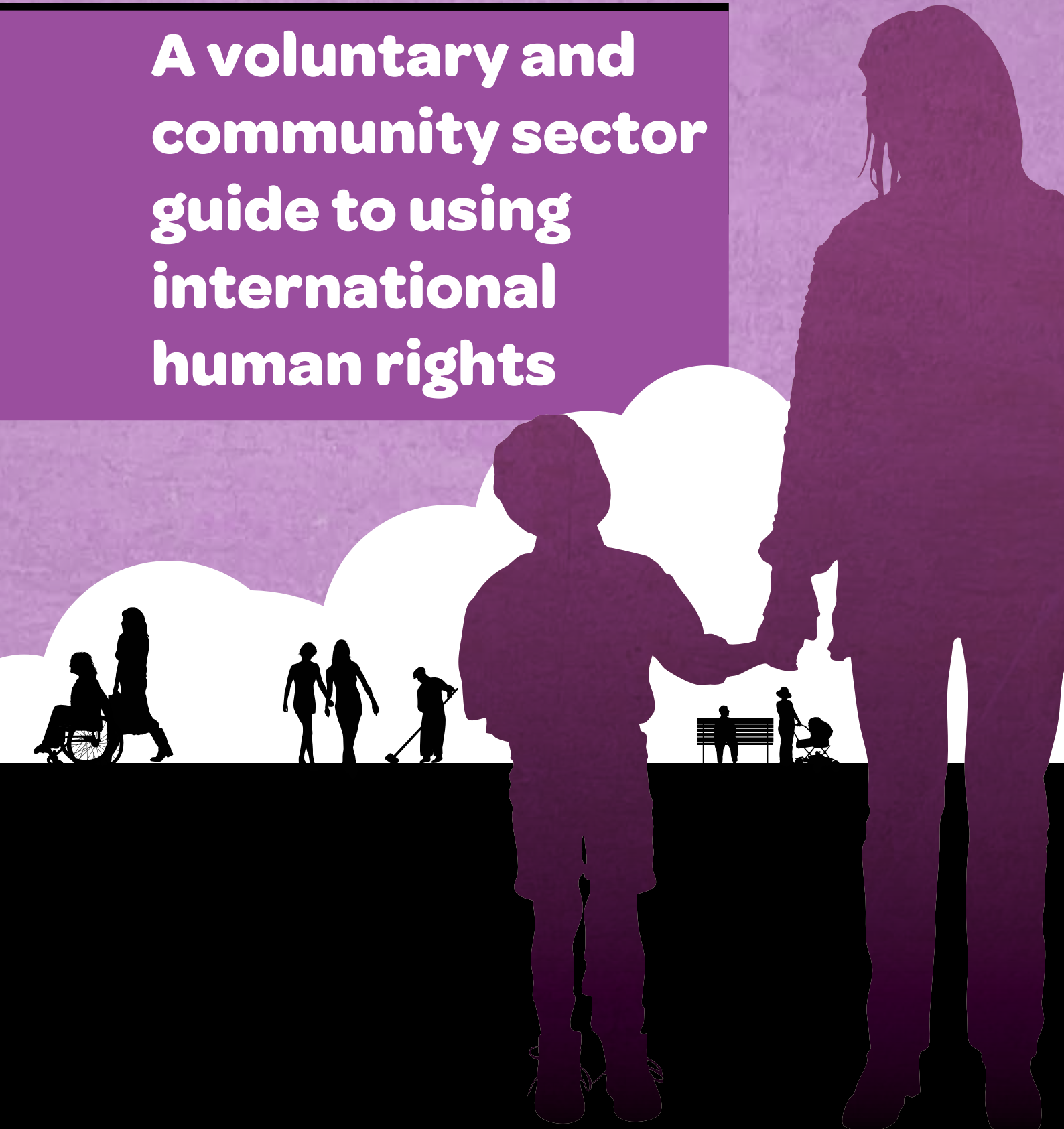


A voluntary and community sector guide to using international human rights



About the National Equality Partnership (NEP)

NEP supports the third sector to challenge inequality and promote equality and human rights. It is a three-year project, (2008-11) funded by Capacitybuilders, under the Improving Support Programme. The national programme covers the whole of England.

NEP believes that people with direct experience of discrimination are best placed to develop solutions to address it, and aims to ensure that all work on equality, diversity and human rights in the third sector is done with the close involvement of equality organisations.

What do we do?

We offer training, information and one-to-one support to umbrella organisations to help them challenge disablism, homophobia, racism, sexism and other forms of discrimination and human rights abuse. We enable organisations to increase their voices so that inequality is tackled effectively. All of our work promotes collaboration and partnerships, sharing expertise and encouraging long-term relationships between equalities organisations and the wider third sector. Our work is closely informed by our reference group encompassing all equalities sectors as well as generalist organisations. The partnership of NEP is made up of:

- » Women's Resource Centre (WRC)
- » Voice4Change England
- » Consortium of Lesbian, Gay, Bisexual and Transgender Voluntary and Community Organisations
- » National Association for Voluntary and Community Action (NAVCA)

Women's Resource Centre is the lead partner with core staff based at our London office.

National Equality Partnership

Email: equality@wrc.org.uk

Web: www.improvingsupport.org.uk

Telephone: 020 7324 3030



About the British Institute of Human Rights (BIHR)

BIHR is a human rights organisation that is committed to challenging inequality and injustice in everyday life in the UK. We aim to achieve this by bringing human rights to life – supporting people to use human rights principles and standards to improve their own lives and as a tool for organisations to develop more effective public policy and practice.

What we do

- » Provide a range of information and other resources
- » Develop and deliver human rights consultancy and training for the voluntary and community sector and public sector on both practice and policy
- » Lead and /or collaborate on demonstration and pilot projects across the voluntary and community sector and public sector
- » Undertake policy analysis and research
- » Lobby national government and Parliament, do media work and occasional strategic legal interventions
- » Organise a range of events that stimulate debate on topical human rights issues

For information about our current work please visit our website at www.bihr.org.uk.

Acknowledgements

We would particularly like to thank Lucy Matthews from the British Institute of Human Rights for writing the guide and her colleagues for their input and expertise on human rights.

This document has been edited by Jaya Gajparia (WRC), Karen Constantine (WRC), Heather Rogers (WRC) and Shakirah Ullah (GMCVO).

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Introduction

International human rights laws have the potential to be used to transform the relationship between individuals and those in power. They have been used in a variety of ways, for example by advocates in Ghana to strengthen domestic violence law, in the US to improve wages and working conditions for tomato pickers, and to challenge inhumane prison conditions in South America. However, to date they have been used very little in England, and there is minimal awareness among voluntary and community sector organisations of what they are, how they can be used and their huge potential.

This guide seeks to address this by giving voluntary and community sector organisations information on how to use international human rights laws in creative and effective ways to transform the lives of the people they are working with and for. Human rights laws are there for us all, but they will only be able to fulfil their potential and make a real and practical difference if we take the time to understand and use them.

International human rights laws can at times seem complex and difficult to navigate. Therefore this guide aims to explain how they work in simple and accessible language. Our primary purpose is to inspire you to take action and find out more. The guide is therefore more of a general introduction than a detailed guide to the law.

We provide general information on human rights and international human rights laws in chapters 1 & 2. Chapter 3 goes into more detail on how the treaties work and how you can use them. In chapter 4 we focus on the nine core human rights treaties (as recognised by the Office of the UN High Commissioner for Human Rights). These are the treaties with the strongest enforcement mechanisms and can therefore be used most effectively by non-governmental organisations to hold governments to account. We have also included a short chapter that looks at other UN treaties and declarations. For those of you wanting to find out more, the final chapter signposts you to a wide range of useful resources and organisations you can contact.

This guide is written for voluntary and community sector organisations in England. Much of the information will also be relevant for those in Scotland, Wales and Northern Ireland. However, please note there are some differences in how human rights laws are applied among the different nations. In the last chapter we have given details of organisations you can contact if you would like to know more about how this works in practice.

Chapter 1

Introducing human rights

“Human rights are basic rights to humane dignified treatment and things I should have access to, simply because I am a human being.”
Mental health service user

What are human rights?

Human rights are the basic rights we all have simply because we are human. They belong to everyone. No matter who you are, where you are or what you do, you have human rights. They are the fundamental things that we all need in order to flourish and participate fully in society.

Human rights are not based on need or charity. They are based on our inherent human dignity; they are what it means to be human. Moving from talking about people’s needs towards talking about their rights can be an incredibly powerful shift. Once people know their rights, they can express their concerns with the confidence that they are backed up by the law. This can give them more confidence in themselves as well as the changes that they could bring about.

From needs to rights: the distinction

A right

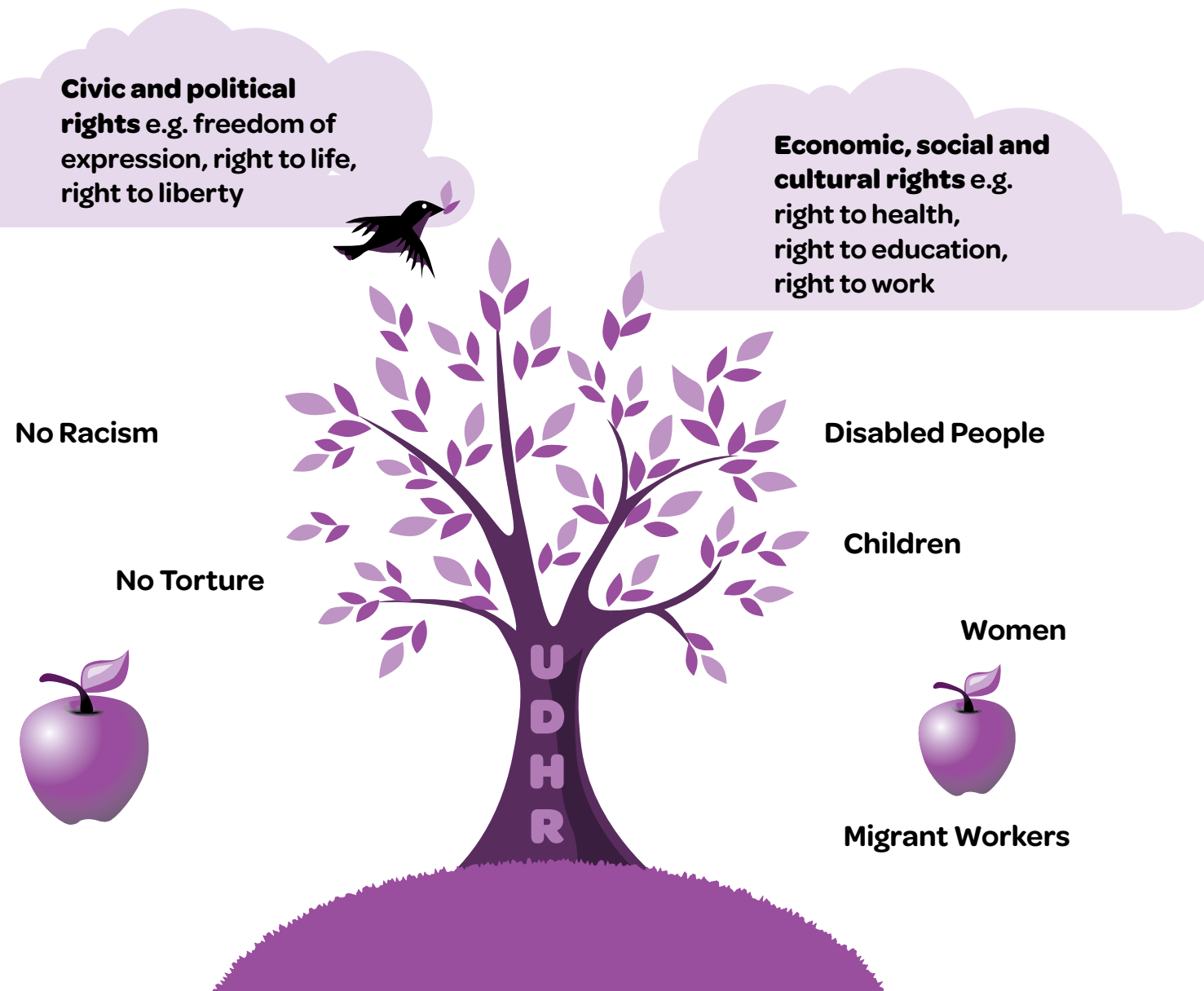
“is something to which one is entitled solely by virtue of being a person ... enables a person to live with dignity ... can be enforced ... and entails government obligation.”

A need

“is an aspiration that can be quite legitimate but not necessarily associated with an obligation by government to cater to it. The satisfaction of a need cannot be enforced. Human rights make the difference between being and just merely existing”
(From UNDP poverty practice note)

Where do human rights come from?

The roots and origins of human rights and the struggles to bring them about lie deep in the history of many different societies, civilisations and individuals. However, the first universally agreed statement of human rights did not emerge until 1948, with the 'Universal Declaration of Human Rights' (UDHR). Human rights are continually evolving, and since the UDHR, a wide range of human rights laws have developed at the international, regional and domestic levels. The UDHR is the most famous, most translated, and probably most important, human rights document. All other human rights laws take the UDHR as their starting point – it is the foundation of modern human rights law.



- The roots:** ancient philosophy, religion, conflicts, social movements etc.
- The trunk:** UDHR and the establishment of the United Nations
- The branches:** two main branches – civil and political rights; and economic, social and cultural rights
- The fruits:** laws covering specific themes or groups

What rights do we have?

Human rights represent all that is important to us as human beings, such as being able to choose how to live our lives and being treated with dignity and respect. They cover many aspects of everyday life ranging from the rights to food, shelter, education and health to freedoms of thought, religion and expression. See the appendix on page 51 for a list of the rights that we all have, as set out in the UDHR.

Who has responsibilities for human rights?

Human rights are based on the principle that we all have human rights – we are all 'rights holders'. When an individual has a right, there is a corresponding 'duty bearer', usually the state, who is responsible for making sure that right is respected, protected and fulfilled. By the state, in broad terms we mean the government and those acting on its behalf. Human rights prevent states from doing certain things, like not treating you in a degrading way. They also require states to take certain actions to make sure your rights are protected and fulfilled, like taking steps to protect your life and improve your quality of life.

This doesn't mean that human rights have nothing to say about the responsibilities of individuals, or our relationships with each other. Human rights recognise that we all live alongside each other, and everyone else has rights too. If we compromise others' human rights, we are subject to laws that may limit our own rights as a result. For example, if someone is convicted of burgling your home, it is possible that they will be sent to prison under UK criminal law. This would restrict their right to liberty.

Why do you need to know about human rights?

Human rights belong to everyone. But they are particularly important for those who may be disempowered or are facing disadvantage. They can transform the relationship between individuals and those in power, providing a voice for the voiceless, and rights for those who may see themselves as 'rightless'. In a modern, developed society like the UK, human rights shine a spotlight on everyday issues such as poor treatment of older people in care homes; the rights of disabled people to live independently; and the missed opportunities for children living in poverty.

But they will only be able to have an impact on these kinds of issues if people know what their rights are. Those with responsibilities also need to be held to account. The voluntary and community sector is key to making this happen by supporting those that they work with and for to find out about and claim their rights, and also making sure that those in power are aware of and are meeting their responsibilities.

Chapter 2

International human rights law

Introduction

In 1948, the Universal Declaration of Human Rights set out a list of 30 basic human rights that are universal, for all people at all times.

The Universal Declaration of Human Rights is an aspirational document – it does not place any direct legal obligations on states. It was, however, followed by a series of international human rights treaties (also called Conventions or Covenants) agreed by the United Nations that are legally binding on the states that sign up to them. There are nine core international human rights treaties:

- » The International Covenant on Civil and Political Rights (ICCPR)
- » The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- » The Convention Against Torture (CAT)
- » The Convention on the Elimination of Discrimination Against Women (CEDAW)
- » The Convention on the Elimination of Racial Discrimination (CERD)
- » The Convention on the Rights of the Child (CRC)
- » The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (the UK has not signed this Convention)
- » The International Convention for the Protection of all Persons from Enforced Disappearances (not yet in force; the UK has not signed this Convention)
- » The Convention on the Rights of Persons with Disabilities (CRPD)

These treaties are the main focus of this guide. The text of these treaties can be found on the website of the Office of the High Commissioner for Human Rights (www.ohchr.org), and more detailed information on each treaty is given in chapter 4.

Sign or ratify?

A treaty is a written agreement between states which places legal obligations on states – rather like a contract. There are two steps involved in agreeing to an international treaty – signing and ratifying (sometimes these are done at the same time).

- » When the UK Government signs a treaty, it agrees with the treaty in principle, but has not signed up to any legal requirements
- » When the UK Government ratifies a treaty, it agrees to be legally bound by that treaty. This means that they accept the legal obligations set out in the treaty, and that they will be held legally accountable if they fail to meet these obligations.

Why are there treaties for some groups and not others?

You will notice that some of the treaties protect the rights of specific groups such as women, children, disabled people and racial and ethnic minorities. The existence of these treaties does not give these groups any additional human rights, but recognises the particular discrimination and difficulties some groups face in claiming their human rights.

It may be that the group or groups that you work with and for do not have a specific treaty. This does not mean they are not protected by international human rights law – they will still be protected by the more general treaties such as the International Covenant on Economic, Social and Cultural Rights. In addition, there are also a range of other universal human rights agreements relating to human rights that may be relevant for some of these groups, for example the UN Principles for Older Persons. These kinds of agreements are usually guidelines or recommendations, rather than being legally binding treaties – something that states agree they should do, rather than have to do. This means that they are not quite as powerful as international treaties, but they are still useful campaigning and lobbying tools. You can find out more about these kinds of agreements in chapter 5.

Also remember that international human rights law is continually evolving and there is scope for further core human rights treaties to be developed. For example there are currently discussions at the UN level about developing a core human rights treaty for older people. If you think there should be a legally binding treaty for the group or groups you work with, then why not lobby the UN to produce one (See chapter 3 for more details).

What obligations do the treaties place on governments?

When a state ratifies an international human rights treaty, this means it has agreed to a legal obligation to take steps towards making sure that everyone in the state is able to enjoy the rights set out in the treaty. Exactly what this means in practice is set out in the text of each treaty, and further explained by UN Committees (see pages 12 – 15). The treaties also place states under a legal obligation to submit regular reports (usually every 4 – 5 years) for each treaty they have ratified on how they are meeting their obligations under the relevant treaty.

Sometimes states will make what is known as a ‘reservation’ to a treaty. A reservation allows a state to say that it does not agree with a specific aspect of a treaty. However, they cannot make any reservations that ‘go against the spirit’ of the treaty – for example, they wouldn’t be able to disagree with all of the rights the treaty contains! It is possible for states to withdraw their reservations. The UK government keeps this under regular review, so do have a look at the reservations the government has made to any of the treaties you are interested in (available on www.ohchr.org).

Reservations – an example

The UK government has made a reservation to the Convention on the Elimination of Discrimination Against Women (CEDAW), saying that none of its obligations under that treaty extend to the succession of the Throne – allowing the succession of the monarchy to give precedence to the male line.

Who is responsible for making sure states meet their responsibilities?

Each treaty is monitored by a specific UN Committee of experts – for example, the Committee Against Torture monitors the Convention Against Torture. Each Committee is made up of a group of between 10 and 23 independent experts. Committee members are elected for a fixed term by the states who have signed up to the treaties, but they are impartial and serve in their personal capacity (not on behalf of their governments). All Committee members have recognised expertise in the relevant areas of human rights.

In the UK, the Equality and Human Rights Commission, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission have a particular role in monitoring the implementation of the treaties. This is because they have an official status as ‘National Human Rights Institutions’. National Human Rights Institutions are accredited by the UN and work closely with the UN treaty Committees. They monitor progress being made by the government in implementing the treaties and report on that progress to the Committees.

What do the Committees do?

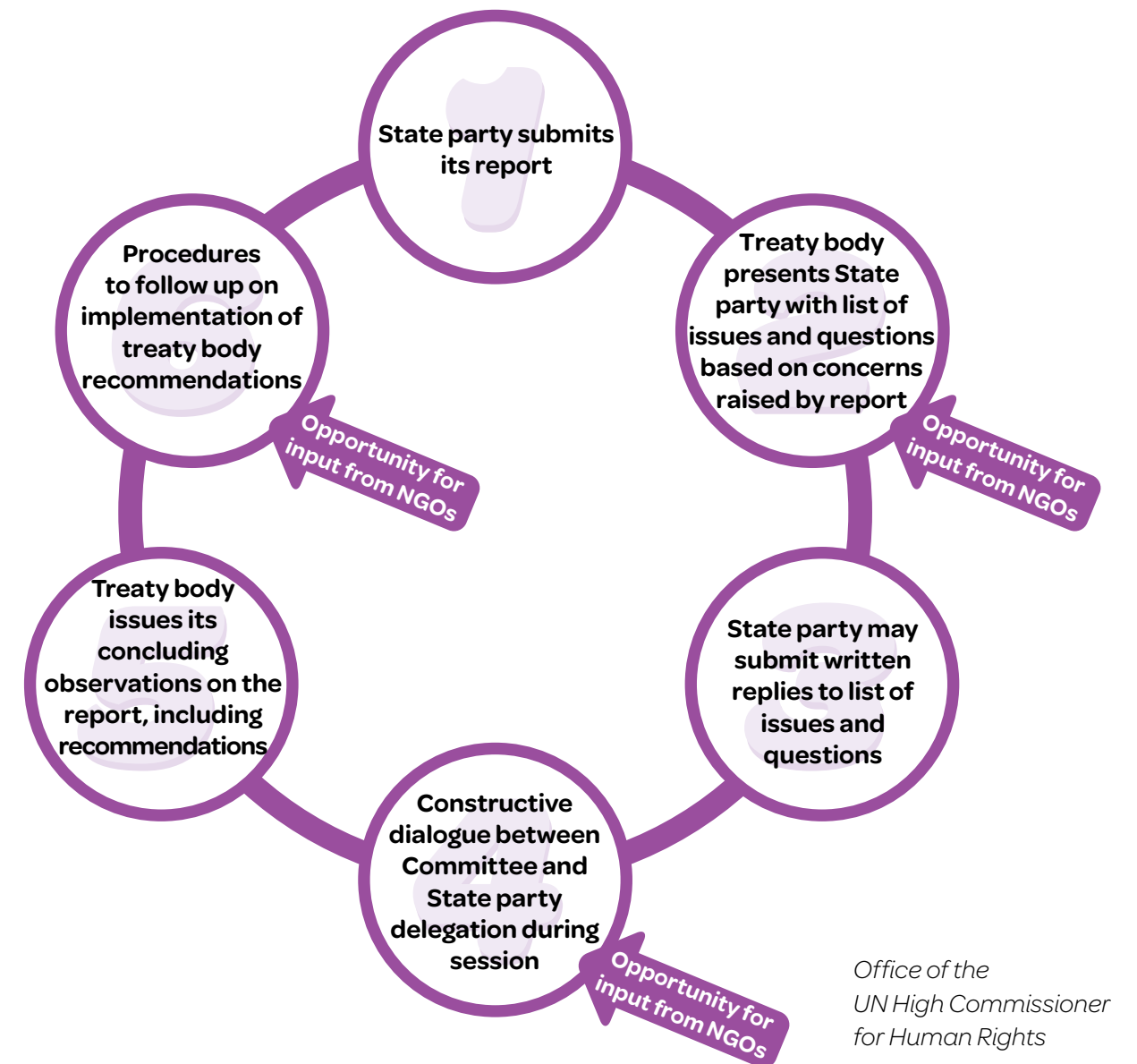
Monitoring state reports

The UK Government has to submit regular reports to the relevant Committee for the treaties they have signed up to (usually every 4 – 5 years). These reports must explain in detail how the UK is implementing the rights in the treaty.

The reports are reviewed by the Committees in their regular sessions. These take place in Geneva twice a year for each Committee, usually lasting a 3 week period. During the reporting process, non-governmental organisations (NGOs) can produce shadow reports (see pages 18 – 19), which the relevant Committee will consider alongside the UK Government’s report. Committees may also talk formally or informally with NGOs when they are assessing the government’s performance. This is an important opportunity for voluntary and community sector organisations to raise their issues and concerns and make sure that the Committees hear their views on what is happening, rather than just hearing the government’s perspective.

Once they have reviewed all the evidence, the Committee will publish their concerns and recommendations, known as concluding observations. When the Government next submits a report, it must set out the steps it has taken to address any concerns. The concluding observations are widely publicised and are a powerful tool to hold governments to account for their actions. The Committees will be heavily critical of any government that fails to take action to address their concerns. For a country such as the UK, with a strong reputation for promoting human rights internationally, criticism of our own domestic human rights record by an influential UN Committee can be very embarrassing.

The reporting cycle under the human rights treaties



Case study – media reporting

In its 2008 concluding observations on the UK, the UN Committee on the Rights of the Child was strongly critical of the UK government’s record on children’s rights, and included more than 150 recommendations. Their report was widely reported in the UK media – for example a Guardian article with the headline ‘UN report criticises Britain’s ‘demonising’ and jailing of children’. (www.guardian.co.uk/politics/2008/oct/04/justice.youthjustice)

The children’s minister at the time, Beverley Hughes said: “We will give the Committee’s recommendations the careful consideration they deserve. I look forward to publishing progress on our Children’s Plan later in the year. This will set out ... strategies for tackling many of the issues the UN Committee has highlighted.”

Receiving individual complaints

The UN human rights treaties are not part of our domestic law. This means that you cannot bring a case in the UK courts against the Government using one of these treaties. However, some of the treaties have an optional mechanism (sometimes referred to as an ‘optional protocol’) that states can choose to sign up to, which means that individuals can make specific complaints about violations of their rights to the relevant Committee.

Currently, the UK Government has chosen only to allow individual complaints for the Convention on the Elimination of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities. Therefore, individuals in the UK who feel they have a complaint under these treaties can apply to the relevant Committee, but will need to have taken their complaint through the UK courts system first.



Case study – individual complaints

A woman (AT) had experienced regular and severe domestic violence for four years from her former partner. She could not escape the violence because there were no appropriate women’s refuges and there were no protection or restraining orders in Hungarian law. AT’s partner moved out of the family home, and she took steps to permanently exclude him from the home. However, the courts refused because they jointly owned the property and they found that this would breach his property rights. No action had been taken by the Hungarian authorities to protect AT from her partner, despite her requests.

AT took her complaint to the Committee on the Elimination of Discrimination Against Women. The Committee found that there was a breach of Article 2 of CEDAW, which places specific requirements on states to pursue a policy of eliminating discrimination against women¹.

The Committee also found a breach of Articles 5 and 16 of CEDAW, on addressing cultural stereotypes and equality in marriage. In addition to 8 detailed general recommendations, the Committee recommended that Hungary should take immediate and effective measures to guarantee the physical and mental integrity of AT and her family. The state should ensure that she was given a safe home, appropriate child support, legal assistance and compensation for the violations of her rights.

AT v Hungary (2005)

Conducting inquiries

The Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women can conduct inquiries into situations of grave or systematic violations of children’s and women’s rights respectively.



Case study – inquiries

In 2004, the Committee on the Elimination of Discrimination Against Women conducted an inquiry into the abduction, rape and murder of women in the Ciudad Juárez area of Chihuahua, Mexico. The enquiry was requested by two NGOs, Equality Now and Casa Amiga. The Committee made a number of concrete recommendations about preventing violence, guaranteeing security, investigating the crimes and punishment of the perpetrators, and promoting and protecting the human rights of women. As a result of the inquiry:

- » New laws have been passed on equality between men and women and ‘women’s access to a life free from violence’
- » A Special Attorney’s Office has been set up to monitor investigations into femicide
- » The women’s movement has been given a formal role in monitoring and developing regulations to ensure the law is properly implemented

More information available at: www.un.org/womenwatch/daw/cedaw/cedaw32/CEDAW-C-2005-OP.8-MEXICO-E.pdf

Producing general comments

The Committees also publish General Comments on specific themes or areas of concern relating to the relevant treaties and the rights they contain. The General Comments act as a guide on how the treaties should be interpreted and implemented. General Comments are found on www.ohchr.org, and can be helpful for voluntary and community sector organisations who wish to find out more about what a treaty means in practice.

Example of a General Comment

Article 6 of the Covenant [on Economic, Social and Cultural Rights] requires States parties to take appropriate steps to safeguard the right of everyone to the opportunity to gain a living by work which is freely chosen or accepted. In this regard, the Committee, bearing in mind that older workers who have not reached retirement age often encounter problems in finding and keeping jobs, stresses the need for measures to prevent discrimination on grounds of age in employment and occupation.

Paragraph 22, General Comment 6, Committee on Economic, Social and Cultural Rights

What is the difference between international human rights law and the UK Human Rights Act?

As we hope you will agree by the time you have finished reading this guide, international human rights law can be an extremely powerful campaigning, advocacy and lobbying tool. However, the core human rights treaties can’t be used to take a case to the UK courts. So, if an individual thinks that their human rights have been breached under one of the treaties, they would not be able to take this to court (although they may be able to complain to one of the UN Committees – see above on page 14).

¹ The Committee on the Elimination of Discrimination Against Women has said that violence against women is a discrimination issue (General Comment 19)

This is where the Human Rights Act steps in. The Human Rights Act is the UK's own human rights legislation. As it is part of our law, individuals can take cases to the UK courts. If you want to find out more about the Human Rights Act and how it works, please visit www.bihr.org.uk or see the further resources section of this guide.

So, if I can't take a legal case, why do I need to know about international human rights?

Human rights are not just about the law and taking cases to court. In the next chapter we set out a range of ways in which you can use the international human rights treaties outside the courtroom. Here are just a few reasons for their importance:

- » **They work and can really make a difference!** The UN human rights treaties give you direct access to powerful and influential UN Committees of experts. If you make them aware of the issues you are working on, and the Committees are critical of the government's record on your issues, the government is likely to sit up and take notice!
- » International human rights laws contain a **broader set of rights** than the Human Rights Act. In particular the Human Rights Act does not include social and economic rights such as rights to healthcare, housing and work.
- » Influencing the international system is a great way of **forging partnerships** and can help you to build alliances around your issues with organisations working on similar issues both in the UK and globally.
- » Having your issues recognised by an official body of experts at the UN level can give your organisation and the issues that you work on stronger **visibility, legitimacy and credibility**. This can help with funding – demonstrating to funders that there is a real need for the issues to be addressed, and also a concrete solution that you can take forward based on recommendations from human rights experts.

Chapter 3

Using international human rights

Now you know the basics about international human rights laws and how they work, the next step is thinking about how you can use them.

Here are a few ideas to get you started:

- » **Raise awareness** – people will only be able to claim their rights if they know what they are!
- » **Influence the UN Committees** – get involved in writing a shadow report, or, if you can get the funds together, why not go along to a Committee session and lobby them yourself?
- » **Hold the government and public bodies to account** by using the international human rights laws and the Committees' recommendations in your campaigning and lobbying work
- » **Campaign and lobby for stronger human rights protection** – is there a treaty that protects the groups you work with, or covers the issues you work on? If not, why not start a campaign to try and make this happen?
- » **Advocate for human rights** – human rights language can be very powerful when negotiating for service improvements and challenging poor treatment

In this chapter we provide a short summary of the different ways you can use international human rights laws, and give examples of how this has been done before – both in the UK and in other countries.


As we wanted to keep this guide short and accessible, we have not provided information in depth – for example we do not provide a comprehensive guide on how you would go about producing a shadow report on one of the treaties. If you would like to find out more about any of the areas here, we have suggested sources of further information in chapter 6.

Raising awareness

Human rights have no meaning unless people know about them and how they can use them. Voluntary and community sector organisations have a key role to play in informing the people that they are working with and for about their rights. Here are a few ways that you can raise awareness about international human rights laws:

- » Tell people about them!
- » Give people this guide
- » Let people know where to find out more using the signposting chapter in this guide
- » Use social media such as facebook, twitter or blogs to spread the word about international human rights
- » Mention them in press releases and media work
- » Put information about the treaties on your website or include information in your newsletters

- » Work with partners – forming coalitions around human rights issues can be a great way of building momentum and mobilising people to act
- » Arrange awareness raising events such as conferences, seminars and training
- » Create your own accessible materials for the people you work with




Case study: raising awareness

The Women’s Resource Centre held a conference on the Convention on Elimination of Discrimination Against Women (CEDAW) in 2009. Following the conference, a CEDAW Working Group was set up to raise awareness of CEDAW among women’s organisations in the UK and work towards the next examination. Their website includes a range of ideas and information on how women’s organisations can use CEDAW, and also stories and reflections on how CEDAW has been used in the past. More information can be found at www.wrc.org.uk/cedaw.

You can influence the UN Committees

One of the most effective ways that voluntary and community sector organisations can use the international human rights treaties is by directly influencing the Committees. The UN Committees are very keen to engage with non-governmental organisations, to make sure that they build up a realistic picture of what is actually happening in a country.

The main way you can influence the Committees is by producing a shadow report alongside the Government’s official report. Shadow reports present an alternative view from the Government on how UK law, policy and practice comply with the principles and standards of the relevant treaty.



Case study – shadow reporting

The People’s Health Movement in the UK (PHM-UK) submitted a shadow report to the Committee on Economic, Social and Cultural Rights in 2008. They raised a wide range of issues including healthcare in immigration detention, mental health, and privatisation of healthcare. In their examination of the UK, the Committee picked up on a number of the issues raised in the report. For example, PHM-UK’s report suggested that the UK government should be asked ‘when health professionals will receive education on the International Covenant on Economic, Social and Cultural Rights’. In their Concluding Observations, the Committee recommended that the UK undertakes ‘training programmes for doctors and health-care professionals about the State party’s Covenant obligations.’ PHM-UK now plans to use the concluding observations as an opportunity to campaign and advocate for improving the right of people in the UK to enjoy the highest attainable standard of health. Find out more at www.phm-uk.org.uk.

Here are some tips on producing a shadow report:

Have a look at the website of the relevant Committee (via www.ohchr.org)	Make sure you read any guidelines on deadlines, how to write a shadow report and how they would like reports to be presented.
Check the date that the UK is next due to report on the relevant treaty (see chapter 4).	You will need to start preparing some months in advance.
Find out if anyone else is planning to produce a report or is interested in getting involved.	Can you join forces? The UN Committees are very busy, so they prefer to receive one comprehensive report rather than lots of smaller ones. And the more individuals and organisations involved, the greater your credibility and impact.
Have a look at the UK’s previous reports and the concluding observations.	This will help give your report focus – you can help the Committee establish whether the government has acted on previous concerns.
Can you get hold of a copy of the Government’s official report?	You can submit your shadow report later than the Government, and you may find it helpful to look at their report first.
Identify the issues that you want to raise, and recommendations on how the situation can be improved.	If you can, you might want to run events or consultations to make sure you are including as many people’s views as possible.
Make sure the information you include is clear, relevant and concise.	Remember that many Committee members may not have English as their first language and may not be familiar with British culture, so avoid using acronyms or jargon.
Remember to find out how and when to submit your report.	<p>Check the website of the relevant Committee (via www.ohchr.org), but as a general rule you will need to submit your report to the secretariat of each Committee, following their specific guidelines. The address will be:</p> <p>[Name of the Committee] c/o Office of the United Nations High Commissioner for Human Rights Palais des Nations 8–14, Avenue de la Paix CH–1211 Geneva 10 - Switzerland</p>

Submitting a shadow report is not the only way to influence the Committees. You can also:

- » Submit other evidence – for example individual testimonies, dvds, briefings on particular issues and articles
- » Meet the Committees to give evidence either formally or informally during their sessions.
- » Attend the Committee sessions as an observer
- » Get involved in assisting the Government with drafting their official reports



Case study – meeting the Committees

In May 2009 four members of local community groups, supported by the Participation and the Practice of Rights project (www.pprproject.org), went to Geneva to attend the examination of the UK by the Committee on Economic, Social and Cultural Rights. Visit their blog at nbelfast.blogspot.com to read about what happened when they met the Committee, and to watch videos from their visit.

Holding the government and public bodies to account through campaigning and lobbying

The international human rights treaties and the Committees that monitor them provide a hugely rich source of material for campaigning and lobbying work. They can add moral and legal weight to your campaign messages and provide a powerful tool for holding the Government and public bodies to account.



Case study – no recourse to public funds campaign

Under the ‘no recourse to public funds’ rule, women with an insecure immigration status (for example on temporary work permits or spousal visas) are not entitled to certain state benefits including housing benefit and income support. However, these are the benefits a woman must be able to claim in order to get a place in a refuge. As a result, many newly-married women in the UK are trapped in violent marriages and do not receive any support from the authorities.

Amnesty International, the Women’s Resource Centre, Southall Black Sisters and a wide range of other organisations have joined forces to campaign and lobby on this issue. One of the core messages of the campaign is that the rule is a breach of the UK’s international human rights obligations. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) says clearly that states must respect, protect and fulfil all women’s human rights, regardless of immigration status or any other factor.

As a result of the campaign, in December 2009 the Government launched a three-month pilot which allowed women with an insecure immigration status to access a refuge and seek specialised support. Following further campaigning and lobbying, it was extended until August 2010 and then to March 2011.

For more information visit www.amnesty.org.uk/content.asp?CategoryID=11227#pilot

Campaigning and lobbying checklist

Step 1: Identifying human rights issues	
✓	Can you identify which international treaties and which specific human rights are relevant to the issues you are working on?
✓	You could also look at any general comments developed by the Committees that are relevant to the issues you are working on – these provide more detail on what the rights mean in practice
✓	Take a look at the most recent concluding observations of the relevant Committees. Are any of these relevant to your issues?
✓	Have any of the Committees raised new areas of concern for the group or groups that you are working with that you would like to address?
Step 2: Including human rights in your campaigns and lobbying work	
✓	Could using human rights language strengthen any of your existing campaigns?
✓	Could you set up a new campaign based around the concluding observations of any of the Committees?
✓	Can you refer to the international human rights treaties and/or the concluding observations in any policy statements or submissions?
✓	Can you use the concluding observations to lobby the government or other public bodies to take action on your issues?
✓	Can you work with government – perhaps you could support them to develop a concrete strategy to address concerns raised by the Committees?
✓	Can you use the concluding observations to support any funding applications for taking your work forward?

Campaigning and lobbying for human rights

Campaigning and lobbying for stronger human rights protection is vital if all people’s human rights are to be fully realised. Voluntary and community sector organisations are often the key to making this happen.

If they are not already, do you think the group or groups you are working with should be protected by a specific international treaty? Or is there a particular issue you are working on that you think should be covered by an international human rights treaty?

If so, why not start or get involved in a campaign to make this happen? You could:

- » Find out if there are any existing discussions at the UN on developing a treaty for your group or on your issue. If there are, get involved in their discussions!
- » Build alliances with other organisations (in the UK or globally) that are working on these issues – campaigning together will strengthen your message.
- » Lobby the UK Government to take action – the UK Government has in the past been influential in the development of new treaties. If they agree with your campaign, they may then take action to influence developments at the UN themselves.



Case study

The UN Convention on the Rights of Persons with Disabilities

Disabled people and NGOs across the globe have long been campaigning for a human rights treaty that specifically protects the rights of disabled people, and were instrumental in bringing about the UN Convention on the Rights of Persons with Disabilities. In 2000, five international disability organisations (Disabled People's International, Inclusion International, Rehabilitation International, the World Blind Union and the World Federation of the Deaf), supported by many national NGOs, issued the 'Beijing Declaration on the Rights of Disabled People in the New Century'. This Declaration called for a legally binding international human rights treaty for disabled people. Following this, in 2001 a UN Committee was tasked with exploring the possibility of developing a treaty, and a working group began the drafting process. The Convention on the Rights of Persons with Disabilities was adopted by the UN in December 2006. Throughout the process, NGOs were actively involved in negotiating and drafting the text of the treaty.

Find out more about the Convention on page 38.

Remember also that the international human rights treaties will only have an impact if the UK has agreed to them in full. You could campaign for the government to:

- » Agree to the individual complaints mechanisms – we have currently only agreed to the complaints mechanisms for the Convention on the Elimination of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities
- » Incorporate the international treaties directly into our own domestic law
- » Withdraw any reservations (see page x) to the treaties – the UK government has made several reservations to the different international treaties. You can find out what they are via www.ohchr.org
- » Encourage the Government to ratify the Migrant Workers Convention or the Convention on Enforced Disappearances



Case study

When the UK Government ratified the UN Convention on the Rights of the Child (CRC), it entered a general reservation relating to immigration and citizenship. This allowed the Government to apply legislation relating to immigration without needing to have regard to the principles and provisions of the CRC. This meant that children seeking asylum, trafficked children and all other children subject to immigration control did not receive the same rights to education, health and support services as British children.

The UN Committee was strongly critical of the UK's reservation in its reports, and a number of organisations including UNICEF, the Children's Rights Alliance for England and the Refugee Council campaigned against the reservation. In September 2008 the Government announced that it would withdraw the reservation, ensuring that children subject to immigration control are entitled to the same protection and access to services as other children.

Advocacy

Remember that the international human rights laws are not part of UK law. Therefore, you would not be able to bring a case under international human rights law in UK courts. This does mean that their use in individual cases is limited, and sometimes it will be more effective to use the Human Rights Act or other laws such as the Equality Act instead.

However, that does not mean they should be ignored entirely in individual situations. If you are negotiating with a public body outside the courtroom, pointing out that someone has a right not to be treated in this way and that this is recognised by the UN under international human rights law can be incredibly powerful. Using international human rights standards alongside other laws such as the Equality Act may give you the extra ‘bite’ you need to resolve your case.

“***I have already used ‘but surely this is a human rights issue’ in a phone conversation and it worked like magic.***”

Participant at one of BIHR’s training sessions



Case study

A learning disabled couple lived in a residential centre so their parenting skills could be assessed. CCTV cameras were installed, including in their bedroom. Social workers explained that the cameras were to observe them and for the protection of their baby. The couple were distressed by use of cameras in their bedroom during the night. With the support of a visiting neighbour, they challenged this as a breach of their right to respect for family life. As a result, social services agreed to switch off the cameras at night so that the couple could enjoy their evenings together in privacy.

Source: *The Human Rights Act – Changing Lives*, 2nd edition, BIHR 2008

Also, if you are unable to resolve your case through the UK courts, don’t forget about individual complaints mechanisms for the UN treaties. We have currently signed up to the individual complaints mechanisms for the Convention on the Elimination of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities.

Chapter 4

The Core Human Rights Treaties

This chapter provides specific information on the nine core international human rights treaties.

For each treaty we have included:

- » A short summary of the treaty and what it covers
- » Details of how the treaty is monitored
- » The date the treaty entered into force (this means the date on which the treaty became legally binding on the states that have agreed to it)
- » The date the treaty was ratified by the UK Government (this means the date that the UK accepted being legally bound by the treaty)
- » The date of the most recent report by the UK government to the relevant Committee, and the date that the next report is due. Note that the reporting dates are approximate and are sometimes subject to delay
- » The date that the UK’s report was most recently examined by the Committee
- » Some examples of concluding observations made by the Committee
- » A case study of how it has been used either in the UK or internationally

As the UK Government has not yet ratified the Migrant Workers Convention or the Convention on Enforced Disappearances, not all of this information is available for these treaties.

International Covenant on Civil and Political Rights

<http://www2.ohchr.org/english/law/ccpr.htm>

The International Convent on Civil and Political Rights (ICCPR) protects the civil and political rights of all individuals, including rights such as the right to life, the right to freedom of expression and the right to a fair trial.

Monitored by: The Human Rights Committee www2.ohchr.org/english/bodies/hrc/index.htm

The Human Rights Committee:

- » Receives reports from state parties every four years
- » Can receive individual complaints (but the UK has not yet signed up to this)

Key dates:

Entered into force: 23 March 1976

Ratified by the UK government: 20 May 1976

Most recent report: November 2006

Date of most recent examination by the Committee: July 2008

Next report due: July 2012

Examples of concluding observations:

“The State party ... should take immediate and effective measures to ensure that all asylum-seekers who are detained pending deportation are held in centres specifically designed for that purpose, should consider alternatives to detention, and should end the detention of asylum seekers in prisons.”

“The State party should review its legislation on anti-social behaviour orders (ASBOs), including the definition of anti-social behaviour ... in particular, the State party should ensure that young children are not detained as a result of breaching the conditions of their ASBOs and that the privacy rights of children and adults subject to ASBOs are respected.”

(From July 2008 session)



Case study

In 1994, Nicholas Toonen, a gay activist living in Tasmania, Australia, challenged provisions in the Tasmanian Criminal Code that criminalised consensual sex between adult males in private. He took his complaint to the Human Rights Committee, via the individual complaints mechanism. The Committee found this to be a violation of the right not to be subjected to arbitrary or unlawful interference with your privacy, under Article 17 of the International Covenant on Civil and Political Rights. The Committee’s opinion was that the relevant provisions of the Tasmanian Criminal Code should be repealed, and requested a response from the Australian Federal government within 90 days. In response, the government passed the Human Rights (Sexual Conduct) Act 1994 - Section 4, legalising sexual activity between consenting adults throughout Australia and prohibiting the making of laws that arbitrarily interfere with the sexual conduct of adults in private.

Toonen v. Australia, 1994

International Covenant on Economic, Social and Cultural Rights

www2.ohchr.org/english/law/cescr.htm

The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects the economic, social and cultural rights of all individuals, including rights such as the right to health, the right to education and the right to work.

Monitored by: The Committee on Economic, Social and Cultural Rights
www2.ohchr.org/english/bodies/cescr/index.htm

The Committee:

» Receives reports from state parties every 5 years

An optional protocol allowing for individual complaints was adopted in December 2008. It will come into force when it has been ratified by 10 states. The UK has not yet signed up to this.

Key dates:

Entered into force: 3 January 1976

Ratified by the UK government: 20 May 1976

Most recent report: July 2007

www.justice.gov.uk/publications/docs/ICESCR-whole-report.pdf

Date of most recent examination by the Committee: May 2009

Next report due: June 2014

Examples of concluding observations:

“The Committee recommends that the State party introduce a more flexible scheme for paternity and parental leave, taking into consideration the report “Working Better” by the Equality and Human Rights Commission.”

“The Committee recommends that the State party ensure the provision of sufficient, adequate and secure stopping sites for Roma/Gypsies and Irish Travellers.”

“The Committee recommends that the State party take immediate steps to address, as a matter of priority, the poor health conditions for persons with mental disabilities, as well as the regressive measures taken in funding mental health services.”

(From May 2009 session)



Case Study – Participation and Practice of Rights Project

The Participation and Practice of Rights (PPR) Project is a coalition of groups and organisations working on social justice issues in Northern Ireland. They work to give individuals, groups and communities the tools and support they need to actively assert and campaign for their social and economic rights.

In 2007 the PPR Project submitted a report to the Committee on Economic, Social and Cultural Rights, in response to the UK government’s report. Their report provided a view from the grassroots of the reality of economic, social and cultural rights in Northern Ireland, based on their work with four community groups working on housing, mental health and regeneration issues. In May 2009, members of community groups attended the Committee’s examination of the UK in Geneva, and gave evidence to the Committee.

Their evidence was strongly influential in the Committee’s examination – for example one of the Committee members asked how the Government would make sure groups like those involved in the PPR project could participate in a meaningful way in issues that affect them. The Concluding Observations contained a number of specific recommendations on housing, mental health and regeneration that drew heavily on their evidence.

Find out more at www.pprproject.org.

International Convention on the Elimination of All Forms of Racial Discrimination

www2.ohchr.org/english/law/cerd.htm

The Convention on the Elimination of Racial Discrimination (CERD) commits state parties to the elimination of all forms of racial discrimination, and the promotion of understanding among all races. The Convention defines racial discrimination as ‘any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.’ (Article 1)

Monitored by: The Committee on the Elimination of Racial Discrimination

www2.ohchr.org/english/bodies/cerd/index.htm

The Committee:

- » Receives state party reports from state parties every 2 years.
- » Can receive individual complaints (the UK has not yet signed up to this).
- » Can issue early warning or urgent action measures (in the form of decisions, statements or resolutions) directed at preventing existing problems from escalating into conflicts.

Key dates:

Entered into force: 4 January 1969

Ratified by the UK government: 7 Mar 1969

Most recent report: March 2010

www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.18-19.doc

Date of most recent examination by the Committee: August 2003 (next examination due very shortly; date not set)

Next report due: 6 April 2012

Examples of concluding observations:

“The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue.”

“The Committee recommends that the State party adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues ... by developing public education programmes and promoting positive images of ethnic minorities, asylum seekers and immigrants, as well as measures making the asylum procedures more equitable, efficient and unbiased.”

(From August 2003 session)



Case study

In its 2008 concluding observations on the US, the Committee on the Elimination of Racial Discrimination raised concerns about housing and Hurricane Katrina, in particular the impact this had on low income African American residents. Activists used the observations of the Committee, together with comments from the Human Rights Committee (which monitors the International Covenant on Civil and Political Rights) and the UN Special Rapporteur on Adequate Housing (a UN representative with expertise in housing issues), to successfully pressure New Orleans City Council to abandon a proposed ban on camping on city streets, which would have criminalised people still living rough after Hurricane Katrina.

Convention on the Elimination of Discrimination Against Women (CEDAW)

www2.ohchr.org/english/law/cedaw.htm

CEDAW establishes an international bill of rights for women, and also sets out an agenda for action by countries to guarantee the enjoyment of those rights. CEDAW covers three main areas – civil rights and the legal status of women, reproductive rights, and the impact of cultural factors on gender relations.

Monitored by: Committee on the Elimination of Discrimination Against Women

www2.ohchr.org/english/bodies/cedaw/index.htm

The Committee:

- » Receives reports from state parties every 4 years
- » Can receive individual complaints (the UK has signed up to this)
- » Can conduct inquiries into grave and systematic violations of women's rights

Key dates:

Entered into force: 3 September 1981

Ratified by the UK government: 7 April 1986

Most recent report: May 2007

Date of most recent examination by the Committee: July 2008

Next report due: May 2011

Examples of concluding observations:

"The Committee recommends that the State party ensure that NGOs are able to effectively contribute to the continuing implementation of the Convention. It urges the State party to provide increased and sustained funding to NGOs and other civil society groups involved in the area of women's rights."

"The Committee calls upon the State party to adopt and implement a unified and multifaceted national strategy to eliminate violence against women and girls, which would include legal, education, financial and social components."

(From July 2008 session)



Case study Incorporating CEDAW standards into domestic law in Ghana

Until recently, public discourse in Ghana on domestic violence was absent because it was largely seen as a private issue unworthy of documentation, literature, or statistics. But increased demand for action by human rights advocates resulted in the criminalisation of female genital mutilation, cruel widowhood practices, and stiffer sentences for defilement, rape, and incest. Using the standards set out in CEDAW's General Recommendation 19, a Domestic Violence Act was passed in Ghana in 2007. Ghana's domestic use of CEDAW enhanced both social awareness of gender-based violence and the application of international legal norms in Ghana's national courts of law. Source: Raising up the Roof: Activists Construct Women's Human Rights Using CEDAW (IWRAW Asia Pacific, 2009)

International Convention Against Torture (CAT)

<http://www2.ohchr.org/english/law/cat.htm>

The Convention Against Torture sets out universally applicable standards to ensure adequate protection for all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Monitored by: The Committee Against Torture

<http://www2.ohchr.org/english/bodies/cat/index.htm>

The Committee:

- » Receives reports from state parties every 4 years
- » Can receive individual complaints (the UK has not yet signed up to this)
- » Can conduct inquiries upon receiving well-founded evidence that torture is being systematically practised in the territory of the State party

In addition, an optional protocol to the Convention creates a SubCommittee on the Prevention of Torture. The subCommittee has the right to visit all places of detention in the states that have agreed to the protocol and examine the treatment of people held there. The UK ratified this protocol in 2003.

Key dates:

Entered into force: 26 June 1987

Ratified by the UK government: 8 Dec 1988

Most recent report: November 2003

Date of most recent examination by the Committee: November 2004

The UK's next report was due in 2008, but at the time of writing the UK was late in submitting this report.

Examples of concluding observations:

"The State party should review, as a matter of urgency, the alternatives available to indefinite detention under the Anti-terrorism, Crime and Security Act 2001."

"The State party should provide the Committee with details on how many cases of extradition or removal subject to receipt of diplomatic assurances or guarantees have occurred since 11 September 2001, what the State party's minimum contents are for such assurances or guarantees and what measures of subsequent monitoring it has undertaken in such cases."

(From November 2004 session)



Case study Convention Against Torture

The Committee on the Administration of Justice (CAJ) is a small voluntary organisation which monitors human rights in Northern Ireland. In the 1990s it wanted to end human rights abuses against people detained in custody on suspicion of being involved in paramilitary violence. These people were being interviewed without lawyers present, locked up without a fair hearing and subjected to physical ill-treatment.

It used the reporting process under the Convention Against Torture to achieve this goal. This process helped them generate publicity and put pressure on UK Government. When the UK Government appeared before the Committee Against Torture in 1991, 1995 and 1998, CAJ made detailed, high quality submissions and attended the Committee meetings to brief members on each occasion.

Paul Mageean of CAJ says "Almost all of the recommendations the Committee has made over the course of those years concerning Northern Ireland can be traced directly to the submissions we made. The key specific objectives and the overall goal have been achieved. It is our view that the use of this tactic had a considerable impact in changing the way the UK, and particularly the police in Northern Ireland, operated in relation to the detention of those suspected of being involved in paramilitary violence in Northern Ireland."

Source: The United Nations Convention on the Rights of People with Disabilities Equality and Human Rights commission. Guidance What does it mean for you? (EHRC UNCRPD, 2010)

International Convention on the Rights of the Child (CRC)

<http://www2.ohchr.org/english/law/crc.htm>

The CRC recognises children's human rights, providing universal principles and standards for the status and treatment of children worldwide. It sets out in detail what every child needs to have for a safe, happy and fulfilled childhood. The CRC is the most widely-ratified international human rights treaty.

Monitored by: The Committee on the Rights of the Child

<http://www2.ohchr.org/english/bodies/crc/index.htm>

The Committee:

- » Receives reports from state parties approximately every 5 years
- » Can receive individual complaints (the UK has not yet signed up to this)

Key dates:

Entered into force: 2 September 1990

Ratified by the UK government: 16 Dec 1991

Most recent report: July 2007

Date of most recent examination by the Committee: September 2008

Next report due: 14 January 2014

Examples of concluding observations:

"The State party should adopt and adequately implement the legislation aimed at achieving the target of ending child poverty by 2020, including by establishing measurable indicators for their achievement."

"The State party should introduce automatic, independent and public reviews of any unexpected death or serious injury involving children – whether in care or in custody."

(From September 2008 session)



Case study Reporting to the Committee on the Rights of the Child

In March 2008, the Children's Rights Alliance for England submitted a report to the Committee on the Rights of the Child, which was drafted by a group of children and young people and endorsed by more than 100 NGOs in England. In June, a group of children and young people gave evidence to the Committee in Geneva. This evidence strongly influenced the Committee's concluding observations. CRAE and other organisations lobbied the UK Government to publish a full written response to the Committee's recommendations. In November 2009, the Department for Children, Schools and Families published a report setting out its priorities for action on the concluding observations. Find out more at www.crae.org.uk.

International Convention on the Rights of Persons with Disabilities (CRPD)

www2.ohchr.org/english/law/disabilities-convention.htm

The CRPD reaffirms that all disabled people must enjoy all human rights and fundamental freedoms, adopting a social model of disability. It sets out how all categories of rights apply to disabled people and identifies areas where adaptations have to be made to ensure that disabled people's rights are respected, protected and fulfilled.

Monitored by: The Committee on the Rights of Persons with Disabilities (CRPD)

www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx

The Committee:

- » Receives reports from state parties every 4 years
- » Can receive individual complaints (the UK has signed up to this)

Key dates:

Entered into force: 3 May 2008

Ratified by the UK government: 8 June 2009

Next report due: 8 July 2011 (this will be the first report)

Concluding observations are not yet available.



Case study

Australia was due to submit its first progress report on the Convention on the Rights of Persons with Disabilities to the UN in August 2010. A group of leading disability organisations in Australia came together to compile a Shadow Report on Australia's implementation of the Convention. They conducted a wide-ranging consultation exercise to identify the extent to which disabled people's human rights are respected, protected and fulfilled in Australia. They ran consultation events in every state and Territory in Australia, and put together a workbook and online survey through which disabled people and disabled people's organisations could submit evidence of human rights issues. More can be found on their website at www.disabilityrights.org.au.

The UK will make its first report to the UN Committee of the Rights of Persons with Disabilities in June 2011, and every four years after that. This is a key opportunity for disabled people and disabled people's organisations to come together and give evidence to the Committee. Why not find out if any of the organisations you work with are planning on putting together a shadow report. Perhaps you could join forces?

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

This Convention protects the rights of migrant workers and their families, including frontier workers; seasonal workers; seafarers; workers on offshore installations; itinerant workers; migrants employed for a specific project; and self-employed workers. It seeks to play a role in preventing and eliminating the exploitation of all migrant workers and members of their families throughout the entire migration process.

Monitored by: Committee on Migrant Workers

www2.ohchr.org/english/bodies/cmw/index.htm

Entered into force: 1 July 2010

The UK has not yet signed up to this Convention.

International Convention for the Protection of all Persons from Enforced Disappearance

This Convention protects people from 'the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.'

The Convention was adopted by the UN on 10 December 2006, but is not yet in force. The Convention will enter into force when it has been ratified by 20 countries. It has currently been ratified by 18 countries.

The UK has not yet signed up to this Convention.

Chapter 5

Beyond the Treaties: a brief introduction to other UN tools

Other UN instruments

This guide focuses on the core international human rights treaties. This is because these treaties form the core of international human rights law, all working in a similar way to place direct legal obligations on the UK government. However it is important to remember that there is a huge range of other international human rights instruments – far too many to list them all here.

Some examples include:

- » UN Principles on the Rights of Older Persons
- » Declaration on the Rights of Indigenous Peoples
- » Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- » The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity
- » Convention against Discrimination in Education
- » Basic Principles for the Treatment of Prisoners
- » Universal Declaration on the Eradication of Hunger and Malnutrition
- » Declaration of Commitment on HIV/AIDS
- » Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- » Convention relating to the Status of Stateless Persons

The legal status of these instruments varies. Covenants, statutes, protocols and conventions place legal obligations on states. Declarations, principles, guidelines, standard rules and recommendations do not place states under any legal obligations. Because they are not legally binding, they are not as powerful as the core international human rights treaties. However, they do act as authoritative and influential guiding principles. When a state signs up to them, they are sending a strong message to the international community that they see these issues as important and intend to take steps towards making them a reality.

Therefore, while they are not quite as powerful as the core international human rights treaties, they can still be an influential lobbying and campaigning tool. These instruments are particularly useful for those working with groups that do not have a specific core treaty dedicated to them such as older people or lesbian, gay, bisexual and transgender people. They can fill in some of the gaps of the core treaties, and also provide a model for any new treaty that could be developed in these areas.

Other procedures

In addition to the core human rights treaties and associated Committees, there are a number of other UN bodies and procedures that operate to monitor and protect human rights. These include:

- » **Special procedures:** These are mechanisms for monitoring specific country situations or thematic issues in all parts of the world. Special procedures are either an individual (usually called a Special Rapporteur, Special Representative or Independent Expert) or a working group. They are mandated to examine, monitor, advise and publicly report on human rights situations in specific countries or on major themes of human rights violations. There are currently 31 country-specific and 8 theme-specific special procedures. Themes include adequate housing, violence against women and education. Countries include Somalia, Sudan and Haiti.
- » **Universal Periodic Review (UPR):** This is a relatively new procedure, which involves a review of the human rights records of all 192 UN Member States once every four years. The UPR provides an opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. The UK was examined for the first time in April 2008.
- » **Human Rights Council:** This is an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The Council was created by the UN General Assembly on 15 March 2006 with the main purpose of addressing situations of human rights violations and making recommendations on them.
- » **UN High Commissioner for Human Rights:** The High Commissioner is the principal human rights official of the United Nations. He or she spearheads the United Nations' human rights efforts. The Office of the High Commissioner for Human Rights offers leadership, works objectively, educates and takes action to empower individuals and assist States in upholding human rights.

As this guide focuses on the core treaties, we have not covered any of these in detail. If you are interested in finding out more, please refer to the further resources section in the next chapter.

Chapter 6

Finding out more

1. Guides, toolkits and resources on international human rights

The best starting point for finding out more about international human rights is the website of the Office of the UN High Commissioner for Human Rights: www.ohchr.org

This website contains a wide range of information, including the text of the core human rights treaties and other instruments, information on each of the treaty Committees, and links to publications and resources.

It also includes a searchable database of UN human rights documents, where you can find shadow reports, concluding observations, general comments and other useful documents. The treaty body database can be found at tb.ohchr.org/default.aspx.

Their website also has an external resource library, available at www.ohchr.org/EN/Library/Pages/Index.aspx.

General resources on international human rights

Note that many of the general resources will include specific information on shadow reporting, individual complaints and specific treaties.

Introduction to the UN Human Rights Treaty System

www.bayefsky.com (Anne F. Bayefsky)

Working with the United Nations Human Rights Programme:

A Handbook for Civil Society

www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

(Office of the UN High Commissioner for Human Rights, 2008)

The United Nations Human Rights Treaty System:

An introduction to the core human rights treaties and the treaty bodies

www.ohchr.org/Documents/Publications/FactSheet30en.pdf

(Office of the UN High Commissioner for Human Rights, 2005)

Working with the Office of the United Nations High Commissioner for Human Rights:

A Handbook for NGOs

www.ohchr.org/Documents/Publications/NGOHandbooken.pdf

(Office of the UN High Commissioner for Human Rights)

Information on Treaty Bodies

www.amnesty.org/en/united-nations/treaty-bodies

(Amnesty International)

The Human Rights Education Associates website

This website contains a searchable online library of human rights education materials and information resources, provided free of charge. Available at www.hrea.org.

The United Nations Association

The UN Association of the UK (UNA-UK) is the UK's leading source of independent information and analysis on the United Nations. www.una.org.uk

Shadow reporting

Using Human Rights Reports

www.stopvaw.org/Using_Human_Rights_Reports.html

(Stop Violence Against Women)

A Note about Shadow Reports

www.stopvaw.org/A_Note_About_Shadow_Reports.html

(Stop Violence Against Women)

Guide to Shadow Reporting: Using the International Covenant on Civil and Political Rights to Protect the Rights of LGBTI Persons

www.globalrights.org/site/DocServer/Guide_to_Shadow_Reporting_July_2009.pdf?docID=10544

(Global Rights, 2009)

Individual complaints

How to complain to the UN Human Rights Treaty System

(Anne F. Bayefsky, Transnational Publishers, 2002 – content can be viewed online at www.bayefsky.com/unts/index.html or a hard copy can be ordered from this website)

Guidelines for Submitting Complaints to the UN

www.stopvaw.org/Guidelines_for_Submitting_Complaints_to_the_UN.html

(Stop Violence Against Women)

Resources on specific treaties

International Covenant on Economic, Social and Cultural Rights (ICESCR)

International Network for Economic, Social and Cultural Rights

www.escr-net.org

Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples

www.minorityrights.org/download.php?id=50

(Minority Rights Group, 2005)

Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The International Convention on the Elimination of All Forms of Racial Discrimination: A Guide for NGOs

www.minorityrights.org/894/guides/icerd-a-guide-for-ngos.html

(Minority Rights Group and IMADR, 2001)

Convention on the Elimination of Discrimination Against Women (CEDAW)

Women's Resource Centre

Various resources and information on CEDAW including a general briefing, information on Shadow Reporting and stories of how the Convention has been used.

Available at www.wrc.org.uk/cedaw.

International Women's Rights Action Watch Asia-Pacific's (IWRAP)

Their website (www.iwraw-ap.org) contains a range of resources and information on CEDAW, including:

Our Rights Are Not Optional! Advocating for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) through its Optional Protocol. A Resource Guide.

www.iwraw-ap.org/publications/opcedaw.htm

(IWRAP Asia-Pacific, 2008)

Raising up the Roof: Activists Construct Women's Human Rights Using CEDAW

Preview available at:

www.unifem.org/cedaw30/attachments/resources/RaisingUpTheRoof_preview.doc

(UNIFEM, 2009)

Convention on the Rights of the Child (CRC)

A guide for NGOs reporting to the UN Committee on the Rights of the Child

www.crin.org/docs/Reporting%20Guide%202006%20English.pdf

(Child Rights Information Network, 2006)

Convention on the Rights of the Child

www.unicef.org/crc/index_30160.html

(UNICEF)

Get Ready for Change – a CRC project

www.getreadyforchange.org.uk

(Children's Rights Alliance for England)

Convention on the Rights of Persons with Disabilities (CRPD)

The United Nations Convention on the Rights of Persons with Disabilities – what does it mean for you?

www.equalityhumanrights.com/human-rights/a-guide-to-the-un-disability-convention

Equality and Human Rights Commission, 2010

(The EHRC will be publishing further information on international human rights in the coming months so do keep an eye out on their website)

UN enable – promoting the rights and dignity of persons with disabilities

www.un.org/disabilities

Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

The global campaign for the ratification of the Convention on the Rights of Migrants

www.migrantsrights.org

Convention for the Protection of all Persons from Enforced Disappearances

International Coalition against Enforced Disappearances

www.icaed.org

2. General human rights resources

Introductory information about human rights

A series of short briefings providing basic human rights information
www.bihhr.org.uk/resources/useful-resources
BIHR, 2008

The Human Rights Act – Changing Lives

www.bihhr.org.uk/documents/policy/changing-lives-second-edition
(BIHR, 2nd Edition, December 2008)

Your Human Rights Guides

A series of guides written directly for older people, disabled people, people living with mental health problems and refugees and asylum seekers
www.bihhr.org.uk/resources/guides
(BIHR, 2006)

Our Human Rights

A website coordinated by BIHR providing stories of how human rights have been used in the UK.
www.ourhumanrightsstories.org.uk

Your Rights

A website providing general advice on the Human Rights Act
www.yourrights.org.uk
(Liberty)

Making Sense of Human Rights – A Short Introduction

www.justice.gov.uk/docs/hr-handbook-introduction.pdf
(Ministry of Justice, Oct 2006)

A Guide to the Human Rights Act 1998

www.justice.gov.uk/docs/act-studyguide.pdf
(Ministry of Justice, 3rd Edition, October 2006)

A Guide to the Human Rights Act

A booklet for people with learning disabilities
www.justice.gov.uk/guidance/humanrights.htm
(Ministry of Justice, June 2008)

Human Rights: Human Lives

A handbook for public authorities
www.justice.gov.uk/docs/hr-handbook-public-authorities.pdf
(Ministry of Justice)

An Easy Guide to the Human Rights Act

British Institute of Learning Disabilities
(available to order from www.bild.org.uk)
(BILD 2001)

Human Rights Act Toolkit

(Jenny Watson and Mitchell Woolf, LAG, 2003)
(available to order from www.lag.org.uk)

Ours to Own – Understanding Human Rights

www.equalityhumanrights.com/en/publicationsandresources/Documents/Human_rights/Ours_to_own.pdf
(Equality and Human Rights Commission, 2008)

UK human rights blog

ukhumanrightsblog.com
(1 Crown Office Row)

3. Human rights organisations

Amnesty	www.amnesty.org.uk
British Institute of Human Rights	www.bihhr.org.uk
Equality and Human Rights Commission	www.equalityhumanrights.com
Human Rights Watch	www.hrw.org
Liberty	www.liberty-human-rights.org.uk
Justice	www.justice.org.uk

Glossary

Universal Declaration of Human Rights (UDHR)

The UDHR is a declaration agreed by the United Nations in 1948. It is the first global expression of the fundamental rights that belong to all human beings. It is not itself formally legal binding, but it is the foundation of all other modern human rights laws.

Human Rights Act

The Human Rights Act came into force in the UK on 2 October 2000. The Act brings most of the rights contained in the European Convention on Human Rights into UK law. The European Convention on Human Rights, which UK lawyers and civil servants helped to draft, was agreed in 1950 by the Council of Europe. The Human Rights Act makes it possible for individuals to bring human rights cases in ordinary UK courts and tribunals. It also places a duty on all public authorities in the UK to respect the rights it contains in everything that they do. For more information please refer to Chapter 6 of this guide.

Treaty

A treaty is a written agreement between states that places legal obligations on states – like a contract.

Signing or ratifying a treaty

There are two steps involved in agreeing to an international treaty – signing and ratifying (sometimes this is done at the same time).

- » When the UK Government signs a treaty, it agrees with the treaty in principle, but has not signed up to any legal requirements.
- » When the UK Government ratifies a treaty, it agrees to be **legally bound** by that treaty. This means that they accept the legal obligations set out in the treaty, and that they will be held legally accountable if they fail to meet these obligations.

State party

A state party to a treaty is a country which has ratified that treaty and has therefore accepted the legal obligations that it contains.

Optional Protocol

An Optional Protocol is an optional addition to a treaty that states can choose whether or not to agree to. For example, the optional protocol to the Convention on the Elimination of Discrimination Against Women allows states to choose whether or not they will allow the Committee on the Elimination of Discrimination Against Women to receive complaints from individuals within that state.

Reservation

A reservation to a treaty allows a state to say that it does not agree with a specific aspect of a treaty. However, they cannot make any reservations that ‘go against the spirit’ of the treaty

– for example, they wouldn’t be able to disagree with all of the rights the treaty contains! It is possible for states to withdraw their reservations.

Entry into force

The date a treaty enters into force is the date on which the treaty becomes legally binding on the states that have agreed to it. This will usually only happen after a certain amount of states have ratified it. For example, the Convention on the Protection of all Persons from Enforced Disappearances will come into force when it has been ratified by 20 states.

Shadow reports

The UK Government has to submit regular reports to the relevant Committee for the treaties they have signed up to. A shadow report is a report submitted to one of the Committees by non-governmental organisations (NGOs) alongside the government’s official report. It provides an alternative view from the government on how the UK is implementing the rights set out in the treaty.

Concluding observations

The state reports are reviewed by the Committees in their regular sessions. Once they have reviewed the reports and any other evidence, the Committee will publish their concerns and recommendations, known as concluding observations. The concluding observations are widely publicised and are a powerful tool to hold governments to account for their actions.

General comments

General Comments are published by the treaty Committees on specific themes or areas of concern relating to the relevant treaties and the rights they contain. They act as a guide on how the treaties should be interpreted and implemented.

Rights holders and duty bearers

Human rights are based on the principle that we all have human rights – we are all ‘rights holders’. When an individual has a right, there is a corresponding ‘duty bearer’, usually the state, who is responsible for making sure that right is respected, protected and fulfilled.

Non-governmental organisations (NGOs)

An NGO is an organisation that operates independently from any government. Organisations that are funded totally or partially by governments can still maintain a non-governmental status by excluding government representatives from their membership.

United Nations

(UN – www.un.org)

The United Nations is an international organisation founded in 1945 after the Second World War. It works towards maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights. The organisation provides a forum for its 192 Member States to express their views and can take action on a wide range of issues.

Civil and political rights

This collection of rights and freedoms is about protecting people from unwarranted interference from the state and helping to ensure their participation in civil and political life. Civil and political rights include the freedom to worship, to think and express oneself, to vote in elections, and to have access to information.

Economic, social, cultural and environmental rights

Economic, social and cultural rights are those human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education. Environmental rights are about access to the natural resources human beings need to survive, such as food, water or air.

Appendix

Universal Declaration of Human Rights (Simplified version)

1. All human beings are born free and equal in dignity and rights
2. Everyone has the right to be treated in the same way, irrespective of race, colour, sex, language, religion, political opinion, property, birth, or other status
3. Everyone has the right to life and to live in freedom and safety.
4. No one has the right to treat you as a slave nor should you make anyone your slave.
5. Everyone has the right to be free from torture and from inhuman and degrading treatment
6. Everyone has the right to recognition by the law.
7. The law is the same for everyone, it should be applied in the same way to all.
8. Everyone has the right to an effective remedy when his/her rights have not been respected.
9. No one has the right to detain or imprison you unjustly or expel you from your own country
10. Everyone has the right to a fair and public trial.
11. Everyone should be considered innocent until found guilty
12. Every one has the right to have their privacy (including home and family life) respected
13. Everyone has the right to live and travel freely within state borders.
14. Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.
15. Everyone has the right to a nationality.
16. Everyone has the right to marry and have a family.
17. Everyone has the right to own property and possessions.
18. Everyone has the right to believe whatever they wish (including, but not confined to religion)
19. Everyone has the right to say what they think and to give and receive information freely.
20. Everyone has the right to join associations and to meet with others in a peaceful way.
21. Everyone has the right to take part in the government of their country, which should be chosen through free and fair elections.
22. Everyone has the right to social security
23. Everyone has the right to work for a fair wage in a safe environment and to join a trade union.
24. Everyone has the right to rest and leisure.
25. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services.
26. Everyone has the right to education, including free primary education
27. Everyone has the right to share in their community's cultural life.
28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.
29. Everyone must respect the rights of others, the community and public property.
30. No one has the right to take away any of the rights in this declaration.

A voluntary and community sector guide to using international human rights



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