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Joe FitzPatrick MSP
Convenor
Equalities, Human Rights and Civil Justice Committee
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01 September 2022

Dear Joe,

I am writing to make you aware that the Scottish Government has responded to the Joint Committee on Human Rights' call for evidence as part of its ongoing inquiry in relation to the UK Government's Bill of Rights Bill. This response has now been published on the Scottish Government website¹.

The response re-iterates the Scottish Government's strong support for retaining the Human Rights Act 1998 in its current form, and sets out the Scottish Government's specific concerns about a range of issues relating to the Bill including:

- the restrictive and regressive effects of the Bill, including its insistence on a narrow and insular reading of the Convention rights and its reversal of the principle that the Convention provides a "floor" and not a "ceiling";
- the obstacles to access to justice created by the Bill and the extent to which it fetters judicial decision-making and micro-manages the work of the UK courts;
- the apparent intent to prioritise the operational preferences of public authorities over the human rights and fundamental freedoms of the public they serve;
- the impact on, and interference with, the constitutional settlement in Scotland, including by legislating for devolved matters and by changing both legislative and executive competence.

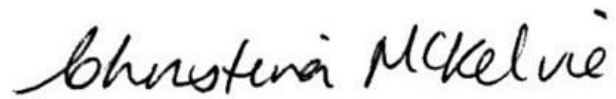
The Scottish Government is actively monitoring developments at Westminster and will lodge a Legislative Consent Memorandum with the Scottish Parliament as soon as it is realistically possible to do so. The Memorandum will assist the Scottish Parliament in subjecting the provisions in the Bill of Rights Bill to close and detailed scrutiny prior to reaching a view on the question of legislative consent.

¹ [UK Parliament Joint Committee on Human Rights - legislative scrutiny: Bill of Rights Bill - evidence submitted by the Scottish Government - gov.scot \(www.gov.scot\)](https://www.gov.scot/legislation/bill-of-rights-bill-evidence-submitted)

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My officials will liaise with the Clerk to ensure they are kept updated for business planning purposes.

Yours sincerely,



Christina McKelvie

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