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Delegation to the  
OSCE

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NOTE NO 05/13

The United Kingdom Delegation to the Organisation for Security and Co-operation in Europe (OSCE) in Vienna presents its compliments to the Delegations of participating States to the Forum for Security Co-operation (FSC) and to the Conflict Prevention Centre and has the honour to convey the United Kingdom's completed response to the questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2013. The response also includes voluntary information on Private Military and Security Companies and Women, Peace and Security.

The United Kingdom Delegation avails itself of this opportunity to renew to the Delegations of participating States to the Forum for Security and Co-operation (FSC) and to the Conflict Prevention Centre the assurance of its highest consideration.

United Kingdom Delegation  
Vienna

15 April 2013



To all Delegations/Permanent Missions to the OSCE  
To the Conflict Prevention Centre

**INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS  
OF SECURITY**

**UK CODE OF CONDUCT QUESTIONNAIRE RETURN 2013**

**Section I: Inter-State elements**

**1. Account of measures to prevent and combat terrorism**

**1.1 To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?**

<b>Convention</b>	<b>Signature</b>	<b>Ratification</b>
1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963	14 Sep 63	29 Nov 68
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970	16 Dec 70	22 Dec 71
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971	23 Sep 71	25 Oct 73
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973	13 Dec 74	2 May 79
5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979	18 Dec 79	22 Dec 82
6. Convention on the Physical Protection of Nuclear Material, signed at Vienna 3 March 1980	13 Jun 80	6 Sep 91
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on	26 Oct 88	15 Nov 90

24 February 1988		
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Concluded at Rome on 10 March 1988	22 Sep 88	3 May 91
9. Protocol to the above mentioned Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Concluded at Rome on 10 March 1988	22 Sep 88	3 May 91
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991	1 Mar 91	28 Apr 97
11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997	12 Jan 98	7 Mar 01
12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999	10 Jan 00	7 Mar 01
13. International Conventions for the Suppression of Acts of Nuclear Terrorism	14 Sept 05	24 September 09

#### UNITED KINGDOM ADHERENCE TO EUROPEAN CONVENTION ON TERRORISM

European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977	27 Jan 77	24 Jul 78
Council of Europe Convention on the Prevention of Terrorism	16 May 05	To Be Confirmed
Protocol amending the European Convention on the Suppression of Terrorism	15 May 03	To be Confirmed

The Special European Council on 20 and 21 September 2001 agreed that counterterrorism should be a priority for the Union, both internally and in its relations with third countries. Heads of State and Government endorsed an EU Action Plan on 21 September 2001 to help member States step up the fight against global terrorism and to improve practical co-operation among member states. Measures which the EU has taken since September 2001 include:

- agreement on a Euro arrest warrant and fast-track extradition;
- agreement on common EU offences and penalties for terrorist activity

- conclusion of the EU/US Europol agreement
- agreement on measures to implement UNSCR 1390 and the provisions in UNSCR 1373 relating to the suppression of terrorist financing.

During the UK Presidency of the EU in 2005, the EU agreed the Counter-Terrorism Strategy which sought to reflect the changing state of the terrorist threat and to bring a greater sense of coherence and prioritisation to the rapidly increasing number of work streams contained within the EU Counter-Terrorism Action Plan elaborated after 9/11. In addition, a Radicalisation and Recruitment Strategy and Action Plan were developed, along with a corresponding Media Communications Strategy.

Treaties do not automatically form part of UK law, and, therefore, before ratifying any treaty the UK must consider whether any amendment of domestic law is required to give effect to the obligations that it contains. This will involve an examination of whether the existing common law or statutory provisions are sufficient to implement the treaty in question, and, if not, legislation will be required to make the necessary amendments. The way in which the main provisions of the twelve international Counter-Terrorism Conventions and the European Convention for the Suppression of Terrorism are implemented, is set out below.<sup>1</sup>

### **Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963**

#### **Jurisdiction of State of Registration – Article 3**

Section 92 of the Civil Aviation Act 1982 provides for the application of the criminal law to offences committed on board British-controlled aircraft in flight outside the UK. The definition of "British-controlled aircraft" is found in section 92(5), and goes somewhat wider than simply aircraft registered in the UK.

#### **Powers of the aircraft commander – Articles 5-10**

Section 93 of the Civil Aviation Act 1982 sets out the powers of the commander of an aircraft, so as to give effect to these Articles of the Convention.

#### **Unlawful Seizure of Aircraft – Article 11**

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967.

#### **Powers and duties of States - Articles 12-15**

The necessary legislative enactment is unnecessary beyond the provision of section 93 of the Civil Aviation Act 1982. Powers of detention are primarily regulated under the Police and Criminal Evidence Act 1984. Powers of removal of aliens are regulated under immigration legislation.

#### **Article 16**

It is accepted for the purposes the United Kingdom's various general extradition arrangements with individual States that offences committed aboard aircraft are considered to be offences committed within the territory of the State of registration of such aircraft – Extradition Act 1989 sections 1(4) and Sch.1, para 14. In addition extradition is permitted to contracting parties to the Tokyo Convention in respect of offences committed on board aircraft in flight by virtue of section 22 of the Extradition Act 1989 and the Extradition (Tokyo Convention) Order 1997 (SI no. 1997/1768).

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<sup>1</sup> However it is important to note that the UK is made of three different law districts, namely (i) England and Wales, (ii) Scotland, and (iii) Northern Ireland. Whilst primary legislation that has been introduced specifically to implement treaty obligations will usually apply in all three law districts, aspects of substantive and procedural criminal law differ considerably in each. For the sake of brevity, this reply sets out the position in England and Wales. Implementation of the Conventions differs in a number of respects in Scotland and Northern Ireland.

#### Article 18

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

### **The Hague Convention for the Suppression of Unlawful Seizure of Aircraft 1970**

#### Article 1 – The Offence

Section 1 of the Aviation Security Act 1982 establishes the offence of hijacking in terms similar to the Convention. Under the general criminal law, accomplices to offences may themselves be prosecuted as principal offenders under section 8 of the Accessories and Abettors Act 1861. In addition section 6(2)(a) of the Aviation Security Act 1982 establishes ancillary offences in respect of persons in the UK who induce or assist the commission outside the UK of hijackings of military or police aircraft, or aircraft for which the place of take-off and landing is the same as that of the State of registration (matters excluded from the scope of the Convention under Article 3(2) and (3)).

Furthermore, legislation needs to be enacted in order to extend the conventions to the Crown Dependencies and Overseas Territories. The first five conventions detailed below have been extended to all of these territories; the process of extending the remaining seven is on-going.

#### Article 2 - Penalty

The offence of hijacking is punishable by life imprisonment (section 1(3) of the Aviation Security Act 1982).

#### Article 3 – Interpretation and exclusions

The interpretation of when an aircraft is considered to be in flight for the purposes of the Convention (Article 3(1)) is mirrored in section 38(3) of the Aviation Security Act 1982. The excluded matters in Articles 3(2) (military and police aircraft) and (3) (aircraft for which the place of take-off and landing is the same as that of the State of registration) are mirrored in section 1(2) of the Aviation Security Act 1982, except (i) where the hijackers of such planes are UK nationals or (ii) the hijacking occurs in the UK or (iii) the aircraft is registered in the UK or used in the service of the UK military or police.

#### Article 4 - Jurisdiction

Hijacking is an offence under section 1 of the Aviation Security Act 1982, whether it takes place in the UK or elsewhere. In accordance with section 8, proceedings in respect of these offences require the consent of the Attorney-General. Provision is also made for extraterritorial jurisdiction over a number of ancillary offences committed in connection with a hijacking, including homicides and various other offences against the person, as well as explosives offences (section 6(1) of the Aviation Security Act 1982).

#### Article 5 – Joint air transport operating organisations

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

#### Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of practice. Further powers of investigation and detention in relation to terrorist activity are contained in

the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 7 aut dedere aut judicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of The Hague Convention in respect of offences under sections 1, 6(1) and 6(2)(a) of the Aviation Security Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Hijacking) Order 1997 (SI no. 1997/1763).

#### Article 9 – Preventive Measures

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967. However section 7 of the Aviation Security Act 1982 enables the police to take measures to prevent a person from embarking on an aircraft where they suspect he intends to commit hijacking offences.

#### Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 11 – Notifications

Specific legislative authority is not required in this respect.

### **The Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation 1971**

#### Article 1 – The Offences

The offences set out in Article 1(1) are reflected in the provisions of sections 2(1), 2(2), 3(1), and 3(3) of the Aviation Security Act 1982.

As regards attempts and accomplices for the purposes of Article 1(2), section 2(2) of the Aviation Security Act 1982 provides that it is an offence to place a device or substance on an aircraft which is likely to destroy or damage it. Additionally under the general criminal law, attempts to commit one of these offences are covered by the Criminal Attempts Act 1981, and accomplices to offences may themselves be prosecuted as principal offenders under section 8 of the Accessories and Abettors Act 1861.

Further, section 6(2)(b) of the Aviation Security Act 1982 establishes an ancillary offence in respect of persons in the UK who induce or assist the commission outside the UK of the destruction or sabotage of military or police aircraft, or the commission of violent acts which are likely to endanger the safety of such aircraft. Section 6(2)(c) establishes an ancillary offence in respect of persons in the UK who



induce or assist the commission outside the UK of destruction or damage to property likely to endanger the safety of aircraft. Section 6(2)(c) also establishes an ancillary offence in relation to persons in the UK who induce or assist the commission outside the UK of the communication of false or misleading information which endangers or is likely to endanger the safety of aircraft in flight.

#### Article 2 Interpretation

The interpretation of when an aircraft is considered to be "in flight" or "in service" for the purposes of the Convention is mirrored in section 38(3) of the Aviation Security Act 1982.

#### Article 3 Penalties

Offences under Sections 2 and 3 of the Aviation Security Act 1982 are punishable by life imprisonment.

#### Article 4 – Exclusions

The UK legislation limits the exclusions in Article 4 of the Convention in certain respects.

#### Article 5 – Jurisdiction

The offences under section 2 of the Aviation Security Act 1982, (i.e. the destruction or damage to aircraft in service, acts of violence which endanger the safety of aircraft, and placing of a device or substance on board an aircraft likely to destroy or damage aircraft or endanger their safety) are offences in UK law, whether they are committed in the UK or elsewhere, whatever the nationality of the accused, and whatever the State in which the aircraft is registered (section 2(3)). In accordance with section 8, proceedings in respect of these offences require the consent of the Attorney-General.

For the offences under section 3 of the Aviation Security Act 1982 (i.e. the destruction or damage to property such as to endanger the safety of aircraft in flight, and the communication of false or misleading information such as to endanger the safety of aircraft in flight), the grounds of jurisdiction are set out in section 3(5) and reflect the grounds set out in Article 5(1) of the Convention.

#### Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 7 – aut dedere aut judicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Montreal Convention in respect of offences under sections 2, 3, 6(2)(b) and 6(2)(c) of the Aviation Security Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Aviation Security) Order 1997 (SI no. 1997/1760).

#### Article 9 – Joint air transport operating organisations

The Secretary of State is empowered to make designations in relation to joint air transport operating organisations under s.98 of the Civil Aviation Act 1982.

#### Article 10 – Preventive measures

Specific legislative enactment is unnecessary in respect of this Article. Reasonable force is permissible under the common law in defence of the person, and in relation to preventing crime and arresting offenders by virtue of section 3 of the Criminal Law Act 1967. However section 7 of the Aviation Security Act 1982 enables the police to take measures to prevent a person from embarking on an aircraft where they suspect he intends to commit hijacking offences.

#### Article 11 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Articles 12 and 13 - Notifications

Specific legislative authority is not required in this respect.

### **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents 1973**

#### Articles 1 and 2 – The Offences

Most of the offences set out in Article 2(1) are offences against the general criminal law in the UK, whether committed against internationally protected persons or not. Hence murder, manslaughter, culpable homicide, rape, assault occasioning actual bodily or causing injury, kidnapping, abduction, false imprisonment or plagium, as well as the various statutory offences under sections 18, 20-24, 28-30, and 56 of the Offences Against the Persons Act, and the offence of causing explosions with intent to endanger life under s.2 of the Explosive Substances Act 1883, are well-established offences when committed in the United Kingdom. Similarly criminal damage and arson are established statutory offences under the Criminal Damage Act 1971 when committed within the UK.

However section 1(1) of the Internationally Protected Persons Act 1978 provides for the application of the law extraterritorially when these offences are committed against an internationally protected person.

Section 1(2) of the 1978 Act also provides that attempts to commit one of those acts, or aiding or abetting others to do so, whether the attempt or aiding or abetting took place in the UK or not is an offence. Similarly section 1(3) creates the offence of threatening to commit one of the offences, or attempting, aiding or abetting such threat.

#### Article 3 – Jurisdiction

The offences under section 1 of the Internationally Protected Persons Act are offences for the purposes of UK law whether they are committed within the UK or not. However in relation to offences under the Act (i.e. essentially those involving the assertion of extraterritorial jurisdiction, proceedings require the consent of the Attorney-General (section 2 of the 1978 Act).

#### Articles 4 and 5 - Preventive measures and co-operation

No specific legislative measures are necessary beyond the usual police powers and the arrangements for co-operation in this respect.



#### Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 7 aut dedere aut judicare

Specific legislative implementation of this provision in UK law, is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 8 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under sections 1(1)(a), 1(1)(b) and 1(3) of the Internationally Protected Persons Act 1978, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Internationally Protected Persons) Order 1997 (SI no. 1997/1764).

#### Article 9 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must also meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 11 – Notification

Specific legislative authority is not required in this respect.

### **The International Convention against the Taking of Hostages 1979**

#### Article 1- The Offence

The offence of "hostage-taking" is established in UK law by section 1 (1) of the Taking of Hostages Act 1982 in similar terms to Article 1(1) of the Convention. As regards attempts and accomplices (Article 1(2)), under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861.

#### Article 2 - Penalty

The offence of hostage taking is punishable by life imprisonment (section 1(2) of the Taking of Hostages Act 1982).

### Article 3

No specific legislative enactment is required in this respect.

### Article 4 - Preventive measures and co-operation

No specific legislative measures are necessary in this respect beyond the usual police powers and the arrangements for co-operation in this respect.

### Article 5 - Jurisdiction

Hostage taking is an offence under section 1 of the Taking of Hostages Act 1982, whether it takes place in the UK or elsewhere. By section 2 of that Act, proceedings require the consent of the Attorney-General.

### Article 6 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

### Article 7 – Notification

Specific legislative authority is not required in this respect.

### Article 8 *aut dedere aut judicare*

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

### Articles 9 and 10 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under the Taking of Hostages Act 1982, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Taking of Hostages) Order 1997 (SI no. 1997/1767).

### Article 11 - Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

### Articles 12-15

No legislative enactment is required in these respects.

## **The Convention on the Physical Protection of Nuclear Material 1979**

### Article 7 - The Offences

Most of the offences set out in Article 7 are offences against the general criminal law in the UK, whether committed in relation to nuclear material or not. Hence murder, manslaughter, culpable

homicide, assaults as well statutory offences under sections 18 and 20 the Offences Against the Persons Act, and section 1 of the Criminal Damage Act 1971, are well-established offences when committed in the UK law. Similarly theft, embezzlement, robbery, burglary, aggravated burglary, fraud and extortion are established offences when committed within the UK.

However section 1(1) of the Nuclear Materials Act 1983 provides for the application of the criminal law extraterritorially when these offences are committed outside the UK in relation to or by means of nuclear material.

Section 2 of the 1983 Act also provides that preparatory acts and threats to obtain nuclear material in relation to these offences shall themselves be offences (in accordance Article 1(1) (e) and (g) of the Convention). In addition under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861.

Penalties vary in according to the different crimes charged. An indication of the gravity with which these crimes are viewed in UK law can be seen from section 2(5) of the 1983 Act which provides for a maximum sentence of 14 years, in relation to the offences concerning preparatory acts and threats in section 2.

#### Article 8 – Jurisdiction

The offences under sections 1 and 2 of the Nuclear Material (Offences) Act 1983 are offences for the purposes of UK law whether they are committed within the UK or not. However in certain cases, essentially involving the assertion of extraterritorial jurisdiction, the consent of the Attorney-General is required in relation to prosecutions (section 2 of the 1978 Act).

#### Article 9 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 10 - aut dedere aut judicare

Specific legislative implementation of this provision in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties of the Convention in respect of offences under sections 1(1) and 2 of the Nuclear Material (Offences) Act 1983, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Protection of Nuclear Material) Order 1997 (SI no. 1997/1765).

#### Article 12 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must also meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 13 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### **Protocol for the Suppression of Unlawful Acts of Violence at Airports 1988**

This supplementary Protocol to the 1971 Montreal Convention is given effect in UK law under section 1 of the Aviation and Maritime Security Act 1990. The offences set out in Article 1 of the Protocol are given effect in UK law by sections 1(1) and 1(2) of the 1990 Act. Offences are punishable by life imprisonment (section 1(5)). Extraterritorial jurisdiction is provided for under Section 1(3), but the consent of the Attorney-General is required for the institution of proceedings (section 1(7)). Extradition is provided for as per the 1971 Montreal Convention.

#### **The Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988**

##### Article 3 – The Offences

The offences set out in Article 3(1) of the Convention are implemented in UK law in the following sections of the Aviation and Maritime Security Act 1990:

- section 9 - hijacking of ships;
- section 11(1)(c) - acts of violence such as to endanger a ship;
- section 11(1)(a) and (b) - destruction of and damage likely to endanger the safety of ships;
- section 11(2) - placing on board of a device or substance likely to destroy or damage a ship;
- section 12(1) - destruction or damage of maritime navigational facilities;
- section 12(3) - communication of false information endangering safety of ships;
- section 14 - violent acts ancillary to the commission of the offences in sections 9, 11, and 12.

As regards attempts and accomplices (Articles 3(2)(a) and (b)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. In accordance with Article 3(2)(c), threats are made offences by section 13 of the Aviation and Maritime Security Act 1990.

##### Article 5 – The penalties

The offences contained in sections 9, 11, 12 and 13 of the Aviation and Maritime Security Act 1990 are all punishable by life imprisonment (see sections 9(3), 11(6), 12(7) and 13(5) respectively).

##### Article 6 – Jurisdiction

The offences under sections 9, 11, 12, 13 and 14 of the Aviation and Maritime Security Act 1990 are offences for the purposes of UK law whether they are committed within the UK or not. However the consent of the Attorney-General is required in relation to prosecutions (section 16).

##### Article 7 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of

Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 10 - aut dedere aut judicare and fair treatment

Specific legislative implementation of Article 10(1) in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it. There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 9, 11, 12, or 13 of the Aviation and Maritime Security Act 1990, by virtue of section 22 of the Extradition Act 1989 and the Extradition (Safety of Maritime Navigation) Order 1997 (SI no. 1997/1766).

#### Article 12 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 13 - Preventive measures and co-operation

No specific legislative measures are necessary in this respect beyond the usual police powers and the arrangements for co-operation in this respect.

#### Articles 14 -15 - Notifications

No legislative enactment is required in these respects.

### **Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf**

#### Article 2 – The Offences

The offences set out in Article 2(1) of the Convention are implemented in UK law in the following sections of the Aviation and Maritime Security Act 1990:

section 10 - seizure of platforms;

section 11(1)(c) - acts of violence such as to endanger the safety of a platform;

section 11(1)(a) and (b) - destruction of and damage likely to endanger the safety of a platform;

section 11(2) - placing on board of a device or substance likely to destroy or damage a platform;

section 14 - violent acts ancillary to the commission of the offences in sections 10 and 11.

As regards attempts and accomplices (Articles 2(2)(a) and (b)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section



8 of the Accessories and Abettors Act 1861. Threats under Article 2(2)(c) are made offences by section 13 of the Aviation and Maritime Security Act 1990.

#### Article 5 – The penalties

The offences contained in sections 10, 11, and 13 of the Aviation and Maritime Security Act 1990 are all punishable by life imprisonment (see sections 10(2), 11(6), and 13(5) respectively).

#### Article 6 – Jurisdiction

The offences under sections 10, 11, 13 and 14 of the Aviation and Maritime Security Act 1990 are offences for the purposes of UK law whether they are committed within the UK or not. However the consent of the Attorney-General is required in relation to prosecutions (section 16).

In other respects the Protocol is implemented in UK law as per the 1988 Rome Convention.

#### **The Convention on the Marking of Plastic Explosives for the Purposes of Detection 1991**

The Convention is implemented in UK law by *the Marking of Plastic Explosives for Detection Regulations 1996* (SI No. 890/1996), made under enabling powers in the Health and Safety at Work Act 1974. The Regulations prohibit the manufacture of unmarked explosives in accordance with Article II of the Convention. The Regulations prohibit the importation into the UK of unmarked explosives. Further restrictions to prohibit and prevent the transfer into or out of the territory of the UK in accordance with Article III may be given effect through the licensing system generally applicable to importation and exportation. The Regulations also prohibit the possession of unmarked explosives and save in respect of stocks held for military and police purposes.

#### **The International Convention for the Suppression of Terrorist Bombings 1997**

##### Article 2 – The Offences.

Offences relating to explosives have long been a part of UK criminal law. The Offences Against the Person Act 1861 provides for the following offences

- (a) causing bodily harm by gunpowder (section 28);
- (b) causing gunpowder to explode with intent to do grievous bodily harm (section 29); and
- (c) placing gunpowder near a building with intent to cause bodily injury.

In addition under the Explosive Substances Act 1883 the following are offences:

- (a) causing an explosion likely to endanger life or property (section 2);
- (b) doing any act with intent to such explosion, conspiring to cause such an explosion, or making or possessing explosive with intent to endanger life or property (section 3);
- (c) acting as an accessory to either of the above offences (section 5)

Section 1 of the Biological Weapons Act 1974, and section 2 of the Chemical Weapons Act 1996, create various offences concerning the use possession and development of biological and chemical weapons respectively. Similar offences in relation to the use of nuclear weapons are established under section 47 of the Anti-Terrorism, Crime and Security Act 2001.

As regards attempts and accomplices (Articles 2(2) and 2(3)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Conspiring to commit offences is also an offence by virtue of section 1 of the Criminal Law Act 1977.



Finally a person who directs a terrorist organisation commits an offence under section 56 of the Terrorism Act 2000.

#### Article 4 – Domestic Criminal Law and Penalties

The offences contained in Article 2 are part of UK domestic law by virtue of the statutory provisions set above. Offences under section 2,3 and 5 of the Explosive Substances Act 1883; section 1 of the Biological Weapons Act 1974; section 2 of the Chemical Weapons Act 1996; and section 47 of the Anti-Terrorism, Crime and Security Act 2001 are all punishable by life imprisonment.

#### Article 5

The offences in UK law cited above are offences regardless of such motivations on the part of the accused.

#### Article 6 – Jurisdiction

By virtue of section 62 of the Terrorism Act 2000 extraterritorial jurisdiction is extended over the offences under Articles 2, 3 and 5 of the Explosive Substances Act 1883, and the offences in section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996. However by virtue of section 117 of the Terrorism Act 2000, the consent of the Attorney-General to prosecutions will be required where such extraterritorial jurisdiction is to be asserted. Extraterritorial jurisdiction is also exercisable with the consent of the Attorney-General in respect of offences relating to use etc of nuclear weapons under section 47 of the Anti-Terrorism, Crime and Security Act 2001.

#### Article 7 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Codes of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 8 - aut dedere aut judicare

Specific legislative implementation of this Article in UK law is unnecessary, though it will be observed by the authorities deciding upon extradition and prosecution.

#### Article 9 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 2, 3 and 5 of the Explosive Substances Act 1883, section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996, by virtue of section 22 of the Extradition Act 1989 (as amended by section 64 of the Terrorism Act 2000).

#### Article 10 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 11 – Exclusion of the Political Offence Exception

This Article is given effect by section 24(5) of the Extradition Act (inserted by virtue of section 64(4) of the Terrorism Act 2000). Under that provision offences under sections 2, 3 and 5 of the Explosive Substances Act 1883, section 1 of the Biological Weapons Act 1974 and section 2 of the Chemical Weapons Act 1996 shall not be considered political offences for the purposes of the political offence exception in extradition.

#### Article 14 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

#### Article 15 – preventive measures

In relation to Article 15(a) it should be noted that by virtue of sections 59-61 of the Terrorism Act 2000 incitement to terrorism overseas is an offence in UK law.

### **The International Convention for the Suppression of the Financing of Terrorism 1999**

#### Article 2 – The Offences

The offences set out in Article 2(1) of the Convention are reflected in UK law in the following offences under the Terrorism Act 2000:

- (a) Fund-raising for the purposes of terrorism (section 15);
- (b) Use and possession of money for the purposes of terrorism (section 16);
- (c) Involvement in funding arrangements for the purposes of terrorism (section 17);
- (d) Money laundering and similar offences in relation to terrorist property (section 18).

As regards attempts and accomplices (Articles 2(4) and 2(5)) under the general criminal law, attempts are covered by the Criminal Attempts Act 1981, and accomplices are covered under section 8 of the Accessories and Abettors Act 1861. Conspiring to commit offences is also an offence by virtue of section 1 of the Criminal Law Act 1977.

A person who directs a terrorist organisation commits an offence under section 56 of the Terrorism Act 2000.

#### Article 4 – Domestic Criminal Law and Penalties

The offences contained in Article 2 are part of UK domestic law by virtue of the statutory provisions set above. The maximum custodial sentence in relation to offences under section 15-18 of the Terrorism Act 2000 is 14 years imprisonment (section 22). The offence of directing a terrorist organisation under section 56 of that Act is punishable by life imprisonment.

#### Article 6

The ideological or similar other motivation of the offender offers no excuse in relation to the offences under section 15-18 of the Terrorism Act 2000, but rather is a defining element of "terrorism" for the purposes of the Act (section 1).

#### Article 7 – Jurisdiction

By virtue of section 63 of the Terrorism Act 2000 general extraterritorial jurisdiction is extended over the offences under sections 15-18 of the same Act. However by virtue of section 117 of the Terrorism Act 2000, the consent of the Attorney-General to prosecutions will be required where such extraterritorial jurisdiction is to be asserted.

#### Article 8 – Seizure of Terrorist Funds

In addition to general powers of the police and other financial authorities to freeze and forfeit funds and property used in connection with criminal and prohibited activities, the Terrorism Act 2000 provides additional powers in relation to the investigation, freezing and forfeiture of terrorist funds.

#### Article 9 – Detention and investigation

Specific implementing legislation is not required, since powers of detention and investigation are governed primarily under the Police and Criminal Evidence Act 1984 and its associated Code of Practice. Further powers of investigation and detention in relation to terrorist activity are contained in the Terrorism Act 2000. Arrests can be made without having first to seek the consent of the Attorney-General, by virtue of section 25 of the Prosecution of Offences Act 1985.

#### Article 10 - aut dedere aut iudicare

*Specific legislative implementation of this Article in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it.*

#### Article 11 – Extradition

The UK has various general extradition arrangements with individual States under which the offences covered by the convention are included as extradition crimes. However where no such general arrangement exists, extradition is permitted to contracting parties to the Convention in respect of offences under sections 15-18 of the Terrorism Act 2000, by virtue of section 22 of the Extradition Act 1989 (as amended by s.64 of the Terrorism Act 2000).

#### Article 12 – Mutual Legal Assistance

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

#### Article 14 – Exclusion of the Political Offence Exception

This Article is given effect by section 24(5) of the Extradition Act (inserted by virtue of section 64(4) of the Terrorism Act 2000). Under that provision offences under sections 15-18 of the Terrorism Act 2000 shall not be considered political offences for the purposes of the political offence exception in extradition.

#### Article 17 – Fair Treatment

There are numerous guarantees in relation to fair treatment in criminal procedural law, notably the Police and Criminal Evidence Act 1984. Treatment must meet the standards of the European Convention of Human Rights under the Human Rights Act 1998.

## **European Convention on the Suppression of Terrorism 1977**

### **Articles 1 and 2 – Exclusion of the Political Offence Exception**

The exclusion of the political offence exception in extradition proceedings in connection with the crimes listed in Article 1 of the Convention, is implemented in UK law under Section 1 of the Suppression of Terrorism Act 1978. The full list of crimes in UK law to which the exclusion applies is set out in Schedule 1 to the Act.

### **Article 4 – Extraditable Offences**

This Article is given effect in UK law by section of the Suppression of Terrorism Act 1978.

### **Article 6 – Jurisdiction**

Under section 4 of the Suppression of Terrorism Act 1978 jurisdiction can be asserted over certain of the offences contained in Schedule 1 to the Act where they were committed in the territory of a State party to the Convention. However the consent of the Attorney-General is required in relation to prosecutions for acts made unlawful under that section 4(4) of that Act (i.e. in cases in which extraterritorial jurisdiction is claimed).

### **Article 8 - aut dedere aut judicare**

Specific legislative implementation of this Article in UK law is unnecessary, though the authorities deciding upon extradition and prosecution will observe it.

### **Article 9 – Mutual Legal Assistance**

The United Kingdom co-operates in criminal proceedings and investigations with the authorities of other States in accordance with the provisions of the Criminal Justice (International Co-operation) Act 1990.

**For bilateral treaties regarding mutual legal assistance in criminal matters please refer to the list below:**

- Antigua and Barbuda 1997 - concerning the investigation, restraint and confiscation of the proceeds and instruments of crime  
eif: 01/10/2004                      Treaty Series 004/2004 : Cm 6336
- Algeria 2006 – on Mutual Legal Assistance in Criminal Matters  
eif: 27/03/07                      Algeria No. 004/2006 : Cm 6929 [TS in hand]
- Argentina 1991 - concerning mutual judicial assistance against illicit drug trafficking  
eif: 06/01/94                      Treaty Series 031/1994 : Cm 2592
- Australia 1988 - concerning the investigation of Drug Trafficking and confiscation of the proceeds and instruments of crime  
eif: 12/09/1990                      Treaty Series 088/1990 : Cm 1342
- Australia 1997 - concerning the investigation, restraint and confiscation of the proceeds and instruments of crime  
eif: 10/05/2000                      Treaty Series 077/2000 : Cm 4760

- Bahamas 1988 - concerning the investigation of drug trafficking and confiscation of the proceeds of drug trafficking  
eif: 24/10/90                      Treaty Series 013/1991 : Cm 1448
  
- Bahrain 1990 - concerning mutual assistance in relation to drug trafficking  
eif: 01/01/92                      Treaty Series 007/1994            : Cm 2474
  
- Barbados 1991 - concerning mutual assistance in relation to drug trafficking  
eif: 01/06/93                      Treaty Series 031/1993 : Cm 2240
  
- Bolivia 1994 - on mutual legal assistance in relation to illicit drug trafficking  
Not yet in force                      Not yet published
- Canada 1988 and amended 1992 - on mutual assistance in criminal matters  
[1988] eif: 04/08/1990 Treaty Series 084/1990 : Cm 1326  
[1992] eif: 17/09/1993 Treaty Series 074/1993 : Cm 2383
  
- Brazil 2005 - on mutual legal assistance in criminal matters  
Not yet in Force                      Country Series: Brazil No.001/2006 : Cm 6734
  
- Cayman Islands 2009 – Regarding the Sharing of Confiscated Proceeds of Crime  
(MoU) Not yet in Effect              Not published
  
- Chile 1995 - concerning MA in relation to illicit trafficking in narcotic drugs and psychotropic substances  
eif: 01/02/1996                      Treaty Series 063/1997 : Cm 3775
  
- Colombia 1997 - concerning mutual assistance in relation to criminal matters  
eif: 05/12/1999                      Treaty Series 040/2002 : Cm 4682
  
- Ecuador 1992 - concerning mutual assistance in relation to drug trafficking (treaty series 18 (1993))  
eif:01/03/1993                      Treaty Series 018/1993 : Cm 2162
  
- Grenada 1995 - concerning mutual assistance in relation to drug trafficking  
eif: 01/10/2001                      Treaty Series 032/2003 : Cm 5940
  
- Germany 1961 – E o N providing for Reciprocal Assistance in Criminal Matters between the Police Authorities of the UK and the FRG  
eif: 02/05/1961                      Treaty Series 066/1961 : Cmnd 1446
  
- Guyana 1991 - concerning co-operation in the investigation of drug trafficking offences, the forfeiture of instruments used for or in connection with such offences and the deprivation of drug traffickers of financial benefits from their criminal activities  
eif: 24/11/1996                      Treaty Series 009/1997 : Cm 3523
  
- Hong Kong SAR 1998 - concerning mutual legal assistance in criminal matters  
eif: 09/02/2002                      Treaty Series 018/2002 : Cm 5502
  
- India 1992 - concerning the investigation and prosecution of crime and the tracing, restraint and confiscation of the proceeds and instruments of crime and terrorist funds  
eif: 01/05/95                      Treaty Series 069/1995 : Cm 2957
  
- Ireland 1998 - concerning mutual assistance in relation to criminal matters  
eif: 01/06/2004                      Country Series :Ireland No.006/1999 : Cm 4306

- Italy 1990 - concerning MA in relation to traffic in narcotic drugs or psychotropic substances and the restraint and confiscation of the proceeds of crime  
eif: 08/05/1994                      Treaty Series 033/1995 : Cm 2853
  
- Libya 2008 – on MA in Criminal Matters  
eif: 29/04/2009                      Country Series Libya 002/2009 : Cm 7549
  
- Malaysia 1989 - on mutual assistance in relation to drug trafficking  
eif: 01/01/1995                      Treaty Series 042/1995 : Cm 2883
  
- Malaysia- on Mutual Assistance in Criminal Matters  
Not yet in force.                      Country Series Malaysia 001/2011 : Cm 8013
  
- Mexico 1990 and 1996 - concerning MA in relation to drug trafficking and concerning MA in the investigation restraint and confiscation of the proceeds and instruments of crime other than drug trafficking  
[1990] eif: 01/10/1990 Treaty Series 057/1991 : Cm 1638  
[1996] eif: 01/08/1996 Treaty Series 079/1996 : Cm 3358
  
- The Netherlands 1993 - to supplement and facilitate the operation of the Convention of the Council of Europe on laundering, search, seizure and confiscation of the proceeds from crime  
eif: 02/06/94                          Treaty Series 045/1994 : Cm 2655
  
- Nigeria 1989 - investigation and prosecution of crime and the confiscation of the proceeds of crime  
eif: 30/10/93                          Treaty Series 018/1994 : Cm 2497
  
- Panama 1993 - concerning mutual legal assistance relating to drug trafficking  
eif: 01/09/1994                      Treaty Series 046/1994 : Cm 2660
  
- Paraguay 1994 - concerning mutual assistance in relation to drug trafficking  
eif: 21/06/1998                      Treaty Series 045/2001 : Cm 5259
  
- Philippines 2009 - concerning mutual assistance in Criminal Matters  
eif: tbc                                  Philippines No.001(2010) : Cm 7826
  
- Romania 1995 - concerning the restraint and confiscation of the proceeds and instruments of crime  
eif: 01/10/2000                      Treaty Series 132/2000 : Cm 5008
  
- Sweden 1989 - concerning the restraint and confiscation of the proceeds of crime  
eif: 01/04/92                          Treaty Series 072/1992 : Cm 2079
  
- Saudi Arabia 1990. - concerning the investigation of drug trafficking and confiscation of the proceeds of drug trafficking  
eif: 20/09/1991                      Treaty Series 065/1991 : Cm 2047
  
- South Africa 1992 - concerning mutual assistance in relation to drug trafficking  
Not yet in Force                      Not yet published
  
- Spain 1989 - concerning the prevention and suppression of drug trafficking and the misuse of drugs  
eif: 15/12/1990                      Treaty Series 044/1991 : Cm 1614
  
- Thailand 1994 - on mutual assistance in criminal matters



eif: 10/09/1997 Treaty Series 066/1997 : Cm 3783

[2001 ext. to Isle of Man]

eif: 30/08/2002 Treaty Series 015/2003 : Cm 5816

Trinidad and Tobago 1998 - concerning mutual assistance in relation to crime,

eif: 05/01/1998 Country Series 001/1998 : Cm 3900

Ukraine 1996 - concerning the restraint and confiscation of the proceeds and instruments of criminal activity other than Drug Trafficking

eif: 01/04/97 Treaty Series 047/1997 : Cm 3731

United States 1994 - on mutual legal assistance in criminal matters

eif: 02/12/1996 Treaty Series 014/1997 : Cm 3546

United States - concerning the Cayman Islands relating to Mutual Legal Assistance in Criminal Matters

eif: 19/03/1990 Treaty Series 082/1990 : Cm 1316

• United States - with Bermuda - relating to Mutual Legal Assistance in Criminal Matters

[Not yet in Force] Not to be Published (done under Deed of Entrustment)

Uruguay 1992 - in relation to drug trafficking

eif: 19/01/1994 Treaty Series 004/1994 : Cm 2458

• Vietnam - Mutual Legal Assistance in Criminal matters (Hanoi 13/1/2009)

[Not yet in Force : April 2009]

## 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

On 13 July 2010 the Home Secretary announced her intention to review counter-terrorism and security powers. The purpose of the review was to look at the issues of security and civil liberties in relation to the most sensitive and controversial counter-terrorism and security powers. The aim of the review was to ensure that the powers are necessary, effective and proportionate.

The Review examined six key counter-terrorism and security powers and measures:

The key recommendations arising from the review were:

- **Pre-charge detention of terrorist suspects:** the review concluded that the maximum period of pre-charge detention in respect of terrorist suspects under the Terrorism Act 2000, should be reduced from 28 days to 14 days. The review found that 28 days were not routinely needed in terrorism investigations and this should be reflected in legislation by the repeal of the existing 28 day provisions contained in the Terrorism Act 2006. In the exceptional circumstances that longer than 14 days would be required, emergency legislation has been drafted to increase the maximum limit to 28 days, but this will not be introduced to Parliament unless an investigation requires it.
- **Terrorism stop and search powers.** The powers under sections 44 – 47 of the Terrorism Act 2000 which, where authorised, allow police to stop and search vehicles and individuals without suspicion will be repealed and replaced with a severely circumscribed version that can only be used where there is a real threat of terrorist attack. In order to implement the decision of the European Court of Human Rights in the case of *Gillan & Quinton vs United Kingdom* and

ensure powers are available to police to enable them to protect the public, these new powers have already been brought into force to replace the provisions of sections 44-47 of the 2000 Act. The repeal and replacement of the powers under sections 44-47 will be made permanent by the Protection of Freedoms Bill, currently before Parliament.

- **Use of the Regulation of Investigatory Powers Act by local authorities.** The review recommended that the use by local authorities of the most intrusive surveillance powers under the Regulation of Investigatory Powers Act (RIPA) to investigate low level offences should be ended, and that a requirement for applications by local authorities to use any RIPA techniques should be approved by a magistrate. These changes will be brought into force by the Protection of Freedoms Bill.
- **Communications data.** The review included a commitment to rationalise the legal bases by which communications data can be acquired and, as far as possible, to limit those to the Regulation of Investigatory Powers Act.
- **Deportation with Assurances.** The review recommended a stronger effort to deport foreign nationals involved in terrorist activities in this country, while fully respecting our human rights obligations.
- **Control orders.** The review recommended that the use of control orders under the Prevention of Terrorism Act 2005 should end and be replaced with a less intrusive and more focused regime. Additional resources will be provided to the police and security agencies to ensure the new measures are effective not only in protecting the public but in facilitating prosecution.

### **COUNTER TERRORISM ACT 2008**

An Act to confer further powers to gather and share information for counter-terrorism and other purposes; to make further provision about the detention and questioning of terrorist suspects and the prosecution and punishment of terrorist offences; to impose notification requirements on persons convicted of such offences; to confer further powers to act against terrorist financing, money laundering and certain other activities; to provide for review of certain Treasury decisions and about evidence in, and other matters connected with, review proceedings; to amend the law relating to inquiries; to amend the definition of "terrorism"; to amend the enactments relating to terrorist offences, control orders and the forfeiture of terrorist cash; to provide for recovering the costs of policing at certain gas facilities; to amend provisions about the appointment of special advocates in Northern Ireland; and for connected purposes.

The Counter-Terrorism Act 2008 includes:

- Post charge questioning for terrorism suspects;
- Power to remove documents for examination
- Enhanced sentences for those convicted of non-terrorist offences (such as conspiracy to murder) but where the offence is clearly related to terrorism.
- Notification requirements for convicted terrorists which requires them to notify certain personal information such as name, address and travel plans and confirm such details annually;
- Power on the disclosure of information to intelligence services
- Power to retain and use covertly obtained DNA and fingerprints
- Ability to ban convicted terrorists from travelling overseas
- Offence of eliciting information about members of armed forces, intelligence agencies or police

- New powers for the Treasury to direct financial and credit institutions to take certain action in respect of business with persons in a non-EEA country of money laundering, terrorist financing or proliferation concern.
- New powers allowing the Treasury to base its financial restriction decisions on all available intelligence including closed material (i.e. material the disclosure of which would be contrary to the public interest).

### UK BORDERS ACT 2007

*The UK Borders Act increases the powers the Border and Immigration Agency (BIA) has to build stronger borders, tackle organised crime and remove incentives for illegal immigrants wanting to come to Britain.*

The UK Borders Act:

- Introduces compulsory ID Cards for foreign nationals which will help tackle fraud, illegal working and multiple identity;
- provides new powers to immigration officers allowing them to detain at ports in England, Wales and Northern Ireland individuals they suspect of having committed a crime, to arrest those they believe to have fraudulently been acquiring asylum support and to access Her Majesty's Revenue Customs (HMRC) data to track down illegal immigrants;
- extends powers to enable the prosecution of those who facilitate or traffic from abroad, even if their crimes were committed outside of the UK;
- allows automatic consideration for deportation of foreign national prisoners - sending out a clear message that those who abuse the hospitality of the United Kingdom by committing serious crimes will not be tolerated;
- introduces a Code of Practice to keep Children Safe from Harm which the Border and Immigration Agency will have regard to when dealing with children and;
- establishes a Chief Inspector for the BIA, to oversee the new Agency.

### THE DEVELOPMENT OF NEW NATIONAL ACTION PLANS OR STRATEGIES RELATING TO TERRORISM

The UK has had a comprehensive strategy in place to counter the threat to the UK and to UK interests overseas from terrorism since 2003. The strategy is known as COuNter TERRORism Strategy (CONTEST). The strategy was first made public in 2006, and significantly revised and republished in 2009.

The aim of CONTEST is to reduce the risk of terrorism to the UK and its interests overseas. The strategy is organised around four workstreams:

- *Pursue* – to stop terrorist attacks
- *Prevent* – to stop people from becoming terrorists or supporting terrorism
- *Protect* – to strengthen our protection against terrorist attack
- *Prepare* – where an attack cannot be stopped, to mitigate its impact.

CONTEST is designed to be a comprehensive strategy: *Pursue* and *Prevent* reduces the threat from terrorism; *Protect* and *Prepare* reduces the UK's vulnerability to attack and increases our resilience. Together they reduce the overall risk to the UK and our interests overseas from terrorism.

Originally outlined in the 2010 National Security Strategy<sup>2</sup> and Strategic Defence and Security Review (SDSR)<sup>3</sup>, this strategy was revised in July 2011<sup>4</sup> to reflect the Government's new approach and priorities for counter-terrorism over the next four years. The SDSR stated: "We will continue to give the highest priority to tackling the terrorist threat, protecting our operational capabilities, and reforming how we tackle radicalisation, while also reviewing all our counter-terrorism powers to ensure we retain only those that are necessary to protect the public, thereby safeguarding British civil liberties. We will act resolutely against both the threat from Al Qaeda and its affiliates and followers, and against the threat from residual terrorism linked to Northern Ireland." The revised CONTEST outlines the evolution of the terrorist threat; reflects material changes within the *Prevent, Pursue, Protect* and *Prepare* workstreams; explains the relevance of the National Security Strategy and Strategic Defence and Security Review; and reflects the changed delivery landscape.

These strategies are threat-based and prioritised accordingly, covering regions deemed to be of the highest risk to the UK and UK interests.

The UK has a parallel Olympic and Paralympic Safety and Security Strategy to protect the London 2012 Games from all types of risk, including terrorism.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

In England and Wales, the police service, working with the Security Service, is responsible for disrupting or responding to terrorist incidents in the UK. The police play a vital role in each of the four strands of CONTEST (the UK counter terrorism strategy).

At a local level, in England and Wales, every police force has officers carrying out Special Branch functions. The primary aim of the Special Branch is to undertake intelligence work in support of Security Service led covert investigations, including counter terrorism (CT). Following the events of 9/11 and 7/7 additional police resources were created at a regional and national level in response to the evolving threat to the UK. The Police CT network in England and Wales is comprised of the Metropolitan's Police Service's CT Command, 4 regional CT Units and 4 smaller regional CT Intelligence Units. Counter terrorism throughout the UK is the responsibility of the UK Government, but policing and justice are devolved in Scotland and Northern Ireland; the Scottish police forces and the Police Service of Northern Ireland have their own units with similar capabilities.

For the UK countering terrorism within the boundaries of the UK is primarily the concern of the civil security authorities. Nevertheless, it is recognised that terrorist threats to the UK emerge in other States and this is where military force might be applied to counter the threat. The Ministry of Defence (MOD) has a part to play alongside other Departments like the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID), and this 'integrated approach' is at the heart of the UK's campaigns in Afghanistan. In addition, UK Forces contribute to conflict prevention and resolution around the world. However, direct combat is only a small part of UK activities. Military skills are used widely throughout the world to enable security, and contribute to the UK's significant commitment to aid and development overseas. The Joint Counter-Terrorist Training & Advisory Team continues to support and advise throughout the middle east and the Horn of Africa. The MOD's International Policy & Planning (IPP) branch has also sponsored the provision of Short Term Training Team (STTT) assistance in a similar context.

<sup>2</sup> [http://www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/documents/digitalasset/dg\\_191639.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_191639.pdf)

<sup>3</sup> [http://www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/documents/digitalasset/dg\\_191634.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_191634.pdf)

<sup>4</sup> <http://www.homeoffice.gov.uk/publications/counter-terrorism/counter-terrorism-strategy/>



Defence has a part to play on all four of these strands using military capability. The military supports 'Pursue' through operations overseas to detain terrorists and deal with insurgencies, as well as through intelligence collection and counter-terrorism capacity building for partner nations (which together with conflict prevention work, also supports 'Prevent') and support to overseas law enforcement and security agencies. The military supports 'Protect' by encouraging improved domestic security and cooperation between the Armed Forces and the UK civilian Emergency Services. In the event of a terrorist attack that exceeds the capability or immediate capacity of the UK civilian response, the military can provide support to 'Prepare' through Military Aid to the Civil Authorities.

**1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:**

**Financing of terrorism;**

The financial challenge to crime and terrorism" launched jointly by Home Office, HM Treasury, the FCO and the Serious Organised Crime Agency (SOCA) in February 2007, set out for the first time how the public and private sector would come together to deter terrorists from using the financial system, detect them when they did, and use financial tools to disrupt them. The UK aim is to deprive terrorists and violent extremists of the financial resources and systems needed for terrorist-related activity, including radicalisation. Action against terrorist finance includes safeguards to prevent terrorists using common methods to raise funds, or using the financial system to move money. Financial intelligence and financial investigation tools are used to support all counter-terrorist investigations; and asset freezing can be used to disrupt the activity of terrorists and their supporters. The financial sector plays a significant role in preventing terrorist abuse, by carrying out 'know your customer' checks and by identifying suspicious customers or activity. In 2007, the Government implemented the European Union (EU) Third Money Laundering Directive which tightened controls on the regulated financial sectors. HM Revenue and Custom's (HMRC) mandatory registration of money service businesses introduced a 'fit and proper' test to ensure that owners and persons who direct the businesses cannot abuse those businesses for terrorist financing. These sectors are obliged by law to provide the SOCA with Suspicious Activity Reports on any financial activity they suspect may be related to terrorism. The Charity Commission plays an important role in preventing the abuse of charitable organisations to raise or move funds for terrorists.

The Terrorism Act 2000 created specific terrorist finance offences. Financial tools are used to disrupt terrorists and their supporters. In October 2007, HM Treasury set up a dedicated Asset Freezing Unit to increase the expertise and operational focus that the Government is able to bring to bear in this area, enabling the UK to be more effective and proactive in freezing assets of suspected terrorists and facilitators. In December 2010, the United Kingdom introduced a new legislative framework for terrorist asset freezing that meets the UK's national security needs, international standards and the requirements of UNSCR 1373. The UK robustly implements Al Qaida and Taliban asset freezes by EC Regulation 881/2002, underpinned by domestic secondary legislation.

To combat the international financing of terrorism, we work closely with other governments and international organisations such as the Financial Action Task Force, to develop and enforce international standards and, to ensure all countries have robust systems in place for countering the financing of terrorism.

**Border controls**

The passage of the UK Borders Act 2007 followed major steps already taken by the UK Government to strengthen the UK border. The UK currently has visa operations in around 130 countries and has successfully introduced a biometric visa system. In 2010-11 agency staff prevented almost 10,000

people entering the UK illegally, dealt with over 100 million passenger arrivals and removed over 40,000 people. In addition checks on e-Borders of travellers to and from the UK led to more than 2,800 arrests.

The UK considers it a priority to make improvements to aviation security to counter the global threat to aviation networks. The failed December 2009 Detroit and October 2010 printer plot incidents highlighted the global reach and nimbleness of the threat both to security and economic wellbeing. The Government has instigated aviation security reviews following these incidents, for which work is ongoing. The UK continues to engage closely with all key EU and wider international partners to strengthen aviation security and support the ongoing discussions to implement mitigating measures.

#### **Container and supply chain security;**

The UK complies with the industry standard practice for securing ISO containers in accordance with the International Maritime Organisation's International Ship and Port Facilities Security (ISPS) Code. Wider supply chain security is achieved through adherence to specific government departmental publications which outline the appropriate procedures to be followed.

#### **Security of radioactive sources;**

The UK Government's aim is to deny terrorist access to chemical, biological, radiological, nuclear, improvised explosive (CBRNE) materials, whether produced and stored in the UK legally or imported (legally or illegally), and to screen for CBRNE materials entering protected areas, for example at airports. Work with European and other partners is particularly important. Tighter controls on the movement of CBRNE materials in Europe and beyond reduce their availability to terrorists, directly increasing UK security. European standards are being developed for explosives screening in commercial aviation, building on the measures initiated by the UK and put in place for liquids in August 2006, which seek both to improve explosive detection capability and to reduce disruption and inconvenience to the travelling public. The multilateral Global Threat Reduction Programme (GTRP) plays an important role in denying terrorists access to CBRNE materials. The aim of the GTRP is to improve the security of fissile materials held around the world; reduce the number of sites containing nuclear and radiological material; contribute to the destruction of chemical weapons stocks; and provide sustainable employment for former weapon scientists whose expertise could otherwise be acquired by terrorist organisations. It is the UK's largest cooperative counter proliferation assistance programme, and is coordinated with other key donors. The UK is a leading participant in international multilateral regimes and instruments designed to combat not only the illicit transfer of CBRNE material, but also their means of delivery; these include the Chemical Weapons Convention, the Biological and Toxin Weapons Convention, the Missile Technology Control Regime and the Nuclear Suppliers Group.

The Cyclamen Programme was established in 2002 as a joint programme between the Home Office and the former HM Customs & Excise to deter or detect the illicit importation of radiological materials into the UK that could be used for terrorist purposes. Cyclamen involves the development and roll-out of a suite of radiological detection systems at ports of entry to the UK, now operated by UKBA.

Substances with legitimate industrial or domestic uses can be exploited by terrorist groups for the purposes of creating a CBRNE or improvised explosive device. Much work has already been undertaken to minimise the opportunities to do so. The UK provides specialist advice to industry on the security of hazardous substances and the sites which handle them. The 'Know Your Customer' campaigns raise awareness about the 'dual-use' nature of certain products and encourage suppliers to be more enquiring of new customers and to report suspicious enquiries to the police.

The Government is delivering a programme to enhance the protective security controls of CBRNE materials. This includes work to reduce accessibility to hazardous substances posing the highest risk,



based on their threat, vulnerability and impact across their life-cycle (from their precursors through to their disposal). The Government works with its international partners to improve the security of hazardous substances and potential radioactive sources and to ensure that the UK's measures are not taken in isolation. Awareness-raising measures for specific sectors, such as the academic community, are being delivered and a new regulatory regime, the Environmental Permitting Regulations 2010, has been introduced to license the use of high activity, sealed radioactive sources.

The UK provides specialist advice to industry on the security of hazardous substances and the sites which handle them and how to identify and report suspicious incidents.

### **Use of the Internet and other information networks for terrorist purposes**

We understand that terrorists are able to use the internet in a variety of ways and can benefit significantly from its use. Key uses are:

- Propaganda and recruitment
- Attack planning and research
- Communications
- Financing operations

Our objective is to prevent terrorists gaining a critical advantage from the internet. At the same time though, we recognise the huge benefits that the internet provides for law-abiding citizens, not least by enabling freedom of expression and the unrestricted exchange of information. We want to protect and promote these benefits while making the internet a difficult environment for terrorists to operate within.

We have specific objectives to disrupt the use of the internet as a media distribution and radicalisation tool. We do not believe the internet leads directly to radicalisation or a commitment to violence, but it does facilitate the social processes involved in both, and normalise otherwise extreme views.

We encourage industry to be rigorous in the application of their own high standards for user-generated media; and we encourage the public to challenge materials and behaviour online. As part of our 'Prevent' strategy UK Government Departments work with the private sector, including internet providers and filtering providers, to disrupt the online activities of terrorists. The Home Office has a website which allows the public to report illegal content online and our Counter Terrorism Internet Referral Unit removes illegal content.

We are also working to identify the few highly active radicalisers – ideologues, media distributors, and on-the-ground recruiters – and disrupt their online activities. Where activities are illegal, we bring legislation to bear, and where they are socially unacceptable we endorse civic challenge.

We recognise that the threat is a global one, which is why we have been working closely with other states and in multilateral fora to ensure an effective international response that keeps our citizens safe but which also protects their freedom of expression and association. The London Cyber Conference in November 2011 was a positive example of UK engagement on this issue.

#### **Legal co-operation including extradition;**

Terrorist activity has often been conducted by foreign nationals who have come to live in the UK. The Government has always sought to deport foreign nationals suspected of being involved in terrorist-related activity, or who have completed terrorist-related prison sentences, back to their countries of origin using immigration powers exercised by the UK Border Agency. But many of the foreign nationals concerned come from states, which are alleged to have abused human rights. European case law has established that Article 3 of the ECHR prevents a state from deporting a foreign national to a country where there are substantial grounds for believing that there is a real risk the person will be

tortured or suffer inhuman or degrading treatment. The European Court of Human Rights (ECHR) also held that this applies irrespective of the conduct of the persons to be returned. The substance of Article 3 is reflected in other international instruments. Article 3 of the UN Convention Against Torture prohibits the removal of someone where there are substantial grounds for believing they will face torture. The UN International Covenant on Civil and Political Rights has been interpreted to include a prohibition on return comparable to the ECHR. It is against this background that since 2004, the Government has negotiated Memoranda of understanding (MoUs) or similar arrangements to protect foreign nationals whom it wishes to deport to countries where there are concerns on ECHR Article 3 grounds about safety on return. The UK currently has four functioning arrangements with Algeria, Ethiopia, Jordan and Ethiopia. In January 2011, the UK Government announced the outcome of its Review of Counter-Terrorism and Security Powers, which included a commitment to expand the policy of deporting foreign nationals engaged in terrorism. As part of this the UK is seeking to agree deportation arrangements with a number of other countries, enhancing how we defend deportation decisions in the courts, and seeking to engage more widely on the policy with other Governments and NGOs.

### **Safe havens and shelter to terrorists and terrorist**

Wherever possible, the UK prefers to prosecute foreign nationals suspected of involvement in terrorism and deport them on completion of their prison sentence. In cases where it is not possible to prosecute, the UK will seek to deport foreign nationals suspected of involvement in terrorism to their countries of origin, in so far as it is consistent with our international human rights obligations to do so. Please refer to the previous section for further information.

### **Prevention of violent extremism and radicalization that lead to terrorism**

The UK firmly believes that we must tackle the causes of terrorism as well as its symptoms. That is why there is a preventative strand of CONTEST, the UK's counter-terrorism strategy. Although *Prevent* is under review at the moment, we believe that it will continue to (a) challenge terrorist ideology and undermine terrorist ideologues, (b) support those institutions where radicalisation may occur and (c) protect those individuals who may be vulnerable to the influence of terrorism.

### **Critical energy infrastructure protection from terrorist attack**

As part of the UK's counter terrorism strategy (CONTEST), UK officials and experts work with owners and operators of infrastructure (including some energy assets) in the UK and overseas that is critical to the UK to provide advice on proportionate security mitigations.

### **Public-private partnerships (PPPs) in countering terrorism**

The UK has no information on public-private partnerships in countering terrorism.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

The UK has ratified the Agreement between the States Parties to the North Atlantic Treaty regarding the Status of their Forces, completed at Brussels on 19 June 1951.

The UK has ratified the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the Status of their Forces, completed at Brussels on 19 June 1995.

UK military forces were deployed in 30 locations around the world, undertaking a number of standing military tasks and providing assistance to a number of Governments in support of UK commitments and interests. More specifically, in relation to UK armed forces stationed on the territory of other participating states we have the following: Canada (permanent staff for Army Training Exercises and RAF training detachments), Cyprus (UK contribution to UN peacekeeping and UK personnel in Sovereign Base Areas, Georgia (contribution to UN observer mission), Germany (British Army Garrison Forces) and Kosovo (UK contribution to operations in support of NATO and EU).

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security is implemented in good faith.**

The UK is active across a broad range of multilateral organisations aimed at strengthening global security, including NATO, the EU, OSCE and the UN.

The UK's Strategic Defence and Security Review (SDSR) of 2010 positions bilateral and multilateral security co-operation and Soft Power as a central element of the UK's approach to defence and security. It gives particular consideration to conflict prevention and security co-operation, which includes the field of arms control, disarmament and confidence and security building.

Arms control and Confidence and Security-Building Measures (CSBMs) are key elements of the UK's Soft Power instrument, which also includes influence operations, humanitarian assistance, counter-proliferation, stabilisation, counter-narcotics, counter-piracy, and counter terrorism. The influence that is generated through Soft Power directly supports current operations, builds and develops burden-sharing alliances and prepares the ground for contingent operations.

#### **3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.**

The UK is a participant, partner state or supportive of all treaties and agreements promoting arms control, disarmament and confidence and security building applicable to the OSCE area. We are proactively engaging in processes to update elements of our security architecture, such as continued modernisation of the Vienna Document CSBMs and further negotiations on Euro-Atlantic Arms Control Treaties.

The UK is strongly committed to its obligations and promotes the respective instruments actively. In order to facilitate implementation and verification of the relevant treaties and agreements the UK has an established verification agency in the Joint Arms Control Implementation Group based at RAF Henlow. The UK has been engaged in bilateral and multilateral activities to support other nations in improving their individual skills and collective arms control, disarmament and confidence and security building capabilities, on a voluntary basis.

## Section II: Intra-State elements

### 1. National planning and decision-making process

#### 1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

##### Military Planning and Decision Making

The National Security Council integrates at the highest level the work of the Treasury, the foreign, defence, home, energy and international development departments, and all other arms of Government contributing to national security. The Council brings together all the senior Ministers concerned, under the chairmanship of the Prime Minister. The Council is responsible for the National Security Strategy (NSS) and the Strategic Defence and Security Review (SDSR) White Paper, which together constitute UK defence policy and sets out the UK's adaptable strategic posture. These two documents were published in October 2010. The Council is also responsible for overseeing their implementation.

The NSS sets out two clear objectives: (i) to ensure a secure and resilient UK by protecting our people, economy, infrastructure, territory and ways of life from all major risks that can affect us directly; and (ii) to shape a stable world, by acting to reduce the likelihood of risks affecting the UK or our interests overseas. It also sets out in its National Security Risk Assessment a clear prioritisation of the potential threats to UK security. It does so against the backdrop of a challenging fiscal reality. This provided the basis for the Council to take decisions about the relative importance of different national security capabilities, and choose where to focus new investment and savings. It decided an overall strategic policy framework – the adaptable posture. Based on this, the Council took a second set of decisions on a comprehensive and cross-cutting set of National Security Tasks with more detailed Defence Planning Assumptions on how they are to be achieved. These will drive detailed decisions by departments over the next five years on how to prioritise resource allocation and capability development.

The SDSR covers defence, security, intelligence, resilience, development and foreign affairs capabilities, and sets out the ways and means to deliver the ends set out in the NSS. It links judgements on where to direct effort and focus the available resources, with choices on which risks and policies to prioritise. It sets a clear target for the national security capabilities the UK will need by 2020 and charts a course for getting there. Within the overall framework of the National Security Tasks, the contribution of the Armed Forces is further defined through seven Military Tasks which describe what the Government may ask the Armed Forces to undertake. The Defence Planning Assumptions, which are classified, outline the scale of operations, how often they might be undertaken, how far away from permanent bases, with which partners and allies, and how soon forces are expected to recover from the effort involved. The Assumptions serve as a planning tool to guide development of forces rather than a set of fixed operational plans or a prediction of the precise operations that will be undertaken.

The capabilities required to meet Defence objectives are derived as part of a strategy and planning process. This also provides the means by which the Department implements the NSS and the outcomes of the SDSR within Defence. The high-level outputs of this process are the Strategy for Defence, which provides the overall direction for Defence and the classified Defence Strategic Direction (DSD) which is at the heart of the planning process. In concert with a refreshed Strategy for Defence, it looks out from the present day to around 20 years and provides resource-informed planning direction to the Department on activity, delivery programmes, and the force structure.

We take steps to reduce the likelihood of risks affecting the UK or our interests overseas, and apply our instruments of power and influence to shape the global environment and tackle potential risks at



source. Should we need to deploy military capability, its use for a specific purpose is governed by the military strategic headquarters and a programme of international security cooperation activities. Success in current operations is the highest priority. The Cabinet controls the various means, diplomatic, economic and military, at the Government's disposal to deal with routine or expected events, and to resolve crises. Ministers decide on the most effective approach to tackling a particular crisis and the political decision to deploy the Armed Forces rests with the Cabinet.

### Defence Expenditure

The Government carries out a Spending Review every two-to-three years to allocate Departmental Budgets. Spending Reviews set fixed three-year Departmental Expenditure Limits and define the key improvements that the public can expect from these resources. The delivery of defence outputs falls to Top Level Budget (TLB) holders – Service Chiefs, Joint Force Commander and the heads of other major delivery organisations. TLB holders are responsible for the delivery of specific outputs – typically elements of military capability or supporting services to other TLBs.

#### **1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

The UK is active across a broad range of multilateral organisations aimed at strengthening global security, including NATO, EU, OSCE and UN. In the vast majority of cases, the UK will be working with partner nations, and through NATO, OSCE and UN and, in some cases, informal coalitions. Overall, the UK Force Generation process is sufficiently flexible, agile and balanced and includes diplomatic, international and military engagement at the strategic level to inform military planning.

### **2. Existing structures and processes**

#### **2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

The Secretary of State for Defence is an elected member of the British Government and is accountable to Parliament for all defence matters. He is responsible for the formulation of British defence policy and ultimately for the conduct of all military operations. Defence Ministers account to Parliament for all defence issues and will appear, when requested, before both Houses and before relevant Parliamentary committees.

The legal basis for Defence comes from two sources: the Crown's constitutional responsibilities and responsibilities imposed by Parliament. Parliament also has an important role in Defence. The Crown's Prerogative powers in relation to Defence are in some cases subject to requirements for Parliamentary approval or are limited by Parliamentary legislation.

Expenditure on Defence is subject to the normal requirements of Parliamentary approval through annual Appropriation Acts. By this mechanism Parliament controls both Defence expenditure and the size of the Armed Forces (the expenditure is voted by Parliament by reference to specified numbers in the Armed Forces);

Under the Bill of Rights 1688 the raising of a standing army within the UK in time of peace is unlawful unless Parliament consents. The constitutional practice adopted on the basis of this requirement is that the consent of both Houses of Parliament is required each year to the continuation in force of legislation under which the Armed Forces are recruited and discipline is maintained. In addition, an Armed Forces Act is required every five years in order to continue in force the legislation that governs

Service discipline and the military justice system. The main legislation is now the Armed Forces Act 2006. This was approved by Parliament and came into force in October 2009. In accordance with the requirement for renewal of the Armed Forces legislation, the 2006 Act was renewed, with amendments, by the Armed Forces Act 2011. The 2006 Act provides, among other things, for a system of justice which is compliant with the European Convention on Human Rights and under which criminal conduct by members of the Armed Forces (wherever it occurs) is judged in accordance with what amounts to criminal conduct under the law of England and Wales;

The circumstances in which the Armed Forces may be deployed within the UK in time of peace is governed by emergency powers legislation; it is a constitutional principle that only by legislation can members of the Armed Forces be given powers beyond those of other citizens;

There are additional responsibilities under legislation as to the way the Armed Forces are run; for example to provide for the terms of service of members of the Armed forces and for a system by which they can seek redress of individual grievances.

The Armed Forces Act 2006 replaced the single Service Discipline Acts (the Naval Discipline Act 1957, the Army Act 1955 and the Air Force Act 1955) with a single system of service law that applies to the personnel of all three services. Although a more modern piece of legislation, the Act, and the subsequent 2011 Act, did not set out to make radical changes for the sake of it. The main intention behind the 2006 Act is to support operational effectiveness by the creation of a single system of Service law. This covers the full range of disciplinary work from the internal disciplinary process, which is normally the responsibility of unit commanding officers, right through to the Courts Martial. The Act covers some other important areas such as the right of personnel to make a service complaint; Service Inquiries; and a range of miscellaneous matters such as recruitment, enlistment and terms and conditions of service. The 2011 Act makes a number of changes, including provision to add further protections to Service police independence.

The UK does not have paramilitary or internal security forces.

## **2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

As explained above, the ultimate constitutional authority for control of the Armed Forces is Parliament.

## **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The current Defence Aim sets out the overall purpose of Defence, which is 'to deliver security for the people of the UK and the Overseas Territories by defending them, including against terrorism, and to act as a force for good by strengthening international peace and stability'. The Government published its Strategic Defence and Security Review (SDSR), which sets out how it will deliver the priorities identified in the National Security Strategy, on 19 October 2010. The contribution of the Armed Forces is further defined through the seven Military Tasks, which describe what the Government may ask the Armed Forces to undertake:

- Defending the UK and its Overseas Territories;
- Providing strategic intelligence;
- Providing nuclear deterrence;
- Supporting civil emergency organisations in times of crisis;
- Defending our interests by projecting power strategically and through expeditionary interventions;



- Providing a defence contribution to UK influence; and
- Providing security for stabilisation.

Overall, the UK will maintain its ability to use Armed Forces where necessary to protect our national interest. Although our future forces will be smaller than now, they will retain their geographical reach and their ability to operate across a spectrum from high-intensity intervention to enduring stabilisation activity. In addition, military capability has to remain flexible and adaptable and to evolve over time to meet new threats and other challenges to our security.

It is a principle of the UK's democratic system of Government that the Armed Forces remain under Government control and that civilian Defence Ministers are publicly accountable for the actions of the Armed Forces. The Ministry of Defence is headed by a Cabinet Minister, the Secretary of State for Defence, who is accountable to the Prime Minister and Parliament for all its activities. It also has an Accounting Officer, the Permanent Secretary, who is separately accountable to Parliament for managing the Department, and for the proper use of the funds voted by Parliament. The Chief of the Defence Staff is the professional head of the Armed Forces as a whole, and is responsible for the delivery of military capability, including the direction of military operations. The command structure of the Armed Forces is a single chain, stretching from the Crown, through the Defence Council under the Secretary of State for Defence to the individual unit and Service personnel.

### **3. Procedures related to different forces personnel**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

The UK does not have military conscription and has no plans to do so; an Act of Parliament would be required to re-introduce it. The UK has an all-volunteer Regular and Reserve Armed Force. Selection procedures differ slightly for each Service and between officers and other ranks. Applicants are required to meet specified literacy and numeracy requirements and to be both medically and physically fit. The call out and recall of Reservists is undertaken in accordance with provisions of the Reserve Forces Act 1996.

#### **3.2 What kind of exemptions or alternatives to military service does your State have?**

The UK does not have compulsory military service. The call out and recall of Reservists is undertaken in accordance with the provisions of the Reserve Forces Act 1996. Reservists, or their employers, may apply for exemption or deferral from call out or recall under the provisions of Part VIII of the Reserve Forces Act.

#### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

Civil remedies (including cases referable to courts of law and tribunals), are available to UK service personnel, apart from those which are specifically excluded by legislation. Additionally, there is a statutory redress of individual grievance procedure for all ranks.

The post of Service Complaints Commissioner was created by the Armed Forces Act 2006 with a remit which covers any complaint made after 1 January 2008. The Act introduced a number of significant changes to the Service complaints system to make it more independent and more transparent. As well as the Service Complaints Commissioner, these include the use of Service complaint panels, with in some cases an independent member to consider some complaints on behalf of the Defence Council. The Commissioner's role is to provide a rigorous and independent oversight of how the complaints system is working and to report to Ministers and to Parliament. The

Commissioner also provides an alternative point of contact for Service personnel, or someone acting on their behalf, such as a member of their family, a friend or MP to raise concerns. Because of concerns that UK Service men and women should be treated properly, the Commissioner has special powers where a complaint is about unacceptable behaviour such as: bullying, harassment, discrimination, victimisation, dishonest or improper behaviour.

In these cases the Commissioner has to be kept informed by law about the handling of an allegation referred by her to the chain of command and of the outcome. The fourth annual report by the Service Complaints Commissioner on the fairness, effectiveness and efficiency of the Service complaints process was published on 20 March 2012. The report acknowledged the improvements made by MOD and the three Services to the complaints system during 2011, and highlighted the further changes planned for 2012, including those resulting from MOD's review of the Service complaints process. The Commissioner's fifth annual report was published on 21 March 2013 and is currently being studied by the MoD<sup>5</sup>.

Prosecutions for criminal or disciplinary offences may be brought before Armed Forces tribunals, including the Court Martial. Minor offences may be dealt with by Commanding Officers. The systems of military summary and Court Martial trial have been held by civilian courts to be compliant with Article 6 of the ECHR.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law.**

##### **4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?**

The UK armed forces provide Law Of Armed Conflict (LOAC) training to all Service personnel. This includes instruction during initial basic training phases, staff and promotion courses, and during pre-deployment training for operations. Service personnel receive LOAC training at a level and frequency that is appropriate to their rank, responsibility and force readiness status.

Prior to each new military operation, all deployed personnel are issued with a copy of the Joint Service Publication 381 (JSP 381) Aide Memoire on LOAC. In addition, the provision of LOAC instruction as part of pre-deployment training packages is mandatory. All Service personnel receive training in the application of LOAC appropriate to the theatre and the nature of the operation.

JSP383 is published into the public domain through Oxford University Press ISBN 978-0-19-928728-4<sup>6</sup>. It is regarded as a significant and essential reference and source for legal scholars working in this field, for officials working in foreign and defence ministries around the globe, and for military officers and lawyers requiring a sound grasp of the legal framework of military operations

##### **4.2 What has been done to ensure that armed forces personnel are aware of being? individually accountable under national and international law for their actions?**

JSP 383: The Law of Armed Conflict is a reference publication for members of the UK Armed Forces and officials within the Ministry of Defence and other departments of HM Government. It is intended to enable all concerned to apply the LOAC when conducting operations and when training or planning for

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<sup>5</sup> The full report can be viewed at <http://armedforcescomplaints.independent.gov.uk/>

<sup>6</sup> It is also available over the internet, <http://www.mod.uk/DefenceInternet/AboutDefence/CorporatePublications/LegalPublications/LawOfArmedConflict/>.

them. The UK ensures that armed forces personnel are aware of being individually accountable under national and international law for their actions through training in LOAC.

The UK Policy is outlined in JSP 898, Part 3, Chapter 8 Armed Forces Law of Armed Conflict Training Policy and applies to all Service personnel, including Reserves. This training is included in training programmes throughout an individual's career. All Service personnel are required to achieve and maintain a common baseline of LOAC knowledge. Additional training will be required to supplement the common baseline (eg prior to a deployment or at certain key stages as Service personnel progress through their career).

The revision of LOAC training is undertaken as part of pre-deployment training packages and is mandatory. All Service personnel also receive training in the application of LOAC appropriate to the theatre and the nature of the operation on which they are to deploy. LOAC training policy is subject to evaluation and review.

The UK publication "A Soldier's Guide to the Law of Armed Conflict" (Army Code 71130) provides a comprehensive description of the history behind and interpretation of the LOAC written in such a manner as to enable adherence to them on the full spectrum of operations. It is suitable for use by all officers and warrant officers as background reading to training in the Law of Armed Conflict, during career courses, during Military Annual Training Tests (MATTs) and on Pre-Deployment Training (PDT).

#### **4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

This is undertaken through programmes of training and education based on The UK Defence Language and Cultural Awareness Training Policy, May 2008. Cultural awareness is on a spectrum of education and training aimed at modifying behaviour and creating understanding, ranging from 'Standards and Values', 'Ethos and Heritage', 'Equality and Diversity' training on the non-operational side to 'Combatant Cultural Awareness' on the operational side. Cultural awareness concerns aspects of foreign cultures and has predominantly an operational focus.

The components of UK cultural awareness training are as follows:

- **Structures and Politics.** The structures of government, the dynamics and agendas of government, defence, law and order and commerce in a particular country, nation or culture.
- **History.** The effect that ancient and recent history has in shaping national, regional and tribal attitudes, beliefs and relations. Critical in this area are the relative perceptions of 'The West', the UK and Christianity to the particular operational theatre and environment.
- **Social.** The social, religious or cultural conventions which shape operational and social interaction. Examples include entering homes, searching, meetings, use of weapons, the acceptance of hospitality, alcohol, gift giving, dogs and sanitation.
- **Daily Life.** The pattern and quality of life, employment, education, worship, sport, literacy, poverty, diet, home ownership, access to utilities and wages.
- **Verbal and Non-Verbal Communications.** Greetings, insults, words, phrases, gestures and taboos. This can be achieved through a variety of strategies and techniques, for example, residential short courses or workshops, distance learning tasks, or on-line tutorials. Maintenance training should normally be undertaken once an individual is no longer 'in-role'

regularly using those language skills. Relations between society and indigenous/foreign police/military forces.

The level of cultural awareness required varies with both rank and type of operation. The spectrum of cultural awareness requirements can be broadly described as:

- Top. 1\* upwards for commanders engaged with politicians or defence staff at a regional or national level.
- High. Sub-unit upwards for commanders engaged in military / political relations with local and regional representatives of the police, government, armed forces and utilities.
- Mid. Section to sub-unit for commanders engaged with local authorities at community level.
- Low. All ranks for those who engage with, or whose actions affect, the local population.

Defence Intelligence and Security Centre (DISC). The DISC is the UK focus for ensuring the delivery of coherent and cost effective MOD language training, wherever delivered. Consequently, although it has no budgetary influence over training delivery, and whilst individual language training (foreign and English) organisations are responsible for their own rigorous quality assurance measures in accordance with DSAT (JSP 822), the DISC is responsible for taking the lead in the development of good practice in the delivery of language training and in assisting other MOD schools in the development of relevant processes.

#### **4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

##### Civil Rights

The military justice system supports operational effectiveness and safeguards individual service member's civil rights. It has to be fair and be seen to be fair. It provides a single coherent source of authority which applies at home and abroad, ensuring that justice is not delayed and is fully compliant with the European Convention on Human Rights.

The Armed Forces are an equal opportunities employer and are committed to ensuring a working environment free from harassment, intimidation and unlawful discrimination, in which each individual is not only valued and respected – but encouraged to realise their full potential<sup>7</sup>.

The formation of the British Armed Forces Federation to represent, foster and promote the professional, welfare, and other legitimate interests of all members of the federation in their capacity as serving or retired personnel of the armed forces of the U K, and in so doing help to maximise operational efficiency and improve the retention of trained personnel. Within resources, the activities of the federation may include:

- Professional and career development by the provision of education and information;
- Liaison, monitoring and response to proposals or developments within the Services, in Parliament, in the provision of public services or in the commercial sector which have a specific impact on forces personnel;

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<http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/Personnel/EqualityAndDiversity/EqualityAndDiversityInTheArmedForces.htm>



- Appropriate advocacy and consultation to protect and improve the conditions of service life including pay, accommodation, medical and welfare services, resettlement and all other areas of personnel support;
- Appropriate support to personnel facing court martial or other legal proceedings in connection with their service (the federation will not normally comment on any specific case within the systems of military justice and administrative discipline).

### Political Neutrality

The UK Armed Forces remain impartial and politically neutral. Queen's Regulations<sup>8</sup> ensures that Regular Service personnel are not to take any active part in the affairs of any political organisation, party or movement. Neither are they to participate in political marches or demonstrations, although no restriction is placed upon their attendance at political meetings of such personnel provided that uniform is not worn, Service duties are not impeded, and no action is taken which would bring the Service into disrepute.

### Political Accountability

The UK Armed Forces' existence in peacetime is by the consent of Parliament, and both the strength of the Armed Forces and the Defence budget have to be approved by Parliament each year. Consent of both Houses of Parliament is required each year to the continuation in force of legislation under which the Armed Forces are recruited and discipline is maintained. In addition, an Armed Forces Act is required every five years in order to continue in force the legislation that governs Service discipline and the military justice system. The latest of these, the Armed Forces Act 2006, was approved by Parliament and came into force in October 2009.

### Ministerial Accountability

The SofS is accountable to Parliament for all the policies, decisions and actions of Defence that has the most day-to-day impact on people working in Defence. One of the principles of Ministerial conduct is that: "it is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament are expected to offer their resignation to the Prime Minister".

In practice, the Secretary of State for Defence is held to account by Parliament in four main ways:

- Parliamentary Questions, which are asked by Members of Parliament and Peers to seek information or to press for action, and which may require either an oral or written answer;
- Parliamentary Debates, which include debates on legislation, general topics of interest or issues selected by the major parties. There are typically five set piece debates on Defence in every session in the House of Commons: Defence in the UK, Defence in the world, procurement, Armed Forces personnel and Defence policy. There are also regular adjournment debates in Westminster Hall and in the Commons. The Lords may also hold debates on defence issues;
- Select Committees, whose role includes examining the expenditure, administration, and policy of the principal Government departments. The House of Commons Defence Committee

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<sup>8</sup> Chapter 5 Para J5.581.



(HCDC)<sup>9</sup> looks specifically at Defence, and may decide to have an inquiry on any Defence issue. The HCDC takes oral and written evidence from Defence Ministers, Service personnel, Defence officials and other interested parties outside Government, before producing a report to which the Secretary of State will then respond. The Public Accounts Committee (PAC), further details of which are given below, and other select committees also obtain evidence, both written and oral, from Defence.

- Ministerial Correspondence, when MPs write directly to Ministers about the concerns of their constituents or on a topic in which they have an interest; Peers also write to Ministers and will receive a Ministerial reply.

The SofS is also required to produce an annual report to Parliament on financial and non-financial performance. The Annual Report and Accounts provides a comprehensive overview of Defence and how it has used the resources authorised by Parliament. The National Audit Office (NAO) under the Comptroller and Auditor General (C&AG) certifies the Accounts and reports to Parliament on any qualification of the audit certificate.

- PUS is the Departmental Accounting Officer and as such is personally accountable to Parliament for the economic, efficient and effective use of Defence resources, prudent administration and the regularity and propriety of Defence expenditure. Chief Executives of Trading Funds have similar accountabilities in respect of their Agencies.
- The Public Accounts Committee (PAC) is a select committee of the House of Commons, established to help give Parliament better control of the expenditure of public funds. The role of the PAC is to satisfy itself as to the accounting for, and the regularity and propriety of, expenditure; and also to explore the economy, efficiency and effectiveness issues set out in NAO value for money reports.

#### **4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?**

The UK Ministry of Defence (MOD) is responsible for leading the defence contribution to the development of the UK Government's foreign and security policy and wider government objectives, and for translating those objectives into departmental policy. Within MOD Head Office is a Central Legal Services department which provides legal advice and input into the development of all MOD policy.

The UK's Development Concepts Doctrine Centre at Shrivenham produces UK's concepts and doctrine, based on MOD policy – underpinned by thorough research – to help inform decisions in Defence strategy, capability development and operations, both now and into the future. To accomplish this, DCDC concentrates its efforts in five core activities:

- Futures - Strategic Trends. The provision of cross-dimensional analysis of the future context for Defence out to 30 years - *looking at the future world environment in which our Armed Forces will have to operate.*
- Futures - Joint Concepts. The initiation, formulation and validation of analytical concepts to shape coherent capability development - *determining how we might wish to operate in the future.*

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<sup>9</sup> [www.parliament.uk/parliamentary\\_committees/defence\\_committee.cfm](http://www.parliament.uk/parliamentary_committees/defence_committee.cfm)

- **Joint Strategic and Operational Doctrine.** The development, articulation and dissemination of Joint doctrine, focused at the strategic and operational levels, that incorporates enduring principles and proven good practice established from experience gained on operations - *providing a common framework of understanding.*
- **Development, Analysis and Research.** The provision of empirical evidence to underpin DCDC products – hunting and gathering information from a wide range of sources including Operational Lessons, Analysis and Studies, Academic texts and Military papers, experimentation and analysis, all to inform DCDC thinking and providing a Research Hub for DCDC.
- **Legal.** Ensuring UK Armed Forces legal compliance and sustaining a favourable legal environment for Defence activity and capability - *acting within the law. All DCDC outputs are examined to ensure legal compliance.* DCDC conducts legal weapons reviews for all new means and methods of warfare, a requirement for procurement through Defence Equipment and Support.

### **Section III: Public access and contact information**

#### **1. Public access**

##### **1.1 How is the public informed about the provisions of the Code of Conduct?**

Members of the public may request information through the Freedom of Information Act (2005).

##### **1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

Information related to the Code of Conduct may be requested through the Freedom of Information Act (2005).

##### **1.3 How does your State ensure public access to information related to your State's armed forces?**

The MOD places great importance on informing and educating the public about the role and activities of the Armed Forces, and on opening up the MOD to the public. To that end, it puts considerable effort into identifying opportunities to publicise and promote the work of the Armed Forces, and into increasing the means by which such information can be provided to the public. Press notices are issued and briefings given on all significant decisions and events, for example, decisions on the procurement of equipment, the deployment of forces on operations and major exercises and decisions on policy matters.

A new MOD website (<https://www.gov.uk/government/organisations/ministry-of-defence>) is in place which is updated on a regular basis, and which provides links to other associated sites, including those maintained by each of the single Services. These sites provide a considerable amount of information about the Armed Forces.

Members of the public can also request information about the UK Armed Forces through the Freedom of Information Act (FOIA), (subject to certain exemptions within the Act), and under the Environmental Information Regulations. A FOIA Publication Scheme is maintained on the MOD website where information of public interest is proactively published.

MOD also proactively publishes datasets under the government's Transparency Framework. These are made available to the public through the MOD website and signposted on the [www.data.gov.uk](http://www.data.gov.uk) site.

There are a number of other ways for the public to access information on the UK military, including through Parliamentary Questions and Ministerial Correspondence posed through their respective Members of Parliament.

The MOD Annual Report and Accounts is a comprehensive overview of UK Defence and how the MOD has used the resources authorised by Parliament. It has two volumes: the first is MOD's Annual Performance Report for the year, including our contribution to Public Service Agreements and performance against our Departmental Strategic Objective targets. The second comprises the MOD Resource Accounts for the financial year.

Finally, regular links are maintained with the academic community, and conferences and seminars are held at which information is exchanged in an open atmosphere. The services have designated presentation teams that travel the country delivering and staging productions to inform the public about today's defence services. Influential opinion formers from local communities are invited to Core Events, while Special Events are less formal and are usually held in response to an invitation from an interest group; these events provide an excellent opportunity for the general public to hear more about the work of the armed forces. Community engagement is also actively encouraged at lower levels to promote and maintain a positive relationship between the military and its local community.

## **2. Contact information**

### **2.1 The national point of contact for the implementation of the Code of Conduct:**

Security Policy Department  
Foreign and Commonwealth Office  
King Charles Street  
London  
SW1A 2AH

Tel: 020 7008 3153

Email: [helen.brodrick@fco.gsi.gov.uk](mailto:helen.brodrick@fco.gsi.gov.uk)

## **Section IV: Information on democratic political control of Private Military Security Companies and Women, Peace and Security**

### **1.1 Democratic political control of private military and security companies (PMSCs)**

The following information is provided in accordance with FSC.DEC/2/09 of 1 April 2009, attachment 2.

The UK Government does not employ Private Security Companies (PSCs) in a combat or offensive role. They are employed to provide protection to Government staff and property in hostile environments. The UK Government has been at the forefront of activity driving forward progress on the regulation of the PSC industry at both a national and international level, and is working with other states, industry and civil society organisations to ensure high professional standards among PSCs, including high human rights standards.

At an international level we, along with the US, Swiss and Australian Governments have made significant progress on developing an International Code of Conduct for the PSC industry. On 9 November 2010 the Code was signed in Geneva by 58 major international PSCs, and as of February 2013 nearly 600 PSCs have signed the Code, around a third of them from the UK. The Code is based on principles of human rights and international humanitarian law, and sets out broad guidelines for the organisation and operation of the industry worldwide.

We are now working with the Swiss, US and Australian Governments, the PSC industry and civil society organisations to establish an international mechanism to monitor compliance with the Code. The UK Government is a member of a tripartite Temporary Steering Committee (government, industry and civil society) which is working to establish an international mechanism to monitor the implementation of high standards and global compliance with the Code. We issued a draft charter for public consultation in January 2012 and expect to be in a position to establish the international governance mechanism later this year. Further information can be found on the International Code of Conduct website ([www.icoc-psp.org](http://www.icoc-psp.org)).

At a national level, on 21 June 2011 a Written Ministerial Statement announced the appointment of the Security in Complex Environments Group of the Aerospace, Defence and Security Association (ADS) as the UK Government's industry partners with whom we are working on establishing standards and certifying compliance for UK-based companies working in complex and high risk environments. On 17 December 2012, a further Written Ministerial Statement announced that the UK Government had approved ASAI PSC 1-2012<sup>10</sup> as the internationally recognised UK standard for land based PSCs. The ICOC was drafted with land-based PSCs in mind. However, since 2010, there has been a rapid rise in the number of PSCs working on anti-piracy operations at sea. Although many of the principles relating to PSCs working on land and at sea are similar, there are important legal and practical differences. The UK Government expects to have internationally recognised UK standards for maritime based PSCs in place later this year. As is the case for land-based PSCs, maritime PSCs will be expected to seek certification by independent certifying bodies accredited by the government-licensed UK Accreditation Service.

## 1.2 Women, Peace and Security (WPS)

The following additional information is provided with reference to FSC.DEC/2/09 dated 1 April 2009, Attachment 1, and the Attachment to FSC.DEC/5/11 dated 13 July 2011.

### I Prevention

Culture remains a key component of the Ministry of Defence approach to UNSCR 1325 and is an important part of our approach to operations overseas. The Defence Cultural Specialist Unit provides the cultural expertise, and cultural specialists that deploy in support of Commanders on operations, and is the central authority responsible for cultural expertise across the UK Armed Forces. This includes the provision of gender advice as part of broader cultural advice. Military personnel engaged in this activity will receive more focused training (over 20 months of pre-deployment language and culture training) and their work will be more integrated within the wider military tasks.

Certain roles within the military also receive more in depth gender training on a bespoke basis. For example during the training provided by the Military Stabilisation Support Group to units deployed to Afghanistan, the Stabilisation Unit (SU) delivered training on integrating gender in operations. The SU

<sup>10</sup> The ICOC mandated the development of auditable standards to ensure that signatory companies are implementing their commitments under the code. In response to this requirement, the international security trade association, ASIS, was funded by the US department of defense to develop the standard – 'PSC1' – for the regulation of private security companies operating on land in complex environments overseas. This standard was drafted in a multinational and multi-stakeholder forum in which the UK Government, UK industry and UK civil society fully participated.



also developed and delivered training for Female Engagement Teams and military cultural advisers at the Defence Cultural Specialist Unit (DCSU).

As part of our enduring commitment to Afghanistan, the UK will provide lead coalition support at the new Afghanistan National Army Officer Academy, this will include training for female officer recruits. British mentors are due to deploy to Afghanistan in 2013 with the intent for the Academy to be fully operational by the time ISAF depart the country at the end of 2014. We expect there to be 3 intakes of up to 450 male students per year, with an additional 50 females per intake to ensure the development of a professional cadre of female officers into the future.

Funding of £370,000 over a three year period to the UN Department of Peacekeeping Operations and the Department of Field Support to develop policies, guidance and training for use by UN peacekeepers as first responders to incidents of sexual violence.

## **II Participation**

### **Establishment of policies to attract female candidates (Targeted campaigns, review of accession tests, etc)**

The MOD aims to ensure that policies and programmes are in place to promote the Armed Forces as a career of choice for all sections of UK society and to ensure that the lived experience of all our personnel is as good as it can be. The Public Sector Equality Duty that forms part of the UK's Equality Act 2010 requires public sector bodies such as the MOD to publish a series of specific and measurable strategic-level objectives. The MOD's objectives were published in 2012.

A key priority identified is the need to continue to embed equality and diversity as an integral part of routine Departmental business and the MOD's objectives include the need to consider the factors affecting representation of women in the Armed Forces and work to improve their representation to a level consistent with that of the wider population.

### **Development of regular analysis or retention and promotion practices for men and women in the Armed Forces**

The Services continue to develop women-friendly policies, review working practices and develop opportunities for progression and development across ranks, branches and trades.

Other ongoing work on terms and conditions of service includes the development of the New Employment Model for Service personnel. This programme aims to strike a better balance between Service and the demands placed on all Service personnel and their families, adjusting the elements that make up the terms and conditions of service "offer" to better address the personal, social and domestic impacts of Service both now and beyond 2020 in order to recruit and retain personnel of the right quality.

Responses to the Armed Forces Continuous Attitude Survey show that women are more likely than men to say that the impact of Service life on their family and personal life increases their intention to leave the Armed Forces.

Bearing this in mind, the Naval Service has set up a network for naval personnel who are parents. The network provides an opportunity for people to share experiences and exchange information to ensure that parents have a consistently supportive experience when they want to start a family and find themselves going through the maternity, paternity and adoption process. The Naval Service has also set up a "maternity buddy scheme" which puts women who are expecting a baby in touch with



someone who has already had a baby whilst in the Service and has returned to work. This helps to ensure that pregnant women do not feel isolated or lacking in support.

The Naval Service has also launched a Naval Servicewomen's Network on 8 March 2013. This will be a professional network providing role models, mentoring and professional advice for Servicewomen and aims to attract more female recruits and encourage more women to break into senior ranks. A conference is planned in June 2013.

The Army has set up an Army Women's network which aimed to seek feedback on key areas of policy change; seek support from the chain of command; and set up a pilot mentoring scheme within the network.

The Royal Air Force has actively addressed the under-representation of women by encouraging them to consider joining branches or trades which are traditionally male-dominated such as engineering. One such initiative aims to address longer-term under-representation in technical specialisation by challenging gender stereotypes and encouraging girls to consider science, technology, engineering and maths when choosing GCSE subjects.

**Number and percentage of women in the military forces disaggregated by rank.**

**Strength of UK Regular Forces<sup>1</sup> by Gender at 1 January 2013**

	Officer / Rank	NATO Rank			Percentage Females	
			Female	Total		
All Services	Officer	OF-8 And Above	-	40	-	
		OF-7	-	100	-	
		OF-6	-	310	-	
		OF-5	40	1 100	3.9%	
		OF-4	260	3 780	6.7%	
		OF-3	1 130	8 740	13.0%	
		OF-2	1 710	11 430	15.0%	
		OF(D) / OF-1	530	3 700	14.2%	
	<b>Officer Total</b>		<b>3 680</b>	<b>29 200</b>	<b>12.6%</b>	
	Rank	OR-9		140	3 030	4.6%
		OR-8		270	4 920	5.4%
		OR-7		840	11 800	7.1%
		OR-6		1 890	18 710	10.1%
		OR-4		3 340	27 840	12.0%
		OR-3		1 210	15 980	7.5%
OR-1 / OR-2			5 330	60 010	8.9%	
<b>Rank Total</b>		<b>13 010</b>	<b>142 290</b>	<b>9.1%</b>		
<b>All Services Total</b>		<b>16 680</b>	<b>171 480</b>	<b>9.7%</b>		

<b>Naval Service</b>	Officer	OF-8 And Above	-	10	-
		OF-7	-	30	-
		OF-6	-	80	-
		OF-5	~	280	~
		OF-4	40	1 040	4.2%
		OF-3	190	2 070	9.2%
		OF-2	370	2 800	13.3%
		OF(D) / OF-1	80	690	11.8%
	<b>Officer Total</b>		<b>690</b>	<b>6 980</b>	<b>9.9%</b>
	Rank	OR-9	20	650	3.8%
		OR-8	~	740	~
		OR-7	180	3 380	5.3%
		OR-6	290	3 960	7.4%
		OR-4	710	5 850	12.2%
		OR-3	-	580	-
<b>Rank Total</b>		<b>1 210</b>	<b>12 140</b>	<b>9.9%</b>	
<b>Naval Service Total</b>		<b>3 110</b>	<b>34 290</b>	<b>9.1%</b>	

<b>Army</b>	Officer	OF-8 And Above	-	10	-
		OF-7	-	40	-
		OF-6	~	160	~
		OF-5	20	520	4.2%
		OF-4	120	1 680	7.4%
		OF-3	550	4 450	12.4%
		OF-2	620	4 680	13.2%
		OF(D) / OF-1	310	2 360	13.2%
	<b>Officer Total</b>		<b>1 630</b>	<b>13 910</b>	<b>11.7%</b>
	Rank	OR-9	80	1 380	5.7%
		OR-8	260	4 180	6.3%
		OR-7	490	5 690	8.6%
		OR-6	870	9 260	9.4%
		OR-4	1 390	14 600	9.5%
		OR-3	1 200	15 200	7.9%
<b>Rank Total</b>		<b>2 450</b>	<b>35 530</b>	<b>6.9%</b>	
<b>Army Total</b>		<b>8 380</b>	<b>99 740</b>	<b>8.4%</b>	

<b>RAF</b>	Officer	OF-8 And Above	-	10	-
		OF-7	-	20	-
		OF-6	~	70	~
		OF-5	20	300	6.3%
		OF-4	90	1 060	8.3%
		OF-3	390	2 220	17.6%
		OF-2	720	3 950	18.3%
		OF(D) / OF-1	130	660	20.4%
	<b>Officer Total</b>		<b>1 360</b>	<b>8 300</b>	<b>16.4%</b>
	Rank	OR-9	40	990	3.5%
		OR-7	170	2 740	6.2%
		OR-6	720	5 490	13.2%
		OR-4	1 240	7 390	16.7%
		OR-3	~	200	~
OR-1 / OR-2		1 670	12 340	13.6%	
<b>Rank Total</b>		<b>3 840</b>	<b>29 150</b>	<b>13.2%</b>	
<b>RAF Total</b>		<b>5 200</b>	<b>37 460</b>	<b>13.9%</b>	

Source: DASA(Tri-Service)

1. UK Regular Forces comprises trained and untrained personnel and excludes Gurkhas, Full Time Reserve Service personnel and mobilised reservists.

Data from the Joint Personnel Administration System for 1 April 2006 to 1 October 2011 have been reviewed and finalised, therefore some figures may differ from previous publications published before December 2012.

Percentages are calculated from unrounded data.

#### Rounding

Where rounding has been used, totals and sub-totals have been rounded separately and so may not equal the sums of their rounded parts. When rounding to the nearest 10, numbers ending in "5" have been rounded to the nearest multiple of 20 to prevent systematic bias.

- zero or rounded to zero
- ~ less than 5

### **Number and percentage of discrimination and sexual harassment complaints that are referred, investigated and acted upon**

The Ministry of Defence is committed to tackling all types of harassment, including sexual harassment and is determined to create an inclusive working environment that delivers opportunity for all, recognises and values difference, and eradicates bullying, harassment and discrimination. The Ministry of Defence has developed policies to ensure that individuals are treated fairly, and with respect.

There is no consolidated set of statistics relating to sexual offences involving members of the Armed Forces, and there are considerable obstacles in producing such a report. Work is in hand to produce the most accurate information possible. Initial trends suggest that incidents of sexual offences in the Armed Forces are declining.

Annual reports published by the Service Complaints Commissioner show that the total number of complaints about sexual harassment has fallen year-on-year since 2008. The Commissioner's reports

are available at: [armedforcescomplaints.independent.gov.uk/](http://armedforcescomplaints.independent.gov.uk/) and the next report is due to be published on 21 March 2013. This is also reflected in the most recent Armed Forces Continuous Attitude Survey, which shows a recent decrease in the number of respondents who believe they have been subject to discrimination, harassment or bullying. (The Armed Forces Continuous Attitude Survey is available at: [www.statistics.gov.uk/armed\\_forces\\_continuous\\_attitude\\_survey](http://www.statistics.gov.uk/armed_forces_continuous_attitude_survey))

The three Services are addressing the problem of harassment. In the case of the Naval Service, the Royal Navy Police have conducted an internal communication campaign aimed at raising awareness of sexual offending. Reducing sexual offending also features as an area of priority within the Royal Navy Police's annual strategic assessment.

The Army has a "Speak Out" campaign which informs Army personnel about the Bullying, Harassment and Discrimination Helpline, and a poster campaign targets sexual offenders, and reassures victims.

The Royal Air Force has mandatory Equality and Diversity training in place, designed with the Chartered Institute of Personnel Development, and is planning to conduct a sexual harassment survey in mid-2013.

### III Protection

Government Policy Initiatives include the Foreign Secretary's Preventing Sexual Violence in conflict Initiative (PSVI). The Foreign Secretary hosted a launch event May 2012 attended by UK Government ministers, the US Secretary of State was represented by the US Ambassador as well as Angeline Jolie, Special Envoy of UN High Commissioner for Refugees. This was followed by a consultation event with NGOs in June 2012 at Lancaster House. A Wilton Park Conference on 'Preventing Sexual Violence in Conflict' was held in November 2012.

This initiative will use the G8 Foreign Ministers' meeting in April 2013 to secure a clear political statement from the G8 of its determination to make real, tangible progress on combating the use of sexual violence in conflict. We will seek a wider set of practical commitments to overcome the barriers that impede the implementation of the existing international legal framework and prevent successful investigations and prosecutions.

In 2012, we have established a specialist team of UK experts to deploy to conflict areas to support the UN and civil society to help build national capacity to investigate allegations of sexual violence and gather evidence. There are currently 73 members on the PSVI UK Team of Experts, 35 of whom are Women. The team includes police, lawyers, psychologists, doctors, forensic experts, gender-based violence experts and experts in the care and protection of survivors and witnesses. These experts will be deployed to support on-going international and national efforts in priority countries. Each team will be formed in response to specific needs and will provide targeted and specialised support.

In December 2012 we deployed experts to the Syrian Borders to train Syrian Health professionals to respond to and document reports of sexual violence.

We are working closely with the UN and have increased our support to the UN Secretary-General's Special Representative on Sexual Violence in Conflict to bolster their efforts to strengthen national capacity to investigate, prosecute perpetrators of sexual violence and to protect survivors and witnesses. On 25 September the Foreign Secretary announced £1 million of core funding to the SRSG's office

#### IV Other Information

The UK has been one of the principal supporters of Security Council Resolution 1325. We were one of the first nations to devise a National Action Plan on UNSCR 1325 in 2006, which provides the framework for integrating the aims of UNSCR 1325 into a range of UK diplomacy, defence and development policies.

The UK engages bilaterally at levels of the UN including the UN Security Council and the UN General Assembly. In October 2012 and 2011 the UK held the pen for the women, peace and security presidential statements. During the March 2012 UK Presidency of the UN Security Council we held a Security Council Arria Formula Meeting on women's role in mediation and post conflict resolution.

The UK continues to support the inclusion of UNSCR 1325 as standard in UN mandates for Peacekeeping missions, and continues to support all related resolutions including 1820, 1888, 1889, and 1960, through which the Security Council recognises and takes a firm stance on the issue of conflict-related sexual violence.

#### National Action Plan

In November 2010 the UK published its revised National Action Plan (NAP) on UNSCR 1325 following a review that was conducted by the three key departments; FCO, MOD and DFID; in consultation with civil society, in particular the civil society coalition group Gender Action on Peace and Security (GAPS) and the Associate Parliamentary Group on women, peace and security.

The aims of the revised NAP are to provide a clear framework for our work on women, peace and security, to maximise the impact of UK efforts by focusing on where we have the most influence, to ensure cross departmental working, to ensure that UK action covers the four UN pillars of UNSCR 1325 (Prevention, Protection, Participation, and Relief and Recovery), to strengthen our annual reporting and monitoring process, and to work more closely with civil society to improve the plan on an ongoing basis. The plan makes commitments to further implementation of UNSCR 1325 in three main areas of our activity:

- **National Action:** This sets out how the FCO, MOD and DFID will integrate women, peace and security into our conflict policy.
- **Bilateral action:** This sets out actions being taken on the ground in priority countries, by means of individual country plans, delivered by our network of embassies and country offices. Country plans have been developed for three countries initially and we aim to increase this during the life of the NAP.
- **Multilateral action:** This sets out how our actions in multilateral and regional organisations such as the UN, EU and NATO will strengthen implementation of UNSCR 1325 at a global level.

The Second Annual Review of the UK Government National Action Plan on UNSCR 1325 WPS was published 31 October 2012. Officials from the FCO, MOD and DFID reported on progress to Parliament and civil society in a meeting with the Associate Parliamentary Group on WPS (APS WPS) on 5 November 2012. Work has also been coordinated with the Ministerial Champion for Tackling Violence Against Women and Girls Overseas.

In the February 2012 revision of the UK Government National Action Plan (NAP) on UNSCR 1325 Women, Peace and Security (WPS) we committed to developing a **Regional MENA Plan** in response to the Arab Spring of 2011. The plan considers Egypt, Yemen, Libya, Occupied Palestinian Territories (OPTs), Iraq, Tunisia, Bahrain, Jordan, Lebanon, Syria and Morocco. We have taken forward work on the plan, guided by UN Security Council Resolution 1325 and associated resolutions. This work is



supported by a wide range of activities and projects across the region. The Government supports and promotes work on women, peace and security in all countries in the MENA region. Our work to develop the MENA plan has been taken forward through consultation, diplomatic lobbying, human rights and gender strategies and funding projects. Consultations have taken place and are ongoing with regional and national stakeholders, including women's groups e.g. GAPS, across Government and with overseas Posts. An initial framework has been developed linked to current and future actions relating to the four Pillars of UN Security Council Resolution 1325 (Prevention, Participation, Protection, and Relief and Recovery). Specific action against the framework includes, for example, the appointment of UK conflict advisers for the Gulf and Near East regions (and shortly for North Africa) who have responsibility for taking forward the women peace and security agenda. We are continuing to develop the framework to finalise a more systematic plan.

The Women, Peace and Security Toolkit was distributed to all UK Embassies and High Commissions in 2012 and will be updated to be circulated in 2013.

More specifically, MOD action in the revised UK NAP includes:

- Deployment of Cultural advisers who will provide gender advice as part of wider cultural advice to UK military commanders in the field.
- Review of UK military doctrine to ensure that in addition to reflecting the aims of UNSCR 1325, there is also appropriate, specific reference to the Resolution.
- Development and delivery of Pre-deployment training on cultural (including gender) awareness for the UK Armed Forces.

Next Steps for the NAP are to undertake a final Progress Report in September 2013 and present to the APG WPS. Complete a full evaluation of the NAP in 2013 to support a revision of the NAP in March 2014.

For more detail on specific activity the UK is undertaking to deliver the aims of UNSCR 1325, please follow the link below to the UK Government National Action Plan on UNSCR October 2012 Annual Review.

<http://www.fco.gov.uk/resources/en/pdf/global-issues/womenpeacesecurity-nap>

<http://www.fco.gov.uk/resources/en/pdf/global-issues/nap-wps-review-oct-2012>