

The New Norm: UK Government Lawbreaking

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*Government lawbreaking in **Boris Johnson's** administration has now reached an unprecedented scale for a British government - and we should all be [concerned](#).*

In September last year, the supreme court ruled that Boris Johnson's advice to the Queen that parliament should be prorogued for five weeks at the height of the Brexit crisis was [unlawful](#). It was a unanimous judgment from the 11 justices on the UK's highest court. Johnson's response was to attack the supreme court and threatened to dissolve it.

More recently, we've heard how Members of Parliament have been pushing the UK government to back down over its controversial plan to [breach international law with its Internal Markets Bill](#). The House of Lords reacted badly to it and inflicted a crushing defeat on Boris Johnson. In the first vote, the government was defeated by 433 to 165 by the Lords, in the second, by 407 to 148. This is still not resolved. For 'global Britain' this alone has been a disaster as it has attracted worldwide derision.

You could argue that both these events are seen by the government as the only way to get through their Brexit agenda - others would say that these are acts of desperation because Brexit simply can't be done by working inside political, economic and diplomatic norms.

But as each day passes we are learning that at the very highest levels of government - new lawbreaking is being reported.

For the purposes of this article, we can leave aside the scale of illegal contracts provided by what is becoming known as the 'chumocracy' to Tory donors and friends of Tory MP's who are taking advantage of the Covid crisis to feather their nests. Court cases against the government are already filed.

Controlling Information, blacklisting, targeting journalists

A report from [OpenDemocracy](#) this week that exposes the government of creating a 'clearing house' to control Freedom of Information requests is breathtaking. This is the stuff of tinpot dictators. Here, the government has been accused of running an 'Orwellian' unit in Michael Gove's office that instructs Whitehall departments on how to respond to Freedom of Information requests. Worse still, it collects the personal information about journalists who submit them for nefarious reasons.

oD reports - "Freedom of Information (FOI) requests are supposed to be 'applicant-blind': meaning who makes the request should not matter. But it now emerges that government departments and non-departmental public bodies have been referring 'sensitive' FOI requests from journalists and researchers to the Clearing House in Gove's department in a move described

by a shadow cabinet minister as “blacklisting”.

Not only is the government centralising control over what information can be released for the public – but journalists are being targeted. oD again:

“The secrecy of this list and the fact that our names have been circulated around Whitehall is seriously chilling”

Labour shadow Cabinet Office minister Helen Hayes said: *“This is extremely troubling. If the cabinet office is interfering in FOI requests and seeking to work around the requirements of the Act by blacklisting journalists, it is a grave threat to our values and transparency in our democracy.”*

As the government continues to act in a way that raises the suspicion of its lawbreaking, immorality or malfeasance in office – the government has since been found in this investigation to have granted fewer and rejected more FOI requests than ever in the history of the Freedom of Information Act. That report, entitled ‘Art of Darkness’ paints a disturbing picture of the state of Freedom of Information in Britain. The government are now being legally pursued in this case.

Silke Carlo, director of Big Brother Watch said,

“We’re appalled that such important information rights have been so disrespected by the government. The centralisation of difficult FOIs, the secrecy of this list and the fact that our names have been circulated around Whitehall is seriously chilling. This is a shameful reflection on the government’s attitude towards transparency.”

Detained, deported and denied legal rights

Next up is the Windrush scandal that broke in 2018 when it was discovered that hundreds of Commonwealth citizens had been wrongly detained, deported and denied legal rights.

“It is unacceptable that equality legislation, designed to prevent an unfair or disproportionate impact on people from ethnic minorities and other groups, was effectively ignored”

The Equality and Human Rights Commission agreed with an earlier report that the experiences of the Windrush generation were “foreseeable and avoidable”, and its chair described their treatment as a “shameful stain on British history”. In its investigation, which it has subsequently just published it found [the government had willfully broken the law](#) and went on to say –

“It is unacceptable that equality legislation, designed to prevent an unfair or disproportionate impact on people from ethnic minorities and other groups, was effectively ignored in the creation and delivery of policies that had such profound implications for so many people’s lives.”

Children

Last Tuesday, we find that Education Secretary Gavin Williamson acted unlawfully by failing to consult children's rights bodies before deliberately watering down safeguards for children in care, [a court has just ruled](#).

Judges found against Williamson over his actions in relaxing some of the important obligations on local councils over the 78,000 children in care in England during the coronavirus pandemic.

"The government's actions were shameful, both in the scale of the protections they took away from very vulnerable children in England and the way they went about it"

A case was brought against Williamson because it was thought he acted illegally. The Court has now ruled that there was "no good reason" why Williamson excluded England's children's commissioner, Anne Longfield, and other bodies representing children in care from his decision-making.

Carolyn Willow, the director of the charity that brought the case said:

"I am hugely relieved and overjoyed that the Court has confirmed that children and young people, and the organisations who represent their rights and interests, must be consulted when the government is considering changes to their legal rights and protections. The government's actions were shameful, both in the scale of the protections they took away from very vulnerable children in England and the way they went about it. This should draw to a close backroom, secret government consultations which exclude the rights, views and experiences of children and young people."

Intimidation

The Priti Patel case is a high profile case but it only scratches the surface. Boris Johnson was left facing questions about why he sat on this report for so long and why he tried to [tone down](#) an independent report which said Home Secretary Priti Patel broke the ministerial code by bullying staff.

Sir David Normington, a former Home Office chief, said Patel's behaviour was "completely unacceptable" and "You shouldn't have bullies in government". One person at the end of Patel's obviously vicious and insidious character attempted to take her own life. She lost her job - as did the person who reported it. After a Cabinet Office inquiry, Sir Alex Allan said the home secretary's conduct "amounted to behaviour that can be described as bullying" - finding she had breached the ministerial code. For the first time ever, Johnson rejected the advice and supported the bully - Sir Alex felt he had no choice but to resign as his role has been fully undermined.

We shouldn't forget, it was only two weeks ago that Sonia Khan - a special adviser to the then chancellor, Sajid Javid who was escorted out of Downing Street by armed police on the orders of Dominic Cummings has been given a five-figure payoff by the government to stop a lawsuit over intimidation and unfair dismissal that it would have emphatically lost. Before that, another civil servant received a five-figure payout from a bullying case [against](#) a senior

member of Michael Gove's team. IN addition, there is an ongoing case of a senior civil servant taking the government to court for the same reasons.

In the eBook – [Brexit – A Corporate Coup D'Etat](#), we see evidence of senior Tory MP's at the heart of Brexit threatening and bullying the CEO's of some large British companies for speaking out about the dangers of leaving the EU. Others were made to sign non-disclosure agreements to effectively silence CEO's who have a legal obligation to publicly report trading threats to their shareholders and the stock market.

[The governments own website says of bullying](#) – “Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the Equality Act 2010.” No matter how the government dresses this up – they are breaking the law that applies to everyone in Britain.

Autocrats

These examples, distorting and withholding information of public interest, creating secretive units within government, blacklisting media operations and targeting journalists is bad enough. But to be found in a British court of wrongly detaining people, illegally deporting them and denying them their legal rights is truly shameful. Then we come to the utterly disgraceful behaviour of this government who have willfully attempted to deny poverty-stricken children a meal whilst a pandemic rages around them. It took a football player to defeat the government and force them into an embarrassing U-Turn. Since then, we have learned that the government effectively jettisoned legal obligations to protect nearly 80,000 extremely vulnerable children.

People like Boris Johnson, Priti Patel, Gavin Williamson and Michael Gove have decided that the rule of law is simply too inconvenient. It's not for them.

Scholars say countries across the globe are experiencing a [rise in autocratic rule](#), with declines in democratic ideals and practice. Autocratic rule – also known as authoritarianism – is when one leader or political party attempts to extend and then exercise more and more power to govern a country and its people.

The Tories are now [dispensing with long-held checks and balances](#) designed to highlight government lawbreaking and accountability in what was once a functioning democracy. This government is: extending its own executive powers, repressing citizen efforts to hold it accountable, appealing to an ethno-nationalistic force to support it, are capturing elite support, controlling information, singling out journalists and abusing emergency laws. These are signs of rising authoritarianism [according](#) to Shelley Inglis – who for 15 years with the United Nations, advised governments and democracy advocates on how to strengthen the rule of law, human rights and democratic governance.

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