

Amnesty International UK

BRIEFING



A manifesto for human rights General Election 2017 manifesto recommendations

Amnesty International believes that stable, fair, and prosperous societies are possible only when the human rights of all are protected. In particular the next UK government must ensure that human rights standards and protections across all areas of policy are maintained and strengthened, throughout and beyond the process of the UK leaving the EU.

Amnesty International urges all political parties to ensure General Election manifestos prioritise human rights and makes the following recommendations:

Commit to ensuring human rights are prioritised and protected throughout and beyond the process of leaving the EU

- No direct or indirect changes to any existing right or protection to be made using powers created in the Great Repeal Bill; any changes that are to be proposed, must be done through primary legislation alone, subject to existing or equivalent scrutiny practices
- Urgently guarantee the continued rights of EU citizens to remain in the UK on undiminished terms
- Ensure the UK's standards regarding asylum reception, procedure and quality of protection are not diminished
- Ensure any future trade or investment agreements strictly embed the UN Guiding Principles on Business and Human Rights
- Convert rights and protections contained within the EU Charter of Fundamental Rights into domestic law
- Ensure that border controls between Northern Ireland and the Republic of Ireland do not infringe the rights of people who cross the border on a daily basis for work, education and family purposes

The UK's departure from the EU (Brexit) could raise opportunities and challenges to current human rights protections in the UK. Whatever the nature of the Brexit agreement, the UK must remain committed to an international human rights system, whose norms it should continue to uphold and whose mechanisms it should continue to respect. The UK must also ensure that all existing rights and protections currently delivered through EU law are incorporated into domestic law, at existing standards, and no changes to human rights should be made without full and open scrutiny.

Commit to defending UK human rights protections

- Retain the Human Rights Act
- Remain party to the European Convention on Human Rights

The introduction of the Human Rights Act 1998 (the HRA) was a significant step forwards in protecting human rights in the UK. The HRA incorporates the rights of the European Convention on Human Rights into domestic law and is carefully designed to work with and suit the domestic

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parliamentary system. The HRA has had a highly positive influence, encouraging a thoughtful human rights based culture amongst decision makers at all levels and empowering individuals to speak up and challenge authorities.

The next UK government should also commit to remaining party to the European Convention on Human Rights. Any change to the relationship with the European Court of Human Rights or withdrawing from the Convention altogether would be an unprecedented regressive move for a democratic nation. To our knowledge the only states to withdraw from post-second world war human rights conventions are Venezuela and North Korea.

If states across Europe followed the UK's lead in withdrawing from or renegeing on their Convention obligations, the protection the Court provides – the only reliable recourse to justice that many millions of Europe's citizens are currently able to access – would be irreparably damaged, heralding a regression in justice and fairness unseen in the last seven decades.

Moreover, leaving the Convention would have huge and complex implications for devolution and the Union, because the Convention is written into devolution legislation. To leave the Convention would mean amending the Scotland Act, the Good Friday Agreement (an international treaty lodged with the United Nations) and the Wales Act. A "British Bill of Rights" or any changes to the UK's relationship to the European Convention of Human Rights would require legislative consent from the Scottish Parliament and other devolved administrations.

Commit to protecting the rights of people seeking asylum in the UK and elsewhere

- Refrain from migration deals with other countries that do not respect refugee and other human rights
- Guarantee existing resettlement commitments to May 2020 and make new commitments extending existing programmes over the remainder of the next parliament
- Fulfil the UK's international obligation to providing asylum to refugees without discrimination whether on grounds of nationality, the way by which they come to the UK or other reasons
- Ensure all refugees in the UK, including children, have access to family reunion rights.

The global refugee situation has become increasingly dire. While thousands die on journeys fleeing conflict and persecution, the continued refusal of some countries to share responsibility in providing asylum has encouraged others to abandon their responsibilities. This is increasing the need for more people to turn to smugglers and move further in search of safety because their situation elsewhere is unsafe or unsustainable.

Commit to a UK foreign policy which champions human rights

- Publicly champion human rights standards on every high-level bilateral visit
- Confirm funding for human rights work abroad will be maintained or otherwise increased, and that the UK's financial and political resources currently devoted to human rights work through the EU will be ring-fenced post-Brexit
- Require all UK diplomatic missions to develop, implement and evaluate a human rights strategy, in consultation with local human rights experts, and call out any regressive measures

The Government plays a significant role in the protection and promotion of human rights abroad, both bilaterally and multi-laterally, and particularly through the EU and the UN. It has for example

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helped to prevent sexual violence and promote women's political participation; protect LGBTIQ and other human rights defenders; reduce use of the death penalty; and to bring war crimes suspects to justice.

The Foreign and Commonwealth Office has undertaken this work in the stated belief that "the rule of law and respect for human rights are not just goods in their own right – they are also the fundamental building blocks of economic development, and thus of a more stable, peaceful and prosperous world". However, Amnesty International and others, including the Foreign Affairs Committee, have raised concern about the Government's apparent de-prioritisation of human rights work including its failure to condemn some regressive measures, and questioned whether this is linked to trade and security deals. The next UK Government must demonstrate the centrality of human rights work within UK foreign policy and practice.

This is the approach that Amnesty International wanted to see across UK governments and agencies and have been pursuing this with the Scottish Government in their international relations as well as with UK Government departments.

Commit to ensuring responsible arms controls which protect human rights

- Immediately suspend the supply of all weapons at risk of being used to commit a serious violation of international law in Yemen
- Formally align UK policy to all relevant EU mechanisms vital to maintaining human rights protections over the trade and use of military, security and police equipment
- Lead by example by continuing to strengthen the UK's own arms export control systems as well as encouraging and facilitating the ATT's effective implementation and universal adoption

Successive UK governments were instrumental in delivering the first ever global treaty to curb irresponsible arms sales. The Arms Trade Treaty (ATT), like previous treaties to ban landmines and cluster bombs, clearly recognises the human rights and humanitarian imperative to prevent weapons from facilitating tremendous human suffering around the world. However, the current UK government's sale of arms to Saudi Arabia apparently disregards its obligations under the ATT. Extensive evidence exists that the Saudi-led coalition has violated international humanitarian law in the conflict in Yemen, indiscriminately targeting civilian objects, disproportionately harming civilians and even using banned cluster bombs. The UK has supplied the Saudi Arabian military with £3.7 billion worth of arms during the conflict.

The sale of arms to Saudi Arabia also apparently disregard aspects of EU law. The EU has been a key mechanism through which the UK has worked to strengthen controls over the trade in Military, Security and Police equipment. Amnesty International is concerned that the UK's human rights protections over trade in these goods could be seriously compromised through Brexit, as the UK has hitherto chosen to develop these controls at the multilateral level, largely through membership of the EU. For example, the UK's own national arms export control legislation is derived directly from the EU Common Position on arms export controls which currently stipulates that arms cannot be sold where there is a clear risk that they might contribute to serious human rights violations.

Commit to putting the rights of women and girls front and centre of government policy

- Ratify and implement the Istanbul Convention

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- Ensure that the law governing access to abortion in Northern Ireland fully complies with international human rights law by decriminalising abortion*
- Commit to increasing support for women human rights defenders, through ensuring access to gender sensitive protection and resources, incorporating their priorities and voices into UK led initiatives (such as the Ending Sexual Violence in Conflict Initiative or forthcoming National Action Plan on Women Peace and Security), and providing programmes to support their well-being and relief
- Place the UK at the forefront of international efforts to resist the backlash against sexual reproductive health and rights by providing resources to close the financing gap caused by the Mexico City Policy

While the efforts of successive governments have boosted the profile of gender equality issues across Whitehall, significant gaps and challenges remain, including provision of adequate resourcing and ensuring consistent application of the women human rights perspective across different government policies and departments. For example the government has failed to ratify and implement the Istanbul Convention, reduced funding of specialist services for women who have experienced domestic violence or abuse, retained abortion law in Northern Ireland which is among the most restrictive in Europe, and failed to provide adequate support for Women Human Rights Defenders (WHRDs), who are a key agents of change on all aspects of woman human rights.

Globally there has been a backlash against woman human rights manifested, amongst other things, by the reintroduction and extension of the Mexico City Policy by President Trump in January 2017, which the next UK government must strongly oppose through political and financial leadership.

* Abortion law in Scotland has been devolved to the Scottish Parliament and Amnesty International are working with partner women's organisations to address decriminalisation of abortion in Scotland.

Commit to securing Justice for Syrians

- Support the implementation of the new UN Accountability Mechanism on Syria through substantial and sustainable funding and resourcing
- Ensure UK government and national prosecuting authorities investigate and prosecute low, mid and high level officials and individuals who have committed violations of international humanitarian law and human rights violations in Syria since 2011, based on universal jurisdiction
- Press the Syrian authorities, as part of the United Nations Security Council, to give UN monitors unhindered access to all prisons in Syria
- Support and build the capacity of Syrian human rights organisations that are documenting violations of international human rights and humanitarian law in the Syrian conflict

After more than six years of crimes under international law, including war crimes and crimes against humanity, and other serious violations committed by parties to the conflict in Syria, victims and their families have the right to truth, justice and reparation. Justice is possible in the long run if the UK and wider international community has the will to make it happen.

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Amnesty welcomes the steps taken by the First Minister of Scotland to support the training of Syrian women involved in the peace process. This commitment demonstrates how vital the participation of women is to achieving sustainable peace and this principle of female participation must remain core to securing justice for Syrians.

Commit to delivering an immigration system that treats people with the dignity and respect to which they're entitled

- Guarantee that existing residence rights, under EU law, of European nationals and their family members living in the UK will be preserved following the UK's withdrawal from the EU
- End indefinite detention by introducing a time limit on its use for immigration purposes
- Commit to reforming the immigration system to ensure respect for the rights and dignity of people subjected to it and their family members

Treatment of European citizens as 'negotiating capital' in EU withdrawal is an example of harmful rhetoric and policy that fails to accord people respect and human dignity. The fears of EU citizens are made worse by an immigration system which also fails to treat people with respect. The complexity of immigration rules, the scale of immigration fees and the frequency and abruptness with which these are changed and increased produces profound uncertainty. This is exacerbated by inconsistency, error and bureaucracy at the Home Office. People's lives are turned upside down. They and their families are put at risk of indefinite detention, deportation and destitution. They are made barred or deterred from healthcare, rented accommodation and education. Their plight is made worse by the absence of legal aid and appeal rights. Moreover, the fear, destitution and marginalisation this promotes exposes people to exploitation including from abusive partners, employers and landlords and leaves them with nobody they can safely turn to for help.

There is an opportunity for looking at alternatives to detention in Scotland with the proposed closure of Dungavel but the rejection of planning permission for a replacement facility by Renfrewshire Council.

Commit to promoting civil society space and the work of human rights defenders abroad

- Publish a strategic and well-resourced plan of work for the protection and promotion of human rights defenders and their space, with benchmarks to measure progress and a requirement that all UK diplomatic missions develop local strategies in consultation with HRDs
- Raise the profile of HRDs abroad, including through high-level meetings with them and statements at meetings of the UN Human Rights Council, UN Security Council, NATO, G8/20, the World Economic Forum, and the Commonwealth Heads of Government
- Commit to taking action on individual HRD cases, including through making statements on each case, raising the case at every opportunity with the relevant government, and ensuring the individual is treated in accordance with international human rights law

The current UK government is renewing efforts to promote civil society space abroad as crucial to a country's stability and economic and social development. This includes updating its internal guidance for diplomats in how best to monitor and support the work of human rights defenders

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(HRDs), which the government sees as underpinning democracy, tolerance, equality and respect for the rule of law.

Such efforts might help the UK to build on past successes and address concerns about the government's post-Brexit commitment in this area, given that much of its work is carried at the EU level, including through the EU Guidelines on Human Rights Defenders. However, there remain some long-standing inconsistencies in the approach of successive governments, due in part to inadequate leadership on the issue and engagement with HRDs, as well as limited policy coherence between UK human rights priorities and other agendas, including trade, development and security.

Commit to ensuring companies are held to account for human rights abuses

- Reform criminal law for human rights abuses involving companies

The current criminal law regime makes prosecuting a company for criminal offences, especially those with operations across the world, very difficult – firstly due to *the identification doctrine* i.e. difficulty of attributing liability to large and complex companies because it must be proved that people with sufficient seniority were aware of the harm; secondly due to the lack of relevant UK laws that can be applied when the decision taken in the UK causes harm in another part of the world. Both the Law Commission (in 2010) and the Joint Select Committee on Human Rights (2017) have suggested that the identification principle is not suitable for prosecuting modern day companies. Any criminal law reform must also be replicated in Scotland to ensure consistent jurisdiction for companies headquartered North of the Border.

- Ensure public procurement addresses human rights

If the next government expects businesses to take human rights issues in their supply chains seriously, it must demonstrate at least the same level of commitment in its own procurement supply chains. In keeping with the recommendations of the report of the Joint Select Committee on Human Rights (2017), public bodies should exclude companies that have not undertaken appropriate and effective human rights due diligence from all public contracts. This should also apply to export credits and other forms of government support for companies to operate overseas. Companies that have been found responsible for abuses should be excluded from public contracts for a defined period. There are both devolved and reserved aspects to procurement and Amnesty International has engaged with the Procurement Reform (Scotland) Act 2014.

- Improve access to judicial remedy for overseas victims of UK companies

Greater access to remedy for victims of human rights abuses committed by companies is one of the three pillars of the UN Protect, Respect and Remedy Framework on Business and Human Rights, which the current UK government supports and is committed to implementing. However, legislative changes have increased the financial barriers to obtaining redress through the UK courts for victims of abuse caused or contributed to by UK companies. The next UK government should enact legislation to limit or remove financial barriers that prevent victims from bringing and pursuing a case. This legislation must be replicated in Scotland to ensure consistent jurisdiction for companies headquartered North of the Border.

Commit to reforming abortion law

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- Support Decriminalisation of Abortion bill in next Parliamentary term
- Ensure that the law governing access to abortion in Northern Ireland fully complies with international human rights law, including the decriminalisation of abortion
- Take effective measures to protect and guarantee women and girls' right to health, physical integrity, non-discrimination and privacy as they seek healthcare information and services at clinics, free of harassment and intimidation amounting to obstruction of their access to that healthcare.

The 1967 Abortion Act, which applies in England, Scotland and Wales but not Northern Ireland, is not human rights compliant. It does not decriminalise abortion but instead provides exceptions in certain circumstances for women and doctors. In Scotland, abortion has now been devolved to the Scottish Parliament although the provisions of the 1967 Abortion Act remain untouched. Amnesty International is working with partner women's organisations to address decriminalisation in Scotland.

In Northern Ireland, abortion is only lawful in very limited circumstances, in particular where there is a risk to a woman or girl's life or the risk of real and serious long-term or permanent damage to her physical or mental health. That makes the legal regime governing abortion in Northern Ireland one of the most restrictive in Europe. UK abortion laws have been repeatedly found by UN treaty monitoring bodies to be in significant violation of the various Human Rights treaties the UK is state party to.

Commit to ensuring justice and accountability in Northern Ireland

- Deliver effective and fully independent investigations of Troubles-era killings, injuries and torture
- Commit to setting up a comprehensive mechanism to review the conflict as a whole, establish the truth and responsibility for outstanding human rights violations
- Ensure that no-one is or is seen to be above the law, so contributing to building a just and peaceful future in Northern Ireland.

Northern Ireland continues to be dogged by a failure to deal effectively with the legacy of the Troubles. A failure to deliver a comprehensive approach to dealing with the past has contributed to the societal division that is still rife. Since the end of the conflict, a patchwork of measures, including isolated investigations, have failed to establish the full truth about the violations and abuses of the past and left many victims and bereaved relatives waiting for justice. The UK government must fulfil its international obligations with respect to victims' rights to truth and justice, building on the progress previously achieved in talks with the Northern Ireland political parties and the Irish government.

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