

Submission for UK Universal Periodic Review

The United Kingdom of Great Britain and Northern Ireland (UK) is taking many positive steps to promote and protect human rights. The Government is demonstrating a high level of commitment to its legal obligations both internationally and nationally to respect human rights, including through participation in the Human Rights Council's Universal Periodic Review process. The Crucible Centre,¹ based at the Roehampton University in London, UK, wishes to highlight in this submission a number of **positive achievements** of the UK in protecting human rights as well as drawing attention to three areas of serious concern: **refugee policy, detention without charge and control orders.**

I. Positive achievements of the UK

Crucible would like to commend the UK Government on its contribution towards:

Human Rights Education in the UK:

As part of the United Nations Decade for Human Rights Education “an Advisory Group on Education for Citizenship and the Teaching of Democracy in Schools, including human rights education, was set up.”² Following recommendations from the Advisory Group, ‘Citizenship’ was introduced into the National Curriculum for England by the Department for Education and Skills, at first for primary schools in 2000 and then extended to secondary schools by 2002. At present human rights education is not part of the national curriculum but it is under the umbrella of citizenship that human rights can best be taught.

In an independent review, led by Sir Keith Ajegbo it was recommended that a fourth strand should be introduced to the citizenship curriculum entitled ‘Identity and Diversity: Living together in the UK’.³ According to a report published by the House of Commons Education and Skills Committee (2007)⁴, the government has accepted Ajegbo’s recommendations. The aim of this report on Citizenship Education was to assess, four years on, the progress of citizenship education in schools. One of the more reassuring findings from the report was accounts of citizenship education is having a positive affect on individuals, the life of the school, or to the wider community. More inspiring was evidence from one local authority who said that “the introduction of a Unicef-supported programme called Rights, Respect and Responsibilities had been associated with

¹ Crucible is a Centre of excellence in education in human rights, social justice and citizenship, supported by the Higher Education Funding Council. This submission was prepared by the undersigned students of the centre who are registered in courses on the BA Human Rights Programme at Roehampton University.

² <http://www.ohchr.org/english/issues/education/training/initiatives.htm> accessed 30/10/07

³ Keith Ajegbo, (2007) Diversity and Citizenship Curriculum Review. WWW page at URL: www.publications.teachernet.gov.uk accessed 29/03/07

⁴ House of Commons. Education and Skills Committee. Citizenship Education: Second Report of Session 2006-07.

improved behaviour and fewer instances of bullying.”⁵ The UK is now taking the opportunity to bring up a new generation who will be empowered with the knowledge and respect of human rights to make a difference.

The elimination of all forms of modern slavery including human trafficking, prostitution and forced labour:

All forms of slavery violate a person’s human rights as stated in Article 4 of the Universal Declaration of Human Rights (UDHR) (1948) and Article 8 of the International Covenant on Civil and Political Rights (ICCPR) (1966). The Action Plan on Tackling Human Trafficking⁶ (2007) created to coincide with the bicentenary of the Abolition of the Slave Trade Act (1807) recognises the importance of the safety and protection of victims of human trafficking and outlines the key measures that a combination of many governmental agencies will be addressing in order to tackle all forms of trafficking and slavery. The plan also highlights the increased enforcement activity that the UK Human Trafficking Centre will undertake, and outlines proposals for future work.

The elimination of all acts of domestic violence that take place in the UK:

Crucible believe this is a pressing issue within the UK as it makes up 16% of all violent crimes⁷ and goes against Article 1, 3 and 5 of the UDHR and the Convention on the Elimination of All Forms of Discrimination against Women (1979). Crucible praises the UK government’s investment of £14 million into tackling the problem of domestic violence and the development of a Domestic Violence National Action Plan⁸ which will contribute immensely to the elimination of such horrific crimes.

The release of British detainees from Guantanamo Bay, Cuba:

We were delighted at the release of Bisher al-Rawi Shafiq Rasul, Ruhail Ahmed, Asif Iqbal, Tarek Dergoul and Jamal Udeen in March 2004 and the more recent release of Moazzam Begg, Feroz Abbasi, Richard Belmar, and Martin Mubanga in January 2005⁹. However we believe that the UK government under the new leadership of Gordon Brown should apply more pressure on the Bush administration to close the Guantanamo Bay detention camp. An Amnesty International report described the detention centre as a “symbol of injustice and abuse”¹⁰ and we support the demand that the detention camp be closed.

II. Issues of concern for the UK

Crucible would like to draw the attention of the Human Rights Council to the following key issues of concern:

Refugee Policy:

As stated in Article 14 of the UDHR, Article 11 of the ICCPR and Article 3 of the UK Human Rights Act¹¹, all have a right to protection by the law if safety is at risk. Everyone has the right to

⁵ *Ibid*, Education and Skills Committee. 2007. pg9.

⁶ Full document at <http://www.homeoffice.gov.uk/about-us/news/trafficking-action-plan>

⁷ Source: Crime in England and Wales 04/04 Report at <http://www.homeoffice.gov.uk/rds/crimeew0405.html>

⁸ Full document at <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/domestic-violence/>

⁹ <http://web.amnesty.org/pages/guantanamobay-index-eng>

¹⁰ <http://web.amnesty.org/pages/guantanamobay-index-eng>

¹¹ Article 3 of the UK Human Rights Act prevents people being deported to a country where they are likely to be tortured, or extradited (sent) to face criminal charges in a country where they will face the death penalty. It has also been used to argue that the Government should not withhold state support from asylum seekers because doing this would leave them destitute (with nothing to live on).

seek asylum in other countries if they are enduring persecution in their own and everyone has a right to an adequate standard of living.

As detailed in one recent major study by David Griffiths et al, since the mid-1990s, policies and legislation for refugees and asylum-seekers has become increasingly restrictionist in the UK.¹² The majority of asylum seekers and refugees worldwide come from countries affected by conflict, violence and human rights abuses. In the United Kingdom's 1999 Immigration and Asylum Act, refugees and asylum seekers have been dispersed through regional consortia in a decentralized, accommodation-led policy which aims to ensure burden-sharing across the UK.¹³ Owing to this policy asylum seekers are being sent to inappropriate places where there are no community support networks for them. Many find their dispersal places inhospitable and travel to London in search of community support. Once in London many end up homeless.

There is also a serious problem with detention policy. 16 per cent of asylum seekers are detained for between 15 and 29 days, 15 per cent for between one and two months, 20 per cent for between two and four months, and 18 per cent for more than four months. Moreover, 24 per cent of those who have been detained are between the ages 15 – 19 years old.¹⁴ These centres cause psychological harm and would be better replaced by humane reception centres. The concern is that standards of fairness and justice have to be upheld by the judiciary, and that over-emphasis on speed and the imposition of rigid targets are unlikely to result in asylum seekers getting a fair hearing.

With the fairness of asylum decisions already under question, this could mean asylum seekers being wrongly returned to their country of origin to face torture or worse. There are two countries of origin to which we wish to draw particular attention: Iraq and the Darfur region of the Sudan.

1,415 asylum applications from persons of Iraqi origin were received last year; 160 of those were granted and the families received asylum in England. That means that the remaining asylum seekers were forced to go back to go back to Iraq and face the same persecution plus more harassment than before they made the arduous journey to the UK.¹⁵

Despite the overwhelming evidence that black African Darfuris are not safe in Darfur or in Khartoum, the most recent UK Home Office Position Paper, published 5 May 2006, states: 'ordinary non-Arab ethnic Darfuris are not at risk of persecution outside the Darfur States and it is considered that it is not unduly harsh to expect them to relocate to an area within Sudan in which they will be safe'. The UK Refugee Council, which has seen the report, comments: "Anyone who reads this powerful report will conclude that it is completely unsafe to return people who've fled from Darfur to the UK back to any part of the Sudan. We hope ministers will study this excellent and timely report and decide to halt all removals of Darfuris until the situation in the Sudan radically improves." It is clear that most rejected Darfuris are not removed immediately. They are left to suffer on the streets of towns all over the UK, with no accommodation, no benefits, no right to work, no medical treatment for sometimes severe psychological or physical harm suffered in Darfur, and no freedom from the constant fear of detention and deportation to face a terrifying fate.

¹² David Griffiths, Nando Sigona, and Roger Zetter, *Refugee Community Organizations and Dispersal: Networks, Resources and Social Capital*. Bristol: The Policy Press, 2005.

¹³ Natalie Ondiak, Review of *Refugee Community Organizations and Dispersal: Networks, Resources and Social Capital* by David Griffiths, Nando Sigona, and Roger Zetter, *Journal of Refugee Studies*, 19 (2) (2006): 262-264.

¹⁴ <http://www.homeoffice.gov.uk/rds/immigration1.html>. Accessed 21/8/2007

¹⁵ <http://www.icar.org.uk/?lid=2409>

Psychological harm already experienced is aggravated by their circumstances in the UK. Most of these people have already suffered unspeakable brutality during attacks on their communities in Darfur. The treatment they receive is a disgrace to the UK and amounts to a further denial of their human rights.

The UK Government has introduced a number of schemes that are currently in their infancy such as the: *Gateway Protection Programme*¹⁶; *Ten or More Plan*¹⁷ ; and the *Mandate Refugee Programme*.¹⁸ These are to arrange for alternative accommodation and resettlement for these refugees, but they need to be expanded to help with the high volume of people that are claiming asylum in the UK. They currently offer only a few hundred places in each programme, but there are thousands of people that cannot return to Iraq or Darfur due to an awful human rights record.

We urge the UK Government to seriously consider the recommendations from UK NGOs for strengthening these programmes. We all agree there are laws in the asylum system but the way they are addressed will depend on the approach the Government chooses to take. We ask the Government to change the legislation towards asylum seekers and to treat them fairly with humanity and dignity.

Detention without charge:

The UK government has proposed to extend the time period for which people can be detained under terrorism legislation from 28 days to 56 days. The implications of this extension will continue to undermine the human rights standards set out in the UDHR, the European Convention on Human Rights (ECHR) and the ICCPR.

The detention period breaches articles 5, 7, 9, 10 and 11 of the UDHR. It allows discrimination on the basis of race and religion and the potential for arbitrary arrest. It presupposes that the person in question is guilty before proven so and deprives the detainee of the right to a fair trial, within a reasonable time of arrest. The detention period breaches Article 9.1-9.4 of the ICCPR. It creates a climate where people can be deprived of their liberty at any time, without having any charges against them and held for a substantial period of time in which they are not granted the right to a fair trial. The detention period also breaches Articles 2, 5 and 5 of the ECHR.

Implications of the proposed extension:

- By introducing such legislation there is the potential that affected communities will become alienated consequently losing trust in the authorities and being less likely to cooperate with the police.
- It has the potential to create negative relations between targeted communities and the rest of society.
- According to Amnesty International,¹⁹ the worldwide research they have conducted over the years has shown that prolonged pre-charged detention has the potential to create a climate that can breed abusive practices that can result in detainees making involuntary statements including forced confessions which certainly defeats the purpose of an extension, not to mention the existence of a detention period to begin with.

¹⁶ www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/gatewayprotectionprogramme.pdf?view=Binary

¹⁷ <http://www.icar.webbler.co.uk/?lid=1087>

¹⁸ <http://www.publications.parliament.uk/pa/ld200102/ldhansrd/vo020702/text/20702w02.htm>

¹⁹ Campaigners equate 56 day detention to internment <http://www.guardian.co.uk/terrorism/story/0,2134473,00.html>

- The initial period of detention started at 14 days and then was extended to the current period of 28 days. If it is extended yet again to 56 days, where will the judgment be made to how much further it can be extended at the expense of our fundamental legal and human rights.
- According to the UK Home Office, the UK police terrorism arrest statistics (excluding Northern Ireland) from 11 September 2001 – 31 March 2007 show that 1228 arrests were made: 132 were charged with terrorism legislation offences and there have been only been 41 Terrorism Act convictions since September 2001 to date.²⁰ In other words 96.6% of those arrested haven't yet been convicted of any crime. This presents worrying evidence to how effective police judgment has been so far under the current detention period and raises grave concerns of the implications of the extension period.

Control orders:

In 2005 the UK government introduced the prevention of TERRORISM ACT 2005. This act created what we now know as 'control orders'. Control orders are intended to protect the British public against a potential terrorist threat by restricting those suspects who could ordinarily not be tried in court due to the sensitivity of the information. These subjects are closely monitored and are unable to participate in benefits that other citizens enjoy, due to the supposed threat they impose.

Considering the 1998 Human Rights Act, and the UK's commitment to human rights it seems unfortunate that the incidents of September 11th 2001 and July 7th 2005 have shaken the government, and led the nation to believe that we are now living in a state of emergency. In the UK we have many laws to protect our citizens, although with control orders being such a human rights violation, where is the protection for those under this legislation?

The UK government's use of control orders violates basic human rights. Along with many other NGO's, we support the ECHR, a legally binding domestic law, and draw attention to Article 5 'the right to liberty and security'²¹ and also Article 6 'the right to a fair trial'. It is disappointing that even after Mr. Justice Sullivan's decision in the High Court to quash six control orders, citing Article 5 of the ECHR, the UK is still using this method. Recent reports indicate there are fourteen people currently under control orders.²²

On 31 October 2007 law Lords ruled that lawyers must be provided with evidence against control order suspects and that the current curfew is too long and breaches human rights, but this does not change the situation for the fourteen people currently being held under the control order legislation and therefore we would like to push for control orders to be removed all together.²³ One man under such an order states "if I am a risk to security then why are they letting me out to be with people? I am not a danger to anybody else, but this government has made me a danger to myself."²⁴ It is statements like this that highlight the severity of the consequences of control orders.

We would like to recommend:

1. That the UK adhere to the European Convention of Human Rights and try these individuals for the crimes they are facing.

²⁰ <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070709/text/70709w0035.htm>

²¹ <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>

²² http://news.bbc.co.uk/1/hi/uk_politics/5127388.stm

²³ <http://www.guardian.co.uk/terrorism/story/0,,2202266,00.html>

²⁴ <http://www.irr.org.uk/2006/march/ha000032.html>

2. To define threats and national security to protect innocent people from becoming victims of detention without trial.
3. To stop using the incidents of July 7th 2005 to justify such oppressive practices and to comply fully with the UK Human Rights Act.

Thank you for your consideration of this submission to the Universal Periodic Review process. We can be contacted for further information at crucible@roehampton.ac.uk.

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