



Strengthening international human rights law and mechanisms – UNA-UK Briefing Report No.1

The UK's role on the UN Human Rights Council

Priorities for the UK's 2014-16 term

Report of the United Nations Association – UK

About UNA-UK

The United Nations Association – UK (UNA-UK) is the UK's leading source of independent analysis on the UN, and a UK-wide grassroots movement.

UNA-UK believes that a strong, credible and effective UN is essential if we are to build a safer, fairer and more sustainable world. We advocate strong government support for the UN and demonstrate why the UN matters to people everywhere.

We pursue this mission by:

- Connecting people to the work and values of the UN
- Influencing decision-makers and opinion-shapers to support UN goals
- Explaining how the UN works and what it can realistically achieve
- Stimulating debate and action on how to make the UN more effective
- Equipping our members and supporters to further all of these aims

UNA-UK derives great strength from its UK-wide network of members and supporters which forms a critical mass of support for the UN in the UK and beyond. We also provide policy expertise to the UK Government, the London diplomatic community and the media and act as the Secretariat to the All-Party Parliamentary Group on the United Nations.

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About this report

This report was written by Hayley Richardson, UNA-UK's Policy & Advocacy Officer, as part of the Association's 'Fairer World' policy programme. This programme seeks to safeguard international laws and norms, and secure human rights for all through lobbying, education and grassroots initiatives. It currently has three key strands:

- Raising public awareness of the UN's human rights mechanisms
- Improving civil society access to and engagement with these mechanisms
- Encouraging the UK to lead by example at the UN Human Rights Council

Whilst this report touches upon a few key thematic issues and the Human Rights Council's approach to its country-specific work, it is primarily focussed on strengthening the UN's human rights machinery.

Part of this report was transmitted to Parliament's Foreign Affairs Committee in May 2014, in response to its inquiry on the Foreign & Commonwealth Office's human rights work in 2013.

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1. Introduction

“The UK has played a central role on the Council since its establishment”

The Human Rights Council (the Council) was created in 2006 to replace its predecessor, the Commission on Human Rights, which had been heavily criticised for its selectivity and politicisation, as part of a package of reform passed at the 2005 UN World Summit. This intergovernmental body is now the main UN forum responsible for the promotion and protection of human rights. It comprises 47 member states elected for three-year terms, apportioned by geographic region. The Office of the High Commissioner for Human Rights (OHCHR) provides secretariat support.

The Council faced a five-year review in 2011, during which a working group of Council members assessed the efficacy of its functions and powers. In addition to this, the General Assembly (GA) considered whether the Council should be elevated from a subsidiary body of the GA to a principal organ of the UN (the highest rung of the UN system). The GA eventually decided against this action, and UNA-UK’s own five-year review of the Council agreed that whilst this would be desirable in the long term, the short-term focus should be on strengthening and improving the Council in its present form.¹

Previous UK terms

The UK has played a central role on the Council since its establishment. During its formation, the UK led the European Union (EU) negotiating position through its 2005 EU presidency. The UK held two consecutive terms (the maximum allowed), in 2006-08 and 2008-10, which it used to “see the Council through its formative years and towards the five-year review”.²

As a non-member since 2011, the UK has continued to play an active role at the Council, co-sponsoring a number of key resolutions on situations such as Sri Lanka and Syria. In *The 2012 Foreign & Commonwealth Office Report: Human Rights and Democracy*, the UK said election to the Council would allow it to “shape the UN system to be stronger and more effective” and ensure the UK will “stay at the forefront” of human rights.³ The UK has already indicated that it will seek a second consecutive term when its current one ends in 2016.

The 2006 and 2008 elections for the UK and the Western European and Others Group (WEOG) were competitively run. In 2013, however, WEOG fielded a clean slate with just the UK and France running for the two available seats. Fielding clean slates is undesirable as it can result in states with poor human rights records getting elected by default, thereby damaging the credibility and legitimacy of the candidates and the Council as a whole. This was a key criticism of the former Commission.

During all three of its candidacies, the UK voluntarily published a pledges and commitments document – a good example of Council best practice. Each focussed on the UK’s efforts to promote human rights internationally, uphold them domestically and support UN bodies. They also contained priority issues, a number of which are repeated in each document, such as disability rights, gender equality, business and human rights, prevention of torture and women, peace and security (see also ‘Priority thematic issues’ on page 10).

¹ United Nations Association – UK (UNA-UK), *2011 Review of the UN Human Rights Council*, p.6, at www.una.org.uk/sites/default/files/UNA-UK%20recommendations%20on%202011%20UN%20Human%20Rights%20Council%20review_0.pdf

² United Kingdom Foreign & Commonwealth Office (FCO), *Annual Report on Human Rights 2008*, p.41, at www.gov.uk/government/uploads/system/uploads/attachment_data/file/32909/human-rights-2008.pdf

³ FCO, *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report*, p.23, at www.gov.uk/government/uploads/system/uploads/attachment_data/file/186688/Cm_8593_Accessible_complete.pdf

2. Opportunities

The UK re-joins the Council at an interesting point in its development. Recent actions indicate that the Council may be becoming more timely and robust in its response to human rights violations, and more creative in using the tools at its disposal.

Key mechanisms

Two mechanisms under the Council's purview are particularly important to its work, and may prove instrumental to the achievement of UK objectives.

Universal Periodic Review (UPR)

This peer-review process assesses the human rights record of every UN member state once every four years. It has been described as one of the Council's most significant innovations and a mechanism with "great potential to promote and protect human rights in the darkest corners of the world".⁴

During the UPR, each state is reviewed by a 'troika' of its peers on the basis of three sources: a national report by the state in question, a compilation of UN information on the country (such as which conventions it has ratified) and a summary of information provided by other stakeholders (such as national human rights institutions and NGOs). Every UN member state has the opportunity to submit recommendations during this process. The UPR's first cycle saw an unprecedented 100 per cent participation rate from all member states and the second cycle is now underway. The UK faced its second review in May 2012 and received a total of 132 recommendations, a significant increase from 28 in 2008.

The UK is a leading UPR advocate at the Council. In its 2013 pledges and commitments document, the UK stated: "We are committed to the success of the [UPR] mechanism. The value of the UPR lies in its universal nature, constructive spirit and complementarity with other procedures and we are determined to uphold these fundamental principles." The UK has also been keen to establish customary best practice for the UPR, such as submitting just two "clear, focused and implementable recommendations to each UN member state" and publishing voluntary mid-term reports.⁵

Undoubtedly the UPR's unique universal application is one of the Council's greatest assets, and serves to counter the claims of selectivity that dogged its predecessor. It is also a valuable accountability tool. When states make commitments during their review, other states and civil society can use these public pledges to call for action and assess implementation.

Special Procedures

Once described by former Secretary-General Kofi Annan as the "jewel in the crown" of the UN human rights system,⁶ these independent experts - who work for the UN without remuneration - are mandated by the Council to investigate either thematic human rights issues, such as the

⁴ UN, *Message from UN Secretary-General Ban Ki-moon to the Fourth Session of the Human Rights Council*, 12 March 2007, at www.un.org/sg/statements/?nid=2475

⁵ FCO, *Human Rights Council Pledges and Commitments*, p.11, at www.gov.uk/government/uploads/system/uploads/attachment_data/file/142894/UN_HRC_-_UK_Candidacy_2014.pdf

⁶ UN News Centre, *Annan calls on Human Rights Council to strive for unity, avoid familiar fault lines*, 29 November 2006, at www.un.org/apps/news/story.asp?NewsID=20770#U5cBRXamU40

Special Rapporteur on the right to education, or countries where gross human rights violations persist, such as the Independent Expert on Sudan. Their visits, reports and dialogues contribute hugely to the Council's work, and increasingly also to the Security Council's, with a number of informal briefings held there in recent years.⁷

As a member of the Council, the UK has the voting-power to create new Special Procedures and extend current mandates. The latter can be particularly contentious. In March 2014, a resolution to renew the one-year term of the Special Rapporteur on Iran, a Foreign & Commonwealth Office (FCO) "country of concern",⁸ was by no means guaranteed – the UK was one of 21 votes in favour, with 16 abstentions and nine votes against.⁹

As a Council member in 2007, the UK played a pivotal role in the establishment of a Special Rapporteur on contemporary forms of slavery, filling a key protection gap and expanding the purview of the Council's thematic work. Its draft resolution was co-sponsored by 50 other states and was unanimously adopted.

Recent Council developments

As UN institutions go, the Council is still in its formative years. However a number of positive recent developments give cause for cautious optimism. The UK Foreign Secretary has praised the Council for acting "even where other intergovernmental mechanisms have failed to speak out".¹⁰ The Council has arguably done more to define the international response to the Syrian crisis than the Security Council, which is largely paralysed on this issue by the use and threat of vetoes by China and Russia. There have been 13 Council resolutions condemning the humanitarian and human rights situation in Syria since 2011, compared with the Security Council's five.

Much greater use is being made of the other tools at the Council's disposal too. Of the total of four Commissions of Inquiry (COIs) held to date, two are currently active: one on Syria and another on the Democratic People's Republic of Korea. Both have undertaken groundbreaking work in terms of investigating and documenting violations, in particular those that may amount to crimes against humanity. This could be instrumental to potential future judicial proceedings. There have also been timely Special Sessions convened on a number of emergency situations, including Libya and Côte d'Ivoire, and more creative use of the High Commissioner's powers, for example, the investigation into alleged violations in Sri Lanka agreed in March 2014.

Meanwhile, the Council has also made strides towards addressing some of its major weaknesses in recent years.

Selectivity

The Council has in the past been heavily criticised for its disproportionate focus on Israel and the Occupied Palestinian Territories. It remains the only regional human rights issue to have a standalone item on the Council's agenda and has been the subject of six Special Sessions – more than any other. However, there haven't been any Special Sessions on this issue since 2009, whilst four have been convened on the situation in Syria since 2011, suggesting a possible shift in focus.

Country mandates

Historically, the Council has been reluctant to establish country-specific mandates, but this work has actually expanded in recent years. In addition to the COIs, there are currently 14 country-specific Special Procedures – seven newly created and a further six re-established since 2011.¹¹

7 See Security Council Report, at www.securitycouncilreport.org/monthly-forecast/2014-02/arria-formula_meetings.php

8 FCO, *Human Rights and Democracy: The 2013 Foreign & Commonwealth Office Report*, p. 175, at www.gov.uk/government/publications/human-rights-and-democracy-report-2013/human-rights-and-democracy-report-2013

9 See Office of the High Commissioner for Human Rights (OHCHR), at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/L9

10 FCO, *Human Rights Council Pledges and Commitments*, p.1

11 See OHCHR, at www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx

Elections

Much greater effort has been made to deter the election of states with poor rights records. In 2013, South Sudan lost a Council election in light of widespread condemnation, Iran and Syria withdrew their candidacies after receiving similar pressure and, in 2012, Sudan was successfully dissuaded from running by the African Group and was replaced by Kenya.

Wider foreign policy goals

Membership of the Council can also have a beneficial impact on UK foreign policy goals outside of the human rights realm. The *Foreign & Commonwealth Office's Priority Outcomes for 2014-15* promotes using the UK's soft power to "promote British values and respect for human rights".¹² As UNA-UK's Chairman, Sir Jeremy Greenstock, stated in evidence for the Lords Select Committee on "Soft Power and the UK's Influence", membership of, and influence on, UN bodies is critical to achieving this.¹³

The FCO also states its aim to "Strengthen the UK's relationships with emerging powers". This is particularly relevant to the UK's work on the Council, which relies heavily on cross-regional coalitions to adopt resolutions. The UK Mission in Geneva works hard behind the scenes to build the capacity of emerging states and enable them to play a greater role at the Council, particularly the so-called 'middle ground' states which tend to abstain from voting.

On a related note, there is also a keen awareness that the UK should not be seen to be continually directing Council action. The UK was, for example, particularly pleased to see Djibouti, Nigeria and Somalia co-sponsor a resolution which established a Special Rapporteur on the human rights situation in Eritrea in 2012 - the first time an African state had led Council action on another African state.¹⁴

In addition, the UK's membership of the Council will also serve the FCO's stated aim to "Strengthen the Commonwealth as a focus for promoting democratic values, human rights, climate resilient development, conflict prevention and trade". Eight other Commonwealth members are currently on the Council (see 'Annex A' on page 14 for a full list of the Council's current membership), a prime opportunity for the UK to strengthen these ties for the achievement of mutual objectives.

"There is a keen awareness that the UK should not be seen to be continually directing Council action"

¹² FCO, *Foreign & Commonwealth Office Priority Outcomes for 2014-15*, at www.gov.uk/government/uploads/system/uploads/attachment_data/file/305461/FCO_priorities_14-15.pdf

¹³ House of Lords Select Committee on Soft Power and the UK's Influence, *Oral and Written Evidence - Volume 1*, p.62, at www.parliament.uk/documents/lords-committees/soft-power-uk-influence/soft-power-ev-vol1-a-g.pdf

¹⁴ FCO, *Statement by Foreign Office Minister Jeremy Brown*, 6 July 2012, at www.gov.uk/government/news/human-rights-council-20th-session-concludes

3. Constraints

Whilst it is fair to say that the Council continues to struggle with many of the issues which contributed to the Commission's demise, it is also operating in an environment which is becoming increasingly difficult. Council debates tend to reflect differences in views between those states that assert the universality of human rights and those favouring 'traditional' values or culturally relative interpretations of international law. This global trend of polarisation is also evident in other UN bodies, such as the high-profile Security Council disagreements over action in Libya and Syria.

Council composition

One of the major constraints the UK will face during its term is the composition of the Council.¹⁵ NGOs expressed concern over a significant deterioration following the November 2013 election, when a number of states which traditionally favour non-interference in domestic matters became members of the Council.¹⁶ Signs of their impact are already evident. A Council resolution passed in September 2013 on the situation in Syria was adopted by 40 votes in favour, six abstentions and one against.¹⁷ In contrast, a similar resolution passed in March 2014 had significantly less support with 32 votes in favour, 11 abstentions and four against.¹⁸

Some states have also actively sought to block Council action. In March 2014, in scenes reminiscent of the Commission's darkest years of procedural obstruction, Pakistan sought to halt a resolution on allegations of human rights abuses committed during the civil war in Sri Lanka. Pakistan proposed a 'no action' motion to postpone the vote entirely, and then sought to remove operative paragraph 10 (which called for an independent investigation into the allegations). These efforts were successfully defeated however – evidence of some positive momentum at the Council.

UK human rights record

The UK's own human rights record may also affect its ability to operate effectively at the Council. Indeed, its first session after election (in March 2014), whilst largely positive for the UK, highlighted this potential vulnerability. A fairly modest resolution on "Ensuring use of remotely piloted aircraft in counter-terrorism in accordance with international law" was proposed by Pakistan. It passed but the UK was one of six states to vote against it, saying that it "supports [the Council] being able to discuss any issue legitimately within the scope of its mandate ... However, we do not believe that [the Council] is the appropriate forum to discuss weapons systems on a thematic basis".¹⁹ This reasoning could set a worrying precedent for other states to vote against resolutions based upon effectively a procedural objection.

In January 2014, a UNA-UK roundtable discussion considered the UK's role on the Council and touched upon issues which may be sensitive for the UK during its 2014-16 term (see also 'Priority thematic issues' on page 10).²⁰ A number of the human rights NGOs present agreed that in dealing with such situations, whilst it may cause some embarrassment, it is imperative that the UK does not shy away from actively participating in Council debates in an open and transparent manner.

15 Algeria, China, Cuba, Maldives, Morocco, Russia, Saudi Arabia and Vietnam were elected in November 2013 and joined Ethiopia, Kuwait, Pakistan, United Arab Emirates and Venezuela already on the Council (six of these countries feature as countries of concern in *Human Rights and Democracy: The 2013 Foreign & Commonwealth Office Report*)

16 International Service for Human Rights, *Human rights abusers must not be elected to Human Rights Council, 5 November 2011*, at www.ishr.ch/news/human-rights-abusers-must-not-be-elected-human-rights-council

17 www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Pages/ResDecStat.aspx

18 www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ResDecStat.aspx

19 FCO, *UK Statement on Resolution L32, 28 March 2014*, at www.gov.uk/government/world-location-news/human-rights-council-geneva-uk-statement-on-resolution-l32-28-march-2014

20 Participants of UNA-UK's roundtable included representatives of Amnesty International, Bahá'í Community of the UK, Christian Solidarity Worldwide, Minority Rights Group, René Cassin and Reporters without Borders

On a related note, states will likewise pay attention to the UK domestic debate on human rights. The work of the Commission on a Bill of Rights (COBR), tasked to consider how the European Convention on Human Rights should be enshrined in UK law, coincided with the UK's Council candidacy.²¹ The COBR was raised as a concern by a number of UN human rights mechanisms, including the Committee Against Torture.²² NGOs similarly used the UK's candidacy to highlight the troubling disparity between the UK's positive pledges on the international stage, "while senior members of the same government attack human rights domestically on a regular basis".²³

Similar concerns have been raised with regards to the UK's handling of two recent visits by Special Procedures. The report of the Special Rapporteur on adequate housing resulted in alarming rhetoric from government officials, and the visit of the Special Rapporteur on violence against women attracted controversy when she reported that "despite my repeated requests, a visit to Yarl's Wood immigration detention centre was not facilitated by the Government, and ... access to the Centre was denied, when I tried to visit it independently".²⁴ Both incidents should be considered extremely damaging for the UK, which has itself warned other states regarding non-cooperation with, and measured responses to, the Special Procedures.²⁵

OHCHR resources

The UK may also find that, as the secretariat for the Council, OHCHR's strained resources and limited budget may inhibit the effective action the UK wishes to achieve. Whilst member states are able to mandate functions and activities, they are not required to secure commensurate funding. According to its *Human Rights Appeal 2014*, OHCHR's budgetary requirements for this year are \$240.5 million, only 40 per cent of which will be funded from the UN's regular budget.²⁶ The remainder must be met by extra-budgetary sources, such as member state voluntary contributions, though in 2013 nearly half of those were earmarked for specific activities.

This is particularly pertinent as OHCHR and the Council have both seen a significant expansion in their activities in recent years:

- Since 1997, OHCHR has grown from 190 staff members in 9 locations (e.g. peacekeeping missions) to 1,085 in 59 countries.²⁷
- Council resolutions have more than doubled between 2007 and 2012.²⁸
- Since 2010, the number of Special Procedures has grown from 38 to 58 – last year, they collectively conducted 79 country visits to 66 states and submitted 168 reports.²⁹

In a November 2013 statement in the House of Commons, UN High Commissioner for Human Rights, Navi Pillay, said "Global demand for UN Services to human rights is dangerously outstripping the supply."³⁰

It is clear that OHCHR is underfunded to meet the growing expectations of Council members.³¹ If this situation does not improve, the UK may find this hinders its ability to achieve its objectives for the Council – resolutions may face delays in implementation or require compromise over the desired outcome (e.g. a panel discussion without a formal report can reduce the overall cost by tens of thousands of dollars).³²

The UK itself is a strong financial supporter of OHCHR, and in 2013 gave \$4.7 million in voluntary contributions, making it the 9th largest donor.³³ This was, however, down \$6.2 million and a ranking of 7th in 2012.³⁴ The majority of UK funding comes from the Department for International Development, which assesses all assistance given to UN agencies under its Multilateral Aid Review initiative.³⁵ In 2013 the FCO gave OHCHR an extra £500,000 earmarked for its work on sexual violence, women's rights, business and human rights, torture and slavery.

21 See Ministry of Justice, at www.justice.gov.uk/about/cbr

22 UN Committee Against Torture, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (6–31 May 2013)*, p.3, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2F%2FGBR%2F%2F%2F5&Lang=en

23 Human Rights Watch, UK: 'Passionate about human rights? You'd never know it', 11 November 2013, at www.hrw.org/news/2013/11/11/uk-passionate-about-human-rights-you-d-never-know-it

24 OHCHR, *Special Rapporteur on violence against women finalizes country mission to the United Kingdom and Northern Ireland and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services*, 15 April 2014, at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14514&LangID=E

25 FCO, *Human Rights and Democracy: The 2013 Foreign & Commonwealth Office Report*, p. 287

26 OHCHR, *United Nations Human Rights Appeal 2014*, p.44, at www.ohchr.org/Documents/AboutUs/UNHumanRightsAppeal2014.pdf

27 OHCHR, *Human Rights Appeal 2014*, p.50

28 UNA-UK, *Factsheet on the Office of the High Commissioner for Human Rights*, at www.una.org.uk/sites/default/files/Fact%20sheet%20on%20the%20Office%20of%20the%20High%20Commissioner%20for%20Human%20Rights.pdf

29 OHCHR, *United Nations Special Procedures Facts and Figures 2013*, pp.7–13, at www.ohchr.org/Documents/HRBodies/SP/Facts_Figures2013.pdf

30 OHCHR, *Statement by UN High Commissioner for Human Rights Navi Pillay at the Meeting of the All-Party Parliamentary Human Rights Group*, House of Commons, London, 6 November 2013, at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13972&LangID=E>

31 In December 2013, UNA-UK conducted a campaign urging Sir Mark Lyall Grant, UK Ambassador to the UN, to resist slated cuts of over \$8 million to OHCHR's budget (ultimately the budget was cut by less than \$1 million). In response, Sir Mark said "The UK is committed to ensuring adequate funding is provided, while of course striking a balance between sound financial management and cost effectiveness"

32 See OHCHR, at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/25thSession/Documents/HRC%20PBI%20cost%20examples.pdf>

33 OHCHR, *United Nations Human Rights Appeal 2014*, p.48

34 See OHCHR, at www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributionsToOHCHR2012.pdf

35 Department for International Development, *OHCHR 2013 Summary Assessment*, at www.gov.uk/government/uploads/system/uploads/attachment_data/file/264361/OHCHR-2013-summary-assessment.pdf

4. Priority thematic issues

“These issues are key battlegrounds in the universal rights vs. traditional values debate”

Participants in UNA-UK’s roundtable discussion considered which thematic issues are likely to feature on the Council’s programme of work in the coming months, and what impact these issues may have on the UK’s role on the Council.

Freedom of expression/privacy online

Having gradually built momentum in recent months, culminating in a resolution at the GA’s Third Committee (which deals with human rights) in November 2013,³⁶ the UK will likely need to tackle this issue during its term on the Council and ensure it does not get lost in wider UN discussions on internet governance.

Post-2015 development agenda

With a future set of development goals due to be adopted by the General Assembly in 2015, the Council may be expected to take a position on how human rights should feature within the new framework.

Gender and lesbian, gay, bisexual, transgender, intersex rights

These issues are seen as two key ‘battlegrounds’ in the universal rights versus traditional values debate. Gains made at the Council to date are potentially vulnerable to regression and should be protected.

Freedom of religion or belief

With serious ongoing repression of religious minorities around the world, the UK has a strong track record as a vocal advocate for this issue at the Council. This work has particularly benefitted from the leadership of Baroness Warsi, Senior Minister of State at the FCO with responsibility for the UN and Minister for Faith and Communities.

Press freedom and protection of journalists

This area is of growing concern and has been the subject of a number of resolutions and reports (it was also the subject of a panel discussion at the Council’s June 2014 session). This issue should be considered under both the right to freedom of expression and the right to life.

³⁶ UNA-UK, *UN expert calls for greater transparency in drone operations*, 20 March 2014, at www.una.org.uk/news/14/03/un-expert-calls-greater-transparency-drone-operations

Business and human rights

Renewing and strengthening the mandate of the relevant UN Working Group, and reviewing how the Council responds to the outcomes of the annual Forum on Business and Human Rights will be particularly important to addressing this issue. The UK is a leader on this issue at the Council as one of only a handful of countries to have published a business and human rights action plan.

A number of thematic issues were also raised as being particularly relevant to the UK's human rights record:

Freedom of expression/privacy issues

Ongoing concerns around the UK's Communications Data Bill, revelations of the Government Communications Headquarters' surveillance programmes and sales of surveillance technology (and arms) to the FCO's identified countries of concern may weaken the UK's position on these issues at the Council.

Torture and rendition

It is important the UK respond appropriately to these allegations so that it can continue to speak out on this subject at the Council, particularly with regard to the rights of victims. Though the UK Government faces serious allegations regarding its involvement in cases of torture and rendition, it has previously been seen as a champion for this issue.

Immigration/detention policies

The UK, along with a number of other EU states, may face criticism of its immigration and detention policies, an issue which was raised by a number of states during its 2012 UPR session.

Counter-terrorism measures

Elements of the three issues above, as well as concerns around the UK's policy on the use of unmanned combat aerial vehicles,³⁷ may arise in Council debates around protecting human rights whilst countering terrorism.

³⁷ UNA-UK, *UN expert calls for greater transparency in drone operations*, 20 March 2014, at www.una.org.uk/news/14/03/un-expert-calls-greater-transparency-drone-operations

5. Conclusion and recommendations

Whilst there are some significant issues the UK will need to confront during its 2014-16 term on the Council – both in relation to its own rights record and to external forces which may ultimately be outside of its control – on balance the outlook is fairly positive with the potential for progress on UK priorities and strengthening human rights protection more generally.

At times unwelcoming and unwieldy, the Council is an intergovernmental, and therefore political, body. Though not always convenient, other member states continue to look to the UK to take the lead and set an example at the Council.

Therefore UNA-UK recommends that the UK's role at the Council is focused on *strengthening mechanisms* to better enable it to address human rights violations, *leading by example* in order to elevate the expectations of Council membership and *stimulating change on the ground*, to meet the Council's stated purpose of protecting and promoting human rights worldwide.

Strengthening mechanisms

The UK should seek to strengthen the Council's mechanisms – in particular the UPR and Special Procedures – to improve Council effectiveness and support UK objectives. UNA-UK encourages the UK to:

- Call for a pooled voluntary fund for the Special Procedures – enabling OHCHR to distribute funds where needed
- Seek to increase the term-limits of country-specific Special Procedures from one to three years, the same as for thematic-mandate holders
- Establish guidelines on expected levels of state cooperation with Special Procedures, such as issuance of visas, access to all requested sites and prompt responses to communications
- Formalise a set of 'minimum standard' questions that must be asked during all UPR sessions
- Formalise the Council's response to non-cooperation with the UPR, something which was critically lacking when Israel withdrew from engagement with the Council and the UPR in 2013 (it subsequently participated)
- Call for the provision of a written response to each UPR recommendation, ideally prior to the adoption of the report
- Strengthen links between and cooperation with the Council and other relevant UN bodies, particularly the Security Council and GA's Third Committee

Leading by example

The UK should build upon its reputation as a leader in human rights and leverage it to promote Council best practice in the following ways:

- Signal its intent to ratify the two core human rights treaties it is not yet a party to – the Convention on Enforced Disappearances and the Convention on the Rights of Migrant Workers – as well as the various optional protocols (individual complaint procedures), and

withdraw any outstanding reservations to the seven other core human rights treaties (see 'Annex B' on page 15 for a summary of the UK's status under each of the nine core human rights treaties)

- Submit timely reports to the treaty bodies (committees) which review compliance with the core human rights treaties to which the UK is a party make and these publicly accessible
- Demonstrate what steps are being taken to implement UPR, Special Procedures and treaty body recommendations
- Engage constructively with the UK's own UPR both at the Council session and through implementation in the UK, including dialogue with Parliament and NGOs
- Publically support the independence and mandated powers of the High Commissioner for Human Rights, particularly as Navi Pillay's successor, Prince Zeid, takes over in September 2014
- Maintain its standing (open) invitation to visits by the Special Procedures and ensure positive engagement with these mechanisms at all times
- Remove earmarks from funding wherever possible
- Nominate well-qualified human rights experts to vacant treaty body or Special Procedures positions, from wherever they hail
- Ensure there is a positive domestic debate on the value of human rights, support domestic human rights institutions and NGOs, and provide information and training for UK citizens on UN human rights mechanisms
- Monitor the areas covered in 'Priority thematic issues' and take progressive positions in relevant statements and discussions

Stimulating change on the ground

The UK should ensure the council does not lose sight of its main aim to protect and promote human rights through securing tangible outcomes, and should seek to:

- Support OHCHR's efforts to build the capacity of NGOs in other states, protect civil society space and facilitate their participation in Council sessions
- Address the difficulties and threats faced by NGOs and human rights defenders (HRDs) in engaging with UN bodies, such as by providing protection assurances (e.g. video conferencing), and by seeking follow up to the Council's September 2013 resolution calling for a UN-wide focal point on the issue of reprisals against HRDs
- Improve the coordination of the Council's country-specific work with that of OHCHR's 59 country presences
- Increase the Council's focus on mandating technical assistance and capacity-building for member states
- Encourage states to cooperate with the Special Procedures, COIs and other human rights investigations

Annex A

Human Rights Council membership as of 1 January 2015

AFRICAN STATES	ASIA-PACIFIC STATES	EASTERN EUROPEAN STATES	LATIN AMERICAN & CARIBBEAN STATES	WESTERN EUROPE & OTHER STATES
Algeria	Bangladesh	Albania	Argentina	France
Botswana	China	Estonia	Bolivia	Germany
Republic of Congo	India	Latvia	Brazil	Ireland
Côte d'Ivoire	Indonesia	Montenegro	Cuba	Netherlands
Ethiopia	Japan	Russia	El Salvador	Portugal
Gabon	Kazakhstan	The Former Yugoslav Republic of Macedonia	Mexico	United Kingdom
Ghana	Maldives		Paraguay	United States
Kenya	Pakistan		Venezuela	
Morocco	Qatar			
Namibia	Republic of Korea			
Nigeria	Saudi Arabia			
Sierra Leone	United Arab Emirates			
South Africa	Vietnam			

Annex B

UK human rights 'report card' (correct as of December 2014)

Treaty	Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Covenant on Economic, Social and Cultural Rights (CESCR)	Covenant on Civil and Political Rights (CCPR)	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	Convention on the Rights of the Child (CRC)	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)	Convention on the Rights of Persons with Disabilities (CRPD)	Convention for the Protection of all Persons from Enforced disappearance (CED)
Year signed	1966	1968	1968	1981	1985	1990	Not signed	2007	Not signed
Year ratified	1969	1976	1976	1986	1988	1991	Not ratified	2009	Not ratified
Reservations?	None	Four reservations	Six remaining reservations, one under review	Three remaining reservations, one under review	One reservation	None	N/A	Three reservations	N/A
Allows individual complaints?	No	No	No	Yes	No	No	N/A	Yes	N/A
Treaty body examinations	Last examined in 2011, next expected 2015 or later*	Last examined in 2009, next expected 2016 or later*	Last examined in 2008, next to be held in July 2015	Last examined in 2013, next expected 2018 or later*	Last examined in 2013, next expected 2018 or later*	Last examined in 2008, expected 2015 or later*	N/A	The UK's first examination expected 2015 or later*	N/A
Last state report submitted on time?	Due April 2006, submitted March 2010	Due June 2014, submitted June 2014	Due July 2012, submitted November 2012	Due May 2011, submitted June 2011	Due January 2008, submitted September 2011	Due January 2014, submitted May 2014	N/A	Due July 2011, submitted November 2011	N/A
Lead government department	Communities and Local Government	Ministry of Justice	Ministry of Justice	Home Office – Government Equalities Office	Ministry of Justice	Department for Education	N/A	Department of Work and Pensions – Office of Disability Issues	N/A

*precise dates not yet known

Established at the 2005 World Summit, the Human Rights Council is the main UN forum responsible for the promotion and protection of human rights. As an intergovernmental body made up of 47 member states, the Council sets international standards, exposes gross violations of human rights and facilitates technical assistance to UN member states.

Having previously served two terms on the Council, the UK was re-elected in November 2013 for the 2014-16 term. This report sets out what opportunities and constraints the UK is likely to face during this period and provides recommendations for the UK's role on the Council, focussing on strengthening mechanisms, leading by example and stimulating change on the ground.

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