

Amnesty International UK

BRIEFING



A manifesto for human rights General Election 2017 manifesto recommendations

Amnesty International in Scotland 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 in Scotland 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 (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 parliamentary

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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 withdrawal 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 UK 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

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example, 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 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 in Scotland and others, including the Foreign Affairs Committee, have raised concern about the UK 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 Arms Trade Treaty'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 disregards 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 in Scotland 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.

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

- Ratify and implement the Istanbul Convention
- Ensure that the law governing access to abortion across the UK*, including 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 UK 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 women's human rights.

Globally there has been a backlash against women's 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.

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