

Amnesty International
Glasgow West Group
Save the Human Rights Act Campaign
Briefing Note (8/6/22)

Draft

N.B. This paper is a first draft. Any comments, corrections or suggestions from colleagues within the local AI Group would be very much welcomed.

Purpose

This paper sets out some of the issues relating to AIUK's 'Save the Human Rights Act' campaign. The purpose is to help focus discussion within the local AI group about potential actions that could be taken to help promote and deliver on this work.

Background on the Human Rights Act

The Human Rights Act (HRA) set out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporated into domestic British law the rights set out in the European Convention on Human Rights (ECHR).

The ECHR itself was founded in the aftermath of WWII, to help ensure that Governments could never again 'dehumanise and abuse people's rights with impunity'. The ECHR is an international human rights treaty between the 46 states that are members of the Council of Europe (*not to be confused with the European Union*).

The HRA came into force in the UK in Oct 2000.

The Act has three main effects:

1. Citizens can seek justice in a British Court;
2. Public Bodies are obliged to respect human rights: and
3. New laws require to be compatible with ECHR rights.

Prior to the HRA, UK citizens could only bring a legal challenge relating to their rights under the ECHR via the European Court of Human Rights. That process is typically lengthy and expensive. The HRA allows the rights guaranteed by the ECHR to be enforced in UK courts, thereby simplifying and improving citizen's access to justice within the UK.

AIUK has set out [various examples](#) of how the HRA has helped deliver justice over the past two decades. This includes in areas such as holding police to account for failings at Hillsborough, exposing shortcomings in Inquests relating to avoidable hospital deaths; requiring local authorities to provide essential care services and underpinning the Northern Ireland Good Friday Agreement.

Recent UK Government Activities relating to the HRA

The UK Government has sought to make a number of changes to the HRA in recent years, which many consider will undermine the duties and safeguards provided by the Act.

Concerns about 'Human Rights impinging on the rule of law' has been a long-standing issue within some sections of the Conservative Party. Intentions were set out in a 2014 paper '*Protecting Human Rights in the UK: The Conservatives' Proposals for Changing Britain's Human Rights Laws*'.

The narrative around this has been couched as replacing the HRA with a ["modern UK Bill of Rights"](#). The Government's 2019 manifesto pledged to:

"... update the Human Rights Act and administrative law to ensure there is a proper balance between the rights of individuals, our vital national security and effective government."

The changes proposed by the UK Government have been widely condemned by a range of commentators. In its response to the UK Government's consultation regarding the proposed changes to the HRA, the Law Society (*the independent professional body for solicitors*) set out the following:

"While we welcome the government's continued commitment to remaining a party to the European Convention on Human Rights, we're concerned by the proposals put forward which fundamentally change the framework of the Human Rights Act and the protections it provides.

We do not believe there is a case for the sweeping reforms proposed.

We're concerned that the proposed reforms do not recognise the significant benefits that have been achieved for British society through the HRA, that is, improving access to justice and upholding the rule of law.

We believe the proposals will:

- damage the rule of law
- prevent access to justice
- reduce or remove rights
- lead to more cases being taken to the European Court of Human Rights
- impact devolution
- damage the UK's international reputation
- create legal uncertainty
- increase costs and complexity

Concerns raised in the consultation on the draft Bill included those relating to data laws, privacy, rights of minorities, lack of detailed impact analysis on the proposed changes, etc.

Separate legislation, such as the ‘Police, Crimes and Sentencing Act 2022’¹ impact on issues such as holding protests. That Act includes provision for protests to be banned or shut down on the basis of them being too disruptive or noisy. The UK Government stated that the new legislation was necessary due to new forms of protest, such as that carried out by Extinction Rebellion, causing undue disruption. For many, the right to protest is seen as inextricably linked with wider human rights and, it has been pointed out that some of today’s accepted rights only came into being as a result of protestors challenging and breaking unjust laws.

AIUK Strategic Plan Priorities

The [AIUK Strategic Plan](#) 2022-30 includes Priority Issue 4 ‘Human Rights Frameworks’.

“Human rights frameworks are the bodies of law and standards that describe our human rights, support their respect, protection and fulfilment and offer access to remedy for abuses – in the UK and globally. These protections are under significant threat and such threats require us to be vigilant against attempts to dilute our rights through amendment or scrapping of existing laws and to the introduction of new laws that erode existing rights.

In the next strategic period, we will actively challenge the narrative that seeks to undermine human rights protections at home and abroad.” (AIUK Strategic Plan 2022-30, p.7)

AIUK also set out a [summary](#) of the key benefits that the HRA brings to the UK.

Potential Actions for local AI group

The undernoted are some initial ideas for potential actions that the local AI Group might take to support AIUK’s ‘Save the HRA’ campaign.

- 1.) Improve awareness and understanding of the issues by group members reading information on the HRA and the potential implications of the current UK Government’s changes, discussing these within the local group and considering useful actions that could be taken.

(Linked to point 1., The Good Law Project is hosting a free [online discussion event](#) ‘Is the UK Shutting Down Dissent: Protest in the New Age of Policing Powers’ with an interesting range of key speakers on **Weds 15th June @ 5pm-6pm**)

- 2.) Sign the AIUK petition to save the HRA <https://savetheact.uk/#signup-form>
- 3.) Disseminate information on the changes proposed by the UK Government to the HRA and encourage others to sign the petition, e.g. via social media, etc.
- 4.) Link with other AI local groups within Scotland and with the Scottish AI office to undertake more co-ordinated action.

¹ Whilst some of the legislative changes referred to do not relate specifically to Scotland, it is frequently the case that individuals and groups within Scotland will wish to protest on matters reserved to the UK Parliament, take part in protests held, for example, in London, etc.

5.) Link with other like-minded organisations locally that have similar concerns relating to the UK Government's proposed amendments to the HRA office to undertake more co-ordinated action.

6.) *Other potential actions? – to be discussed by local group*

Conclusion / Recommendation

This short paper has attempted to summarise the context, main issues and potential actions for the local group relating to AIUK's HRA 'Save the Act' campaign.

The local AI Group is asked to:

1. Consider the issues raised within the paper and discuss whether this area ought to be a priority action area for the local group; and
2. If so, to agree, prioritise and schedule actions that the local group will undertake.

Selected References and Links for Further Information

AIUK, Briefing on the European Convention on Human Rights, 2018.

<https://www.amnesty.org.uk/what-is-the-european-convention-on-human-rights>

AIUK dedicated website relating to AIUK's HRA 'Save the Act' campaign <https://savetheact.uk/about/>

AIUK, '8 Reasons Why the HRA makes the UK a Better Place', 2020

<https://www.amnesty.org.uk/eight-reasons-why-human-rights-act-has-made-uk-better-place-british-bill-of-rights>

EHRC, website of the Equality & Human Rights Commission, including information on the rights covered by the HRA, the work of the EHRC, etc.

<https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

The Guardian, 3/10/14, 'Conservatives plan to scrap Human Rights Act',

<https://www.theguardian.com/politics/interactive/2014/oct/03/conservatives-human-rights-act-full-document>

The Guardian, 10/5/15 *Michael Gove to proceed with Tories' plans to scrap human rights act*

<https://www.theguardian.com/politics/2015/may/10/michael-gove-to-proceed-with-tories-plans-to-scrap-human-rights-act>

Good Law Project, Briefing on the Police, Crimes and Sentencing Bill (*The short article also includes a link to the detailed legal advice obtained by the GLP*), 2021.

<https://goodlawproject.org/news/return-of-the-policing-bill/>

Liberty, 'Right to Protest', <https://www.libertyhumanrights.org.uk/right/right-to-protest/>

UK Government, Protest Powers: Police, Crime, Sentencing and Courts Act, May 2022

<https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-protest-powers-factsheet>

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