



Using UN human rights treaties to effect change

Capacity building workshop for Gypsy, Roma and Traveller organisations

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Equality and
Human Rights
Commission

**The Baring
Foundation**



Friends Families and Travellers

Introduction and overview of the international human rights framework

Carla Garnelas, Principal – Treaty Monitoring,
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Introduction: workshop aims

1. To raise awareness of the role of international human rights treaties in helping to effect changes in UK law and policy
2. To explore in particular how civil society organisations can use international human rights treaties to strengthen their policy and advocacy work.

Structure of the workshop

1. Overview of the international human rights framework
2. Monitoring the implementation of international human rights treaties – role of civil society
3. Interactive exercise
4. Using international human rights treaties in the Courts
5. Next steps

Overview of the international human rights framework

- Grew out of the Second World War under the aegis of the United Nations
- Adoption of a series of international human rights treaties which spelt out the basic rights and freedoms that belong to everyone
- By ratifying the treaties, governments undertake to put into place domestic measures and legislation which respect, protect and fulfil the rights enshrined in the treaties.

UN human rights treaties ratified by the UK

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)
- International Covenant on Civil and Political Rights (ICCPR)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Covenant on Economic, Social and Cultural Rights (ICESCR), and
- Universal Periodic Review (UPR) – state peer review process.

Status of UN human rights treaties in domestic law, policy and practice

- UN human rights treaties ratified by the UK are binding under international law
- This means that all UK governments and public bodies – central, local and devolved – and all public officials have to take appropriate measures to implement them.
- International human rights treaties are not ‘justiciable’: this means that compliance with their provisions cannot be enforced through our courts
- However, the treaties are often, and increasingly, influential in shaping how the courts interpret rights enshrined in domestic laws.

How the implementation of UN human rights treaties is monitored



EHRC's role in treaty monitoring

1. Encourage timely submission of State Reports
2. Submit alternative (or 'shadow') reports
3. Support civil society to submit independent 'shadow' reports
4. Address the Committees at the State examination
5. Disseminate the Concluding Observations
6. Follow-up work:
 - Monitor implementation of the Concluding Observations, including through 'follow up reports'
 - Engage with Parliaments, Ministries and other public authorities to encourage implementation
 - Build capacity of civil society to use Concluding Observations
 - Use Concluding Observations in own work and advocacy.

Monitoring the implementation of international human rights treaties – role of civil society

**Elena Jurado, Senior Associate – Treaty
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Role of civil society organisations

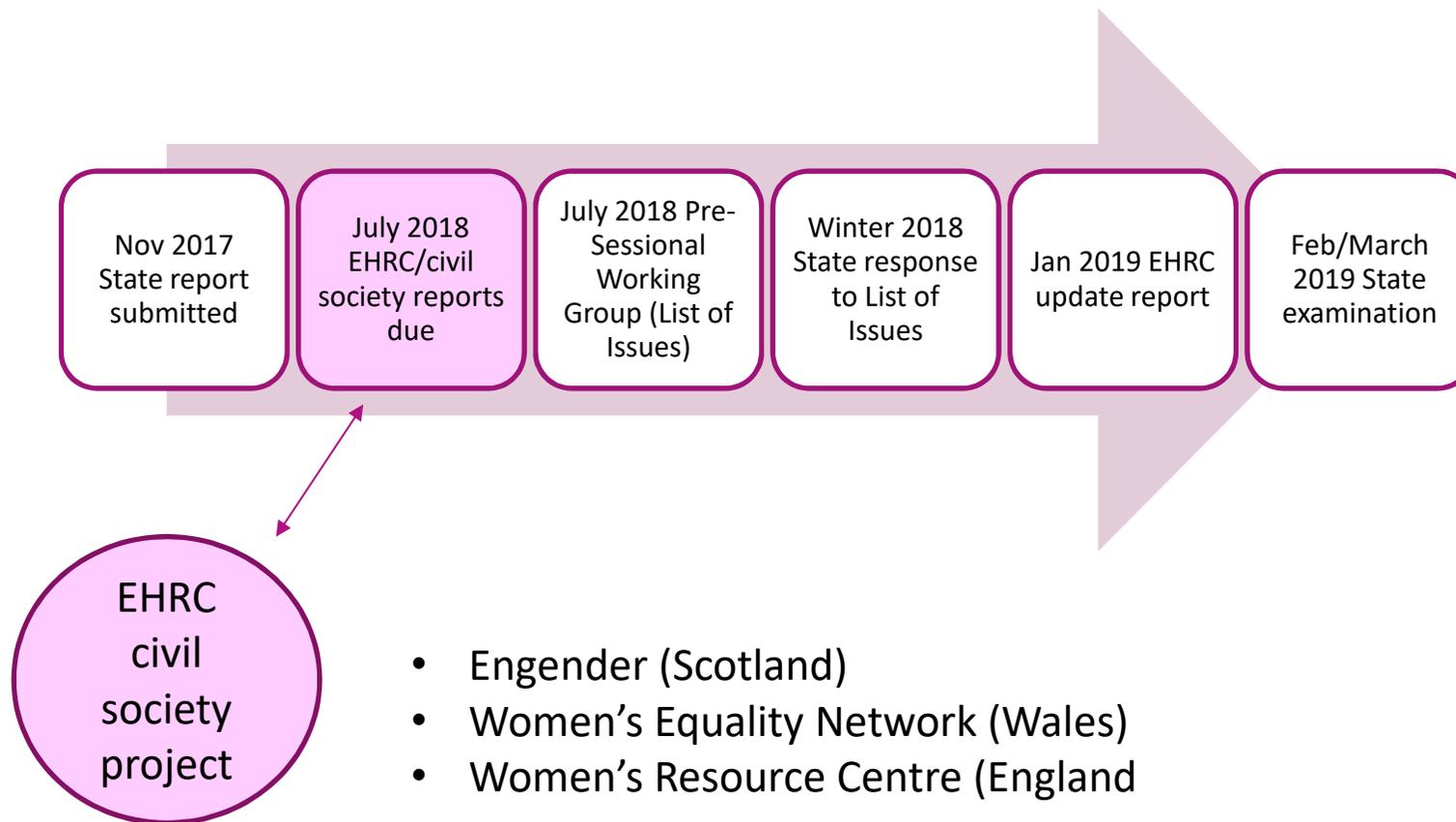
The effectiveness of the international human rights framework depends significantly on the involvement of civil society organisations (CSOs) in holding Government to account on their obligations. CSOs can:

1. Provide evidence to UN Committees on the current implementation of the Convention
2. Raise awareness of UN Committees findings and recommendations
3. Use the UN Committees' recommendations to inform campaigning and advocacy work.

Providing evidence to the UN Committees

- UN Committees invite NHRIs and civil society organisation to submit alternative or ‘shadow’ reports to inform the state party examination
- Shadow reports play a crucial role in identifying gaps and issues in the implementation of the UN human rights treaties
- Impact of shadow reports is greater if they are jointly prepared and submitted by a coalition of civil society organisations
- Duty of NHRIs like the Equality and Human Rights Commission to support this process.

Providing evidence to the UN Committees: example of CEDAW



Raise awareness of the Committee's findings and recommendations

- Governments have a duty to disseminate the concluding observations of UN Committees
- Often do so in a limited way, circulating across government departments only
- Civil society organisations can:
 - remind the Government of their obligation to actively disseminate the concluding observations
 - support dissemination directly by sharing the concluding observations across their own networks.

Use the UN recommendations to inform campaigning and advocacy work

- Follow up reports: 12 months after the adoption of the concluding observations
- Follow up stage continues for another 3-4 years i.e. up to the Government's next reporting deadline.
- Civil society organisations can use the Committee's recommendations during this stage:
 - To inform public information campaigns
 - To strengthen advocacy work e.g. policy briefings, responses to public consultations and letters to parliamentarians and ministers
 - As benchmarks for measuring progress.

Key findings and recommendations of UN Treaty bodies and the UPR

The most recent UN recommendations on measures needed to improve the situation of Gypsy, Roma and Traveller groups have come from three treaty bodies:

- UN Committee on the Elimination of all forms of Racial Discrimination (UN CERD)
- UN Committee on Economic, Social and Cultural Rights (UN CESCR)
- UN Committee on the Rights of the Child (UN CRC)

Recommendations relating to Gypsy, Roma and Traveller groups were also made through the UPR process (2017).

Key concerns

- In 2016 UNCERD, UNCESCR and UNCRC expressed major concerns about continuing exclusion and discrimination against Gypsy, Roma and Traveller groups in the UK in the fields of:
 - Health (barriers in access and unequal outcomes),
 - Education (inequalities in attainment, bullying and exclusions)
 - Housing (site provision, change in the definition of Gypsy or Traveller in the planning policy for Traveller sites in England)
 - Employment
 - Negative stereotypes in the media.

Key recommendations

- Need for a comprehensive strategy to address the challenges faced by Gypsy, Roma and Traveller groups (UNCERD and UPR)
- Strengthen awareness-raising and other preventive activities against discrimination and stigmatization (UNCERD, UNCRC, UPR)
- Ensure the provision of adequate and culturally appropriate accommodation and regularly publish the net increase of pitches (UNCERD, UNCESCR, UNCRC)
- Ensure the accessibility and availability of quality health-care services to persons belonging to ethnic minorities (UNCERD, UNCESCR, UNCRC)
- Require schools to collect data on bullying and exclusions on grounds of race / ethnic origin and use this data to develop concrete strategies to reduce the number of exclusions and ensure that children have the right to appeal against them (UNCERD, UNCRC)
- Ensure adequate consultation with Gypsy, Roma and Traveller communities before implementing any new measures (UNCERD, UNCRC).

Interactive exercise: Using the UN recommendations in policy and advocacy work

Carla Garnelas and Elena Jurado – Treaty
Monitoring, EHRC

Questions for group discussion

1. Which recommendations are relevant to your topic?
2. Which specific recommendations would you draw on and how?
 - Providing evidence to UN Committees
 - Raising awareness of UN recommendations
 - Using UN recommendations to inform campaigning and advocacy work (e.g. policy briefings, responses to public consultations and letters to parliamentarians and ministers)
3. What would the challenges be in using UN human rights treaties in your work?
4. How would you overcome them, and in what ways could the Commission help you?

Next steps: what is coming up in the UN monitoring process?

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Online human rights tracker

- The tracker will bring together all of the UN's recommendations and organize them by theme. In a second stage, it will identify the steps taken by Government towards implementation.
- The tracker aims to raise awareness of the UN recommendations and make them more accessible and user-friendly.
 - Users will be able to locate the most relevant recommendations for a given policy area
 - The recommendations will be translated into 'plain English'

Forthcoming UN deadlines for treaty monitoring

Treaty	2018/2019	2019/2020	2020/2021
CEDAW	Jan 2019 response to LOI Feb -Mar 20 19 State exam		
CAT	25 March 2019 Shadow report	Apr-May 2019 State exam	
ICCPR			Jul 2020 State Party report due
CERD			Apr 2020 State party report due
UPR		Apr/May 2019 (tbc) Mid-term reports	

Thank you

Any questions?

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