



Submission to the Joint Committee on Human Rights inquiry into the human rights implications of Brexit

Submission by René Cassin,

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The Human Rights Implications of Brexit

Introduction

In this submission, René Cassin seeks to assist the Joint Committee on Human Rights in their inquiry on the human rights implications of Brexit.

In section 1 we examine how Brexit will affect modern day slavery and human trafficking, particularly in terms of the transnational sharing of information and the need to review UK Acts which are derived from EU directives.

In section 2 we examine key issues that will affect asylum seekers, focusing on implications of hostility directed towards asylum seekers.

In section 3 we examine the effects of Brexit on Gypsy, Roma and Traveller (GTR) communities.

About René Cassin

René Cassin is a human rights organisation that promotes and protects universal human rights drawing upon Jewish experience and values. We campaign and educate on issues such as discrimination, asylum, modern day slavery, human trafficking and general human rights protections.

The organisation is named in honour of Monsieur René Cassin, a French Jew and Nobel Laureate who was one of the principal co-drafters of the Universal Declaration of Human Rights.

Section 1: Human Trafficking and Modern Day Slavery

1. The UK's obligations towards preventing human trafficking are currently enshrined in EU legislation. Notable examples include Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and the Council of Europe Convention on Action against Trafficking in Human Beings, 2005.¹
2. Theresa May has recently announced plans for a 'Great Repeal Bill', which will remove the European Communities Act 1972 and convert the body of existing EU laws into British law.² Parliament will then be able to amend or repeal these laws. We are concerned that EU directives such as the above may be called into question, thus rendering victims of modern slavery and human trafficking more vulnerable. We recommend that directives concerning human trafficking are examined in detail.

¹ Ewain B., 19 July 2016, 'Brexit and Human Trafficking: Three Areas for Concern', <https://stopscottishslavery.wordpress.com/2016/07/19/brexit-and-human-trafficking-three-areas-for-concern/> date of access: 1/10/16

² BBC News, 2 October 2016, 'Brexit: Theresa May to trigger Article 50 by end of March', <http://www.bbc.co.uk/news/uk-politics-37532364> date of access: 5/10/2016

3. Membership of EUROPOL and EUROJUST have been instrumental in helping the UK prosecute human traffickers and protect victims of human trafficking. However, as they are EU institutions, UK membership cannot be counted upon post-Brexit.³
4. During the past five years, the UK has been involved in 16 EUROJUST joint investigation teams dealing with human trafficking.⁴ Removal from EUROPOL and EUROJUST would render information sharing regarding human trafficking more costly and time consuming, as well as imply the loss of the European Arrest Warrant and the European fingerprint database (Eurodac).⁵
5. Given the cross-border nature of human trafficking, transnational cooperation is crucial.⁶ Brexit will therefore necessarily involve renegotiating the terms of information sharing. During the period of uncertainty while these negotiations take place, the ability to combat modern slavery and human trafficking may be significantly weakened.

Section 2: Brexit and Asylum Issues

1. Repealing the European Communities Act of 1972 (ECA) and enshrining EU law into British law, will allow Parliament to amend or revoke secondary legislation which derives therefrom. This includes a large body of legislation made under Section 2(2) of the ECA.
2. Asylum rights, which are contingent on Section 2(2) of the ECA, include the requirement of the Government to pay for an interpreter during asylum and human rights claims (*The Asylum (Procedures) Regulations 2007*) and the requirement of the Secretary of State to consider family unity when providing accommodation for asylum seekers (*The Asylum Seekers (Reception Conditions) Regulations 2005*).
3. It is crucial that primary legislation is kept in order to safeguard these rights and again we are concerned that EU directives such as the above may be called into question. We recommend that directives concerning certain asylum rights are examined with detail.

Section 3: Brexit and Gypsy, Roma and Traveller (GTR) communities.

1. The increase in hate crime post-Brexit was outlined in René Cassin's recent submission to the Home Affairs Select Committee Inquiry into Hate Crime.⁷ GTR

³ Ewain B., 19 July 2016, 'Brexit and Human Trafficking: Three Areas for Concern', <https://stopscottishslavery.wordpress.com/2016/07/19/brexit-and-human-trafficking-three-areas-for-concern/> date of access: 1/10/16

⁴ Aidan McQuade, 15 June 2016, 'Brexit could destroy EU progress on tackling modern slavery' <http://leftfootforward.org/2016/06/brexit-could-destroy-eu-progress-on-tackling-modern-slavery/> date of access: 28/9/16

⁵ Ewain B., 19 July 2016, 'Brexit and Human Trafficking: Three Areas for Concern', <https://stopscottishslavery.wordpress.com/2016/07/19/brexit-and-human-trafficking-three-areas-for-concern/> date of access: 1/10/16

⁶ Rachida Dati, June 5 2016, 'As an ex-justice minister I know Brexit would be disastrous for Europe's security', <https://www.theguardian.com/commentisfree/2016/jun/07/brexit-disastrous-european-security-cooperation-crucial-security> date of access: 30/9/16

⁷ René Cassin, 2016, 'The Rise of Post-Brexit Hate Crime', <http://www.renecassin.org/wp-content/uploads/2016/08/FINAL-René-cassin-submission-on-rise-of-hate-crime-post-referendum.pdf> date of access 5/10/16

communities are consistently on the receiving end of racist abuse. Nine out of ten GTR children have suffered racial abuse and two thirds have also been physically attacked or bullied.⁸ As this racial discourse and subsequent hate crime continues, GTR communities are increasingly vulnerable and more needs to be done to tackle this.

2. Well documented institutionalised racism within the UK⁹ has lead GTR communities to rely on EU support for legal challenges. We are concerned that the loss of the EU as a source of legal backing will leave this group in a position of greater vulnerability.
3. We welcome the commitments of the ministerial working group tackling inequalities experienced by Gypsies and Travelers published in 2012. These include encouraging appropriate site provision and identifying ways of raising educational aspirations and attainment for GTR children.¹⁰
4. We are, however, concerned that this group has not met since April 2012.¹¹ Since the European Commission directive requiring member states to implement programmes to improve the plight of Gypsies and Travelers will cease to have effect upon Brexit, it is crucial that the UK Government takes the lead in implementing measures to safeguard the rights of the GTR community.

⁸ Mike Doherty, 15 January 2016, 'It's time to end 'the last acceptable racism' – against Gypsies and Travellers' <https://www.theguardian.com/commentisfree/2016/jan/15/acceptable-racism-gypsies-travellers-prejudice> date of access: 28/9/16

⁹ Ibid

¹⁰ Ibid

¹¹ I Brown, 5 November 2014, 'DCLG forced to release Gypsy and Traveller group information' <http://www.insidehousing.co.uk/dclg-forced-to-release-gypsy-and-traveller-group-information/7006679.article> date of access: 30/9/16