

The Rt. Hon. Liz Truss MP
Prime Minister
10 Downing Street
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5 September 2022

THE PROPOSED REPEAL OF THE HUMAN RIGHTS ACT 1998

Dear Prime Minister,

On behalf of the Scottish Human Rights Commission, I congratulate you on your appointment.

As you take up your new role, I urge you to look again at your Government's plan to repeal the Human Rights Act (HRA) and replace it with a "Bill of Rights".

The Scottish Human Rights Commission (Scotland's National Human Rights Institution) has repeatedly expressed its concerns about this Bill.

The UK Government has not set out compelling reasons to replace the HRA, which enshrines the European Convention on Human Rights (ECHR) into domestic law. In addition, it has disregarded its own Independent Review of the HRA, which concluded there was no case for widespread reform.

Your Government states 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 a situation in which rights holders will no longer be able to exercise their Convention rights in full in UK courts.

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If national courts interpret Convention rights differently from the European Court of Human Rights (ECtHR), this will create legal conflict, confusion and uncertainty. It will also lead to a likely increase in referrals to Strasbourg, the exact opposite of what your government intends.

The Bill of Rights will also create additional hurdles for rights holders and restrict their access to justice. The legislation will designate some breaches of Convention rights as insignificant or undeserving, which will dilute the protections offered to them.

We are deeply concerned about the Bill's impact on Scotland, given the HRA is enshrined in Scottish Law. It threatens to undermine Scotland's progress in developing a human rights culture by weakening the Convention rights protections available under the Scotland Act, disrupting the devolution settlement and introducing confusion and uncertainty for Scotland's public authorities.

Finally, this regressive step will make it harder for the UK Government to credibly call out other states for failing to protect human rights in an era when authoritarian regimes are on the rise. By repealing the HRA, you may undermine your own aims to create a "network of liberty".

I therefore urge you to pause any further Parliamentary progress on the Bill of Rights and subject it to the pre-legislative scrutiny that it clearly requires.

Yours sincerely,



Ian Duddy
Chair, Scottish Human Rights Commission

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