

## THE UK'S LEGAL GAP IN CONSULAR PROTECTION

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When British nationals are unfairly detained or facing human rights abuses abroad they – and their constituency MPs – expect the Government to act. After all, our British passports promise protection for the bearer. **Yet, in the UK, consular assistance is discretionary, not a legal right.** This gap in the law has led to inconsistent and sometimes inadequate responses when a British national is detained overseas, particularly in the most serious cases involving human rights abuses such as arbitrary detention and torture.

In recent years, high-profile cases have exposed the human cost of this legal gap. Families have faced uncertainty, survivors have lacked consistent or predictable help, and ministers have been forced to respond reactively under intense public and political pressure.

In its manifesto, Labour promised to introduce a right to consular assistance. Yet two years on, the Government has done nothing to deliver on that commitment.

**To close the gap, the UK Government should introduce a legal right to consular assistance for British nationals who are arbitrarily detained or facing serious human rights abuses abroad.**

### THE PROBLEM

In 2024 alone, the Foreign, Commonwealth & Development Office received 186 new allegations from British nationals of torture or mistreatment. At least nine British nationals are currently detained in cases that the UN has confirmed are arbitrary. At the time of their greatest vulnerability, their families often have no detailed information about the support they can expect from the Government.

While [many countries](#) – including Belgium, Austria and Denmark – have a legal right to consular protection, the UK does not, even in cases involving serious human rights violations. This undermines the UK's credibility on the world stage, limits accountability for Government decision-making, and exposes British nationals to preventable harm.

This is not a criticism of consular staff, many of whom provide excellent support in difficult circumstances. But British nationals should be able to rely on high-quality support in all cases.

**Nazanin Zaghari-Ratcliffe** is a British-Iranian charity worker who was arbitrarily detained in Iran for six years, separating her from her young daughter and husband. She was held for prolonged periods in solitary confinement, denied fair trial rights and adequate medical care, and subjected to severe psychological pressure that left her with lasting physical and mental harm. Despite clear findings by UN bodies that her detention was arbitrary and her treatment unlawful, it took the UK Government nearly eighteen months to publicly acknowledge her British citizenship, five years to recognise that she had been tortured, and years more to properly frame her case as State hostage-taking. The lack of early, robust consular action and clear recognition of the nature of her detention compounded her suffering and prolonged her ordeal.

### THE SOLUTION

Consular assistance can prevent torture. Its provision – including communication with the outside world, help with legal representation, prison visits, and trial monitoring – can be a lifeline

for those detained. As well as helping to detect or prevent serious human rights abuses, consular assistance can help to bring about redress when harm occurs and help to curb the long-term psychological impact of arbitrary detention and torture.

**A legal right to consular assistance would benefit the UK Government as much as it would British nationals.** A clear legal framework, set out in primary legislation, would empower consular staff on the ground, ensure the UK complies with its international law obligations, and improve consular responses by involving families as trusted partners. **REDRESS, working with survivors of torture and their families, has set out a [proposed framework](#) to guide a legal right to consular assistance.**

## WHY NOW?

In a context of global conflict and growing instability, it is more important than ever that the Government effectively protects its citizens, wherever they are. The Government made a [manifesto commitment](#) to introduce a right to consular assistance in cases of human rights violations. This remains the best single measure to strengthen the rights of British nationals abroad, by turning the current discretion into a legal guarantee. Such a right, if focused on cases of arbitrary detention, or where individuals face torture or the death penalty, would also provide critical protection in cases involving the detention of journalists, human rights defenders and activists. **Parliament should maintain pressure on the Government to make sure that these reforms are delivered.** Inaction would risk further crises that are deeply damaging for all involved and costly for the UK's international reputation.

## DID YOU KNOW

Did you know that:

- There is no obligation on consular officials to raise cases of torture or arbitrary detention of British Nationals with the relevant Ambassador or with the Government ministers in London.
- There is no obligation on consular officials to investigate allegations of torture made by British Nationals.
- If the UK has grounds to believe that a British National is being tortured, there is no obligation on consular officials to monitor the well-being of that person.
- If the UK has grounds to believe that a British National is being tortured or is in arbitrary detention, there is no obligation on consular officials to communicate with the family of that person.
- If the UK has grounds to believe that a British National is being tortured, there is no obligation on the UK to ask the detaining State to end the torture.
- If the UK has grounds to believe that a British National is being arbitrarily detained, there is no obligation on the UK to ask the detaining State to release them.

***For more information, contact [Olivia Dehnavi](mailto:Olivia.Dehnavi@redress.org), Advocacy & Policy Advisor, at [olivia@redress.org](mailto:olivia@redress.org).***