

Ref: CommHR/DM/sf 050-2021

**The Rt Hon Priti PATEL MP**

Secretary of State of the Home Department of the United Kingdom

Strasbourg, 1 December 2021

Dear Home Secretary,

I am writing to you in relation to the situation of refugees, asylum seekers and migrants trying to cross the Channel, especially in view of last week's tragic drowning of at least 27 women, men, and children. I join the government of the United Kingdom in expressing my profound sadness and dismay about the most recent loss of life.

In the ongoing discussions between your government and its international partners, including the government of France, on how to address this issue, I call on you to ensure that the human rights of the people involved take centre stage. I am concerned that many of the initial reactions to last week's tragedy have focused heavily on further repressive measures, while the underlying issue of the lack of safe and legal routes and other human rights aspects of this situation have largely been ignored.

While the United Kingdom and France are clearly justified – and internationally obligated – to address the issues of smuggling and trafficking in human beings, it is crucial that this does not remove focus from some of the key underlying issues at the heart of the current situation. This includes, in particular, the lack of a framework designed and implemented in co-operation between the authorities in the United Kingdom and France for ensuring that persons on the territory of France, who may have a legitimate claim to protection or to a stay on other grounds such as family links in the United Kingdom, can effectively put this forward and thus avoid dangerous, irregular attempts to cross the Channel. Furthermore, with its increasingly exclusive focus on security, the current approach towards migration across the Channel pursued by both the United Kingdom and France appears to exacerbate this situation, by redirecting people towards the most dangerous routes.

Co-operation between the United Kingdom and France in addressing this issue is clearly crucial. The United Kingdom and France are both member states of the Council of Europe, bound by the European Convention on Human Rights, the Refugee Convention and many other international instruments. As such, they can rely on a wide range of tools to ensure that further co-operation on border control safeguards the protection of lives at sea and fully respects the human rights of people on both sides of the Channel. It is up to both governments to ensure these tools are used effectively.

Any further steps to address the current situation should be grounded in common starting points that would allow for the appropriate protection of human rights. These include safeguarding access to asylum and the fair processing of asylum claims, also for those moving across borders irregularly; providing for safe and legal alternatives to dangerous sea crossings; effectively coordinating responses to people in distress at sea and avoiding any actions that would put people at sea in danger; observing all relevant procedural and substantive safeguards in case of return, including the full observance of the principle of non-*refoulement*; providing appropriate protection to victims of trafficking in human beings; and ensuring the humane and dignified treatment of all, regardless of their migration status.

Furthermore, these steps should be taken in co-operation with civil society and national human rights structures in the United Kingdom and France, which play a crucial role in protecting the rights which both countries have committed to uphold, as well as with international organisations.

The current situation should be addressed in full compliance with international standards and without unduly politicising it in order to prevent further tragedies. Rather than a source of tensions, the protection of the lives and human rights of refugees, asylum seekers and migrants in the United Kingdom and France, and in the border areas between them, should provide the opportunity to set a good example in Europe of how to deal with such issues effectively and humanely.

I have addressed the same messages to your French counterpart, and I look forward to continuing my constructive dialogue with you on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović