



**Submission from the Human Rights Consortium to the Third
Universal Periodic Review of the United Kingdom**

September 2016

www.humanrightsconsortium.org

“We work towards a human rights based Northern Ireland.”



The Human Rights Consortium

The Human Rights Consortium is a not for profit coalition of civil society organisations from across Northern Ireland which was established in 2000. We have 163 member organisations from a range of community and voluntary grassroots groups, NGOs, charities and Trade Unions, drawn from all sections of the community and all parts of Northern Ireland. We work together towards a human rights based Northern Ireland.

A core element of this work to date has been our ongoing campaign for a strong Bill of Rights for Northern Ireland. This has been supplemented in recent years with an emerging focus on other human rights frameworks, positively influencing perspectives on human rights and supporting civil society to become engaged in human rights advocacy.

To achieve these goals, we work to enhance understanding, communication, cooperation and campaigning opportunities on human rights issues between members of the Consortium, civil society and the public generally. In our day to day activities we try to achieve these objectives through research, training, awareness raising and advocacy.

Contact Details:

The Human Rights Consortium can be contacted by telephone on +004428 9031 3780 or by email at helen@humanrightsconsortium.org Our website can be found at: <http://www.humanrightsconsortium.org>

Membership of the Human Rights Consortium

1. Action for Community Transformation
2. Action on Elder Abuse Northern Ireland
3. Action on Medical Negligence Association
4. ADD-NI Children's Charity
5. Advice NI
6. Afro-Community Support Organisation NI
7. Age NI
8. Alternatives NI
9. Amnesty International
10. Autism NI
11. Aware Defeat Depression
12. Ballymacarrett Arts and Cultural Society
13. Ballynahinch Support Group
14. Belfast & District Trades Council
15. Belfast Carers' Centre
16. Belfast Conflict Resolution Consortium
17. Belfast Feminist Network
18. Belfast Interface Project
19. Belfast Unemployed Resource Centre
20. Beyond Skin
21. British Deaf Association
22. Bryson An Munia Tober
23. Cairde
24. Cara- Friend
25. Carers Belfast Branch
26. Carers Northern Ireland
27. Carers Trust Northern Ireland
28. Carrickfergus Community Forum
29. Centre for Global Education
30. Changing Faces
31. Charter NI
32. Children in Crossfire
33. Children's Law Centre
34. Chinese Welfare Association
35. Citizens Advice Bureau
36. CO3
37. Committee on the Administration of Justice
38. Community Arts Partnership
39. Community Development & Health Network
40. Community Dialogue
41. Community Foundation for Northern Ireland
42. Community Places
43. Community Relations Forum
44. Community Transport Association (CTA)
45. Confederation of Community Groups
46. Conference of Religious of Ireland
47. Conradh na Gaelige
48. Contact A Family
49. Conway Education Centre
50. Corrymeela Community
51. COSTA
52. Council for the Homeless (NI)
53. Destined
54. Disability Action
55. Disability Action Human Rights Centre
56. Disabled Police Officers' Association
57. Early Years
58. East Belfast Survivors of Suicide
59. Ely Centre
60. Employers for Childcare
61. Engage with Age
62. Ex-Prisoners Interpretive Centre
63. European Movement NI
64. Family Immigration Alliance
65. Family Planning Association
66. Focus: the identity trust
67. Forthspring
68. Foyle Down Syndrome Trust
69. Foyle Women's Information Network
70. Friends of the Earth
71. Glenshane Community Development Ltd.
72. Good Shepherd Congregation
73. Greater Shantallow Area Partnership
74. Groundwork NI

75. Guide Dogs for the Blind
76. Hands That Talk
77. HERE NI
78. Hope 4 ME & Fibro Northern Ireland
79. Housing Rights Service
80. Huntingtons Disease Association
81. Include Youth
82. Indian Community Centre
83. Integrated Education Fund
84. Interaction Belfast
85. Irish Congress of Trade Unions (NIC)
86. Jigsaw NI
87. Law Centre (NI)
88. Learn and Grow
89. Ligoniel Improvement Association
90. Lower Castlereagh Community Group
91. Making Women Seen and Heard
92. Men's Advisory Project (MAP NI)
93. Mencap
94. Migrant Centre NI
95. Mindwise
96. Newry & Mourne Co-op
97. Nexus Institute
98. NI Newpin
99. Niamh
100. NICRAS
101. NO CIRC NI
102. North West Community Network
103. North West Forum of People with Disabilities
104. Northern Ireland Anti-Poverty Network
105. Northern Ireland Council for Ethnic Minorities
106. Northern Ireland Council for Integrated Education
107. Northern Ireland Council for Voluntary Action
108. Northern Ireland Humanists
109. Northern Ireland Mixed Marriage Association
110. Northern Ireland Public Service Alliance (NIPSA)
111. Northern Ireland Rural Women's Network
112. Northern Ireland Women's European Platform
113. Northern Ireland Youth Forum
114. Northern Visions
115. NUS/USI
116. Omagh Ethnic Communities Support Group
117. Palestine Aid
118. Parents Advice Centre
119. Pat Finucane Centre
120. Peace People
121. PILS Project
122. POBAL
123. Positive Futures
124. Positive
125. PPR Project
126. Project Futures QUB
127. Public Achievement
128. Queerspace
129. Rainbow Project
130. Real Network
131. Rights in Community Care
132. Rural Community Network
133. Save the Children
134. Signature
135. Simon Community NI
136. South Belfast Seniors Forum
137. South Tyrone Empowerment Programme
138. St Columb's Park House
139. Star Neighbourhood Centre
140. Strathfoyle Women's Centre
141. Tar Isteach
142. TESOL Project
143. Training for Women Network
144. Ulster Teachers' Union
145. UNISON Northern Ireland
146. Unite the Union
147. Upper Springfield Development Trust
148. Victim Support
149. Waterside Women's Centre
150. WAVE Trauma Centre
151. West Against Racism Network
152. West Belfast Partnership
153. Willowbank Ltd.

154. Windsor Women's Centre
155. Women in Business NI
156. Women into Politics
157. Women's Aid Federation NI
158. Women's Centre (The) Derry
159. Women's Information NI

160. Women's Resource and
Development Agency
161. Women's Support Network
162. Workers Educational Association
163. Youthnet

Executive Summary

- 1. The following section provides a brief summary of the main issues that the Consortium wishes to highlight for the review and suggested recommendations it would urge the review to make for the United Kingdom. The full text of our submission begins on page 8.**

Participation in UN Human Rights monitoring mechanisms

2. The Consortium believes that there have been consistent failures in the United Kingdom's approach to reporting on the human rights, particularly with regard to devolved regions. During UN human rights monitoring reviews, often an inadequate amount of disaggregated data is available in relation to the devolved regions of Wales, Scotland and particularly Northern Ireland and in some cases no data is available on particular devolved regions at all. This is also true of participation during the actual review, where for example, there has been no representative from the devolved government in Northern Ireland for the past 2 reviews by the CESCR, nor did the devolved government in Northern Ireland submit information to either the State Party Report nor the Reply to the List of Issues for the last CESCR review. In addition, consultation with civil society is weak. For example, no plan for consultation with civil society for the upcoming UPR cycle in the devolved regions has been announced to date.
3. We would ask members to consider recommending the following:

 - **Ensure that all regions of the UK, particularly the devolved governments, participate fully in human rights monitoring mechanisms established by UN treaties, including by providing reports, attending reviews and implementing concluding observations/recommendations**
 - **Ensure that all regions of the UK, particularly the devolved governments, consult fully with civil society in preparation for the Universal Periodic Review and other UN human Rights Monitoring mechanisms, including by creating and publicising a clear consultation timetable.**
 - **Ensure that a detailed description of the human rights landscape is provided for all regions of the UK, particularly the devolved regions of Wales, Scotland and Northern Ireland.**

Mainstreaming of Human Rights Standards

4. While it is disappointing that the UK currently has no plans to establish a national human rights action plan to coordinate the implementation of international human rights standards across all UN treaties, there are other options for mainstreaming human rights. In Northern Ireland one of those options is the Executive's Programme for Government. The Consortium has suggested that the inclusion of a human rights based approach in the new Outcomes based approach to the Programme for Government 2016 – 21 would be a concrete mechanism to ensure peoples are able to access and realise their rights under the various International Treaties.
5. We would ask members to consider recommending the following:
 - **Fulfil international human rights obligations by ensuring that human rights are mainstreamed in government budgets and Programmes for Government, including in the devolved administrations.**

Bill of Rights for Northern Ireland

6. The Bill of Rights for Northern Ireland is one of the major unfulfilled elements of the Belfast/Good Friday peace agreement and has the potential to be an ideal model to transfer many of the rights contained within international human rights treaties into domestic legislation here locally. In a time of uncertainty in Northern Ireland it is more crucial than ever that it is realised.
7. We would ask members to consider recommending the following:
 - **Expedite the enactment of a strong and inclusive Bill of Rights for Northern Ireland which is based on international human rights standards without delay.**

Implications of a UK Withdrawal from the European Union

8. On 23 June 2016 people in the UK voted to leave the European Union. It is now important that we ensure the added protection and realisation of rights we enjoy through various EU Charters and Directives would not be negatively impacted, and these rights remain part of our domestic legislation in the UK.
9. We would ask members to consider recommending the following:
 - **Ensure that in the event of a withdrawal of the United Kingdom from the European Union arrangements are put in place to ensure that the human rights protections currently enjoyed in the UK via membership of the EU are maintained and protected.**

Human Rights Act

10. The future of the Human Rights Act remains unclear, as commitments to reform our relationship with the ECHR continue to be made in the context of a prevailing commentary by government that is rooted in a regressive approach to existing standards. This includes the Human Rights Act which the UK Government have vowed to scrap, most recently in September 2016. The Human Rights Act plays a central role in the peace settlement in Northern Ireland and along with a local Northern Ireland Bill of Rights was one of the core human rights guarantees of our new political institutions.

11. We would ask members to consider recommending the following:

- **Ensure that nothing is done to undermine the rights, their interpretation or implementation that the people in the United Kingdom currently enjoy under the Human Rights Act.**

Human Rights Consortium Submission

12. This submission is split into two sections, under two recommendations made during the second Universal Periodic Review of the United Kingdom. In each section there are specific areas where the Consortium believes the UK could focus efforts in order to fulfil the UPR recommendation.

Section 1: Realising recommendations of treaty bodies, UN human rights mechanisms, and international human rights obligations

13. Following recommendation 110.46 (below) from the second cycle of the Universal Periodic Review the Human Rights Consortium believes there are two key areas where the UK should focus its efforts in order to fulfil this recommendation:
 1. Participation in UN human rights monitoring mechanisms
 2. Mainstreaming of Human Rights Standards

110.46 Adopt and implement a concrete plan of action realizing recommendations of treaty bodies and UN human rights mechanisms, and international human rights obligations (Islamic Republic of Iran)

Universal Periodic Review, Second Cycle, A/HRC/21/9

1.1 Participation in UN human rights monitoring mechanisms

14. Due to the nature of devolution in the United Kingdom, many of the issues covered by international human rights treaties, and in particular the topics covered by Concluding Observations and Recommendations fall within the responsibility of the devolved assemblies in Scotland, Wales and Northern Ireland. While noting that of course the United Kingdom government at Westminster has the ultimate responsibility for ensuring compliance across the UK with these international human rights treaties, in practice the devolved governments handle much of the day-to-day realisation of rights. It is therefore crucial that these devolved assemblies play a strong role in United Nations human rights reviews.
15. However, State Party Reports for these international monitoring mechanisms tend to focus predominantly on England, to the detriment of the devolved regions. Northern Ireland in particular is very poorly represented in these reports. As we noted when responding to the UK government's consultation on its UPR mid-term response in 2014, "The continual failure to provide proper reflection on the status of these recommendations for Northern Ireland is a serious flaw in the UK's current reporting process and represents a failure in its human rights responsibilities for the devolved regions of the UK and at the United Nations." In both the initial response in 2012,ⁱ and the mid-term update in 2014ⁱⁱ the UK government made no

reference to the human rights situation in Northern Ireland in relation to recommendation 110.46.

16. In terms of participating fully in these reviews we were particularly disappointed that the devolved government in Northern Ireland failed, for the second time in a row, to send a representative to the review of the United Kingdom by the UN Committee on Economic, Social and Cultural Rights. As the Committee noted in their Concluding Observations, *“The Committee regrets that the absence of representatives of the government of Northern Ireland did not enable it to have a full assessment of the enjoyment of Covenant rights in Northern Ireland.”*ⁱⁱⁱ
17. We have since learnt that the devolved government in Northern Ireland did not provide any information to the United Kingdom Ministry of Justice for the Sixth Periodic report of the United Kingdom to the United Nations Committee on Economic, Social and Cultural Rights or in response to the List of Issues sent by the United Kingdom to the United Nations Committee on Economic, Social and Cultural Rights during the same cycle.
18. In addition, despite requests made to the Ministry of Justice, we were only notified on 19 September 2016 of a consultation event held by the Ministry of Justice in London, with no opportunity for civil society groups to engage through videoconference. This makes it very difficult for groups outside London to attend the event.
19. In addition, despite requests, the Executive Office in Northern Ireland has no clear plans for consultation with civil society in advance of the Third Universal Periodic Review of the United Kingdom. It is also worth noting that since the second review under the UPR in 2012 there has only been one opportunity for engagement with the devolved administration in Northern Ireland. We are especially concerned that this lack of effective engagement is not the exception in UN monitoring mechanisms for human rights compliance, but rather is in danger of becoming the norm.
20. We would ask members to consider recommending the following:
 - **Ensure that all regions of the UK with devolved governments participate fully in human rights monitoring mechanisms established by UN treaties, including by providing reports, attending reviews and implementing concluding observations/recommendations**
 - **Consult fully with civil society in preparation for the Universal Periodic Review and other UN human Rights Monitoring mechanisms, including by creating and publicising a clear consultation timetable.**
 - **Ensure that a detailed description of the human rights landscape is provided for all regions of the UK, particularly the devolved regions of Wales, Scotland and Northern Ireland.**

1.2 Mainstreaming of Human Rights Standards

21. In 2009 the Committee on Economic, Social and Cultural Rights made the following Concluding Observation following its review of the UK,

“The Committee recommends once again that the State party adopt a national human rights plan of action which includes specific programmes regarding the realization of economic, social, and cultural rights. It also encourages the State party to consult widely with civil society and national human rights institutions in the preparation of the national human rights plan of action.”

The UK responded that it has no plans to establish a national human rights action plan, which is disappointing. As alluded to in General Comment 1 of ICESCR, detailed action plans are particularly useful in ensuring progressive implementation of rights.

22. While the Scottish National Action Plan has much to recommend it and a similar approach would be a welcome development in Northern Ireland, we would suggest that even before the stage of drafting a formalised Human Rights Action Plan the Northern Ireland Executive and Assembly could move towards the progressive implementation of rights through other existing devolved planning options.
23. At the time of writing the Northern Ireland Executive was consulting the public and civil society about what should be included in the Northern Ireland Programme for Government 2016-2021. We believe that the Programme for Government is an ideal opportunity to map out plans for the mainstreaming of human rights. Unfortunately, in the 2011-2015 Programme for Government, human rights and equality were not mainstreamed and the same can be said of the draft Programme for Government 2016-21, in particular the Commissioner for Older People in Northern Ireland has stated that he was “shocked” that it contained no reference to older people despite the fact that they account for such a substantial proportion of the population.^{iv} In addition the Women’s Resource and Development Agency noted in their response to the consultation on the Northern Ireland Programme for Government, “WRDA are disappointed that a gender perspective has not been mainstreamed within the Programme for Government.”^v The Consortium believes that such gaps represent a missed opportunity to address a range of local human rights issues through the adoption of human rights focussed outcomes and we have made our own submission to the Northern Ireland Executive’s consultation in order to highlight this.^{vi} The main points we raised were:
- Adopting an outcomes approach must be underpinned by an understanding of how what is being measured relates to the lived experience of people in Northern Ireland, and that the OHCHR publication ‘Human Rights Indicators, A Guide to Measurement and Implementation’ is one example of a resources that could be particularly useful in this regard by showing how a human rights based approach can utilise outcomes and indicators to track whether meaningful change takes place on the ground.
 - The realisation of international human rights standards can and should be achieved through the adoption of programmes, measures, policies and other government initiatives and decisions in the first instance.
 - The Human Rights Consortium recommended the adoption of a human rights based approach to the Programme for Government. By this we mean that the Programme for

Government should tailor its outcomes and indicators in a manner that assists the Northern Ireland Executive as the primary duty bearer in its obligation to respect, protect and fulfil international human rights standards in Northern Ireland in line with their international legal duties.

24. We would ask members to consider recommending the following:

- **Fulfil international human rights obligations by ensuring that human rights are mainstreamed in government budgets and Programmes for Government, including in the devolved administrations.**

Section 2: The integration of human rights principles in domestic laws

25. Following recommendation 110.32 (below) from the second cycle of the UPR the Human Rights Consortium believes there are three key areas on which the UK should focus its efforts in order to fulfil this recommendation:

1. **Bill of Rights for Northern Ireland**
2. **Implications of a UK withdrawal from the European Union**
3. **Human Rights Act**

110.32 Continue to ensure that human rights principles are integrated in domestic laws (Qatar)

Universal Periodic Review, Second Cycle, A/HRC/21/9

2.1 Bill of Rights for Northern Ireland

26. Provision for a Bill of Rights for Northern Ireland, which was to build upon the rights contained within the European Convention of Human Rights (ECHR) by including supplementary rights influenced by International Standards and our local circumstances, was provided for in the Belfast/Good Friday Agreement (the peace agreement in Northern Ireland) and voted for by an overwhelming majority of people in Northern Ireland through referendum. This commitment to establishing a framework of human rights that was to run throughout the Agreement and the government institutions it established was an important confidence building measure in a society that had just experienced decades of conflict.
27. The Northern Ireland Human Rights Commission (NIHRC), created and tasked by this Agreement with providing advice on the content of a Bill of Rights for Northern Ireland, fulfilled that duty in 2008. The NIHRC advice called for the inclusion of additional Economic, social and cultural rights such as: language rights, the right to health, the right to an adequate standard of living, the right to work, environmental rights, social security rights and children's rights (including play and leisure). It also added to and strengthened many of the civil and political rights contained within the ECHR for example by suggesting a freestanding right to civil and administrative justice and providing for the rights of victims.
28. A Bill of Rights for Northern Ireland based on a model advised by the NIHRC would have provided a practical mechanism for the realisation of many of the rights contained within international treaties of which the UK is a signatory. The advice was based on extensive participatory consultation with thousands of people across Northern Ireland over the course of 8 years, and therefore represents a clear articulation of public opinion in this regard.
29. In December 2009 the UK government produced a consultation document, which rejected the majority of the advice provided by the Northern Ireland Human Rights Commission. In their reasoning for failing to include the extensive advice of the NIHRC the government stated that they did not see these additional rights as falling within the test of being

particular to Northern Ireland or of not being the most appropriate method to realise the particular rights.

“it is the Government’s view that the introduction of such rights in Northern Ireland would either be unworkable in practice, or could give rise to unjustified inequalities across the UK.”^{vii}

30. Instead the consultation document proposed the inclusion of only two rights in a Northern Ireland Bill of Rights- *“a right to vote freely in and be elected at genuine periodic elections held by secret ballot”^{viii}* and, *“the right of the people of Northern Ireland to identify themselves and be accepted as Irish or British or both”^{ix}*.
31. The contrast in approach to the rights to be extended under the UK proposals was stark when compared with the NIHRC advice. However, the resulting consultation exercise clearly established an overwhelming preference of the public in Northern Ireland for the approach adopted by the NIHRC. A total of 36,492 responses were received.^x Of these at least 34,843 called for a strong Bill of Rights: that is 95% of all submissions. Another clear example of public opinion on this matter.
32. The UK government failed to appropriately recognise the extent of this widespread support following the consultation.
33. When the public, through that consultation process, resoundingly rejected such a limited model for a Bill of Rights, the UK failed to take any further significant action to meet their international obligations towards enacting in Westminster legislation a Bill of Rights for Northern Ireland. In the last four years since the 2012 review of the state under the UPR, the United Kingdom continued in this failure despite the following Concluding Observations since the last UPR of the UK:

“Ensure that a Bill of Rights for Northern Ireland incorporates all the rights enshrined in the Covenant and expedite the process of its adoption.” **Human Rights Committee, August 2015**

“Expedite the enactment of a bill of rights for Northern Ireland, agreed under the Good Friday Agreement.” **Committee on the Rights of the Child, June 2016**

“The Committee recalls its previous recommendation (see E/C.12/GBR/CO/5, para. 10) and urges the State party to take all necessary measures to expedite the adoption of a bill of rights for Northern Ireland.” **Committee on Economic, Social and Cultural Rights, June 2016**

“It also recommends that the State party expedite the process of adopting the Bill of Rights for Northern Ireland, and ensure that it is in line with the provisions of the Convention and other international human rights standards.” **Committee on the Elimination of Racial Discrimination, August 2016**

34. Since the 1998 peace agreement there has been a consistent need for a Bill of Rights for Northern Ireland, given its potential to build confidence within communities that abuses of

the past will not be repeated, and that those abuses which did occur will be rectified. However, given the current time of uncertainty created by the potential UK exit from the EU and the potential repeal of the Human Rights Act (both of which will be explored in this submission), a Bill of Rights for Northern Ireland is even more valuable as it could provide assurance and stability that whatever the future of Northern Ireland, the rights of all will be protected, respected and fulfilled.

35. We would therefore ask member states to strengthen this call for a Northern Ireland Bill of Rights by considering making the following recommendation:

- **Expedite the enactment of a strong and inclusive Bill of Rights for Northern Ireland which is based on international human rights standards without delay.**

2.2 Implications of a UK Withdrawal from the European Union

36. Another potential threat to the current standard of enjoyment of rights in the United Kingdom lies with the potential exit of the UK from the European Union. On 23 June the people of the United Kingdom voted in a referendum to leave the European Union. A few months on it is still not clear what effect this will have on the added layer of human rights protections we enjoy due to the UK having been a member of the European Union for over forty years.
37. One of the most obvious ways the EU has changed how rights can be enforced has been through the Charter of Fundamental Rights of the European Union. The Charter is directly effective in the UK and contains a much more extensive set of rights than the ECHR, however it pertains only to EU law matters. Whether and how it will continue to apply depends very much upon what type of future relationship the UK decides to maintain with the EU.
38. Likewise, while not articulated formally as rights, the EU provides other protections which effectively help uphold other rights. This is primarily through EU directives e.g. the Working Time Directive or the Workplace Health and Safety Directive. We would hope that irrespective of the future of the UK and the EU that the UK government would provide assurances that the protection of rights in all aspects will remain the same.
39. The issue is perhaps particularly important in Northern Ireland where human rights protections have been a key confidence building measure in our society as we emerge from conflict. The results of the EU referendum have already caused uncertainty in Northern Ireland, calls for changes to our constitutional status and a clear threat to even the status quo of human rights protections locally.
40. We believe that at this time the guarantee that rights standards will be upheld and maintained while our future with the European Union is clarified, would do much to allay fears about what lays ahead and ensure a backstop of fundamental protections moving into

the future. Assuring people that their rights will be upheld as a country outside the European Union could be very valuable to provide a sense of stability

41. We would therefore ask members to consider making the following recommendation:

- **Ensure that in the event of a withdrawal of the United Kingdom from the European Union arrangements are put in place to ensure that human rights protections currently enjoyed in UK via membership of the EU are maintained and protected.**

2.3 Human Rights Act

42. The Human Rights Act 1998 (HRA) gave further effect to rights from the European Convention of Human Rights (ECHR) in domestic legislation across the UK and allowed access to UK courts for violations of Convention rights. The development of this legislation was also a key provision of the Belfast/Good Friday Agreement and took on special significance in Northern Ireland where it acted as one of the key safety mechanisms to prevent against inequalities or abuse of human rights in the exercise of power by the new Stormont Government.^{.xi}
43. The Northern Ireland Executive and all public bodies are required to carry out their functions in accordance with the Act and indeed Stormont legislation can be struck down by courts if they are deemed to not be HRA compliant. The HRA was also to be supplemented with additional rights in Northern Ireland to develop a local Bill of Rights to act as another element in the Stormont human rights framework.
44. The HRA therefore fulfils a unique role in the Northern Ireland system of governance and acts as the main legislative protection of human rights across the UK. Although the Act primarily protects civil and political rights, in the absence of wider enforceable economic and social rights protections the articles of the HRA have been utilised in attempts to enhance the protection of social and economic rights.^{.xii}
45. However, despite its centrality to the devolved government in Northern Ireland, the Human Rights Act is currently under threat. The Conservative government would like to repeal the Human Rights Act and replace it with a British Bill of Rights, although some within the party would also like a withdrawal of the United Kingdom from the European Convention on Human Rights.

“The next Conservative Government will scrap the Human Rights Act, and introduce a British Bill of Rights. This will break the formal link between British courts and the European Court of Human Rights, and make our own Supreme Court the ultimate arbiter of human rights matters in the UK.” **Conservative Party Manifesto 2015**

“The Government will bring forward proposals for a Bill of Rights to replace the Human Rights Act.” **Queen’s Speech 2015**

“If we want to reform human rights laws in this country, it isn’t the EU we should leave but the ECHR and the jurisdiction of its Court.” **Theresa May (then Home Secretary) April 2016**

Most recently the new government, which formed after the May referendum has clarified that it wishes to proceed with plans to scrap the Human Rights Act,

“The Government are committed to scrapping the Human Rights Act and introducing a British Bill of Rights.” **Elizabeth Truss, Lord Chancellor and Secretary of State for Justice, September 2016**

46. We are concerned that replacing the HRA with a British Bill of Rights will undermine the core protections the HRA provides in the system of checks and balances within the Stormont model of governance.
47. At a time of huge political upheaval in the United Kingdom we believe it would be damaging to confidence in our devolved government if current human rights guarantees, such as those enshrined within the Human Rights Act, were to be in any way diluted, undermined or removed. This period of upheaval rather should be viewed as a time to build upon rights protections.
48. If there is to be an alteration of the Human Rights Act, then we would hope that it strengthens the rights protections people in the UK currently enjoy, certainly nothing should be done to undermine the HRA or how the rights are enjoyed and can be accessed. This concern has been reflected by a number of UN human rights Committees since the last review of the UK under the UPR.

“The State party should ensure that public statements or legislative changes, such as the establishment of a Bill of Rights, do not erode the level of constitutional protection afforded to the prohibition of torture, cruel, inhuman or degrading treatment or punishment currently provided by the Human Rights Act.” **Committee against Torture, June 2013**

“Ensure that any legislation passed in lieu of the Human Rights Act 1998 — were such legislation to be passed — is aimed at strengthening the status of international human rights, including the provisions of the Covenant, in the domestic legal order, and provide effective protection of those rights across all jurisdictions.” **Human Rights Committee, August 2015**

“The Committee recommends that the State party undertake a broad public consultation on its plan to repeal the Human Rights Act 1998 as well as on the proposal for a new bill of rights. It also recommends that the State party take all necessary measures to ensure that any new legislation in this regard is aimed at enhancing the status of human rights, including economic, social and cultural rights, in the domestic legal order and that it provide effective protection of those rights across all jurisdictions of the State party.” **Committee on Economic, Social and Cultural Rights, July 2016**

“The Committee is concerned that the proposal to replace the Human Rights Act of 1998 with a new British Bill of Rights may lead to decreased levels of human rights protection in the State party, which would negatively affect the situation of individuals protected under article 1 of the Convention...The Committee recommends that the State party undertake meaningful and broad public consultation on its proposal to revise its human rights legislation and ensure that any changes to the current human rights framework strengthens the protection of human rights, and in particular the rights of individuals protected under article 1 of the Convention.” **Committee on the Elimination of Racial Discrimination, August 2016**

49. We would therefore ask members to consider making the following recommendation:

- **Ensure that nothing is done to undermine the rights, their interpretation or implementation that the people in the United Kingdom currently enjoy under the Human Rights Act.**

i Available here: http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/GB/UKmid_term_report2010.pdf

ii Available here:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session13/GB/UKMidTermReport_Aug2014.doc

iii Committee on Economic, Social and Cultural Rights ‘Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland’, 24 June 2016, E/C.12/GBR/CO/6, paragraph 2 ‘Introduction’

iv <http://scopeni.nicva.org/article/older-peoples-commissioner-shocked-by-pfg-omission>

v <http://www.wrda.net/Documents/WRDA%20Response%20to%20Programme%20for%20Government%202016.pdf>

vi <http://www.humanrightsconsortium.org/wp-content/uploads/2016/08/HRC-PfG-Framework-submission-July-2016.pdf>

vii Northern Ireland Office Consultation Paper, ‘A Bill of Rights for Northern Ireland: Next Steps’, November 2009, pp 3.15

viii Ibid 5.21

ix Ibid 6.6

x The Consortium believes this to be the largest response rate to any consultation that has ever been conducted in Northern Ireland.

xi ‘The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency’. Section 6.2, Rights, Safeguards and Equality of Opportunity, Belfast Agreement, 1998

xii See R. (Adam and Limbuela) v. Secretary of State for the Home Department <https://www.escr-net.org/caselaw/2012/r-adam-and-limbuela-v-secretary-state-home-department>

and YL v Birmingham City Council <http://swarb.co.uk/yl-v-birmingham-city-council-hl-20-jun-2007/>

examples of HRA driven cases that have either extended ESR protections or helped move the HRA towards greater ESR applicability.