

Why Parliamentarians should stand firm on our Human Rights Act and reject the new Rights Removal Bill

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We are the British Institute of Human Rights, a UK wide charity which works with people accessing services, community and advocacy groups and staff working in public bodies every day. Together we use our Human Rights Act to secure social justice in those small places, close to home. Without it, and with the Rights Removal Bill in its place, we would see the reduction of everyday human rights protections, taking the UK backwards and putting people at risk of serious harm.

We all want to live safe and well, knowing that the authorities will support our rights; our Human Rights Act helps make this happen. The Rights Removal Bill does not create new rights or strengthen existing protections; it only removes access to the ones we already have. The Bill is **unprincipled**, **unevidenced** by the Government's own Independent Human Rights Act Review and public consultation, and **unworkable**. It will cause uncertainty and chaos for public bodies and courts, and, most importantly, people will bear the brunt.

Below we outline some specific key concerns within the Rights Removal Bill, alongside links to more detail, cases and real-life stories which explain the impact these changes will have on people. Ultimately though we are asking you to reject this new Bill in its entirety and support our existing protections. **This Bill is not about the protection of people's human rights; it seeks to replace people's universal rights with those gifted by government, whilst removing the legal responsibilities of government and those exercising government power to be accountable to people for their rights.** We would welcome the opportunity to discuss this with you. You can contact our Head of Policy, Carlyn Miller on cmiller@bihr.org.uk.

Concerns: replacing human rights with the Rights Removal Bill

- Section 3 of our Human Rights Act means that any UK law must be applied in a way which respects our human rights, as far as it is possible to do so. Section 3 is used by public officials (nurses, social workers, teachers, the police) to make rights respecting decisions every day, when they navigate and apply other laws, such mental health law or child protection laws. It's used by people and families to challenge public bodies when laws are applied blanketly without regard to a person's human rights. For example, it was used by a parent, [Kirsten](#) to talk to hospital staff who were using the Mental Health Act to shackle and seclude her 14-year-old child. The duty is used by courts when making decisions about how to apply laws, often written a long time ago, to make sure they are interpreted in line with how we live now. **Clause 1 of the Government's new Rights Removal Bill completely scraps this legal obligation, reducing the accountability of officials and rights protections for all of us.** You can read a short "Need to Know" about this [here](#). You can read a more detailed briefing [here](#).
- In line with human rights laws (including the European Convention on Human Rights), our Human Rights Act says it's not enough for public authorities to just not breach our rights – they must take pro-active reasonable steps to protect us from harm. This is the foundation of safeguarding. It means police should warn us when our lives are in danger, for example in stalking cases, and social workers must follow up on concerns about child neglect and abuse. It's not possible or practical for Parliament to list all actions that are or may become necessary to protect people's rights in any given

interaction with a public body. The sensible approach under our current system is for public bodies to look at each situation and determine what reasonable steps need to be taken to protect people, with recourse to the courts when needed. **Clause 5 of the Rights Removal Bill destroys this positive obligation on public bodies by stopping any new obligations to act being created and discouraging courts from enforcing existing ones** if they would impact for example, impact the police's "operational priorities". The point of positive obligations is that they are operational, because protecting people's human rights is integral to the work of public bodies. **The Bill will lead to more human rights breaches, risking people's lives and safety.** [Read a short "Need to Know" here,](#) [and about how positive obligations were used by survivors of rape to get justice here.](#)

- Everyone's right to respect for private and family life, home and correspondence is protected by Article 8. It is about respect for us as individuals and our relationships with others. Human rights protect everyone. This means that Article 8 will be relevant for people who are facing deportation to another country, just as it is relevant when family members are detained in mental health hospitals or live in care homes. Article 8 is not an absolute right, so in some situations it can and is limited by public officials and courts if restricting it is lawful and proportionate to a good reason (e.g., public safety). **Clause 8 of the Government's new Rights Removal Bill stops independent judges carrying out a person-by-person assessment of whether a restriction on one of our human rights is necessary.** History tells us that the moment human rights stop being universal, the effectiveness and extent of human rights protections for everyone will be undermined. **Limiting Article 8 in one context, risks limiting it in all the other important contexts across all of our lives in the UK, from when we need health care, housing, or the protection of the police.** [You can read about this in more detail here.](#)
- The Human Rights Act means that when our rights have been breached, we have the option to take action in courts to hold the Government or public body to account. There are effective safeguards to ensure the process is not abused. Section 7 of our Human Rights Act requires any person who wants to bring a legal case to show that they have been the victim of a human rights breach. This is in addition to meeting the general admissibility tests for taking a case to court in the first place. **Clause 15 of the Rights Removal Bill introduces new additional permission stages,** requiring people to show they have suffered a "significant disadvantage" before their claim can be heard by a court. **This will make it much harder for ordinary people to access justice and hold the state to account.** [You can read about this in more detail here.](#)
- Freedom of expression is protected under Article 10 and already given particular weight under Section 12 of our Human Rights Act. Government messaging claims freedom of speech requires increased protection, but in reality, **the Rights Removal Bill states courts must give "great weight" to freedom of speech except when Government thinks they shouldn't.** This includes in criminal proceedings, breach of confidence and questions about immigration and citizenship. For example, a person facing criminal proceedings for protest (more likely under the new Police, Crime, Sentencing and Courts Act) would not be able to rely on the 'great weight' of freedom of speech, yet this is surely when it is needed? [You can read about this in more detail here.](#)

More resources on our Human Rights Act and explaining our concerns with the Rights Removal Bill, including on changes to [proportionality](#), are available on our [website](#).

Human rights are universal, they belong to all of us, this is at the heart of our Human Rights Act, which has supported people across the UK, both in and outside the courtrooms, ensuring the government and those with public power are accountable. The Rights Removal Bill, on the other hand, belongs to the UK Government – and it gives power to them by taking it away from people.