



Response to Queen's Speech

May 2022

1. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system. It is the UK section of the International Commission of Jurists. Our vision is of fair, accessible and efficient legal processes in which the individual's rights are protected and which reflect the country's international reputation for upholding and promoting the rule of law.

2. **JUSTICE's Chief Executive, Fiona Rutherford, said:**

'We are concerned that today's Queen's Speech indicates an unnecessary and counterproductive use of Parliamentary time to the detriment of human rights in the UK. Vague announcements about replacing the Human Rights Act and increasing police powers are at odds with pressing issues, such as the cost-of-living crisis and the events in Ukraine, and indicate a worrying direction of travel. JUSTICE will continue to work with Parliamentarians and others to push for evidence-based legislation and to ensure the UK upholds the highest standards, in line with our domestic and international human rights obligations.'

3. This briefing sets out JUSTICE's key concerns with respect to the Bills announced in today's Queen's Speech.

Concerns

Bill of Rights

4. JUSTICE is concerned that the proposed Bill of Rights will weaken human rights protection by restricting the content of certain rights and putting up additional barriers to enforcement. The Government's own Consultation lacked evidence to support the reforms proposed. By contrast, the Government's own Independent Human Rights Act Review, chaired by Sir Peter Gross, found that the Human Rights Act ('HRA') was

'generally working well'. The previous Conservative Lord Chancellor, Sir Robert Buckland QC MP, has also called for the proposed Bill of Rights to be abandoned in favour of more modest reform.¹

5. Whilst the Government have committed to remaining within the European Convention on Human Rights, many of these proposals will place the UK on an unnecessary collision course with the European Court of Human Rights. These proposals will limit the full discretion of UK judges to determine human rights cases in the UK, causing an increase in the expensive and time-consuming process of applicants applying to the European Court of Human Rights. The HRA is a well-drafted piece of legislation that already ensures parliamentary sovereignty is not weakened.
6. The proposals also place the UK's devolved settlement at risk, with the Scottish and Welsh governments opposed to the plans² and the Northern Ireland Human Rights Commission raising concerns about the impact on the peace process.³ The Queen's Speech stressed the importance of the Good Friday agreement to the government and therefore it should listen to voices in Northern Ireland who have urged them to think again on amending the HRA.

Public Order Bill

7. Whilst the Queen's Speech did not explicitly mention a Public Order Bill, the government have briefed the media they were intending to bring in the further restrictions on protest which were defeated by the Lords during the passing of the Police, Crime Sentencing and Courts Act 2022 in the last session.⁴
8. These include offences of 'locking on', obstruction of the highway, major transportation works, interference with key national infrastructure, new stop and search powers and

¹ Joshua Rozenberg, 'Raab's reforms under attack' <https://rozenberg.substack.com/p/raabs-reforms-under-attack?s=r> (31 March 2022)

² Joint Statement on Human Rights Act reform by Scottish and Welsh devolved administrations, <https://www.gov.scot/news/joint-statement-on-human-rights-act-reform/>, (02 March 2022)

³ Northern Ireland Human Rights Commission, 'Proposed changes to the Human Rights Act unnecessary and potentially divisive', <https://nihrc.org/news/detail/proposed-changes-to-the-human-rights-act-unnecessary-and-potentially-divisive-ni-human-rights-commission> (10 March 2022)

⁴ JUSTICE, 'Briefings on the Police, Crime, Sentencing and Courts Bill' (March 2021 – May 2022).

'protest banning orders'. These would be further unprecedented attacks on the right to peaceful protest, which is a fundamental part of our democracy and upholding freedom of speech (as the Government say they want to enshrine in the new Bill of Rights). We are also concerned that minority groups will be seriously impacted by these new police powers.

9. It is unclear whether such proposals are what the Government had in mind when it referred to giving Police more powers to make the streets safer in the Queen's Speech. We will analyse any proposal carefully, and work resist measures that risk violating our human rights and the rule of law.

Mental Health

10. The criminal justice system is failing those with mental health problems. We will review the draft bill on reforming the Mental Health Act with interest and advocate the practical, evidence-based reforms set out in our working party report.⁵

Access to Justice for refugees

11. There was a further pledge to tackle 'illegal crossings' in the Channel but no mention of creating safe and legal alternatives for people to claim asylum in the UK. We are concerned that the plan to remove asylum-seekers to Rwanda risks punishing the victims of people smuggling, rather than the smugglers themselves. We are also concerned that people will not have proper access to justice before their removal, especially those at further risk in Rwanda such as trafficking victims and LGBT individuals. We would urge the government to think again and prioritise the asylum claim backlog rather than undermining our obligations under the Refugee Convention.

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⁵ JUSTICE, ['Mental Health and Fair Trial'](#) (2017).