

# European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to the United Kingdom

[fra.europa.eu](http://fra.europa.eu)

*22 September 2016, Vienna*

## Contents

<b>Data Explorers and tools</b> .....	4
<b>Violence against women survey data explorer</b> .....	4
<a href="http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey">http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey</a> .....	4
<b>EU LGBT Survey data explorer</b> .....	4
<a href="http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012">http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012</a> .....	4
<b>Indicators on the right to political participation of people with disabilities</b> .....	4
<a href="http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation">http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation</a> .....	4
<b>Mapping victims' right and support in the EU</b> .....	4
<a href="http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services">http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services</a> .....	4
<b>Mapping child protection systems in the EU</b> .....	4
<a href="http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection">http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection</a> .....	4
<b>Annual Reports</b> .....	5
<b>Fundamental Rights Report 2016 – Annual Report 2016 (May 2016)</b> .....	5
Focus: Asylum and Migration into the EU in 2015.....	5

2. Equality and Non-discrimination .....	5
3. Racism, Xenophobia and Related Intolerance .....	6
4. Roma Integration.....	6
5. Information Society, Privacy and Data Protection.....	6
6. Rights of the Child .....	7
7. Access to Justice, Including the Rights of Victims .....	8
<b>Fundamental Rights: Challenges and Achievements in 2014 – Annual Report 2014 (June 2015).....</b>	<b>8</b>
2. Racism, Xenophobia and Related Intolerance .....	8
3. Roma Integration.....	9
4. Asylum, Borders, Immigration and Integration.....	9
7. Access to Justice, Including Rights of Crime Victims.....	9
<b>Fundamental Rights: Challenges and Achievements in 2013 – Annual Report 2013.....</b>	<b>10</b>
4. The Rights of the Child and the Protection of Children .....	10
5. Equality and Non-Discrimination .....	10
Thematic Areas .....	10
<b>Access to Justice .....</b>	<b>10</b>
Freedom to Conduct A Business: Exploring the Dimensions of A Fundamental Right (August 2015).....	10
Severe Labour Exploitation: Workers Moving Within or Into the European Union (June 2015)	11
Victims of Crime in the EU: The Extent and Nature of Support for Victims (January 2015) .....	12
<b>Gender Equality.....</b>	<b>12</b>
Violence against Women: An EU-Wide Survey. Main Results Report (March 2014).....	12
<b>Hate Crime .....</b>	<b>14</b>
Ensuring Justice for Hate Crime Victims: Professional Perspectives .....	14
Equal Protection for All Victims of Hate Crime – The Case of People with Disabilities (March 2015).....	14
<b>Information Society, Privacy and Data Protection.....</b>	<b>14</b>
Surveillance by Intelligence Services: Fundamental Rights Safeguards and Remedies in The Eu (November 2015).....	14
<b>LGBTI Rights .....</b>	<b>15</b>
Professionally Speaking: Challenges to Achieving Equality for LGBT People (March 2016)....	15
Protection against Discrimination On Grounds Of Sexual Orientation, Gender Identity and Sex Characteristics in the EU – Comparative Legal Analysis – Update 2015 (December 2015).....	16
<b>People with Disabilities .....</b>	<b>17</b>
Violence against Children with Disabilities: Legislation, Policies and Programmes in the EU (December 2015).....	17

Implementing the UN CRPD: An overview of Legal Reforms in EU Member States (May 2015)	17
The Right to Political Participation for Persons with Disabilities: Human Rights Indicators (May 2014)	17
<b>Rights of the Child</b>	<b>18</b>
Guardianship Systems for Children Deprived Of Parental Care in the European Union (October 2015)	18
Child-friendly Justice: Perspectives and Experiences of Professionals on Children’s Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States (May 2015)	18

## Data Explorers and tools

Violence against women survey data explorer

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>

EU LGBT Survey data explorer

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012>

Indicators on the right to political participation of people with disabilities

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>

Mapping victims' right and support in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

Mapping child protection systems in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

## Annual Reports

### Fundamental Rights Report 2016 – Annual Report 2016 (May 2016)

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-fundamental-rights-report-2016-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-fundamental-rights-report-2016-2_en.pdf)

#### Focus: Asylum and Migration into the EU in 2015

“According to a decision the Council of the European Union adopted in September 2015, all EU Member States – except the **United Kingdom**, which opted out – will admit an agreed number of asylum seekers who submitted an asylum claim in Greece or Italy and are likely to be in need of international protection.” (p. 22)

#### 2. Equality and Non-discrimination

##### 2.2. Promoting Equal Treatment by Supporting the Ageing Population and Tackling Youth Unemployment

“More specifically, [Country-specific] recommendations for Belgium, Bulgaria, Croatia, Ireland, Italy, Poland, Portugal, Romania, Spain and the **United Kingdom** point to a mismatch between the skills young people have and the needs of the labour market, which lessens their employability.” (pp. 61–62)

“Data published [by the European Commission] in 2015 show that eight Member States link postponing the retirement age to increased life expectancy: Cyprus, Denmark, Greece, Italy, the Netherlands, Slovakia, Portugal and the **United Kingdom**” (p. 63)

“Member States implemented different types of measures to bolster young people’s access to employment, education and training in 2015. Examples include reforming legislation to improve vocational training or apprenticeships (Italy, the Netherlands, the **United Kingdom** [...]).” (p. 63)

##### 2.4.1. Tackling Discrimination on the Ground of Sex, including Gender Reassignment

“The **United Kingdom** government introduced “an obligation for every company with more than 250 employees to publish the difference between the average pay of their male and female employees” to increase pay transparency in large companies.” (p. 67)

“The Government Equalities Office in the **United Kingdom** published guidance for employers on recruiting and retaining transgender staff, which could be applied to other population groups vulnerable to discrimination. The guidance identifies good practices in a number of employment-related areas [...].” (p. 67)

##### 2.4.3. Targeting Discrimination on the Ground of Disability

“Cyprus, Malta, the Netherlands, Slovakia, Spain and the **United Kingdom** took action to counter discrimination based on disability. [...] [T]he **United Kingdom** saw the creation of a House of Lords Committee on the Equality Act 2010 and Disability. This committee is tasked with considering the impact of the Equality Act 2010 on people with disabilities.” (p. 68)

#### 3.3. Tackling Discrimination by Strengthening Implementation of the Racial Equality Directive

“In August 2015, the Advisory, Conciliation and Arbitration Service (ACAS) – an independent statutory body in the **United Kingdom** – issued guidance on *Race discrimination: Key points for the workplace*. The guidance targets employers, managers, human resources personnel, and trade union representatives and provides them with tools to identify how race discrimination can occur in the workplace, how to deal with it, and how to reduce its occurrence. It covers recruitment, pay, terms and conditions of employment, promotion, training, and dismissal, and lays out the obligations under the Equality Act 2010. In 2016, ACAS intends to publish similar guidance for each of the nine protected characteristics under the Equality Act 2010.” (p. 86)

### 3. Racism, Xenophobia and Related Intolerance

#### 3.2. Countering Hate Crime Effectively: Full Implementation of Relevant Acquis Required

“In 2015, several Member States adopted strategies, campaigns, and initiatives aimed at encouraging people to report hate crime. [...]. Public authorities – such as the police in Scotland (UK) and the Ministry of the Interior in Spain – also launched such campaigns.” (p. 81)

##### 3.2.2. Targeting Discriminatory Attitudes among Law Enforcement to Increase Reporting of Hate Crime

“The United Kingdom is the only Member State that systematically collects and publishes data on police stops disaggregated by ethnicity. These data show that, in 2015, black people were more likely to be stopped and searched than any other ethnic group. In England and Wales as a whole, 48 % of those searched under section 60 of the Criminal Justice and Public Order Act 1994 in the year ending on 31 March 2014 were white; 29 % were black. In comparison, in the year ending on 31 March 2013, 41 % were white and 36 % were black.” (p. 84)

“Also in the United Kingdom, the College of Policing announced that it would be launching a new Stop and Search Pilot. The pilot will deliver training, designed by the College of Policing in partnership with the EHRC, to: improve the quality and recording of ‘reasonable grounds’; improve the quality of police/public encounters; and address the effects of unconscious bias, particularly of police officers towards persons of minority ethnic backgrounds when exercising their powers of stop and search.” (p. 84)

“In the United Kingdom, the Racial Equality Strategy 2015–2025 for Northern Ireland aims to tackle racial inequalities and open up opportunity for all, eradicate racism and hate crime, and promote good race relations and social cohesion.” (p. 87)

“In May 2015, the Central London County Court held that JD Wetherspoon, one of the largest UK pub chains, discriminated against Irish Travellers by refusing to serve them at a London branch.” (p. 87)

### 4. Roma Integration

#### 4.2. Going Local: Implementing National Roma Integration

“In several Member States, municipalities have put in place local action plans that target Roma specifically, but not exclusively, despite the absence of such a provision in the NRIS – for example, in the Czech Republic, Italy, Spain and the United Kingdom.” (pp. 104–105)

“In the United Kingdom, which has a broad set of mainstream social inclusion measures rather than an NRIS, a recent study showed that 21 local authorities had policies with specific mention of Roma or UK Gypsies and Travellers” (page 105)

“The City of York Council in the United Kingdom also developed a specific strategy and action plan for Roma, Gypsies and Travellers, with specific objectives, targets, timelines, responsibilities and progress reports” (page 107)

### 5. Information Society, Privacy and Data Protection

#### 5.1.3. EU Member States revisit their intelligence laws

““In the United Kingdom, the 18-month inquiry conducted by the Intelligence and Security Committee (ISC) in response to the Snowden revelations came to the conclusion that the national legal frameworks needed reform.” (p. 120)

##### 5.2.3. Data Retention Regime Remains in Flux

“The constitutional courts of Belgium and Bulgaria and the High Court of Justice of the **United Kingdom** all took the position in 2015 that their countries’ respective data retention regimes are unconstitutional, and in the Netherlands the District Court of The Hague handed down a similar judgment.” (p. 124)

“In the **United Kingdom**, the High Court of Justice ruled on 17 July 2015 that certain sections of the Data Retention and Investigatory Powers Act of 2014 (DRIPA) were incompatible with the right to respect for private life and communications, and to protection of personal data. The case – *R on the application of David Davis MP, Tom Watson MP, Peter Brice and Geoffrey Lewis v. SSHD* – was initiated by two members of parliament. The court also issued a judicial order declaring that sections prescribing indiscriminate data retention are incompatible with EU law and would be inapplicable from 31 March 2016 onwards. It also ordered the government to come up – by the specified date – with a new draft law that serves the purposes of DRIPA without violating the right to privacy. The British government responded by publishing a draft bill in November. It requires judicial authorisation for warrants (in addition to authorisation by a Commissioner) and sets up a system of “retention notices”, by which the Secretary of State obliges the telecom industry to retain data; these notices must specify the exact motivation and conditions for the retention.” (p. 125)

## 6. Rights of the Child

### 6.1. Child Poverty Rates Remain High

“In the **United Kingdom**, the government announced in July that it would no longer use relative income or other income and deprivation measures to assess child poverty. The government considers the current child poverty measure – defined as 60 % of median income – deeply flawed, and intends to enact new legislation to measure child poverty, repealing the Child Poverty Act 2010. The new legislation will focus on levels of work within a family, as well as on improvements in attaining education. In addition, the government will develop a range of other measures and indicators of root causes of poverty and will set these out in a ‘children’s life chances’ strategy. This would allow measurements of child poverty to also consider non-material outcomes. However, this move attracted criticism from civil society organisations, which emphasised that, although an effective child poverty strategy needs a broad, multifaceted approach, income is an important measure that should not be excluded, particularly as two thirds of children in poverty live in working families with low-paying jobs. The government ultimately decided to keep four established indicators, including income, in a new proposal on the Welfare Reform and Work Bill.” (pp. 137–138)

#### 6.2.1. Internet and Social Media: A Field of Risks and Opportunities

“Several states adopted policy measures that increased resources for anti-cybercrime operations, including the Netherlands, Portugal, Spain, Sweden, and the **United Kingdom**. [...] “The **United Kingdom** opened a co-located National Crime Agency and Government Communications Headquarters Joint Operations Cell in November 2015. The unit brings together officers from both agencies to tackle online child sexual exploitation.” (p. 145)

#### 6.2.2. Growing Concern over Child and Youth Radicalisation Online

“In the **United Kingdom**, the Counter-Terrorism and Security Act 2015 imposed new legal duties on specific authorities in England, Wales and Scotland, including educational and childcare bodies, to ‘have due regard to the need to prevent people from being drawn into terrorism’. The government provided statutory guidance for schools and child care providers in England and Wales, requiring schools to ensure that children are safe from terrorist and extremist material when accessing the internet in school and ensure that suitable filtering is in place. The government also made clear in separate advice for schools and childcare providers in England that schools have an important role to play in equipping children and young people to stay safe online, both in school and outside, and that internet safety will usually be integral to a school’s ICT curriculum.” (p. 146)

## 7. Access to Justice, Including the Rights of Victims

### 7.3.1. Transposing the Victims' Rights Directive: Progress and Challenges

“The **United Kingdom's** government launched the Victims Information Service, a ‘one-stop shop’ for information and advice. It provides factual information about what happens after a crime and what help victims can expect, including how to claim compensation. It also allows people to search for the services available in their locality.” (p. 169)

### 7.4.2. Member State Effort to Combat Violence against Women: Legislation and Policy

“The Serious Crime Act 2015 in the **United Kingdom** (England and Wales) created a new offence, namely: controlling and coercive behaviour in an intimate or family relationship (‘domestic abuse’) that has a “serious effect”, such as causing fear that violence will be used or causing alarm or distress that adversely affects day-to-day activities.” (p. 173)

“In the **United Kingdom**, the Scottish government funded Victim Support Scotland, People Experiencing Trauma and Loss (PETAL), Trafficking Awareness Raising Alliance (TARA), and Migrant Help with a total of over £5 million for the financial year 2015/2016. In March 2015, the Scottish government announced an additional £20 million funding over the next 3 years to, among other things, enhance support for victims of violence and sexual assault; widen access to specialist advocacy and support services for victims of crime; and reinforce a zero-tolerance approach to domestic abuse and sexual crimes. From this additional funding, £1.85 million was awarded to Rape Crisis Scotland over the next 3 years – nearly doubling the funding to each of their existing centres across the country, as well as extending Rape Crisis services to Orkney and Shetland.” (p. 174)

## Fundamental Rights: Challenges and Achievements in 2014 – Annual Report 2014 (June 2015)

<http://fra.europa.eu/en/publication/2015/fundamental-rights-challenges-and-achievements-2014>

### 1. Equality and Non-discrimination

#### 1.1. Countering Discrimination Requires Strong Cooperation between All Relevant Actors

“Not knowing where to turn to seek redress in cases of discrimination is, however, often the first barrier to being able to fully exercise the fundamental right to equal treatment. No single organisation or body is responsible for enabling people to seek redress. FRA, together with a group of national human rights bodies, therefore continued working in 2014 on a pilot online tool named ‘Clarity’ to help victims of discrimination and other fundamental rights violations gain better access to non-judicial remedies. The bodies involved represented Austria, Bulgaria, Cyprus, Finland, France, Greece, Hungary, Italy, Malta, Portugal, Romania, Slovakia, Spain and the **United Kingdom** (Northern Ireland).” (p. 29)

### 2. Racism, Xenophobia and Related Intolerance

#### 2.2.6. Discriminatory Police Treatment and Ethnic Profiling Persist

“In the **United Kingdom**, all 43 police forces in England and Wales signed up in August 2014 to a voluntary scheme to reform police use of stop and search powers. The principal aims of the new scheme are to support a more intelligence-led approach, leading to better outcomes, and achieve greater transparency, by publishing stop and search records so that communities can hold forces to account.” (p. 55)

#### 2.3.3. Hate Crimes need to be Reported and Recorded in Higher Numbers

“The Police Service of Northern Ireland in the **United Kingdom** has set up a telephone line to report hate crimes in nearly 50 languages.” (p. 58)

“Authorities in the **United Kingdom** adopted two strategies on tackling hate crime. The MOPAC strategy aims to increase the reporting of hate crime, prevent hate crime and ensure justice for hate

crime victims. The Welsh government in its strategy focuses on prevention and awareness raising, training of staff in the statutory and voluntary sectors, supporting victims and improving multi-agency responses.” (p. 60)

### 3. Roma Integration

#### 3.2. “What Gets Measured Gets Done”: Towards Rights-Based Indicators on Roma Integration

“Since 2012, FRA has coordinated the working party in close cooperation with the Commission. The number of Member States participating in the working party grew from 13 in 2013 – Belgium, Bulgaria, the Czech Republic, Croatia, Finland, France, Hungary, Italy, the Netherlands, Romania, Slovakia, Spain and the **United Kingdom** – to 18 with Austria, Greece, Ireland and Portugal joining in 2014 and Slovenia in 2015. The objective of this group is to develop and pilot a rights-based framework of Roma integration indicators (presented in detail in FRA’s Annual report 2013) that can comprehensively document progress made in reference to fundamental rights standards.” (p. 75)

### 4. Asylum, Borders, Immigration and Integration

#### 4.6. EU Member State Measures Promoting Inclusive Societies

“[I]n the last year, 12 Member States (Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Lithuania, Poland, Portugal, Romania, Sweden and the **United Kingdom**) have not implemented any concrete measure for migrant integration and inclusion targeting the general population.” (p. 96)

#### 4.7. Transforming Education, Reflecting Diversity in Society

“The absence of programmes designated as ‘multicultural’ in schools does not necessarily mean that education systems are not addressing the underlying issues in their curricula [...]. In primary or secondary education, most EU Member States do teach about different cultures in society. It is part of the curriculum in both primary and secondary education in the Czech Republic, Denmark, Germany, Latvia, the Netherlands and Poland. Austria, Ireland, Lithuania, Malta, Slovenia and the **United Kingdom** include the study of different cultures in either primary or secondary education.” (pp. 97–98)

#### 4.8. Empowering Migrants in Their Path to Participation

“A majority of Member States (Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia, Sweden, Spain and the **United Kingdom**) have granted third-country nationals the right to vote in local elections, for all or some selected nationalities. This example could be followed by others, as political and social participation of migrants and their descendants is key to successful integration.” (p. 99)

#### 6.1. Protection of children, including against violence

“The new **United Kingdom** Child Poverty Strategy 2014–17 focuses on education for children and adult employment.<sup>24</sup> Several measures are intended to support families in difficult circumstances, providing housing, childcare subsidies, free school meals, free childcare, and reduced fuel and energy costs. The strategy will raise minimum wage and personal tax allowances and provide better access to affordable credit. A review by the Children’s Commissioner for England is critical of the **United Kingdom’s** strategy, claiming that local authorities do not have the resources to provide the early intervention required by the strategy. The Commissioner says that “since 2010, targeted redistribution through the tax and benefits system has been eroded, and attention has shifted from the responsibilities of the state to the responsibilities of families”.” (p. 131)

“It appears that some countries, such as Bulgaria, Italy, Lithuania, Romania and the **United Kingdom**, do not make full use of these EU funds, although they also have high rates of child poverty or social exclusion.” (p. 132)

### 7. Access to Justice, Including Rights of Crime Victims

#### 7.4.1. Measures to combat violence against women at Member State level

“The **United Kingdom** (Scotland) passed the Victims and Witnesses (Scotland) Act 2014, which introduced new rights for victims of sexual offences, domestic abuse, human trafficking and stalking.” (p. 155)

Fundamental Rights: Challenges and Achievements in 2013 – Annual Report 2013  
<http://fra.europa.eu/en/publication/2014/fundamental-rights-challenges-and-achievements-2013-annual-report-2013>

#### 4. The Rights of the Child and the Protection of Children

##### 4.1. Europe takes Steps to Improve Access to Child-Friendly Justice

“In the **United Kingdom**, the Ministry of Justice launched a consultation aimed at improving the Code of Practice for Victims of Crime. The revised code in force since December 2013 provides victims with an entitlement to receive a needs assessment from the police to ascertain the help and support the victim may need. The code also includes a dedicated section written in child-accessible language for child victims under 18 years of age. All children under the age of 18 at the time of the offence will qualify for enhanced entitlements, which include timely referral to support services; access to therapy or counselling throughout the investigation and prosecution where appropriate and available; and the provision of advice and information regarding special measures available for vulnerable witnesses. All service providers are also placed under a duty to give primary consideration to the child’s best interests.” (p. 105)

##### 4.3. Europe takes Aim at Child Poverty

“In the **United Kingdom**, the Office of the Children’s Commissioner for England published a study on the experiences of disabled children living in poverty. It found that some disabled and young people were living without adequate heat, food and housing, and that they faced clear barriers in accessing a range of services (health, education, play and leisure activities) in comparison with other children. Although there were positive stories of local authority and school support, there were also cases of parents experiencing difficulties in accessing appropriate and stimulating learning opportunities, families having to travel long distances to receive appropriate education services, and insufficient personal assistance and support being provided in some areas.”(p. 114)

#### 5. Equality and Non-Discrimination

##### 5.4. Member States Adopt Measures to Counter Discrimination

“In the **United Kingdom**, the parliamentary outreach service in conjunction with a not-for-profit organisation launched a campaign, Love Your Vote, to explain to persons with intellectual disabilities the parliamentary process, the electoral system, the voting process and how to lobby local representatives.” (p. 135)

## Thematic Areas

### Access to Justice

Freedom to Conduct A Business: Exploring the Dimensions of A Fundamental Right (August 2015)

<http://fra.europa.eu/en/publication/2015/freedom-conduct-business-exploring-dimensions-fundamental-right>

#### 2.3.1. Constitutional Law

“In all EU Member States with the exception of the **United Kingdom**, rights relevant to the freedom to conduct a business are to some extent enshrined in constitutional law. [...] The **United Kingdom**,

however, has no written Constitution, and its statutory law or case law make no explicit reference to the freedom to conduct a business as a fundamental right. The main sources of legal provisions that facilitate the formation and operation of companies and competition law are the Companies Act of 2006, the Competition Act of 1998, and the Enterprise Act of 2002. It should however be noted that principles such as the right to property or the freedom of contract are firmly rooted in **United Kingdom** law and have been upheld in extensive case law.” (p. 26)

### 3. Exercising the Freedom to Conduct Business in Practice: Selected Obstacles and Promising Practices

“The general quality of laws and their alleged rigidity, particularly in the field of employment legislation, was referred to as an obstacle in Poland and the **United Kingdom**, as well as in Ireland, where the system of corporate law is often criticized for being too complex and outdated.” (p. 37)

“Belgium, France, the Netherlands, Romania and the **United Kingdom** have adopted programmes to enhance the availability of government grants and various other forms of support for obtaining the funding necessary to establish and operate a business.” (p. 38)

#### 3.2. Freedom to Conduct a Business and Access to Justice

“The other main obstacle identified in Estonia, Ireland, Romania, Spain and the **United Kingdom** relates to the costs of litigation, including the cost of legal services. In some cases, this also includes the quality of such services, which should not only be accurate and reliable but also good value for money and client-centred.” (p. 48)

“To address the problem of the high costs of legal services, the **United Kingdom** introduced the so-called alternative business structures (ABSs), which came into force on 6 October 2011. The basic idea is that law firms have the freedom to share the management and control of their business between lawyers and non-lawyers. The ABS model is designed to offer novel opportunities to law firms seeking to diversify their businesses, experiment with the outsourcing of legal advice, and, more generally, to open up competition in legal services and make them less bureaucratic, more accessible and affordable for consumers but also businesses, in particular SMEs. Furthermore, by adopting new rules on the damages cap for patent claims in relation to intellectual property, companies in the **United Kingdom** claiming damages for violation of their intellectual property rights will be able to reduce their legal costs by taking lower value, less complex cases to the cheaper Patents County Court, avoiding a more expensive High Court claim.” (p.48)

Severe Labour Exploitation: Workers Moving Within or Into the European Union (June 2015)  
<http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>

#### 3. Prevention

“Respondents from the Netherlands and the **United Kingdom** reported that certain sectors prone to exploitation were dominated by workers from other countries because ‘nationals will not do these jobs’. These are sectors which are seen as no longer attractive to local workers. However, Member States seem to be making little effort to improve working conditions in these sectors to make jobs in them more attractive; instead, they rely on a workforce of people who have moved within or to the EU and accept the resultant undercutting of local workers.” (p. 53)

“To oblige providers in supply chains, including in developing countries, to respect human rights and ensure decent working conditions, companies in Spain have set up standards, and the Ethical Trade Initiative in the **United Kingdom** has developed a code of practice.” (p. 59)

#### 4. Monitoring

“[I]n the **United Kingdom**, specialised monitoring is conducted in the sectors of agriculture, horticulture and shellfish gathering, but outside these areas there is very little inspection or oversight likely to detect

labour exploitation. In sectors where it is widely suspected that employment practices are poor, such as the hospitality sector, there is no monitoring and, as a result, few cases are detected.” (p. 64)

#### 5. Victims’ Access to Justice

“In Germany, the Netherlands, Poland and the **United Kingdom**, support services providing accommodation or medical care are accessible only after victims are officially recognised as such by the police or public prosecutors. Without recognition, support is limited.” (p. 78)

“Offering accommodation to victims of severe labour exploitation is often difficult, as highlighted by respondents in France, Germany and Poland. In addition, in some Member States, such as Italy and the **United Kingdom**, government support for these services has been severely reduced.” (p. 81)

“In the **United Kingdom**, the National Referral Mechanism is accessible only to victims who are confirmed as being victims of trafficking in human beings.” (p. 81)

“Fines for employers who exploit foreign workers are thought to be too low in, for example, Austria, Belgium, the Czech Republic, Lithuania and the **United Kingdom**. For instance, in the **United Kingdom** the fines levied, compared with the profits employers gain from exploitation, represent little deterrent.” (p. 89)

### Victims of Crime in the EU: The Extent and Nature of Support for Victims (January 2015)

<http://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>

#### 2.1. Access to Legal Aid

“In the **United Kingdom**, free legal advice beyond that provided by the police and the Crown Prosecution Service is not granted, although additional legal aid is specifically available to victims of domestic violence and abuse. In practice, however, all victims in the **United Kingdom** have access to the services of Victim Support, an organisation funded largely from public resources.” (p.43)

#### 2.3. Rights at Trial to Prevent Repeat and Secondary Victimization

“Two of these documents, in Spain and the **United Kingdom**, are legally binding upon state authorities. The Code of Practice for Victims of Crime in the United Kingdom (more precisely in England and Wales) in particular goes beyond being a purely informative and awareness-raising tool. It also supports other rights, including granting the victims the opportunity to make a personal statement on the impact of the offence on them, which is taken into account in sentencing.” (p.49)

#### 3.1. Public or Private Provision of Victim Support

“In addition to other funding sources, several EU Member States generate money for victim support services through a ‘Victims of Crime fund’ or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime; for example, in Belgium, Denmark, Lithuania, Poland, Portugal, Sweden and the **United Kingdom**.” (p. 62)

### Gender Equality

#### Violence against Women: An EU-Wide Survey. Main Results Report (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf)

#### 2. Prevalence of Physical and Sexual Violence

“[S]ome EU Member States, such as Belgium, Croatia, Ireland and the **United Kingdom**, have introduced reforms aimed at extending definitions of sexual violence to include all forms of non-consensual sexual acts. This serves to emphasise that violence against women cannot be condoned under any circumstances.” (p. 51)

**Table 1: Women who have experienced physical and/or sexual violence by a current or previous partner, or by any other person since the age of 15, by EU Member State (%)<sup>a,b,c</sup>**

EU Member State	Any partner (current and/or previous) <sup>a</sup>	Non-partner <sup>c</sup>	Any partner and/or non-partner <sup>c</sup>
AT	13	12	20
BE	24	25	36
BG	23	14	28
CY	15	12	22
CZ	21	21	32
DE	22	24	35
DK	32	40	52
EE	20	22	33
EL	19	10	25
ES	13	16	22
FI	30	33	47
FR	26	33	44
HR	13	13	21
HU	21	14	28
IE	15	19	26
IT	19	17	27
LT	24	16	31
LU	22	25	38
LV	32	17	39
MT	15	15	22
NL	25	35	45
PL	13	11	19
PT	19	10	24
RO	24	14	30
SE	28	34	46
SI	13	15	22
SK	23	22	34
UK	29	30	44
<b>EU-28</b>	<b>22</b>	<b>22</b>	<b>33</b>

Notes: <sup>a</sup> The results in the first two columns of the Table do not sum up to the results in the third column due to the different computational base of the results (results on partner violence are based on respondents who have or have had a partner, as opposed to all women) and the fact that some respondents have experienced violence by both their partners and non-partners.

<sup>b</sup> Out of all women who were either married, living together with someone without being married, or involved in a relationship (without living together) at the time of the interview, or at any time in the past (n = 40,192).

<sup>c</sup> Out of all respondents (N = 42,002).

Source: FRA gender-based violence against women survey data set, 2012

Violence against women: an EU-wide survey – Results at a Glance (2014), p. 19

### 7.9. Exploring the Effect of the Interview Mode when Asking Sensitive Questions

“The right of victims of violence to effective investigation and prosecution leading to the punishment of offenders can be seriously hampered by time limits restricting prosecution. [...] [I]n Ireland and the **United Kingdom** (most recently within the jurisdictions of Scotland and Northern Ireland) the law has been changed so that there are no time limits in place should a woman want to bring a case against an offender or offenders.” (p. 136)

## Hate Crime

### Ensuring Justice for Hate Crime Victims: Professional Perspectives

<http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives>

#### 3.2. Police Referring Victims of Hate Crime to Support Services

“With regard to referring hate crime victims to victim support services, according to research findings, a standard procedure for police to refer victims of crime is in place in more than half of Member States (Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Luxembourg, Netherlands, Slovakia, Sweden, the **United Kingdom**). Specific procedures do not appear to be in place for referring victims of hate crime – instead, such procedures deal with all victims of crime.” (p. 39)

#### 4.1. Measures Adopted by the Police to Encourage and Facilitate Reporting

“in **the United Kingdom**, examples of police-led hate crime partnerships include West Mercia (where police work with several organisations in the voluntary sector, including the Citizens Advice Bureau, to accommodate reporting at centres where victims already feel comfortable and safe) and Northumbria (where dedicated ‘Neighbourhood Policing Teams’ are available to talk to victims about hate crime).” (p. 43)

“In **the United Kingdom**, the Association of Chief Police Officers (ACPO) is responsible for True Vision, a web facility that provides information for victims and advocates and facilitates the reporting of hate crime and incidents to the police. It also allows the sharing of good practices and resources for local agencies. The site was visited more than 60,000 times in its first year of operation and received around 1,900 reports from members of the public, including many crimes that did not otherwise come to the attention of the police.” (p. 43)

### Equal Protection for All Victims of Hate Crime – The Case of People with Disabilities (March 2015)

<http://fra.europa.eu/en/publication/2015/equal-protection-all-victims-hate-crime-case-people-disabilities>

“As of October 2014, a number of EU Member States explicitly recognise a disability bias motivation in their criminal law, including Austria, Belgium, Croatia, Finland, France, Hungary, Lithuania, Netherlands, Romania, Slovenia, Spain, and the **United Kingdom**.” (p. 5)

“Although bias motivation can also be defined as an aggravating circumstance, it may be only one among many, with the result that police reports and court proceedings are less likely to consider this motivation alone. The bias element may therefore remain invisible, which increased the victim’s suffering and at the same time reduces the chances that perpetrators will be deterred from committing bias-related offences in the future. For example, Austria, Croatia, Finland, France, Lithuania, the Netherlands, Romania, Spain and the **United Kingdom** currently use this approach with regard to disability hate crime.” (p. 5)

## Information Society, Privacy and Data Protection

### Surveillance by Intelligence Services: Fundamental Rights Safeguards and Remedies in The Eu (November 2015)

<http://fra.europa.eu/en/publication/2015/surveillance-intelligence-services>

#### 1.3.1. Surveillance ‘in accordance with the law’

“In the **United Kingdom**, signals intelligence is referred to under the terminology of “interception of external communications in the course of their transmission by means of a telecommunication system”

in Section 8.5 of the 2000 Regulation of Investigatory Powers Act (RIPA). This includes the associated communications data. [...] Section 5 states that the Secretary of State may only issue a warrant if it is necessary and proportionate, and that, for the interception to be considered necessary, it must be carried out for one of the legitimate reasons in Section 5.3. The warrant must also include whether the information thought necessary to be obtained could “reasonably be obtained by other means”. Such warrants are valid for six months and may be renewed by the Secretary of State. [...] Sections 15 and 16 of RIPA set out the applicable safeguards. GCHQ uses this bulk interception capability to investigate the communications of individuals already known to pose a threat, or to generate new intelligence leads, such as to find terrorist plots, cyber-attacks or other threats to national security.” (p. 23)

#### 2.2.3. Access to Information and Documents

“The Intelligence and Security Committee of the **United Kingdom** reports to parliament annually and may also produce thematic ad hoc reports. The prime minister has the power to exclude beforehand matters considered “prejudicial to the continued discharge of functions” of the agencies.” (p. 41)

#### 2.3.2. Data Protection Authorities [DPAs]

“DPAs have no powers over intelligence services in 12 Member States (the Czech Republic, Denmark, Estonia, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Spain, and the **United Kingdom**) [updated in forthcoming publication as 11 Member States, as presently DPAs have limited powers over the British intelligence services]. [...] In **the United Kingdom**, the Information Commissioner pointed out in his written submissions to the Intelligence and Security Committee of Parliament that, while surveillance entails significant privacy and data protection concerns, when national security is invoked, many exceptions to the data protection rules can apply.” (p. 47)

#### 2.4. Approval and Review of Surveillance Measures

“This changes, however, when intelligence services solely access metadata via data retention laws (Croatia, Hungary, **United Kingdom**). In these cases, it is usually sufficient for the services’ directors to authorise access. This is problematic, because communications data do in fact reveal an individual’s pertinent personal information in a similar way to content data.” (p. 56)

#### 3.2.1. Lack of specialisation and procedural obstacles

“[F]or individuals to obtain adequate redress for a suffered harm, they must usually bring sufficient evidence of unlawful surveillance. In the context of targeted or signals intelligence, individuals often do not have the fully-fledged right to be notified that they have been the subject of surveillance measures and/or to have access to such data. There is often no information provided in practice. In the **United Kingdom**, for instance, there is a well-established policy of ‘neither confirm nor deny’ responses to questions about sensitive matters of national security. Individuals have therefore little opportunity to submit concrete evidence, which often makes the courts (but in some cases also non-judicial bodies) inaccessible avenues in practice.” (p. 67)

## LGBTI Rights

### Professionally Speaking: Challenges to Achieving Equality for LGBT People (March 2016)

<http://fra.europa.eu/en/publication/2016/professional-views-lgbt-equality>

#### 1.1. Drivers Protecting and Promoting the Fundamental Rights of LGBT People

“In some EU Member States, including Ireland and the **United Kingdom**, work includes commissioning research about the rights of LGBT people. A few officials noted that commissioning research can act as a catalyst for change because it raises issues and provides evidence that can be used to develop initiatives; contributors in several countries, including Ireland, saw it as important. In the **United Kingdom**, the Equality and Human Rights Commission plays an overarching role regarding LGBT persons’ fundamental rights.” (p. 26)

“In the **United Kingdom**, performance management is an important means of making sure that the legislation affecting fundamental rights of LGBT persons is being implemented. However, these mechanisms have reportedly been somewhat weakened since 2010 by a reduction in central government control of local administration.” (p. 26)

#### 4.1. Healthcare for Lesbian, Gay and Bisexual Persons

“[T]he NHS [the National Health Service of the **UK**] has set up a web page specifically dedicated to gay, lesbian and bisexual users of health services, and another one dedicated to trans users. Those pages provide key information related to mental health, sexual health, tobacco and drug consumption, alcohol abuse, gender identity clinics, parenting and coming out. They are also a critical source of information for healthcare professionals.” (p. 66)

“The research showed that some EU Member States have a policy focus on supporting equal access to healthcare for all persons, including LGB persons. For example, in the **United Kingdom**, the Equality Act 2010 means that no one should now be treated differently on the basis of any of the protected characteristics (including sexual orientation and gender identity differences). This is reflected in the views of most healthcare providers who are aware of LGB health issues. They believe it is good practice to treat LGB persons in the same way as other persons.” (p. 67)

“Poor practice was reported in some countries, including the **United Kingdom**. A **United Kingdom** professional said that pilot schemes dealing with LGB persons’ access to healthcare have been developed, but are not being spread across the **United Kingdom**. There is evidence from a minority of countries – including the United Kingdom and Poland – that senior managers of healthcare organisations sometimes block LGB healthcare work or do not acknowledge the need for it.” (p. 70)

### Protection against Discrimination On Grounds Of Sexual Orientation, Gender Identity and Sex Characteristics in the EU – Comparative Legal Analysis – Update 2015 (December 2015)

<http://fra.europa.eu/en/publication/2015/lgbti-comparative-legal-update-2015>

#### 1.3. Legal Recognition of a Person’s Gender Identity

“In the **UK**, since the Marriage (Same Sex Couples) Act came into force in March 2014, a married trans person in England and Wales can receive a full gender recognition certificate without divorcing his or her spouse, provided that the spouse consents to the process. However, the spousal consent requirement is coupled with the requirement that the applicant must have been living as the gender with which they identify for at least two years before applying for gender recognition. This means their marriage will in practice already have been a same-sex marriage for two years. By contrast, in Scotland the Marriage and Civil Partnership (Scotland) Act 2014 provides the possibility of obtaining gender recognition without the spouse’s consent.” (p. 22)

#### 2.1. Substantive Issues

“Only ten Member States (Belgium, the Czech Republic, Croatia, Germany, Hungary, France, Malta, Portugal, Sweden and the **United Kingdom**) have enforced laws protecting gender identity and/or gender expression – in addition to gender reassignment – from discrimination, although sometimes they have made use of the concept of ‘sexual identity’ to this effect.” (p. 29)

#### 3.4. Protection from Homophobic and Transphobic Expression and Violence through Criminal Law

“As of mid-2015, 20 Member States (Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain, Sweden and the **United Kingdom**) make it a criminal offence to incite hatred, violence or discrimination on the ground of sexual orientation.” (p. 60)

“In the **United Kingdom**, “transgender identity” is now protected by law; until 2010, it was only considered to be a circumstance leading to an “aggravated offence”.” (p. 60)

#### 4.3. Registration at Birth

“At least four EU Member States allow a sex-neutral identification – such as ‘unknown sex’ in the **United Kingdom** – to be registered in birth certificates.” (p. 73)

### People with Disabilities

Violence against Children with Disabilities: Legislation, Policies and Programmes in the EU (December 2015)

<http://fra.europa.eu/en/publication/2015/children-disabilities-violence>

#### 2.1. Legislation

“The **United Kingdom**, however, has a comprehensive policy framework on hate crimes, including against persons with disabilities. The Strategy and Action Plan on persons with disabilities, ‘Fulfilling Potential: Making it happen’, acknowledges that persons with disabilities are victims of hate crime, and also acknowledges the need to change attitudes and behaviours to address this issue. The Government’s 2012 plan to tackle hate crime – ‘Challenge it, Report it, Stop it’ – proposes several measures, including to address the under-reporting of hate crimes against persons with disabilities and to challenge negative media portrayals of disability issues. The police has its own Hate Crime Strategy and Guidance, and the Crown Prosecution Service has several policies, one of which addresses Disability Hate Crime. The Crown Prosecution Service has also developed resources for teachers to explore the issue of disability in hate crime with children in schools, including a lesson plan, teacher’s guide and power-point presentations.” (p. 39)

#### 4.6. Support Services for Children with Disabilities and Families

“Respondents from several countries – including Croatia, the Czech Republic, Lithuania and the **United Kingdom** – indicated that a lack of specialised support for children with particular types of disabilities remains one of the main challenges to providing support services.” (p. 102)

Implementing the UN CRPD: An overview of Legal Reforms in EU Member States (May 2015)

<http://fra.europa.eu/en/publication/2015/implementing-un-crpd-overview-legal-reforms-eu-member-states>

#### 2.4. Living Independently and Being Included in the Community

“A further area of reform is the transition from institutional to community-based care and support. In the **United Kingdom**, reforms which became law in May 2014 concern both the financing and the practical provision of support, and created a single harmonising law for all adult care and support.” (p. 11)

The Right to Political Participation for Persons with Disabilities: Human Rights Indicators (May 2014)

<http://fra.europa.eu/en/publication/2014/right-political-participation-persons-disabilities-human-rights-indicators>

#### 2.2. The Legal Status of the Right of Persons with Disabilities to Vote in EU Member States

“Seven out of the 28 EU Member States – Austria, Croatia, Italy, Latvia, the Netherlands, Sweden and the **United Kingdom** – guarantee the right to vote for all persons with disabilities, including those without legal capacity.” (p. 40)

“In eight EU Member States, Austria, Denmark, Estonia, Finland, Germany, Lithuania, the Netherlands and the **United Kingdom**, all voters can vote using alternative methods, typically postal voting. In the Netherlands and the United Kingdom, proxy voting is permitted, although in the Netherlands nobody may cast more than two votes by proxy per election.” (p. 42)

### 2.3. Creating Enabling Conditions for the Political Participation of Persons with Disabilities

“In a further seven Member States – Bulgaria, Croatia, the Czech Republic, Denmark, Italy, Slovenia and the **United Kingdom** – only public media providers are obliged to ensure that their broadcasts are accessible to persons with disabilities.” (p. 45)

“In 15 EU Member States, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Poland, Portugal, Slovakia, Slovenia, Sweden and the **United Kingdom**, assistance in voting is available to persons with physical, visual and intellectual disabilities, subject to the authorisation of the election authorities.” (p. 50)

### 2.4. Ensuring Access to Complaints Mechanisms

“Laws in force in Austria, Croatia, Cyprus, Finland, Germany, Italy, Latvia, Malta and the **United Kingdom** provide that all persons with disabilities, including those who have been deprived of their legal capacity, have access to redress mechanisms in cases where they have not been able to exercise their right to political participation.” (p. 53)

## Rights of the Child

Guardianship Systems for Children Deprived Of Parental Care in the European Union (October 2015)

<http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>

### 2.2. Institutions or Persons Acting as Guardians

“On the whole, there is no fully-fledged guardianship system for unaccompanied children in the **United Kingdom**. However, there are differences across the devolved administrations.” (p. 26)

Child-friendly Justice: Perspectives and Experiences of Professionals on Children’s Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States (May 2015)

<http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>

#### 1.2.1. Ensuring Professionals are Adequately Equipped to Work with Children

“In **the United Kingdom**, the police can decide how to take a child’s initial statement. In practice, however, a specialist police unit interviews almost all victims of sexual assault and of any type of familial abuse, and video records these interviews (in line with the Achieving Best Evidence in Criminal Proceedings (ABE) guidelines). The treatment of children who are victims of less serious offences is more variable, and children interviewed by non-specialists officers are often simply asked to give a written statement.” (p. 23)

“Similarly, in the **United Kingdom**, an intermediary may help the police, judges and legal representatives to frame questions to child victims or witnesses in a child-appropriate way.” (p. 26)

“In the United Kingdom (England and Wales), the Ministry of Justice developed guidelines for interviewing child victims and witnesses in a 2011 report. The guidelines, *Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses and guidance on using special measures* (ABE), are directed at all those involved in relevant investigations, including the police, adults’ and children’s social care workers, and members of the legal profession. Children’s ABE interviews may be video recorded and shown later instead of the child’s primary testimony.

The Scottish Government also set guidelines for best interviewing practices in its 2011 publication, *Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland*.\*\* These guidelines prescribe joint, video recorded, interviews by specially trained police officers and social workers. Social workers trained to conduct joint investigative interviews are partnered and co-located with police

officers to facilitate a rapid response to interview requests. Although these interviews are video recorded, it is standard practice for the child to give live oral evidence.” (p. 28)

#### 1.5.1. Ensuring Professionals are Adequately Equipped to Work with Children

“The **United Kingdom** (Scotland) uses a special system of lay judges to hear children in civil cases. These ‘Children’s Panels’ seek to obtain the views of the child, their family or carers, and relevant professionals such as social workers and teachers. Children also give their views prior to the hearings. If children are unable or reluctant to express themselves sufficiently, a ‘Safeguarder’ may be appointed to report back. Some professionals consider the Scottish Children’s Hearing System a good practice, because of children’s active engagement and the mandatory training for professionals and volunteers.” (p. 43)

“Legal requirements to hear children in a non-intimidating and child-friendly environment are generally lacking. They can only be found in family law in France, Poland and the **United Kingdom** (England and Wales).” (p. 46)

#### 2.2.3. Providing Information and Advice to Children through Targeted, Adapted Information Services

“Only respondents from the **United Kingdom** said that child-friendly materials are made available to all children involved in judicial proceedings through a variety of booklets for different age groups on both criminal and civil proceedings. They are not, however, always available in different languages.” (p. 65)

#### 4.1. Structural Indicators (Legal Obligations)

“All countries studied except for Poland and the **United Kingdom (Scotland)** also recognise the importance of the principle of evolving capacity, according to which children should be treated in an individualised manner based not exclusively on their age but on their degree of maturity.” (p. 89)