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“Safety of Rwanda” Bill – Briefing Note

The Human Rights Consortium is dismayed at the recent developments in the UK Government's cruel and unlawful policy of automatically removing asylum seekers to Rwanda, and the continued misrepresentation of refugees and asylum seekers as "illegal migrants".

Despite the Supreme Court ruling against the notion of Rwanda as a 'safe country' for refugees, the Government has pushed ahead by signing a new treaty with the Rwandan Government and is progressing "emergency legislation" to attempt to override the Court's ruling as well as the UK's domestic and international human rights commitments.

The "Safety of Rwanda Bill", designed in its entirety to circumvent any form of legitimate scrutiny and challenge to the policy of automatic removal of asylum seekers, requires that the courts ignore sections of the Human Rights Act and gives Government Ministers power to ignore interim measures from the European Court of Human Rights.

In the Government's own words, this Bill affirms their view that the "validity of any Act of Parliament is unaffected by international law" - a brazen admission of the disregard shown to clearly defined and widely accepted international human rights standards.

Despite this view from the Government the Bill does not, in fact, remove any obligations from the UK Government to uphold international human rights standards it has acceded to in its treatment of all individuals within its jurisdiction, including refugees and asylum seekers. Instead, it removes the ability of domestic courts to block it on those grounds, including by disapplying Sections 2, 3 and 6 to 9 of the Human Rights Act relating to Interpretation of Convention Rights, Interpretation of Legislation and Acts of Public Authorities. It will nevertheless set the UK on a collision course with the European Court of Human Rights and various other international and domestic obligations. It is noteworthy that the Home Secretary was unable to declare that this legislation was compatible with the ECHR per Section 19(1) of the Human Rights Act.

It also does not attempt to preclude the UK Government from its obligations in Northern Ireland stemming from the Belfast/Good Friday Agreement and the Windsor Framework, both of which established baselines for rights in the region which the UK must uphold.

The recent [Anesom ruling](#) affirmed the widely held view that the Windsor Framework Article 2(1) commitment to "no diminution of rights in Northern Ireland" as a result of Brexit extends to refugees and asylum seekers and is not strictly limited to the political and social context in which the 'Rights, Safeguards and Equality of Opportunity' section of the Belfast/Good Friday Agreement was written in

1998. It also confirmed that the EU Charter of Fundamental Rights, as well as important aspects of the EU Reception Directive, both fall within the ambit of Article 2(1) of the Windsor Framework, which this new Bill is likely to fall foul of.

This Bill, as well as the Illegal Migration and Nationality and Borders Acts which preceded it, violate domestic and international law irrespective of any legislative gymnastics the Government conducts to avoid their obligations. It continues a troubling pattern of disregard for these human rights standards and the principle of "non-diminution of rights in Northern Ireland" as a result of Brexit which the Government agreed to and reaffirmed earlier this year.

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