

The Right Honourable
Dominic Raab MP
Deputy Prime Minister
Lord Chancellor & Secretary of State for Justice

28 June 2022

Introduction of the Bill of Rights

Dear Dominic,

Thank you for your letter of 22 June regarding the introduction of the Bill of Rights.

The position of the Scottish Human Rights Commission (Scotland's National Human Rights Institution (NHRI)) remains as set out in [our response](#) to the Government's consultation:

- the UK Government has not set out compelling reasons to replace the Human Rights Act (HRA), which enshrined the European Convention of Human Rights (ECHR) into domestic law;
- the UK Government has disregarded the outcome of its own Independent Review of the Human Rights Act, which concluded that there was no case for widespread reform;
- the overall objectives (as set out in your letter) are at odds with the UK's international obligations and domestic support for the Human Rights Act, particularly in Scotland;
- the UK Government states that it is committed to the UK remaining a party to the ECHR, but wants the UK Supreme Court to be the ultimate judicial arbiter. This risks creating a situation in which

Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS
0131 297 5750

ian.duddy@scottishhumanrights.com
www.scottishhumanrights.com

rights holders will no longer be able to exercise their Convention rights in full in UK courts;

- if national courts interpret Convention rights distinctly from the European Court of Human Rights (ECtHR), this will create legal conflict, confusion and uncertainty, and a likely subsequent increase in referrals to Strasbourg;
- the Bill of Rights will create additional hurdles for rights holders and restrict their access to justice. The legislation will also designate some breaches of Convention rights as insignificant or undeserving, which will dilute the protections offered to them.

The Scottish Human Rights Commission is also concerned about the Bill's impact on Scotland. We consider that these proposals threaten to undermine Scotland's progress in developing a human rights culture by undermining the Convention rights protections available under the Scotland Act, unsettling the devolution settlement and introducing confusion and uncertainty for Scotland's public authorities.

The Scottish Human Rights Commission remains concerned that there was inadequate discussion with the Devolved Administrations, NHRIs and civil society during the consultation period. We therefore urge the UK Government to subject the Bill of Rights to the pre-legislative scrutiny that it clearly requires.

Yours sincerely,

Ian Duddy

Chair, Scottish Human Rights Commission

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