

Draft Recommendations from the Universal Periodic Review (UPR): Just Fair's Response to the Ministry of Justice

December 2022

In December 2022 the UK Ministry of Justice contacted Just Fair and asked us to provide them with our views on the UPR recommendations that were made during the review of the UK on [10 November 2022](#). In our response below we have grouped together recommendations in 4 categories and then under each group we have outlined action the UK Government should take to meet these recommendations.

1. The impact of excluding people from accessing public funds:

- Pursue efforts in protecting indigenous people and minorities by ensuring the provision and adequate and appropriate accommodation access to basic services (Lebanon).
- Review the Domestic Abuse Act to ensure protection and support for women and girls, regardless of their immigration status (Mexico).
- Strengthen and safeguard the economic and social rights of migrants (Pakistan).
- Enhance anti-discriminatory measures to protect ethnic minorities and migrants and guarantee their access to various government welfare and support programmes (Philippines).
- Ensure the same standards of reception to all migrants as well as ensure them adequate access to health care and legal services (Russian Federation).
- Review the legal framework pertaining to the violence against women to guarantee that women migrants get the necessary protection and support including women migrants who have not the right to get public aids (Tunisia).
- Ensure the right of migrants and ethnic groups to health and an adequate standard of living. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Bring the 2016 Immigration Act into line with UN standards (Venezuela (Bolivarian Republic of)).
- Ensure protecting the right of minorities and migrants for access to employment, housing, public health and education on an equal basis with others and enhancing their quality of life (Democratic People's Republic of Korea).

- Take all necessary measures to end abuse and exploitation in immigration by integrating human rights standards in line with the United Kingdom's obligations under international law (Indonesia).

In order to realise these recommendations we urge the UK Government to:

- Legislate for international human rights standards in UK domestic legislation to protect people's rights, in particular the International Covenant on Economic, Social and Cultural Rights.
- End the 'No recourse to public funds'(NRPF) policy to ensure that everyone can access social security protection as and when they need to.
- Until NRPF is removed, declassify 'Child Benefit' as a public fund.

2. Bringing our rights, particularly those in the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)) into domestic legislation and ensuring individuals can directly communicate with the Committee that oversees this treaty:

- Ratify the pending international human rights instruments and accept the competence of treaty bodies to receive individual communications (Paraguay).
- Harmonize the core human rights treaties into domestic law (Samoa).
- Enhance the status of the ratified human rights treaties in domestic law (Zambia).
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal).
- Ratify the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Cyprus).
- Ratify the Optional Protocols to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Spain).

In order to realise these recommendations we urge the UK Government to:

- Legislate for international human rights standards in UK domestic legislation to protect people's rights, in particular the International Covenant on Economic, Social and Cultural Rights.

- Sign and ratify the Optional Protocol to ICESCR to allow for greater accountability where there is a failure to respect, protect, and fulfil economic, social, and cultural rights.¹

3. The impact of the current cost-of-living crisis and poverty on people's economic, social and cultural rights:

- Develop a comprehensive nationwide anti-poverty strategy and eliminate child poverty (Malaysia).
- Elaborate and implement an emergency poverty strategy that addresses the impact of rising costs on child poverty targets and on access to affordable, accessible and culturally appropriate social housing (Romania).
- Continue to develop and implement public policies and measures to safeguard the human rights of persons living in poverty (Barbados).
- Advance measures to improve food security, in particular for young children, adolescents and persons with disabilities (Brazil).
- Consistently implement the International Covenant on Economic, Social and Cultural Rights, by establishing a strategy for the eradication of child poverty (Estonia).
- Provide more targeted social policies to help disadvantaged families, and in particular their children, establish a government strategy for the eradication of child poverty (Kazakhstan).
- Allocate more resources for poverty reduction and social welfare programs (Vietnam).
- Take concrete measures to ensure the fulfilment of the right to adequate housing for all without discrimination to prevent homelessness (Indonesia).

In order to realise these recommendations, we urge the UK Government to:

¹ In [R \(SC and Ors\) v Secretary of State for Work & Pensions \[2021\] UKSC 26](#) the UK Supreme Court expressly stated that unincorporated international obligations are not enforceable through the domestic courts

- Legislate for international human rights standards in UK domestic legislation to protect people's rights, in particular the International Covenant on Economic, Social and Cultural Rights.
- Continue to ensure the level of benefits rise to match inflation, re-instate the £20 uplift to Universal credit, and ensure support for housing costs increases in line with rent.
- Remove the benefit cap and 2 child limit.
- Remove the NRPF condition.

4. The need to ensure that nothing is done to undermine our Human Rights Act or the ways in which it protects people in the UK:

- Take necessary measures to ensure the current proposed new Bill of Rights does not result in weakening the legal effects, scope and effectiveness granted under the Human Rights Act of 1998 (Kenya).
- Ensure that the British Bill of Rights provide the same level of human rights protection as the 1998 Human Rights Act it seeks to replace (Luxembourg).
- Refrain from replacing the Human Rights Act of 1998 with more limited legislation, and rather maintain the same level of human rights protection provided by the Human Rights Act in the British Bill of Rights and include additional child-specific rights (Malawi).
- Ensure that any amendments to the legal framework maintain the same level of protection as the current Human Rights Act of 1998 (Mexico).
- Ensure that modifications to the Human Rights Act do not result in the weakening of the current level of human rights protection (Portugal).
- Maintain its international obligations and international standards in accordance with the jurisprudence of the European Court of Human Rights (Slovakia).
- Ensure that the European Convention on Human Rights is fully implemented and given effect in UK law (Slovakia).
- Ensure that any possible reform of the Human Rights Act 1998 does not in any way affect the scope of protection or access to the

remedy mechanism of the European Convention on Human Rights (Switzerland).

- Ensure that any modifications to human rights legislation do not adversely affect the current level of the protection of human rights provided by the Human Rights Act 1998 (Ukraine).
- Stop the plan to replace the Human Rights Act 1998 with a Bill limiting their protection (Venezuela (Bolivarian Republic of)).
- Ensure that the current level of human rights protection provided by the Human Rights Act 1998 is maintained and improved if legislation is replaced or reformed (Australia).
- Ensure that any reform of the 1998 Human Rights Act does not reduce the scope of protection or remedies currently enjoyed (Bahamas).
- Reconsider the intention to replace the Human Rights Act 1998 with a Bill of Rights and commit to continued domestic incorporation of the European Convention on Human Rights (Belgium).
- Ensure that the current level of human rights protection provided by the Human Rights Act of 1998, including the rights of asylum seekers, are maintained under any legislative reform (Canada).
- Commit to continued domestic incorporation of ECHR rights and provisions (Cyprus).
- Ensure that any instrument that may replace the Human Rights Act of 1998 grants rights-holders at least the same level of effective protection (Ecuador).
- Ensure the effectiveness and scope of the Human Rights Act in any future legislation (Estonia).
- Ensure that any possible reform to the Human Rights Act 1998 does not weaken the protection or limit the ability of individuals to enjoy and enforce rights under the European Convention on Human Rights (Germany).
- Remain committed to fully implement the European Convention on Human Rights (Germany).
- Ensure that any proposed changes to the Human Rights Act do not diminish access to justice (Greece).

In order to realise these recommendations, we urge the UK Government to:

- Ensure that nothing is done that in anyway undermines the Human Rights Act or the way in which it functions.
- Ensure that any discussion about the Human Rights Act focuses on building upon the protections we enjoy, including by bringing international human rights obligations into domestic legislation and by ensuring that the process of drafting is a fully participatory one.

For further reading, please refer to our [Joint Submission to the Fourth Universal Periodic Review of the UK \(March 2022\)](#)

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