

# UNITED KINGDOM 2016 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The United Kingdom of Great Britain and Northern Ireland (the UK) is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect representatives to the House of Commons, the lower chamber of the bicameral Parliament. They last did so in free and fair elections in May 2015. On June 23, the UK held a free and fair nationwide referendum and voted to leave the European Union. Members of the upper chamber, the House of Lords, occupy appointed or hereditary seats. Scotland, Northern Ireland, Wales, and Bermuda each have elected legislative bodies and devolved administrations, with varying degrees of legislative and executive powers. The UK has 14 overseas territories, including Bermuda. Each of the overseas territories has its own constitution, while the UK government is responsible for external affairs, security, and defense.

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

During the year the most serious human rights problems were unsafe and deteriorating prisons, restrictions on those seeking asylum in the country, and an increase in hate crimes based on ethnicity, disability, anti-Semitism, and religion.

Other problems included violence against women and children, sexual abuse of children, trafficking in persons, differences in the legal ages for certain same-sex acts in Bermuda and some other British territories, the rare application of the law against inciting to hate, forced labor, and discrimination against women in employment.

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

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

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

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

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

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

## **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards but nevertheless had serious problems. On September 24, an article in *The Economist* characterized conditions as “grim and getting worse.”

Physical Conditions: *The Economist* stated buildings were “crumbling, infested with rats and cockroaches.” It reported prisons held 11 percent more detainees than they could “decently accommodate” by the government’s own standards.

The *Annual Report 2015-16* of Her Majesty’s (HM) Chief Inspector of Prisons for England and Wales released on July 19 stated there were more than 20,000 assaults in English and Welsh prisons in 2015, an increase of 27 percent over 2014. Citing data from the Home Office, *The Economist* reported 646 serious assaults on staff and 2,328 serious assaults on other prisoners during the year for a total of 2,974 or a 31 percent increase. Between April 2015 and March 2016, the chief inspector reported six apparent homicides. During the same period, there were 100 suicides, a 27 percent increase, of which two were transgender women held in men’s prisons. There were more than 32,000 incidents of self-harm in 2015, an increase of 25 percent.

Four of the five young offender institutions the chief inspector visited were “not sufficiently good in the area of safety.” Children were locked in their cells for too much of the day and got too little fresh air and exercise, according to the report.

The *Official Annual Report of the Prisons and Probation Ombudsman for England and Wales* for the period 2015-16 released in September stated there were 304 deaths in custody, an increase of 21 percent from the preceding year. Twelve of these deaths were in “approved premises” (halfway houses), up from eight in the preceding year; three deaths were in immigration removal facilities, up from two in

the previous year. There were 172 deaths from natural causes; the ombudsman explained the increase because of the rising number of older prisoners. The prison service also noted six as apparent homicides; a further 23 deaths were classified as “other non-natural,” which the ombudsman noted were “usually drug related,” and of these, 12 awaited further classification.

An important contributing factor to the problems of safety in prisons is the use of synthetic drugs, especially cannabinoids such as “spice” and “black mamba.” *The Economist* reported drones flew drugs through broken windows in Pentonville prison in London.

Scottish Prison Service figures showed 24 deaths in prisons in Scotland in 2015, the same number as 2014. Of those 24, 20 were still to be determined following the conclusion of fatal accident inquiries. The other deaths were a result of natural causes.

In Northern Ireland women did not have a separate facility from juveniles. According to the Prisoner Ombudsman for Northern Ireland’s annual report for 2015-16, the ombudsman began investigations into two deaths (one fewer than in 2015). One of the deaths appeared to be a suicide, and the other death was due to natural causes.

Following a critical official report in 2015 that deemed the Maghaberry prison County Antrim, Northern Ireland, which housed 1,000 prisoners, as “unsafe and unstable,” subsequent investigations indicated the situation stabilized, and authorities partially achieved recommendations to improve the situation. In November investigations began into the death of a 44-year-old man at the prison. It was at least the fourth death since the 2015 report.

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

For two weeks beginning on March 30, the Council of Europe's Committee for the Prevention of Torture (CPT) visited places of detention in England. At year's end the report of the visit was not yet published.

In August 2015 the Scottish Prison Service announced a new independent monitoring system of Scotland's prisons would begin to assess the conditions and treatment levels for prisoners. Approximately 150 volunteers were trained as prison inspectors. By August almost 900 visits had been carried out.

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

The law prohibits arbitrary arrest and detention, and the government observed these prohibitions.

A report published in January by the Scottish Police Authority showed an 81 percent decline in stop-and-search actions by the Scottish police force, Police Scotland, from June 2015 to August 2016 (22,787), compared with the corresponding period in 2014 (119,940).

In Bermuda the number of stop-and-search actions "in anticipation of violence" numbered approximately 425 in the first half of the year. This represented a continuing significant decrease from a high of approximately 6,500 in the second quarter of 2011, when gang violence was at its height. Civil rights groups stated the law unfairly targeted blacks.

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

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

By law authorities must refer to the Independent Police Complaints Commission all deaths and serious injuries during or following police contact, including road traffic fatalities involving police, fatal police shootings, deaths in or following

police custody, apparent suicides following police custody, and other deaths where the actions or inaction of police may have contributed.

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

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

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

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

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

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

Police in the UK must have a warrant issued by a magistrate or a judge to arrest a person, unless there is reasonable suspicion a person has just committed or is about to commit a crime. In England, Wales, and Northern Ireland, a senior police official must authorize detention without charges for more than 24 hours, and a magistrate must authorize detention for more than 36 hours up to a maximum 96 hours. Police may detain terrorism suspects without charge for up to 14 days.

Police must inform detainees promptly of charges against them, and this right was respected.

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

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

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

The inspectorate of prisons in England and Wales reported "inadequate and, in some cases, nonexistent monitoring of the use of force" in detention centers and expressed concerns that some applications of force were not reasonable or proportionate.

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

In Bermuda a person must usually be arrested with a warrant issued by a court. The law permits arrests without warrant in certain conditions. No arrests or

detentions can be made arbitrarily or secretly. The detainee must be told the reason for his arrest immediately upon being arrested. Detainees may be held for 42 hours for investigation, but detention should be reviewed at specified intervals of initially six hours, then every 12 hours, until 42 hours are reached. For serious crimes a senior police officer may authorize additional detention of up to 72 hours before charges are filed. Crimes with firearms automatically allow detention up to 72 hours and have special provisions under the law to detain without charge for two weeks, followed by an additional two-week period with the approval of the Supreme Court.

There is a functioning system of bail in Bermuda. A detainee has the immediate right of access to a lawyer, either through a personal meeting or by telephone. Free legal advice is provided for detainees. A detainee who wishes to have another lawyer can have one at his own expense. Police may interview without a lawyer in exceptional circumstances which must be authorized, such as to save life or to find a kidnapping victim. Police must inform the arrestee of his rights to communication with a friend, family member, or other person identified by the detainee. The police superintendent may authorize incommunicado detention for serious crimes such as terrorism. House arrest does not legally exist but may be a condition of bail.

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

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

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: See section 2.d.

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

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

### **Trial Procedures**

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

Defendants have the right to communicate with an attorney of choice, or to have one provided at public expense, except in cases before employment tribunals that may unintentionally overlap with undiscovered discrimination cases. Defendants and their lawyers have adequate time and facilities to prepare a defense and have access to government-held evidence relevant to their cases, with some exceptions, such as instances in which information pertaining to a suspect relates to national security. Defendants have the right to confront witnesses against them, present witnesses and evidence, and not to be compelled to testify or confess guilt. Defendants have the right to appeal adverse verdicts.

The law extends the above rights to all defendants.

In Bermuda the Disclosure and Criminal Reform Act 2015 passed early in 2016 requires a defendant to declare to the prosecutor and the court within 28 days of his arraignment whether he intends to give evidence at his trial. Failure to do so permits the court to direct the jury to draw inferences in deciding whether the accused is guilty of the offense charged. During the year the Bermudian Supreme Court heard one case where a defense statement was required and was duly supplied.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

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



In Bermuda the Human Rights Tribunal adjudicates complaints.

### **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. In a memorandum dated May 17, the Council of Europe’s Human Rights Commissioner stated that 65 laws cover the interception of communications, a framework he called “extremely complicated.”

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

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and 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 speech and press.

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

Press and Media Freedoms: 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 it applies only on racial grounds; on other grounds, including sexual orientation, the law prohibits only discriminatory “notices, signs, symbols, emblems or other representations.”

### **Internet Freedom**

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

on copyrights. Courts have blocked torrent file-sharing sites such as The Pirate Bay and Newzbin, primarily for hate speech and violations of intellectual property rights.

Individuals who view or post criminal content online may be prosecuted if the content is hosted by UK servers, but there are difficult jurisdictional issues when such material is hosted by foreign servers. In general, viewing or posting the following categories of activity on the internet is subject to criminal prosecution: child sexual abuse images hosted anywhere in the world, criminally obscene adult content hosted in the UK, incitement to racial hatred content hosted in the UK, and nonphotographic child sexual abuse images, such as drawings, hosted in the UK.

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

According to the Office for National Statistics (ONS), in 2015, 78 percent of adults (39.3 million individuals) in the UK accessed the internet every day, or almost every day.

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

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

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

The law provides for the freedoms of 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 [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

Abuse of Migrants, Refugees, and Stateless Persons: Home Office officials have the power to detain asylum seekers and unauthorized migrants who do not enter the asylum system. Immigration detention was used to establish a person's identity or basis of claim, to remove a person from the UK, or to avoid a person's noncompliance with any conditions attached to a grant of temporary admission/release. The UK's immigration detention facilities contained approximately 3,500 places. In 2015, 27,812 men and 4,634 women entered detention. Figures for 2016 showed 81 percent of all immigration detainees leaving detention had been held for less than two months, approximately 2 percent for between six and 12 months, and an additional 1 percent for more than a year. Although Home Office policy stated detention should be used sparingly, and for the shortest period necessary, there was neither a maximum time limit for the use of immigration detention in the UK nor automatic judicial oversight of decisions to detain. In response to calls from NGOs and the CPT to introduce a maximum time limit and to enhance existing mechanisms for independent oversight, the Home Office began to review its use of immigration detention and the length of time individuals can spend in detention.

A report published by the All-Party Parliamentary Group for International Freedom of Religion or Belief stated asylum claims from genuine converts to Christianity were being rejected if they could not recite the Ten Commandments; the report accused immigration officials of ignoring or failing to follow their guidance correctly.

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, and other persons of concern.

In-country Movement: The home secretary may impose terrorism prevention and investigation measures (TPIMs) based on a "balance of probabilities." TPIMs 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.

The suspect may apply to the courts to stay elsewhere. The suspect is allowed to use a mobile phone and the internet, to work and study, subject to conditions. As of October 26, six suspected terror suspects were subject to TPIMs.

Emigration and Repatriation: The law permits the home secretary administratively to impose “Temporary Exclusion Orders” (TEOs) on a returning UK citizen, or others with a right to live in the UK, certain obligations once back in the UK, such as reporting to a police station. A TEO requires a court order and is subject to judicial oversight; an individual has the right to appeal. A TEO may be imposed if the home secretary reasonably suspects the individual in question is, or has been, involved in terrorism-related activity and reasonably considers it necessary to protect persons in the UK from a risk of terrorism. There were no known impositions of TEOs during the year.

### **Protection of Refugees**

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

In the year ending in June, the UK resettled 3,439 refugees. Additionally in October, just before the French government closed and demolished the “Jungle” camp in Calais, the UK resettled 300 refugees. In September, Scotland confirmed it had accepted the 1,000 Syrian refugees Scottish First Minister Sturgeon pledged in September 2015 to take. On April 28, 57 Syrian refugees from 14 families arrived in Northern Ireland.

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

Employment: The government did not allow asylum seekers to work. They received government support at 30 percent below the normal rate for their family

size for the duration of their asylum application. The government granted an asylum seeker with an upheld claim “refugee status” and the benefits enjoyed by citizens, including employment opportunities.

Access to Basic Services: In February the “Right to Rent” entered into force. It requires all landlords in England to check the immigration documents of prospective tenants to verify that they are not irregular or undocumented migrants. Landlords can be fined up to 3,000 pounds (\$3,700) for noncompliance. In a memorandum dated March 22, the Council of Europe’s commissioner for human rights, Nils Muiznieks, called on the government to end the “Right to Rent” program, which he alleged deprived irregular migrants of adequate housing.

Durable Solutions: The government granted varying levels of assistance to refused asylum seekers, including return flights and financial assistance.

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. In 2015 it granted humanitarian protection to 1,650 persons and subsidiary protection to 125 others.

### **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: On May 5, Scotland held elections to the Scottish Parliament, Wales to the Welsh Assembly, and Northern Ireland to the legislative assembly elections. The UK held national parliamentary elections in May 2015. Bermuda last held elections in 2012. International standards were respected during these elections. There were no reports of abuses or irregularities. On June 23, citizens voted to leave the EU in a free and fair UK-wide referendum.

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. In the UK there were no reports of government corruption during the year.

Financial Disclosure: All members of Parliament (MPs) are required to disclose their financial interests. The *Register of Members' Interests* was available online and updated regularly. These public disclosures include paid employment, property ownership, shareholdings in public or private companies, and other interests that “might reasonably be thought to influence” the member in any way. The Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, and the Bermudian Parliament have similar codes of conduct for members. Under the ministerial code issued by the Prime Minister’s Office, ministers must follow standards of conduct, including the disclosure of gifts and travel. The UK publishes the names, grades, job titles, and annual pay rates for most civil servants with salaries greater than 150,000 pounds (\$185,250). Government departments publish the business expenses of and hospitality received by their most senior officials.

Public Access to Information: The law provides for public access to information, and authorities routinely granted access to citizens and noncitizens, including foreign media. Authorities implemented the law effectively.

In Scotland the law gives everyone the right to ask for any information held by a Scottish public authority. The Scottish Information Commissioner is responsible for enforcing and promoting this legislation and implemented the law effectively.

During the first year of Bermuda’s public access to information law, authorities received more than 100 requests by the end of 2015.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 well funded and was considered effective.

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

In Bermuda the Human Rights Commission is an independent body that effectively administers the law regarding human rights by the investigation and resolution of complaints lodged to it; its funding was adequate.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, spousal rape, and domestic violence. The maximum legal penalty for rape is life imprisonment. The law also provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence. The government enforced the law effectively in reported cases. Courts in some cases imposed the maximum punishment for rape. According to the ONS, the police recorded a total of 106,378 sexual offenses during the period of March 2015/16, of which 35,798 were for rape. This represented an increase of 21 percent in sexual offenses recorded by the police compared with the previous year, and a 22 percent increase in rape. The ONS stated the increase was due to improvements in the recording of sexual offenses by the police and an increased willingness of victims to report them. The PSNI reported the number of offenses investigated by its Rape Crime Unit topped 600 in 2014-15, an increase of 24 percent from the previous year. The PSNI also stated there were 28,465 incidents of domestic abuse in Northern Ireland in the year ending in June. Improvements in recording and a greater willingness of victims to come forward to report such crimes were believed

to be the main causes for the higher numbers. The government provided shelters, counseling, and other assistance for survivors of rape or violence in the UK and Northern Ireland. It offered free legal aid to battered women who were economically dependent on their abusers.

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

Hospital providers and general practice doctors are obligated to collect data on all incidents of FGM/C for the Female Genital Mutilation Prevalence Dataset, including those already being treated and new cases.

In July the Health and Social Care Information Center published the first ever recorded figures for FGM/C, which showed 5,702 new cases in England between April 2015 and March 2016. Most of the women and girls were born in Africa and underwent the procedure there, but 43 girls were born in the UK and 18 of those had it done in the country. The true extent of the abuse was believed to be much higher, with the government estimating 170,000 women and girls in the UK had undergone the procedure. Wales, Northern Ireland, and Scotland did not collect figures on FGM/C.

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

For the first time, Nottinghamshire Police recorded harassment of women as a hate crime in an effort to tackle sexist abuse. The force defines misogyny hate crime as “Incidents against women that are motivated by an attitude of a man towards a woman and includes behavior targeted towards a woman by men simply because they are a woman.” The classification means individuals can report incidents that might not be considered a crime, and police will investigate and put in place support for victims.



Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

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

## **Children**

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

Child Abuse: According to the ONS, police in England and Wales recorded 40,886 sexual offenses committed against children, including rape, assault and grooming offenses, in 2015-16.

In Scotland while the specific age of the victim cannot generally be determined from the data supplied by authorities, many of the sexual crime codes used by police to record crime make it clear when the victim was under age 18. By adding up all these crime codes, at least 43 percent of the 10,273 sexual crimes recorded in 2015-16 by police related to a victim under 18.

The number of child abuse referrals the PSNI recorded in 2015-16 was 4,723, an increase of 23 percent from 2014-15. As of June the charitable NGO National Society for the Prevention of Cruelty to Children (NSPCC) stated the number of children on the child protection registry was 2,207. In June the NSPCC put the number of children on the child protection registry because of sex abuse at 142.

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. According to the NSPCC, at the end of March 2015 there were 52,625 children on child protection registers or subject to child

protection plans in England and Wales. In Scotland there were 2,751 children on child protection registers in 2015. In Northern Ireland as of September, there were 2,262 children on the child protection register, representing a 5 percent increase on the previous year.

Early and Forced Marriage: The minimum legal age for marriage in the UK is 16. In England and Wales, persons under 18 and not previously married require the written consent of the parents or guardians, and the underage person must present a birth certificate. Forcing a UK citizen into marriage anywhere in the world is a criminal offense in England and Wales with a maximum prison sentence of seven years. In Scotland persons between 16 and 18 do not need parental consent to be married. In Northern Ireland persons under 18 need parental consent “or if appropriate an order of a court dispensing with consent.” In Bermuda the minimum age for marriage is 18.

The government’s Forced Marriage Unit (FMU) operated a helpline providing confidential support and advice to victims and professionals and conducted a nationwide outreach program with schools, social services, and police. In 2015 the FMU gave advice or support to 1,220 cases, of which 329 (27 percent) involved victims below 18 years of age; 427 (35 percent) involved victims ages 18-25. In 980 (80 percent) cases the victims were women or girls, and 240 cases (20 percent) involved male victims.

In Scotland the law provides for protection against forced marriage without free and full consent and for protecting persons who have been forced into marriage without such consent. The legal minimum age to enter into a marriage in Scotland is 16 and does not require parental consent.

The minimum age for marriage in Bermuda is 16 for both girls and boys.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in women’s section above.

Sexual Exploitation of Children: The penalties for sexual offenses against children and the commercial sexual exploitation of children range up to life imprisonment. Released persons convicted of sexual offenses must register with police and notify police any time they change their name or address, or travel outside the UK.

Authorities identified 3,266 potential trafficking victims from 102 countries in 2015, compared with 2,340 the previous year.

The minimum age of consensual sex in the UK is 16. In Bermuda the legal minimum age for consensual sex is 16 for heterosexuals and lesbians and 18 for gay men.

International Child Abductions: The UK including Bermuda is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Due to its distinct and separate legal system, Scotland has an independent body for handling Hague Convention cases and communicates directly with Hague Convention authorities. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

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

The NGO Community Security Trust (CST) published a half-yearly report in August that recorded 557 incidents in the six months to June, an 11 percent increase in incidents compared with the same period in 2015. The CST stated, "This is the second highest incident total the CST has ever recorded for the January-June period, despite there being no discernible 'trigger event'." Anti-Semitic incidents in London recorded by the CST rose by 62 percent in the first six months of 2015 and 2016. In contrast, in Greater Manchester the number of reported anti-Semitic incidents fell by 54 percent.

The CST believed a combination of factors, including prominent and sustained public debate about anti-Semitism; increased use of social media by anti-Semites; and a general rise in racism and xenophobia in wider society all contributed to the increase in incidents. Civil society contacts criticized the UK government's inability to prosecute perpetrators of hate crimes successfully.

During the year the Labour Party faced criticism for its members' anti-Semitic acts and comments. In March the party suspended the membership of its vice-chairman in Woking, Surrey, for anti-Semitic Tweets. MP Naz Shah was temporarily suspended in April for comments made on her Facebook page in 2015 before she became an MP: Under an outline of Israel that was superimposed on a map of the

U.S. with the headline “Solution for Israel-Palestine conflict--relocate Israel into United States,” Shah commented, “Problem solved.” Shah apologized in Parliament for the comment and then apologized to the members of a synagogue in her constituency and in an opinion piece in the *Jewish News*.

In April, Ken Livingstone, former MP and former London mayor, was suspended from the Labour Party for anti-Semitism. Livingstone, when asked about Shah, called her comments “rude” but said they were not anti-Semitic. He said it was important “not to confuse criticism of Israeli government policy with anti-Semitism.” He then suggested that Hitler was a Zionist, which led to his suspension.

On October 3, Labour Party activist Jackie Walker was removed from her post as vice-chairman of Momentum, the campaigning group supporting Labour Party Leader Jeremy Corbyn, following remarks in which she criticized the International Holocaust Remembrance Day and counterterrorism security at Jewish schools, although Momentum claimed that she had not said anything anti-Semitic. Walker was also suspended from the Labour Party and then readmitted in May despite claiming that Jews were the “chief financiers” of the African slave trade, a proposition described by the Legacies of British Slave Ownership project at University College, London, as based on “no evidence whatsoever.”

The Labour Party conducted two inquiries on anti-Semitism during the year. In February, Alex Chalmers, the cochairman of the Labour Club at Oxford University, resigned from his post because, he said, some on the club “have problems with the Jews.” After investigating this and other allegations, Baroness Janet Royall produced a report in May, which concluded that Oxford University Labour Club students had engaged in anti-Semitic acts.

In April, Corbyn announced the party would conduct an inquiry into anti-Semitism and other forms of racism perpetrated by members of the Labour Party, chaired by former Liberty Director Shami (now Baroness) Chakrabarti. Chakrabarti’s report in June concluded that the party was “not overrun” by anti-Semitism, Islamophobia, or other forms of racism, but that, “as with wider society,” there was evidence of “minority hateful or ignorant attitudes and behaviors festering within a sometimes bitter incivility of discourse.” It recommended a number of changes to the Labour Party’s disciplinary processes. The most controversial were that Labour members who are excluded from the party for anti-Semitism should not automatically be banned for life, and the proposal of a two-year statute of

limitations for those members accused of “uncomradely conduct and language.” The Chakrabarti report was criticized for not referring to the Royal report.

Many Jewish civil society groups called the Chakrabarti report a “whitewash” about anti-Semitism, although some Jewish leaders welcomed the recommendations that Labour Party members curb anti-Semitic language. In September a dispute arose over whether Chakrabarti was given the title of Baroness in exchange for writing the report.

On October 16, Parliament’s Home Affairs Committee released a comprehensive, cross-party report on anti-Semitism in the UK, calling “on all political leaders to tackle the growing prevalence of anti-Semitism.” It “notes the failure of the Labour Party consistently to deal with anti-Semitic incidents in recent years...” The report stated Corbyn’s “lack of consistent leadership” on anti-Semitism created “a ‘safe space’ for those with vile attitudes towards Jewish people.” The Home Affairs Committee’s report also criticized the president of the National Union of Students, Malia Bouattia, for failing to take sufficiently seriously the problem of anti-Semitism on university campuses. The Home Affairs Committee’s report expressed particular concern at the volume and viciousness of anti-Semitism online, including countless examples directed at MPs.

To help address online hate crime more broadly, the Home Affairs Committee recommended that government and political parties adopt an amended definition of anti-Semitism aimed at promoting a zero-tolerance approach while allowing free speech on Israel and Palestine to continue. The committee stated that law enforcement and political party officials should consider the use of the word “Zionist” in an accusatory context inflammatory and potentially anti-Semitic.

On August 28, 13 Jewish graves were destroyed in Belfast, Northern Ireland. The PSNI investigated eight youths who knocked over headstones and in some cases used hammers to destroy markers. Officials condemned the incident, and local authorities offered assistance to rectify the damage.

### **Trafficking in Persons**

The law provides for trafficking reparation orders to encourage the courts to use seized assets to compensate victims and prevention orders to restrict the activities of potential slave masters. Thousands of the UK’s biggest firms must reveal whether they have taken action to ensure they do not use child or slave labor (see section 7.b.).

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, and the provision of other government services. The government effectively enforced the law.

Britain's equality watchdog, the EHRC, contended persons with disabilities were still treated as "second-class citizens," because progress in promoting improvements by governments, businesses, and the wider community had stalled. The commission awaited a Supreme Court decision on a test case regarding the rights of wheelchair users on buses and criticized airlines for their treatment of customers with disabilities.

In the first ever disability discrimination lawsuit to be brought in the UK, the UK Supreme Court was considering the case of a wheelchair user refused access to public transport when a bus driver would not require a mother with a stroller to vacate a space designated for passengers with disabilities. The passenger argued the bus policy of "requesting, not requiring" passengers without disabilities to vacate spaces intended for passengers with disabilities constitutes disability discrimination.

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

From March 2015 through March 2016 in Scotland, there were 201 recorded crimes connected to disability, an increase of 14 percent from the previous year. The PSNI recorded 70 hate crimes connected to disability from July 2015 through June 2016, a decrease of eight crimes from the previous year. The mandate of the EHRC includes work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The EHRC provided legal advice and support to individuals, a hotline for persons with disabilities and employers, and policy advice to the government. It may also conduct formal investigations, arrange conciliation, require persons or organizations to adopt action plans to

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

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

The law prohibits racial and ethnic discrimination, but Travellers, Roma, and persons of African, Afro-Caribbean, South Asian, and Middle Eastern origin at times reported mistreatment on racial or ethnic grounds. In January the High Court ruled the government had illegally discriminated against Travellers by unlawfully subjecting planning applications from Roma and Travellers to special scrutiny.

Following the UK's decision to leave the EU, NGOs reported a sharp rise in hate crimes. In the week before and the three weeks following the EU referendum, 6,193 hate crimes were reported to police in England, Wales, and Northern Ireland, a 20 percent increase on the first two weeks of July compared with the same period in 2015. Of those, 3,076 hate crimes and incidents were reported in June 16-30, an increase of 915, or 42 percent, compared with the same period in 2015. On June 25, the daily number of alleged offenses peaked at 289.

There was an increase in the number of racially or religiously aggravated offenses recorded in June, followed by an even sharper increase in July. The number of offenses declined in August but remained at a level higher than prior to the referendum. The number of racially or religiously aggravated offenses recorded by the police in July 2016 was 41 percent higher than in July 2015.

In England and Wales, police recorded 52,528 hate crimes in 2014-15, an increase of 18 percent compared with the previous year. Of these, 37,484 (84 percent) were racial hate crimes. On August 27, a gang of six teenage boys attacked a Pole, Arkadiusz Jozwik, in Harlow. Jozwik died from his injuries on August 29. The boys were arrested for the attack.

The home secretary announced a review of how police handle hate crime; HM Inspectorate of Constabulary was to analyze how forces in England and Wales respond. The home secretary announced also a hate crimes action plan for England and Wales, including an assessment of the level of other bullying in schools; action to tackle hate crime online, on public transport, and around the "night-time economy"; a fund of 2.4 million pounds (\$3.0 million) for security measures at places of worship; and an allocation of 300,000 pounds (\$371,000) to establish three projects to "explore innovative new ways" of tackling hate crime in local communities.

In 2015-16 Scottish police recorded 3,712 race crimes, a 3 percent decrease from the previous year and the lowest number recorded since 2003-04. In October a University of Strathclyde study found that one in three of the 500 black and minority ethnic Scots surveyed had experienced discrimination. In Northern Ireland from July 2015 to June 2016, the PSNI recorded 785 hate crimes connected to racism, a decrease of 101 crimes from the previous year.

In Bermuda arrests of black persons were disproportionately high. In 2015, 86 percent (2,284) of 2,651 persons arrested were black (excluding mixed race). According to the 2010 census, 54 percent of all residents described themselves as black. Among the Bermudian population, excluding foreign residents, 63 percent were black.

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

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

The law in England and Wales prohibits discrimination and harassment based on sexual orientation, although individuals reported sporadic incidents of homophobic violence. It encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation was a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. In 2014-15 police in England and Wales recorded 5,597 hate crimes related to sexual orientation and 605 transgender hate crimes.

On October 4, the European Commission against Racism and Intolerance (ECRI) reported that intimidation, harassment, and violence might be an everyday reality for some lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. LGBTI pupils experienced severe bullying in school and were not always supported by teachers.

In Scotland racial, sexual, or other discriminatory motivation may be an "aggravating factor" in crimes. Scottish law also criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match and



penalizes any threat of serious violence and threats to incite religious hatred through the mail or the internet. Crime aggravated by sexual orientation was the second most common type of hate crime, with 1,020 charges reported in 2015-16, a 20 percent increase from 2014-15. Between March 2015 and March 2016, 30 charges were reported in Scotland with an aggravation of prejudice relating to transgender identity.

In Northern Ireland from October 2015 to September 2016, the PSNI recorded 195 hate crimes related to homophobia, of which 10 were transphobic crimes. This represented a decrease of 30 homophobic crimes and three transphobic crimes compared with the previous year. In October an appeal court upheld a decision that the owners of Ashers bakery discriminated based on sexual orientation by refusing an order from a gay customer. They were ordered to pay 500 pounds (\$618) in damages to the individual. In December the bakery announced it would appeal the decision to the Supreme Court. In July, NGO representatives cited difficulties in gaining access to adequate health care and a lack of LGBTI awareness in schools. In May the Northern Ireland Executive lifted the ban on gay persons' donating blood.

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

According to ECRI considerable intolerant political discourse focused on immigration and contributed to increasing xenophobic sentiments. Certain politicians and some policies portrayed Muslims in a negative light. Their alleged lack of integration and opposition to "fundamental British values" was a common theme adding to a climate of mistrust and fear of Muslims. Hate speech in some traditional media, particularly tabloid newspapers, continued to be a problem, with dissemination of biased or ill-founded information that might contribute to perpetuating stereotypes.

Offenses linked to victims' religion increased by 43 percent from 2013-14 to 3,254. In Scotland there were 581 charges with a religious aggravation in 2015-16, a 3-percent increase compared with the previous year. The PSNI recorded 18 hate crimes motivated by religion from July 2015 to June 2016, a decrease of 13 crimes from the previous year. During the same period, the PSNI recorded 874 sectarian crimes in Northern Ireland, a decrease of 207. The number of sectarian incidents was 1,208, a decrease of 340 incidents.

On October 4, ECRI reported, "The specific incitement to hatred provisions are almost never applied. The significant difference between hate crime recorded by

police and offenses referred for prosecution indicate that a large amount of hate crime goes unpunished.”

## **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 generally respected these rights. The law prohibits antiunion discrimination and protects employees from unfair dismissal while striking, provided the union has complied with the legal requirements governing such industrial action.

The new Trade Union Act allows strikes to proceed only when there has been a ballot turnout of at least 50 percent. For “important public services,” defined as health services, education for those age under 17, fire services, transport services, nuclear decommissioning and the management of radioactive waste and spent fuel, and border security, an additional threshold of 40 percent of support to take industrial action from all eligible union members must be met for strike action to be legal.

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

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

The government and employers generally 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, then be incorporated into an individual work contract with legal standing. According to the ITUC, in February the High Court ordered eight major construction firms to pay millions of pounds in compensation to 71 workers, represented by Ucat and Unite unions, who had been illegally blacklisted for their participation in trade unions or political campaigns, or for raising health and safety problems on site.

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. Labor-market surveys suggested that employers expanded the practice of “zero-hour contracts” in which workers are required to be available but are not guaranteed any minimum work hours, which potentially eroded independent trade union membership and further limited worker rights. The ONS stated 903,000 or 2.9 percent of the employed workforce were on zero-hour contracts during the period April to June.

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

According to the ONS, approximately 6.5 million employees in the UK were trade union members in 2015. Membership levels were well below the peak of more than 13 million in 1979.

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

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

The Modern Slavery Law, enacted in 2015, requires more than 12,000 firms with a global turnover of 36 million pounds (\$44 million) that supply goods or services in the UK to publish an annual statement setting out what steps they are taking to ensure that slave labor is not being used in their operations and supply chain. Foreign companies and subsidiaries that “carry on a business” in the UK also have to comply with this law. The law includes the ability for courts to make reparation orders following the conviction of exploiters and prevention orders to ensure that

those who pose a risk of committing modern slavery offenses cannot work in relevant fields, such as with children.

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

In Bermuda the Department of Immigration and the Director of Public Prosecutions confirmed there were no cases of forced labor during the year, although historically there were some cases of forced labor, mostly involving migrants, among men in the construction sector and women in domestic service. The media did not report any cases of forced labor or worker exploitation in 2015 or the first half of the year. The law requires employers to repatriate work-permit holders. Failure to do so had been a migrant complaint. The cases of worker exploitation largely consisted of employers requiring workers to work longer hours or to perform work outside the scope of their work permit. The Department of Immigration imposed civil penalties in approximately eight such cases. The penalties for employing someone outside the scope of their work permit are 5,000 Bermudian dollars (BD\$) (\$5,000) for the first offense and BD\$10,000 (\$10,000) for the second or subsequent offenses.

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

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

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

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

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

Labor laws do not set a minimum age for work in the territories of St. Helena-Ascension-Tristan da Cunha. The government of the British Virgin Islands has not developed a list of hazardous occupations prohibited by children, and it is unclear

whether a comprehensive list of hazardous occupations exists for children in St. Helena-Ascension-Tristan da Cunha and Monserrat.

There are legislative gaps in the prohibition of trafficking in children for labor exploitation and the use of children for commercial sexual exploitation in St. Helena-Ascension-Tristan da Cunha. While criminal laws prohibit trafficking in children for sexual exploitation, they do not address trafficking in children for labor exploitation. It is unclear whether the laws in Monserrat prohibit the use of children in illicit activities such as drug trafficking, begging, theft, or burglary. Traffickers subjected children to commercial sexual exploitation in Anguilla and Turks and Caicos.

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

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

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

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

The law requires equal pay for equal work. The government enacted mandatory gender pay reporting, aimed at closing the "gender pay gap," a separate concept from the equal pay principle. From April 2017, businesses with more than 250 employees will be required to measure, and then report, on how they pay men and women. This should affect 8,000 businesses employing approximately 11 million persons. In addition, the government made a commitment to extend these requirements to the public sector. Together, these regulations will affect nearly half of the workforce. In April the ONS estimated the gender pay gap for all

employees averaged 18.1 percent. This was the lowest pay gap since the survey began in 1997, when the gap for all employees was 27.5 percent. The gap has narrowed over the long term for low earners but has remained largely consistent over time for high earners.

In March an employment tribunal awarded a sales associate in a luxury jewelry store more than 63,000 pounds (\$78,000) for age discrimination. Alan Dove, 61 years old and the oldest member of the sales team, had worked in the store for 25 years before he was forced out of his job. The head of sales had referred to Dove as “Gramps” for several years before he was dismissed.

In September an airline employee won a legal claim for sex discrimination after complaining female cabin crew members were not treated as fairly as men. In her job, Emma Seville worked full-time on any 22 days required by Flybe airline each month, making it difficult for her to engage regular child care because of the unusual working hours. She requested to reduce her working days to 11 per month and to fix these days in advance to allow her to make child-care arrangements for her newborn baby.

In October an employment tribunal in Scotland awarded a father almost 30,000 pounds (\$37,000) in a sex discrimination case after his employer, Network Rail, refused to pay him the same as his wife while on shared parental leave.

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

The new National Living Wage became law on April 1. All workers age 25 and over are legally entitled to at least 7.20 pounds per hour (\$8.89). Workers under 25 are legally entitled to the correct National Minimum Wage, which was 6.70 pounds (\$8.27) for individuals between 21 and 24, and 5.30 pounds (\$6.54), 3.87 pounds (\$4.78), and 3.30 pounds (\$4.08) for an apprentice.

The government measures the poverty level as income less than 60 percent of the median household income, thus the poverty line moves with the median income year to year. In 2014-15, the most recent period for which data was available, the poverty level for households was an income of 284 pounds (\$351) per week.

The Department for Business, Energy, and Industrial Strategy (BEIS) is responsible for setting minimum wage rates annually as recommended by the independent Low Pay Commission. HM Revenue and Customs (HMRC) enforces minimum wage laws on behalf of the BEIS, with employment tribunals handling

disputes. The HMRC's enforcement activity showed an increase in investigations from 2,204 cases in 2014-15 to 2,667 in 2015-16. In 2015-16 the HMRC identified almost 10.3 million pounds (\$12.7 million) in pay arrears owed to more than 58,000 workers. This represented more than triple the amount of money and more than double the number of workers identified in 2014-15. Although criminal enforcement is available, most minimum wage noncompliance was pursued via civil enforcement. Civil penalties for noncompliant employers include fines of up to 200 percent of arrears (capped at 20,000 pounds [\$24,644] per worker) and public naming and shaming. Since 2013, 687 noncompliant employers have been named and shamed for owing combined arrears of more than 3.5 million pounds (\$4.3 million). During the year the HMRC employed approximately 290 National Minimum Wage compliance officers.

Labor protections in the UK are linked to employment status. The prime minister announced a comprehensive review of modern employment practices, including the informal/gig economy and internships, which was to be led by Matthew Taylor, the former head of the 10 Downing Street Policy Unit under Tony Blair. The Taylor Review was tasked with looking specifically at whether the current arrangements are sufficient to protect persons working in the informal economy.

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

The government set appropriate and current occupational safety and health standards. The law stipulates that employers may not place the health and safety of employees at risk. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.



The Health and Safety Executive (HSE), an arm of the Department for Work and Pensions, effectively enforced occupational health and safety laws in all sectors including the informal economy. The fines for penalties are 400 pounds (\$492), which was sufficient to deter violations. The HSE conducted workplace inspections and may initiate criminal proceedings. HSE inspectors enforced health and safety standards by giving advice on how to comply with the law. Employers may also be ordered to make improvements, either through an improvement notice, which allows time for the recipient to comply, or a prohibition notice, which prohibits an activity until remedial action has been taken. The HSE issued notices to companies and individuals for breaches of health and safety law. The notice may involve one or more instances when the recipient has failed to comply with health and safety law, each of which was called a “breach.” The HSE prosecuted recipients for noncompliance with a notice. In 2014 the HSE prosecuted 582 cases in England and Wales; local authorities in England and Wales prosecuted 92 cases, while the procurator fiscal in Scotland prosecuted 35 cases. In Northern Ireland from April 2015 to March 2016, there were 15 successful prosecutions with fines totaling slightly more than 278,000 pounds (\$343,000). The HSE for Northern Ireland (HSENI) also made 5,567 inspections and served 155 formal enforcement notices.

According to the HSE’s annual report for 2014-15, the provisional estimate of workers fatally injured in the UK was 142, more than the 133 fatalities reported for the same period in the previous year. There were 78,000 reported nonfatal injuries to employees. 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 HSENI reported that for 2015 to 2016 workplace fatalities were down 48 percent to 12, compared with 23 in the previous year. Reportable injuries were 2,777, a 1.4 percent increase from the previous year.

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

themselves from situations that endangered health or safety without jeopardy to their employment. Between January and September, one industrial injury was reported.