**Submission to the UN Human Rights Committee by the Quaker Concern for the Abolition of Torture**

**International Covenant on Civil and Political Rights: forthcoming examination of UK government’s international human rights record.**

Date: 7 January 2020

**Quaker Concern for the Abolition of Torture**

**Introduction**

Quakers are a faith group who emerged from the 17th century unrest in the UK, the Civil War and the questioning of established religious beliefs. A central tenet held now by Quakers is to ‘*Remember that each one of us is unique, precious, a child of God*’ (extract from Advices and Queries 22).

The Quaker Concern for the Abolition of Torture (Q-CAT, Charity no. 1093757) is a Charity that represents UK Quakers’ strong belief that the use of torture is completely unacceptable. Q-CAT is committed to working for the eradication of torture. It aims to remind people of the absolute nature of the ban on torture under international law, and to inform them of what the present situation is in the world. Q-CAT is particularly concerned for the spiritual welfare of those who are tortured and their communities, for those that commit the torture, and those complicit in its use.

In 1999 Quakers issued a statement on torture

“*Torture is a profound evil, causing unimaginable human suffering and corrupting the spiritual and political life of the human family.*”

In 2009 Justin Welby, now Archbishop of Canterbury, spoke of the spiritual dimension of torture and its impact on society at a Q-CAT conference. In his introduction, he said

“*Let us be clear, justifying evil is far worse than turning a blind eye, bad though that is. The spiritual roots of our official endorsement of torture lead to a deep corrosion of the human spirit in our society…. The result is a spiritual poverty and also a self-regarding approach that makes torture to others acceptable; they are not one of us, or our community.”*

We are in complete agreement with this perspective and to the statement made by Ban Ki-moon who, when he was UN Secretary-General noted that

“*The law is crystal clear: torture can never be used at any time or under any*

*circumstances, including during conflict or when national security is under threat.*”

The above quotes reflect our views on torture and other abuse.

We share the concerns set out by UN ICCP List of issues in relation to the 7th periodic report of the UK, 20th November 2014, and have read with interest the UN CAT summary record of the consideration of reports submitted by state parties under article 19 of the Convention (CAT/C/SR.1740 and 1743).

We wanted to make you aware that Quakers in the UK support the ICCP’s views, as do many humanitarian charities. We also wanted to share our thoughts on some key issues.

This may add weight to calls for the UK Government to change its approach.

Our sources of information are drawn from publically accessible publications such as UK broadsheets, publications by other charities such as Amnesty International, Reprieve, Redress and Forces Watch, alongside some academic publications. We are not specialists in the field, but many of us have gained knowledge and experience of the issues through campaigning in line with out faith.

This submission focuses on some points relating to

* The UK’s obligations under the International Covenant on Civil and Political Rights **Article 7 – Prohibition of torture and cruel, inhuman or degrading treatment**
* The protections afforded by UK’s ratification of other international instruments (ref: UK’s 7th Periodic Report, paragraphs 554 and 563-566)
* Obligations under **Article 10 – Treatment of detainees**
* The protections afforded by other instruments ratified by the UK (ref: UK’s 7th Periodic Report, paragraphs 713 and 722- 736).

A summary of our view for this submission is that

* There is a need to ensure that independent, prompt, and thorough investigations are made into all allegations of torture and ill-treatment by British forces in the context of military interventions. The UK must be responsible and accountable for any breaches of the Convention.
* Justice will not be served if the UK Government creates a limit to the time when historical allegations are set aside, as has recently been proposed

by Government officials. Such action would not support improved standards of training and behaviour, and could encourage secrecy, excuses and delay.

Our hope is that the primacy of our obligations under international law over that of domestic law is recognised. In the interests of justice, we wish for it to be established that the Criminal Justice Act 1988 (section 134 (4) & (5)) cannot be used to defend personnel against an allegation of torture, as such an application of the Act is inconsistent with the absolute prohibition on the use of torture. We are aware that a House of Lords committee has expressed concerns about the government’s lack of preparation for Brexit in relation to the refugee and asylum system

(ref: <https://publications.parliament.uk/pa/ld201719/ldselect/ldeucom/428/428.pdf>)

There is a need to change the current system of detention for stateless people, refugees and asylum seekers, which, due to its prolonged and arbitrary nature, further damages those detained. We have concerns about the standards used to justify deportation and to confirm or deny detainees’ allegations of previous torture, and believe there is a high risk of ‘refoulement’ as matters stand at the present. We would recommend adequate safeguards and speedy access to free legal aid as a start.

We are not certain whether our remit in this submission can include related aspects of Government sanctioned actions, such as the export of arms to Saudi Arabia which may well have been used in Yemen, and involvement in the use of drones, which have clearly also killed civilians. If these actions are considered relevant by the UN Human Rights Committee, we would ask that the UK Government’s rationale and decision making in these matters is closely questioned.

**Submission**

1. **Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

(Referring to ICCP List of issues in relation to the seventh periodic report, 20 November 2014, paragraphs 16-17)

* 1. **Legal scrutiny of historical allegations of crimes committed in Iraq, Afghanistan and Northern Ireland**

We wholeheartedly support the statement made by the UK Government “*To be effective in preventing torture overseas the UK must have a good record on torture and ill treatment*”. The concluding observations on the UN CAT 6th periodic report, in May 2019, clearly demonstrate that this is not the case. We strongly support the need for the UK Government to address its obligations of being a signatory state party of the Convention. We ask that judge-led, independent and effective inquiries are speedily instituted and the required documentation relating to evidence and adequate financial support is made available.

Our doubts, about whether justice has been served so far arise from UK Government’s responses to allegations of crimes committed. Some are cited below.

* + 1. **‘Illegal’ activity by Government agents**

The Investigatory Powers Tribunal (IPT) has recently ruled, by a three-to-two majority, that MI5’s partially secret policy allowing agents and informants to participate in serious crimes is lawful (ref: The Guardian newspaper 20 December 2019). Q-CAT agrees with the majority judgement’s comment that “*This case raises the most profound issues which can face a democratic society governed by the rule of law*”. However, we agree with the two dissenting judges. We fear some past MI5 activities have been unlawful, in terms of international humanitarian law, with the Secret Intelligence Service or GCHQ authorising conduct where people have been abused. Evidence accrues to indicate that over the years MI5 have been involved in illegal activity, such as in Northern Ireland. Further, it is considered likely that UK Intelligence Officers and Service Personnel have been involved in USA rendition and transfers to “black sites” outside and within Iraq. Detainees so rendered were at risk or were subject to torture and mistreatment (ref: submission by Redress to the ICCP 5th June 2015). It is thought likely that officers of the UK Government have been present at times when a detainee has been severely ill-treated, and others have knowingly fed questions to interrogators where has been a real risk of torture or ill-treatment (ref: UN CAT report May 2019, paragraph 36).

We believe the Government’s policy is, as stated by Reprieve’s director Maya Foa, “*extremely dubious*”, and agree that it is not, as Charles Flint QC said “…*in accordance with the law under the European convention on human rights*”.

We also fear that this judgement will encourage such activity in the future. We are deeply concerned with the conduct of the hearing, the lack of transparency and the exclusion of the claimants’ lawyers for during part of the proceedings.

* + 1. **Closed material procedures**

The Justice and Security Act 2013 seems to have allowed Government officials to classify selected information as ‘sensitive’. This hinders access to information that would support those seeking redress from human rights violations (reference: CAT/C/SR.1740, paragraph 32). In the Al-Sweady Inquiry the administrative court criticised the Secretary of State for Defence for his failure to honour his disclosure obligations, and the misuse of public interest immunity certificates to resist the disclosure of redacted information.

* + 1. **Effectiveness of inquiries**

We are not convinced of the effectiveness, or the independence, of inquiries that have been conducted to date on allegations of abuse by UK military and intelligence personnel. There is a repeated pattern of denial or non-disclosure, assertions that investigations or prosecutions will harm morale and endanger operational effectiveness.

Taking one example, the expertise of those appointed to conduct the Al-Sweady Inquiry seem inappropriate and perverse. The Judges appointed were not expert in international humanitarian law nor international human rights law, counsel being a construction lawyer and Chair being a retired barrister and judge with expertise in criminal law in Technology and Construction. There appears to have been bias in how evidence, the veracity of the evidence those alleged abuse and the servicemen defending their actions, was ‘heard’. All evidence on the part of the Iraqis had to be corroborated, whereas evidence from soldiers was taken on trust. Servicemen defendants, when evidence was inconsistent, were judged to have made “*good faith*” mistakes rather than to have deliberately lied. Mistreatment by soldiers was taken to have been *“unintentional”*. A document in Arabic related to allegations was shredded, possibly in error, and many claims were not related to concepts used in international law, and were dismissed as ‘trivial’. The inquiry chair did not inquire into the injuries visible on the bodies of those killed, asserting strongly he was “*quite sure”* bodies had not been mutilated, and not accepting two Iraqi doctors’ testimony.

Inquiries conducted into torture and mistreatment of people detained have been remarkably slow, and there has been an astonishing lack of prosecutions. Prevarication, secrecy, ‘loss’ of documentation and collusion to cover up illegal behaviour has been evident from the time of Kenyan and Malaysian colonial wars and appears to continue. We fear that the premature closing down of the Iraq Historical Allegations Team (IHAT) work in June 2017 is further example of this. IHAT’s quarterly up-dates and tables of completed work did not indicate the methodology or reasoning for the sifting and grouping of allegations. It is troubling that the factors used to determine the closing of 1,127 of the 1,280 cases, that were subsequently transferred to the Service Police Legacy Investigation, have not been revealed.

We understand that the way IHAT was structured meant there was no remit to examine the chain of command or bigger systemic problems with the military, and the focus was on individual criminal culpability, despite the number of allegations of mistreatment. It is therefore understandable that veterans feel betrayed by the army.

The Intelligence and Security Committee of Parliament ended its work in June 2018. Their work had been limited, the Government not providing access to key evidence. Despite this, the Committee were effective in that they confirmed UK complicity in abuses, and drew attention to “*inexcusable”* action by Government.

* + 1. **Independence**

The Service Police Legacy Investigation, who took over from the Iraq Historic Allegations Team (IHAT), had close links between with the Ministry of Defence (ref: CT/C/SR.1740 paragraph 44). This clear lack of independence raises questions about political influence in this Inquiry and other such inquiries in to abuse of detainees by the military and other officials. There is a concern whether this sets a precedent for the future.

* 1. **‘Vexatious legislation’**

We concur with Liberty’s view, stated in their report, Section 3 paragraph 203, that “*the case-law that has flowed from the wars in Iraq and Afghanistan has established, essentially, that war is difficult and different – but it is not a legal black hole. The Convention requires the accountable use of lethal force, with effective and realisable safeguards, which include investigations into credible allegations of abuse. It requires that victims and soldiers have a means of redress, where fundamental human rights and the laws of war are breached. ….*.*Far from creating uncertainty, the Convention clarifies and structures the military’s use of lethal force and its powers of detention in ways the Army itself ought to recognise and honour. .…. Upholding the Human Rights Act and the European Convention on Human Rights is entirely consistent with the reasons given for our intervention in these conflicts in the first place. Presumed derogations would fundamentally undermine such principles and safeguards and send a terrible message to rights-abusing regimes around the world*.”

**1.2.1. Legal protection for armed forces**

In September 2019 the Government held a Consultation on the legal protection for armed forces personnel and veterans. We have thanked the Defence People Secretariat within the Ministry of Defence for alerting us to this. Q-CAT was one of many charities that responded to this consultation. We opposed the concept of having an absolute time limit on bringing claims for personal injury of death, seeking damages in respect of historical events which took place outside the UK (ref: Consultation on the legal protection for armed forces personnel and veterans Question 24). We opposed this ‘longstop’ being set at ten years, a shorter or a longer period (ref: Consultation Question 25). The Consultation and the rhetoric of Government ministers about this and the inquiries into troops’ behaviour in conflict abroad illustrates a negative Governmental view about humanitarian legal protections afforded to detainees and civilians.

**1.2.2. Opposition to investigation of the armed forces**

Many politicians have ‘loudly voiced’ their disapproval of legal action being taken in relation to allegations of abuse and killing by UK troops. During his leadership campaign Boris Johnson promised he would legislate to end “*unfair trials*”. Yet, legal judgements arising from the Afghanistan and Iraq conflicts have been widely seen as “*measured, limited, reasonable*”, but, the Ministry of Defence has promoted misrepresentations as to what courts have said (ref: Liberty ‘Military Justice: Second rate Justice’ report, January 2019) and politicians have promoted the idea that many allegations were spurious, overgeneralising from the case of Phil Shiner of Public Interest Lawyers (ref: Forces Watch report February 2019). This rhetoric seeks to remove the availability of legal proceedings against the armed forces. To oppose investigation and adjudication of the conduct of the armed forces restricts accountability in international and domestic law for bereaved family members of service personnel, or foreign fighters detained by British troops.

**1.2.3. ‘Legal siege’**

Comments have been made has been made by politicians and the military that attack human rights advocates. It has been suggested by them that military decision and action is seriously impeded by international humanitarian law, that it is an unwarranted restriction on military advantage or flexibility of mission, so limiting military effectiveness. In 2005 the former Chief of Defence Staff, Admiral Lord Boyce, speaking in the House of Lords referred to the armed forces being “*under legal siege*”, claiming that the chain of command is undermined by “*tortuous rules not relevant to fighting*”. The Government seems willing to endorse an anti-law and anti-accountability rhetoric in Parliament and the media.

**1.2.4. Territory under its jurisdiction**

We agree with Liberty (ref: ‘Military Justice’ January 2019) in their support of the continuation of the ruling by the Supreme Court that during armed conflict overseas, civilians under the control of soldiers and the soldiers themselves are all within the jurisdiction of the UN Convention against Torture. We were particularly concerned by the questions about ‘presumption’ and ‘exceptional circumstances’, believing these might be used to excuse military personnel’s actions.

* 1. **Training and guidance to Officers, Service Personnel and Government Officials**

We are deeply concerned for the well-being, physical, mental and spiritual, of those undertaking service that involves armed conflict and service that involves the detention of others. An unacceptably high level of abuse is being revealed. When incidents of abuse have been revealed, the focus of inquiries in the 20th and 21st Centuries has been more on the action of an individual, or individuals, rather than on the context in which they were functioning, the structure of the organisations and its processes. This holds not just for the military but for all places of detention. This omits critical factors that underlie abuse and provide the ground for the seeds of it to flourish. Official statements on the need to widen or improve the training of personnel has been taken to be the panacea that will deal with the problem. This is simplistic. Good training is a pre-requisite for all professions, but training is just one factor and maybe not the most important.

**1.3.1. Changes in military training**

It is good that training for the military, at least, has significantly changed following the Baha Mousa inquiry. Troops now receive training in regard of their treatment of prisoners, detainees and civilians, the aim being to install awareness of their obligation to treat prisoners and detainees with respect and to ensure respect. But other, wider aspects of the problem have not been addressed. In the military, young people are trained to be killers. To prevent out-right barbarity, the law of war creates a system that serves to protect all sides involved. We too wonder why the Joint Service Manual of the Law of Armed Conflict “*referred neither to the Convention nor the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishmen*t” (ref: CAT/C/SR.1740 paragraph 54).

**1.3.2. Well-being and accountability**

We have had exchanges of letters with the two successive Defence Secretaries, Rt. Hon. Penny Mordaunt and Rt. Hon. Ben Wallace, on this subject (20th June, 21st August, 11th October 2019). We wrote due to our concern for the well-being of serving personnel who have been in some way affected by abuse, whether onlooker, victim or perpetrator. It is acknowledged that perpetrators of abuse can suffer mentally and spiritually, as do those they prey on. This includes the military that have been exercised brutality during conflict and those that have used torture as a technique during interrogation. One example given in the literature concerned with abuse and mental health is ‘Psychological effects of torture’ Dr Ruwan M Javatunge M.D. 15 April 2010. We commented on our disquiet at the current uneasy relationship between international and domestic law when dealing with allegations of military crimes. We noted that the application of domestic law appeared to have led to a lack of accountability when breaches of international law had taken place. We believe that the concepts of ‘diminishedresponsibility’ and ‘impaired ability’ allow an escape clause for unacceptable abuse. We wrote that while severe mental strain may be a factor leading to an act, such as in the case of Regina v Blackman, it is not an excuse. It is likely that in this instance Blackman was morally disengaged, since he remembered his IHL training, but chose to ignore it.

Moral disengagement is likely to be major factor a part in abusive behaviour. Factors that are likely encourage this disengagement within the military context are: battle weariness; a view that the ‘opponents’ is of ‘less worth’; commanding officers not upholding their international obligations of humanitarian law; abusive discipline during training; and the wider ethos – such as views of ‘legal siege’ – expressed by politicians and others, cited above (see 1.2.c).

Such disengagement has wider applicability than just to military service. It is likely to apply to public officials and sub-contractors working in all places of detention, for example Brook House, Haverigg, Medway Secure Training Centre, Yarls Wood and other places of care, all of which have been mentioned in the UN ICCP documents. While the adequacy of training clearly plays a part, the processes and checks within administrative systems, attitudes of other staff and weariness due to staffing levels in all places of detention are crucial. The lack, or loss, of moral engagement is a serious matter and needs to be addressed.

Returning to our exchange of letters with the MoD; we have not yet reached a point in these exchanges where we are content with the answers we receive. We are neither reassured that the troops receive training that ensures individuals acquire ingrained habits of respect for prisoners and detainees, nor that individuals know the steps they can take to check out a seemingly illegal order and will feel able to refuse to comply. We are however most appreciative of the Defence People Secretariat’s answers in response to our letters .

1. **Treatment of persons deprived of their liberty**

(Referring to ICCP List of issues in relation to the seventh periodic report, 20 November 2014, paragraphs 22, 24, 27)

* 1. **National Preventive Mechanism**

We would like to underline our support for the national preventive mechanism. As noted (ref: CAT/C/SR.1740 paragraph 12), the national preventive mechanism has managed an impressive number of monitoring visits. We too are aware of its extremely limited budget and trust that its funding is substantially increased. The representative for UK and Northern Ireland, Mr Adamson said that the Government would provide more financial support for a year (ref: CAT/C/SR.1743 paragraph 6). This body needs long term funding. We also share the ICCP’s concern for the national preventive mechanism’s independence and so would like to be reassured on this point.

**2.2 Data collection**

It is noticeable in the Concluding Observations on the sixth periodic report of the UK, the List of Issues in relation to the periodic seventh report of the UK and the Summary record of the 1740th and 1743rd meetings, attention was drawn to, and concern expressed, about the lack of data made available, and the poor quality of any data provided (for example, ref: Concluding observations on the sixth periodic report of the UK, Asylum and immigration procedure, paragraph 52). We deeply regret this lack since we see little reason for this to be the case, particularly in a supposed country that espouses ‘fair play’. This, and the continued redaction of information released by the Government, and the poor reasons given when many Freedom of Information Requests are refused, unfortunately suggests an ingrained distaste for transparency in important parts of our state machinery. It also suggests an unwillingness to reveal how judgements are arrived at. This neither allows verification of the validity of decisions arrived at, nor for rectifying procedures. It allows poor practice, and provides cover for bias and the abuse of systems. We believe transparency of governance is essential for a well working democracy.

Disaggregated data of ill-treatment in places of detention is crucial and allows for prosecution, punishment, retraining and adjusting inadequate, harmful systems. The lack of convictions for abuse is startling. This is a serious matter; people in detention are vulnerable and in the care of the state. We endorse your request that data is routinely collected and made available for scrutiny (refs: CAT/C/SR.1740 paragraphs 7, 8, 10, & 1743 paragraph 59). We support the use of the same metrics and definitions for places of care and detention across the UK so that this is possible (ref: CAT/C/SR.1740 paragraph 58).

We are particularly concerned that the Home Office does not collect disaggregated statistics on the number of asylum claimants whose application has been accepted or rejected on the grounds of torture as a reason for their seeking safety here (ref: CAT/C/SR.1740 paragraph 19 & 1743 paragraph 36). This lack of a basic administrative information is a serious issue. Without this, biases in judgements of the legality of their detention, the validity of the assessment for refugee status, and for the decision to return them to country they have fled from cannot be made explicit. Further, oversight is not possible and the process is open to being used for political purposes.

**2.3. Assessment of asylum seekers and immigrants**

**2.3.1. Reliability and validity of assessments**

In the observations on the sixth periodic report, paragraph 52, it was noted that a large proportion of asylum denials were overturned on appeal. Paragraph 54 records a concern that victims of torture are routinely detained, and not released, so leading to a risk of suffering serious harm as a consequence of being detained. This continues to be the case. This is a national scandal and must stop.

Given these points, we are not reassured by the representative for UK and Northern Ireland, Mr. Alexander’s statement that case workers assessing applications from stateless people receive extensive training and followed detailed instructions (ref: CAT/C/SR.1743 paragraph 37). We would respectfully suggest that these instructions are carefully reviewed and further training and assessments developed.

It is increasingly recognised that, while algorithms are an aid to human decision making, they are not infallible (Hannah Fry, associate professor of Mathematics of Cities, University College London in “ Hello World; Being Human in the Age of Algorithms”). Algorithms have been shown to contain prejudicial biases, such as racial biases. The Government has been employing algorithms despite this danger. One is the ‘streaming tool’, used to assess the granting of visas, which deems some countries less desirable than others. Campaign groups, such as Foxglove and Joint Council for the Welfare of Immigrants, asked the Home Office to explain the basis for their differentiation of visa applicants. The Governments provided the campaign groups with a totally redacted list (ref: The Guardian 2nd January 2019). Another case of secrecy and avoidance of dialogue with the concerned public. We call on the Government to stop using algorithms in areas of where decision making is complex and politically sensitive, for example, the assessment for visa applicants and for the consideration of cases for deportation .

Given that assessments of asylum seekers are widely seen to be flawed it is particularly critical that training is improved so that asylum seekers who were victims of torture are effectively and reliably identified at an early stage. We are deeply concerned to read a report that the Home Office has worked with the Zimbabwean state to accelerate the removal of asylum seekers from this country, a legal challenge having been made on the behalf of one applicant whose application for asylum has been rejected. It seems that the current home secretary, Priti Patel. had invited officials from the government in Harare to come to the UK to question him. This gentleman had genuine fear of the Zimbabwean authorities, and her invitation thereby brought him and his request for asylum to the attention of the Zimbabwean authorities (ref: The Guardian, 6th January 2020).

**2.3.2. Training doctors in assessing for torture**

We are dismayed that Home Office officials have routinely rejected asylum seekers’ medical certificates with little justification (ref: CAT/C/SR.1740 paragraph 58). We support the Chair, Mr. Modvig’s wish for information to be given about the procedures used and to whether non-medical experts have at any time over-ruled medical professionals (ref: CAT/C/SR.1743 paragraph 66).

We would hope, given this interchange in views at the ICCP meetings, that the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman and Degrading treatment or Punishment (Istanbul Protocol) is incorporated in to the core psychiatry curriculum of the Royal College of Psychiatrists. Given the evidence that the number of people seeking asylum and refugee status who have been tortured is underestimated this is essential. Training that merely recognises the impact of human rights violations is not enough.

**2.4 Detention**

Detention for those seeking asylum is currently expensive and harmful to many of those held in such places. We welcome the clear recommendation by Country Rapporteur, Mr. Heller Rouassant, that the state adopt legislation to set a maximum period of detention to ensure compliance with the recommendations of the UN Hugh Commissioner for Refugees

(ref: CAT/C/SR.1740 paragraph 41). It is unacceptable that over 14,000 asylum seekers have been awaiting a decision for longer than 6 months. We are surprised at Mr. Alexander’s ‘comment about the suggested 28 days limit of detention, as the Country Rapporteur was merely using this period of time as an example to ‘open up’ further thinking. We are appalled that Mr. Alexander asserts the Government has no plans to change this state of indefinite detention (ref: CAT/C/SR.1743 paragraph 38). We strongly support Mr. Heller Rouassant’s recommendation for a specific, short period of detention to be instituted and for this to be carried out with as little delay as possible. The current situation is abusive. Indefinite detention itself will cause severe mental health problems even in people who have not gone through the experiences that asylum seekers and immigrants have. This must be evident in the prison system so there is no reason for the Government not to be aware of this.

It is not possible to name the person who spoke to a Q-CAT Trustee about their experiences while in detention, but we wish their experience to be noted as an example of detainees’ experiences in detention. S/he was recognised to be a refugee that could not return to their country of origin, nevertheless, s/he was kept in detention for more than two years following receiving refugee status. When her/his detention was questioned, the response was that they were at risk of doing something criminal or they would run away. Due to this impossible situation presented to them this person felt close to suicide on occasions. They commented that indefinite detention is a kind of torture and drive people in to mental illness.

We join with Mr. Heller Rouassant’s concern of the systematic, generalized use of detention of migrants, many of who are vulnerable due to the experiences they have lived through, and for the lack of publication on the deaths of people held in detention centres. We would like the provision of mental health support and legal advice to be strengthened.

We were pleased to note that our Government’s stated commitment to ensure detainees were treated with dignity and respect, and those identified as vulnerable were properly supported (ref: CAT/C/SR.1743 paragraph 39). The factors noted above and the protests by those detained clearly suggest that this is being achieved. Action needs to be taken.

**2.5 Refoulement**

People are being deported. The current ‘deportation with assurances’ arrangement worries us, and we are not aware of there being any independent post-return monitoring. There should be, and the outcomes made public. We fear that the ‘standards of proof ‘are set too high and the ‘bar*’* for deporting people is set too low; witness the Windrush scandal. The documents required by these people to prove their right to live in the UK were outrageous. We strongly object to this racist and heavy-handed action by our Government. We believe that the deportation of many immigrants and asylum seekers is also tainted by racism.

We welcome the statement by Mr. Alexander that *“…the Government did not seek to return anyone considered to be at risk of prosecution or serious harm in his or her country*” and that “*The UK Government would not remove individuals who faced the death penalty*” (ref: CAT/C/SR.1743 paragraph 36 & 40). However, we are not reassured due to the apparent low bar for deportation and Mr. Alexander’s further statement “*The Government did not comment on individual deportation with assurance cases for operational reasons. However, most deportation with assurance arrangement did include independent monitoring on return*.” We would like to ensure that the ‘deportation with assurances arrangement’ are made clear and the countries involved are held to humanitarian standards. Deported individuals should be monitored without exception, for example deportation cases concerning Jordan and Algeria as noted by Mr. Heller Rouassant (ref: CAT/C/SR.1740 paragraph 31). We would also like our Government to take responsibility to prevent torture and ill-treatment in any territory under their jurisdiction – whether the jurisdiction is whole or in part. We hope that the Government will respond to the comments made by Country Rapporteur, Ms. Gaer, on ensuring that the Consolidate Guidance she referred to is extended to all relevant public officials and ministers, and make it its adherence mandatory (ref: CAT/C/SR.1740 paragraph 21). We would welcome our Government ensuring independent monitoring and the outcomes for all people who have been deported, and this information being released to bodies such as our UN rapporteurs.

Ms. Gaer, spoke of the list of ‘safe countries’ to which asylum seekers were returned. That some countries are considered safe is surprising, for example, Afghanistan, Eritrea, Sri Lanka, Ukraine. We ask that the list of these countries is regularly reviewed and the reasons for their designation made public (CAT/C/SR.1740 paragraph 62). This is one step that would help reassure many of the public who are concerned for the welfare of those deported. We wholeheartedly support the requirement for asylum seekers to have a right of appeal that is properly supported and funded.

Paragraph 79 of the Consideration of reports submitted by States parties under article 19 of the Convention, CAT/C/SR.1743 paragraph 79 records the number of voluntary and enforced returns to three countries where safety is an issue. Returning voluntarily’ may not be as ‘voluntarily’ as the word suggests. We are aware that the experience of many being deported from this country is that there are two choices, a paid passage or deportation.

**2.6 Human rights training to public officials**

**2.6.1 Review of training in human rights**

Representative for UK and Northern Ireland, Mr. Candler’s statement that human rights training is provided to public officials is reassuring (ref: CAT/C/SR.1743 paragraph 24). It is a pity that he did not go in to more detail about what human rights ‘components’ are part of the training. We welcome the fact that the Government is currently reviewing training for all public-sector staff on personal protection and the use of force. A review is needed. For example, at least one Q-CAT Trustee has a close relative, a person of colour, that has experienced police brutality. One Q-CAT Trustee is a close friend of the parent of a child that died while under police custody due to the misuse of restraints. We suggest that the use of body-worn video cameras, now used by prison staff, should be extended to all places of detention and maybe places of care.

**2.6.2 Training personnel in other countries**

It is troubling the UK Government appears to be actively training officials in countries that currently are known to have poor human rights records. We share the concern that Libyan coastguards, presumably under training by British officials, have been responsible for acts equivalent to torture (ref: CAT/C/SR.1740 paragraph 35). We ask that the content of such training programmes on human rights be made publically available to the Country Rapporteurs and Human Rights groups for appraisal without delay.