

UNIVERSAL PERIODIC REVIEW
DRAFT STATEMENT FOR UK OUTCOME SESSION
THURSDAY 20TH SEPTEMBER 2012

I am very pleased to be here today to present the United Kingdom's formal response to the recommendations it received at its Universal Periodic Review in May. I would like to begin by setting out the UK's commitment to secure a successful future for the UPR mechanism as a whole; and then explain in more detail how we have responded to our own recommendations.

The UPR is unique in the UN's human rights architecture. We believe the first cycle has demonstrated how much it can contribute to the promotion of human rights worldwide. Now, as the second cycle gets underway, we believe it is clear the UPR has long-term potential. The UK is committed to playing a key role in realising this potential, in two key ways:

Firstly, we need to work together to preserve the core values of the UPR. The most important of these is universality. It is the fact that every state participates in the process that makes it so unique. We therefore urge all states to participate openly, willingly and honestly in their own reviews – as the UK has done. We would like to stress here the fundamental importance of ensuring that the

universality of the UPR process is maintained – that no country is left behind.

Another core value of the UPR is its constructive spirit. We believe that it should be the nature of a 'peer-review' to give constructive feedback. This includes acknowledging progress where it has been made, as well as being clear about where change is needed. It means that recommendations should be based on an objective assessment of the human rights situation and priorities – that they should be specific, concrete, achievable and measurable. The UK does not believe that vague recommendations help the country under review, or the credibility of the UPR mechanism itself.

The UK also believes it is for states to lead the way in establishing best practice in the UPR. We hope to work with others to play our role in achieving this. This is why we signed, along with 39 countries from all regional groups, a Joint Statement in March this year, in which we committed to make clear, realistic and focused recommendations and to make a maximum of two. This is because we are concerned that the increased number of recommendations could become overly-burdensome on the state under review. We therefore encourage others who share our concerns to also stick to a limit of two recommendations.

The second way in which the UK is committed to realising the potential of UPR is in the way that we engage in our own review. In this context, I would like to explain some key aspects of our approach and the next steps we plan to take.

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We have approached our review in a spirit of openness. We have welcomed the level of scrutiny we received from other member states. Whilst we have a good human rights record, we have consistently made clear that there is always room for improvement and that we are open to learning from others.

In the spirit of cooperation, Lord McNally has personally written to Ambassadors of those Member States that raised questions during our interactive dialogue, where we were not able to address their points in full during the session and they were not covered in the Working Group recommendations. We have also ensured full transparency in our response to the recommendations - and intend to continue to do so as we work towards our mid-term progress report and beyond.

As you will be aware, following the UK's Universal Periodic Review in May, the Minister of State for Justice, Lord McNally said that the United Kingdom would reserve its position on all 132 recommendations received in order to consult across the UK Government, with Scotland, Wales and Northern Ireland and with civil society.

Lord McNally met civil society organisations, including National Human Rights Institutions and NGOs, immediately following the UK's review in Geneva on 24 May. He then followed this up with a roundtable meeting in London at the end of July. These meetings were an opportunity to understand which recommendations civil

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society organisations regarded as priority for the United Kingdom. Similar exercises have taken place in Scotland, Wales and Northern Ireland. This is because we believe consultation and dialogue – including with NGOs and National Human Rights Institutions (NHRIs) – is a central element and benefit of the UPR process. Indeed we found our UPR reviews have enabled a deeper dialogue on human rights across government as well as with our civil society. For our part, this has been a positive experience and we would be happy to share more information on this should it be helpful for others.

Over the summer the UK Government has therefore carefully reviewed the recommendations received, in consultation with Scotland, Wales and Northern Ireland.

Colleagues who have seen our response to our recommendations will have noticed that it is in two parts. The first part is the formal 'Addendum', which we have used to outline our methodology and list the recommendations that enjoy our support and those that do not. However, we found that due to the word limit applied to this formal element of the response, we were not able to be as fully transparent as we would like regarding the UK's approach to our recommendations.

In order to give this exercise the meaningful transparency it deserves, we have therefore voluntarily produced a second document (the annex). This document clearly lists all recommendations received, and explains the UK's response to

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each in detail. It includes input from Devolved Administrations on those recommendations that fall within their competence.

We hope that this will help to inform ongoing discussions with civil society on our implementation of the recommendations. We also hope the additional document will be a useful tool for Member States to understand our response to their recommendations and to interpret the progress the UK has made at the mid-term review in 2014 and when we go through our third review in 2016.

Given the difficulties of responding to so many recommendations in a short formal document – a challenge that we know many others have also faced and will continue to face throughout the second cycle - we hope that this approach might offer one way of maintaining transparency without overburdening the process.

- [Clarify that our responses were unfortunately not available on the website until recently due to a technical problem with the OHCHR website; assure Council that they were submitted in advance and regret that some may not have had time to absorb them due to this technical problem;]

The United Kingdom has given considerable thought to how to respond to each recommendation. Our responses come in three categories, which I would like briefly to explain.

The UK has **accepted or partially accepted** 91 recommendations. The distinction between these categories is set

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out in detail in our formal response, but in general we have accepted those recommendations we agree with and are able to implement in practice - or indeed are already implementing. Our acceptance or partial acceptance is therefore without prejudice to our current compliance on the issues the recommendations raise.

After careful consideration we have decided that we cannot accept 40 recommendations. The reasons for this are threefold. Firstly, because we cannot commit to implementation at this stage. The UK will only accept recommendations we can implement, because we do not want to proceed under false pretences. We believe this is important to the credibility of the UPR mechanism and the ability to track implementation and follow-up.

Secondly, a recommendation may be rejected where a policy review has been concluded and we have decided to retain our current policy. We realise that not everyone will agree with all our policy positions, but these decisions will have been taken after careful consideration. Thirdly, it may be because we reject entirely the assertions made in the recommendation.

However, let me assure you that these recommendations are all kept under close review - indeed during the last cycle we implemented one of our rejected recommendations. Therefore we view this process as ongoing.

Finally, the UK considered one recommendation to be out of the scope of the UPR process.

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The UK has voluntarily committed to updating the Working Group on progress through a mid-term report in 2014. We were also one of the first to do so during the first cycle. Our MTR will contain both updates on the recommendations we accepted at our 2012 review as well as updates on those recommendations that we didn't accept. We do this because we believe it will help achieve the UPR's central objective of continual improvement of human rights on the ground. Mid-term reports are an important tool to monitor and measure progress, and to ensure that states maintain focus on this throughout the four-year cycle. We therefore encourage all states to commit to providing an MTR in their own reviews.

The UK believes that the UPR must be seen as an ongoing and continuous process. It is not simply a three and a half hour dialogue that occurs every four years. It is the implementation in between each review that has the potential for far reaching impact. Each subsequent cycle should therefore be seen as building upon past reviews – rather than beginning again every four years. And we would encourage others to approach the UPR – whether their own review or others – with the same perspective.

[BREAK? Look forward to hearing perspective of NGOs, NHRIs and states...]

SECOND INTERVENTION:

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- Thank NGOs and NHRIs in particular for their contribution, as well as states for their views;
- UK believes that civil society has a vital role to play as we decide how to monitor the implementation of our UPR recommendations as well as observations from treaty monitoring bodies the UK is party to – and we look forward to consulting further with you on this.
- As part of our commitment to engage civil society we intend to follow up those issues that were raised by civil society organisations in their UPR submissions which were not covered during the interactive dialogue or the Working Group recommendations. This includes for example, the rights of older people, victims rights and access to justice issues.

Before closing, the UK would like to put on record its sincere gratitude to the Troika - Angola, Norway and the Philippines – as well as the Human Rights Secretariat, for the professional way in which the UK's review was conducted. We very much appreciated all your efforts to help ensure that things ran smoothly.

Finally, as Lord McNally informed the Council, the UK has the honour to run for election to the Human Rights Council for the term 2014-2016. The pledges and commitments we make, as part of our election bid, will be based on UK priorities at home and abroad. And they will be inspired by the issues raised during the course of this process. Our efforts to ensure the success and impact of the UPR would be a crucial part of our contribution as a Council Member.

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We look forward to meeting again in 2016.

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