



HOUSE OF COMMONS

LONDON SW1A 0AA

The Rt Hon Dominic Raab MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

Our Ref: ALMG  
27<sup>th</sup> June 2022

Dear Secretary of State,

**Re: Bill of Rights**

I am writing to raise serious concerns over last weeks announcement to repeal the Human Rights Act (HRA) and the introduction of the ‘Bill of Rights’.

As you will know the HRA has allowed people to enforce their rights in the UK. It protects people from unlawful policies, gives them the right to be treated with dignity by public bodies and secure justice for families. This legislation was introduced less than 25 years ago to engrain the rights of the European Convention on Human Rights (ECHR) into domestic law rather than having to go to the European Court of Human Rights in Strasbourg. I believe that repealing this vital legislation would weaken these rights and is a regressive step to take.

I am worried that the Government’s proposed Bill would give great power to the Government to evade scrutiny, undermine rights that have been established in the ECHR and weaken the access to justice for certain individuals. This Bill marks a serious constitutional change for the country. As such, why has the Government ignored calls from all sides of the House to submit the Bill for pre-legislative scrutiny? Is the Government going to publish the response to its consultation on this legislation and the overdue response to the report on the HRA by the Joint Committee on Human Rights?

What assessment has been made by the Government about what effect this change will have over the Good Friday Agreement? It has been suggested that repealing the HRA would put the Government at risk of breaching the Good Friday Agreement. Did the Government seek the views of the devolved administrations regarding this legislation? If it did why has it ignored the joint letter from the Scottish and Welsh Government's that stated,

*“...under the current constitutional settlement the interests of the peoples of Scotland and Wales are best protected by retaining the Human Rights Act in its current form. Furthermore, as the Human Rights Act is fundamental to each of the devolution settlements of the UK, it would be a matter of the gravest concern if the UK Government was to contemplate acting in this area without agreement of all of the UK’s national legislatures.”*

How does the Government propose to address these concerns and will you seek legislative consent for these proposals?

On specific proposals that have been made:

- What assurances can you give that in repealing the HRA protection of freedom of expression and freedom of assembly (under Articles 10 and 11) will not be weakened?
- The proposals for a permission stage is deeply troubling, in what circumstances does the Government believe that the violation of a human right would not amount to 'significant disadvantage'?
- There have been multiple occasions where positive obligations have been used to hold public bodies to account. Without these protections what accountability mechanisms will be in place?
- It is deeply worrying that this Government is seeking to give the British armed forces a form of domestic judicial immunity. Given the ongoing violation of rights by Russia's armed forces what justification can there possibly be for this?

The Government's proposals do not seek to strengthen Human Rights in these islands in any way. Rather, this Bill seeks to take rights away from individuals, makes it more difficult and expensive to seek justice, and risks breaking international legal obligations. This Bill as it stands is deeply flawed and problematic in so many ways. If the Government is serious in engaging with other parties on this huge constitutional change, an answer to the above questions would be most welcome.

I thank you for your attention to this matter and look forward to your response.

Kind regards

Alyn Smith MP