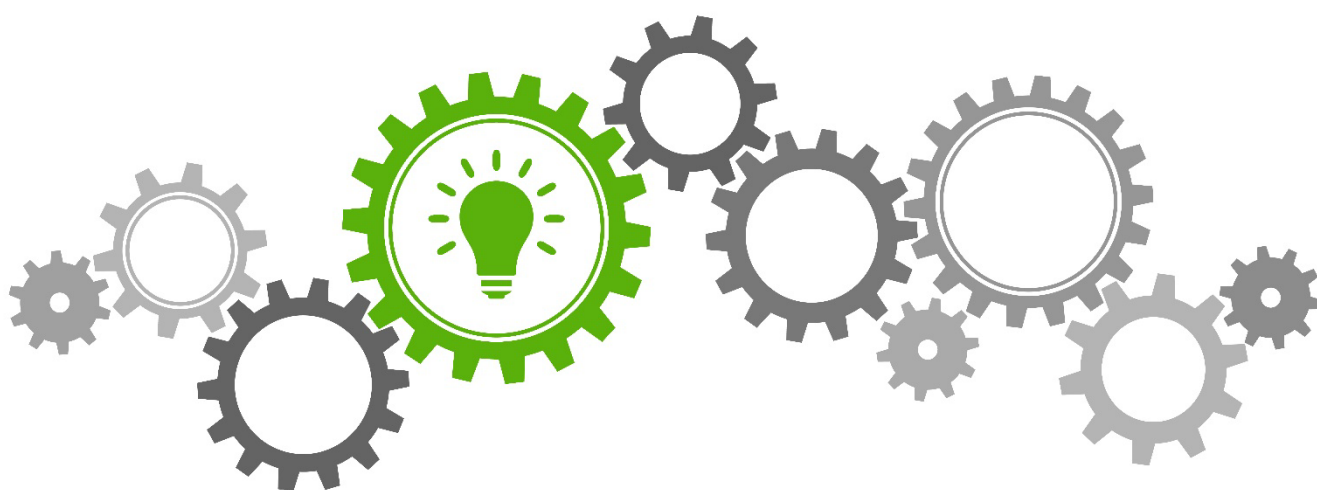


# The Implementation of Human Rights Recommendations in the UK





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# INTRODUCTION

This case study presents research on the implementation of human rights recommendations in the United Kingdom (UK), which was collected as part of a global survey to understand the systems and processes that States have put in place to implement, report and follow-up on their international human rights commitments. The global survey was carried out by teams from the Bingham Centre for the Rule of Law, Freshfields Bruckhaus Deringer LLP, the Human Rights Implementation Centre at the University of Bristol and the Universal Rights Group. This case study presents a summary of data collected over the course of 2020 to 2023 as part of the wider global survey and offers an insight into the framework in the UK.\*

The national implementation of human rights recommendations is a priority Rule of Law issue. However, there is an “implementation gap” between the international human rights commitments made by States on the global stage and the reality for individuals and groups on the ground.<sup>1</sup>

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has described as “formidable” the requirements for States to report to international human rights bodies – such as the United Nations (UN) Treaty Bodies, Universal Periodic Review (UPR) and Special Procedures – and to follow-up and implement their many decisions and recommendations, even in countries where there is the political will and capacity to engage.<sup>2</sup> States have put in place a variety of systems and processes to implement, report and follow-up on their international human rights commitments. Some States have created ‘national mechanisms for implementation, reporting, and follow-up’ (known as ‘NMIRFs’) to better coordinate engagement with international human rights mechanisms in an effort to bridge the implementation gap.

At this time, there is not a set of internationally agreed principles to assist States in establishing national mechanisms. However, there have been important initiatives at a regional level such as the ‘Pacific Principles of Practice’ which were launched in July 2020.<sup>3</sup> These provide a guide to “the establishment and strengthening of NMIRFs in the Pacific” and aim to contribute to “the global conversation on effective implementation of human rights obligations and development commitments”.<sup>4</sup>

There has also been growing acknowledgment at an international level of the central importance of NMIRFs to the success of the implementation agenda. In 2016, the OHCHR published a ‘Practical Guide to Effective State Engagement with International Human Rights Mechanisms’,<sup>5</sup> which was accompanied by a ‘Study of State Engagement with International Human Rights Mechanisms’.<sup>6</sup> Taken together, these reports mapped and analysed existing practices, and sought to identify “key ingredients for a well-functioning and efficient national mechanism for reporting and follow-up, drawing on different State practices, while not proposing a one-size-fits-all solution”.<sup>7</sup> The OHCHR defined ‘national mechanisms for reporting and follow-up’, as they were then known, as follows: “A national mechanism for reporting and follow-up is a national public mechanism or structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms (including treaty bodies, the universal periodic review and special procedures), and to coordinate and track national follow-up and implementation of the treaty obligations and the recommendations emanating from these mechanisms.”<sup>8</sup>

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\* See annexed a list of interviews and written responses.

More recently, and further to a request from the Human Rights Council, five regional consultations were held at the end of 2021 in order to share experiences and good practices on the establishment of NMIRFs and their impact on the national implementation of human rights recommendations.<sup>9</sup> A report on the consultations noted by way of background that “States have started adopting more comprehensive and permanent approaches to human rights reporting and the implementation of their recommendations, including through national mechanisms for reporting and follow-up”.<sup>10</sup> The report presented the practices and experiences shared during the consultations, and set out conclusions and recommendations for consideration by the Human Rights Council. At the end of 2022, the Human Rights Council adopted resolution 51/33 in which it encouraged States to “establish or strengthen [NMIRFs] for further compliance with human rights obligations and commitments and to share good practices and experiences”.<sup>11</sup> Importantly, the Council recalled the interrelationship between the promotion and protection of human rights and the achievement of the 2030 Agenda for Sustainable Development. It affirmed that “a holistic approach to all human rights recommendations, embedded in [NMIRFs], can contribute to a better alignment of human rights and sustainable development efforts at the national level, with the goal of leaving no one behind”.<sup>12</sup> It has been commented that such recognition of the direct link between human rights implementation and the Sustainable Development Goals should foster further interest in NMIRFs and their development globally.<sup>13</sup>

This case study aims to contribute to these conversations about how best to translate international human rights norms into domestic reality. The United Kingdom of Great Britain and Northern Ireland has been a member state of the UN since 1945.<sup>14</sup> The UK also offers an interesting national case study given the complexity of its constitutional arrangements and the challenges presented for Scotland, Wales and Northern Ireland by operating as sub-state actors within an international system focused on state parties.<sup>15</sup>

# UK CASE STUDY

## Current system for implementation, reporting and follow-up

There is not a formally composed NMIRF in the UK despite the UN High Commissioner for Human Rights encouraging “efforts towards strengthening the national mechanism for comprehensive follow up and reporting”.<sup>16</sup> The UK relies instead on the Ministry of Justice (MOJ) and the Foreign, Commonwealth and Development Office (FCDO) to coordinate responses to the UN’s recommendations outside of any formal framework. The system was described as an “ad hoc senior officials coordination effort” and it seems particular government departments are given responsibility for recommendations depending on the subject-matter.<sup>17</sup> There are no external stakeholders formally involved.<sup>18</sup> While, to a degree, it makes sense to allocate responsibility to particular departments based on their areas of expertise and influence, the downside is a potential lack of cohesion and consistency.

The UPR process is coordinated by the MOJ, in partnership with the FCDO, particularly the UK Mission in Geneva.<sup>19</sup> In general, the UK does not respond to recommendations immediately and instead it reports back formally at the subsequent Human Rights Council.<sup>20</sup> Once the UPR Outcome Document with accepted recommendations has been received, there is an “informal ministerial coordination mechanism” led by the MOJ which brings together relevant departments in a meeting to ensure that every recommendation “has a home”.<sup>21</sup> There is a further meeting before the UPR midterm report is produced in order to check on progress and to identify what action is needed to implement.<sup>22</sup> For the UPR, recommendations are grouped into themes and lead government department(s) are selected based on subject matter.<sup>23</sup> As an additional point, it seems that the first discussion about UPR recommendations across ministries is usually when the UK first receives all recommendations from the UPR Working Group and needs to decide which to accept and which to note.<sup>24</sup>

As regards the Treaty Bodies, concluding observations are sent to the FCDO which coordinates with the relevant departments which then take charge of implementation and future reporting on their recommendations.<sup>25</sup> The FCDO does not appear to take a large role in overseeing the progress of the relevant departments except in the context of future reporting – where it is necessary to submit a further periodic report, the FCDO reconnects with the line ministry to check on progress and assist with writing the report.<sup>26</sup> As is the case for the UPR recommendations, it seems the relevant departments are identified based on subject matter.<sup>27</sup> In this way, responsibility for overseeing implementation of the treaties is “distributed across multiple government departments” with, for example, the Government Equalities Office being responsible for oversight of the UK’s implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>28</sup>

For the Special Procedures, the FCDO reaches out to relevant line ministries in order to organise visits, to respond to reports and recommendations, to implement recommendations, and to report back to the Special Procedures.<sup>29</sup> For example, the UK Mission conveys any requests for information to the FCDO.<sup>30</sup> Bilateral communications from Special Procedure mandate holders also go through the FCDO and onto the relevant government department(s).<sup>31</sup> A UK country visit from a Special Procedure mandate holder involves some “coordination and facilitation of

the visit” and again the relevant government department will respond to the mandate holder’s report following the visit.<sup>32</sup>

### *The UK’s Action Group on children’s rights*

There is a more formal coordination mechanism in place in the UK for the UN Convention on the Rights of the Child (UNCRC). A UK “Contact Group” was established following receipt of the 2008 UN Committee on the Rights of the Child (CRC) recommendations, and it included government departments and non-governmental organisations (NGOs).<sup>33</sup> In 2017, this evolved into the “UNCRC Action Group” with the aims of “developing a training module for civil servants on children’s rights; looking at how we can better embed children’s rights standards in government decision-making and working across Whitehall to ensure the 2016 recommendations of the [CRC] are taken forward by government departments”.<sup>34</sup>

The Action Group appears to be unique within the UK system as a specialised follow-up and reporting mechanism.<sup>35</sup> It is co-chaired by a senior civil servant from the Department for Education (DfE) and the Children’s Rights Alliance for England (CRAE), and has a broad membership including government officials, the Joint Committee on Human Rights (JCHR), Great Britain’s National Human Rights Institution (NHRI) (the Equality and Human Rights Commission (EHRC)),<sup>†</sup> the Children’s Commissioner for England, and representatives from all the major children’s charities.<sup>36</sup>

In terms of coordination, the DfE allocates responsibility for the CRC recommendations to the relevant government departments.<sup>37</sup> In general, the DfE contacts these departments via a (usually junior) focal point, informs them of the recommendation(s) they need to implement, and invites them to relevant meetings of the Action Group.<sup>38</sup> The Action Group usually meets quarterly.<sup>39</sup> Members are asked to propose topics for the meetings and this is partly influenced by the recommendations and also by pressing issues in the UK.<sup>40</sup> The meetings seem to consist mainly of presentations and discussions about a topic, rather than being an opportunity for detailed discussion about how to implement recommendations.<sup>41</sup>

## **Leadership and coordination**

In terms of overall leadership and coordination, as noted above, it is an ad hoc, informal approach with recommendations being allocated to relevant departments depending on the subject matter. The MOJ, in partnership with the FCDO, coordinates the UPR process and the FCDO coordinates the Treaty Body and the Special Procedure processes. Overall, the UK system is seen as working well though it was recognised that there is room for improvement.<sup>42</sup>

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<sup>†</sup> The EHRC is one of two NHRIs in Great Britain (along with the Scottish Human Rights Commission (SHRC)) and one of three in the UK (with SHRC & the Northern Ireland Human Rights Commission (NIHRC)). The EHRC has a mandate for matters reserved to the UK government, as well as England and Wales.

Next, we will consider how the UK Government coordinates with Scotland and Wales, and how they participate in implementation, reporting and follow-up activities.

### *Scotland*

The Scottish Government contributes to the UK's "formal engagement" with the UPR, Treaty Bodies and Special Procedures.<sup>43</sup> For example, the UPR process is coordinated by the MOJ in partnership with the FCDO. The Scottish Government participates in these UK-level mechanisms "on a similar basis to [UK Government] departments" and attends the UPR interactive discussion in the Human Rights Council as a member of the UK delegation.<sup>44</sup> Where UPR recommendations are relevant to devolved matters, the Scottish Government contributes to the assessment of whether to accept or note the recommendations and to the UK's subsequent response to the Human Rights Council.<sup>45</sup> There are similar arrangements in place for treaties and communications or visits by Special Procedures, "although (depending on the subject matter) overall coordination at the [UK Government] end may be led by another department, rather than by MOJ".<sup>46</sup> The Scottish Government also "undertakes its own devolved activity which centres on ministerial accountability to the Scottish Parliament and the importance accorded in Scotland to effective partnership working with civil society and the NHRIs".<sup>47</sup> This might include publishing a separate position statement or response to recommendations.<sup>48</sup>

The International Human Rights Policy team, together with other relevant policy teams across the Scottish Government, manages internal coordination on implementation, reporting and follow-up within the Scottish Government.<sup>49</sup> There is an allocated lead team of officials for each of the international human rights treaties.<sup>50</sup> For example, the Scottish Government's Equality Unit leads on the CEDAW, the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of Persons with Disabilities (CRPD), while officials from the Directorate for Children and Families have primary responsibility for the UNCRC.<sup>51</sup> In addition, there is a "Treaty Reporting Coordination Group" at official level to "manage key aspects of the [implementation, reporting and follow-up] process, including the sharing of knowledge and experience across all treaty processes and to support [Scottish Government] engagement with the UPR and UNSRs".<sup>52</sup> As the portfolio minister for human rights, the Cabinet Secretary for Social Justice, Housing and Local Government has overall coordinating responsibility at ministerial level for implementation, reporting and follow-up, and she "exercises this role in close collaboration with other relevant portfolio ministers".<sup>53</sup>

### *Wales*

The Human Rights Team, within the Equality and Human Rights Division, is responsible for coordinating the Welsh Government's contribution to the Treaty Body reviews and the UPR etc.<sup>54</sup> In practice, "this is in dialogue with the UK government; dealing directly with the relevant UK government departments".<sup>55</sup> For all UN reports, the Human Rights Team collates relevant information from across departments and sends it to the UK government to include in UK national reports.<sup>56</sup> The main exception is that the Children's Division lead on reporting to the CRC.<sup>57</sup> The reason for this difference is that the UNCRC is partially incorporated into Welsh domestic law via the Rights of Children and Young Persons (Wales) Measure 2011.<sup>58</sup> In this regard, the Welsh government recently produced its own update on the CRC's 2016 recommendations, for example.<sup>59</sup> In addition, Welsh Government officials "have frequently participated as members of UK delegations to the UN".<sup>60</sup>



UN reporting is part of a small Strategic Unit within the Human Rights Team.<sup>61</sup> Implementation, reporting and follow-up activity involves engaging with all Welsh Government policy departments and most larger departments also have equality leads.<sup>62</sup> Approximately once a month, these departmental equality leads meet altogether with the Human Rights Team.<sup>63</sup> This is seen as a “useful forum” and “UN reporting cycles are frequent items on those meeting agendas”.<sup>64</sup> Although “none of this amounts to a permanent standing structure”, it is “a network of people whom the Human Rights Team can draw upon”.<sup>65</sup> It was commented that “it is a clear weakness of the Welsh Government’s approach to human rights that it has not established a formal structure to address and implement any recommendations arising from UN mechanisms, or to coordinate its contribution [to] UK State Party reporting”.<sup>66</sup> It was also noted that “while the Welsh Government often pays attention to recommendations from, in particular [the Treaty Bodies], when developing policy (for example it has drawn heavily on recommendations from the [CRC] in relation to children’s policy), there is no formal standing mechanism to respond [to] recommendations or to coordinate action”.<sup>67</sup>

## **Wider participation and inclusion**

### *Parliaments*

The UK Parliament does not generally play a large role in the coordination effort.<sup>68</sup> For example, it seems that implementation of UPR recommendations often does not require legislation, and those recommendations that do require legislation are sometimes rejected.<sup>69</sup> There is no formal requirement or mechanism for involving Parliament and much is left to the initiative of individual Members of Parliament, though “they tend not to be very active on UN human rights recommendations”.<sup>70</sup>

It was acknowledged however, that there are some more active committees.<sup>71</sup> The JCHR understands its mandate as including “the examination of reports made by the UK Government under regional and international human rights instruments, and under other international mechanisms (e.g. the UPR)”.<sup>72</sup> In this regard, the JCHR “regularly requests the UK Government to share its periodic reports to the UN so that parliamentarians may assess compliance”.<sup>73</sup> However, “it is not always easy to convince the Government to share its reports in a timely manner”.<sup>74</sup>

The Scottish Parliament has shown “an increasing interest in, and familiarity with, international human rights obligations”.<sup>75</sup> The Parliament’s Equalities, Human Rights and Civil Justice Committee (EHRCJ Committee) provides “central coordination” while other subject committees address specific aspects of human rights.<sup>76</sup> Parliamentary committees, in particular the EHRCJ Committee, take evidence from ministers in relation to implementation, reporting and follow-up.<sup>77</sup> The Cabinet Secretary for Social Justice, Housing and Local Government is “committed to keeping the [EHRCJ Committee] updated in relation to engagement with international mechanisms and work to implement treaty obligations”.<sup>78</sup> The Scottish Government is also “committed to ensuring that the Scottish Parliament is kept fully informed of relevant developments”, for example via separate position statements.<sup>79</sup> It was suggested however that “[p]erhaps the most obvious enhancement to existing mechanisms would be delivered by an

increased emphasis within the Scottish Parliament on the formal monitoring and scrutinising of compliance with international obligations".<sup>80</sup>

The Senedd (Welsh Parliament) has no formal role in progressing recommendations nor is there a single Senedd committee which is responsible for scrutinising how recommendations are taken forward.<sup>81</sup> However, the Senedd, and in particular the Senedd scrutiny committees, "will draw on findings and recommendations from international human rights mechanisms to scrutinise Welsh Government policy and proposals for legislation".<sup>82</sup> They are also used to press for progress, and in the area of children's rights for example, Members of the Senedd have consistently used CRC recommendations in order to progress children's rights.<sup>83</sup> The Children, Young People and Education Committee was described as "possibly the most effective Senedd committee in making use of recommendations".<sup>84</sup> The Equality and Social Justice Committee was also highlighted in the context of work in this area.<sup>85</sup> Ministers, and in this context particularly the Minister for Social Justice, are examined by the Senedd standing committees on a "fairly regular basis" and issues raised or likely to be raised in reporting cycles are frequently discussed.<sup>86</sup> So, although in general "there are not separate reporting or examinations by these committees on UN recommendations" in practice there is cross over.<sup>87</sup>

### *NHRIs and Civil Society*

The UK Government and the devolved administrations invited the NHRIs and civil society for consultations when preparing the latest UPR report.<sup>88</sup> As noted above, the NHRIs are the EHRC, the Northern Ireland Human Rights Commission (NIHRC), and the Scottish Human Rights Commission (SHRC).

The EHRC and civil society groups do not appear to have an official role in the coordination efforts led by the MOJ and FCDO but, as noted above, they are included in the DfE's Action Group on children's rights. In addition, the DfE consulted widely when drafting its report to the CRC: "External bodies—including many children's rights groups and NGOs—submitted responses to the Government's report".<sup>89</sup> Although the JCHR noted that the government's final report had been "amended in many areas to respond to the detailed points made by external bodies", it concluded that "the report does not adequately reflect the 'grass roots' contact which the Government helpfully facilitated during the consultation on its report".<sup>90</sup>

Outside of the governmental framework, the EHRC involves itself in monitoring and reporting for example by: (i) producing shadow reports; (ii) attempting to aid coordination via a "Treaty Monitoring Working Group"; and (iii) maintaining its "Human Rights Tracker".<sup>91</sup>

The EHRC runs a Treaty Monitoring Working Group that brings together government departments with treaty lead responsibilities for quarterly meetings.<sup>92</sup>

The EHRC set up a Human Rights Tracker given the absence of easily accessible information about the UK's human rights commitments and the lack of a national mechanism for implementation in the UK.<sup>93</sup> It contains all of the most recent UK recommendations from the UN Treaty Bodies and the UPR.<sup>94</sup> It is a valuable tool for holding the government to account by providing an overview of progress by the UK and Welsh Governments in meeting their obligations.<sup>95</sup>

There is a particular emphasis in Scotland on partnership with civil society, the NHRIs and the Scottish Parliament.<sup>96</sup> Therefore, stakeholder engagement is “an important component of the cyclical reporting process” and the Scottish Government has “a policy of holding events which enable a dialogue between government and civil society in advance of each examination or review”, where relevant in partnership with UK Government departments.<sup>97</sup> The “pro-active involvement” of the SHRC and Scottish civil society in implementation, reporting and follow-up activity is also welcomed by the Scottish Government.<sup>98</sup>

The Welsh Government has “a very positive relationship with the EHRC in Wales” and they are “in touch frequently, not least about these issues”.<sup>99</sup> The Minister for Social Justice has responsibility for human rights and equalities, and regularly meets with EHRC Wales office.<sup>100</sup> There are also “many structures for engagement on human rights and equalities” in Wales (such as the Wales Race Forum, the Disability Equality Forum, the Faith Communities Forum and the LGBTQ+ External Advisory Group) and the EHRC is represented on most of these structures.<sup>101</sup> These meetings are seen as the “Welsh Government’s centrepiece for engagement with a wide range of equality stakeholders”.<sup>102</sup> Although there is not an immediate link with UN reporting etc., in practice it seems that the Welsh Government’s contributions to reporting are informed by these stakeholder forums.<sup>103</sup> Such forums were also seen as providing “opportunities to discuss priorities arising from UN procedures and for officials to provide updates on action to address issues raised and recommendations”.<sup>104</sup> A key example of a consultative structure is the Welsh Government’s “Strategic Equality Board” which has regularly discussed the Welsh Government’s engagement with recommendations and reporting in respect to various treaties.<sup>105</sup>

## **Measurement and use of statistics**

The UK’s Office for National Statistics tends to be involved only to provide evidence to support periodic progress reports, rather than being involved “throughout the cycle”.<sup>106</sup> For example, it was noted that when recommendations are assigned “a home” there is no discussion about impact indicators.<sup>107</sup>

In Scotland, the National Performance Framework (NPF) uses 11 National Outcomes, supported by 81 National Indicators, to track performance.<sup>108</sup> Of these, 9 National Outcomes, including a specific human rights and non-discrimination National Outcome, are directly relevant to international human rights obligations.<sup>109</sup>

In Wales, “[r]esearch and statistical teams are key to the whole process of gathering and submitting information for the UN processes”.<sup>110</sup> The Welsh Government does not have a single website bringing together all general equality data and statistics, but it is in the process of setting up “new equality data units” which will be able to consider this when established.<sup>111</sup> The Well-being of Future Generations (Wales) Act 2015 contains 7 wellbeing goals and in 2016 Welsh Ministers set 46 national indicators.<sup>112</sup>

## **Use of technology**

There have been initial discussions between the Scottish Government, the Scottish Parliament and the SHRC about “the potential for a treaty-specific reporting mechanism” which would draw on experience from New Zealand and from Samoa's SADATA system.<sup>113</sup> Such a mechanism “would interface with and help to extend the human rights content and functionality of the NPF – thereby enabling enhanced reporting and transparency in relation to performance against treaty obligations and in response to recommendations from international bodies”.<sup>114</sup>

In terms of an internal database or document for tracking recommendations in Wales, it was noted that “[t]here is no such central tracking system in place [at] present but consideration is being given to establishing one”.<sup>115</sup>

## CONCLUDING REMARKS

The UK has a strong record on human rights and elements of its system, such as in relation to children's rights and the human rights tracker developed by one of its NHRIs, provide positive examples of how national systems as a whole can monitor, implement and report on the UN's human rights recommendations. However, improvements could be made by adopting a more streamlined and coordinated cross-governmental approach.

The UN High Commissioner for Human Rights has encouraged the UK to make efforts, in this regard, "towards strengthening the national mechanism for comprehensive follow up and reporting in relation to international and regional human rights mechanisms and treaty obligations".<sup>116</sup> The increased focus on the role of NMIRFs and comparable mechanisms around the world in recent years, means that there is now a range of real-world experiences and a wealth of expertise for the UK to draw upon.

The conversation about how best to strengthen the national implementation of human rights recommendations in the UK takes place at a time when the Government is openly challenging international standards and institutions. For example, many saw the Government's so-called Bill of Rights Bill, which now seems unlikely to proceed any further during this parliamentary session, as placing the UK on a collision course with the European Convention on Human Rights system.<sup>117</sup> More recently, the UN High Commissioner for Refugees set out detailed legal observations on the UK's Illegal Migration Bill, currently before Parliament, stating that the Bill, if enacted in its current form, would "breach the UK's obligations under the Refugee Convention, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention for the Reduction of Statelessness and international human rights law and would significantly undermine the international refugee protection system".<sup>118</sup>

There are also bills of rights processes and related discussions under way in the devolved nations. The Scottish Government has committed to introducing a Human Rights Bill during the current parliamentary session, which would incorporate a range of UN human rights treaties into Scottish law to the extent possible within devolved competence (including the International Covenant on Economic, Social and Cultural Rights (ICESCR), CEDAW, CERD, and CRPD), alongside ongoing action to incorporate the UNCRC.<sup>119</sup> In Wales, a Human Rights Bill remains under consideration, and the Welsh Government has committed to incorporating CRPD and CEDAW into Welsh law and will be undertaking preparatory work.<sup>120</sup> Finally, the Belfast/Good Friday Agreement required the creation of a new Northern Ireland Human Rights Commission which would, among other things, advise on the adoption of a Bill of Rights for Northern Ireland.<sup>121</sup> The Commission's report was published in 2008 but its recommendations for a Bill of Rights for Northern Ireland have not yet been realised.<sup>122</sup>

This case study aims to contribute to conversations about how best to translate international human rights norms into domestic reality. It will be important to consider the national human rights system as a whole,<sup>123</sup> including the role for national mechanisms for implementation, reporting and follow-up, and how they might be strengthened in order to lead to improved implementation outcomes on the ground.

## ANNEX 1 – LIST OF INTERVIEWS AND WRITTEN RESPONSES FOR THE UK CASE STUDY

We are very grateful for the following contributions, listed here in chronological order:

- Human Rights Counsellor at the UK Mission to the UN, interview 16 December 2020 (interview by Freshfields Bruckhaus Deringer LLP).
- Equality and Human Rights Commission, interview 12 February 2021 (interview by Freshfields Bruckhaus Deringer LLP), with amendments 3 April 2023.
- UK Foreign, Commonwealth & Development Office, interview May 2021 (interview by Universal Rights Group).
- UK Department for Education, interview 27 May 2021 (interview by Universal Rights Group), with amendments 4 May 2023.
- Scottish Government response, written response 15 July 2021 (surveyed by the Bingham Centre).
- Professor Simon Hoffman, Observatory on Human Rights of Children, Swansea University, written response 25 November 2021 (surveyed by the Bingham Centre), with amendments 23 February 2022.
- Welsh Government response, interview 8 December 2021 (interview by the Bingham Centre), with amendments 2 March 2022 and 2 March 2023.

## ENDNOTES

<sup>1</sup> See e.g., discussion in Navanethem Pillay, 'Strengthening the United Nations human rights treaty body system: A report by the United Nations High Commissioner for Human Rights' (June 2012), available at <https://www.ohchr.org/sites/default/files/english/bodies/HRTD/docs/HCReportTBStrengthening.pdf>.

<sup>2</sup> See OHCHR 'National Mechanisms for Reporting and Follow-Up: A Study of State Engagement with International Human Rights Mechanisms' (2016) at page 6, available at [https://www.ohchr.org/sites/default/files/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_Study.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR_PUB_16_1_NMRF_Study.pdf).

<sup>3</sup> See 'Pacific Principles of Practice' available at <https://hrsd.spc.int/node/827> and Pacific Community Press Release 'Pacific Principles of Practice' launched as a guide towards global human rights implementation' (15 July 2020), available at <https://www.spc.int/updates/news/media-release/2020/07/pacific-principles-of-practice-launched-as-a-guide-towards>.

<sup>4</sup> See 'Pacific Principles of Practice', noted above.

<sup>5</sup> See OHCHR 'National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms' (2016), available at [https://www.ohchr.org/sites/default/files/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

<sup>6</sup> See OHCHR Study 2016, noted above.

<sup>7</sup> See OHCHR Practical Guide 2016, noted above, at page iii.

<sup>8</sup> See OHCHR Practical Guide 2016, noted above, at page 2.

<sup>9</sup> See OHCHR webpage 'National Mechanisms for Implementation, Reporting and Follow-up' here <https://www.ohchr.org/en/treaty-bodies/follow-regional-consultations-national-mechanisms-implementation-reporting-and-follow>. See also Report of the Office of the UN High Commissioner for Human Rights 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up', A/HRC/50/64 (4 May 2022), available at <http://undocs.org/A/HRC/50/64>.

<sup>10</sup> See Report A/HRC/50/64 (4 May 2022) noted above at para 3.

<sup>11</sup> See Human Rights Council Resolution '51/33: Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up', A/HRC/RES/51/33 (12 October 2022) available at <http://undocs.org/A/HRC/RES/51/33> at para 1.

<sup>12</sup> See preamble to the Human Rights Council Resolution 51/33, noted above.

<sup>13</sup> See Ellis Paterson and Marc Limon, 'The emergence and coming of age of National Mechanisms for Implementation, Reporting and Follow up' (27 March 2019), available at <https://binghamcentre.biicl.org/comments/27/the-emergence-and-coming-of-age-of-national-mechanisms-for-implementation-reporting-and-follow-up>.

<sup>14</sup> See UN webpage 'Member States' here <https://www.un.org/en/about-us/member-states>.

<sup>15</sup> This version of the case study covers only the position in Scotland and Wales.

<sup>16</sup> See Letter from the UN High Commissioner for Human Rights to the UK Foreign Minister (23 October 2017), available at <https://lib.ohchr.org/HRBodies/UPR/Documents/Session27/GB/UKHCLetter.pdf>. See similar remarks from the Committee on the Elimination of Discrimination against Women in its 'Concluding observations on the eighth periodic report of the United Kingdom of Great Britain

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and Northern Ireland’ (14 March 2019) (CEDAW/C/GBR/CO/8), at para 26(b) “The Committee recommends that the State party ... Consider establishing a national oversight mechanism to coordinate and monitor the implementation of the Convention, with the effective participation of its national human rights institutions and women’s organizations”, available at <http://undocs.org/en/CEDAW/C/GBR/CO/8>.

<sup>17</sup> Response from Human Rights Counsellor at the UK Mission to the UN (hereafter UK Mission response).

<sup>18</sup> UK Mission response.

<sup>19</sup> Scottish Government response.

<sup>20</sup> UK Mission response.

<sup>21</sup> UK FCDO response.

<sup>22</sup> UK FCDO response.

<sup>23</sup> UK Mission response.

<sup>24</sup> UK FCDO response.

<sup>25</sup> UK FCDO response.

<sup>26</sup> UK FCDO response.

<sup>27</sup> UK Mission response.

<sup>28</sup> See EHRC, ‘Follow-up submission to the UN Committee on the Elimination of Discrimination against Women’ (July 2021), at page 11, available at

<https://www.equalityhumanrights.com/en/publication-download/follow-submission-un-committee-elimination-discrimination-against-women>.

<sup>29</sup> UK FCDO response.

<sup>30</sup> UK Mission response.

<sup>31</sup> UK Mission response.

<sup>32</sup> UK Mission response.

<sup>33</sup> DfE response.

<sup>34</sup> See CRAE website <http://www.crae.org.uk/news/crae-co-chairing-crc-action-group/>.

<sup>35</sup> DfE response.

<sup>36</sup> See CRAE website, noted above.

<sup>37</sup> DfE response.

<sup>38</sup> DfE response.

<sup>39</sup> DfE response.

<sup>40</sup> DfE response.

<sup>41</sup> DfE response.

<sup>42</sup> UK Mission response.

<sup>43</sup> Scottish Government response.

<sup>44</sup> Scottish Government response.

<sup>45</sup> Scottish Government response.

<sup>46</sup> Scottish Government response.

<sup>47</sup> Scottish Government response.

<sup>48</sup> Scottish Government response.

<sup>49</sup> Scottish Government response.

<sup>50</sup> Scottish Government response.

<sup>51</sup> Scottish Government response.

<sup>52</sup> Scottish Government response.

<sup>53</sup> Scottish Government response.

<sup>54</sup> Welsh Government response.

<sup>55</sup> Welsh Government response.

<sup>56</sup> Welsh Government response.



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- <sup>57</sup> Welsh Government response.
- <sup>58</sup> Welsh Government response.
- <sup>59</sup> See 'Welsh Government update on progress following the publication of the UN Committee on the Rights of the Child Concluding Observations report into the United Kingdom of Great Britain and Northern Ireland 2016' (March 2021), at page 1, available at <https://gov.wales/sites/default/files/publications/2021-03/un-committee-rights-of-child-concluding-observations-welsh-government-update.pdf>.
- <sup>60</sup> Welsh Government response.
- <sup>61</sup> Welsh Government response.
- <sup>62</sup> Welsh Government response.
- <sup>63</sup> Welsh Government response.
- <sup>64</sup> Welsh Government response.
- <sup>65</sup> Welsh Government response.
- <sup>66</sup> Response from Prof Simon Hoffman, Observatory on Human Rights of Children, Swansea University (hereafter S Hoffman response).
- <sup>67</sup> S Hoffman response.
- <sup>68</sup> UK Mission response and UK FCDO response.
- <sup>69</sup> UK FCDO response.
- <sup>70</sup> UK FCDO response.
- <sup>71</sup> UK FCDO response.
- <sup>72</sup> See Universal Rights Group and the Commonwealth Secretariat, 'Policy Brief: The Global Human Rights Implementation Agenda: The role of national parliaments' (November 2018), at pages 32-33, available at <https://www.universal-rights.org/wp-content/uploads/2018/11/The-role-of-national-parliaments.pdf>.
- <sup>73</sup> Ibid.
- <sup>74</sup> Ibid, citing sources in the UK parliament.
- <sup>75</sup> Scottish Government response.
- <sup>76</sup> Scottish Government response.
- <sup>77</sup> Scottish Government response.
- <sup>78</sup> Scottish Government response.
- <sup>79</sup> Scottish Government response.
- <sup>80</sup> Scottish Government response.
- <sup>81</sup> S Hoffman response.
- <sup>82</sup> S Hoffman response.
- <sup>83</sup> S Hoffman response.
- <sup>84</sup> S Hoffman response.
- <sup>85</sup> Welsh Government response.
- <sup>86</sup> Welsh Government response.
- <sup>87</sup> Welsh Government response.
- <sup>88</sup> See the UK's National Report to the UPR Working Group (A/HRC/WG.6/27/GBR/1) (24 February 2017), at para 5, available at <http://undocs.org/en/A/HRC/WG.6/27/GBR/1>. See also UK FCDO response.
- <sup>89</sup> See JCHR, 'The UK's compliance with the UN Convention on the Rights of the Child' (24 March 2015), at para 54, available at <https://publications.parliament.uk/pa/jt201415/jtselect/jtrights/144/144.pdf>.
- <sup>90</sup> Ibid, at paras 55 and 67.
- <sup>91</sup> EHRC response.
- <sup>92</sup> EHRC response.
- <sup>93</sup> EHRC response.
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<sup>94</sup> See Human Rights Tracker website <https://humanrightstracker.com/en/about-the-human-rights-tracker/>.

<sup>95</sup> See Human Rights Tracker website <https://humanrightstracker.com/en/overarching-progress/>.

<sup>96</sup> Scottish Government response.

<sup>97</sup> Scottish Government response.

<sup>98</sup> Scottish Government response.

<sup>99</sup> Welsh Government response.

<sup>100</sup> Welsh Government response.

<sup>101</sup> Welsh Government response.

<sup>102</sup> Welsh Government response.

<sup>103</sup> Welsh Government response.

<sup>104</sup> S Hoffman response.

<sup>105</sup> S Hoffman response.

<sup>106</sup> UK FCDO response.

<sup>107</sup> UK FCDO response.

<sup>108</sup> Scottish Government response.

<sup>109</sup> Scottish Government response.

<sup>110</sup> Welsh Government response.

<sup>111</sup> Welsh Government response.

<sup>112</sup> See Welsh Government website <https://gov.wales/wellbeing-wales-2021>.

<sup>113</sup> Scottish Government response. See also the SADATA website [sadata-production.firebaseio.com](https://sadata-production.firebaseio.com).

<sup>114</sup> Scottish Government response.

<sup>115</sup> Welsh Government response.

<sup>116</sup> See Letter from the UN High Commissioner for Human Rights to the UK Foreign Minister (23 October 2017), available at <https://www.ohchr.org/en/hr-bodies/upr/gb-index>. See similar remarks from the Committee on the Elimination of Discrimination against Women in its 'Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland', CEDAW/C/GBR/CO/8 (14 March 2019), available at <http://undocs.org/en/CEDAW/C/GBR/CO/8>. The EHRC has also called for the UK to establish an NMIRF:

see EHRC, 'Britain and the Convention against Torture: Follow-up submission to the UN Committee against Torture' (2020) at pages 12-15, available at <https://www.equalityhumanrights.com/en/human-rights/britain-and-convention-against-torture>.

<sup>117</sup> See the Bill of Rights Bill here <https://bills.parliament.uk/bills/3227>.

<sup>118</sup> See 'UNHCR Legal Observations on the Illegal Migration Bill' (22 March 2023), available at <https://www.unhcr.org/uk/uk-immigration-and-asylum-plans-some-questions-answered-by-unhcr.html> at para 4 and see the Illegal Migration Bill here <https://bills.parliament.uk/bills/3429>.

<sup>119</sup> See Scottish Government website here <https://www.gov.scot/publications/international-covenant-economic-social-cultural-rights-icescr/pages/2/>.

<sup>120</sup> See Welsh Government website here <https://www.gov.wales/action-strengthen-human-rights-wales-2018-2022.html>.

<sup>121</sup> See <https://www.gov.uk/government/publications/the-belfast-agreement>.

<sup>122</sup> See Northern Ireland Human Rights Commission, 'A Bill of Rights for Northern Ireland: Advice to the Secretary of State for Northern Ireland' (10 December 2008), available at <https://nihrc.org/uploads/publications/bill-of-rights-for-northern-ireland-advice-to-secretary-state-2008.pdf>.

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<sup>123</sup> For further discussion on national human rights systems, see e.g., Domenico Zipoli 'The Role of National Human Rights Systems in the Implementation of International Human Rights Standards' (Geneva Academy Briefing No. 18, January 2021) available at <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academy%20Briefing%2018.pdf>.

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