



## **Cloisters: Equality and Human Rights in Practice**

### **Time for Action - The Lawyers' Refugee Initiative**

Europe is experiencing the worst refugee crisis since World War II, with conflicts in Afghanistan, Iraq, parts of sub-Saharan Africa, Libya and Syria driving hundreds of thousands of people to flee overland and across the Mediterranean in search of refuge. In the wake of the escalating crisis in Syria, in particular, fear of refugees appears to have informed some voters' decision to back the Leave campaign in the recent referendum. The UK has accepted far lower numbers of immigrant refugees than many other EU countries. Some see this as a national shame but others see it as a bastion to be built higher and stronger. The fear of "swarms of immigrants", as Cameron infamously misspoke<sup>1</sup>, has certainly been fed by the tabloids' coverage of the desperate attempts of Syrians and others to reach these shores: The same leader writers urge their readers to weep over a dead child but to refuse sanctuary to one who is still alive. This parochialism is as misplaced as it is damaging - to those individuals in danger in their home countries and to the cohesion of our thriving multiracial society. Already it is spilling over into a dramatic increase in anti-immigrant hate crime, which the police state has increased five-fold since the Brexit vote<sup>2</sup>. Government action to date has been very slow and limited, with an initial refusal to commit to any specific number of refugees who would be welcomed here followed by a reluctant undertaking to accept 20,000 over five years. To put this in context, since the start of the Syrian crisis in 2011, around 105,000 Syrians have applied for asylum in Germany, compared with 7,000 in the UK. Most of them are likely to be accepted as refugees.<sup>3</sup>

### **The October Statement**

On 12<sup>th</sup> October 2015, 353 lawyers signed a public statement calling on the government to accept four basic principles in its approach to the refugee crisis. The signatories included

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<sup>1</sup> July 2015 – e.g. <http://www.bbc.co.uk/news/uk-politics-33716501>

<sup>2</sup> <https://www.theguardian.com/world/2016/jun/30/police-report-fivefold-increase-race-hate-crimes-since-brexit-result>

<sup>3</sup> <https://fullfact.org/immigration/ask-full-fact-germany-hasnt-accepted-800000-syrian-refugees/>

four former Law Lords, a former President of the ECHR, five former Court of Appeal judges, 105 QCs and many other barristers, solicitors and legal academics. Although the statement attracted significant media coverage and parliamentary interest, no formal response has yet been received. Much of the media coverage was hostile:

The *Daily Mail*, predictably, complained that “more than a third of signatories come from chambers specialising in human rights cases” and spoke of “fury after judges tell Cameron to take MORE refugees”;

*The Telegraph* opined that “luvvies and lawyers should shut up about the Syrian refugee crisis: It’s not unelected celebrities or middle-class human rights lawyers who have to live with the consequences if we open our doors”.

*The Guardian* and *The Independent* and *The Huffington Post*, by contrast, spoke of former judges “blasting” the government’s response to the crisis as ‘deeply inadequate’. Lord Walker, Sir Stephen Sedley and others wrote to *The Times* making the case for lawyers’ experience and expertise qualifying them to comment, and to be listened to by law and policy makers.

The carefully considered proposal was that, in order to meet the evil of trafficking and the mounting death toll for these desperate people, the following principles should be applied at once:

1. The United Kingdom should take a fair and proportionate share of refugees, both those already within the EU and those still outside it.
2. Safe and legal routes to the UK, as well as to the EU, need to be established.
3. Safe and legal routes within the EU, including the UK, need to be established.
4. There should be access to fair and thorough procedures to determine eligibility for international protection wherever it is sought.

### **Initial support**

Evidence in support of these Four Principles was submitted to the Home Affairs Enquiry into the Migration Crisis in October 2015, and the International Rescue Committee co-ordinated a high-level panel discussion at the House of Commons in December 2015 that endorsed their adoption.

On 4<sup>th</sup> January 2016, the 4 Principles received public support from many major charities, including Action Aid, Amnesty International, Christian Aid, Greenpeace, the International Rescue Committee, Islamic Relief, Liberty and Oxfam.

On 1<sup>st</sup> February 2016 a statement in support of the 4 Principles signed by over 120 leading economists was published.

An amendment to the Immigration Bill was tabled in the House of Lords at the committee stage on 3<sup>rd</sup> February 2016, aimed at enabling safe and secure passage to the UK for family members with urgent protection needs. It was backed by many of the NGOs who had spoken in January but - although its seconder, Baroness Hamwee, noted that the House will be likely to return to it at the report stage - it was not then agreed.

### **The impact of the Referendum**

The Brexit campaign's focus on immigration risks - now widely accepted to have been significantly overstated for political ends<sup>4</sup> - increased the temperature of this debate and imposed a temporary lull on active campaigning for the 4 Principles. The vocal rejection of expert advice by leading Leave campaigners created a climate in which rational argument was of limited use. The newspeak distortion of the language at the centre of the debate ensured that - at least temporarily - to underline the authority of those calling for policy reform served only to undermine them.

### **Recent developments**

Since becoming Prime Minister, Theresa May has scrapped the role of Minister for Syrian Refugees in the reshuffle. *The Huffington Post* reported government comment that the former minister's responsibilities will now be split across government departments, signalling a 'more holistic' approach to protecting refugees. It is difficult to see how this will improve the necessary urgency of action.

Unfortunately, the spate of recent terror attacks in Europe has further exacerbated popular aversion to refugees. This is a primal, visceral fear and the lines between

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<sup>44</sup> See e.g. <http://www.newstatesman.com/politics/uk/2016/06/watch-brexits-lies-unravel-nigel-farage-calls-350m-week-promise-nhs-mistake>; <https://fullfact.org/economy/11-februarys-bbc-question-time-factchecked/>; <http://www.telegraph.co.uk/news/2016/06/23/turkey-isnt-joining-the-eu-but-voters-are-right-to-be-angry/>;

terrorists, immigrants and refugees are becoming dangerously blurred. This is no less heartfelt than it is irrational. Consider the effect in Spain in August of a group of German tourists deciding to stage a stunt involving a ‘celebrity’ being chased through the streets by ‘paparazzi’ and a ‘flash mob’ of admirers: onlookers mistook the excitement for a terrorist attack, dived for cover and witnesses later described both shooting, and ‘masked men dressed in Arab clothes’, with awful certainty<sup>5</sup>. Now more than ever, therefore, there is a need for calm, rational information - but also for publicity for the truth.

The truth is that the UK is home to less than 1% of the world’s refugees. Out of more than 59.5 million forcibly displaced people worldwide, about 86% are living in developing countries, often in camps. Over 4.5 million people have fled conflict in Syria, and many more are displaced inside the country. Turkey is the biggest refugee hosting country in the world: It is currently giving sanctuary to 2.5 million Syrian refugees, while Jordan and Lebanon host 1.7 million between them. By the end of 2015, the UK had resettled 1,000 Syrian refugees.<sup>6</sup>

A major demonstration calling for action on the refugee crisis is planned for 17<sup>th</sup> September in London, organised by the NGOs and having the 4 Principles as its objective. The public, media and government response to this will provide a significant indicator of the direction of the prevailing wind. The UK cannot afford to isolate itself from the world and being part of the world means accepting at least some responsibility for the fate of its less privileged citizens.

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<sup>5</sup> Reported in *El Pais* (Madrid) and *The Week* 13.08.16

<sup>6</sup> Statistics from Refugee Council website, where sources are cited.