



8 September 2017

### **Joint Submission to the House of Lords Select Committee on Citizenship and Civic Engagement**

1. This submission is from a coalition of organisations that monitor and promote the full implementation of human rights treaties ratified by the UK: [Just Fair](#), [Children's Rights Alliance for England](#), [Alliance for Inclusive Education](#), [Inclusion London](#), [Women's Resource Centre](#) and the [British Institute of Human Rights](#).
2. We welcome the House of Lords Select Committee on Citizenship and Civic Engagement inquiry into civic engagement, social cohesion, citizenship education, participation, rights and responsibilities. We are particularly pleased that, among other issues, the Select Committee seeks evidence about additional formal rights and responsibilities beyond the existing legal framework, whether they should have force of law, and how they should be monitored and/or enforced (question no. 3). This submission focuses on this question.

### **Bringing international human rights home**

3. The UK has ratified a number of international [treaties](#) that proclaim human rights: International Convention on the Elimination of All Forms of Racial Discrimination (binding since 1969), International Covenant on Economic, Social and Cultural Rights (1976), International Covenant on Civil and Political Rights (1976), Convention on the Elimination of Discrimination Against Women (1986), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (1986), Convention on the Rights of the Child (1991) and Convention on the Rights of Persons with Disabilities (2009). The UK has also ratified other human rights-related protocols and regional treaties at the European level.
4. Although the majority of these rights have not been incorporated into national law, the UK is still bound by the obligations set out in the treaties voluntarily ratified under international law (Articles 26 and 27 of the [1969 Vienna Convention on the Law of Treaties](#)).
5. Together, these treaties constitute what is known as the international bill of human rights. The significance of the international bill lies in setting out the

rights that every individual is entitled to regardless of their place of birth or residence.

6. The UK is monitored on how well it is implementing these rights by periodic reporting to the various UN treaty monitoring bodies. The organisations signing this submission gathered and submitted evidence and engaged constructively with government and UN officials in reviews concluded in 2016 and 2017 by the Committee on the [Rights of the Child](#), the Committee on the Elimination of [Racial Discrimination](#), the Committee on [Economic, Social and Cultural Rights](#), the Committee on the Elimination of All Forms of [Discrimination Against Women](#) and the Committee on the [Rights of Persons with Disabilities](#). The signatory organisations also gathered and submitted evidence in the Joint Shadow Report of the [Universal Periodic Review](#) in 2017.
7. It is crucial that **the UK Governments treats all international human rights obligations and recommendations from independent human rights bodies equally and, working constructively with civil society, take concrete steps to address the concerns raised by the UN treaty monitoring bodies following examination of the UK.**<sup>1</sup>
8. **The UK Government should also allow and empower individuals to submit [complaints](#) to independent international human rights committees after exhausting domestic remedies.** In particular, we encourage the UK Government to sign and ratify the 1966 Optional Protocol to the International Covenant on Civil and Political Rights, the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the 2011 Third Optional Protocol to the Convention on the Rights of the Child. The UK should also accept the jurisdiction of the UN Committee on the Elimination of Racial Discrimination and the Committee Against Torture.
9. The 3<sup>rd</sup> UN Universal Periodic Review (UPR) of the UK took place in May 2017, when the UK government received [227 recommendations](#) from other countries in the UN Human Rights Council in relation to its human rights obligations.<sup>2</sup> At the end of September the Government will be expected to inform the UN what recommendations will be voluntarily accepted by the UK. These recommendations will have to be implemented in the following years. **By accepting and implementing as many recommendations as possible, the UK would present itself before the international community as an open and advanced society, and the Government would contribute to strengthen the UN human rights system. The plan to implement these recommendations should include a mid-term report to assess process and ensure opportunities for engagement with civil society.**
10. The [European Convention on Human Rights](#) is the only human rights treaty that has been built into the national legal framework through the [Human Rights Act](#)

---

<sup>1</sup> Committee on the Rights of Persons with Disabilities (August 2017, UN doc. CRPD/C/GBR/CO/1); Committee on the Elimination of Racial Discrimination (2016, UN doc. CERD/C/GBR/CO/21-23); Committee on the Rights of the Child (2016, UN doc. CRC/C/GBR/CO/5); Committee on Economic, Social and Cultural Rights (2016, UN doc. E/C.12/GBR/CO/6); Human Rights Committee (2015, UN doc. CCPR/C/GBR/CO/7); Committee on the Elimination of Discrimination Against Women (2013, UN doc. CEDAW/C/GBR/CO/7); Committee Against Torture (2013, UN doc. CAT/C/GBR/CO/5). Find the reports (concluding observations) [here](#).

<sup>2</sup> [Report](#) of the Working Group on the UPR of the UK, 2017, UN doc. A/HRC/36/9.

[1998 \(HRA\)](#). The HRA is the primary law that safeguards everyone's fundamental human rights in the UK and it places a duty on the public sector to comply with human rights set out in the Act. Its protection is essential for children and vulnerable adults, who depend heavily on public services. **The UK Government must put an end to the threat of scrapping the Human Rights Act and withdrawing from the European Convention or restricting its application in any way.**

11. The withdrawal from the European Union should not constitute a backdoor regression for human rights and equality in the UK. In particular, we hope that in the parliamentary process the **EU Withdrawal Bill will be amended to incorporate the rights contained in the EU Charter of Fundamental Rights into UK law.**

### **Civic engagement and the human right to participate actively in society**

12. Active participation is essential in an open and engaged society. The principle of active participation is a defining attribute of citizenship rights and cuts across the global human rights regime.<sup>3</sup>
13. As summarised effectively by the UN Special Rapporteur on Extreme Poverty and Human Rights, participation rights have a key role in promoting and protecting active citizenship: *"Through meaningful and effective participation, people can exercise their agency, autonomy and self-determination. Participation also limits the capacity of elites to impose their will on individuals and groups who may not have the means to defend their interests. Conceived as a right, participation is a means of challenging forms of domination that restrict people's agency and self-determination. It gives people living in poverty power over decisions that affect their lives, transforming power structures in society and creating a greater and more widely shared enjoyment of human rights".*<sup>4</sup>
14. Civic engagement requires the empowerment of people living in poverty and experiencing social exclusion. Ensuring an adequate standard of living for everyone is a necessary requirement to strengthen the social fabric and people's identity as citizens. Children also have the right to adopt an active role in society and those in power must hear their voices.
15. **Participation and active citizenship must be seen as a human right and an essential ingredient of human rights public discourse, laws and policies.**

### **Recommendations**

16. The House of Lords Select Committee asks what additional forms of rights, responsibilities and enforcement and monitoring mechanisms could contribute towards a more active and engaged citizenship. We believe the UK Government

---

<sup>3</sup> The [principle](#) is contained implicitly or explicitly in the Universal Declaration of Human Rights (Articles 21 and 27), the International Covenant on Civil and Political Rights (Article 25), the International Covenant on Economic, Social and Cultural Rights (Articles 13(1) and 15(1)), the Covenant on the Elimination of All Forms of Discrimination Against Women (Articles 7, 8, 13(c) and 14(2)), the International Convention on the Elimination of Racial Discrimination (Article 5(e)(vi)), the Convention on the Rights of the Child (Articles 12 and 31) and the Convention on the Rights of Persons with Disabilities (Articles 3(c), 4(3), 9, 29 and 30), among others.

<sup>4</sup> [Report](#) of the UN Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda, 2013, UN doc. A/HRC/23/36, #16.

and society at large should embrace and bring home the human rights recognised in international law. In particular, we call on the UK government to:

- a. Abandon plans to repeal the Human Rights Act 1998.
- b. Treat all international human rights obligations and recommendations from independent human rights bodies equally and take concrete steps to address the concerns raised by the UN treaty monitoring bodies following examination of the UK.
- c. Accept and implement the recommendations made in the last Universal Periodic Review, including a mid-term report.
- d. Engage with civil society in the process of acceptance, monitoring and implementation of human rights recommendations made by international bodies and the UPR.
- e. Draw up a national human rights action plan setting out the priorities the Government will take to improve the promotion and protection of human rights drawing on its work with civil society to take forward treaty body recommendations, as agreed by world leaders in the 1993 Vienna World Conference on Human Rights.<sup>5</sup>
- f. Safeguard all the rights derived from UK's membership of the European Union, and in particular amend the EU Withdrawal Bill to incorporate the rights contained in the EU Charter of Fundamental Rights into UK law.
- g. Ensure participation and active citizenship are seen as essential ingredients of the human rights public discourse, laws and policies.

**Signatories:**

- Just Fair
- Children's Rights Alliance for England
- Alliance for Inclusive Education
- Inclusion London
- Women's Resource Centre
- British Institute of Human Rights

**For further information please contact Koldo Casla ([koldo.casla@just-fair.co.uk](mailto:koldo.casla@just-fair.co.uk)) or Louise King ([lking@crae.org.uk](mailto:lking@crae.org.uk)).**

---

<sup>5</sup> [Vienna Declaration and Programme of Action](#), adopted by the World Conference on Human Rights in Vienna on 25 June 1993, #71.