

compensation by the offender to the victim and the right to sue through civil courts for damages. International human rights treaties and conventions are not incorporated directly into domestic law but, rather, changes are made to domestic law when needed to ensure that it conforms with and gives effect to the treaties and conventions the U.K. has signed and/or ratified.

Specific institutions for the protection of human rights have been established under the Sex Discrimination Act 1975 (Equal Opportunities Commission), the Race Relations Act 1976 (Commission for Racial Equality), the Data Protection Act 1984 (Data Protection Registrar) and the Police and Criminal Evidence Act 1984 (Police Complaints Authority).

The core document prepared by the U.K. government on its overseas dependent territories and Crown dependencies includes information on Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands, Isle of Man, Bailiwick of Jersey, and Bailiwick of Guernsey. In addition to statistical data, each entry summarizes information on the system of government, the law and the general legal framework for the protection of human rights.

#### **Economic, Social and Cultural Rights**

Signed: 16 September 1968; ratified: 20 May 1976.

The U.K.'s fourth periodic report is due 30 June 1999.

*Reservations and Declarations:* Paragraph (a) (i), article 7; paragraph 3, article 2; article 6; paragraph (a) (i), article 7; article 9; paragraph 2, article 10; paragraph 2, article 13; and article 14.

The U.K.'s third periodic report (E/1994/104/Add.11) was considered by the Committee at its November/December 1997 session. The report prepared by the government provides information related to articles 1 through 15, including in areas such as: employment policy; training services and programmes; equal opportunity and discrimination; fair wages and equal remuneration; work safety and health; health and medical services; social security; protection of the family and protection of maternity; children and young persons; food and nutrition; housing and land; education and schools; and environment, science and technology.

The Committee's concluding observations and comments (E/C.12/1/Add.19) welcomed new initiatives by the government, including *inter alia*: "welfare to work" designed to provide enhanced opportunities for sustained employment and to break prolonged dependency on welfare; the proposal to enact the European Convention of Human Rights into domestic legislation; the proposal to introduce a national minimum wage; the commitment to ratify the Treaty of Amsterdam, and the resulting application of the European Social Charter in the U.K.; the proposal for a "new deal" to give positive support through Training and Enterprise Councils, and job subsidies to the private sector to provide additional employment opportunities, with increased targeting of ethnic minorities who suffer from above average rates of unemployment; the establishment of the Disability Rights Commission; and the new policy for a programme of life-long learning to assist, in particular, the functionally illiterate. The Committee also welcomed: the significant progress made to meet the educational needs of the travellers communities and

gypsies and adoption of the Hong Kong Order 1997 which entitles Hong Kong citizens who are not allowed to acquire Chinese nationality to receive British citizenship.

In considering factors and difficulties hindering implementation of the Covenant, the Committee noted that some of the most vulnerable segments of society continue to face economic and social difficulties and that the government's ability to alleviate these difficulties is impaired by its self-imposed budgetary constraints.

The principal subjects of concern identified by the Committee were, *inter alia*: the unacceptable levels of poverty among certain segments of the population, particularly in Northern Ireland; the uneven distribution of the economic benefits of recent gains in prosperity; the fact that the government limits access to free legal aid with respect to a number of economic and social rights; the government's position that, with certain minor exceptions, the provisions of the Covenant constitute principles and programmatic objectives rather than legal obligations and that, as a consequence, the provisions cannot be given legislative effect; the failure to incorporate the right to strike into domestic law; the legally accepted practice of allowing employers to differentiate between union and non-union members by giving pay raises to employees who do not join a union; the significant degree of de facto discrimination against women, blacks and other ethnic minorities; the persistence of a substantially higher rate of unemployment among blacks and other ethnic minorities and their disproportionate numbers in lesser paid jobs; the rate of unemployment among Catholics in Northern Ireland; an increasing incidence of child abuse in foster homes; the serious incidence of domestic violence against women; that waiting lists for surgery can be 18 months or longer; that corporal punishment continues to be practiced in schools which are privately financed and that the government does not intend to eliminate the practice; that homelessness remains a problem and vulnerable groups such as travellers and ethnic minorities do not receive sufficient protection against evictions; that the educational structure in Northern Ireland is heavily segregated between Protestant and Catholic schools despite reports that approximately 80 per cent of parents in Northern Ireland would prefer to send their children to integrated schools; and, the fact that the Irish language in Northern Ireland does not appear to receive the same degree of financial support and status as Gaelic in Scotland and Welsh in Wales.

The Committee recommended that the government:

- ▶ take appropriate steps to introduce into legislation the Covenant on Economic, Social and Cultural Rights, so that the rights set out may be fully implemented;
- ▶ target social assistance more carefully to alleviate poverty among those suffering from long-term unemployment, those whose overall revenue is low and those who are unable to work;
- ▶ make further efforts to extend benefits to the approximately one million persons who qualify and do not apply to receive them;