



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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23 October 2017

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the United Kingdom of Great Britain and Northern Ireland and welcome your Government's constructive engagement during the 27th session of the UPR Working Group in early May 2017.

As the final outcome report on the review of the United Kingdom was recently adopted by the Human Rights Council at its 36th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation on the United Kingdom and the summary of stakeholders' submissions on the United Kingdom – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 92 countries, the United Kingdom's presentation and responses, and the action taken by the Government to implement the 91 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I am particularly encouraged by the Government's commitment to follow up to the recommendations by preparing an update on up to 5 recommendations by May 2018 and to submit a mid-term report on all recommendations by May 2019, and I welcome the announcement in the UPR Working Group that the Government has no plans to withdraw from the European Convention on Human Rights. I encourage the United Kingdom to ensure that the proposal to replace the Human Rights Act 1998 with a new British Bill of Rights or any legislative modification does not lead to decreased levels of human rights protection but maintains and better improves the level of human rights protection provided by this Act. This may be obtained, *inter alia*, through meaningful and broad public consultations with civil society and the inclusion of all stakeholders - in particular women, minorities and vulnerable groups - on the proposal to revise its human rights legislation.

I also encourage the United Kingdom to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate preparations for the fourth cycle of the UPR. The development of such a plan should include consultations with all stakeholders, in particular the NHRIs and civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner (OHCHR).

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H.E. Mr. Boris Johnson
Secretary of State for Foreign and Commonwealth Affairs
United Kingdom of Great Britain and Northern Ireland



I encourage efforts towards strengthening the national mechanism for comprehensive follow up and reporting in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to the United Kingdom of Great Britain and Northern Ireland the use of the practical guide that my Office released in 2016 on this topic and which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I congratulate the United Kingdom in this regard for submitting mid-term reports during the first and second cycles as well as its commitment to prepare a third mid-term report I encourage the the United Kingdom of Great Britain and Northern Ireland to submit a mid-term report for the third cycle, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist the United Kingdom to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Accede to the human rights conventions and protocols to which is not yet party, including ILO Convention 189, ILO Convention 169, OP-ICESCR, ICPED, ICRMW, ICCPR-OP1, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
- Accept the right of individual petitions within human rights treaties, which reinforces and complements national and regional mechanisms (including the Optional protocol to the CRC on a communications procedure, and the complaint mechanisms under article 22 of the CAT); Review and lift the reservations made to international human rights treaties (such as the ones made for ICESCR, ICCPR, CERD, and the OP-CRC-AC).

National human rights framework

- Strengthen cooperation with human rights bodies mainly by ensuring that all regions, particularly the devolved governments, participate fully in human rights monitoring mechanisms. Civil society should be fully consulted by the State, particularly devolved governments. Implementation of human rights recommendations from UN and regional mechanisms should be done taking into consideration the opinion of civil society and its role in supporting the decision making process;
- Ensure that the proposal to replace the Human Rights Act 1998 with a new British Bill of Rights or any legislative modification does not lead to decreased levels of human rights protection but maintains and better improves the level of human rights protection provided by this Act. This should be obtained inter alia, through meaningful and broad public consultations with civil society and the inclusion of all stake holders - in particular women, minorities and vulnerable groups - on the proposal to revise its human rights legislation;
- Continue the State's engagement in open and inclusive public debates on ensuring the most effective domestic implementation of international and regional human rights standards, with full account of universally guaranteed rights and freedoms;
- Establish a national human rights action plan, including concrete actions to implement United Nations recommendations, with concrete timelines, benchmarks of success, following consultations with all national stakeholders, including civil society organizations;
- Strengthen the independence and allocate necessary resources to the Commissioners in all jurisdictions and ensure them being accountable to the legislatures rather than to government departments;
- Ensure the full applicability, implementation and integration of provisions of ratified international treaties under its national legal framework. Parliament may



take advantage of the recommendations by treaty-bodies in this respect, and the Government and State institutions may benefit from the expertise of treaty-body experts and Special Procedures.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Combat discrimination, racism, xenophobia and Islamophobia, and discrimination against migrants and against members of racial, religious and ethnic minority groups should be prioritised. Ensure the principles and provisions of the Convention on the Elimination of All Forms of Racial Discrimination are directly and fully applicable under domestic law. Ensure the implementation of an integration strategy for Gypsies, Travellers and Roma;
- Strengthen effective legislative and judicial measures regarding hate crime, prosecute perpetrators of hate crimes against vulnerable groups and social minorities, enhancing at the same time surveillance and protection measures for these minorities. Curb incitements of hatred in the mass media, condemn racist rhetoric and hate speech, apply inclusion measures and disseminate a culture of dialogue and cooperation among religions and civilizations.

Development, the environment, and business and human rights

- Consider aligning its corporate criminal liability regime with international human rights law in order to ensure accountability and effective remedy for victims of serious human rights abuses involving the operations of United Kingdom companies abroad. Ensure accountability for human rights abuses and environmental damage resulting from global operations of United Kingdom companies and ensuring that leaving the European Union does not lower the level of protection of human rights, including protection against the impacts of toxic pollution.

Human rights and counter-terrorism

- Ensure that counter-terrorism measures - including the use of force - are compatible with human rights law and standards, reviewing in general those measures which target individuals or groups based on race, ethnic background or religion, and particularly: a) Ensuring that the planned counter-extremism bill is in compliance with international law and b) Reviewing the "Prevent" strategy which focuses on individuals and groups that appear contrary to the British values of democracy, pluralism and tolerance, and who are seen as being predisposed to respond to terrorist ideologies. Set in place effective monitoring mechanisms for counter-terrorism measures and safeguards against abuse. Oversight mechanisms should be strengthened (including regular independent reviews) to assess and ensure that counter-terrorism measures do not have a discriminatory or stigmatizing impact, improving at the same time the independence and transparency of the current national security oversight mechanism. Take into



account the observations made by Special Procedures and Treaty Bodies in order to establish an independent evaluation mechanism of the anti-terrorist strategy, which evaluates its human rights implications and to review their counter-terrorism operations to ensure that they comply fully with the State's international obligations.

B. Civil and political rights

Right to life, liberty and security of person

- Take measures to prevent and stop human trafficking such as allowing victims to access a fair trial, adopting a victim-centred comprehensive national framework against trafficking, investigating thoroughly incidents of trafficking and ensuring perpetrators are punished, reinforcing at the same time the national referral mechanism to identify and assist victims properly and monitoring the implementation of the 2015 Modern Slavery Act.

Administration of justice, including impunity, and the rule of law

- Ensure any limitations on fair trial guarantees based on national security grounds are fully compliant with human rights standards and that the use of "closed material procedures" in cases involving serious human rights violations does not create obstacles to establishing State responsibility, and ensure these procedures are not expanded to ordinary civil courts. Ensure independent, impartial, prompt and effective investigations on conflict-related serious human rights violations in Northern Ireland, with attention to instruments that might capture the more "structural" dimension of violations and abuses in order to determine whether these were part of a pattern reflecting a policy under the responsibility of institutions with identifiable chains of command.

Right to privacy and family life

- Ensure the regulation on surveillance does not violate the right to privacy, bringing legislation concerning communication surveillance in line with international human rights standards and requiring a test of necessity and proportionality. Halt the process of the Investigatory Powers Bill and desist from bulk surveillance and bulk communications interference, which are inherently disproportionate with human rights to privacy and freedom of expression. Guarantee that under no circumstances journalists, members of the media, or civil society organizations who have access to classified information on an alleged violation of human rights be subjected to intimidation and subsequent punishment. Revise the Data Retention and Investigatory Powers Act 2014, to ensure access to communications data is limited to the extent strictly necessary for prosecution of the most serious crimes and is dependent upon prior judicial authorization.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Strengthen measures for the eradication of poverty and ensure welfare of all segments of society in an inclusive manner by inter alia: assessing the and evaluating the impact of welfare reforms in access of most vulnerable persons to their economic, social and cultural rights; providing more targeted social policies to help disadvantaged families; reinforcing the current legal norms on equality, including its Equality Act; providing better social services to groups in vulnerable situations; and considering along with stakeholders the possibility of a universal basic income.

D. Rights of specific persons or groups

Women

- Address more effectively discrimination against women in political, economic and social spheres, through paying a priority attention to gender equality, eliminating discriminatory practices in the labour market, considering efficient means of following-up on reports made by employers on gender pay gap, and using more prescriptive temporary special measures to improve the representation of women in the public and private sectors, in particular on company boards, and in the political life;
- Continue efforts to combat violence against women and domestic violence, adopting national legislation to ensure all cases of domestic violence are thoroughly investigated and perpetrators prosecuted, ensuring a holistic and human rights-based approach to respond and prevent violence against women and girls, effectively combating sexual exploitation and crimes and including penal sanctions for perpetrators of acts of forced marriage and non-protection against female genital mutilation. Adopt a comprehensive national framework to combat trafficking in women and girls.

Children

- Abolish the imposition of life imprisonment for minors, unconditionally forbid children from taking part in hostilities and raise the age of criminal responsibility in accordance with acceptable international standards. Implement comprehensive multi sectoral strategies on child exploitation and abuse, complete the investigation on numerous cases of sexual violence against children perpetrated by the high level officials and bring the perpetrators to justice;
- Ensure corporal punishment is explicitly prohibited in all schools, educational institutions, and all other institutions and forms of alternative care, reconsidering its position on the legality of corporal punishment and prohibiting it in all settings including in the family, through inter alia the repeal of all legal defences such as "reasonable chastisement". Bring domestic legislation in line with the Convention on the Rights of the Child, including reviewing the 2016 Immigration Act. Enhance child protection by mainstreaming child-sensitive risk and vulnerability strategies into its National Adaptation Programme and undertaking an assessment of the impact of the welfare reform on children from disadvantaged families.



Migrants, refugees, asylum seekers and internally displaced persons

- Incorporate a prohibition for indefinite detention of migrants, and introducing time limits for the detention of migrants and asylum seekers, ensure such detention is not used in the case of vulnerable individuals or groups, and introduce periodic, automatic judicial oversight of the continuation of a person's immigration detention. Implement recommendations of the Working Group on Arbitrary Detentions and the Human Rights Committee on detention of asylum seekers and migrants, also guaranteeing migrant's right to freedom of movement and the full and immediate access to independent medical personnel and legal representation. Ensure that transfer of detainees to another country is clearly prohibited when there are substantial grounds for believing the detainee would be in danger of being subjected to torture.
- Review the Immigration Act 2016 in order to ensure its compatibility with the Convention on the Rights of the Child and ensuring that family reunification for child asylum seekers relocated to the United Kingdom or who have been recognised as refugees is established.