

The UK Joint Committee on Human Rights and the United Nations

Universal Periodic Review: A Critical Appraisal

1. Introduction

How can we enhance states' implementation of their international human rights commitments? This is a pervasive question for human rights scholars and practitioners, and one that has received particular attention from those researching the UN's Universal Periodic Review (UPR) mechanism. Established in 2006, the UPR is an international, multilateral peer-review mechanism operating under the UN Human Rights Council (UNHRC) which sees all UN member states participate, every four and a half years, in an interactive dialogue with one another to examine their human rights commitments. States receive recommendations which, if they choose to accept, should be implemented. Recommendations are not, however, binding on the state. A *series* of recommendations may, as suggested by Frederick Cowell, indicate the emergence of 'new interpretations of existing human rights norms' (2018: 17), but individual recommendations do not necessarily confer legal obligations. In any case, the UPR is considered by some to be toothless, and unlikely to lead to meaningful human rights improvements on the ground (de Frouville 2011). Indeed, it is shown below how, in the case of the UK, present assessments suggest poor rates of implementation, especially in relation to recommendations received following its second (2012) and third (2017) reviews.

Nevertheless, this article explains that implementation can be improved in the UK by enhancing the engagement of Parliament's Joint Committee on Human Rights (JCHR) with the UPR. Parliamentary human rights committees have been recognised to play a central role in the UPR

process, primarily through their ability to scrutinise governments' implementation progress. There is, however, little research analysing the extent of the JCHR's engagement with the UPR mechanism across the UK's three reviews, or how this might be enhanced. This article will present a modest contribution to this lacuna and to the literature on the role of parliaments in the international human rights framework. It is split into four main parts.

Part two of this article sets out the modalities of the UPR process and further explores the issues associated with the implementation of its recommendations. Insufficient progress on the part of the UK to implement its recommendations is then evidenced. It is suggested that this could be improved by enhancing the mobilisation of domestic actors to hold the UK Government to account. Part three then introduces the domestic actor subject to the focus of this article – the UK's Joint Committee on Human Rights. A review of various UNHRC resolutions and its 'Draft Principles on Parliaments and Human Rights' shows that mobilisation of the UK Parliament and its JCHR is central to realising the goals of the UPR. Part four of this article is an extensive account of the various ways that the Committee has involved itself in the UK's three UPRs, and a critical appraisal of this. This account has been gleaned from existing research on this topic, and systematic searches to determine where the UPR appears in the JCHR's publications and evidence; in the parliamentary records in Hansard and on the 'written questions, answers and statements' website; on the UK Government and the Ministry of Justice's current and archived websites; and

in the publications of the UK's three NHRIs. The limitations of the Committee's engagement, and possible the reasons for this, are identified. Finally, part five provides practical steps that the Committee could take to enhance its scrutiny of the UK's UPRs going forward.

2. The Universal Periodic Review

In 2006 the United Nations established the Human Rights Council (UNGA 2006). The Council sought to deal with the selectivity and bias plaguing its predecessor, the Commission for Human Rights (Freedman 2011), by embodying the principles of 'universality, impartiality, objectivity and non-selectivity' (UNGA 2006: 2). Key to achieving these principles in practice is the Universal Periodic Review – a human rights peer-review mechanism. Operating in 'cycles' of four-and-a-half years, the UPR requires each UN member State to partake in an interactive dialogue with other states on their human rights commitments, receiving praise for their successes, but also scrutiny and recommendations for failures.

The Council's Resolution 5/1, known as the 'Institution Building Package' (IBP), sets out the principles, objectives, and modalities of the UPR (UNHRC 2007a). Importantly, the IBP reaffirms the Council's principles of universality and non-selectivity; and sets out the goal of the UPR to improve the 'human rights situation on the ground' and facilitate states' fulfilment of their human rights obligations and commitments (ibid: 2–3). This is achieved through the following process.

Each UPR cycle begins with the submission of three documents to the UNHRC to facilitate the review (ibid: 3–4). The first is a National Report,

presented by the State under Review (SuR), drafted through a 'broad consultation process [...] with all relevant stakeholders', and in accordance with the structure stipulated in the UNHRC's general guidelines (2007b). The second document is a compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) which brings together the reports and recommendations received by the SuR from the UN treaty bodies and special procedures. The third and last document is a summary, generated by the OHCHR, of information received from stakeholders including Non-Governmental Organisations (NGOs) and the SuR's National Human Rights Institutions (NHRIs).

The three and a half-hour review then takes place in the form of an interactive dialogue conducted by a working group comprising the 47 member states of the UNHRC. Facilitated by a troika of state rapporteurs, states scrutinise the SuR based on its compliance with the UN Charter; the UN Declaration of Human Rights; the human rights instruments to which the State is party; voluntary pledges made by the State; and applicable international humanitarian law (UNHRC 2007a: 1–2). Recommendations, which should ideally be SMART (specific, measurable, achievable, relevant, and time-bound)¹ are then made to the SuR so that it may improve its compliance. An outcome report is produced, which includes a list of these recommendations, and a summary of the interactive dialogue.

Post-review, the SuR should identify those recommendations which it supports, those that are 'noted', and it is also encouraged to provide its

¹ This is a suggestion particularly advocated by UPR Info (UPR Info 2015).

reasoning for these decisions. Accepted recommendations should be implemented by the SuR, and the UNHRC encourages (but does not mandate) the drafting of mid-term reports from the SuR and stakeholders to detail the progress being made (UNHRC 2011: 4). Following reviews should then focus on whether the implementation of the previous review's recommendations has been achieved.

The UPR's success in realising the improvement of human rights on the ground relies largely upon the extent that the state takes action during this implementation period. Although this can be monitored to some extent through SuR's' mid-term reports and subsequent reviews, the UNHRC has no means of forcing the SuR to accept or implement recommendations. Instead, the UPR is a wholly cooperative process reliant upon the good will of the SuR to translate recommendations into domestic law and policy.

Extensive scholarship in this area has thus emerged to assess the UPR process and its contribution to human rights on the ground. For instance, literature has focused on the impact of the mechanism in particular regions, such as Africa (Etone, 2018) and Southeast Asia (Gomez and Ramcharan, 2018); and on its review of specific human rights themes, such as international humanitarian law (Zhu, 2014), and economic and social rights (Duggan-Larkin, 2010). Notably, the mechanism has been also assessed in the context of 'rituals' and 'ritualism'. Hilary Charlesworth and Emma Larking's edited collection on this suggests that the UPR is a 'considerable achievement' but is susceptible to ritualism. This is evidenced by states' 'indifference' or 'reluctance' to implement recommendations following their

reviews (2014: 10). More recently, the relationship between the UPR and temporality has been highlighted, providing a new lens through which to understand and assess the mechanism (McNeilly, 2021).

This article now turns to contribute to this scholarship by reflecting on the United Kingdom's engagement with the UPR to date.

2.1 The UPR and the UK

The UK is a founding member of the UN, a permanent member of the UN Security Council, and has been a frequent elect to the UNHRC and its predecessor. Successive UK governments have asserted their support of the UN's human rights regime and the international rules-based system; and have been a strong advocate of the UPR, claiming to have participated constructively in its three reviews in 2008, 2012, and 2017. In 2008, for example, the delegation expressed its commitment to the success the UPR, which it saw 'as a process of collaboration and cooperation, and above all, a commitment to improving human rights on the ground' (UNHRC 2008: 3). Importantly, scholarship on the UK's first UPR corroborates this, with Kathryn McNeilly and Leanne Cochrane concluding that there was a 'wholehearted embrace of the UPR' (2013: 170). Similar sentiments have been echoed at subsequent reviews, where the Government have opined that there is 'no better safeguard of rights than the kind of open dialogue the UPR process offers' (UNHRC 2012a), and that the mechanism offers the opportunity 'to learn from and to help each other in protecting human rights and fundamental freedoms' (UNHRC 2017a).

With respect to its recommendations, the UK has received 406 and accepted 209 across its three reviews.² As with its participation in the interactive dialogue, delegations have claimed to be dedicated to implementing accepted recommendations. For example, following its first UPR, the UK's ambassador recognised the requirement of 'sustained effort and political will', but emphasised that the government were 'committed to implementing practical measures that, over the next four years, will lead to the successful delivery of the recommendations that [the UK] accepted' (UK Government 2008). The UK has also done well to submit detailed annexes containing responses to its received recommendations, and is one of only five states to have provided mid-term updates for all three of its reviews. This equally indicates the Government's intention to take implementation seriously.

Though it was not previously possible, as McNeilly and Cochrane explain, to 'assess the UK's success in terms of the improvement [the UPR has] generated for human rights situations on the ground' (2013: 17), time has enabled various non-governmental organisations (NGOs) and the UK's NHRIs to provide their assessments on the implementation of recommendations. Unfortunately, these actors suggest that, despite an apparent willingness from the UK Government to cooperate with the UPR, implementation progress is limited. For instance, concerns were raised following the UK's second review by the Equality and Human Rights

² All of the UK's recommendations can be browsed through UPR Info's recommendation database at <https://upr-info-database.uwazi.io/> (referenced on 5 August 2021).

Commission's (EHRC). In its mid-term report on the UK's second UPR, it noted 'insufficient progress, or emerging challenges in achieving the goals of the UPR recommendations' (EHRC: 6). A 2016 British Institute of Human Rights (BIHR) report echoed this by concluding that, of the 70% of second cycle recommendations analysed, 42.5% had received some action but only 4.5% had been 'met' by the Government (BIHR 2016). The EHRC's most recent report on the UK's third UPR likewise identified a number of issues, including discrimination in the workplace, despite the UK accepting five different recommendations to address such discriminatory practices (EHRC 2019). More comprehensive accounts of the UK's progress are emerging through the EHRC's innovative 'Human Rights Tracker'. Through this, the Commission measures the progress made by the UK Government across 36 'human rights areas', all of which are linked to the UK's UN Treaty Body and UPR recommendations (EHRC 2021). Though only 25 of these areas have been assessed at the time of writing, the EHRC considers none of them to be seeing 'sustained progress' – that is, in these areas, there have been no 'legal or policy changes to improve human rights protections, and sustained progress in the enjoyment of human rights' (ibid.). For seven of these areas, there is considered to be regression – 'a sustained or severe regression in the enjoyment of human rights, or a significant reduction in human rights standards or protections in law or policy' (ibid.).

2.2 Explanations for Poor Implementation

A number of explanations may be posited as to why the UK's implementation progress is poor. Indeed, some scholars have begun to

explore various theories of compliance in an attempt to understand why states do and do not act upon their accepted recommendations (e.g. Carraro 2019; Etone 2019). Many, including the UN, take the view that a significant contributing factor to implementation is the extent to which various domestic actors rally to encourage the state to act. The present Secretary-General, Antonio Guterres, noted this in a 2017 report by explaining how

[a]lthough the responsibility for follow-up to recommendations of international human rights mechanisms lies with the State, other stakeholders have a significant role to play in the promotion and advancement of their implementation (UN General Assembly 2017: 7).

The importance and recognition of these 'other stakeholders' reflects theories of 'domestic mobilisation' that view the state not as a unitary entity, but as a collection of multiple actors each of whom have their own interests and motivations. These actors include those of the state – governments, parliaments, courts, national human rights institutions – as well as private actors such as non-governmental organisations, pressure groups, and the media. The states' international commitments can 'creep into domestic affairs' and empower each of these actors when pursuing their respective interests (Hafner-Burton 2017: 11). These theories find support in a number of studies by, most notably, Beth Simmons who illustrates how states' 'domestic political conditions' influence compliance with international treaties (Simmons 2009); and Xinyuan Dai who demonstrates how the power of international institutions lies in their ability to 'empower domestic actors' (Dai

2005, 2013). In the context of the UK, Paul Chaney's analysis of third cycle UPR stakeholder submissions equally reveals the essential role that civil society plays in holding the Government to account for implementation (2020). The conclusions drawn in these works are corroborated by numerous other authors in what has become a considerable, and compelling base of literature (Hillebrecht 2012, 2014; Krommendijk 2015; Donald & Leach 2016).

Based on these insights, it is possible to hypothesise that improving the UK's implementation of UPR recommendations can be achieved by enhancing the engagement and mobilisation of domestic stakeholders. A key actor, and the focus of this piece, is the UK Parliament's ('Parliament') Joint Committee on Human Rights.

3. The Centrality of Parliaments in the UPR Process

The choice to focus specifically on Parliament, as opposed to any other stakeholder, is made on the basis that there is little insight into how states' parliaments are engaging with the UPR, and what can be done to improve this. Attention could be turned to examine NHRIs or civil society organisations, but these actors have featured more predominantly in the UPR literature (see, for example, Chaney, 2020; and Gomez and Ramcharan, 2018). This is, however, unsurprising – parliaments, much unlike NHRIs or NGOs, have been 'long overlooked as national human rights actors' (Roberts Lyer 2019: 195). This is possibly why the UNHRC's Institution Building Package did not explicitly recognise a role for parliaments in the UPR process.

Since 2010, however, various events, workshops, and conferences on the role of parliaments have been held by the UN (UNHRC 2020) and other human rights organisations (e.g. International Bar Association 2011); and research centres have commenced projects to understand how best to realise the potential of parliaments to protect human rights (Chang & Ramshaw 2017; King's College London 2021; University of Oxford 2021). A number of manuscripts published in the last decade have also contributed significantly to the theoretical, empirical, and comparative understanding of parliaments' human rights practices (e.g. Donald & Leach 2016; Hunt, Hooper & Yowell 2017; Saul, Follesdal & Ulfstein 2017). It is a likely result of these initiatives that the UN has resolved on numerous occasions to recognise parliaments' central role in protecting human rights. Significantly, in 2012, the 'Belgrade principles on the relationship between national human rights institutions and parliaments' (Belgrade Principles) established guidance on how NHRIs and parliaments can cooperate in the joint aim of protecting human rights. Importantly, it is suggested that these actors should 'jointly develop a strategy to follow up systematically the recommendations made by regional and international human rights mechanisms' (UNHRC 2012b). Further resolutions by the UNHRC, since 2013, have specifically recognised parliaments' central role in the UPR (UNHRC 2013). It is, in particular, stipulated that parliaments should be involved at 'all stages' of the process (UNHRC 2014, 2015, 2017b).

Why is parliamentary engagement seen as so important in the context of international human rights and the UPR? The primary reason is because

parliaments, through various forums (including committees, as explained below), are in an ideal constitutional position to scrutinise the work of governments and can, therefore, hold them to account for failing to uphold human rights standards. This allows parliaments to support and oversee ‘the implementation of recommendations made through the UPR mechanism as well as by other international and regional human rights mechanisms’ (UNHRC 2018: 1). In the UK, this is reflected in a ‘fundamental’ tenet of the constitution – that of Government accountability to Parliament – which requires ministers to explain and defend their actions (*R (Miller) v Secretary of State for Exiting the European Union 2017*: para. 247). Both parliamentary houses – the House of Commons and the House of Lords – work to question and scrutinise the Government through debates, question times and, most notably, select committees. These intra-parliamentary bodies examine particular government departments, policy areas, or themes and are considered to ‘strengthen the policy-making process inside and outside government by exposing decision-making to rigorous tests, and by encouraging more careful consideration of options’ (Benton & Russell 2013: 793). They can thus prove key in bringing issues to the attention of the Government, including those relating to UPR recommendations.

3.1 Parliamentary Human Rights Committees and the UN’s ‘Draft Principles’

Of relevance to the UPR is the UK’s Joint Committee on Human Rights – Parliament’s designated human rights select committee. The JCHR is comprised of twelve members from across both parliamentary houses, one

of whom sits as its Chair. It is supported by independent legal advisors (usually senior human rights academics or practitioners) and a small group of permanent staff who assist with a range of administrative tasks and drafting the Committee's reports.

The OHCHR and UNHRC have, since 2018, specifically emphasised the importance of parliamentary human rights committees in the context of the UPR. In its report, and appended 'Draft Principles on Parliaments and Human Rights' ('Draft Principles'), the OHCHR notes the need for these bodies to 'oversee human rights policies and actions by Governments, especially the implementation of recommendations resulting from the international human rights mechanisms' (UNHRC 2018: 4). A number of more specific activities that committees can undertake in the UPR process are identified by the Draft Principles, including the involvement in national consultations held prior to the drafting of UPR reports; the review and scrutiny of these reports prior to submission; and direct participation in the UPR working group either separately or as part of the government delegation.

An emphasis on committees in the Report and Draft Principles reflects their 'powers and functions suitable to enhancing domestic implementation of international human rights standards' (Roberts Lyer 2019: 208). For instance, the JCHR has a broad remit, which includes the ability to scrutinise the Government's draft bills and policy in light of

[t]he rights under the European Convention on
Human Rights (ECHR) protected in UK law by the

Human Rights Act 1998; Common law fundamental rights and liberties; The human rights contained in other international obligations of the UK (UK Parliament 2020).

With regard to its powers, the Committee has the authority to call witnesses, request sight of documentary evidence, produce reports and, as alluded to above, appoint specialist advisors (UK Parliament 2002: para. 152B). These are all significant capacities which should allow the JCHR to effectively monitor the Government's implementation of UPR recommendations. To take oral and written evidence enables the JCHR to scrutinise Government actors on their respective departments' implementation progress. The presence of specialist advisers may also ensure that the Committee's members receive guidance on the area of law being investigated and the relevant international human rights standards. Research has shown how these advisers are considered a particularly important resource for the Committee as they allow for issues that would otherwise pass by unnoticed (including, potentially, the UK's UPR recommendations) to be drawn to members' attention (Donald & Leach 2016: 237). Being able to publish reports is also a significant function in the context of the UPR. The JCHR does this following inquiries into Government legislation which it deems to have human rights implications; and on policy areas or themes which it considers to be of particular interest. This reflects the good practices encompassed in the Draft Principles to 'review bills [...] to ensure compatibility with international human rights obligations', and 'lead the parliamentary oversight of the work of the Government in fulfilling its

human rights obligations, as well as political commitments made in international and regional human rights mechanisms' (Annex to UNHRC 2018a: paras. 2(b) & 2(c)). As these reports require the Government to respond, they are an effective means of holding departments to account, and could similarly be effective in the UPR process by reflecting on the implementation of recommendations. For instance, research has shown how these reports are discussed and used extensively by parliamentarians when passing legislation to propose amendments, reject provisions, and repeal existing law (Yowell 2017: 144). In essence, this means that the Committee acts as an adviser to Parliament on human rights issues, and allows for parliamentarians to exercise their scrutiny role 'in a meaningful and effective way' (Kavanagh 2017: 129). By extension, reporting on the UPR should enable the Committee to spread awareness of the UK's UPR recommendations, and empower other parliamentarians to interrogate the Government effectively on their implementation during debates, question times, and legislative proceedings.

It is for these reasons that the JCHR has an invaluable role to play in ensuring the UK meets its UPR commitments. Moreover, it has on several occasions recognised the necessity and importance of its engagement with the mechanism. Prior to the UK's first review, for instance, the JCHR had specified one of its 'main priorities' to be scrutinising 'the Government's reports to the monitoring bodies which oversee compliance with UN human rights instruments (Joint Committee on Human Rights 2008: 33). The UPR, in this regard, was considered to be 'of particular significance' (ibid.). Similar

comments, as explored below, have been reiterated consistently across the UK's three reviews.

3.2 Limited Committee Engagement

The Belgrade and Draft Principles represent significant steps in the promotion of parliamentary engagement with the UPR and international human rights mechanisms more generally (Roberts Lyer 2019: 206). Indeed, they have the potential to augment the domestic mobilisation of human rights committees and, in turn, facilitate the implementation of states international human rights obligations. Nevertheless, there is evidence that the UN-led drive for increased parliamentary engagement has not translated to the practice of human rights committees (ibid: 203).

As explored in more depth below, existing research has begun to identify this lack of involvement from the JCHR. Nevertheless, there has been no holistic assessment of the Committee's engagement with the UPR across all three of the UK's reviews. Moreover, questions remain as to why its involvement in the process may be lacking, or what could be done to enhance this. By providing answers to these questions, this piece has the potential to identify the barriers to human rights protections, and further implementation efforts in the UK. This is especially with the UK's fourth UPR due to take place in 2022. Furthermore, it will provide insights transferrable beyond the UK and the UPR by identifying best practices relevant for all states' parliaments, and any challenges that states could face when seeking to operationalise the Belgrade and Draft Principles. This article now turns to provide a comprehensive account of the JCHR's UPR-focused work

throughout the three cycles to date, and a critical appraisal of this engagement.

4. The Joint Committee on Human Rights and the UPR

4.1 UPR One (2008)

The UK's first review took place on the 10th April 2008. Of the 35 recommendations received, 22 were accepted.

As mentioned previously, the Committee had indicated its intention to focus on the UK's first UPR in its work, declaring it as a 'priority'. Existing research has, however, suggested that this commitment did not translate into practice, with Arabella Lang claiming that the first UPR had 'passed Parliament by completely' (Lang 2017, p. 9). Whilst this is in part true, these comments should be qualified somewhat, as the JCHR did refer to a number of the UK's UPR recommendations in its reports. With regard to its scrutiny of bills, this happened on one occasion when it considered the Protection of Freedoms Bill 2011 (Joint Committee on Human Rights 2011a). Here, UPR recommendations on the length of pre-trial detention for terrorist suspects were cited to support the Committee's argument that the duration proposed in the Bill (14 days) was too long (ibid: 95). Similarly, a report following the Committee's inquiry on children's rights in 2009 made reference to UPR recommendations on 'the high incarceration rate of children, children's privacy, the use of painful restraint techniques, the problem of violence against children and child poverty' (Joint Committee on Human Rights 2009a). This report was referenced in a parliamentary debate (HL Deb

2009) and had received a government response (Joint Committee on Human Rights 2010).

Referencing the UK's recommendations demonstrates that there was at least some awareness of the UPR among Committee members. Furthermore, the inclusion of these is an incidence of domestic mobilisation, with the UK's recommendations being used by the Committee as an attempt to further legitimise and bolster its conclusions. Through this, the Committee made a contribution to the efforts of implementation, and thus to the success of the UPR. Nevertheless, is it unlikely that merely referencing a handful of recommendations will have significantly influenced a change of policy in these areas, even if these reports were subsequently cited or responded to. More sophisticated reasoning could, however, have furthered the Committee's chance of success. For instance, it could have noted that 'the rights of children' and 'detention' were the second and third most frequent theme of recommendation from the UK's first review (UPR Info 2021). Or, the Committee could have reiterated that all of those recommendations it had referenced had been accepted by the UK, thus implying that they would be met with appropriate changes in law or policy.

Aside from this activity, however, there was otherwise a lack of engagement with the UPR by the JCHR. Whilst the review did not quite pass it by completely, the meagre use of recommendations to inform its reports did not match its commitment to prioritise the UK's UPR, or review the UK's reports to the UNHRC. Nevertheless, it is important not to be overcritical of the Committee. The UK was one of the first states to be reviewed under the

then-new UPR which was still in the process of developing its modalities. Furthermore, it was not for another five years after the UK's first review that parliaments would be recognised by the UNHRC as especially important actors in the context of the UPR. As seen with subsequent reviews below, the Committee did attempt to increase its engagement as a direct response to this.

4.2 UPR Two (2012)

The UK's second review took place on the 24th May 2012. Here, the UK accepted 91 of its 137 recommendations.

As with the first cycle, the Committee again pledged to engage with the UPR in its work. Its chair at the time, Dr Hywel Francis (2010-2015), indicated that he and the Committee's Legal Adviser had attended a conference in Geneva on the role of parliaments in the UPR process – one of many UN events alluded to earlier (Francis 2012). Following this, Dr Francis said that the Committee would be 'considering a variety of ways of involving itself more in scrutinising the Government's implementation of the UK's UPR recommendations' (ibid.). It was suggested that the Committee would be identifying 'the most significant themes' at the UK's UPRs and 'prioritising follow up work on those themes' (ibid.). This would be through correspondence with Government ministers, parliamentary questions, initiating debates, alerting other select committees of relevant recommendations, pursuing amendments to bills, and integrating priority themes in the Committee's work programme (ibid.).

Compared with those made prior to the UK's first UPR, these commitments were much more specific, and reflected the growing recognition of parliaments in the UPR process. Despite being five years before the Draft Principles would be adopted, the activities suggested by Dr Francis mirror many of its provisions. Thus, the Committee was well ahead in terms of recognising the centrality of its role in the UPR process, especially as some of these proposals did come into fruition. Existing work by Lang (Lang 2017: 9) and Hunt (Hunt 2017: 477), for example, has already identified that the Committee had been in frequent contact with the Minister responsible for the UPR, Lord McNally, and had received copies of the UK's second cycle National and Mid-Term reports.³ In relation to the latter, the JCHR had also attended (as an observer) the Ministry of Justice's UPR engagement events in March and September 2013, to discuss the UK's mid-term report (Ministry of Justice 2021). Though its attendance as an observer would suggest that it did not contribute to the discussions at these events, this was nevertheless a positive development demonstrating the JCHR's direct involvement in the UPR follow-up process.

As with the previous UPR cycle, the Committee also continued to include some recommendations in its routine reporting, though this only happened on two occasions. In the 2013 report on 'Human Rights of Unaccompanied Children and Young People in the UK' (Joint Committee on

³ This correspondence is available via the Committee's old website: <https://old.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/other-scrutiny-work/universal-periodic-review/> (referenced 5 August 2021).

Human Rights 2013a), reference was made to a second cycle recommendation to '[i]ncorporate fully, as a matter of urgency, the principles and provisions of the [Convention on the Rights of the Child] into domestic law' (UNHRC 2012c: para. 110.9). Similarly, though no specific recommendations were referenced, the Committee explained that it was 'mindful' of a 'number of recommendations relating to children's rights issues' in its 2015 report on the 'UK's Compliance with the UN Convention on the Rights of the Child' (Joint Committee on Human Rights 2015).⁴ Doing this, in part, would appear to reflect Dr Francis's commitment to 'integrate' the UPR into the Committee's work. Though, as already mentioned, merely citing relevant recommendations is not likely to have generated much pressure on the Government to act.

Another key development was the establishment, by the EHRC, of a 'Treaty Monitoring Working Group' (TMWG) which is attended by the JCHR and officials across Government departments. The aim of this forum is to allow for quarterly meetings which facilitate 'information-sharing and collaborative working in relation to treaty body and UPR reviews' (Equality and Human Rights Commission 2018: 7). Though the content of these meetings is confidential, the EHRC suggests that they have 'enabled co-operation between the Commission and the JCHR' on issues surrounding the Convention on the Elimination of All Forms of Discrimination Against

⁴ The UK received 27 recommendations relating to children's rights for its second review, (HRC 2012c, paras. 110.4, 110.5, 110.6, 110.7, 110.8, 110.9, 110.10, 110.17, 110.34, 110.35, 110.38, 110.51, 110.69, 110.70, 110.71, 110.72, 110.74, 110.78, 110.79, 110.80, 110.87, 110.91, 110.94, 110.95, 110.96, 110.99, 110.1.).

Women; the International Covenant of Economic, Social and Cultural Rights; and the Convention of the Rights of the Child (ibid.). The establishment of the TMWG is a positive development and reflects the good practice stipulated in the Belgrade Principles by enabling a dialogue between the UK's NHRIs and parliamentarians. Whilst specific information on how the TMWG has contributed to the JCHR's work on the UPR is unavailable, the mere fact that this forum is available denotes a clear recognition, by both the ECHR and JCHR, that their collaboration on the UPR is both important and necessary for the mechanism's success. Compared with the lack of activity following the UK's first review, engagement from the Committee had thus improved from 2012. The dialogues broached by the JCHR with the Government and the ECHR on the UPR; and the more nuanced appreciation by the Committee's chair of the JCHR's role in the UPR process, are all positive developments that will have contributed to the potential success of the UPR in the UK.

Nonetheless, many of Dr Francis's proposals did not come to fruition. In particular, the suggestions to involve parliament more widely in the UPR – through debates, question times, and by communicating with other committees – did not materialise. Between 2012-2017, the UK's UPR was almost never referred to by parliamentarians in proceedings outside of the JCHR. Searching the UPR on the Hansard and Parliament's written questions websites will show that has happened only ten times. Even these are, however, largely peripheral mentions of the mechanism, and on no occasion has a specific UK recommendation been referred to. It is also

significant that, of these references, none were made by a member of the JCHR. This indicates that the Committee had little success in acting upon the suggestion of its Chair to initiate debates or ask parliamentary questions on the UPR. Furthermore, systematic searches of publications and evidence of other select committees reveals that the UK's UPR recommendations have never been referred to in their work, casting doubt on whether the JCHR succeeded in communicating with other committees on the UK's UPR.⁵ Thus, whilst the Committee can be praised for its work with other external actors following the UK's second UPR, a key critique of its engagement between 2012 and 2017 is that it failed to mobilise other parliamentarians and committees. The parliamentary scrutiny of the Government's implementation progress will therefore have been negligible, and so the chance that the UK's second UPR will have contributed to positive human rights changes will have been adversely affected.

4.3 UPR Three (2017)

The UK's third review on the 4th May 2017 saw it receive 234 recommendations. 96 of these were accepted.

In September 2016, the JCHR's Chair, now Harriet Harman MP QC, spoke at a British Institute for Human Rights event for the launch of its UPR stakeholder report (British Institute for Human Rights 2016) to be submitted the following year. Here, she said the Committee 'would be raising the issues explained [in the report] with the Justice Secretary' at its hearing the following

⁵ The Foreign Affairs Select Committee does regularly refer to UPR recommendations in its work, but they relate to other states, not the UK.

month (Curry 2016). Though the hearing was instead attended by the Minister for Human Rights, Sir Oliver Heald QC MP, this was an excellent opportunity for questions on the UPR given that this Minister would be heading the UK's delegation the following year. Despite this, the UPR was not explicitly discussed during this evidence session (Joint Committee on Human Rights 2016).

In early 2017, a number of key JCHR-led initiatives on the UPR were set to take place. Significantly, the Committee agreed to 'inquire into the UN Universal Periodic Review of the UK's human rights record' (Joint Committee on Human Rights 2017a). As part of this inquiry, plans were made for the JCHR to hold an evidence session to hear from various civil society organisations, the UK's National Human Rights Institutions, and Sir Oliver Heald (Joint Committee on Human Rights 2017b); and for the Committee to visit Geneva for the UK's UPR (Joint Committee on Human Rights 2017c). In keeping with the Committee's previous practice, Harriet Harman also requested sight of the UK's National Report, and 'welcomed' the Government's commitment to 'increasing parliament's engagement with the UPR process' (Harman 2017).

The decision to hold a specific UPR inquiry was an especially significant step. Given the extensive use of the JCHR's reports to inform parliamentarians' work, this inquiry would have greatly informed the rest of Parliament of the UK's UPR. Furthermore, with the potential to receive a Government reply, accountability to Parliament on the UPR, which had been absent from previous reviews, would have been facilitated. To travel to

Geneva, too, would have been a promising step. It is set out in the Draft Principles that committees should 'participate in the UPR [...] either as part of the Government delegation or on its own' (UNHRC 2018: para. 3(c) of the Annex). The OHCHR explains that this 'active and proactive engagement' international mechanisms will 'greatly enhance' committees' 'promotion and protection of human rights at the national level' (ibid: 6). Nevertheless, Kirsten Roberts Lyer rightly identifies that there is 'little precedent' for states doing this and is a 'significant challenge' to the implementation of the draft principles' (Roberts Lyer 2019: 209). Given this, the Committee was attempting to lead the way, realising the Draft Principles in practice, and setting an important example for other states' human rights committees.

Unfortunately, owing to the calling of a general election and subsequent dissolution of Parliament in May 2017, the Committee were not able to hold its planned evidence session, nor is there evidence within the Liaison Committee's minutes that show funds were requested or granted for the visit to Geneva. Whilst, of course, this was an extraneous event of no fault of the Committee, it is disappointing that since Parliament and the Committee had reconvened in 2017, to date there has been no further engagement with the UK's UPR. There was, for instance, no indication that the Committee would be resuming its UPR inquiry or rescheduling the cancelled evidence session with the new Minister responsible for human rights, Philip Lee. Similarly, though four engagement events were held in 2018 by the UK Government, and one held by the Scottish Government in

2019, there is no evidence to suggest that the Committee were in attendance.

Regarding its reporting, the Committee responded to the OHCHR's 2018 study on parliaments by explaining that it 'refers in its legislative scrutiny work to the relevant treaty body and universal periodic review recommendations' (EHRC 2018). This has not, however, happened since its aforementioned 2015 report on the Convention on the Rights of the Child, meaning none of the UK's third cycle recommendations have been referenced in any of the Committee's reports. In total, therefore, UPR recommendations have only appeared in four of the JCHR's reports, representing only 3% of the Committee's reporting output since the UK's first review in 2008.⁶ The few recommendations that have been identified in these reports are also a small proportion of the UK's 406 recommendations received across its three reviews. Moreover, there has still been no specific inquiry or report on any of the UK's UPRs, even though the Committee has previously held dedicated inquiries into the UK's implementation of UN treaties – the Convention Against Torture (Joint Committee on Human Rights 2006), the Convention on the Rights of Persons with Disabilities (Joint Committee on Human Rights 2009b) and, as seen above, the Convention on the Rights of the Child (Joint Committee on Human Rights 2015). The Committee's reports are, as explained above, one of the most effective tools at its disposal. But, without more of a focus on the UK's UPR, these reports

⁶ At the time of writing, the Committee has published 150 reports since the UK's first review.

are not likely to be placing sufficient political pressure on the Government to act or give account for its implementation progress. Furthermore, non-committee parliamentarians are not likely to be made aware of relevant UPR recommendations for use in debates, question times, or legislative scrutiny. In all, despite promising suggestions by its chairs since 2012, the Committee's engagement with the UPR mechanism, and its contribution to the implementation of the UK's recommendations, has been negligible.

4.4 Factors Preventing Further Engagement

What, then, are the reasons for this? One potential factor preventing the Committee's engagement with the UPR could be poor knowledge of the mechanism. There is a certainly a possibility of this, given that parliamentarians are believed to have a limited understanding of human rights (Kavanagh 2017: 129) let alone a familiarity with particular international mechanisms or recommendations. In the context of the UPR, Brian Chang and Graeme Ramshaw suggest that there is a poor awareness of the mechanism among states' parliamentarians (Chang & Ramshaw 2017). Their report further reveals that the JCHR does not participate in, or organise, training for its members on the international human rights mechanisms (ibid.). Committee members cannot turn to the media for information, either, as almost no attention has been given to the UK's UPRs by journalists (Joseph 2014). Similarly, there is poor reporting from the Government to Parliament on their progress implementing the UK's recommendations, which limits the information available to the Committee (Lane 2021). On the other hand, it has been shown above that the Committee's chairs have

participated in external events which should make them well-versed on the UPR. Furthermore, two of the former Committee's legal advisers – Angela Patrick (2006-2011) and Murray Hunt (2004-2017) – are known to have specific knowledge of the UK's UPRs. Patrick had previously developed a handbook which specifically provides guidance on how parliamentarians can engage with their states' UPRs (The Westminster Consortium & International Bar Association 2011). Hunt, as previously cited, is one of few authors to have already pointed to the lack of participation from Parliament in the UPR process. As such, awareness within the Committee is unlikely to be the definitive reason for limited engagement with the UPR.

Alternatively, it might be queried whether, if Committee members are aware of the UPR, then they are indifferent about engaging with the mechanism and its recommendations. This could be because members are uncertain or unconvinced of whether the UPR will be of use to their work. Indeed, it has already been mentioned that scholars can be critical of the UPR, questioning whether its soft law approach has any value in the international human rights framework (de Frouville 2011). It may even be that some within the Committee disapprove of the UPR. This is possible, as it is a view that the UPR is little more than a means for states to pursue their own political aims (Freedman 2011: 323). Two parliamentarians in 2012, for instance, were reported to have described the UPR as 'absolutely absurd' and 'so ridiculous it's laughable' because it involves dialogue with, the report claims, 'countries notorious for their denial of human rights' (Doyle 2012). Though the reasonableness of these comments, as well as the subjectivity

and sensationalism of the report, are open to question, they nevertheless reveal some potential scepticism in UK domestic politics about the legitimacy of the UPR and its recommendations. Any hesitancy or scepticism, however, is not able to completely explain why the JCHR does not involve itself further with the UPR. Neither of the parliamentarians referenced are previous or present members of the Committee; nor would the body have pledged to engage with the UPR to the extent that it has if it were somehow critical of the mechanism.

The most likely reason for limited engagement is that the JCHR has had insufficient resources or time to specifically dedicate to the UPR. This could explain why, when the Committee has engaged with the UPR, this is almost exclusively near the time of the UK's reviews – these might act as stimuli that mobilise the Committee into action, with the priority for it to act fading as time passes. For instance, for cycles two and three, the JCHR seemed to be mobilised immediately before and after the UK's reviews, but there was little taking place during the implementation period (other than potential attendance at the TMWG). There is no evidence of Committee engagement following its attendance at the second cycle civil society events in 2013, and after its cancelled third-cycle evidence session in 2017. This is despite the period between cycles being, arguably, the most vital time for the Committee to hold the Government to account for implementing recommendations.

Yet, it is important not to be overcritical of the Committee in this regard. Like all states' human rights committees, it does not have infinite

parliamentary time, staffing, or funds. Indeed, this is a potential limitation of the Draft Principles, and a barrier for states seeking to operationalise them. It would be extremely difficult for the Committee, for example, to completely satisfy the Draft Principles vision by engaging with all international and regional human rights bodies; as well as leading the monitoring of the UK's implementation of these bodies' recommendations and decisions. The JCHR's UN treaty inquiries, especially, are known to have been 'very resource-intensive' (Hunt 2013: 239). An inquiry into a single cycle of the UK's UPR, which covers all the UK's international human rights obligations and sees it receive hundreds of recommendations, would likely exhaust even more of the Committee's resources, even if only a few key themes were chosen as a focus. It must also be remembered that the JCHR would have to do this whilst simultaneously balancing its other commitments. Certainly, it has had crucial human rights issues to focus on since 2008 which may have affected its ability to fully involve itself in the UPR process. Between 2010-2015, for instance, the Committee spent much time reviewing bills and policies associated with the Government's 'austerity' measures (e.g. Joint Committee on Human Rights 2011b, 2012). More recently, the Committee has had to deal with human rights concerns associated with UK's exit from the European Union between, and the various attempts to repeal or reform the Human Rights Act 1998. In the last year, the majority of the Committee's time in 2020 has been spent inquiring into the Government's response to the ongoing global Coronavirus pandemic. With so much on the Committee's

agenda, it is likely that this has been the key, limiting factor preventing further engagement with the UPR.

5. Going Forward: Enhancing the Committee's Engagement

Parliament, especially its JCHR, has a fundamental part to play in ensuring that the UK's recommendations are implemented, the state's international obligations are met, and the UPR succeeds in generating human rights improvements for individuals on the ground. But it is evident that the JCHR (and, indeed, all states' human rights committees) is limited in what it can achieve owing to the difficult balancing of resources and priorities. It is thus important that proposals are made to enhance the Committee's engagement with the UPR, though these must be attainable in practice without overburdening the body.

First, the JCHR could ensure that it requests information from witnesses on the UK's UPR when holding evidence sessions or requesting written evidence. In the future, members could do so more frequently by, for instance, asking witnesses about whether the issue at hand has any implications for particular UPR recommendations or themes from the UK's previous review. Such would be especially informative when the Committee is faced with representatives from prominent human rights NGOs or the UK's NHRIs, many of whom have submitted reports to the UNHRC for the UK's review; or the Government minister(s) responsible for coordinating the UK's UPRs. Similarly, in calls for written evidence, the UK's UPR could be referred to in their terms of reference. Receiving this additional information will be

useful in ensuring that all Committee members have sound knowledge of the mechanism and the outcome of the UK's reviews.

Secondly, the Committee should use this knowledge and evidence to routinely refer to relevant UPR recommendations or themes in its reports. Whilst this has shown to be done in the past, it has clearly been a rarity despite many of the policy areas and bills investigated by the Committee coinciding with recurring recommendations raised at the UK's reviews. For instance, the Committee's 2011 report on the Welfare Reform Bill observed its 'retrogressive' effect upon individuals' rights to social security and an adequate standard of living (Joint Committee on Human Rights 2011b). Although the Committee spent a number of pages reflecting upon the various economic and social standards in UN treaties, there was no mention of the Government's failure to maintain its commitment to 'enhance the programmes aimed at addressing socio-economic inequalities', as per its supported UPR recommendation (UNHRC 2008: para. 56.15). Furthermore, in 2013, the Committee's review of the Immigration Bill found that it imposed a 'significant limitation of appeal rights against immigration and asylum decisions' (Joint Committee on Human Rights 2013b). This was an opportunity missed by the Committee to refer the Government to the range of UPR recommendations that it accepted to advance the rights of migrants.⁷ As mentioned, the Committee can also be more sophisticated in its use of

⁷ The UK supported 15 recommendations on the Rights of Migrants across its first and second reviews. For instance, see a recommendation received in 2012 to 'Strengthen governmental measures to guarantee the effective implementation of the human rights of migrants in accordance with the existing international instruments in this area' (ibid. para. 110.108).

the UK's UPR data to increase the chances of its scrutiny having an impact on policy. For instance, it could point to prominent themes or recurring recommendations from the UK's reviews to highlight areas of particular concern; or it might refer to the detailed responses or mid-term reports provided by the Government to hold it to account for policy decisions. In practical terms, doing this more often shouldn't place too great of a burden on the Committee. When preparing reports, it could make use of a range of online resources that enable the search of UPR recommendations by themes and keywords. The most obvious examples are the aforementioned UPR Info recommendation database, the EHRC's Human Rights Tracker, or the OHCHR's Universal Human Rights Index. Frequent use of these databases would allow the Committee to quickly identify data relevant to their inquiries and incorporate them into their reports.

Thirdly, if the Committee is able to dedicate the time and resources, it should strive to approach the UK's fourth UPR, due in late 2022, as it planned to approach its third UPR in 2017. If possible, this would mean a specific inquiry and report, reflecting on the implementation of prominent themes from the UK's third review; and an evidence session with the Government minister responsible for the UK's UPR. This report could then be the first parliamentary submission made to the UNHRC for a states UPR. Furthermore, if funds are available, attendance from Committee members at the UK's review in Geneva, as proposed in 2017, would set an important precedent for other states' parliaments. This would endow members with a

holistic picture of the UK's human rights situation, and empower them to better hold the UK Government to account.

6. Conclusion

The success of the UPR relies heavily upon domestic stakeholders mobilising and encouraging state governments to implement their received recommendations. In the UK, a key actor is the Joint Committee on Human Rights. Its powers and privileges – to collect evidence, publish reports, and call on advisers – enable it to effectively to scrutinise the Government's implementation progress, and empower non-Committee parliamentarians to do the same. This article has demonstrated shortcomings in the JCHR's involvement in the UPR process. It has shown that the UK's recommendations have almost never been referred to in the Committee's reports, and the body has found difficulty in translating its commitments to engage with the UPR into practice. Though it was promising to see the Committee resolve to inquire into the UK's UPR and hold an evidence session in 2017, neither of these activities materialised in subsequent years. Thus, it seems that the Committee has been completely silent on the UK's third UPR.

The likely reasons for this lack of engagement, it is suggested, are limited resources and competing priorities. Future research and initiatives on increasing the role of parliaments in the international human rights framework will need to take account of this. In particular, it is necessary to devise strategies and methods for human rights committees to better incorporate the UPR into their ongoing work. The UPR process provides a running,

holistic assessment of all states' human rights situations and has generated a considerable database for committees and other domestic actors to utilise. Workshops or other training programmes for committee staff will enable them to utilise these resources effectively during their inquiries and make more sophisticated use this data in their reports.

Admittedly, future research, possibly taking the form of interviews with parliamentarians, will be necessary to substantiate the speculative reasons provided for poor engagement. But this section, in positing these possible reasons, should act as a foundational point of enquiry for future research. Equally, it is hoped that this piece will promote further discourse on the role of parliaments in the UPR process, and contribute to the mechanism's goal of improving human rights on the ground.

7. Bibliography

- Benton, M. & Russell, M. 2013. Assessing the impact of parliamentary oversight committees: The Select Committees in the British House of Commons. *Parliamentary Affairs*, 66(4): 772–797.
- British Institute for Human Rights. 2016. Joint Civil Society Report to the United Nations Universal Periodic Review of the United Kingdom (3rd Cycle). <https://www.bihhr.org.uk/hrcheck> (referenced 5 August 2021).
- Carraro, V. 2019. Promoting Compliance with Human Rights: The Performance of the United Nations' Universal Periodic Review and Treaty Bodies. *International Studies Quarterly* 0: 1–15.
- Chaney, P. 2020. Human rights and social welfare pathologies: civil society perspectives on contemporary practice across UK jurisdictions—critical analysis of third cycle UPR data. *International Journal of Human Rights*, 25(4): 639-674.
- Chang, B. & Ramshaw, G. 2017. Strengthening parliamentary capacity for the protection and realisation of human rights: Synthesis Report. <https://www.wfd.org/2017/08/26/strengthening-parliamentary-capacity-protection-realisation-human-rights/> (referenced 5 August 2021).
- Charlesworth, H. & Larking, E. (eds.). 2014. *Human Rights and the Universal Periodic Review: Rituals and Ritualism*. Cambridge: Cambridge University Press.
- Cowell, F. 2018. Understanding the legal status of Universal Periodic Review recommendations. *Cambridge International Law Journal* 7(1): 164-184.
- Curry, C. 2016. Human Rights Check UK – turning the lens inwards. <https://www.bihhr.org.uk/blog/human-rights-check-uk-turning-the-lens-inwards> (referenced 5 August 2021).
- Dai, X. 2005. Why comply? The domestic constituency mechanism. *International Organization*, 59(2): 363–398.
- 2013. The “Compliance Gap” and the Efficacy of International Human Rights Institutions. In: Risse, T., Sikkink, K., & Ropp, S. (eds.) *The Persistent Power of Human Rights. From Commitment to Compliance*. Cambridge: Cambridge University Press.
- de Frouville, O. 2011. Building a universal system for the protection of human rights. In: Schabas, W. & Bassiouni, M. (eds.) *New Challenges for the Un Human Rights Machinery: What Future for the Un Treaty Body System and the Human Rights Council Procedures?* Cambridge: Intersentia Ltd.

Donald, A. & Leach, P. 2016. *Parliaments and the European Court of Human Rights*. Oxford: Oxford University Press.

Doyle, J. 2012. How dare they! Britain condemned on human rights in UN report... by Iran, Russia and Cuba. <https://www.dailymail.co.uk/news/article-2156687/UN-human-rights-report-criticised-containing-condemnations-Britain--Iran-Russia-Cuba.html> (referenced 5 August 2021).

Duggan-Larkin, J. 2010. Can An Intergovernmental Mechanism Increase The Protection Of Human Rights? The Potential Of Universal Periodic Review In Relation To The Realisation Of Economic, Social And Cultural Rights. *Netherlands Quarterly of Human Rights*, 28(4): 548-581.

Equality and Human Rights Commission. 2014. Mid-Term Universal Periodic Review Report (UK 2nd Cycle). <https://www.equalityhumanrights.com/en/publication-download/universal-periodic-review-mid-term-report> (referenced 5 August 2021).

———. 2018. Response of the Equality and Human Rights Commission to the Consultation: UPR: Note Verbale and Questionnaire on the role of Parliaments. <https://www.equalityhumanrights.com/sites/default/files/consultation-response-ohchr-upr-role-of-parliaments-12-january-2018.pdf> (referenced 5 August 2021).

———. 2019. Briefing on the Universal Periodic Review: a mid-term update (UK 3rd Cycle). <https://www.equalityhumanrights.com/en/publication-download/briefing-universal-periodic-review-mid-term-update> (referenced 5 August 2021).

———. 2021. Welcome to the Human Rights Tracker. <https://humanrightstracker.com/en/> (referenced 5 August 2021).

Etone, D. 2018. African States: Themes Emerging from the Human Rights Council's Universal Periodic Review. *Journal of African Law*, 62(2): 201-223.

———. 2019. Theoretical challenges to understanding the potential impact of the Universal Periodic Review Mechanism: Revisiting theoretical approaches to state human rights compliance. *Journal of Human Rights*, 18(1): 36–56.

Francis, H. 2012. Letter to Hayley Richardson of the United Nations Association, UK. <https://www.una.org.uk/sites/default/files/Joint%20Committee%20on%20Human%20Rights%20response%20to%20UNA-UK.pdf> (referenced 5 August 2021).

- Freedman, R. 2011. New mechanisms of the UN Human Rights Council. *Netherlands Quarterly of Human Rights*, 29(3): 289–323.
- Gomez, J & Ramcharan, R. (eds.). 2018. *The Universal Periodic Review of Southeast Asia: Civil Society Perspectives*. Singapore: Springer.
- Hafner-Burton, E. 2017. *Making Human Rights a Reality*. Princeton: Princeton University Press.
- Harman, H. 2017. Letter to Sir Oliver Heald QC MP of the Ministry of Justice. https://old.parliament.uk/documents/joint-committees/human-rights/correspondence/2016-17/170301_Chair_to_Sir_Oliver_Heald_QC_MP.pdf (referenced 5 August 2021).
- Hillebrecht, C. 2012. Implementing International Human Rights Law at Home: Domestic Politics and the European Court of Human Rights. *Human Rights Review*, 13(3): 279–301.
- . 2014. *Domestic Politics and International Human Rights Tribunals: The Problem of Compliance*. New York: Cambridge University Press.
- HL Deb 19 October 2009, vol 713, col 481.
<https://hansard.parliament.uk/Lords/2009-10-19/debates/0910199000520/ApprenticeshipsSkillsChildrenAndLearningBill>
(Referenced 5 August 2021)
- Hunt, M. 2013. The Joint Committee on Human Rights. In: Oliver, D., Drewry, G., & Horne, A. (eds.) *Parliament and the Law*. Oxford: Hart Publishing.
- . 2017. Enhancing Parliaments' Role in the Protection and Realisation of Human Rights. In: Hunt, M., Hooper, H., & Yowell, P. (eds.) *Parliaments and Human Rights: Redressing the Democratic Deficit*. Oxford: Hart Publishing.
- . Hooper, H. & Yowell, P. (eds.). 2017. *Parliaments and Human Rights: Redressing the Democratic Deficit*. Oxford: Hart Publishing.
- International Bar Association. 2011. The Westminster Consortium workshop on human rights and the role of parliaments, 2011.
<https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=97289D0D-3A34-4DB4-B7E7-DF3291A3D0BA> (accessed 5 August 2021)
- Joint Committee on Human Rights. 2006. The UN Convention Against Torture (UNCAT). 2005-06, HL 185-I, HC 701-I.
- . 2008. The Work of the Committee in 2007 and the State of Human Rights in the UK. 2007-08, HL 38, HC 270.

- . 2009a. Children's Rights. 2008-09, HL 157, HC 318.
- . 2009b. The UN Convention on the Rights of Persons with Disabilities. 2008-09, HC 93, HL 9.
- . 2010. Children's Rights: Government Response to the Committee's Twenty-fifth Report of Session 2008-09. 2009-10, HL 65, HC 400.
- . 2011a. Legislative Scrutiny: Protection of Freedoms Bill. 2010-12, HL 195, HC 1490.
- . 2011b. Legislative Scrutiny: Welfare Reform Bill. 2010-12, HL 233, HC 1704.
- . 2012. Implementation of the Right of Disabled People to Independent Living: Twenty-third Report of Session 2010-12. 2010-12, HL 257, HC 1074.
- . 2013a. Human rights of unaccompanied children and young people in the UK: first report of session 2013-14, report, together with formal minutes. 2013-14, HL 9, HC 196.
- . 2013b. Legislative Scrutiny: Immigration Bill. 2013-14, HL 102, HC 935.
- . 2015. The UK's Compliance with the UN Convention on the Rights of the Child. 2014-15, HL 144, HC 1016.
- . 2016. Oral evidence: What are the human rights implications of Brexit? HC 695.
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/the-human-rights-implications-of-brexits/oral/44097.html> (referenced 5 August 2021)
- . 2017a. Minutes of Proceedings Wednesday 8 February 2017.
https://old.parliament.uk/documents/joint-committees/human-rights/2015-20-parliament/Formal_Minutes/Formal-Minutes-2016-17-Session.pdf (referenced 5 August 2021).
- . 2017b. UK's record on human rights considered before UNHRC Review, March 31, 2017.
<https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/91572/uks-record-on-human-rights-considered-before-unhrc-review/> (referenced 5 August 2021)
- . 2017c. Minutes of Proceedings Wednesday 29 March 2017.
https://old.parliament.uk/documents/joint-committees/human-rights/2015-20-parliament/Formal_Minutes/Formal-Minutes-2016-17-Session.pdf (referenced 5 August 2021).

- Joseph, S. 2014. Global media coverage of the Universal Periodic Review Process. In: Charlesworth, H. & Larking, E. (eds.) *Human Rights and the Universal Periodic Review: Rituals and Ritualism*. Cambridge: Cambridge University Press.
- Kavanagh, A. 2017. The Joint Committee on Human Rights: A Hybrid Breed of Constitutional Watchdog. In: Hunt, M., Hooper, H., & Yowell, P. (eds.) *Parliaments and Human Rights: Redressing the Democratic Deficit*. Oxford: Hart Publishing.
- King's College London. 2021. Effective Parliamentary Oversight of Human Rights. <https://www.kcl.ac.uk/law/research/parliamentshr/index> (referenced 5 August 2021).
- Krommendijk, J. 2015. The domestic effectiveness of international human rights monitoring in established democracies. The case of the UN human rights treaty bodies. *Review of International Organizations*, 10(4): 489–512.
- Lane, M. 2021. Enhancing the UK Parliament's Scrutiny of Human Rights: A Case for Improved Government Reporting. OxHRH Blog. <https://ohrh.law.ox.ac.uk/enhancing-the-uk-parliaments-scrutiny-of-human-rights-a-case-for-improved-government-reporting/> (referenced 5 August 2021).
- Lang, A. 2017. The UK's Universal Periodic Review by the UN Human Rights Council. House of Commons Library Briefing Paper 7933. <https://commonslibrary.parliament.uk/research-briefings/cbp-7933/> (referenced 5 August 2021).
- McNeilly, K. & Cochrane, L. 2013. The United Kingdom, the United Nations Human Rights Council and the First Cycle of the Universal Periodic Review. *International Journal of Human Rights*, 17(1): 152-177.
- McNeilly, K. 2021. The Temporal Ontology of the Human Rights Council's Universal Periodic Review. *Human Rights Law Review*, 21(1): 1-21.
- Ministry of Justice. 2021. UPR Events: Universal Periodic Review Engagement Events (Retrieved through the National Archives Government Web Archive). <https://webarchive.nationalarchives.gov.uk/20130206041518/http://www.justice.gov.uk/human-rights/universal-periodic-review/upr-events/> (referenced 5 August 2021).
- R (on the application of Miller and another) v Secretary of State for Exiting the European Union* (2017) UKSC 5.
- Roberts Lyer, K. 2019. Parliaments as Human Rights Actors: The Potential for International Principles on Parliamentary Human Rights Committees. *Nordic Journal of Human Rights*, 37(3): 195–215.

Saul, M., Follesdal, A. & Ulfstein, G. (eds.). 2017. *The International Human Rights Judiciary and National Parliaments: Europe and Beyond*. New York: Cambridge University Press.

Simmons, B. 2009. *Mobilising for Human Rights: International Law in Domestic Politics*. Cambridge: Cambridge University Press.

UK Government. 2008. Universal Periodic Review - UK Statement from Ambassador Peter Gooderham. https://www.upr-info.org/sites/default/files/document/united_kingdom/session_1_-_april_2008/uk-statementonoutcomeofupr.pdf (referenced 5 August 2021).

UK Parliament. 2002. Standing Orders of the House of Commons - Public Business. <https://publications.parliament.uk/pa/cm200102/cmstords/27519.htm> (referenced 5 August 2021).

———. 2020. Human Rights (Joint Committee): Role. <https://committees.parliament.uk/committee/93/human-rights-joint-committee/role> (referenced 5 August 2021).

UN General Assembly. 2006. Resolution 60/251 adopted by the UNGA: Human Rights Council. A/RES/60/251.

———. 2017. Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, Report of the Secretary General, Antonio Guterres. A/72/351.

UN Human Rights Council. 2007a. Annex to Resolution 5/1 Adopted by the Human Rights Council: Institution-building of the United Nations Human Rights Council. A/HRC/5/1.

———. 2007b. Follow-up to Human Rights Council Resolution 5/1. A/HRC/DEC/6/102.

———. 2008. Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland. A/HRC/8/25.

———. 2011. Resolution 16/21 adopted by the HRC: Review of the work and functioning of the Human Rights Council. A/HRC/RES/16/21.

———. 2012a. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: United Kingdom of Great Britain and Northern Ireland. A/HRC/WG.6/13/GBR/1.

———. 2012b. Annex to National institutions for the promotion and protection of human rights Report (The Belgrade Principles). A/HRC/20/9.

———. 2012c. Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland. A/HRC/21/9.

———. 2013. Resolution 22/15 adopted by the HRC: Contribution of parliaments to the work of the Human Rights Council and its universal periodic review. A/HRC/RES/22/15.

———. 2014. Resolution 26/29 adopted by the HRC: Contribution of parliaments to the work of the Human Rights Council and its universal periodic review. A/HRC/RES/26/29.

———. 2015. Resolution 30/14 adopted by the HRC: Contribution of parliaments to the work of the Human Rights Council and its universal periodic review. A/HRC/RES/30/14.

———. 2017a. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: United Kingdom of Great Britain and Northern Ireland. A/HRC/WG.6/27/GBR/1.

———. 2017b. Resolution 35/29 adopted by the HRC: Contribution of parliaments to the work of the Human Rights Council and its universal periodic review. A/HRC/RES/35/29.

———. 2018. Report of the Office of the United Nations High Commissioner for Human Rights: Contribution of parliaments to the work of the Human Rights Council and its universal periodic review. A/HRC/38/25.

———. 2020. Parliaments. <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Parliaments.aspx> (referenced 5 August 2021).

University of Oxford. 2021. Parliaments, Rule of Law and Human Rights Research Project. <https://www.law.ox.ac.uk/research-and-subject-groups/parliaments-rule-law-and-human-rights-project> (referenced 5 August 2021).

UPR Info. 2015. For impact on the ground the UPR needs SMART recommendations. <https://www.upr-info.org/en/news/for-impact-on-the-ground-the-upr-needs-smart-recommendations> (referenced 5 August 2021).

———. 2021. Recommendations Database. <https://upr-info-database.uwazi.io/> (referenced 5 August 2021)

The Westminster Consortium & International Bar Association. 2011. Human Rights and Parliaments: Handbook for Members and Staff. https://www.law.ox.ac.uk/sites/files/oxlaw/human_rights_and_parliaments_handbook.pdf (referenced 5 August 2021).

Yowell, P. 2017. The Impact of the Joint Committee on Human Rights on Legislative Deliberation. In: Hunt, M., Hooper, H., & Yowell, P. (eds.) *Parliaments and Human Rights: Redressing the Democratic Deficit*. Oxford: Hart Publishing.

Zhu, L. 2014. International Humanitarian Law in the Universal Periodic Review of the Un Human Rights Council: An Empirical Survey. *Journal of International Humanitarian Legal Studies*, 5(1): 186-212.