

Friday 14 July, 2023

Prime Minister
10 Downing Street
London
SW1A 2AA

Dear Prime Minister,

We are civil society organisations from across Europe. We share the common goal of ensuring that human rights are respected and adhered to in our countries and across the continent.

We write to urge you to reconsider the UK Government's commitment to the Illegal Migration Bill. We understand that the Bill is at an advanced stage in the parliamentary process, but it is not too late. We appeal to you to change course.

If enacted, this Bill will degrade the concept of what it is to be human. Even its introduction to Parliament has signalled to the world that the UK is willing to undermine the international rules-based system. To pursue this agenda at any point is irresponsible, but for the UK Government to pursue it at a time of conflict and crisis in Europe is reckless and risks further instability.

We understand that the UK's International Development Minister restated in strong terms the UK's "belief in an effective and ambitious rules-based international system".¹ However this Bill is clearly at odds with that statement.

Civil society organisations in the UK have warned in categorical terms that the provisions in this Bill contravene and contradict the European Convention on Human Rights (ECHR), the 1951 Refugee Convention, and the European Convention on Action Against Trafficking (ECAT).² The Equality and Human Rights Commission explained it was seriously concerned that the legislation risks placing the UK in breach of its international legal obligations to protect human rights.³ European Home Affairs Commissioner Ylva Johansson has told the UK Government that the Bill violates international law.⁴ The Council of Europe Commissioner for Human Rights Dunja Mijatović has also urged UK parliamentarians to prevent this legislation being passed.⁵ The UNHCR has expressed it is profoundly concerned by the Bill as it would amount to an asylum ban. It has urged the UK Government and parliamentarians to reconsider the Bill and instead pursue more humane and practical policy solutions.⁶

¹ <https://www.gov.uk/government/speeches/minister-andrew-mitchell-speech-on-the-future-of-international-development#:~:text=We%20restate%20in%20strong%20terms,everywhere%2C%20but%20leadership%20is%20not.>

² <https://publiclawproject.org.uk/latest/joint-civil-society-statement-on-the-illegal-migration-bill/>

³ <https://www.bbc.co.uk/news/uk-politics-65376793.amp>

⁴ <https://www.politico.eu/article/ylva-johansson-eu-tells-uk-suella-braverman-its-asylum-plan-violating-international-law/>

⁵ <https://www.coe.int/en/web/commissioner/-/parliamentarians-should-uphold-the-united-kingdom-s-international-obligations-when-scrutinising-the-illegal-migration-bill->

⁶ <https://www.unhcr.org/uk/news/statement-uk-asylum-bill#:~:text=UNHCR%2C%20the%20UN%20Refugee%20Agency%2C%20is%20profoundly%20concerned,UK%20asylum%20system%20to%20those%20who%20arrive%20irregularly.>

This is a dangerous time to undermine adherence to the international rule of law in Europe. Russian aggression is a powerful and awful testament to that. But it is not the only example. The Polish Government has recently informed the European Court of Human Rights (ECtHR) that it will not respect interim measures. You will be aware that it was interim measures issued by the ECtHR which sought to protect two British men in Russia from the death penalty.⁷ The rule of law is a critical component of the human rights framework, and this Bill will undermine it.

This year marks 73 years since the ECHR was formally signed. The ECHR and treaties like the Refugee Convention and ECAT have helped to foster a culture of respect for individual rights and human dignity across Europe. But as recent events sadly show, this work is never complete. The preservation of democracy demands constant perseverance and vigilance. It is not safe or appropriate for the UK Government to undermine these valuable treaties and institutions. This Bill is a far cry from Britain's history in participating in the creation of an international rules-based order.

Winston Churchill, a great supporter of human rights across Europe, said: "Never give in, except to convictions of honour and good sense." Today, we call on Britain's honour and good sense.

If this Bill becomes law, it will place the UK as one of the outliers and an example to authoritarian powers in Europe and across the world. We call on the UK Government to abandon the Illegal Migration Bill.

Yours sincerely,

Shameem Ahmad, CEO, Public Law Project

Maciej Nowicki, President of the Board, Helsinki Foundation for Human Rights

Márta Pardavi, Co-Chair, Hungarian Helsinki Committee

Lefteris Papagiannakis, Director, Greek Council for Refugees

CC: President of the European Council, Charles Michel

⁷ <https://www.independent.co.uk/news/world/europe/eu-russia-death-penalty-aiden-aslin-shaun-pinner-b2112695.html>