

Joint Committee on Human Rights

Report on the Government's Review of International Human Rights Instruments

Submission by the Institute of Employment Rights

1 The Institute of Employment Rights welcomes this opportunity to respond to the Government's Review of International Human Rights Instruments. We are, however, extremely concerned about the complacent tone struck by the review and by the failure to take the human rights agenda forward to any significant extent.

2 The Committee will be aware of continuing human rights violations by the United Kingdom. Despite the enactment of the Human Rights Act, the United Kingdom remains in breach of a number of international human rights obligations. These include obligations arising under the

- International Covenant on Economic, Social and Cultural Rights
- ILO Conventions 87 and 98
- Council of Europe's Social Charter of 1961.

3 The Institute of Employment Rights believes that in a modern human rights culture the government should ratify the Revised Social Charter of the Council of Europe, one of the inspirations of the EU Charter of Fundamental Rights signed at Nice in 2000. The Institute also believes that the United Kingdom should ratify the Collective Complaints Protocol of 1995.

4 The continuing failure to ratify the Collective Complaints Protocol is particularly egregious. The United Kingdom has one of the worst (if not the worst) levels of compliance with the Social Charter. In the 16th (and most recent) cycle of supervision, the Social Rights Committee of the Council of Europe examined 43 of the 60 obligations by which the United Kingdom is bound. The Committee found that

- The United Kingdom is in compliance with 23 obligations examined
- The United Kingdom is in breach of 16 obligations examined

5 The Committee was unable to comment on another 4 obligations because of a lack of adequate information. It is nevertheless a sobering statistic that the United Kingdom has been found to be in compliance with only 23 of the 43 obligations examined. It is not clear to us why those representing victims of these violations should not be able to take complaints to the Social Rights Committee under the Protocol, just as victims of the breach of Convention rights can complain under the ECHR to the Strasbourg Court.

6 The Institute of Employment Rights would go further and contend that it is unacceptable not only to deny the right to ventilate social rights abuses in an international forum. It is also unacceptable that there is no forum in domestic law to challenge the violation of fundamental social rights. We have argued in a previous submission to the JCHR that the Council of Europe's Social Charter should be incorporated into domestic law, using the Human Rights Act as a template.

K D Ewing

President

Institute of Employment Rights

J Hendy QC

Chair

Institute of Employment Rights