

Statement

UPR Pre-session on UK

Statement details

Title: Universal Periodic Review Pre-session on the United Kingdom, UPR Info

Delivered by: Equality and Human Rights Commission

Date: 29 August 2022

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Introduction

Thank you for the opportunity to take the floor. I am delivering this statement on behalf of the Equality and Human Rights Commission, one of three A-status National Human Rights Institutions in the United Kingdom (UK).

In March 2022, we submitted [our full report](#) to the United Nations (UN) to inform the UK's next examination under the Universal Periodic Review (UPR). This included a set of practical recommendations around several core themes, building upon analysis in our [human rights tracker](#), a unique online tool that tracks what action the UK and Welsh Governments have taken in response to UN human rights recommendations.

In our report, we also note where the Covid-19 pandemic has exacerbated problems for specific groups and where action has been taken in response.

In this statement, I will provide an update on two key issues for the Fourth Cycle:

1. Reform of the legal framework for protecting human rights
2. The state of social care and the right to independent living

Reform of the Human Rights Act

During the Third Cycle, 12 states recommended that the UK should ensure that any changes to the legal framework for human rights do not weaken domestic protections. The UK noted these recommendations.

Since then, the UK Government has proposed legislation to repeal the Human Rights Act 1998 and replace it with a Bill of Rights.

The Commission welcomes the UK Government's commitment to stand by its international human rights obligations by remaining party to the European Convention on Human Rights and continuing to incorporate the Convention rights in UK law.

However, we are concerned that the proposals pose serious risks to the UK's human rights protections, including:

- weakening of access to remedy;
- reducing consideration of human rights in legislative and parliamentary processes;
- creating a 'hierarchy' of rights; and
- calling into question the UK's compliance with its international human rights obligations.

The Welsh Government opposes the reforms to the Human Rights Act and has committed to introduce primary legislation to give effect to international human rights law in domestic Welsh legislation, to which individuals could seek redress in a court or tribunal.

We encourage states to recommend that the UK and Welsh Governments, where relevant:

- ensure that any changes to the human rights legal framework retain strong and effective legal protections, do not limit access to justice, or otherwise undermine human rights; and
- work with partners to improve human rights education and increase understanding of human rights among the public, media, policymakers and public authorities, as per our and others' recommendation.

Social care and independent living

Adult social care has been under pressure in England and Wales for some years due to rising demand driven by demographic changes, and reductions in government funding between 2010 and 2015. The Covid-19 pandemic further restricted the provision of care and led to concerns about the ability to keep care home residents safe, notably older people.

We welcome the UK Government's commitment to transform social care in England. The opportunity of reforms must be used to enhance rights protections, mitigate any risks to rights and promote equality of access.

There have also been some welcome commitments to reform the social care policy framework in Wales, but there is a lack of available data about specific levels of unmet need.

Social care is key to enabling independent living and therefore to ensuring that disabled people can enjoy their full range of rights. However, the right to independent living has not been incorporated into domestic law.

We encourage states to recommend that the UK and Welsh Governments, where relevant:

- ensure that social care policy, including proposed reforms, has a measurable impact on enhancing the rights of people with care needs, including through robust, transparent regulation that promotes equality and human rights; and
- incorporate the right to independent living in domestic law to ensure disabled people's rights in, and to, care are protected and can be enforced.