

FOLLOW UP TO THE PREVIOUS REVIEW

1. Amnesty International is deeply concerned at the regressive trend in the protection and fulfilment of human rights in the UK since the last review in 2017.¹ The cumulative impact of developments including the Nationality and Borders Bill, Police, Crime Sentencing and Courts Bill, Judicial Review and Courts Bill, the pending Human Rights Act repeal, and proposals for a *de facto* amnesty for grave human rights violations committed during the Northern Ireland conflict,² would restrict avenues for dissent and holding the state to account.
2. In Northern Ireland also, no progress has been made in the adoption of a Bill of Rights, however, there has been some welcome progress relating to same-sex marriage and access to abortion³.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

3. The government's 2021 proposals to replace the Human Rights Act 1998 ('HRA') with a less protective Bill of Rights⁴ would result in a significant curtailment of domestic rights protections.⁵
4. The HRA incorporates into domestic law rights set out in the European Convention on Human Rights, giving them practical effect. The new Bill of Rights would not do so. It specifically proposed that the rights therein will no longer be 'Convention rights', and that it will not be necessary to interpret them in accordance with jurisprudence from the Strasbourg court. This would have the effect of returning the UK to pre-2000 levels of rights protection.
5. There is also a proposed 'democratic shield' where Parliament would debate and vote on all adverse judgments from the Strasbourg Court against the UK.⁶
6. Cuts in funding to the UK's National Human Rights Institutions (NHRIs) are undermining their efficacy and status. The Global Alliance of National Human Rights Institutions (GANHRI) concluded that cuts to the funding of the Northern Ireland Human Rights Commission (NIHRC) would prevent it from operating in full compliance with the Paris Principles⁷, and decided not to reaccredit it with 'A' status. GANHRI has "strongly recommended that an improved and sustainable position" be provided by the UK government before the end of the deferral period in 2022.⁸
7. No progress has been made in the adoption of a Bill of Rights in Northern Ireland, as stipulated by The Belfast Agreement of 1998.⁹ The proposed replacement of the HRA with a Bill of Rights that is less protective than the ECHR would significantly affect this Agreement, since the UK therein committed to "*complete incorporation into Northern Ireland law of the European Convention on Human Rights*".
8. Legislation was introduced to restrict judicial review challenges, which are the primary means through which victims of human rights abuse secure justice¹⁰. Access to justice had already been reduced by the restrictions on legal aid¹¹.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Counter Terrorism and Policing

9. The Police Crime and Sentencing Bill¹² gives increased police and ministerial powers over public order situations, which may unduly restrict the right to peaceful assembly and further entrench racial discrimination, including against Gypsy and Roma traveling communities.¹³
10. Official public guidance on the appropriate thresholds and circumstances for Taser use by police remains weak.¹⁴ Recent cases of individuals dying after being tasered by police have highlighted the risks associated with the misuse of these electro-shock weapons.¹⁵

11. The Counter-Terrorism and Border Security Act 2018 introduced several draconian measures which limit the rights to privacy, liberty and security and freedom of expression, among others.¹⁶
12. The Counter-Terrorism and Sentencing Act 2021 amended the existing Terrorism Prevention and Investigation Measures (TPIM) regime, effectively recreating the previous stricter control order system.¹⁷ TPIMs can amount to deprivation of liberty and involve restrictions on the rights to privacy, expression, association and movement, and the changes will lead to violations.¹⁸

Racial Discrimination

13. In 2021, the Government launched a review of the duty in the Counter-Terrorism and Security Act 2015 to prevent people from being drawn into acts of terror. The Prevent duty had been criticised for its chilling effect on freedom of expression and the targeting of Muslims, and by UN experts and UK parliamentary committees.¹⁹ NGOs including Amnesty International and hundreds of groups from Muslim and other communities withdrew their participation in the review which failed to show necessary impartiality and to engage meaningfully with affected communities.²⁰
14. The Government continues to deny any institutional racism, as demonstrated by the analysis of the UK's Commission on Race and Ethnic Disparities published in 2021, which was condemned by UN Special Procedures.²¹
15. Police forces continue to use predictive policing technologies which have a severely discriminatory impact on young men particularly from black, Asian and minority ethnic (BAME) backgrounds.²²
27. Despite belated steps to correct some injustice relating to the Windrush scandal,²³ the Government continues to exclude many thousands of British people from their citizenship rights, most of whom were born and lived all or nearly all their lives in the UK.²⁴
28. This coincides with increasing powers and their greater use to strip people of citizenship even where someone is left without any nationality or without the nationality of a country to which they are meaningfully and effectively connected.²⁵
16. The Police Crime and Sentencing Bill will likely increase racial discrimination within policing and the wider criminal justice system. Its proposed Serious Violence Statutory Duty on public authorities to disclose information to the police repeats the same failings identified in gangs profiling systems, which were found to be discriminatory against the Black community.²⁶

Rights of Refugees

17. The Government's Nationality and Borders Bill²⁷ profoundly and systematically conflicts with the UK's international obligations to respect, protect and fulfil the rights of refugees and people seeking asylum, including the UN Convention relating to the Status of Refugees and its 1967 Protocol.²⁸
18. This assault on the Refugee Convention is founded upon a determination to avoid responsibility for providing asylum which the UK nonetheless expects others to fulfil. Ministers assert that asylum claims must be made in so-called 'first safe countries'.²⁹ The situation is harmful to the modest number of people seeking asylum in the UK and is exacerbated by the fact that the UK's asylum system is struggling under the strain of self-imposed backlogs.³⁰

Modern Slavery

19. The Nationality and Borders Bill will make refugees and other people seeking asylum more vulnerable to human trafficking and exploitation.³¹ It contains measures to restrict protection and support for victims of modern slavery and to penalise failure to meet procedural requirements imposed on anyone seeking to establish they are a victim.³²

Business and Human Rights

20. The Modern Slavery Act 2015 contains reporting requirements for businesses (Section 54) which lack clarity, guidance, monitoring and enforcement in modern slavery statements, all of which need to be addressed to increase compliance and quality.³³
21. The human rights impact overseas of the UK's strategic export control system remains concerning,³⁴ specifically the licensing and supply of military and security equipment and related goods and technology and services.³⁵ The Government continues to apply an overly narrow and restrictive threshold test to its obligations to prevent the transfer of military equipment and related goods and technology where there is a clear risk that those items might contribute or facilitate serious violations of international humanitarian and human rights law.³⁶

Failures of accountability and openness

22. The UK has failed to deliver an independent judge-led inquiry into UK complicity in US torture and rendition of individuals as part of the so-called 'war on terror'³⁷. The Intelligence and Security Committee ('ISC') of parliament, tasked with investigating the large body of evidence of abuses, reported in 2018 that its conclusions were necessarily incomplete because the government had prevented it from interviewing multiple witnesses.³⁸ In 2019 the government announced that it had decided it was not necessary (or legally obliged) to conduct a further inquiry.³⁹
23. In 2019 the government released an updated version of what is now known as *'The Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees.'*⁴⁰ These still fail to meet the UK's human rights obligations, including a lack of clarity over whether Ministers consider themselves to have discretion to authorise action which they know or believe will result in torture.⁴¹
24. For more than 20 years, successive UK governments have failed to establish comprehensive human rights compliant mechanisms to deal with the legacy of conflict in Northern Ireland. The Stormont House Agreement (SHA) 2014, completed after lengthy negotiations with the Irish government and the five main NI political parties, offered, with some further work, a way forward capable of discharging the UK's human rights obligations.⁴²
25. However, the UK Government has unilaterally abandoned the SHA. In July 2021, it published plans to legislate for a *de facto* amnesty for grave human rights violations committed during the conflict: The paper indicates legislation that would end all Northern Ireland conflict-related 'judicial activity', such as current and future prosecutions, inquests, civil actions, and investigations.⁴³ These proposals breach UK domestic and international human rights obligations, unduly interfere in the justice system and undermine the rule of law.⁴⁴

Rights of Women and Girls

26. The UK Government's Domestic Abuse Act (2021) almost entirely ignores the specific needs of migrant women⁴⁵, who continue to have no safe pathway to report domestic abuse to the police without fear of immigration enforcement; and few routes to regularise their immigration status and secure public funds, which are essential for accessing refuge services and other support.
27. The UK has still not ratified the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), despite announcing it would do so.⁴⁶
28. The introduction of the new Police, Crime, Sentencing and Courts Bill raises concerns for those who have suffered or are at risk of gender-based violence. The provision on "extraction of information" would give police the authority to trawl through years of victim phone and email communications. This would leave them facing an impossible choice – the pursuit of justice or the protection of their privacy; and may result in their re-victimisation by the very services intended to protect them.⁴⁷

Trans and non-binary people

29. The UK Government failed to reform the Gender Recognition Act to allow for self-identification and to remove dehumanising medical requirements to enable trans and non-binary individuals to have their gender legally recognised.⁴⁸

Reproductive Health and Rights

30. In June 2018 the UK Supreme Court found that Northern Ireland's abortion law breaches Article 8 of the ECHR by not allowing abortions in cases of rape, incest or fatal foetal impairment.⁴⁹
31. In July 2019, the Northern Ireland (Executive Formation etc) Bill was passed by the UK Parliament. This legislation repealed sections 58 and 59 of the Offences Against the Person Act (1861), and abortion was decriminalized, taking effect on 22 October 2019. The Abortion (Northern Ireland) Regulations 2020 came into force on 31 March 2020.⁵⁰
32. In July 2021, given the failure of Northern Ireland Health Minister to commission and fund services in line with the new framework, the Secretary of State for Northern Ireland directed authorities to make abortion services available in Northern Ireland as soon as possible, and no later than 31 March 2022. On 24 March, the Secretary of State confirmed that the UK Government is preparing further regulations to directly commission abortion services if progress is not made directly following Northern Ireland Assembly elections in May 2022.⁵¹

The right to adequate housing

33. While there has been significant development in law, policy and practice in terms of housing and homelessness, local authorities in England still do not bear a duty to offer housing to everyone who is homeless or threatened with homelessness: They have a statutory duty to secure accommodation only for households who are 'statutorily homeless'. This means that they should be free from immigration restrictions ('eligible'), 'in priority need' and 'unintentionally homeless'. There were around 22,000 homeless households in 2020/21 who were deemed either not to be in priority need or to be "intentionally" homeless.⁵²

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International urges the Government of the United Kingdom to:

Human Rights Framework

34. Abandon proposals to replace the Human Rights Act 1998 with a Bill of Rights and commit to continued domestic incorporation of ECHR rights.
35. Legislate to remove the presumption in favour of prospective only quashing orders from the Judicial Review and Courts Bill, and ensure such remedies are only used in exceptional circumstances where they serve the interests of justice and provide an effective remedy for all affected persons
36. Provide adequate funding to all UK National Human Rights Institutions and ensure that they are not subject to financial control which might affect their independence and ability to promote and enhance human rights.

Counter terrorism and Policing

37. Repeal Part 3 (Public order) of the Police Crime and Sentencing bill introducing restrictions on legitimate peaceful protest that are not proportional, or necessary, may lack lawful basis and are incompatible with the UK's international human rights obligations.
38. Take meaningful action to eliminate racism in police use of force, including in the use of Taser. Strengthen guidance on Taser to ensure it remains a specialist piece of less lethal equipment and its use is restricted to imminent life threatening situations that cannot be contained through less extreme options.

39. Amend the Counter-Terrorism and Border Security Act 2018 to repeal offences relating to entering or remaining in a designated area and expanding criminalization of expression; and remove the new Terrorism Act 2000 port and border controls allowing suspicion-less stops to determine if an individual may be engaged in hostile state activity.
40. Scrap the Terrorism Prevention and Investigation Measures regime; or reverse regressive changes made, by reinstating the previous standard of proof, limits on the number of times an Order can be renewed and limits on the maximum hours of curfew that may be imposed.

Racial Discrimination

41. Abandon the approach of denying institutional racism.
42. Reform the Serious violence duty in the Police Crime and Sentencing Bill to safeguard data protection and remove the Police led approach. Scrap the introduction of Serious Violence Reduction Orders (SVROs).
43. Ensure that citizenship rights are accessible to all British people by removing prohibitive barriers to citizenship registration including fees and good character requirements.
44. Restrict powers to strip citizenship including by ensuring that nobody is made stateless or left without citizenship of a country with which they have a close connection

Rights of Refugees

45. Abandon the asylum provisions of the Nationality and Borders Bill.
46. Affirm the UK's commitment to the Refugee Convention and share responsibility with other nations for providing asylum, including by establishing safe and legal routes for people seeking asylum in the UK (particularly where they have family and other close connection to the UK).

Modern Slavery

47. Abandon the modern slavery provisions of the Nationality and Borders Bill which restrict access to support and protection for victims of modern slavery in the UK.

Business and Human Rights

48. Transform the Modern Slavery Act 2015 'Transparency in Supply Chains' reporting requirement into a mandatory human rights due diligence requirement to ensure that businesses tackle modern slavery more effectively.
49. Overhaul the strategic export licensing system to ensure UK military equipment and related goods, technology and services are not transferred where there is clear risk they might be used to commit or facilitate serious violations of international human rights law. Bring the provision of training formally within the export licensing system.

Failure of accountability and openness

50. Hold a fully independent and human rights compliant judge-led investigation into allegations of UK involvement in abuse of detainees held overseas.
51. Abandon the unilateral and deeply concerning approach to dealing with the legacy of the Northern Ireland conflict and revert to the Stormont House Agreement which, with further work, provides a way forward capable of discharging the UK's human rights obligations.

Rights of women and girls

52. Ensure *all* survivors of domestic abuse can equally access support, welfare systems and legal tools that provide protection from abuse, without discrimination on any grounds, including immigration status.
53. Promptly ratify the Istanbul Convention

Trans and non-binary people

54. Immediately reform the Gender Recognition Act in all parts of the UK, based on international human rights standards.

Reproductive Health and Rights

55. Urgently commission abortion services in Northern Ireland in line with the new framework.

Right to Adequate Housing

56. Amend the Housing (Homeless Persons) Act 1996 Part 7 to abolish the criteria of ‘priority need’ and ‘intentionality’ for determining entitlement to housing; and ensure that everyone who is homeless and unable to provide for themselves is provided with housing, while prioritising those most at risk of abuse, exploitation, and other human rights violations.

1 See *United Kingdom: Weakening Protections: Amnesty International submission for the UN Universal Periodic Review – 27th Session of the UPR Working Group, 13 January 2017* <https://www.amnesty.org/en/documents/eur45/5488/2017/en/>

2 UK Government Policy Paper, Addressing the Legacy of Northern Ireland’s Past, 14 July 2021 <https://www.gov.uk/government/publications/addressing-the-legacy-of-northern-irelands-past>

3 Same-sex marriage in Northern Ireland has been legal since 13 January 2020, following the enactment of the Northern Ireland (Executive Formation etc) Act 2019. See further in this submission for information on access to abortion.

4 See <https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights/human-rights-act-reform-a-modern-bill-of-rights-consultation>

5 This follows earlier reduction in domestic rights protection following withdrawal from the European Union. The government chose to cut out the EU Charter on Fundamental Rights from its otherwise wholesale carry over of existing EU law into domestic legislation in 2018. (See in particular the exception for the Charter of Fundamental Rights in s.5(4) of the EU Withdrawal Act 2018 which otherwise retained EU law into domestic law.) In part, this was justified by reliance on the continuing effect of the ECHR domestic law through the HRA5 – ignoring the broader range of protections which the Charter provided.

6 See Proposals at [316]. It is yet unclear whether this amounts to a proposal that Parliament vote against implementing such judgments or something else.

7 UN General Assembly Resolution 48/134

8 GANHRI Sub-Committee on Accreditation Report, October 2021 https://ganhri.org/wp-content/uploads/2021/12/SCA-Report-October-2021_EN.pdf; and Letter to Amnesty International UK from Alyson Kilpatrick, Chief Commissioner re: Deferral of the NIHR’s ‘A’ Status, 26 November 2021

9 The Belfast Agreement, 1998 <https://www.gov.uk/government/publications/the-belfast-agreement>

10 Judicial Review and Courts Bill 2022. And <https://www.amnesty.org.uk/files/UN%20Period%20Review%20May%202017.pdf> (see p.7). The Bill introduces a presumption in favour of prospective-only remedies when a claimant wins a legal challenge showing the state has acted unlawfully. This means Courts conferring validity on those unlawful acts, substantially tying the hands of the judiciary and effectively shielding the Executive from proper accountability. Victims of human rights violations may not get an effective remedy.

11 As described in Amnesty International’s submission to the last Review, available at <https://www.amnesty.org.uk/files/UN%20Period%20Review%20May%202017.pdf> (see p.7)

12 At the time of writing, this Bill is completing its parliamentary process.

13 The Bill introduces new police and ministerial powers to impose restrictions on both static and mobile assemblies including one-person demonstrations. It also increases the level of criminal sanction imposed on both organisers and participants as well as creating a new criminal offense affecting anyone who “ought to have known” that restrictions had been in put in place. Ministers are empowered also under this bill to issue regulations in these areas via secondary legislation. Subjective, vague and extensive powers such as these are inherently open to wide ranging interpretation, discriminatory outcomes, abuse and misuse. General comment no. 37 (2020) on the right of peaceful assembly (article 21) by the Human Rights Committee stipulates: “State parties should not rely on a vague definition of “public order” to justify overbroad restrictions on the right of peaceful assembly. Peaceful assemblies can in some cases be inherently or deliberately disruptive and require a significant degree of toleration.

14 The guidance is weak for example on: prolonged exposure, its use in combination with other force, and its impact on vulnerable population groups such as children and young people, the elderly, those with mental health concerns, and its impact on Black, Asian and minority ethnic people.

15 Two specific cases involving the death of an individual have highlighted the risks associated with the misuse of these electro-shock weapons. In January 2020, an inquest into the death of Marc Cole concluded Taser played a role in his death after the Taser was discharged for a total of 43 seconds. In June 2021, a Jury convicted a Police officer of unlawfully killing Dalian Atkinson, a Black former professional footballer, after he was repeatedly kicked and beaten whilst subjected to multiple taser shocks lasting 33 seconds. In both these cases, excessive multiple shocks from the Taser, beyond the default 5 second shock cycle, when combined with other use of force were cited as contributory factors in their deaths. The Death of Dalian Atkinson continued to highlight acute racial discrimination within Taser use where Home Office statistics for 2019/20 showed that Black people were eight times more likely than White people to experience Taser being drawn on them or discharged, see <https://news.nppc.police.uk/releases/disproportionality-in-police-use-of-taser-independent-panel-chair-announced>. See also <https://www.northants.police.uk/news/northants/news/news/2019/august-19/northamptonshire-police-is-the-first-police-force-in-the-country-to-arm-all-frontline-officers-with-tasers/>

16 A new offence of entering or remaining in a designated area (determined by the Secretary of State) overseas failed to introduce proper exceptions for such circumstances as young people who have been groomed, or those entering to document human rights abuses (A late amendment from the House of Lords provided an exception for humanitarian aid workers.). The Act also expanded criminalisation of expression by: (i) lowering the threshold for criminalisation in the offence of ‘inviting support for a proscribed organisation’ to include recklessness as to whether the speech in question does encourage anyone to support such an organisation; and (ii) prohibiting the publishing online of an image of any item (including an item in a private home) which, in the circumstances, arouses suspicion that the person may be a supporter or member of a proscribed organisation. Such developments are contrary to the UK’s stated support for recommendation 134.62 (Botswana) at the last UPR that all new laws, including counter-terrorism measures, be in accordance with those obligations. The Act also extends the existing problematic framework for port and border stops and detention under schedule 7 of the Terrorism Act 2000 to cover ‘hostile state activity’.

17 Removing key safeguards and restrictions on this most serious exercise of administrative discretion, the Act lowered the standard of proof for imposition of such orders, removed the limit on the number of times they could be reimposed on the basis of the same (increasingly old) evidence and removed the restriction on the number of hours of curfew (house arrest) an individual could be placed under. See Amnesty International UK’s evidence to the Public Bill Committee - <https://publications.parliament.uk/pa/cm5801/cmpublic/CounterTerrorism/memo/CTS07.pdf>

18 Additionally, the procedure for challenging their imposition is inadequate as it allows the government to rely on secret material which is not disclosed to the individual concerned or their lawyer of choice. See Amnesty International United Kingdom, *The Terrorism Prevention and Investigation Measures Bill 2011: Control Orders Redux*, <https://www.amnesty.org/en/documents/eur45/007/2011/en/>

19 See for example the Counter-Extremism Report of the Joint Committee on Human Rights, 22 July 2016, at <https://publications.parliament.uk/pa/jt201617/jtselect/jtrights/105/105.pdf>, and the from the last UPR, the recommendation by Malaysia [134.128]. See also Statement of the UN Special Rapporteur on contemporary forms of racism at the conclusion of her Mission to the UK, May 2018 https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/SR/EndofMission_UK_2018.docx

20 See press release <https://www.amnesty.org/en/latest/news/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/>

[review-of-prevent/](https://www.gov.uk/government/publications/the-report-of-the-commission-on-race-and-ethnic-disparities)

21 <https://www.gov.uk/government/publications/the-report-of-the-commission-on-race-and-ethnic-disparities> This report was rightly condemned by the UN Working Group of Experts on people of African Descent for amongst other things attempting to sanitise slavery and deny the existence of institutional racism, see <https://www.ohchr.org/en/press-releases/2021/04/un-experts-condemn-uk-commission-race-and-ethnic-disparities-report>

22 Amnesty UK, Trapped in the Matrix: Secrecy, Stigma and Bias in the Met's Gangs Matrix, May 2018 <https://www.amnesty.org.uk/files/2018-05/Inside%20the%20matrix.pdf?VersionId=VtHJ.NawP4favLWw0mjswpaS5tRrPneB;>

23 British people, mostly BAME people, long settled in the UK, were wrongly deprived of their citizenship rights and treated as migrants requiring permission to be in the UK leading to their wide exclusion from social and political life, in some instances detained, expelled and exiled from the UK; Amnesty International evidence to the Windrush Lessons Learned Review: <https://www.amnesty.org.uk/files/Resources/AIUK%20to%20Home%20Office%20Windrush%20Lessons%20Learned%20Review.pdf>; Government information here: <https://www.gov.uk/government/speeches/windrush-lessons-learned-review>

24 Their rights to British citizenship – as indeed all rights to British citizenship – are found in the British Nationality Act 1981. Note also that Meanwhile people – disproportionately BAME people – whose citizenship must be formally registered, have been increasingly blocked. The means by which this is done include mandatory fees of over £1,000 for people to exercise their right to be registered as a British citizen, a statutory requirement that anyone aged 10 or over must satisfy a 'good character' requirement to exercise that right and other administrative hurdles. This is briefly explained in the joint briefing of Amnesty International and the Project for the Registration of Children as British Citizens (PRCBC) for debate on citizenship rights during the passage of the Nationality and Borders Bill: <https://www.amnesty.org.uk/files/2022-02/NBB%20Amendment%20184%20Briefing.pdf?VersionId=4.wuEKzd3hzlOmY3xQQNr2lFVYcT.nYD>

25 This is explained further in the joint briefing of Amnesty International and the Project for the Registration of Children as British Citizens (PRCBC) for debate on deprivation of citizenship during the passage of the Nationality and Borders Bill:

https://www.amnesty.org.uk/files/2022-01/Nationality%20and%20Borders%20Bill%20Deprivation%20Briefing.pdf?VersionId=iGSwPBNIHtUOHUoOXs_xUBtMMbDyMX. A large and growing underclass of British people are therefore excluded from full social and political participation by effective withholding of their citizenship. The situation is not ameliorated by vital measures in the Nationality and Borders Bill which restore citizenship rights to British people long and unjustly excluded from these. <https://bills.parliament.uk/bills/3023>. See Part 1 of this Bill (though note regressive provisions on stateless children and deprivation of citizenship are to be found in that Part also).

26 Of particular concern are the further relaxation of data protection safeguards which were found by the Information Commissioners Office be widely misused and abused by police and local authorities in the running of the Metropolitan Polices, Gangs Matrix. <https://ico.org.uk/media/action-weve-taken/enforcement-notices/2260336/metropolitan-police-service-20181113.pdf>. Closely related are the new criminal sanctions, 'Serious Violence Reduction Orders' (SVRO), which inter alia, authorise additional use of stop and search and introduce an element of joint enterprise whereby people can be subject to an SVRO on the basis that they "ought to have known" another person was, for example, going to use a knife. The Government's own equalities impact assessment concluded that these measures would disproportionately target members of the black community. See for example the Home Office Impact assessment of 16 December 2020 stating that: "Some of the interventions as a result of this policy may disproportionately indirectly impact the Black, Male and young population, as we know these groups are more likely to be suspects of serious violence" (p.28) available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/967790/Serious_Violence_Duty_IA.pdf

27 Nationality and Borders Bill is, at the time of writing, nearing completion of its passage through Parliament.

28 Among the most concerning provisions of the Nationality and Asylum Bill are several that effectively criminalise asylum-seeking in the UK, criminalise humanitarian assistance to people seeking asylum including at sea; exempt dangerous immigration enforcement action at sea from criminal and civil liability; enable use of offshore processing as long done by Australia on the islands of Manus and Nauru; enable expanded and widespread use of detention and detention-like accommodation in the asylum system; introduce unilateral and unlawfully restrictive interpretations of the Refugee Convention; direct official and judicial decision-makers to treat credibility and evidence of people seeking asylum as damaged and of minimal weight; and permit most refugees to be arbitrarily deprived of full and equal enjoyment of their rights under the Refugee Convention and arising from their status. Some of the key concerns regarding these provisions are addressed in Amnesty International's submission to the Joint Committee on Human Rights for its legislative scrutiny of this Bill: <https://committees.parliament.uk/writtenevidence/39352/pdf/>

29 This is summarised in UNHCR's observations on the Nationality and Borders Bill, Bill 141, 2021-22, October 2021, paragraphs 3-5: <https://www.unhcr.org/615ff04d4/unhcr-legal-observations-nationality-and-borders-bill-oct-2021>. This troubling attitude is exemplified in recent Government responses: For example, it is behind the belated, piecemeal and inadequate response of the UK to Ukrainian refugees, lagging far behind that of the UK's former EU partners. It is behind the slow and ineffective response to people fleeing the Taliban takeover in Afghanistan. It is similarly behind the response to the relatively small number of people who seek asylum in the UK by crossing the Channel by boat.

30 The Government has greatly exacerbated delays and backlogs in the asylum system by failing to sure asylum claims are determined fairly, effectively and in a timely manner; and by refusing admission into the asylum system on the grounds that people will be transferred to other countries even though this is and has proved impracticable. Amnesty wrote to Ministers about this latter in 2020: <https://www.amnesty.org.uk/resources/amnesty-uk-letter-immigration-minister-ministers-reply-regarding-immigration-rules>

31 See Amnesty International and Migrant Voice's joint submission to the Nationality and Borders Bill Public Bill Committee, e.g. paragraphs 11-15; and 41-43: <https://bills.parliament.uk/publications/42865/documents/708>

32 Part 5 of the Nationality and Borders Bill

33 As recommended in the 2019 report of the Independent Review of the Act, companies should not be able to state they have taken no steps to address modern slavery in their supply chains - as the legislation currently permits - and the reporting areas currently recommended in the guidance should be made mandatory. See the final report and recommendations of the independent review of the Modern Slavery Act 2015, 22 May 2019 <https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report>

34 For example, In June 2019, the Court of Appeal ruled that UK arms export licensing to Saudi Arabia, and the subsequent use of this equipment in the conflict in Yemen was unlawful, given there was clear evidence of serious violations of international law taking place. Following a Court ordered review of export licensing decisions to Saudi Arabia, the UK government, in July 2020, the Government announced it was resuming export licensing to Saudi Arabia,³⁴ At the time of writing, this decision is subject to ongoing legal challenge.

35 especially given the UK's position as a prominent global supplier of this equipment and services.

36 See Annex 2, recommendation by Peru, 134.132

37 Contrary to recommendation 134.135 that it investigate and "take action on allegations of complicity of British military personnel in the ill-treatment of civilians and detainees overseas" (Kenya) – see Annex 2

38 On the (only partial) evidence it had seen, and even with its institutional limitations on independence, it concluded there were hundreds of cases between 2001 and 2010 where UK personnel witnessed or were informed of mistreatment of detainees and yet continued to supply interviewers with intelligence of questions, or to receive intelligence from them. It also found that UK intelligence had endorsed the US rendition programme and facilitated it. ISC Reports on 'Detainee Mistreatment and Rendition', June 2018, <https://isc.independent.gov.uk/publications/>

39 18 July 2019, Hansard Col 973 <https://hansard.parliament.uk/commons/2019-07-18/debates/86F17839-026E-4F7A-9E1C-06C7219621E5/Detainees>. In a legal challenge to that decision, closed material procedures were ordered by the Court. These procedures essentially allow the relevant court or tribunal to consider secret material presented by UK authorities in closed hearings from which the claimant/appellant is excluded. Such material is withheld from the other party, their lawyer of choice, and the public, none of whom has access to the closed hearing. Instead, a Special Advocate is appointed to represent the interests of the excluded party in the closed part of the hearing. Amnesty continues to be concerned by their use in such cases, insulating the government from effective human rights challenge.

40 See at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818306/20190718_The_Principles_relatig_to_the_detention_and_interviewing_of_detainees_overseas.pdf

41 See the ISC comment on this Guidance https://isc.independent.gov.uk/wp-content/uploads/2021/01/20180628_ISC_Current_Issues_Report_Press_Release.pdf

42 <https://www.gov.uk/government/publications/the-stormont-house-agreement>

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LANGUAGE: ENGLISH

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43 <https://www.gov.uk/government/publications/addressing-the-legacy-of-northern-irelands-past>

44 Amnesty International has been unequivocal in its opposition to these proposals, including at the UN Human Rights Council. Amnesty International Oral Statement: UK Government Moves to Legislate for de facto grave human rights violations committed during the Northern Ireland conflict, 16 September 2021

<https://www.amnesty.org/en/documents/eur45/4719/2021/en/> Concerns have been raised also by the UN and the Council of Europe Commissioner on Human Rights UK: UN experts voice concern at proposed blanket impunity to address legacy of “the Troubles” in Northern Ireland, 10 August 2021 <https://www.ohchr.org/en/press-releases/2021/08/uk-un-experts-voice-concern-proposed-blanket-impunity-address-legacy> ; Council of Europe Commissioner for Human Rights, letter: UK government’s legacy proposals must not undermine human rights and cut off victims’ avenues to justice in Northern Ireland, 23 September 2021 <https://www.coe.int/en/web/commissioner/-/northern-ireland-legacy-proposals-must-not-undermine-human-rights-and-cut-off-victims-avenues-to-justice>

45 <https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted> and <https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/campaign-with-us/domestic-abuse-bill/>

46 <https://www.gov.uk/government/publications/istanbul-convention-implementation-progress-report-2021/istanbul-convention-5th-progress-report-2021-accessible-web-version>. The UK government, acknowledging this gap in the passage of the Bill, launched a one-off fund to be administered by a domestic abuse charity working with migrant women survivors however, this was a short-term fix and does not offer migrant survivors the long-term, equal protection they desperately need Hence, the 4(3) of the Convention on Non-discrimination on the Grounds of Migrant or Refugee status remains unfulfilled also due to migrant women continuing to be denied recourse to public funds

47 The Serious Violence Reduction Orders (SVROs) introduced as part of the Police, Crime, Sentencing and Courts Bill, to combat knife crime – and as currently drafted - could be imposed on women in coercive relationships, who had no involvement in the alleged offence, effectively criminalising them for their association with their partner.

48 <https://www.gov.uk/government/news/government-responds-to-gender-recognition-act-consultation>

49 UK Supreme Court, *In the matter of an application by the Northern Ireland Human Rights Commission for Judicial Review*, June 2018, <https://www.supremecourt.uk/cases/uksc-2017-0131.html> This position was affirmed in litigation in the Belfast High Court taken by Amnesty International and Sarah Ewart: <https://www.judiciaryni.uk/judicial-decisions/2019-niqb-88>. See also 2018 recommendation by the UN Committee on the Elimination of Discrimination against Women that the UK Government decriminalise the abortion law in Northern Ireland <https://www.gov.uk/government/publications/the-belfast-agreement>

50 These provided for: Abortion on request until the 12th week of pregnancy; Abortion until the 24th week if the continuation of the pregnancy would involve a risk to the pregnant person’s physical or mental health greater than that of termination; Abortion with no upper gestational limit if there is a risk of death or grave permanent injury to the pregnant person; and Abortion with no upper gestational limit in cases of severe or fatal fetal impairment, NI Exec Formation Bill <https://bills.parliament.uk/bills/2437>

51 <https://questions-statements.parliament.uk/written-statements/detail/2022-03-24/hcws716>

52 Homeless Monitor 2022