Rights of the Child*, HL Paper 117, HC 81; Twenty-first Report of Session 2003–04, *The International Covenant on Economic, Social and Cultural Rights*, HL Paper 183, HC 1188

17 Q 4

18 Although, under the UK’s dualist legal system, provisions of international treaties to which the UK is party do not automatically take effect in UK law, they may be taken into account by the courts in a number of ways. See our



procedure, in providing a safety net where a gap in national law has left an individual's rights under one of the UN human rights treaties unprotected.

17. One recent case provides an example of the potential inadequacy of national law in protecting the rights guaranteed at an international law level. In *A v SSHD*,<sup>19</sup> it was found that the right not to have evidence obtained through torture admitted in court, under Article 15 of the Convention Against Torture, could not take effect in national law since the legislation contained no ambiguity on that point, which could allow recourse to the terms of the Convention. Although domestic law contained clear prohibitions on torture, there was no provision of domestic law equivalent to Article 15 CAT requiring the non-admissibility of evidence obtained through torture. Subsequent to the decision in *A*, the UN Committee Against Torture, in its Concluding Observations on the UK Periodic Report under CAT, expressed its concern at the admissibility of torture evidence under domestic law, contrary to Article 15. As Redress pointed out, “there is still a protection gap in the UK—that is the UK may implement legislation that may violate an individual's rights protected under the Convention [Against Torture] leaving the victim without any meaningful redress”.<sup>20</sup>

**18. The absence of domestic law force for the provisions of the UN treaties therefore strengthens the case for individual petition to the UN treaty bodies, despite the fact that recourse to these procedures is likely to be relatively rare.**

## Value of Individual Petition

19. The Review also laid stress on the non-judicial nature of the individual petition process, pointing out that it could not provide the individual with a binding decision, or with compensation or other remedies. Mr Lammy stressed the novelty of the procedure: “a committee of experts has not been the tradition of this country in making those sorts of determinations”.<sup>21</sup>

20. As written evidence pointed out, the degree of benefit to the individual from a decision of a UN treaty body is largely a matter for the Government, since compliance with the treaty body's decision will be at the Government's discretion. ELSA considered that: “So long as the state complies with a committee's recommendation, the individual will generally receive a practical benefit. It is utterly disingenuous for the Government to suggest that the practical value to the individual is unclear when the realisation of that benefit will usually be dependent only upon the adherence of the UK to the recommendation of the relevant committee”.<sup>22</sup>

21. NGOs also note the value to the individual of obtaining an authoritative decision on his or her case, irrespective of compensation or other remedies. Redress point out that “a victim's right to reparation does not just encompass compensation, but also restitution,

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Fourteenth Report of Session 2004–05, *The Convention on the Elimination of Racial Discrimination*, HL Paper 88, HC 471, para. 19

19 [2004] EWCA Civ 1123, at paras. 133–138

20 Ev 22

21 Q 5

22 Ev 17

rehabilitation, satisfaction and guarantees of non-repetition ... the Committees' recommendations in themselves can go some way to fulfilling a victim's right to reparation, given that the Committee can not only make a finding that the UK is in breach of its obligations under the Convention but also highlight the offending domestic legislation and/or practice".<sup>23</sup>

## Costs

22. Written evidence from NGOs disputes the contention that individual petition would impose significant costs on Government, pointing out that there is a requirement to exhaust all domestic remedies before making an application to the UN; and that the UN treaty bodies decide individual cases on the basis of written submissions only, averting the need for costly oral hearings.<sup>24</sup>

23. Mr Lammy raised concerns that not all of the individual complaints mechanisms allowed for sufficient filtering of claims, and that in particular under the Convention Against Torture, "there is not a concept of unmeritorious claims which means that there could be quite a number of claims".<sup>25</sup> In fact, all of the individual petition procedures, including that under the Torture Convention, provide for an admissibility stage in the consideration of communication,<sup>26</sup> and allow for a communication to be dismissed at that stage if it is an abuse of the right of petition or "insufficiently substantiated" or "manifestly unfounded".<sup>27</sup> The Rules of Procedure of the Committee Against Torture,<sup>28</sup> for example, provide for a number of admissibility requirements, including whether a communication is an abuse of the right of petition or is manifestly unfounded.<sup>29</sup> This has been found to render inadmissible communications which do not provide sufficient information to indicate a violation of the Convention.<sup>30</sup> A communication may also be inadmissible where it is anonymous; where it is not brought by the victim of the violation or by a person with authority to act on the victim's behalf; where the communication relates to a matter being considered, or which has been considered, under another international procedure; or where domestic remedies have not been exhausted.<sup>31</sup>

24. In this regard, the availability of domestic remedies under the Human Rights Act 1998, and the possibility of recourse to the European Court of Human Rights, is also likely to discourage frequent application to the UN treaty bodies. The judicial nature of the Strasbourg procedure, and the availability of compensation, mean that it is likely that applications under the UN individual complaints procedures will be made only where the

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23 Ev 23

24 See Ev 16, Ev 8 and Ev 22

25 Q 3

26 Admissibility may be assessed by a working group or Rapporteur of the Committee

27 Guidance on UN website: <http://www.ohchr.org/english/bodies/petitions/individual.htm#admissibility>

28 Rules of Procedure of the Committee Against Torture, Rule 107, UN Doc HRI/GEN/3/Rev1, Compilation of Rules of Procedure of UN treaty bodies

29 Ibid., Rule 107(b)

30 *X v Switzerland* CAT/C/13/D/17/1994; *Y v Switzerland* CAT/C/13/D/18/1994, where applications were declared inadmissible on the grounds that they lacked the minimum substantiation that would render them compatible with Article 22 of the Convention. See also in relation to CERD, *KRC v Denmark*, CERD/C./61/D/23/2002; in relation to the ICCPR: *G v Canada*, CCPR/C./69/D/934/2000.

31 Rules of Procedure of the Committee Against Torture, Rule 107, op cit.



matter at issue falls outside the terms of the ECHR, since a case which is being or has been considered by the ECtHR will not be admissible before the UN treaty bodies.

25. In addition, it is significant in relation to costs that proceedings under individual petition take place on paper only. The Human Rights Committee rules of procedure do not allow for oral hearings, and, although the rules of Procedure of CAT and CERD allow for representatives from the applicant and the state party to be heard in private, in practice such hearings are not held.<sup>32</sup> The absence of oral hearings means that individual petition applications are likely to be less costly to government than, for example, defending an action before the ECtHR.

26. The experience of other states suggests that there is unlikely to be a flood of decisions by the treaty bodies. The Government has estimated that the provision of the ICCPR most likely to give rise to individual applications from the UK, the free-standing right to non-discrimination under Article 26 ICCPR, has resulted in an average of four complaints each year (from all of the states party to individual petition under the Optional Protocol to the ICCPR) being found to be admissible for hearing by the Human Rights Committee.<sup>33</sup> This suggests that the number of UK cases brought would be small.

## Conclusions

**27. In our view, the Government will need to present more compelling reasons for not extending individual petition, if it so decides, following the trial run of CEDAW. We are not at present convinced of the reasons for refusing to accept individual petition under CERD, CAT and ICCPR. We are also concerned that the UK's slow progress in accepting individual petition, as compared with other European and Commonwealth states, undermines its credibility in the promotion and protection of human rights internationally. These considerations, in our view, support an early reconsideration of the decision on rights of individual petition, in two years' time.**

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<sup>32</sup> Rules of Procedure of the Committee Against Torture, Rule 111, Rules of Procedure of the Committee on the Elimination of Racial Discrimination, Rule 94, UN Doc HRI/GEN/3/Rev1, Compilation of Rules of Procedure of UN treaty bodies

<sup>33</sup> HL Deb, 14 September 2004, col. 182WA

## 3 Instruments and Protocols not yet ratified

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### Positive measures

28. We warmly welcome a number of positive measures taken by the Government in accepting additional obligations under protocols to human rights instruments to which the UK is party, in particular—

- ratification of Protocol 13 ECHR, which abolishes the death penalty in all circumstances, including in wartime, and the inclusion of this Protocol in the rights scheduled to the Human Rights Act;<sup>34</sup>
- ratification of the Optional Protocol to the Convention Against Torture, which allows for independent inspection of places of detention;<sup>35</sup>
- the decision to accede to Protocol 7 ECHR once some legislative amendments have been made.<sup>36</sup>
- the decision to ratify the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography at the earliest opportunity, following the introduction of the necessary legislation.<sup>37</sup>

We also welcome the ratification of Protocol 14 ECHR, which provides for a number of changes to the structure and procedures of the ECtHR, in order to deal with its growing caseload and enable it to process cases more efficiently. Protocol 14 was agreed by the Council of Europe Member States on 13 May 2004, and signed by the UK two months later. It was laid before Parliament on 15 November 2004 pursuant to the Ponsonby Rule, prior to its ratification by the Government. We published a report on the Protocol shortly thereafter, on 1 December 2004.<sup>38</sup>

### Protocol 12 ECHR

29. Protocol 12 to the ECHR guarantees a free-standing right to equality. It states—

1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

2 No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

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<sup>34</sup> *Report on International Human Rights Instruments*, Appendix 4

<sup>35</sup> *ibid.*

<sup>36</sup> *ibid.*

<sup>37</sup> We welcomed the government's intention to ratify this protocol in our Tenth Report of Session 2002–03, *op cit.*, HL Paper 117, HC 81, para. 91

<sup>38</sup> First Report of Session 2004–05, *Protocol No 14 to the European Convention on Human Rights*, HL Paper 8, HC 106

30. Protocol 12 is designed to advance the ECHR's protection of equality beyond the relatively limited guarantee in Article 14, which guarantees a right to non-discrimination only in the enjoyment of other rights under the Convention. For Article 14 to apply, therefore, it must be established that the difference in treatment falls within the scope of one of the other Convention rights.

31. Protocol 12 comes into force for those states that have ratified it on 1 April 2005.<sup>39</sup> The UK has not, however, signed or ratified the Protocol. In the Report of the Review, the Government states that whilst it agrees in principle that the ECHR should contain a free-standing guarantee of non-discrimination, it considers that the text of Protocol 12 contains “unacceptable uncertainties”, in particular—

- The potential application of the Protocol is too wide, since it covers any difference in treatment, applies to all “rights set forth by law” in both statute and common law and could therefore lead to an “explosion of litigation”;
- “Rights set forth by law” may extend to obligations under other international human rights instruments to which the UK is a party;
- It is unclear, pending decisions by the ECtHR, whether the protocol permits a defence of objective and reasonable justification of a difference in treatment, as applies under Article 14 ECHR.

32. Mr Lammy, in oral evidence, confirmed that the Government intended to adopt a cautious approach: “let us see how, given our concerns, the case law develops in Strasbourg and take a view on that down the line”.<sup>40</sup>

33. We do not believe that such a cautious approach is warranted, or consonant with the Government's aspirations to international leadership in the development of equality laws. In previous reports, we have recommended that the Government should ratify Protocol 12 ECHR, and include it within the rights protected in the Human Rights Act, in order to provide protection in domestic law equivalent to the equality rights which bind the UK internationally, under the ICCPR, CERD, and the ICESCR.<sup>41</sup> The rights enshrined in Protocol 12 are rights which the Government has accepted through its international commitments to human rights instruments. These commitments should in our view be given reality in national law through a free standing right of non-discrimination.

34. It is certainly the case that, as the Government contends, the scope of the equality right under Protocol 12 is wide. Beyond the obligation not to discriminate in relation to “rights set forth by law” in Article 1.1 of Protocol 12, there is an obligation of non-discrimination by public authorities, in Article 1.2, irrespective of whether any other right is engaged. Nevertheless the Government's view that Protocol 12 could lead to an “explosion of litigation” is, in our view, alarmist. As we have previously pointed out,<sup>42</sup> there is every

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39 Protocol 12 has so far been ratified by Albania, Armenia, Bosnia and Herzegovia; Croatia; Cyprus; Finland; Georgia; the Netherlands; San Marino; Serbia and Montenegro; and Macedonia.

40 Q 11

41 Twenty-first Report of Session 2003–04, *The International Covenant on Economic, Social and Cultural Rights*, HL Paper 183, HC 1188, para.113; Fourteenth Report of Session 2004–05, *The Convention on the Elimination of Racial Discrimination*, HL Paper 88, HC 471; Sixth Report of Session 2002–03, *The Case for a Human Rights Commission*, HL Paper 67-I, HC 489

42 Twenty-first Report of Session 2003–04, *op cit.*, HL Paper 183, HC 1188, para. 113

reason to expect that both the UK courts and the European Court of Human Rights would apply the new Protocol in accordance with the settled principles of Strasbourg jurisprudence, including the principle of objective and reasonable justification of discriminatory treatment, by which differences in treatment may be found not to amount to discriminatory treatment. It is these principles which will make the equality guarantee in Protocol 12 a valuable, but workable protection against non-discrimination.<sup>43</sup> **In our view, the Government’s caution in refusing to ratify Protocol 12 is unwarranted, and fails to give sufficient effect in national law to the UK’s international human rights obligations. We recommend that this decision should be reconsidered at an early opportunity, and that the issue should form part of the recently announced review of anti-discrimination legislation to be undertaken by the DTI.**

### Protocol 4 ECHR

35. The Review concludes that the UK should not ratify Protocol 4 to the ECHR. Protocol 4—

- Protects the right of everyone in the state to liberty of movement and freedom to choose their residence (Article 2)
- Protects the right not to be expelled from, or to be refused entry to, the country of one’s nationality (Article 3)
- Prohibits the collective expulsion of aliens (Article 4).

36. Rights in Article 2 of the Protocol are qualified rights, which may be subject to restrictions which are in accordance with law and necessary in a democratic society. Rights in Articles 3 and 4 are not subject to any qualification.

37. Protocol 4 to the ECHR has been ratified by 38 of the 46 Council of Europe Member States.<sup>44</sup> The UK has signed but not ratified Protocol 4. The Report of the Review cites—

continuing concerns over Articles 2 and 3 of Protocol 4 which could be taken, respectively, to confer rights in relation to passports and a right of abode on categories of British nationals who do not currently have that right.

38. The report also notes that the provisions on liberty of movement and freedom to choose residence under Article 2 of Protocol 4 may also be incompatible with Armed Forces discipline.<sup>45</sup> We note, however, that the terms of Article 2 of the Protocol are substantially similar to those of Article 12 ICCPR, which the UK has ratified subject to reservations regarding disciplinary procedures for members of the armed forces, and regarding nationals of dependent territories and the right to enter and remain in the UK and each of the dependent territories.<sup>46</sup> We note that the UK is one of only a small number of Council of Europe Member States that have not ratified Protocol 4. **We recommend**

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<sup>43</sup> Robert Wintemute, *Filling the Article 14 “Gap”: Government Ratification and Judicial Control of Protocol No 12 ECHR*, [2004] EHRLR 485

<sup>44</sup> Protocol 4 has been ratified by all Member States except Andorra, Greece, Liechtenstein, Monaco, Spain, Switzerland, Turkey, and the UK.

<sup>45</sup> Q 8

<sup>46</sup> *Report on International Human Rights Instruments*, Appendix 6, page 6 and 9

**that, at a minimum, consideration should be given to ratification with appropriate reservations to overcome the specific issues identified by the Government.**

### **Ratification of the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict**

39. The UK ratified this Protocol on 24 June 2003. The Protocol commits states to taking all feasible measures to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities.<sup>47</sup> The role and treatment of children in the Armed Forces has recently been considered by the House of Commons Defence Select Committee, which recommended that the MoD examine the potential impact of raising the recruitment age for all three Services to 18, and that the Armed Forces ensure that those under 18 years of age are only placed in training environments and accommodation suitable for their age.<sup>48</sup> We welcome these proposals as supporting the obligations undertaken by the UK in ratification of the Protocol.

40. Whilst we welcome ratification of the Protocol, we retain the concern expressed in our Report on the UN Convention on the Rights of the Child in relation to the interpretative declaration made by the UK on ratification of the Protocol. The interpretative declaration states—

The United Kingdom understands that article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where: -

- a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and
- b) by reason of the nature and urgency of the situation:-
  - i) it is not practicable to withdraw such persons before deployment; or
  - ii) to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel.

41. As we stated in our previous report, **we consider this declaration to be overly broad, and to undermine the UK's commitment, undertaken in the Protocol, not to deploy under-18s in conflict zones.**

### **Revised European Social Charter**

42. The UK is a party to the European Social Charter 1961, the Council of Europe treaty which protects economic, social and cultural rights. The Revised European Social Charter, which contains extensions of the rights set out in the Social Charter of 1961, and some additional rights, was agreed in 1996. The UK has signed, but has not as yet ratified, the Revised Charter. The report of the Review states that “the question of future ratification of

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<sup>47</sup> Article 1

<sup>48</sup> Defence Committee, Third Report of Session 2004–05, *Duty of Care*, HC 63-I. See also Memorandum of the Religious Society of Friends (Quakers) to the Defence Committee in their Third Report of Session 2004–05, *Duty of Care*, HC 63- II, Ev 402

the revised charter is kept under constant review<sup>49</sup> but does not provide any reasons for continued non-ratification of the Revised Charter.

43. There is also a collective complaints procedure under a 1995 Additional Protocol to the Charter, which allows trade unions, employers' organisations or NGOs to bring complaints against States for non-binding decision by the European Committee of Social Rights. To date, the UK has not accepted the right of collective complaint, a position which contrasts with UK acceptance of recourse to the European Court of Human Rights in respect of the ECHR, the Charter's equivalent Council of Europe treaty in the field of civil and political rights. The Institute of Employment Rights in its evidence stated that: "the continuing failure to ratify the collective complaints protocol is particularly egregious" given the UK's poor record of compliance with the Charter.<sup>50</sup>

44. Mr Lammy told us there was some anxiety about how the provisions of the revised Charter would be interpreted under the collective complaints mechanism. However, he assured us that there was an intention to ratify the Revised Charter at a future date.<sup>51</sup> **We welcome this, and recommend that the Government should consider ratification of the revised charter and the collective complaints mechanism at an early date.**

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49 *Report on International Human Rights Instruments*, Appendix 6

50 Ev 22

51 QQ 27–28

## 4 Reservations to human rights treaties

45. A range of reservations and interpretative declarations were considered in the Review. The majority of these are to remain in force. Many are relatively minor or technical, but we consider here two reservations which are a cause for particular concern. This report does not consider the derogations made under the European Convention on Human Rights, and the International Convention on Civil and Political Rights, in relation to detention without trial under the Anti-Terrorism, Crime and Security Act 2001, or any potential derogation under the Prevention of Terrorism Act 2005, which we have reported on separately.<sup>52</sup>

### Reservation to the Convention on the Rights of the Child: immigration and nationality

46. Article 22 of the Convention on the Rights of the Child guarantees the protection of children seeking refugee status. More generally, the rights protected by the Convention apply to all children within the jurisdiction, irrespective of nationality. The UK has entered a general reservation to the CRC as regards the entry, stay in and departure from the UK, of those children subject to immigration control, and the acquisition and possession of citizenship.<sup>53</sup>

47. The Report of the Review recommended that the reservation should remain in place.<sup>54</sup> The Government justifies this reservation as necessary in the interests of effective immigration control, but states that the reservation does not prevent the UK from having regard to the Convention in its care and treatment of children.<sup>55</sup> It states that, in practice “the interests of asylum seeking children and young people are fully respected” in particular under the Human Rights Act 1998 and that “notwithstanding the Reservation, there are sufficient social and legal mechanisms in place to ensure that children receive a generous level of protection and care whilst they are in the UK”.<sup>56</sup>

48. The reservation is justified by the Government as necessary to prevent the Convention affecting immigration status. As we have made clear in previous reports, we consider the government’s anxiety on this point to be unfounded. Our principal concern is that the practical impact of the reservation goes far beyond the determination of immigration status, and leaves children subject to immigration control with a lower level of protection in relation to a range of rights which are unrelated to their immigration status. Evidence to

52 Second Report of Session 2001–02, *Anti-terrorism, Crime and Security Bill*, HL Paper 37, HC 372; Fifth Report of Session 2001–02, *Anti-terrorism, Crime and Security Bill: Further Report*, HL Paper 51, HC 420; Fifth Report of Session 2002–03, *Continuance in Force of Sections 21 to 23 of the Anti-terrorism, Crime and Security Act 2001*, HL Paper 59, HC 462; Sixth Report of Session 2003–04, *Anti-terrorism, Crime and Security Act 2001: Statutory Review and Continuance of Part 4*, HL Paper 38, HC 381; Eighteenth Report of Session 2003–04, *Review of Counter-terrorism Powers*, HL Paper 158, HC 713; Ninth Report of Session 2004–05, *Prevention of Terrorism Bill: Preliminary Report*, HL Paper 61, HC 389; Tenth Report of Session 2004–05, *Prevention of Terrorism Bill*, HL Paper 68, HC 334

53 *Report of International Human Rights Instruments*, Appendix 6, p. 27

54 *ibid.*, Appendix 6, p. 27

55 Government evidence to the JCHR inquiry into the UN Convention on the Rights of the Child, and the Home Office response to our questions on the Nationality, Immigration and Asylum Bill, was to similar effect: Tenth Report of Session 2002–03, *op cit.*, HL Paper 117, HC 81, paras. 81–87; Seventeenth Report of Session 2001–02, *Nationality, Immigration and Asylum Bill*, HL Paper 132, HC 961, Ev 1

56 *Report on International Human Rights Instruments*, Appendix 6, p. 27



this inquiry, and to previous inquiries we have undertaken, testifies to the unequal protection of the rights of asylum seeking children under domestic law and practice.<sup>57</sup> In our recent report on the Children Bill,<sup>58</sup> we expressed particular concern at the exclusion of agencies dealing with asylum seeking children from the duty under the Bill to promote the welfare of children,<sup>59</sup> and concluded that this exclusion amounted to unjustified discrimination against asylum-seeking children on the grounds of nationality. It is regrettable that such unequal treatment is legitimised by the continuance in force of the reservation to the CRC.

49. The reservation has been subject to considerable criticism, including from the UN Committee on the Rights of the Child, and in reports of our own. In their concluding observations of 2002, the UN Committee expressed its concern that the UK did not intend to withdraw the reservation to Article 22, noting that the reservation was against the object and purpose of the Convention. In our report on the Convention, we supported the conclusion of the UN Committee,<sup>60</sup> which is a particularly significant one, since reservations which are incompatible with the object and purpose of a treaty are impermissible and therefore invalid in international law.<sup>61</sup> **We are disappointed that the Government has failed to act on our earlier recommendation that it should withdraw the immigration and nationality reservation to the CRC. In our view, the maintenance of this reservation, which withdraws the protection of the Convention from a particularly vulnerable group of children, undermines the otherwise strong record of the Government in the advancement of children’s rights, and calls into question the UK’s commitment to a Convention central to international human rights protection. We reiterate our previous recommendation that the Government should withdraw this reservation.**

## Detention of Juveniles

50. The UK has entered reservations to Article 10 ICCPR and to Article 37(c) CRC to the provisions that require juveniles to be detained separately from adults. The reservation to Article 37(c) states that “where at any time there is a lack of suitable accommodation or adequate facilities for a particular individual in any institution in which young offenders are detained, the UK reserves the right not to apply article 37(c) in so far as those provisions require children who are detained to be accommodated separately from adults.” The Report of the Review states that—

The reservation continues to be required because while the vast majority of juveniles are held separately from adults ... There is a minority of cases where it remains operationally necessary to hold juveniles in adult accommodation. In England and

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57 Ev 11; Ev 8. See also our Tenth Report of Session 2002–03, *op cit.*, HL Paper 117, HC 81, paras. 81–87

58 Nineteenth Report of Session 2003–04, *Children Bill*, HL paper 161, HC 537, paras. 86–97

59 The Children’s Rights Alliance for England expressed particular concern that asylum seeking children, identified by the government in its Green Paper *Every Child Matters* as amongst the children “in greatest need” were being actively excluded from the new duty. See Ev 15

60 Tenth Report of 2002–03, *op cit.*, HL Paper 117, HC 81. See also our Seventeenth Report of Session 2001–02, *Nationality, Immigration and Asylum Bill*, HL Paper 132, HC 961, para. 17

61 Article 19(c) Vienna Convention on the Law of Treaties



Wales this arises mainly with 16 and 17 year old girls. There is not enough space for all girls of this age in non-Prison Service establishments.<sup>62</sup>

51. The report also notes that in Scotland, children of 16 and over are routinely detained with people up to age 21, and that in Northern Ireland, for “operational reasons” it is not always possible to hold children separately.

52. We have previously expressed concern at the detention of juveniles alongside adults, and in particular at the number of girls under the age of 18 detained alongside adult women.<sup>63</sup> In our report on the Convention on the Rights of the Child, we recommended that the Government reinforce its efforts to ensure that there are suitable places in local authority accommodation, to enable the reservation to be withdrawn. The Government, in response, stated that: “we are looking at what further steps might be taken to provide for a full or fuller separation of juvenile girls from older female offenders”.<sup>64</sup> It noted the complexity of the issue, and suggested that an exclusive focus on age limits was sometimes unhelpful in addressing the needs of individual young offenders, for example where a young person in prison turned 18 shortly before the end of her prison sentence. Whilst we accept that these are real concerns, we are concerned that children are being held alongside adults for reasons of resources or management unrelated to the welfare of the child. Mr Lammy in oral evidence told us that there were “exceptional cases in which under our detention arrangements children who commit serious crimes do have to be in establishments with adults”.<sup>65</sup> He added that for “security reasons” it was sometimes necessary to hold children with adults. We were surprised at this statement since children who commit serious crimes are usually held in specialist secure units. We are also surprised that since 2000 the number of places in local authority secure children’s homes which have closed is 71, almost a quarter of the total.<sup>66</sup>

**53. We are not satisfied that resource or security considerations provide sufficient justification for the maintenance of this reservation. We recommend that the Government should establish a timescale for provision of separate accommodation for all children in custody, and for withdrawal of the reservations.**

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62 *Report on International Human Rights Instruments*, Appendix 6, p. 25

63 Tenth Report of Session 2002–03, *op cit.*, HL Paper 177, HC 81

64 Eighteenth Report of Session 2002–03, *The Government’s Response to the Committee’s Tenth Report of Session 2002–03 on the UN Convention on the Rights of the Child*, HL Paper 187, HC 1279

65 Q 16

66 HC Deb, 9 February 2005, col. 451WH

## Formal Minutes

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**Wednesday 23 March 2005**

Members present:

Jean Corston MP, in the Chair

Lord Bowness

Mr Kevin McNamara MP

Lord Campbell of Alloway

Lord Judd

Lord Plant of Highfield

Baroness Stern

The Committee deliberated.

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Draft Report [Review of International Human Rights Instruments], proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 53 read and agreed to.

*Resolved*, That the Report be the Seventeenth Report of the Committee to each House.

*Ordered*, That certain papers be appended to the Report.

*Ordered*, That the Chairman do make the Report to the House of Commons and that Baroness Stern do make the Report to the House of Lords.

[Adjourned till Wednesday 6 April at Four o'clock.]

## Oral Evidence

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**Wednesday 19 January 2005**

**Mr David Lammy MP**, Parliamentary Under Secretary of State and **Mr Edward Adams**, Human Rights Division, Department for Constitutional Affairs Ev 1

## List of Written Evidence

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1	Memorandum from British Irish Rights Watch	Ev 8
2	Memorandum from Children's Law Centre and Save the Children UK in Northern Ireland	Ev 8
3	Memorandum from the Children's Rights Alliance for England	Ev 11
4	Memorandum from the Committee on the Administration of Justice	Ev 16
5	Memorandum from the European Law Students' Association (Cambridge) Human Rights Committee	Ev 17
6	Memorandum from the Institute of Employment Rights	Ev 22
7	Memorandum from REDRESS	Ev 22

# Reports from the Joint Committee on Human Rights since 2001

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The following reports have been produced

## Session 2004–05

First Report	Protocol No.14 to the European Convention on Human Rights	HL Paper 8/HC 106
Second Report	The draft Criminal Justice Act 2003 (Categories of Offences) Order 2004	HL Paper 9/HC 107
Third Report	Deaths in Custody: Volume I Report	HL Paper 15-I/HC 137-I
Third Report	Deaths in Custody: Volume II Oral and Written Evidence	HL Paper 15-II/HC 137-II
Fourth Report	Scrutiny: First Progress Report	HL Paper 26/HC 224
Fifth Report	Identity Cards Bill	HL Paper 35/HC 283
Sixth Report	Scrutiny: Second Progress Report	HL Paper 41/HC 305
Seventh Report	Scrutiny: Third Progress Report	HL Paper 47/HC 333
Eighth Report	Scrutiny: Fourth Progress Report	HL Paper 60/HC 388
Ninth Report	Prevention of Terrorism Bill: Preliminary Report	HL Paper 61/HC 389
Tenth Report	Prevention of Terrorism Bill	HL Paper 68/HC 334
Eleventh Report	Government Response to the Third Report from the Committee: Deaths in Custody	HL Paper 69/HC 416
Twelfth Report	Scrutiny: Fifth Progress Report	HL Paper 77/HC 437
Thirteenth Report	Scrutiny: Sixth Progress Report	HL Paper 87/HC 470
Fourteenth Report	The Convention on the Elimination of Racial Discrimination	HL Paper 88/HC 471
Fifteenth Report	Scrutiny: Seventh Progress Report	HL Paper 97/HC 496
Sixteenth Report	Equality Bill	HL Paper 98/HC 497

## Session 2003–04

First Report	Deaths in Custody: Interim Report	HL Paper 12/HC 134
Second Report	The Government's Response to the Committee's Ninth Report of Session 2002–03 on the Case for a Children's Commissioner for England	HL Paper 13/HC 135
Third Report	Scrutiny of Bills: Progress Report	HL Paper 23/HC 252
Fourth Report	Scrutiny of Bills: Second Progress Report	HL Paper 34/HC 303
Fifth Report	Asylum and Immigration (Treatment of Claimants, etc.) Bill	HL Paper 35/HC 304
Sixth Report	Anti-terrorism, Crime and Security Act 2001: Statutory Review and Continuance of Part 4	HL Paper 38/HC 381
Seventh Report	The Meaning of Public Authority under the Human Rights Act	HL Paper 39/HC 382

Eighth Report	Scrutiny of Bills: Third Progress Report	HL Paper 49/HC 427
Ninth Report	Naval Discipline Act 1957 (Remedial) Order 2004	HL Paper 59/HC 477
Tenth Report	Scrutiny of Bills: Fourth Progress Report	HL Paper 64/HC 503
Eleventh Report	Commission for Equality and Human Rights Structure, Functions and Powers	HL Paper 78/HC 536
Twelfth Report	Scrutiny of Bills: Fifth Progress Report	HL Paper 93/HC 603
Thirteenth Report	Scrutiny of Bills: Sixth Progress Report	HL Paper 102/HC 640
Fourteenth Report	Asylum & Immigration (Treatment of Claimants, etc.) Bill: New Clauses	HL Paper 130/HC 828
Fifteenth Report	Civil Partnership Bill	HL Paper 136/HC 885
Sixteenth Report	Commission for Equality and Human Rights: The Government's White Paper	HL Paper 156/HC 998
Seventeenth Report	Scrutiny of Bills: Seventh Progress Report	HL Paper 157/HC 999
Eighteenth Report	Review of Counter-terrorism Powers	HL Paper 158/HC 713
Nineteenth Report	Children Bill	HL Paper 161/HC 537
Twentieth Report	Scrutiny of Bills: Eighth Progress Report	HL Paper 182/HC 1187
Twenty-first Report	The International Covenant on Economic, Social and Cultural Rights	HL Paper 183/ HC 1188
Twenty-second Report	The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004	HL Paper 190/HC 1212
Twenty-third Report	Scrutiny of Bills: Final Progress Report	HL Paper 210/HC 1282

#### Session 2002–03

First Report	Scrutiny of Bills: Progress Report	HL Paper 24/HC 191
Second Report	Criminal Justice Bill	HL Paper 40/HC 374
Third Report	Scrutiny of Bills: Further Progress Report	HL Paper 41/HC 375
Fourth Report	Scrutiny of Bills: Further Progress Report	HL Paper 50/HC 397
Fifth Report	Continuance in force of sections 21 to 23 of the Anti- terrorism, Crime and Security Act 2001	HL Paper 59/HC 462
Sixth Report	The Case for a Human Rights Commission: Volume I Report	HL Paper 67-I HC 489-I
Seventh Report	Scrutiny of Bills: Further Progress Report	HL Paper 74/HC 547
Eighth Report	Scrutiny of Bills: Further Progress Report	HL Paper 90/HC 634
Ninth Report	The Case for a Children's Commissioner for England	HL Paper 96/HC 666
Tenth Report	United Nations Convention on the Rights of the Child	HL Paper 117/HC 81
Eleventh Report	Criminal Justice Bill: Further Report	HL Paper 118/HC 724
Twelfth Report	Scrutiny of Bills: Further Progress Report	HL Paper 119/HC 765
Thirteenth Report	Anti-social Behaviour Bill	HL Paper 120/HC 766
Fourteenth Report	Work of the Northern Ireland Human Rights Commission	HL Paper 132/HC 142

Fifteenth Report	Scrutiny of Bills and Draft Bills: Further Progress Report	HL Paper 149/HC 1005
Sixteenth Report	Draft Voluntary Code of Practice on Retention of Communications Data under Part 11 of the Anti-terrorism, Crime and Security Act 2001	HL Paper 181/HC 1272
Seventeenth Report	Scrutiny of Bills: Final Progress Report	HL Paper 186/HC 1278
Eighteenth Report	The Government's Response to the Committee's Tenth Report of Session 2002–03 on the UN Convention on the Rights of the Child	HL Paper 187/HC 1279
Nineteenth Report	Draft Gender Recognition Bill Vol I: Report	HL Paper 188-I/HC 1276-I
Nineteenth Report	Draft Gender Recognition Bill Vol II: Evidence	HL Paper 188-II/HC 1276-II

#### Session 2001–02

First Report	Homelessness Bill	HL Paper 30/HC 314
Second Report	Anti-terrorism, Crime and Security Bill	HL Paper 37/HC 372
Third Report	Proceeds of Crime Bill	HL Paper 43/HC 405
Fourth Report	Sex Discrimination (Election Candidates) Bill	HL Paper 44/HC 406
Fifth Report	Anti-terrorism, Crime and Security Bill: Further Report	HL Paper 51/HC 420
Sixth Report	The Mental Health Act 1983 (Remedial) Order 2001	HL Paper 57/HC 472
Seventh Report	Making of Remedial Orders	HL Paper 58/HC 473
Eighth Report	Tobacco Advertising and Promotion Bill	HL Paper 59/HC 474
Ninth Report	Scrutiny of Bills: Progress Report	HL Paper 60/HC 475
Tenth Report	Animal Health Bill	HL Paper 67/HC 542
Eleventh Report	Proceeds of Crime: Further Report	HL Paper 75/HC 596
Twelfth Report	Employment Bill	HL Paper 85/HC 645
Thirteenth Report	Police Reform Bill	HL Paper 86/HC 646
Fourteenth Report	Scrutiny of Bills: Private Members' Bills and Private Bills	HL Paper 93/HC 674
Fifteenth Report	Police Reform Bill: Further Report	HL Paper 98/HC 706
Sixteenth Report	Scrutiny of Bills: Further Progress Report	HL Paper 113/HC 805
Seventeenth Report	Nationality, Immigration and Asylum Bill	HL Paper 132/HC 961
Eighteenth Report	Scrutiny of Bills: Further Progress Report	HL Paper 133/HC 962
Nineteenth Report	Draft Communications Bill	HL Paper 149/HC 1102
Twentieth Report	Draft Extradition Bill	HL Paper 158/HC 1140

Twenty-first Report	Scrutiny of Bills: Further Progress Report	HL Paper 159/ HC 1141
Twenty-second Report	The Case for a Human Rights Commission	HL Paper 160/ HC 1142
Twenty-third Report	Nationality, Immigration and Asylum Bill: Further Report	HL Paper 176/ HC 1255
Twenty-fourth Report	Adoption and children Bill: As amended by the House of Lords on Report	HL Paper 177/ HC 979
Twenty-fifth Report	Draft Mental Health Bill	HL Paper 181/ HC 1294
Twenty-sixth Report	Scrutiny of Bills: Final Progress Report	HL Paper 182/ HC 1295