

8 March 2022

JUSTICE calls on the Government to abandon its plans to replace the Human Rights Act with a Bill of Rights



JUSTICE has today submitted our response to the Consultation to reform the Human Rights Act 1998 (HRA). Our response highlights that the Government's proposals to replace the HRA with a Bill of Rights will weaken rights protection in the UK by unduly restricting the content of rights and putting up additional procedural barriers to enforcement. It appears that the introduction of a 'Bill of Rights' is not driven by a concern for individual rights, but instead to shield Government action from proper scrutiny by the courts.

We are particularly concerned about the lack of evidence put forward in the Consultation to justify the proposed changes. In our view the HRA has been operating well for many years and as the recent Independent Human Rights Act Review found there is little evidence or support for its repeal and replacement. Contrary to the Government's stated aim of increasing certainty and reducing human rights litigation, many of the proposed changes are unworkable and would significantly increase the volume, time and cost of human rights litigation for both claimants and defendant public bodies.

We welcome the Government's commitment to remaining a party to the European Convention on Human Rights (ECHR). However, many of the Consultation's proposals will put the UK in breach of its international obligations under that treaty. This will result in a significant increase in cases against the UK being brought in Strasbourg, which is costly both for individuals seeking to enforce their rights, for the Government and ultimately for the taxpayer. This puts the UK in a difficult position in respect of its international standing and foreign policy position - being authoritatively able to ask other countries to respect human rights or international law is currently more important than ever.

In addition, there is a lack of any proper consideration as to how the proposals will impact the devolved nations. The HRA is deeply embedded in the devolved settlements and reflects the different interest, histories, and legal traditions of all the constituent parts of the UK. The proposals in the Consultation risk upsetting this. Further, given the centrality of the ECHR to the Good Friday Agreement, the proposals could, in particular, have significant consequences for the peace settlement in Northern Ireland.

JUSTICE urgently calls on the Government to rethink their plans.

JUSTICE's Chief Executive, Fiona Rutherford, said:

"The Human Rights Act is a well-crafted piece of legislation, which enables individuals to enforce their rights effectively and fairly within the UK. The suggested proposals put forward in the 'Bill of Rights' are likely to disproportionately impact those with protected characteristics, who are marginalised and underrepresented who rely on the HRA to protect their rights. It is gravely concerning to see proposals which fail to recognise that judicial oversight of human rights exists to protect everyone."

Notes to Editors:

1. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk.

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2. JUSTICE's full response to the Consultation can be read [here](#).
3. JUSTICE has a long history of work relating to the Human Rights Act 1998 and was involved in the process of drafting the HRA, and in subsequent training of judges on its operation. JUSTICE has contributed to various public debates and consultations relating to a British Bill of Rights and have intervened in numerous cases involving the HRA. Most recently JUSTICE responded to the Independent Human Rights Act Review Call for Evidence, which can be read [here](#).
4. To inform our response to the Consultation we convened a group of experts. We have reconvened the same group to help inform our response to this Consultation. The group comprises the following members: Sir Michael Tugendhat (Chair); Professor Brice Dickson, Queen's University Belfast; Tessa Gregory, Partner, Leigh Day LLP; Dominic Grieve QC, Temple Garden Chambers; Raza Husain QC, Matrix Chambers; Jonathan Moffett QC, 11KBW; Christine O'Neill QC, Partner and Chairman of Brodies LLP; and Alison Young, Sir David Williams Professor of Public Law, University of Cambridge.
5. JUSTICE are thankful to Dr Rosana Garciandia, Lecturer in Public International Law, Kings College London; Lily Walker-Parr, 5RB; Professor Philippa Webb, Professor of Public International Law, Kings College London; Clifford Chance, Herbert Smith Freehills, King & Spalding, and Reed Smith for providing pro bono research to support our response.
6. Please direct queries to Stephanie Needleman, Legal Director at sneedleman@justice.org.uk.