

Sir Peter Gross  
Panel Chair, Independent Human Rights Act Review  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

Sent by email

22 April 2021

Dear Sir Peter,

I am writing to thank you and the Independent Human Rights Act Review (IHRAR) panel members for hosting roundtables with Law Society members on 23 and 24 March. Our members appreciated the opportunity to put forward their views on the issues being considered in the Review and we hope the discussions were a useful contribution to your evidence gathering.

While many detailed points were made in answer to the individual issues being considered, I wanted to share what we consider to be the key themes that emerged:

- While no legislation, including the Human Rights Act (HRA), is perfect, participants indicated that they did not feel amendments are needed to the key provisions under consideration, namely sections 2, 3 and 4 of the HRA. There are concerns that amendment of the HRA could upset the carefully constructed balance between these mechanisms, with adverse consequences for rights protection and access to justice. The Law Society would therefore encourage the panel to analyse any recommendations with reference to their impact on the overall system created by the HRA.
- The influence of the HRA is not limited to litigation. It has contributed significantly to a culture of respect for human rights, such that its impact cannot always be measured in quantifiable data. It is also valuable to businesses both in the certainty and consistency it provides for those operating across borders, and as an emblem of our jurisdiction's strong commitment to the rule of law, which is vital for attracting global investment. Significant amendment of the Act could risk sending a negative signal to international business and engender uncertainty which could have a detrimental impact on our international reputation.
- The IHRAR provides an opportunity to address the often negative narrative that surrounds the HRA and encourage civic education about the protections it provides, the ways in which it operates and the place it holds in our democratic constitution. A survey conducted by the Law Society, the Bar Council and CILEx has shown that the public value legal protections for rights, with 70% saying the role the law plays in protecting people's freedoms is important or very important. It indicates that the COVID-19 pandemic has increased awareness of rights, presenting an opportunity for renewing efforts to improve appreciation of the HRA. Public engagement and education are vital for ensuring long-lasting consensus and the Law Society would welcome recommendations being made on this point.

The professional body for solicitors

I further include in attachments materials that were requested by the panel during the roundtable discussions. Individual attendees who were requested to provide additional evidence will follow up with you separately.

The Law Society has a strong interest in the Review, arising from our organisational commitment to upholding the rule of law, including the advancement of human rights, and its significance for our members. Law Society members have extensive experience of using the Human Rights Act and therefore a distinct perspective on its practical operation. I hope to stay in touch as the Review moves forward, and to put the Law Society at your disposal should you need further evidence or clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'I. Stephanie Boyce', with a stylized flourish at the end.

I. Stephanie Boyce  
**President**