<u>Introduction</u>

 Human Rights Watch submits the following information regarding the United Kingdom's (UK) implementation of recommendations it accepted through its third Universal Periodic Review (UPR) in 2017, as well as information about additional international human rights obligations and issues not addressed in the 2017 review. This submission is not a complete review of the implementation of all 227 recommendations either fully or partially supported by the UK, nor is it a comprehensive review of the UK's protection of human rights in the domestic sphere.

Chagos Islanders

- 2. As the International Court of Justice has stated, "Between 1967 and 1973, the entire population of the Chagos Archipelago was either prevented from returning or forcibly removed and prevented from returning by the United Kingdom." The UK continues to prevent the Chagossians, including the descendants of those forcibly removed 50 years ago, from exercising their right to return and live in their homeland.
- 3. On 30 July 2008, the Human Rights Committee, on the basis of Article 12 of the International Covenant on Civil and Political Rights, recommended that the UK "should ensure that the Chagos islanders can exercise their right to return to their territory".²
- 4. During the third UPR cycle, Mauritius recommended that the UK "respect the legitimate right of resettlement of the Chagossians" (134.226).³ Although the UK has expressed regret over the way Chagossians were removed, it has stated that it does not believe resettlement is feasible.⁴
- 5. The United Kingdom should:
 - 1. Acknowledge that the Chagossians were forcibly removed from their homes and have a right to return;

¹ Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (Advisory Opinion) [2019], I.C.J reports 95, page 110, para 43. Available at: https://www.icj-cij.org/en/case/169 (accessed: 3 March 2022)

² UN Human Rights Committee (HRC), Concluding Observations of the Human Rights Committee: United Kingdom of Great Britain and Northern Ireland: 7-25 July 2008, para 22. Available at: https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsg%2fOK3H8qae8 NhIDi53MecK%2f2gqd4WjxGafXAOvi2gd8MGnqbt1avQnaNolUy2XcvBwJ5RjyX8HLStgrG3Gvb212L1D8aWEhetj n9vv7zgmO (accessed: 3 March 2022)

³ All paragraph cites are to United Nations Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland, A/HRC/36/9' (July 2017). Available at: https://www.ohchr.org/en/documents/reports/report-working-group-universal-periodic-review-united-kingdom-great-britain-and (accessed: 1 March 2022)

⁴ Ministry of Justice (2020) 'United Kingdom, British Overseas Territories, and Crown Dependencies Universal Periodic Review', page 280. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953430/uk-mid-term-report.pdf (accessed: 8 March 2022)

- 2. Ensure complete reparations for all Chagossians, including ensuring that they can freely and without any hindrance exercise their right to return to all the islands, receive full compensation for the losses they have experienced, and acknowledgment of the harms inflicted on them;
- 3. Ensure that such abuses can never be repeated, including by ensuring that all possible crimes connected with forced removal and prevention of return of an entire population, and racial discrimination, are fully and independently investigated and prosecuted.

6. Questions:

- Does the UK acknowledge that the Chagossians were forcibly transferred from the Archipelago? What is it doing to remedy this?
- Does the UK acknowledge the right of Chagossians to return to live in their territory? If not, why not?

Business and Human Rights

- 7. The UK is falling behind other countries' legislative efforts to regulate corporate conduct that contributes to human rights abuses and environmental harm globally, in their own operations and their value chains. In February 2022, the European Commission published a draft proposal on corporate mandatory due diligence related to human rights and environment, the text of which will be finalized through a trialogue in the forthcoming months. France, Germany, and Norway have already adopted legislation. The Netherlands and Austria have proposals underway.
- 8. The UK is yet to take concrete action following the 2017 recommendations of the Parliament's Joint Committee on Human Rights. The Joint Committee recommended that "the Government should bring forward legislation to impose a duty on all companies to prevent human rights abuses, as well as an offence of failure to prevent human rights abuses for all companies, including parent companies, along the lines of the relevant provisions of the Bribery Act 2010." Recommendation 134.153 urged the UK to "[c]onsider aligning its corporate criminal liability regime with international human rights law in order to ensure accountability and effective remedy for victims of serious human rights abuses involving the operations of United Kingdom companies abroad".
- 9. The UK has initiated efforts to introduce anti-boycott laws that could effectively prohibit Boycott, Divestment, and Sanctions (BDS) campaigns. Such efforts not only reduce the space for democratic movements, but also unreasonably and excessively interfere with investor decisions to responsibly disengage in line with the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational

⁵ House of Lords, House of Commons, Joint Committee on Human Rights, "Human Rights and Business 2017: Promoting Responsibility and Ensuring Accountability, Sixth Report of Session 2016–17', March 29, 2017, para 193. Available at: https://publications.parliament.uk/pa/jt201617/jtselect/jtrights/443/443.pdf (accessed: 4 March 2022).

Enterprises, and the OECD Due Diligence Guidance. They also have the potential to prevent state bodies from complying with their responsibilities under these Principles, as well as obligations not to contribute to or facilitate international crimes and violations of international law more generally. It also directly contradicts recommendation 134.80 to the UK Government to "intensify its efforts to provide oversight over British companies operating abroad with regard to any negative impact of their activities on the enjoyment of human rights, particularly in conflict areas, which includes situations of foreign occupation, where there are heightened risks of human rights abuses."

10. The United Kingdom should:

- 1. Propose draft legislation in line with the Joint Committee on Human Rights' recommendations and in consultation with a broad swathe of civil society groups, including the UK Corporate Justice Coalition, and work in a time-bound manner to adopt legislation;
- 2. Refrain from passing anti-boycott or related laws that unlawfully interfere with the rights of public sector workers and could prevent public bodies from complying with their international human rights responsibilities and obligations.

11. Questions:

- What time-bound steps are being taken to propose legislation as recommended by the UK Parliament's Joint Committee on Human Rights to hold corporations accountable for human rights abuses and environmental harms, in their own operations as well as their global value chains?
- Considering efforts to pass anti-boycott laws, what steps is the UK taking to ensure that it is (a) not unlawfully interfering with the rights of public sector workers, including freedom of speech, (b) not preventing public and private bodies from complying with their responsibilities under international human rights standards, such as the UN Guiding Principles on Business and Human Rights, and (c) acting consistently with its obligation not to contribute to or facilitate violations of international law, or the commission of international crimes, including apartheid and persecution?

Refugee and Migrant Rights

12. The UK has proposed a new draft law, the Nationality and Borders Bill, which raises significant concerns regarding the UK's compliance with its obligations under international refugee and human rights law.

⁶ Ministry of Justice (2020), 'United Kingdom, British Overseas Territories, and Crown Dependencies Universal Periodic Review', page 68. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953430/uk-mid-term-report.pdf (accessed: 8 March 2022)

⁷ Nationality and Borders Bill, Originated in the House of Commons, Session 2021-22. Available at: https://bills.parliament.uk/bills/3023 (accessed: 29 March 2022)

- 13. The Bill introduces into UK domestic law provisions which would put the UK in breach of its international obligations and undermine fundamental tenants of the international refugee protection regime in the UK.⁸ At the time of writing, the Bill includes provisions criminalizing people seeking asylum (introducing a new offence for anyone who "knowingly arrives" without a valid entry clearance, increasing the sentence for "illegal entry", and widening the definition of "assisting unlawful immigration"); allowing asylum seekers to be removed to a "safe country" for offshore processing; subjecting refugees to differential treatment based on their mode of arrival; introducing powers to push back boats at sea; and granting immunity to immigration and enforcement officers from civil or criminal liability during the performance of their maritime functions.⁹
- 14. The UK has no statutory limit on the amount of time a person can be held in immigration detention and can result in people being indefinitely detained, despite UPR recommendations calling for a prohibition of the use of indefinite detention for migrants (134.217, 134.218, 134.219, 134.224). The UK established two alternatives to detention pilot programs and committed in October 2021 to using their evaluations to inform future alternatives to detention. However, the Nationality and Borders Bill would expand immigration detention and authorize offshore detention.

15. The United Kingdom should:

- 1. Immediately withdraw the Nationality and Borders Bill and respect the principle of *non-refoulement*, prohibition on collective expulsion, duty to rescue persons in distress at sea, and the rights of individuals to leave any country and to seek and enjoy asylum in the UK;
- 2. Not engage in any practice that has the effect of undermining access to asylum in the UK, endangering life or penalizing asylum seekers for seeking asylum, including through pushbacks, offshore detention and criminal offences;
- 3. Provide access to asylum procedures on UK territory and at the UK's juxtaposed border controls in France and provide more options for asylum seekers and

⁸ See Joint Committee on Human Rights, 'Legislative Scrutiny: National and Borders Bill (Part 3) – Immigration offences and enforcement' (1 December 2021). Available at:

https://publications.parliament.uk/pa/jt5802/jtselect/jtrights/885/88502.htm (accessed: 3 March 2022); Joint Opinion of Raza Hussain QC et al, 'Nationality and Borders Bill' for Freedom from Torture' (7 October 2021). Available at:

https://www.freedomfromtorture.org/sites/default/files/2021-10/Joint%20Opinion%2C%20Nationality%20an d%20Borders%20Bill%2C%20October%202021.pdf (accessed: 3 March 2022); UNHCR, 'UNHCR Updated Observations on the Nationality and Borders Bill', as amended (updated January 2022). Available at: https://www.unhcr.org/61e7f9b44 (accessed: 3 March 2022)

⁹ See clauses 11, 12, 28, 36, 39, 40 and schedules 3 and 6, part A1, B1, J1 of HL Bill 82 (as brought from the Commons).

¹⁰ Human Rights Watch, 'Dismantling Detention: International Alternatives to Detaining Immigrants', (3 November 2021), pages 75-78, 97. Available at:

www.hrw.org/sites/default/files/media_2021/11/global_altdetention1021_web.pdf (accessed: 4 March 2022).

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¹² Clauses 15, 28, 47, schedule 3 of HL Bill 82 (as brought from the Commons).

- migrants to travel safely to the UK;
- 4. Establish a clear time limit on the length of immigration detention and take urgent steps to implement long-term alternatives to detention.

16. Questions:

- Considering the Nationality and Borders Bill, what steps are being taken to (a)
 ensure access to asylum procedures on UK territory, including for those seeking
 asylum through irregular means, and (b) to open more routes to travel to the UK
 for asylum seekers and migrants?
- Will the UK introduce a time limit on immigration detention? If yes, when? If not, why not?

Economic and Social Rights

- 17. The UK has consistently failed to fully incorporate the International Covenant on Economic, Social and Cultural Rights (ICESCR) treaty into domestic law and give those whose rights are violated an effective remedy at domestic level. The UK has not ratified the Optional Protocol to the ICESCR, and as a result people whose rights are violated also do not have recourse to the UN's complaint mechanism. This is despite recommendations 134.16 and 134.7 urging the UK to ratify the OP-ICESCR and recommendation 134.15 urging the UK to withdraw reservations from the ICESCR.
- 18. In particular, the UK Government is failing in its duty to ensure the right to an adequate standard of living including the rights to adequate food and housing, and the right to social security.
- 19. During the third UPR cycle, the UK supported recommendations to develop clear national strategies for the eradication of child poverty (134.168, 134.191). However, at the national level, the UK Government lacks a comprehensive strategy to tackle either poverty generally or child poverty specifically.
- 20. The UK Government is currently failing in its duty to ensure the right to adequate housing for homeless families. As a result of persistent policy failures by central and local government, children in London are growing up in substandard and uninhabitable temporary accommodation, often for years at a time. People interviewed by Human Rights Watch described conditions including toxic mould, cold temperatures, and a lack of adequate space in their temporary accommodation. These poor conditions constitute a violation of the right to adequate housing and children's rights to an adequate standard of living, education, and health.¹³
- 21. The UK Government is failing in its duty to ensure the right to food. Food bank use and reliance on emergency food aid has increased year on year since 2009, with food banks

¹³ Human Rights Watch, 'I Want Us to Live Like Humans Again': Families in Temporary Accommodation in London, UK', (January 2022). Available at: https://www.hrw.org/report/2022/01/17/i-want-us-live-humans-again/families-temporary-accommodation-london-uk (accessed: 3 March 2022)

reporting a surge in demand during the Covid-19 pandemic. The increase in people needing food aid is closely linked to over a decade of austerity-motivated cuts to welfare spending, particularly related to children and families, and an overhaul of the country's social security system.¹⁴

22. After six consecutive years of freezing social security support levels, with the advent of the pandemic, in April 2020 the government introduced a weekly "uplift" of £20 in social security support to people on the government's Universal Credit program. People on older "legacy" social security programs – an estimated 2 million people, many with disability benefits – never saw a commensurate increase. In October 2021, the government ended the increase, despite wide-ranging evidence on the likely harm to human rights from such a move, cutting social security support in real terms to prepandemic levels. Inflation was at 5.5 per cent in January 2022, and experts expect it to exceed 6 or 7 percent during the year, creating a cost-of-living crisis with a particularly serious impact on people on low incomes.

23. The United Kingdom should:

- 1. Ratify the OP-ICESCR;
- 2. Enshrine the right to food and the right to housing in domestic law as specific enforceable rights, and as part of the human right to an adequate standard of living, ensure that all who experience violations of these rights, have access to an effective remedy;
- 3. Create a legally enforceable temporary accommodation standards framework with wide and inclusive consultation, and ensure a sufficient supply of housing, including by increasing the amount of affordable social housing with long-term tenancies;
- 4. Ensure that social security support through Universal Credit and "legacy" benefits keeps pace with inflation and protects peoples' right to an adequate standard of living, specifically factoring in its sufficiency for affording basic needs such as food, housing and energy costs;
- 5. Develop a comprehensive nationwide anti-poverty strategy, including a specific child poverty strategy, to ensure the right to an adequate standard of living for all, alongside a strategy to reduce the need for food bank use which examines the extent to which inadequate social security support is a driver of poverty and food bank use.

impending-cut-social (accessed: 3 March 2022);

Alex Firth (Human Rights Watch), "The UK Government Should Keep the Vital Lifeline for Children", *The Big Issue*, (September 27, 2021). Available at: https://www.hrw.org/news/2021/09/28/uk-government-should-keep-vital-lifeline-children (accessed: 3 March 2022)

¹⁴ Human Rights Watch, 'Nothing Left in the Cupboards: Austerity, Welfare Cuts and the Right to Food in the UK', (May 2019). Available at: https://www.hrw.org/report/2019/05/20/nothing-left-cupboards/austerity-welfare-cuts-and-right-food-uk (accessed: 3 March 2022)

¹⁵ Letter from Human Rights Watch to UK Parliamentarians, "Cut to Universal Credit Would Breach UK's International Human Rights Obligations", (September 2, 2021). Available at: https://www.hrw.org/news/2021/09/03/human-rights-watch-letter-uk-parliamentarians-regarding-

24. Questions:

- What steps are being taken to address (a) the crisis in habitability in temporary accommodation, (b) the increase in reliance on emergency food aid, (c) inadequate social security support for people on low incomes, or (d) all of the above?
- What concrete steps are being taken to improve the measurement of poverty and to develop a comprehensive national anti-poverty strategy to ensure that the UK Government meets its obligations to protect economic and social rights?

Women's Rights and Domestic Abuse

25. Despite ongoing promises to combat violence against women and girls in the UK, and significantly increased reporting of domestic violence during the Covid-19 pandemic, the UK has failed to enact legislation that adequately ensures protection from violence for all women and girls. The Domestic Abuse Act, billed as once-in-a-generation legislation, does not provide key protections or support for migrant women experiencing domestic abuse, including women who currently have No Recourse to Public Funds and are therefore ineligible for most government benefits due to their visa status. The Support for Migrant Victims scheme, put forth by the government as a potential solution, fails to provide the promised, much-needed safety net of support for migrant women survivors of domestic abuse. Potential information-sharing between police and immigration control remains a significant barrier to migrant women

¹⁶ Human Rights Watch, 'UK Failing Domestic Abuse Victims in Pandemic', (June 8, 2020). Available at: https://www.hrw.org/news/2020/06/08/uk-failing-domestic-abuse-victims-pandemic (accessed: 6 March 2022)

¹⁷ Latin American Women's Rights Services et al, 'The Right to Be Believed: Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London', (2019). Available at: https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-versionupdated.pdf (Accessed: 6 March 2022); Southall Black Sisters, 'A Briefing Paper on the Government's pilot project to support abused migrant women with No Recourse to Public Funds (NRPF)', (2020). Available at: https://southallblacksisters.org.uk/wp-content/uploads/2021/02/SBS-briefing-Pilot-Project-1.pdf (accessed: 6 March 2022); Women's Aid et al, 'Joint written evidence submitted by 29 VAWG (violence against women and girls) sector organisations on the Domestic Abuse Bill (DAB32)', (June 2020). Available at: https://publications.parliament.uk/pa/cm5801/cmpublic/DomesticAbuse/memo/DAB32.pdf (accessed: 6 March 2022); Bates, L., Gangoli, G., Hester, M. and Justice Project Team (2018), Policy Evidence Summary 1: Migrant Women. University of Bristol, Bristol. Available at: https://researchinformation.bris.ac.uk/ws/portalfiles/portal/188884552/Policy_evidence_summary_1_Migrant_women.pdf (accessed: 8 March 2022); AWRS and Step Up Migrant Women, 'Ending Violence against Women and Girls: Migrant Women and Safe Reporting of VAWG', (2020). Available at: www.sistersforchange.org.uk/wpcontent/uploads/2019/03/121-LAWRS_SUMW-2nd-Briefing-updated-final.pdf (accessed: 6 March 2022) ¹⁸ Southall Black Sisters, 'A Briefing Paper on the Government's pilot project to support abused migrant women with No Recourse to Public Funds (NRPF)', (2021). Available at: https://southallblacksisters.org.uk/wpcontent/uploads/2021/02/SBS-briefing-Pilot-Project-1.pdf (accessed: 5 March 2022)

reporting violence or seeking help.¹⁹ This is despite the UK supporting recommendation 134.84 to dedicate more resources to ensure equality and non-discrimination in current legislation by complying with measures to fight against prejudices, xenophobia and violence against women.

- 26. The government has failed to acknowledge or remedy historic underfunding of and lack of support for services run by and for Black, Asian, migrant and other minoritized communities. Violence against women organizations in the UK have repeatedly called for ring-fenced funding for specialist "by-and-for" services, which are often excluded or overlooked in current funding streams, leaving already-marginalized women without adequate tailored assistance.²⁰ The government should urgently address this gap to ensure implementation of the public sector equality duty under the Equality Act and duties in the Domestic Abuse Act.
- 27. The UK signed the Council of Europe Convention on Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2011 and supported recommendations 134.43, 134.44, 134.45, 134.46, 134.47 and 134.48 to ratify it. Despite repeated promises, it has yet to ratify the convention or lay out a clear timetable for ratification. The Home Office's 2021 report on progress towards ratification notes gaps in existing support for migrant victims of domestic abuse that contradict the convention. It suggests that the Support for Migrant Victims scheme will fulfil this legal obligation. ²²
- 28. The UK supported recommendation 134.172 encouraging the devolved government of Northern Ireland to align its legal framework on sexual and reproductive health and rights, and its reproductive health services, with the rest of the UK. Despite decriminalization of abortion in Northern Ireland in 2019, legal abortion remains largely

¹⁹ Step Up Migrant Women et al, 'Amendment 140 "Victims of domestic abuse: date sharing for immigration purposes" to the Nationality and Borders Bill', (2022). Available at: https://lawrs.org.uk/wp-content/uploads/2022/02/Amendment-140_-LAWRSWRW_Committee-Stage.docx-2-1.pdf (accessed: 5 March 2022)

²⁰ Imkaan, 'From Survival to Sustainability: critical issues for the black and 'minority ethnic' ending violence against women and girls sector in the UK', (December 2018). Available at:

https://docs.wixstatic.com/ugd/2f475d_9cab044d7d25404d85da289b70978237.pdf, p. 19 (accessed: 5 March 2022); Women's Aid, 'Nowhere To Turn 2018', (2018). Available at: https://www.womensaid.org.uk/wp-content/uploads/2019/12/NWTA-2018-FINAL.pdf (accessed: 5 March 2022); End Violence Against Women, "Joint VAWG Sector Emergency Funding Statement" (April 2020). Available at:

https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-JOINT-VAWG-SECTOR-EMERGENCY-FUNDING-STATEMENT.pdf (accessed: 5 March 2022); Farah Nazeer, 'Women's Aid Responds to the Government's Funding Announcement', *Women's Aid*, 3rd March 2021. Available at:

 $https://www.womensaid.org.uk/womens-aid-responds-to-the-governments-funding-announcement \ (accessed: 5 \ March 2022)$

²¹ Home Office, 'Implementation of the Council of Europe Convention on Combating Violence Against Women and Girls and Domestic Violence (Istanbul Convention) – 2021 Report on Progress', (November 2021). Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1030014 /E02686085_Istanbul_Conv_Progress_Report_Elay.pdf (accessed: 5 March 2022) ²² Ibid 8.

inaccessible.²³ The Northern Ireland executive has not commissioned necessary services to ensure provision of abortion, even after direction from the central government to do so by March 31, 2022.²⁴

29. The United Kingdom should:

- Urgently revise the Domestic Abuse Act to ensure protection and support for migrant women, including those with No Recourse to Public Funds, and remove barriers to migrant women reporting domestic or other gender-based violence, including by establishing firewalls between police and immigration control for victims of domestic abuse;
- Ensure access to services for Black, Asian, and other marginalized women experiencing violence, including by addressing historical underfunding of specialist "by-and-for" services, in order to fully implement the Domestic Abuse Act, the public sector equality duty under the Equality Act, and the Violence against Women Strategy;
- 3. Ratify the Istanbul Convention and ensure domestic legislation fulfils the convention's obligations regarding access to protection and services for migrant women victims of violence;
- 4. Urgently commission abortion services in Northern Ireland and ensure women and girls can access safe and legal abortion throughout the entirety of the UK.

30. Questions:

- What is the UK doing to ensure that migrant women victims can access essential services in cases of domestic violence, can safely report abuse to police without fear of repercussions due to immigration status, and to ensure Black, Asian, and other marginalized women have access to specialist services and protection in cases of domestic and other gender-based violence?
- What is the UK doing to ensure women and girls have equal access to safe and legal abortion services across the territory of the UK, particularly in Northern Ireland?

²³ Jude Webber, "Northern Ireland abortion rollout faces delays that could push London to step in", *Financial Times*, 19 February 2022. Available at: https://www.ft.com/content/63461e65-c55a-4f1f-8e86-7cff69c90dff (accessed: 5 March 2022)

²⁴ Jayne McCormack, "Abortion in NI: Westminster directs Stormont to set up services", *BBC News*, 22 July 2021. Available at: https://www.bbc.co.uk/news/uk-northern-ireland-57921537 (accessed: 5 March 2022)