

How the UK Government is enabling the violation of human rights overseas
ActionAid UK submission to the Universal Periodic Review of the UN Human Rights Council, November 2007.¹

The UK Government has a duty to promote and protect human rights across the world. It has particular responsibility in those areas where its action or lack of action has a direct impact. It is responsible for promoting, “a social and international order in which the rights and freedoms” set out in the Universal Declaration of human rights can be fully realised beyond its territorial borders.

The principles of universal respect for all human rights and of international cooperation to protect and promote human rights are laid down in the UN Charter. More specifically, as a signatory to the International Covenant on Economic, Social and Cultural Rights, the UK Government has a duty to implement its human rights obligations “individually and through international assistance and cooperation”.

The tripartite classification of obligations to respect, protect and fulfil human rights does not only apply to obligations on the national level, but also to extraterritorial obligations. This understanding has been underscored in several general comments by the UN Committee on Economic, Social and Cultural Rights and has been confirmed by the UN Special Rapporteur on the Right to Food.

As host to some of the world’s largest private corporations, one of the main ways in which the UK Government can fulfil its international human rights obligations is through regulation of the extraterritorial impacts of British companies. Recent ActionAid research has identified several cases of human rights violations which have involved UK-based corporations and where UK Government action could have reduced the likelihood of people experiencing rights violations outside the territorial borders of the UK.

1. Human Rights Abuses Involving UK Extractives Companies

ActionAid research into the activities of the UK-based company Vedanta Resources plc in Lanjigarh, India, found that between 2004 and 2007 villagers have been involuntarily displaced from their homes and refused compensation for lost land.² Sacred sites have been destroyed and large areas of forest land, on which local tribal people depend for their food and livelihood, have been damaged or destroyed by company activities. Local people also claim to have been threatened, harassed and beaten by factory guards, police and others working on behalf of the company.

Another investigation into the activities of a subsidiary of the UK-based company Anglo-American in Obuasi, Ghana, found evidence of water contamination, environmental damage and toxic flooding of homes and land.³ People in the affected communities have suffered loss of access to food, water, education and income as a result of these activities. The company has also faced allegations of harassment and

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² ActionAid (2007), Vedanta cares? Busting the myths about Vedanta’s operation in Lanjigarh, India: http://www.actionaid.org.uk/doc_lib/vedanta_report.pdf

³ ActionAid (2006) Gold rush: the impact of mining on poor people in Obuasi in Ghana: http://www.actionaid.org.uk/doc_lib/gold_rush.pdf

excessive violence by people who claim to have been attacked by company guards and/ or police acting on behalf of the company.

These case both raise serious questions about the UK Government's extraterritorial responsibilities and obligations to promote and protect human rights; including those set out within the UN Charter, the Universal Declaration on Human Rights, (specifically Articles 3, 17.2 and 25.1) the International Covenant on Civil and Political Rights (Articles 1.2 and Article 4.3), the International Covenant on Economic, Social and Cultural Rights (Articles 1.2, 2.1 and 11.1) and the 2007 UN Declaration on the Rights of Indigenous Peoples.

Yet despite making its findings known to relevant Government representatives, no discernable action has been taken by any public authority to help provide access to justice within British courts to the communities involved, nor to prevent similar abuses involving these or other UK companies from occurring again in the future.

2. Human Rights Abuses in the Supply Chains of UK Supermarket Retailers

In the retail sector, ActionAid has documented a direct correlation between the purchasing practices of Britain's largest supermarkets and labour rights violations affecting poor women workers on banana plantations in Costa Rica, garment factory workers in Bangladesh, and within the Indian cashew nut industry.⁴

ActionAid's research showed that lower prices paid to suppliers and demanding shorter and shorter lead times demanded by UK supermarket buyers were contributing to increased gender discrimination, poverty wages, restrictions on freedom to organise, lack of basic employment rights, forced overtime and dangerous working conditions. Previous research by ActionAid in 2005 and 2006 also demonstrated links between the purchasing practices of UK supermarkets and labour rights violations amongst women workers on fruit farms in South Africa.⁵

Again, ActionAid has published its findings held discussions with officials in various relevant branches of Government, but has yet to see any evidence of concrete legal, policy or regulatory action to address these extraterritorial human rights violations.

These violations relate specifically to the UK Government's responsibilities and obligations under Articles 23.1-23.4, Article 24 and Article 25.1 of the Universal Declaration of Human Rights; Article 8 and Article 22 of the International Covenant on Civil and Political Rights and Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights.

ActionAid would strongly urge the UK Government to:

- Promote extraterritorial obligations by mainstreaming these across government departments, including efforts to increase capacity to analyse the implications of UK policies on human rights outside its territory, especially trade and investment policies.

⁴ ActionAid (2007) Who Pays? How British supermarkets are keeping women workers in poverty: http://www.actionaid.org.uk/doc_lib/actionaid_who_pays_report.pdf

⁵ ActionAid (2005) Rotten Fruit: Tesco profits as women workers pay a high price: http://www.actionaid.org.uk/doc_lib/14_1_rotten_fruit.pdf

- Invite legal expertise on the possibilities of (and obstacles to) legal action in cases where UK companies are involved in human rights abuses in other countries. Such expertise should present recommendations on the ways and means to overcome obstacles to effective remedies for victims of human rights violations by UK companies, including the possibility of legislative initiatives.
- Implement appropriate legal and regulatory measures that would ensure UK corporations and their subsidiaries are held fully accountable for human rights violations abroad.