



Universal Periodic Review (UPR)

UK Stakeholder Submission

Submission by René Cassin, UK

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Introduction

In this submission, René Cassin seeks to assist the UN in assessing the UK's current human rights record.

In section 1 we call on the UK Government to commit to preserve the Human Rights Act in its current form.

In section 2 we call upon the UK Government to prioritise addressing inequalities faced by Gypsy, Roma and Traveller Communities.

In section 3 we call on the UK Government to modify immigration detention legislation which currently permits migrants to be detained indefinitely.

In section 4 we call on the UK government to carry on the progress it has made in relation to Modern Day Slavery and in particular modifying its approach to Overseas Domestic Worker Visas.

About René Cassin

René Cassin is a human rights organisation that promotes and protects universal human rights drawing upon Jewish experience and values. We campaign and educate on issues such as discrimination, modern slavery and human trafficking, asylum seekers and the Human Rights Act.

The organisation is named in honour of Monsieur René Cassin, a French Jew and Nobel Laureate who was one of the principal co-drafters of the Universal Declaration of Human Rights. René Cassin, through its parent body, the Consultative Council of Jewish Organisations (CCJO), has enjoyed special Consultative status at the United Nations since 1947.

Section 1: The importance of the maintenance and protection of the Human Rights Act (HRA) in its current format

1. We reiterate concerns relating to the proposed repeal of the 1998 Human Rights Act (HRA). We believe the proposed changes threaten to hamper access to justice for the most vulnerable, undermine the UK's

international moral authority and weaken our commitment to international obligations.

2. We remind the Government the HRA framework has helped countless individuals claim justice and seek redress. A report by the House of Lords' European Union Justice Sub-committee¹ highlighted repeal of the Act could also result in damage to the Northern Ireland Good Friday Agreement, which requires the European Human Rights Convention to be incorporated into Northern Irish law. A new British Bill of Rights carries the possibility of being rejected by the devolved parliaments of Scotland and Wales, thus creating disparities in human rights protections across the UK.
3. The HRA has also been effective in ensuring that public bodies review their policy and governance in line with human rights standards.²
4. As an organisation that focuses on promoting human rights emerging from Jewish experience and values, we are particularly concerned about regressing from internationally agreed standards set up in the wake of World War Two.

Section 2: Discrimination against Gypsy, Roma and Traveller Communities in the UK

1. The high level of discrimination within the UK against these Communities concerns us, with nine out of ten members reporting to have suffered racial abuse. Life expectancy remains an estimated 12 years less than the general population.³ In 2011, the UN Committee described the UK's actions during the Dale Farm eviction as disproportionate on the Elimination of Racial Discrimination.
2. We urge the government to change measures in the Housing and Planning Bill 2015, which removed the duty on local authorities to assess the priorities of Traveller communities under the Housing Act 2004.⁴

¹<http://www.publications.parliament.uk/pa/ld201516/ldselect/lddeucom/139/13902.htm>

² Louis Dore, 'HRA: What has it done for us?', <http://www.independent.co.uk/news/uk/politics/human-rights-act-what-has-it-done-for-us-10253168.html>, 26/5/16; see also <https://www.amnesty.org.uk/eight-reasons-why-human-rights-act-has-made-uk-better-place-british-bill-of-rights>, 26/5/16

³ Emily Dugan, 'Nine out of 10 gypsy and traveller children have suffered racial abuse', <http://www.independent.co.uk/news/uk/home-news/nine-out-of-10-gypsy-and-traveller-children-have-suffered-racial-abuse-9811861.html>, 29/5/16

⁴ Rene Cassin source, <http://www.renecassin.org/a-lose-lose-situation/>, 29/5/16

3. The UK's Ministerial Working Group on tackling inequalities experienced by Gypsies and Travellers (MWG) has yet to produce any outcomes beyond the 28 high level commitments released in April 2012. No detail on the implementation of these commitments has been advanced.
4. We urge the Government to prioritise addressing inequalities experienced by these communities when considering new policies in combating discrimination.

Section 3: Indefinite Immigration Detention Legislation

1. We are disappointed the government has failed to introduce a time limit on how long an individual can be held in immigration detention. Tens of thousands of migrants are held without a time limit and without trial every year.
2. Since 2012, the Committee Against Torture (2013), the European Committee for the Prevention of Torture (2014), the Parliamentary Inquiry into the Use of Immigration Detention (2015), and most recently the Equality and Human Rights Commission have strongly criticised the UK's policy of indefinite detention.
3. This legislation is unjust and serves no end apart from wasting taxpayer's money and damaging the mental health of already vulnerable people, leading many to suicide attempts and fatalities.⁵
4. We consequently call on the government to adopt the cross-parliamentary recommendation⁶ of a 28-day time limit in detention for migrants and asylum seekers and only then as an absolute last resort.

Section 4: Human trafficking and modern slavery

1. We are pleased with the UK's introduction of new legislation designed to tackle modern day slavery, particularly with the adoption of an independent anti-slavery commissioner.
2. We are also pleased with the relaxing of employee labour laws that permits overseas domestic workers to switch employers, thereby decreasing the potential for abuse.

⁵<http://www.inquest.org.uk/statistics/deaths-of-immigration-detainees>

⁶<https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>

3. We call on the Government to reform the National Referral Mechanism in ways that make it easier for victims to report abuse.
4. There also remain areas the recent Modern Slavery Act failed to tackle. We recommend support beyond the current 45 days permitted in safe houses for people who are identified as victims of trafficking through the National Referral Mechanism. Lack of support threatens to lead to destitution, detention or re-trafficking.⁷
5. We call on the Government to set up a system that helps monitor and assess the outcomes of people when they leave safe houses. We further call on the Government to make the safeguards of support more accessible for victims of modern slavery.
6. Further, we encourage the Government to introduce case transfer and victims monitoring to ensure a more accessible gateway of support, enabling victims to become active members of society.

⁷ 'Life beyond the safe house for survivors of modern slavery in London', report by Human Trafficking Foundation, July 2015