

## **UNA-UK response to the Ministry of Justice consultation on the UK's mid-term report for the Universal Periodic Review**

*In the context of the mid-term report in 2014, which UPR recommendations from 2012 (if any) should the United Kingdom focus on, and/or are there areas not included in the UPR recommendations from 2012 which you would expect addressed in the mid-term report?*

In response to the Ministry of Justice's (MoJ) consultation, as stated above, the United Nations Association – UK submits the following response.

### **United Nations Association – UK (UNA-UK)**

UNA-UK is the UK's leading independent policy authority on the United Nations and a UK-wide membership organisation. We support the work and aims of the UN and its agencies, and campaign for a safer, fairer and more sustainable world based on effective multilateral institutions. UNA-UK's policy programme, 'A Fairer World', seeks to safeguard international laws and norms and secure human rights for all through lobbying, partnerships and grassroots initiatives. A registered charity (charity no. 1146016), UNA-UK is independent of the UN system and receives no funding from it.

In response to the UK's Universal Periodic Review (UPR) in 2012, UNA-UK raised a number of the recommendations with the Joint Committee on Human Rights,<sup>1</sup> and called on the Committee to increase its oversight of this process. As part of the MoJ's consultation on the UK's UPR, UNA-UK took part in the March stakeholders' consultation event.<sup>2</sup> UNA-UK also regularly contributes to the Foreign & Commonwealth Office's Human Rights Council (HRC) stakeholder group, which meets before each HRC session.

### **Summary**

Key recommendations to address

- Ratification of all nine core UN human rights treaties
- Ratification of the ILO Domestic Workers Convention
- Ratification of optional protocols on the right to petition
- Risks to the independence of the Equality & Human Rights Commission
- Removal of reservations to the Convention on the Rights of Persons with Disabilities

Issues not included

- UK position on the use of unmanned combat air vehicles ('drones'), and details on the UK's cooperation with the US drone programme
- Granting of arms export licenses to 25 of the 27 "countries of human rights concern" as identified by the FCO
- The Committee Against Torture's request for further information on a number of areas of concern raised during the treaty body's periodic review of the UK
- Potential weakening of human rights and UN teaching in the National Curriculum

Items for follow-up

- Reporting of UK response rates to UN human rights mechanisms
- Plans to enshrine the a commitment to spend 0.7% of UK gross national income on overseas development assistance

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<sup>1</sup> <http://una.org.uk/news/12/09/una-uk-submission-joint-committee-human-rights>

<sup>2</sup> <http://www.una.org.uk/news/13/04/uk-inputs-ministry-justice-consultation>

- Plans to develop a monitoring framework for UN human rights recommendations for the UK

## **The UK and the UPR**

As a state which has been instrumental in shaping the human rights laws and norms internationally recognised today, the UK should strive to lead by example, at the UN and with regard to its own human rights record. This year, the UK is standing for election to the HRC and is campaigning hard to promote its role as a progressive force for human rights.

However, in order to be credible, the reputation that the UK seeks to project internationally must also be reflected nationally. When properly implemented, the international human rights laws which the UK has ratified have a direct impact on the enjoyment of human rights by its citizens. Furthermore, a good domestic record not only strengthens the UK's hand when making interventions regarding other states, it contributes to the overall raising of human rights standards.

The UPR – a peer-review process by which the human rights records of every country are regularly reviewed – is seen as one of the key mechanisms of the HRC. The UK faced its second review in 2012, which resulted in a total of 132 submitted recommendations.<sup>3</sup> The UK has a good track record of engaging with the UPR and helping to define best practice in this area, such as its commitment to limit itself to two substantive recommendations at a state's review.

UNA-UK welcomes the UK's commitment to publish a voluntary mid-term report, and, as the coordinating government department, calls on the MoJ to ensure:

- Clear timeframes are established for expected progress and implementation
- That any stated obstacles to the implementation of a recommendation are clearly stated and fully explained
- That the report does not simply reiterate the positions set out in the UK's 2012 annex document, voluntarily provided as part of its official UPR response
- That the report is used to measure the progress of implementation

While all 132 recommendations should be addressed by the UK over the course of the review cycle, we recognise that there is a need to prioritise, and we welcome the MoJ's decision to consult with civil society on this process. UNA-UK has selected a number of recommendations below which we would particularly like to see addressed in the mid-term report. We also include below issues that were not covered in the 132 recommendations, and items of follow-up to the UK's 2012 annex document.<sup>4</sup>

## **Key recommendations to address**

The UK should continue to lead by example and ratify the final two core human rights conventions which it has not yet signed: the Convention for the Protection of All Persons from Enforced Disappearances (CED)<sup>5</sup> and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>6</sup> UNA-UK believes that ratifying all nine core conventions would demonstrate the UK's commitment to human

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<sup>3</sup> [www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx)

<sup>4</sup> [www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx)

<sup>5</sup> [www2.ohchr.org/english/law/disappearance-convention.htm](http://www2.ohchr.org/english/law/disappearance-convention.htm)

<sup>6</sup> [www2.ohchr.org/english/law/cmw.htm](http://www2.ohchr.org/english/law/cmw.htm)

rights and send a strong message to other states on the importance of international obligations.

UNA-UK therefore calls on the MoJ to clearly state in the report what the UK's plans are for ratification of these conventions, including, if necessary, a full explanation of why it does not plan to accede to these treaties. In particular, the report should fully set out the process and timeframe for the planned ratification of the CED, which the UK agreed to ratify as part of the first cycle of the UPR in 2008, and committed to making further progress on in time for this mid-term report.

UNA-UK commends the UK's ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) and calls for the UK to consider other such mechanisms which allow individuals to submit complaints of treaty violations. The report should set out what further evidence would be required for a change in the UK's position on this issue. Whilst we agree that these mechanisms are no replacement for a judiciary, as the UK's experience with these mechanisms to date has shown, they provide an important avenue for citizens to seek redress, and can only be used as a last resort when all domestic avenues for complaint have been exhausted.

UNA-UK strongly supports the UPR recommendation that the UK ratifies ILO Convention No. 189 on Domestic Workers, which aims to protect the 50-100 million domestic workers in private households worldwide, where conditions can be akin to modern slavery.<sup>7</sup> The report should set out what the UK's concerns are regarding the Convention's health and safety provisions, and whether the UK has considered ratification of the convention with a 'flexibility clause', which enables states to apply only certain parts of an ILO instrument.

Noting recent changes to the Equality and Human Rights Commission (EHRC) and the 2006 Equality Act, UNA-UK is concerned that these could affect the independence of the EHRC and result in it losing its classification as an 'A status' National Human Rights Institution (NHRI). 'A status' bodies are those considered to be fully compliant with the Paris Principles which stipulate that an NHRI must be given as "broad a mandate as possible" and have the necessary infrastructure and funding to enable it to be "independent of the government and not be subject to financial control which might affect its independence". UNA-UK asks that the report sets out what measures the UK has undertaken to preserve the EHRC's independence.

UNA-UK commends the UK for removing its reservation to article 12.4 of the CRPD<sup>8</sup> in December 2011 and calls on the UK to consider withdrawing its remaining three reservations. Whilst UNA-UK welcomes the UK government's regular review of this issue, the mid-term report should set out why the UK believes the reservations to articles 18, 24 and 27 continue to be necessary, under which conditions it would consider removing them, and what has been done to explore whether the UK's concerns could be adequately addressed through interpretive declarations, as states with similar concerns have previously done.

### **Issues not included**

UNA-UK recognises that the UK's second UPR cycle saw a huge increase in the number of recommendations received, many of varying quality. As official recommendations may only be submitted by a state, we again welcome the MoJ's efforts to consult with

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<sup>7</sup> [www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_INSTRUMENT\\_ID:2551460](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:2551460)

<sup>8</sup> <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>

civil society, particularly on those issues which may not have been included in the final 132 recommendations.

One issue that was raised in the stakeholders' report but not included in the 132 recommendations, and has recently seen significant progress, is the protection of stateless persons in the UK. UNA-UK welcomed the new statelessness determination procedure introduced in April 2013, which more adequately fulfils the UK's obligations under the 1954 Convention relating to the Status of Stateless Persons.<sup>9</sup>

Other issues which have come to light in the period since the 2012 review and should be addressed in the mid-term report are:

- The UK government's position on the use of combat drones, or unmanned combat air vehicles, which in April 2013 were operated from the UK for the first time, as well as its cooperation with the US drone programme, in particular operations in areas not recognised by the UN as conflict zones<sup>10</sup>
- The granting of arms export licenses worth £12bn to 25 of the 27 "countries of human rights concern" identified by the FCO (recommendation 110.35 specifically referred to exports to countries in which children have been involved in military action)<sup>11</sup>
- The removal of references to the UN in the draft citizenship curriculum, and the replacement of 'human rights' with 'precious liberties' in the Key Stage 3 curriculum, which may conflict with the UK's obligations to teach about children's rights under the UN Convention on the Rights of the Child<sup>12</sup>
- The Committee Against Torture's request,<sup>13</sup> raised during the treaty body's periodic review of the UK, for further information on specific concerns by 31 May 2014 (some of which were not included in the recommendations):
  - inquiries into allegations of torture overseas
  - observing safeguards against the expulsion of refugees
  - ensuring the prompt release and return to the UK of Shaker Aamer from Guantanamo Bay
  - adopting measures of transitional justice in Northern Ireland and conducting prompt, thorough and independent investigations

### Items for follow-up

Included in the UK's annex document<sup>14</sup> were a number of commitments to further information or action. The following should be included in the MoJ's mid-term report:

- The UK's response rates to UN human rights mechanisms (under recommendation 110.47)
- Plans to enshrine a commitment to spend 0.7% of gross national income on overseas development assistance (under recommendation 110.129)
- Plans to develop a monitoring framework for UN human rights recommendations for the UK, which should include parliamentarians (under recommendation 110.46)

<sup>9</sup> <http://una.org.uk/news/13/04/universal-periodic-review-update-recognition-stateless-persons>

<sup>10</sup> <http://una.org.uk/news/13/02/un-appg-member-lord-judd-questions-government-drones>

<sup>11</sup> <http://una.org.uk/news/13/07/report-reveals-uk-arms-sold-countries-human-rights-concern>

<sup>12</sup> <http://una.org.uk/news/13/08/una-uk-calls-teaching-about-un-be-retained>

<sup>13</sup> <http://una.org.uk/news/13/06/una-uk-raises-concerns-over-uk-torture-and-rendition-allegations>

<sup>14</sup> [www.ohchr.org/EN/HRBodies/UPR/Pages/gbssession1.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/gbssession1.aspx)