

# UK fails to meet United Nations calls on human rights as welfare and legal aid cuts present new risks

Submitted by: The British Institute of Human Rights

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## PRESS RELEASE

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Concern that plans to scrap Human Rights Act will lead to less protection

A report produced by the British Institute of Human Rights (BIHR) with input from more than 175 civil society organisations, shows that the UK Government has failed to fully meet 81 out of 85 recommendations made by the United Nations in 2012 to improve domestic human rights protections.

BIHR's 55-page report, which will be submitted to the UN on 22 September as part of the Universal Periodic Review process to which all 193 member countries are subjected every four and a half years, looks at 85 of the 132 UN recommendations, covering areas such as children's rights, violence against women, discrimination and criminal justice. BIHR found:

- 4/85 (4.5%) of recommendations met (although some recent cause for concern)
- 36/85 (42.5%) of recommendations, some action taken but not met
- 45/85 (53%) recommendations not met
- 81/85 (95.5%) of the 2012 UN recommendations to the UK Government were not fully met

The 'Joint Civil Society Report' is the result of eight consultation events and a call for evidence, engaging over 175 bodies ranging from local community advocacy groups to large national organisations, working on issues such as health, older people, children, justice, education and welfare. It presents overwhelming evidence that the UK has failed to make progress on the majority of the recommendations made by the UN in 2012. In some areas, such as adequate standard of living, the situation has even got worse.

The report will be launched at an event on Thursday evening (22 September) at which David Isaac, new Chair of the Equality and Human Rights Commission, and Harriet Harman QC MP, Chair of the Joint Committee on Human Rights, will both speak.

The impact of cuts to welfare benefits and legal aid reforms have emerged as key factors which now put people's human rights at risk in Great Britain. And a key concern raised by civil society is the threat posed by the Government's position to "scrap" the Human Rights Act and replace it with a new bill of rights, which groups believe will lead to less protection of human rights.

The report also notes some key differences between the devolved governments and the UK Government, such as positions on the Human Rights Act, commitment to international children's rights, and the differences in applying welfare benefit reforms. The UN's recommendations are to the UK Government, as the State Party, but are also to devolved nations where applicable.

Says Stephen Bowen, Chief Executive of BIHR: "The UK Government needs to listen, not just to the United Nations but to the voices of the huge range of organisations closer to home that have shared their

serious concerns with the British Institute of Human Rights. They are troubled the Government is taking the UK towards further isolationism and disregarding the United Nations, worsening the situation with welfare and legal aid cuts, and wanting to scrap the Human Rights Act, weakening its accountability for our rights at home as well as internationally.”

#### Notes for Editors

The British Institute of Human Rights is a UK-wide independent human rights charity. Established for over 40 years, BIHR helps people to know what human rights are and are not, to put their human rights into practice to achieve positive change in everyday life without resorting to the courts and to make sure those in power respect our human rights laws and systems. For more information, visit <http://www.bihar.org.uk>.

This report has been produced by the British Institute of Human Rights (BIHR) as part of the Human Rights Check UK project. The report will be submitted to the United Nations on 22 September 2016 as part of the Universal Periodic Review (UPR) of the UK. The UPR is a UN process that all 193 member countries go through every 4.5 years to review their domestic human rights situation, and set recommendations for future progress. Civil society groups can submit evidence reports which assist the UN when questioning senior government officials at the UN Human Rights Council in Geneva. The UK is about to enter its 3rd UPR. The BIHR provides a vital contribution to ensuring that the UK Government is accountable at an international level.

BIHR will launch its Joint Civil Society Report with a discussion chaired by its Chair, Sir Nicolas Bratza, former President of the European Court of Human Rights, at Broadway House, Tothill Street, London, SW1H 9NQ from 6-8pm on Thursday, 22 September.

#### Further Information

For further information, a copy of the report or to attend the launch event, please call Mike Blakemore on 07984 136044

#### Summary of overall findings

##### Key themes

These are based on the evidence submitted to BIHR:

- Domestic Human Rights Protections (e.g. the proposed repeal of the Human Rights Act)
- Women's Rights (e.g. the gender pay gap)
- Children's Rights
- Poverty, Welfare and Adequate Standard of Living (e.g. impact of welfare reforms on growing poverty)
- Criminal Justice, Counter Terrorism, Racism and Hate Crime
- Immigration, Asylum and Trafficking
- Prisons
- Access to Justice (e.g. cuts to legal aid)

## Breakdown of key themes

Some useful and key statistics and facts that the report uncovers:

### The Proposed Repeal of the Human Rights Act

- Increased concern about the negative and often misleading narrative about human rights in the political and media arena
- Concern that a repeal would weaken the universality of human rights to all people, affecting some of the most marginalised groups (e.g. those who have committed/been accused of committing a crime, asylum seekers or refugees)

### Women's Rights & Violence against Women and Girls

- There is an 18% gender pay gap which increases for women with children
- There has been a 17% decrease in specialist violence against women services (England)
- There has been a 31% cut in funding to the sexual violence and domestic violence sector from local governments (England)
- From 2005 – 2015, 19 children and two mothers were killed in 12 families by their fathers who had access to them through both formal and informal contact arrangements, highlighting key failings in child contact cases involving domestic abuse. (England and Wales)

### Children's Rights

- Despite the age of criminal responsibility being highlighted as 'internationally unacceptable' it still remains at ten for England and eight in Scotland
- The UK remains the only European country to ordinarily recruit 16 year olds into the armed forces
- From 2013 to 2014, there was a 22% increase in children identified as victims or potential victims of trafficking in the UK.
- None out of ten Gypsy, Traveller and Roma children have experienced racial abuse and two out of three have been bullied or physically attacked

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- Despite the number of children in custody decreasing, the use of restraint has doubled over the last five years (4,387 instances in 2014-15, England)
- Medway Young Offenders Institute remains open, despite a BBC documentary and subsequent Government commissioned inquiry highlighting grave concerns
- The repeal of the Child Poverty Act 2010 means there are no longer statutory targets or duties to report on the goal of eradicating child poverty by 2020

### Poverty, Welfare and Adequate Standard of Living

- The 'Bedroom Tax' has left 50% of those affected having to cut essentials such as energy, electricity and food to cover their increased rent costs.
- The Discretionary Housing Payments (DHP) which are available as a 'top up' have not been made visible to those in need. However, half of those who applied were refused 'despite facing hardship and imminent destitution'.
- The 'Household Benefit Cap' (capped at £20,000 for families outside of London and £23,000 for those in London) has a disproportionate impact on single parents, children and black and minority ethnic (BME) groups. The Supreme Court has ruled that the cap violates children's rights.

- The use of benefit sanctioning has been directly linked to rising destitution and increased food bank use and evidence provided suggests that sanctioning has not been effective in getting people back in to work.
- The rate the 'National Living Wage' has been set at does not match the recommendations from the Living Wage Foundation and does not cover the cost of living.
- Current building rates suggest that by 2031, England will have 2.5 million fewer homes than needed
- 29% of private sector tenants are in substandard housing (England)
- Since 2010, there has been a 55% increase in rough sleeping (England)

#### Stop and Search & Hate Crime

- BME communities continue to be disproportionately affected by stop and search powers.
- In 2014-15, there were 52,528 hate crimes recorded by the police, an increase of 18%, of which 82% were race-related; 11% were sexual orientation-related; 6% were religion-related; 5% were disability-related and 1% were transgender-related. (England)
- Official data suggests that since the Brexit result, there has been a 52% increase in hate crime, with 289 offences taking place alone the day after the referendum. (across Great Britain)

#### Immigration

- In 2014-15, the Government paid £4 million in compensation to immigration detainees held unlawfully
  - The 2016 Shaw Review raised significant concern about detainees' welfare and vulnerability
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- There is concern that the removal of the right to respect for private and family life (Article 8, Human Rights Act) from automatic legal aid in immigration matters will deter valid concerns
  - The 'deport first, appeal later' will deter claimants from appealing their decisions
  - The requirement on landlords to check tenants' immigration status may lead to landlords discriminating against people who 'appear' foreign

#### Prisons

- 74 of 118 prisons in England and Wales are overcrowded
- 75% of prisons inspected last year had unacceptably low levels of purposeful activity for prisoners (England and Wales)
- Between 2015-16, 290 people died in prisons – the highest number ever to be recorded – with a third of these resulting from suicide. This reverses a trend towards lower suicide rates. (England and Wales)

#### Ends