



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Franciscans International, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2024]

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\* Issued as received, in the language of submission only.



## **Human Rights Obligations of the United Kingdom of Great Britain and Northern Ireland on Migration and Asylum Seekers**

Franciscans International welcomes the opportunity to comment upon the plight of migrants and asylum seekers in regard to the oppressive legislation which has come into force in the United Kingdom of Great Britain and Northern Ireland. This legislation, just in the last three years, includes the Nationality and Borders Act 2022, the Illegal Migration Act 2023, and the Safety of Rwanda Act 2024, is an openly declared attempt to deter migrants and asylum seekers from attempting to journey to the United Kingdom of Great Britain and Northern Ireland.

The journey itself is often long and traumatic (1), and any hope of refuge in the United Kingdom of Great Britain and Northern Ireland is being replaced by despair at the thought not only of having their human rights being violated but being transported against their will to a country which the Supreme Court of the United Kingdom of Great Britain and Northern Ireland has in November 2023 declared as unsafe. (2)

The bill, later to become as the “Safety of Rwanda Act 2024,” was introduced alongside the United Kingdom of Great Britain and Northern Ireland-Rwanda Asylum Partnership Treaty. The bill, later to become the “Safety of Rwanda Act 2024,” was introduced alongside the United Kingdom of Great Britain and Northern Ireland-Rwanda Asylum Partnership Treaty. However, despite the United Kingdom of Great Britain and Northern Ireland’s Supreme Court’s previous finding that transferring asylum seekers to Rwanda would breach international and the United Kingdom of Great Britain and Northern Ireland’s law, the bill and treaty fail to address the protection gaps identified by the court. Once enacted, these measures will restrict the United Kingdom of Great Britain and Northern Ireland’s courts from properly scrutinizing removal decisions, leaving asylum seekers with limited room to appeal even if they face significant risks. (3)

On 14 May 2024, the Belfast High Court issued a ruling, in response to request for judicial review by the Northern Ireland Human Rights Commission on the incompatibility of various specified articles of the United Kingdom of Great Britain and Northern Ireland’s Illegal Migration Act 2023 with the European Convention of Human Rights. On 14 May 2024, the Belfast High Court issued a ruling, in response to a request for judicial review by the Northern Ireland Human Rights Commission on the incompatibility of various specified articles of the United Kingdom of Great Britain and Northern Ireland’s Illegal Migration Act 2023 with the European Convention of Human Rights. The Court found that there had been a diminution in respect of the rights enjoyed in each of the individual areas and concluded that the offending provisions should be disapplied. The Court also found that there was incompatibility in relation to removal, trafficking, and children, involving Articles 3, 4 and 8 of the Convention respectively. (4)

The findings of the judiciary whether in the above case or that of the Supreme Court in respect of Rwanda clearly show that the policy of the United Kingdom of Great Britain and Northern Ireland’s Government is in disaccord with international law and its human rights obligations.

In conclusion, Franciscans International calls on the United Kingdom of Great Britain and Northern Ireland’s Government to turn away from the policies identified by its own courts as being incompatible with international law and norms, and its human rights obligations. Without adherence to the fundamental dictum of *Pacta Sunt Servanda* the rule of law will continue to be weakened and inevitably lead to more tensions and conflicts in a world that is already seeing too much.

(1) Human Rights Council intersessional panel: High Commissioner urges rights of migrants in transit are upheld | OHCHR. The UN High Commissioner, Volker Türk has noted, “During their journeys – which could take months or even years and span multiple countries and regions – many live in the shadows, afraid to complain or seek support, denied access to healthcare, decent accommodation, and adequate living conditions”.

(2) Judgement of Supreme Court 15 November 2023 in R (on the application of AAA and others –v- Secretary of State for the Home Department (2023) UKSC 42

(3) See UN Press release, “UK’s newly passed ‘Safety in Rwanda’ bill is anything but safe: UN officials”, on 23 April 2024, available at <https://news.un.org/en/story/2024/04/1148901>

(4) See the ruling of Belfast High Court at [https://www.judiciaryni.uk/judicial-decisions/2024-nikb-](https://www.judiciaryni.uk/judicial-decisions/2024-nikb-35)

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