

## (EXAMPLE STATEMENT)

### Stakeholders and the United Kingdom's Engagement with the Universal Periodic Review

#### *Preamble*

*Recalling* that the Universal Periodic Review (UPR) is a government led peer-review mechanism to facilitate the improvement of human rights protection and provides an important opportunity for the sharing of good practice among states and other stakeholders.<sup>1</sup>

*Recalling* that the UPR commitments are entered into voluntarily by governments and as a principle of good faith should be honoured through implementation at the national level.<sup>2</sup>

*Affirming* the need for an appropriate functioning of the connected roles of government, parliament, the legal profession, and civil society, for a meaningful fulfilment of the review.

*Affirming* UN Secretary General Kofi Annan's aspirations presented to the General Assembly:

[o]ur collective task is to find a means to turn international human rights commitments into reality, so that individual people and communities see a real difference in their lives.<sup>3</sup>

*Recalling* that the UK's first UPR occurred on 10 April 2008 and its fourth review on 10 November 2022. Whilst the UK has had over 17 years of experience from helping create the groundwork for the UPR in 2005 to participating within four cycles (both as a state under review and as a recommending state), there is still a significant need for clarity on the role of government, parliament, the legal professions, and civil society, for achieving a meaningful implementation of the UPR.

*Identifying* that during the UPR the executive branch of the UK government considers the number, scope, and substance of the recommendations, along with the submitted Stakeholder Reports and Working Group compilation. The recommendations the government supports become a corpus of information to help facilitate national protection of human rights. Members of the UK parliament can refer to this repository for informing their various legislative and policy roles.<sup>4</sup> Solicitors and barristers have submitted as Stakeholders to the UK's reviews, and for the work of the legal professions, UPR documentation can provide an interpretive tool for legal advice, arguments presented in court, and adjudication by judges.

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<sup>1</sup> Pursuant to General Assembly Resolution A/RES/60/251 of 3 April 2006 and Human Rights Council Resolution A/HRC/RES/5/1 of 18 June 2007.

<sup>2</sup> The General Assembly has affirmed, '[e]very state has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law,' *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, A/RES/2625(XXV) UNGA 25th sess. 1970, p. 124.

<sup>3</sup> *In larger freedom: towards development, security and human rights for all*, Report of the Secretary General, UNGA, A/59/2005/Add.3, 26 May 2005, p. 12.

<sup>4</sup> The importance of the role of parliamentarians for the domestic incorporation of the UPR is established by, *Contribution of parliaments to the work of the Human Rights Council and its universal periodic review*, Human Rights Council Resolution, A/HRC/RES/35/29 of 23 June 2017.

Therefore, the UPR provides an important source for understanding the rule of law in our country.<sup>5</sup>

*Recognising* in March 2023 the government will submit its report for the outcome of the fourth cycle review. Cognisant of the reproachable fact that for the third cycle in 2017 the UK supported the lowest number of recommendations of any member state of the European Union. It is therefore of significant concern that the UK's track record in the UPR demonstrates a disconnect between the government's statements concerning its support for human rights, and the reality of the resultant harmful consequences of processes which curtail and dilute the successful implementation of the UPR.

*Affirming* that a good faith realisation of the UPR should involve all UK governments, which include the devolved administrations in Scotland, Wales, and Northern Ireland. A meaningful engagement necessitates a timely and informed participation from each of the executives, parliaments, and assemblies.<sup>6</sup>

The undersigned call upon the Government of the United Kingdom to:

- (1) Implement the voluntary commitments entered into through the support of received recommendations in the UPR. To achieve this it is necessary to establish a National Mechanism for Reporting and Follow-up (NMRF).
- (2) The NMRF should identify appropriate aims and objectives for the effective implementation of UPR recommendations. This should include the participation of each of the UK governments with input from each of the national human rights institutions.<sup>7</sup> Allow meaningful participation and contributions from civil society organisations, including those who have a lived experience as a victim of human rights violations.
- (3) The UPR reviews obligations under The Charter of the United Nations, The Universal Declaration of Human Rights, and the UN's nine core treaties and protocols. It also includes relevant information from the UN treaty bodies, Special Procedures, and the Sustainable Development Goals. It is necessary for a coordinated policy to be adopted in the UK which will include for each human rights issue, the appropriate:
  - a. Government ministries;
  - b. Government Equality Office;
  - c. Select Committees (Commons, Lords, and Joint);
  - d. All-Party Parliamentary Groups;
  - e. National Human Rights Institutions;
  - f. Professional Bodies; and,

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<sup>5</sup> There is significant potential for the UPR to inform both statutory interpretation and the determination of the common law. This includes when individual treaty commitments are considered, the wider evaluation of questions of customary international law, and the identification of peremptory norms of general international law (*jus cogens*).

<sup>6</sup> This should include appropriate discussions at the executive level on the UPR between the UK, Scottish, and Welsh Governments, and the Northern Ireland Executive. The legislative bodies should fulfil their roles concerning the UPR in the UK Parliament, the Scottish Parliament, the National Assembly for Wales, and the Northern Ireland Assembly.

<sup>7</sup> The Equality and Human Rights Commission, the Scottish Human Rights Commission, and the Northern Ireland Human Rights Commission.

- g. Civil Society Organisations and those who have a lived experience as a victim of human rights violations.
  
- (4) As the Ministry of Justice coordinates the government's submission to the UPR and drafts the National Report, it is necessary to formulate and publish a timetable providing all stakeholders identified above in paragraph 3, with time to prepare appropriately so as to be able to make reasoned contributions. National 'fact collation and review' events should be held throughout each of the four stages between the cycles so that an evidenced-based approach can be applied to the:
  - a. Pre-review;
  - b. Working Group Report;
  - c. Post-review; and,
  - d. Implementation.
  
- (5) The government should improve its engagement with other UN mechanisms, including the UN treaty bodies, the Special Procedures, and achieve the standards identified within each of the 17 Sustainable Development Goals. The government should also enhance its cooperation with international organisations which have standing to operate as observers, such as the Permanent Delegation of the Council of Europe, and the Permanent Delegation of the European Union.
  
- (6) We affirm that civil society has an important informative and participatory role in the fulfilment of the above five paragraphs. We ask that the UK government create an NMRF and provide meaningful opportunities for all UPR stakeholders to contribute to the safeguarding of human rights in our country.