

# Scottish Independent Advocacy Alliance: Human Rights Inquiry



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## What is your general view on the UK Government's proposal to introduce a British Bill of Rights to replace the Human Rights Act 1998? Do you think changes need to be made to the current human rights regime in the UK?

1. The Scottish Independent Advocacy Alliance believes that it is important to ensure that the Human Rights Act 1998 remains relevant to all members of our society and continues to uphold everyone's human rights. We do not agree that the Human Rights Act 1998 should be replaced with a British Bill of Rights.

1.1 The European Convention on Human Rights, alongside other international treaties such as the UN Convention on the Rights of People with Disabilities, forms part of an infrastructure that protects the rights of vulnerable people in our society.

1.2 The Government's proposal to "Limit the use of human rights laws to the most serious cases (e.g. criminal law, right to property and liberty of an individual)"<sup>1</sup> raises the question of what constitutes a sufficiently serious case and also why criminal law, liberty and property have been singled out as being more important than other rights.

1.3 The creation of a British Bill of Rights could limit the way in which UK courts interpret certain rights in the convention, "Some terms used in the Convention rights would benefit from a more precise definition, such as 'degrading treatment or punishment', which has arguably been given an excessively broad meaning by the ECHR in some rulings."<sup>2</sup> This suggests that convention rights could be interpreted more narrowly. This is a retrograde step that is likely to lead to inequality in relation to who has and who does not have certain rights.

1.4 There also appears to be very little evidence to support the claim that there is "mounting concern"<sup>3</sup> regarding the operation of the Human Rights Act. The consultation carried out by the Commission on a Bill of Rights set up by the previous Coalition Government showed overwhelming support for the retention of the Act and limited support for the Bill of Rights.

1.5 The SIAA believe that the Human Rights Act 1998 should not be replaced by the British Bill of Rights and that to do so would be a regressive move with the potential to increase levels of discrimination and inequality. As a result certain rights would be available only to some members of our society rather than remain universal as was the intention contained within the Universal Declaration of Human Rights adopted in 1948 by the UN.

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1 [https://www.conservatives.com/~media/files/downloadable%20Files/human\\_rights.pdf](https://www.conservatives.com/~media/files/downloadable%20Files/human_rights.pdf)

2 Ibid

3 Annex G The Commission on a Bill of Rights report – A UK Bill of Rights? – The Choice Before us – Volume 2, December 2012 <https://www.justice.gov.uk/about/cbr>