

Disappearance, Report of the S-G to the CHR:
(E/CN.4/1997/103)

The report of the Secretary-General includes a summary of information provided by the government on measures taken to implement the Declaration on the Protection of All Persons from Enforced Disappearance. Stating that an allegation of disappearance had never been received, the government cited legal safeguards related to the protection provided for individuals in police and prison custody, the right of any detainee to have someone informed of his arrest and to speak to a lawyer, the right to have independent legal advice free of charge, and the right to make an application for habeas corpus.

Environment, Report of the S-G to the CHR :
(E/CN.4/1997/18, Section E.)

In the report of the Secretary-General, it is noted that the government does not believe that the Commission on Human Rights is the right forum for debate on issues related to environmental protection. The U.K. indicated that international action could take place through the United Nations Environment Programme, the Commission on Sustainable Development and through the Conference of States Parties to the various international environment conventions. The government further asserted that attention and resources devoted to this issue would distract the Commission on Human Rights from its core activity of protecting human rights.

HIV/AIDS, Report of the S-G to the CHR:
(E/CN.4/1997/37)

The report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights (Geneva, September 1996) notes that law reform in the U.K. has led to adoption of general anti-discrimination legislation at national and local levels which defines disability broadly and sensitively enough to explicitly include HIV/AIDS.

Racial Discrimination: (E/CN.4/1997/68/Add.1, paras. 77, 82-83, 86-90, 106, 110)

In September 1996 the UN held a seminar to assess the implementation of the Convention on the elimination of racial discrimination. The seminar particularly focussed on articles 4 and 6. The government recalled that in the U.K.: racial discrimination is dealt with under the Race Relations Act 1976; the Race Relations Act does not apply to clubs and associations with less than 20 members; the Public Order Act 1986 penalizes conduct that is essentially incitement to racial hatred and includes conduct intended to incite hatred; the Public Order Act could result in prosecution of racist material distributed to avowed racists while racist abuse directed at the members of the hated racial group might not fall under the Act; the expression of views which "merely" insulted or vilified racial groups was not criminalized; the legal justification for restricting racist speech was the prevention of disorder; penalties for offences under the Act included a maximum term of imprisonment of two years and/or a fine; in terms of racial violence, various kinds of conduct often engaged in by racists, including acts encouraging violence, were penalized under the Act as well as in other legislation, but with no mention of a racial motivation; and, the U. K. was not prepared to

adopt specific legislation to prevent incitement to racial violence in order not to introduce a separate class of violent crime of racial motivation which would attract a greater penalty. The government asserted that it had no power to ban individuals or organizations on the grounds that they held extreme racist views, nor did it plan to take such powers. Powers of proscription of organizations in the U.K. are limited to groups involved with terrorism connected with Northern Ireland and no legislation covers the mere fact of membership of such organizations but only the activities of members in cases where criminal offences have been committed.

On the question of avenues of recourse for victims of racism and racial discrimination, the report notes that, in the U.K., protection is based on civil proceedings on the reasoning that the procedure is more straightforward, particularly with regard to the burden of proof. In matters of employment, public- and private-sector housing, education and provision of goods and services, legislation gives injured parties the right of direct recourse to the civil courts and to the industrial tribunals, i.e., special labour courts.

Restitution, compensation and rehabilitation, Report of the S-G to the CHR: (E/CN.4/1997/29, United Kingdom)

Information provided the government indicated that grave violations of human rights are not a distinct category of unlawful act in the U.K. and, therefore, there is no specific provision for the award of compensation in such cases. However, that does not mean that a victim would be unable to obtain compensation.

The government recalled that the report of the Sub-Commission's Special Rapporteur on the issue of restitution, compensation and rehabilitation for victims of grave violations of human rights identified those violations as involving genocide, slavery, summary executions, torture, enforced disappearances, arbitrary and prolonged detention, deportation or forcible transfer of population or systematic discrimination. The government asserted that the U.K. would not tolerate the violation of human rights through any of these acts and noted that all would, in any case, be unlawful and would therefore involve the commission of crimes to which there is attached a civil right to compensation.

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UNITED STATES OF AMERICA

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: The U.S. has submitted a core document (HRI/CORE/1/Add.49) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as commentary on the republican form of government, the executive, legislative and judicial branches of government and state governments. The report also includes information on the system of government in the