

Submission to the Joint Committee on Human Rights on follow-up to the
UK's Universal Periodic Review (UPR) by the UN Human Rights Council in 2012

Summary of recommendations

UNA-UK encourages the UK government to:

- Ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families¹
- Ratify the UN Convention for the Protection of All Persons from Enforced Disappearances²
- Ensure changes to the Equality and Human Rights Commission do not affect the body's independence or risk its classification as an 'A status' National Human Rights Institution
- Remove the final three reservations to the UN Convention on the Rights of Persons with Disabilities³ or amend them to interpretive declarations⁴
- Give wider consideration to right to petition mechanisms
- Sign and ratify ILO Convention No. 189 on the rights of domestic workers⁵
- Devise an application procedure which recognises the status of stateless persons

UNA-UK encourages the Joint Committee on Human Rights to:

- Provide information on how it intends to monitor implementation of the UK's 2012 UPR and to engage with the process on an ongoing basis
- Suggest ways in which UNA-UK and other civil society actors could support the Committee's work in this regard

United Nations Association – UK (UNA-UK)

1. 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, education and grassroots initiatives. A registered charity (charity no. 1146016), UNA-UK is independent of the UN system and receives no funding from it. This enables us to be critical of the UN's activities when we need to be and to call for the organisation to be reformed so that it is better equipped to fulfil its fundamental functions.

2. UNA-UK is strictly non-party political. Our office in London provides policy expertise to a range of partners and produces resources for our members, supporters, branches and youth groups. It maintains an ongoing dialogue with UK government ministers, parliamentarians and the media on issues relating to the UN and acts as the Secretariat to the UN All-Party Parliamentary Group.⁶ UNA-UK also contributes to

¹ www2.ohchr.org/english/law/cmw.htm

² www2.ohchr.org/english/law/disappearance-convention.htm

³ www.un.org/disabilities/convention/conventionfull.shtml

⁴ www.un.org/disabilities/default.asp?id=475

⁵ www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:2551460

⁶ www.una.org.uk/un-appg

the Foreign & Commonwealth Office's Human Rights Council (HRC) stakeholder group, which meets before each HRC session.

The Universal Periodic Review

3. The Universal Period Review (UPR) – a peer-review process by which the human rights records of every country are regularly reviewed – was established in 2006 as one of the key features of the newly-formed Human Rights Council. It was intended to bring a greater degree of scrutiny and accountability to the new body, and to reduce the selectivity that had dogged the Council's predecessor. Each state is reviewed by a 'troika' of its peers, on the basis of three sources: a national report put forward by the state in question⁷, a compilation of UN information on the country⁸ (such as which conventions it has ratified, treaty-body reports etc.) and a summary of information provided by other stakeholders⁹ (such as national human rights institutions and NGOs). Its first four-year cycle saw an unprecedented 100% participation rate from all UN member states.

4. The UK was one of the first states to be reviewed by the mechanism in 2008. With the second cycle now underway, the UK faced its second review in May this year. During the three-hour session, the UK delegation, led by Lord McNally, Minister of State for the Ministry of Justice, presented its national report and responded to questions by 60 delegations, from which there were a total of 132 recommendations¹⁰ (a significant increase from the 28 submitted in 2008). The UK submitted a comprehensive response to its second UPR at the 21st session of the Council on 20 September 2012, in which of the 132 recommendations it accepted 73, accepted in part 18, did not accept 40 and rejected one as outside the scope of the UPR.¹¹

5. In line with guidance for NGOs circulated by the Office of the UN High Commissioner for Human Rights, which recommends that NGOs publicise the outcomes of the UPR and work with their legislative bodies to ensure follow-up to it, UNA-UK wishes to communicate the following recommendations to the Joint Committee and asks for its support in the monitoring of UPR implementation.

Recommendations

6. As a state which has been instrumental in shaping the human rights laws and norms recognised today, the UK should continue to lead by example and ratify the final two core human rights conventions which it has not yet signed. UNA-UK believes that ratifying all nine core conventions would demonstrate the UK's commitment to human rights; send a strong message to other states on the importance of international obligations; support the UK's 2014 Human Rights Council candidacy; and contribute to the strengthening of the UPR process.

7. UNA-UK therefore calls on the UK to sign and ratify the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which provides coverage of the most basic human rights to millions of migrant workers

⁷ www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx

⁸ www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx

⁹ www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx

¹⁰ www.ohchr.org/EN/HRBodies/UPR/Pages/gbsession1.aspx

¹¹ www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx

worldwide who often lack any legal protection. The UK has the opportunity to become the first EU country to adopt the Convention, and to work with its EU partners on incorporating its provisions into European and domestic legislation.

7. UNA-UK also calls on the UK to sign and ratify the 2006 UN Convention for the Protection of All Persons from Enforced Disappearances. The UK has not yet done so despite having been involved in drafting the Convention, and despite having accepted a recommendation to do so as part of its 2008 UPR. The Convention has just 34 parties to date and prioritising ratification would demonstrate that the UK recognises enforced disappearance as a serious breach of human rights. UNA-UK welcomes the UK's stated intention to make further progress towards ratification by the time of its mid-term review in 2014 and asks that it makes public its initial assessment of those areas of domestic law which would require amendment.

8. Noting recent reforms to the Equality and Human Rights Commission's mandate, functions and structure, and amendments to the 2006 Equality Act, UNA-UK supports the UPR recommendations which call on the UK to ensure that this process does not affect the independence of the Commission.¹² UNA-UK is particularly concerned that these changes could result in the Commission losing its classification as an 'A status' National Human Rights Institution (NHRI), which is granted to bodies considered to be fully compliant with the Paris Principles.¹³ The Principles stipulate that NHRIs must be given as "broad a mandate as possible", clearly set out in a legislative text; 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". In June 2011 Rosslyn Noonan, Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights wrote to Rt. Hon Theresa May MP and Lord McNally regarding their concerns on this issue. UNA-UK looks forward to positive progress being made on this issue, including the implementation of any recommendations received from the International Coordinating Committee and the Office of the High Commissioner for Human Rights. Given the UK's 2014 HRC candidacy and how closely it is watched by other states, losing the 'A status' of one of its three NHRIs could risk tarnishing its reputation as a leader on the Council.

9. UNA-UK commends the UK for removing its reservation to Article 12.4 of the UN Convention on the Rights of Persons with Disabilities (CRPD) in December 2011. We support the UPR recommendations urging the UK to review, with a view to withdrawing, its remaining three reservations, and to strengthen data collection related to the monitoring of disability hate crimes. Whilst UNA-UK welcomes the UK government's regular review of this issue, UNA-UK believes that the reservations to Articles 18, 24 and 27 are not necessary, that they could impact negatively on the mainstreaming of disability rights, and that the UK's concerns regarding these provisions could be adequately addressed through interpretive declarations, as states with similar concerns have done.

10. UNA-UK also commends the UK's recent ratification of the Optional Protocol to the CRPD.¹⁴ We hope that this signals a more general shift in the UK's position on the right to petition within the international human rights framework, and that other vital

¹² www.homeoffice.gov.uk/media-centre/news/ehrc-reform

¹³ www2.ohchr.org/english/law/parisprinciples.htm

¹⁴ www2.ohchr.org/english/law/disabilities-op.htm

petition mechanisms will now be given consideration. As the UK's experience with the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women has shown, these mechanisms give the highest consideration to domestic remedies.

11. UNA-UK strongly supports the UPR recommendation that the UK ratifies ILO Convention No. 189, which aims to protect the 50-100 million domestic workers in private households worldwide, where conditions can be akin to modern slavery. Introduced in April 2011, this treaty is considered a landmark in the field of workers' rights but has only been ratified by one country, Uruguay. 15,000 domestic workers enter the UK every year but as of April 2012, those in private households may stay for just six months (or a maximum of five years in diplomatic households) and are unable to change their employer once in the UK, making them vulnerable to abuse.¹⁵ UNA-UK notes the UK's official response to this recommendation and urges the UK to reconsider ratifying the convention, which affords much wider (and much-needed) protection for domestic workers than the provisions on health and safety. If these provisions are of particular concern to the UK, UNA-UK recommends that it considers ratification of the convention with a 'flexibility clause', which enables states to apply only certain parts of an ILO instrument.¹⁶

12. Lastly, UNA-UK urges the UK government to devise a dedicated procedure to which individuals can apply to be recognised as stateless. This lacuna, which was raised during the UPR, risks undermining the unique protection needs of stateless individuals, many of whom are denied permission to stay in the UK but also have no state to which they can be returned. UNA-UK recognises that immigration is a sensitive area of policy but encourages the UK to review its current arrangements to ensure they are in line with its obligations under the 1954 UN Convention on the Status of Stateless Persons.¹⁷

Follow-up to the UK's UPR in Parliament

13. UNA-UK looks to the Joint Committee on Human Rights to drive the human rights agenda in Parliament, and to lead on parliamentary oversight of the UK's international human rights obligations. As such, we would be grateful for a response from the Committee as to how it intends to monitor implementation of the UK's 2012 UPR and its plans for engagement with the UPR process on an ongoing basis.

14. Mindful that NGOs and the public also have a role in taking these issues forward, UNA-UK intends to work with the All-Party Parliamentary Group on the UN on follow-up to the UPR, and will disseminate these recommendations to its grassroots network of members and supporters. We would also welcome suggestions on how UNA-UK and other civil society actors could support this Committee in this important area.

¹⁵ www.ukba.homeoffice.gov.uk/visas-immigration/working/othercategories/domesticworkers/

¹⁶ www.ilo.org/global/standards/introduction-to-international-labour-standards/international-labour-standards-creation/lang--en/index.htm

¹⁷ www2.ohchr.org/english/law/stateless.htm