

**Universal Periodic Review  
(13<sup>th</sup> session, 21 May - 1 June 2012)**

**Contribution of UNESCO**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND**

**I. Background and framework**

**1. Human rights treaties which fall within the competence of UNESCO  
and international instruments adopted by UNESCO**

**A. Table**

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	14/03/1962	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	Not ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	29/05/1984 <sup>1</sup>			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	Not ratified			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	07/12/2007			Right to take part in cultural life

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<sup>1</sup> The United Kingdom has a total of **28 sites** inscribed on the World Heritage List (23 cultural sites, 4 natural sites, 1 mixed site). Mandates to the World Heritage Committee: 2001 - 2005

## II. Promotion and protection of human rights on the ground

### 1. Right to education<sup>2</sup>

#### A. Normative Framework

##### i. Constitutional framework

1. Although the United Kingdom has no written national constitution setting out the fundamental principles from which the rights and responsibilities of citizens are derived, according to the Eurydice information database on the education system 2004/2005 in United Kingdom, the *Human Rights Act 1998* incorporated into law nearly all the rights contained in the European Convention on Human Rights and gives citizens a clear legal statement of their basic rights and fundamental freedoms, including the right to education. The Act became fully operational in October 2000.

##### ii. Legislative framework

2. The right to education is guaranteed through several legislation in England, Wales and Northern Ireland (*Children Act 2004; Education Act 2005; Education and Inspections Act 2006; Education and Skills Act 2008; Education Reform (Northern Ireland) Order 2006; Learning and skills act 2000; School standards and framework Act 1998; Apprenticeships, Skills, Children and Learning Act 2009; Further and Higher Education Act 1992; Further Education (Northern Ireland) Order 1997; Further Education and Training Act 2007; Higher Education (Northern Ireland) Order 2005; Higher Education Act 2004; Teaching and Higher Education Act 1998; Special Educational Needs and Disability Order 2005*) and in Scotland (*Children (Scotland) Act 1995; Education (Additional Support for Learning) (Scotland) Act 2004; Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002; Education (Mentally Handicapped Children) (Scotland) Act 1974; Education (Scotland) Act 1980; Education (Scotland) Act 1981; Education (Scotland) Act 1996; Further and Higher Education (Scotland) Act 1992; School Boards (Scotland) Act 1988; Schools (General) Regulations 1975; Special Educational Needs and Disability Act 2001; Standards in Scotland's Schools etc. Act 2000; Teachers (Education, Training and Recommendation for Registration) Regulations 1993; Teaching Council (Scotland) Act 1965; he Looked After Children (Scotland) Regulations 2009; The Schools (Health Promotion and Nutrition) (Scotland) Act 2007; School (consultation) (Scotland) Act 2010*)

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#### <sup>2</sup> Sources:

- 1998 Human Rights Act, <http://www.legislation.gov.uk/ukpga/1998/42/contents>
- Organisation of the education system in the United Kingdom - England, Wales and Northern Ireland, 2009/2010, Eurydice, [http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase\\_full\\_reports/UN\\_EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase_full_reports/UN_EN.pdf)
- Report of United Kingdom submitted in 2006 to UNESCO for the Seventh Consultation of Member States on the Implementation of the Convention and the Recommendation against Discrimination in Education.
- Parliament website, <http://services.parliament.uk/bills/2010-11/education.html>
- EFA GMR 2011, <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf>
- Guardian, BBC

3. In addition several major pieces of legislation with a focus on preventing or prohibiting discrimination have been introduced. The adoption of the *Equality Act 2006* illustrates this concern. Indeed, the Equality Act 2006 makes it unlawful for schools to discriminate against a person on grounds of religion or belief in the terms on which it admits the pupil or in the services it offers to him. Exceptions to this are schools with a religious character. A new *Equality Act* was adopted in 2010. Its Part 6 is dedicated to school. Regarding racial discrimination, the *Race Relations (Amendment) Act 2000* gives public authorities a statutory duty to promote race equality. This has important implications for schools and other educational institutions as well as central and local government. This general duty says that a public body must give due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity. In addition to the general duty, schools have certain specific duties placed on them by legislation. These include, among other responsibilities, a requirement on schools to assess and monitor the impact of all of their policies on pupils, staff, and parents of different racial groups, including in particular, the impact on attainment of pupils from different racial groups, with particular reference to attainment.

4. On April 2010, a new act related to disabilities was adopted: *Children, School and Families Act 2010*.

5. A new *Education Bill 2010-2011* is currently discussing in the Parliament. The Bill seeks to implement the legislative proposals in the Department for Education's schools White Paper, 'The Importance of Teaching' and measures from the Department for Business, Innovation and Skills relating to skills and the reform of higher education funding.

## **B. Cooperation**

6. The United Kingdom of Great Britain and Northern Ireland submitted a report to UNESCO, in 2006 within the framework of the Seventh Consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering period 2000-2005).

7. The United Kingdom did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 *UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms* (covering the period 2005-2008).

## **C. Challenges and constraints**

8. In the United Kingdom, applying for asylum can result in long waits for decisions on applications and appeals, causing considerable delay in enrolling children in school.

9. The Lords Chamber adopted in December 2010 a controversial draft law raising tuition fees at university from 3290 £ (3915 euros) to 6000 £ by year and to 9000 £ in exceptional circumstances.<sup>3</sup>

## **2. Right to take part in cultural life**

### **A. Normative Framework**

#### **i. Legislative framework**

10. England and each of the Devolved Administrations, Crown Dependencies and Overseas Territories has specific legislation in place to protect specific designated cultural and natural heritage assets, such as ancient monuments, listed historic buildings, conservation areas, Special Candidate Areas of Conservation (SCACs), Sites of Special Scientific Interest (SSSIs) and Special Protection Areas (SPAs). Additionally there is general spatial planning which allows local authorities and sometimes the national or territory government to define policies for the general protection of natural and cultural heritage, as well as for registered Historic Parks, Gardens and Battlefields. Local communities are involved through the consent procedures for listed buildings, conservation areas and general planning. Natural heritage is afforded protection under UK legislation such as The Wildlife and Countryside Act 1981, The Countryside and Rights of Way Act 2000 and The Conservation (Natural Habitats, &c.) Regulations of 1994.

11. Detailed work on legislation commenced following the 2007 Government White Paper Heritage Protection for the 21st Century –which proposed the first widespread overhaul of the heritage protection system for nearly 25 years, including measures to strengthen the existing system for underwater cultural heritage. However in November 2008, the government announced the postponement of parliamentary legislation for heritage protection, but encouraged the continuation of non-legislative reform work. The first major milestone was the consultation draft in July 2009 of a Planning Policy Statement on Planning for the Historic Environment to replace the ageing Planning Policy Guidance notes on Buildings (No. 15) and Archaeology (No. 16). Work continues on reforming various aspects of the way designation of heritage is undertaken and the criteria for protecting heritage assets.

12. World Heritage sites are not given statutory recognition through inclusion in the Register of Historic Assets. This might change with the adoption of the Heritage Protection Bill (currently in pre-legislative scrutiny), which would also require World Heritage sites to be included in local authority Historic Environment Records and possibility in any Heritage Partnership Agreements<sup>4</sup>.

### **B. Institutional framework**

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<sup>3</sup> Patrick Wintour and Allegra Stratton, *Lords rejects Labour attempt to derail tuition fees legislation*, The Guardian, 14 December 2010, <http://www.guardian.co.uk/education/2010/dec/14/lords-rejects-labour-derail-tuition> (accessed 15/09/2011)

<sup>4</sup> Sources: [http://www.culture.gov.uk/Reference\\_library/Publications/archive\\_2008/pub\\_drafthpb.htm](http://www.culture.gov.uk/Reference_library/Publications/archive_2008/pub_drafthpb.htm)

13. The Department for Culture, Media and Sport is responsible for the UK's general compliance with the Convention concerning the Protection of the World Cultural and Natural Heritage 1972 . It is directly responsible for cultural heritage in England, working through English Heritage.

14. Responsibility for cultural heritage in Scotland, Wales and Northern Ireland (collectively referred to as the Devolved Administrations in this report) is held by the devolved national governments and exercised respectively by Historic Scotland, Cadw and the Environment (Welsh's historic environment service) and Heritage Service of the Department of the Environment, Northern Ireland.

15. Responsibility for natural heritage rests in England with the Department for Environment, Food and Rural Affairs (through English Nature and the Environment Agency). In the Devolved Administrations this responsibility rests with: the Scottish Executive Rural Affairs Department and Scottish Natural Heritage; the Welsh Assembly Government and the Countryside Council for Wales; and Environment and Heritage Service of the Department of the Environment, Northern Ireland.

16. Conservation of the cultural and natural heritage is not integrated in England, Scotland and Wales but the relevant bodies for each sphere have close working relationships with formal Concordats between them.

### **C. Policy measures**

17. The National Heritage Protection Plan (NHPP) will be the national framework for bringing together work by English Heritage (EH) and other partners within the sector to protect the historic environment.

18. There are large numbers of local Heritage Trusts, County Wildlife Trusts and similar charitable bodies which own particular sites in their area. They are funded by the government to carry out specific duties related to those World Heritage sites.

19. The government also supports specialist NGOs to provide expert advice on planning and conservation issues. Apart from this specific support, NGOs in the UK take an active role nationally and locally in both natural and cultural heritage conservation, supported largely by funding from membership.

### **D. Cooperation**

20. The UK provides financial and technical support to various programmes of UNESCO (World Heritage Tourism Programme, UK-UNESCO Youth Summit etc.).

21. Other cooperation initiatives are programmed with UNESCO. This collaboration includes notably a joint programme prepared in the context of the London 2012 Olympics to explore issues of identity, cultural diversity and sustainable development and their resonance with Olympic values.

### **E. Work with civil society**

22. When communities in the UK are questioned about the importance of the historic environment, it is given a high rating in terms of well being: people do feel that it is important as part of their cultural identity. Accordingly, the World Heritage Centre

ensuring the Secretariat of the 1972 World Heritage Convention receives numerous letters from the representatives of civil society raising concern about the state of conservation of natural and cultural properties, inscribed on the World Heritage List, or UK's Tentative List and also other sites, and to which the authorities are responsive

23. The vast bulk of the natural and cultural heritage is owned privately and the first line of responsibility for conserving such heritage rests with its owners. Owners are given advice and support by the relevant national agencies and by local government. All parts of the UK have a well-established professional and contracting sector providing conservation services.

24. Local communities take part in the process through the activities of local authorities. Government has funded NGOs to promote access. There are large numbers of local societies with an interest in the heritage, some of which campaign on specific issues.

25. Finally, the UK Coalition for Cultural Diversity (UKCCD) is the UK's leading civil society forum of creators and cultural organizations promoting the Convention for the Protection and Promotion of the Diversity of Cultural Expressions (2005). Through this network, it has access to over 600 creators' organizations internationally.

#### **F. Achievements, best practices, challenges and constraints**

26. The United Kingdom has developed strong expertise and high standards of work and professionalism in heritage protection including many excellent publications. The State Party has a holistic approach to protection and strategically focuses its support.

27. The United Kingdom has a wide variety of departments and specialized agencies in charge of heritage, providing services from national to local levels. Other levels of authorities in charge of site management include religious communities, private institutions, trusts, societies and foundations. However, complex networks of partners further complicate the management of sites, and require a high level of cooperation and inter-agency communication. Some sites, or parts of sites, may also belong to private users, or may be managed by independent, not-for-profit associations.

28. The state of the United Kingdom economy, however, remains a dominating theme and one that is having a significant impact on heritage. On the positive side the growing strength of domestic tourism is giving many heritage attractions a much more secure future. On the negative side continued depression in the property market is making it much harder to rescue the most difficult heritage at risk. There is some evidence too that more buildings are becoming at risk.

29. All in all, development pressure poses the greatest challenge to World Heritage sites in the United Kingdom. Against this back-drop, the approval of UNESCO's draft Recommendation on Historic Urban Landscape by its General Conference in 2011 will be awaited.

#### **G. Capacity-building and technical assistance provided and/or recommended by UNESCO**

30. The United Kingdom is an active participant in and contributor to the

implementation of the 1972 World Heritage Convention. Staff involved in the protection and conservation of cultural heritage is mostly qualified conservation professionals.

### **3. Freedom of opinion and expression**

#### **A. Achievements, best practices, challenges and constraints**

##### **i. Legislative Framework**

31. Freedom of expression is protected under the 1998 Human Rights Act which enacted into UK law the European Convention on Human Rights. A Freedom of Information Act came into force in 2005.

32. On the whole, the media landscape in the United Kingdom is established, plural and free. However, some concern has been raised as a result of recent government public statements in favour of restriction of the use of social media, following rioting in summer 2011. In the wake of these riots, the Prime Minister proposed to ban people suspected of plotting criminal activity from social networking sites, urged sites to remove potentially inflammatory information and encouraged broadcasters to hand over unused footage to the police.

##### **ii. Media Self-regulatory System**

33. The UK print media has a long history of self-regulation. Most notably, the press operate the voluntary Press Complaints Commission (PCC). However, the PCC was described by the Prime Minister as "ineffective and lacking in rigour", following a phone-hacking scandal in 2011, and the government is now launching a full review of the regulation of the press.

34. Aside from the PCC, the National Union of Journalists (NUJ) has had a code of ethics since 1936, but its Ethics Council is largely moribund. There are also several informal accountability activities. The trade press and general interest newspapers occasionally perform this role: both the NUJ and the Chartered Institute of Journalists publish journals, and there is the British Journalism Review. The Guardian publishes a weekly Media supplement (on Mondays). Insiders are generally less prominent than outsiders, however. Organizations which seek to explore media issues include the Media Standards Trust; Media Trust (media and charities); MediaWise (ethics); Campaign for Press and Broadcasting Freedom; Campaign for Freedom of Information; Runnymede Trust (diversity), and the London International Research Exchange.

### **III. Recommendations**

#### **1. Right to education**

35. The United Kingdom should be encouraged to report to UNESCO within the framework of the eighth consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2006-2011).

## **2. Right to take part in cultural life**

36. Human rights instruments in the United Kingdom do not cover economic, social and cultural rights with the exception of the United Kingdom's Human Rights Act 1998, which covers rights to education and the peaceful enjoyment of property. An amendment of the Human Rights Act would be, therefore, advisable.

37. Moreover, the revision of United Kingdom's Digital Economy Act 2010 is under discussion as the Act leaves scope for the disconnection of alleged unlawful file-sharers and therefore might violate their right to take part in cultural life.

38. It is further recommended to foster the national discourse on development pressures on urban heritage, including those inscribed on the World Heritage List.

## **3. Freedom of opinion and expression**

39. UNESCO recommends that United Kingdom should maintain a firm and explicit stand on the freedom of expression with regards to the use of new media.