

Human Rights in the UK

Submissions to the first session of the Universal Periodic Review, regarding the human rights record of the UK

KHRP Briefing Paper

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Background information

The UK's human rights record contains examples of best practice that could be shared among States and other stakeholders, for example regarding linguistic rights, but also exhibits flaws such as the use of anti-terror legislation to restrict civil liberties, a strategy emulated by repressive regimes worldwide. The UK has an obligation to fulfil its human rights commitments towards all civil society, and consistently develop its capacity to safeguard access to these rights by vulnerable minority groups. In addition the UK has an obligation in the international arena to recommend by its own example a positive agenda of transparency, co-operation, and broad-based consultation in its approach to human rights.

The Kurdish Human Rights Project, established in 1992, is an independent UK-based NGO that is committed to working cross-regionally on human rights, within an international framework. Working in the Kurdish regions of Turkey, Iraq, Iran, Syria as well as the Caucuses and Europe, our work is centred on respect for human rights. Our multi-disciplinary programme combines capacity-building trainings/ tools; expert fact-finding missions and trial observations, and international litigation with public awareness raising and engagement.

Linguistic Rights

The UK's commendable record on linguistic rights is an example of the UK's potential to promote positive developments in the international community. Under the European Charter for Regional or Minority Languages the UK has ratified Welsh, Scottish Gaelic and Irish for the higher level of protection and Cornish, Scots in Scotland and Northern Ireland (also known as Ulster Scots or Ullans) by the lower level. British Sign Language is also recognised as a language of its own right in the United Kingdom.

The situation in Turkey, however, is a far cry from that of the UK. The language of instruction in educational institutions was determined by the 1982 Constitution: 'no language other than Turkish shall be taught as mother tongue to Turkish citizens at any institutions of training or education.' Turkish law prohibits the use of minority languages as the medium of instruction at any level of Turkish state education. Considering that approximately 15 percent of the Turkish population have non -Turkish mother tongues (with approximately 7 percent speaking Kurdish and the remaining speaking Arabic, Armenian, Greek and Caucasian dialects), this monolingual policy fails to properly

reflect the linguistic composition of the country. Linguistic minorities receive the whole content of their education in a second language. Educational standards of children from minority groups are subsequently shown to be substantially lower than that of children whose mother tongue is Turkish.

The 2002 Law on Foreign Language Education and Teaching and the Learning of Different Languages and Dialects of Turkish Citizens opened up the possibility of learning Kurdish in educational institutions. However, this law contained the limitation: 'the teaching of courses, the content of which is against the principles of the state and indivisible integrity of the state with its country and nation, is not permitted. The National Education Ministry will adopt regulations for the holding and supervision of the course.' The narrow conditions of this law, most significantly that it is subject to the provisions of the Law on Private Educational institutions, again show the cross-over between national security and education policies, and prevent the Kurdish language, which is still regarded as a medium of terrorists, from being taught as a foreign language.

Deficiencies in the defence of Kurdish linguistic rights are also prevalent in Iran and Syria. The UK's defence of cultural and linguistic diversity within its borders, as a valuable, rather than a threatening accolade, sends a strong message that such limits on freedom of expression are not acceptable, or even tenable.

Anti-terror measures and restriction of civil liberties

The proposed 2007 Counter Terrorism Bill entails measures that raise serious concerns as to their impact on civil liberties for the whole populace, and their affect on vulnerable minority groups in particular.

The current limit of 28 days for detention without charge again faces a proposed extension to 56 days. A report by Liberty (12 Nov 2007) shows that the current limit already far exceeds equivalent limits in other comparable democracies, raising questions as to the necessity of an extended period. Other proposed changes include a new criminal offence of seeking 'information which could be useful for terrorism', post-charge questioning and travel restrictions for 'suspects'.

The current 28 day limit and the proposed 56 day limit are not only questionable in the UK, but are all the more so when one considers the importance of UK standards as representative of 'best practise' for evolving democracies. An example of this was its influence in tabling criminalization of "incitement to terrorism" throughout the world at the UN Security Council. This measure has raised frequent problems with defining 'incitement', and under the Turkish penal code, the glorification of terrorism is frequently used as a basis to arrest journalists and human rights advocates, which has been a serious concern for free expression in the country.

Turkey frequently employs several articles of its anti-terror legislation in order to suppress civil dissent. Turkey's anti-terror legislation is almost exclusively used towards those who challenge state policy and disproportionately so against religious and ethnic

minorities. For example, the KHRP fact finding mission in July 2007 was informed of the arrest and detention of six journalists from Özgür Radyo, a left-wing station, as well as 22 other journalists under the new Anti-Terror Law. The mission heard that journalists who refer to PKK members as ‘guerrillas’ and not ‘terrorists’, and who address the former leader of the PKK as ‘Mr’ Öcalan or ‘Esteemed’, are seen as traitors and this often results in criminalisation.

A further concern is the potential of UK anti-terror law to criminalise whole communities through a series of legislation, from the Terrorism Act 2000, followed by further laws of 2001, 2005, 2006 and the proposed legislation of 2007. CAMPACC (Campaign against Criminalising Communities) warns that “the broad definition of terrorism criminalised normal political activities, potentially on the basis of suspected ‘association’”. The growing extra powers of the police, control and orders and stop and search powers, and allowances for pre-trial detention breed a culture of mutual distrust, and endanger the safeguards of due process against ‘guilt by association’.

Access to law mechanisms

The recently enacted ‘Carter reforms’ to Legal Aid reduce access to legal aid for individuals which has been shown to disproportionately impact on vulnerable minority groups. For example, the Law Society’s report on the reforms states that “the re-organisation of the market this should continue to ensure equal access by clients from black and minority ethnic (BME) backgrounds and others to high quality services. This may be currently provided by small firms which are most likely to be threatened by the reforms.”

The introduction of fixed fees on 1st October 2007 has hit small firms who are less able to engage in competitive pricing to attract contracts. These firms are often more attractive to minority groups, not least because of a preference for a solicitor with a shared racial, religious or cultural identity and linguistic ability. It has been argued by several firms that the imposition of capped fees in immigration work would lead to injustice, as the complexity and variety of case histories entails that uniform limits will result in cases left unfinished, or hurriedly done. These are troubling developments for minority groups who often wholly depend on legal aid mechanisms to for their access to justice in the UK.

Refugee policy

The UK is complicit in the situation of tragic impasse facing many refugees worldwide, including the thousands of refugees stranded in Turkey & Iraq today. Turkey applies a ‘geographical limitation’ to its obligations arising from the 1951 Convention relating to the status of refugees, whereby refugee status is only granted to those who have become refugees through events in Europe.

KHRP has consistently raised concerns over this failure to satisfactorily implement international law. It has lead to, for example, 900 remaining Iranian refugees who fled from Kurdistan, Iraq, left stranded in Turkey, having been both denied refugee status in

Turkey and exit visas in order to re-settle through the UNHCR, and but are also unable to return safely to Iraq. In Iraq, there are refugees from Iran who have been in UNHCR camps since 1981-82, and young adults who have only known life in these camps. At least half of them face serious risk of torture or death by the Iranian state if returned, and since Iraq is currently not in the position to accept refugees, therefore they continue to wait in limbo for a third country to accept them. The UK imposes an unreasonably limited quota to accept these refugees, resulting in large numbers being stranded in Turkey and Iraq.

Summary

The Kurdish Human Rights Project commends the mechanism of the Universal Periodic Review, and aims to contribute to the successful attainment of its objective, to improve the human rights situation on the ground in the UK, as well as the sharing of best practice amongst States. Whilst linguistic rights provide an example of this potential, regarding refugee, legal aid, and anti-terror structures in the UK there persists a troubling impact on the human rights situation of minorities in the UK, and furthermore other countries with poor human rights records are even going so far as to model their repressive anti-terror laws on those of the UK.



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The Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation founded and based in London, England. KHRP is a registered charity and is committed to the promotion and protection of the human rights of all persons living with the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people.