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New UK legislation threatens the 1951 Refugee Convention

Declaration¹

The Committee declares the following:

The Parliamentary Assembly's Committee on Migration, Refugees and Displaced Persons is highly concerned with the new Nationality and Borders Bill put forward by the United Kingdom Government, which was passed through the Parliament on 27 April 2022. This news has caused widespread consternation. The new United Kingdom Government's legislation would threaten not only the relationship of the United Kingdom to the principles that lie at the heart of the 1951 Refugee Convention, but also stand in danger of undermining the "architecture" of global agreements.

The new Bill would, in effect, contravene the United Kingdom's obligations under international law, including the core principles of the 1951 Convention. Non-penalisation, non-discrimination, and non-refoulement will all be challenged and relativized. Classifying arriving people in two distinct tiers, off-shoring the applications of certain arrivals (to Rwanda), subjecting people to long periods of waiting without giving them the opportunity to work, the absence of a properly developed resettlement scheme, the failure to identify safe routes of access - all these measures conspire to weaken if not destroy the very essence of the Convention.

The Committee deplores that where once the United Kingdom was at the heart of the generous provisions of the 1951 Geneva Convention, as stated in [Resolution 2408 \(2021\)](#), it now questions the nature of its continuing support for the Refugee Convention, or even the ECHR². The Committee notes that the European Court of Human Rights has decided on 14/06/22 to grant an urgent interim measure in the case of *K.N. v United Kingdom* (application no.28774/22), an asylum-seeker facing imminent removal to Rwanda.

The Committee calls upon member States Governments to refrain from enacting legislation that contradicts the international human rights law and practice. All Council of Europe Member States must surely respect the provisions of the 1951 Refugee Convention at all times.

¹ Declaration proposed at the initiative of Lord Leslie GRIFFITHS (UK, SOC), Rapporteur on "70th anniversary of the 1951 Refugee Convention: The Council of Europe and the international protection of refugees" (Resolution 2408 (2021))

² European Convention on Human Rights (ECHR)