

STOP THE RIGHTS RAID

Week of Action 10-17 October 2021. Activists briefing - Summer 2021 (this briefing will be updated)

Your human rights are your personal freedoms. You can't see or touch them, but they should always have your back. Think of them as your invisible armour. If you don't find yourself thinking about your rights much, that's a good sign that they're there for you and doing what they should be: making you feel safe, accepted and free to enjoy your life with dignity and without fear. But what if someone quietly took your armour away, bit by bit, and you didn't realise until it was too late? How would you protect yourself?

That's what's happening right now, right under our noses - and the UK government doesn't want you to know about it. As we speak, they are trying to introduce new laws and make changes to existing ones that will result in less freedom for ordinary people, more power for people in authority, and even greater inequality in our society. These changes will also make it harder for you to stand up for yourself if your human rights are being abused. And on top of that, in many cases it will be society's most vulnerable people who are the worst hit by the changes. Our freedoms are under attack from all angles: this is a raid on our rights.

If you're still not sure what all this means in practice, you're not alone. That's exactly what people in power want, as a lack of public understanding makes it easier for them to sneak through changes that will negatively affect people's lives without them realising (until it's too late). We're here to shout about the changes and make sure as many people as possible are aware of them, as we need your help to fight them.

Join us for a Week of Action from the 10-17 October to tell your MP to Stop the Rights Raid. Here are some examples of what's at risk in the UK Government's rights raid.

The Police, Crime, Sentencing and Courts Bill

You could lose your right to peacefully protest against things you believe are wrong

The right to protest is fundamental to a free and fair society. In its current form, the Police, Crime, Sentencing and Courts Bill for England and Wales, would be an enormous and unprecedented extension of policing powers which would put too much power in the hands of the state, by effectively giving both police and Government ministers the powers to ban, limit or impose any condition on peaceful protests - on the grounds that they might be 'noisy' or cause 'annoyance.'

The Bill not only targets the organisers of any protest, but also anyone who takes part in them on the basis that they "ought to have been aware" of any restrictions, conditions or prohibitions placed on any given event, risking criminalising large numbers of people for activities that otherwise would be perfectly lawful.

Our rights, enshrined in international and domestic law, can only be infringed in very limited circumstances considered to be both proportionate and necessary. Measures in this Bill are neither. Police already have wide ranging powers to manage public order and prevent public assemblies from causing serious harm. This Bill sets out to crackdown on explicitly nonviolent dissent.

This will likely disproportionately impact minoritised people and increase the racism and discrimination that is experienced by many. The thresholds in the Bill that will be applied to

any policing action are vague, undefined and open to such wide ranging and discretionary interpretation that they will give rise to even more inconsistent approaches to how protests and demonstrations will be managed in future.

Communities who already face wide ranging racist and discriminatory over policing will likely be at even greater risk. Already, research by the UK Parliament's Joint Committee on Human Rights shows that [85 % of Black people in the UK are not confident that they would be treated the same as a white person by the police.](#)

This is worsened by other parts of the Bill, including greater police powers to enhance stop & search and to collect and share information, all of which are likely to entrench institutional racism within the criminal justice system. These structural inequalities need to be dismantled not re-built.

We are concerned by restrictions on the right to roam which would seriously affect Gypsy, Roma and Traveller communities who could see their entire way of life criminalised. These proposals risk further criminalising homelessness or protesters using nonviolent occupations, peace camps or sit-ins to challenge injustice.

This Bill covers a huge number of things, many of which have been heavily criticised by different sectors and requires a serious rethink. In many ways, it is so problematic that it would better be that it was dropped. Any welcome provisions in it could be delivered through different legislation. If the Bill proceeds, we are calling, alongside over 250 civil society organisations and 700 legal academics and counting, for the removal of [Parts 3 and 4](#) of the Bill that relate to protest and the right to roam. We are similarly calling for the removal of measures relating to enhanced stop and search powers and data gathering and sharing requirements, which if enacted would likely increase structural racism and discrimination in the criminal justice system. At an absolute minimum, the relevant parts of the Bill (Part 2 Chapter 1, Part 3, Part 4 and Part 10 Chapter 1) must be substantially amended.

Disappointingly the Bill has passed through the Commons, but this is not the end. In autumn the Lords will now have the opportunity to amend the Bill, before it returns to the Commons.

This Bill affects England and Wales directly, but people from Scotland and Northern Ireland will travel to London to protest. As Amnesty activists we are concerned about restrictions to freedom of expression and rights to assembly wherever they happen in Bogota, Bangalore, Belfast or Bristol.

The Human Rights Act Review

The Human Rights Act (HRA) is the flagship of the UK's Human Rights protections. It enshrines our freedoms in UK law, is binding on public bodies and means people can go to UK courts to have their rights upheld. In the UK it is our best way of accessing and enjoying the European Convention on Human Rights, which was agreed in the aftermath of the Second World War. This includes freedom of thought, belief and religion, freedom of expression, freedom of assembly and association and protection from discrimination in respect of these rights.

Over the centuries, ordinary people have fought for the rights we enjoy today. From helping victims of domestic abuse, to protecting confidential communications between lawyers and their clients – the HRA helps us to fight injustice and incompetence in the UK and hold those in power to account.

It's been used by hospital patients facing homelessness after discharge, rape survivors whose experiences haven't been properly investigated by the police, and disabled people whose right to dignity has been violated. We must not let politicians take away these universal rights at the stroke of a pen. As always, it's the most vulnerable who'll pay the heaviest price.

As the UK Government attempts to dilute human rights protections, the devolved administrations are trying to strengthen them with the further incorporation of international human rights law into Scotland and the renewed process for a Bill of Rights in Northern Ireland.

This is crucial because the HRA is a cornerstone of the UK's constitutional arrangements; it is embedded in the Scotland Act and the Wales Act which set up the Parliaments in Edinburgh and Cardiff and is fundamental to the Good Friday/Belfast Agreement and power-sharing and policing arrangements in Northern Ireland. The devolved administrations are opposed to any amendment to the HRA and any changes imposed on the Parliaments and Assembly will inflame tensions further.

Despite there being no need to amend the HRA, in December 2020 the UK Government launched a review into the Act. At first glance the review looks to be narrow and technical, focusing on the relationship between the UK courts and the European Court of Human Rights; the impact of the HRA on the relationship between the judiciary, executive and Parliament; and the implications of the way in which the Human Rights Act applies outside the territory of the UK, but this all leads into a much more fundamental question – why the government thinks there is a case for changing the HRA, other than to suit its own desire to limit checks and balances on its power. The outcome of the review should come in late Summer/early Autumn 2021.

Nationality and Borders Bill

The Nationality and Borders Bill was introduced to parliament in July 2021. This followed a public consultation on the Home Office's 'New Plan for Immigration'. 75% of those who responded to the consultation opposed the plans and yet the Government is ploughing ahead with turning these changes into law. It is clear Home Office ministers were only ever interested in a consultation if it might provide support for their ill-considered, unevicenced and deeply damaging plans. They did not get that.

This Bill will fatally undermine the right to asylum - both in the UK and elsewhere. It is reckless, deeply unjust and set to bring shame on Britain's international reputation. It will open the door to other countries also seeking to dismantle a global refugee system which has saved countless lives. What the Home Office should be doing, instead, is ensuring the UK asylum system is accessible and effective for all who need it, without discrimination or penalty, including by establishing safe routes for the relatively few people escaping persecution who wish to seek asylum in the UK.

The Bill itself covers several issues. The nationality element focusses on British nationality law and corrects a number of injustices, anomalies and historical inequalities that have deprived some people of British nationality that ought to be theirs. These changes will improve justice and help to secure the human rights of many British people and should be welcomed excluding the proposal to deprive stateless children born in the UK of their rights to British citizenship.

Most of the rest of the Bill will undermine the human rights of people affected by the UK's immigration laws and seeks to shut down the UK's asylum system, criminalising people for trying to reach a place of safety, in the process. If this Bill passes in its current form, the UK will have reneged on its international duties including under the 1951 Refugee Convention and provided a green light

for others to do the same. It will have significantly reduced the ability of people fleeing conflict and persecution to find safety in the UK. The UK already fails to share responsibility with the international community, for hosting refugees. Less than 1% of the world's refugees live in the UK and this country receives far fewer people seeking asylum than many of our neighbours, including France.

It is the human rights of everyone facing persecution to seek and receive asylum. There is no requirement that they do so in any particular country and they may need to cross multiple borders without permission to exercise their right to asylum. This right is enshrined in the 1951 Refugee Convention, which the UK helped to draft and was one of the first countries to ratify. It is the collective responsibility of all states, including the UK, to uphold and safeguard this Convention.

The government is attempting to unilaterally redraw jointly agreed and universally applicable human rights standards, by redefining the meaning of the 1951 Refugee Convention, both in terms of who it applies to and how such a person is treated. This means some refugees, for example those who travel independently to the UK, will be discriminated against and disadvantaged compared to others. Refugees and their family members may be penalised in several ways. This includes being granted a reduced period for which they may stay in the UK, additional conditions imposed on any permission to stay that is granted and unless family members are recognised as refugees themselves, they may be refused permission to stay or, be reunited here.

There are further penalties and exclusions that people seeking asylum will face, including isolation from the community in detention or other accommodation centres, being left in limbo while the Home Office seeks to persuade another country to take responsibility for them and their asylum claim and expulsion from the UK for 'offshore processing' of their asylum claim.

Neither the 1951 Refugee Convention, nor other international human rights standards, permit arbitrary discrimination between people entitled to asylum because of their shared status as refugees.

The proposals in this Bill will add complexity, delay, inequality, dysfunction and cost to the asylum system and to the wider immigration system. Far from tackling the scourge of human exploitation, including by organised crime, the Bill will further empower and enable abusers and leave women, men and children on whom they prey, more vulnerable.

Judicial Review and Sentencing Bill

In July 2021, the Judicial Review and Sentencing Bill was formally introduced to Parliament. This followed an independent review after which the Government published (and consulted on) their proposals. Judicial review is the means which ordinary people can ask judges to ensure that the government is acting lawfully and enforce their rights. While the Bill does not include quite as many restrictions on the ability of the judiciary in England and Wales to do that, and protect the rule of law, as was feared from the original proposals – nevertheless risks undermining Government accountability, potentially restricts what remedies Courts can give individuals and could allow public authorities to get away with unlawful activity. It also excludes people seeking asylum or facing deportation from fundamental legal safeguards.

The Bill is an incredibly complex and technical piece of legislation, so we are still doing much of the analysis. We hope to share more information when this is completed. The Bill only affects England and Wales.

If you have any questions or want more information, please email weekofaction@amnesty.org.uk