



OFFICIAL

Joe FitzPatrick MSP
Chair of Scottish Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP

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Dear Joe,

INTRODUCTION OF THE BILL OF RIGHTS

I am pleased to confirm that today the Government is delivering on our manifesto commitment to overhaul the Human Rights Act and replace it with a Bill of Rights.

This country has a long and proud tradition of freedom which our Bill will enhance, for example, in respect of free speech and recognition of the role of jury trial. Equally, over the years mission creep has resulted in human rights law being used for more and more purposes, with elastic interpretations that go way beyond anything that the architects of the Convention had in mind. Following careful consideration of the responses to the Government's consultation on the Bill of Rights, these reforms reinforce our tradition of liberty whilst curtailling the abuses of human rights, restoring some common sense to our justice system, and ensuring that our human rights framework meets the needs of the society it serves.

The measures in the Bill of Rights will:

- 1. Strengthen the right to freedom of speech.** We are attaching greater weight to freedom of speech, defined as the exchange of ideas, opinions, information and facts, as a matter of utmost public interest, and widen the responsibility for attaching this greater weight to all public authorities.
- 2. Recognise the right to jury trial.** The Bill recognises the right to trial by jury under, and subject to, the framework set by Parliament and the Scottish and Northern Ireland legislatures.
- 3. Limit courts' powers for certain rights.** Human rights, especially Article 8, have been used to frustrate the deportation of criminals. The Bill will apply when a court considers deportation laws, especially those that may seek in the future to make it more difficult for foreign criminals to use Article 8 to appeal their deportation. It will set out that the legislation must be found compatible with those rights if it meets a new test which the Bill of Rights sets out. This will restore credibility to the system and ensure we can protect the public by deporting those who pose a serious threat.
- 4. Reduce burdens on public authorities.** We are limiting the imposition of positive obligations on our public services without proper democratic oversight. We will make clear that when public authorities are giving clear effect to primary legislation, they are not acting unlawfully. We will do this by restricting UK courts' power to interpret legislation, as we propose to do for section 3 above. This will deliver greater certainty for public services to do the jobs entrusted to them, without the constant threat of having to defend against expensive human rights claims.
- 5. Ensure that public protection is given due regard in interpretation of rights.** The Bill contains a provision that obliges all those who interpret Convention rights to consider the need to reduce

the risk to the public from convicted criminals serving a custodial sentence. This will support the Government's proposed reforms to the Parole Board and strengthen the Government's hand in fighting Article 8 claims from terrorists opposing their placement in Separation Centres.

6. **Limit the Bill's territorial jurisdiction.** Domestic and Strasbourg case law has extended beyond the intent of the Convention's drafters. The Bill excludes extraterritorial jurisdiction for military operations abroad.
7. **Implement a permission stage to ensure trivial cases do not undermine public confidence in human rights.** The introduction of a permission stage will ensure that courts focus on serious human rights claims and places responsibility on the claimant to demonstrate that they have suffered a significant disadvantage before a human rights claim can be heard in court.
8. **Recognise that responsibilities exist alongside rights.** We are recognising that responsibilities exist alongside rights and ensure that the appropriateness of paying damages to those who have infringed the rights of others are considered.
9. **Strengthen domestic institutions and the primacy of UK law.** The Bill empowers UK courts to apply human rights in a UK context, affirming the Supreme Court's independence from the Strasbourg Court. It will make explicit that the UK Supreme Court is the ultimate judicial arbiter.
10. **Increase democratic oversight.** The Bill makes sure that the balance between our domestic institutions is right, by repealing section 3 to ensure that UK courts can no longer alter legislation contrary to its ordinary meaning and the overall purpose of the law.
11. **Enhance Parliament's role in responding to adverse Strasbourg rulings.** The Bill enhances the role of Parliament in responding to adverse Strasbourg judgments against the UK. The Bill also affirms Parliament's supremacy in the making of laws.

The issues addressed by the Bill of Rights affect the whole of the UK, and any changes must be made on a UK-wide basis. We will ensure that the framework applies equally, whilst also allowing for difference in how the framework is applied and implemented across the UK. During the consultation period I visited Wales, Scotland and Northern Ireland to discuss our proposals and we will continue to engage with the Devolved Administrations, civil society and relevant stakeholders across the UK.

Yours sincerely



RT HON DOMINIC RAAB MP