

# THE UPR PROJECT AT BCU



**BIRMINGHAM CITY**  
University  
Centre for Human Rights



## **Joint-Submission of the BCU Centre for Human Rights and 4 King's Bench Walk, Inner Temple, London**

UPR Pre-session 41 of the United Kingdom of Great Britain and Northern Ireland  
Palais des Nations, Building E, Room XXI, 1211 Geneva 10, Switzerland  
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# Developments Post-Stakeholder Submission

- On 22 June 2022 the Government introduced Bill 117 (Bill of Rights Bill – **A Bill to Reform the Law Relating to Human Rights**)
  - Section 1(3)
    - It is affirmed that judgments, decisions and interim measures of the European Court of Human Rights-
      - (a) are not part of domestic law, and
      - (b) do not affect the right of Parliament to legislate.
- Significant concerns:
  - **Compounds** the Government’s opportunities to **curtail** human rights
  - **Affirms** an incremental dismantling of human rights following **Brexit** and the revocation of the domestic application of EU law, especially the **Charter of Fundamental Rights of the European Union**

# The Rights of Migrants, Asylum Seekers, and Refugees

- **Current** issues of concern
  - The **Migration and Economic Development Partnership with Rwanda (MEDP)** does not comply with the **Convention (& Protocol) Relating to the Status of Refugees**
  - The **Nationality and Borders Act 2022** must be applied consistent with international law
- **Essential** features of the UK's UPR 3<sup>rd</sup> Cycle
  - For the UK to ratify **CMW – 12** reviewing state recommendations
  - **Reduction** of immigration detention time limits – **4** recommendations
  - **Combat** hate crime and the need for social integration – **4** recommendations
- **Key** Stakeholder Recommendations
  - **Ratify** the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (**CMW**)
  - **Ensure** that the **Nationality and Borders Act 2022** is applied in compliance with the **Convention (and Protocol) Relating to the Status of Refugees**
  - **Repeal** the **MEDP**

# Detention and Imprisonment

- **Current** issues of concern
  - **Restrictions** on international law preclude redress of human rights violations
  - **Need** to protect the rights of children in the criminal justice system
- **Essential** features of the UK's UPR 3<sup>rd</sup> Cycle
  - **Children in the criminal justice system** – consider abolishing mandatory life sentences for minors – **3** reviewing state recommendations; raise ACR – **4** recommendations
  - **Conditions of detention** – (a) reduce prison population, (b) improve prisoner safety, and (c) tackle self-harm in prisons – **5** recommendations
- **Key Stakeholder Recommendations**
  - **Submit a Declaration** under the **Convention Against Torture** Art. 22 to accept individual petitions
  - **Ratify the Third Optional Protocol to the Convention on the Rights of the Child**
  - **Amend the Children and Young Persons Act 1963** s. 16 to raise ACR from 10-years-old to 14
  - **Revoke** life sentences for minors through amending the **Sentencing Act 2020**, ss. 258 and 259

# Racism

- **Current** issues of concern
  - **Significant disagreement** with the findings of the Commission on Race and Ethnic Disparities (CRED)
  - **Failings of CRED** highlighted by **UN's Working Group of Experts on People of African Descent**, The Runnymede Trust, and the BMA – focusing upon *inter alia* access to: (a) criminal justice system; (b) education; (c) employment; (d) housing; and (e) healthcare
- **Essential** features of the UK's UPR 3<sup>rd</sup> Cycle
  - **ICERD** implementation – **7** reviewing state recommendations
  - **Prevention** of hate crimes & effective protection against racism – **9** recommendations each (**18**)
  - **Resources** and societal education – **5** recommendations
- **Key Stakeholder Recommendations**
  - **Withdraw** the reservation on **ICERD** Article 4 & incorporate the individual complaints procedure into domestic law
  - **Reject** the **CRED** Report's findings. Implement a new data collection on race and ethnicity in the UK and provide independent peer review
  - **Support** the recommendations & initiate legal change as a demonstration of mutual support of the **UPR** and the **SDGs** on racial equality & strengthen the safeguards against racial violence

Thank you



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