



Ministry
of Justice



Planning to bring the Human Rights Act up to date

Our reply to what you told us about our plans



Easy read version of:
Human Rights Act Reform: A Modern Bill of Rights
Consultation Response



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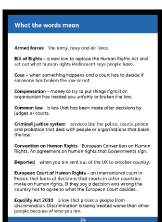
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Some words are in **bold**.
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1. About this paper



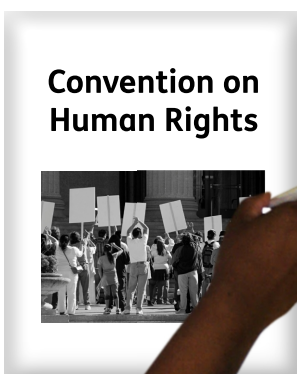
The Ministry of Justice wrote this information.



We are part of the Government that makes sure there is a good and fair **criminal justice system** in England and Wales.



The paper is about changes to the **Human Rights Act 1998**. This is a law to protect **human rights** in the United Kingdom (UK).



The UK and lots of other European Countries signed an agreement called the **Convention on Human Rights**.



Human rights are basic rights and freedoms that every person in the world should have. **Human rights** protect everyone.



Public services like social services, healthcare, schools, the army and the police have to help make sure people get their **human rights**.



In 2019 the Government promised to bring the **Human Rights Act** up to date to make sure it works better for everyone.

2. Why things need to change



The Government will always protect people's rights in the UK. It will also support the **Convention on Human Rights** to protect **human rights** across the world.



But the **Human Rights Act** is being used for more and more things that were not meant. It needs to be clearer and better planned because:

- people need to understand exactly what the law means



- sometimes the **Human Rights Act** protects the rights of a few people without looking at how this affects others



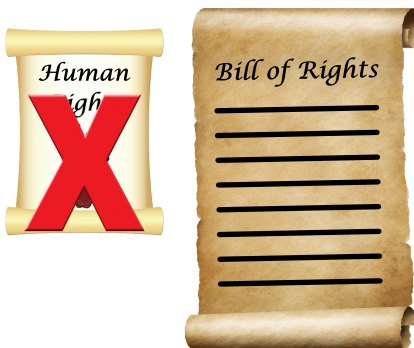
- Parliaments including Northern Ireland, Wales and Scotland parliaments should be more involved in decisions about **human rights**



- the UK courts should be able to make decisions without having to decide the same as the European court.



The Government is planning a new **human rights** law called a **Bill of Rights**.



This would replace the **Human Rights Act 1998**.

3. What we asked people about



We made an easy read version of our plans in March 2022. People were allowed some extra time to send us what they thought.



We asked people to tell us what they thought about 29 questions.

This paper says what people told us and any changes we made because of that.



Nearly 13,000 people or groups told us what they thought. Some people answered the questions, others just told us what they thought generally.



We looked carefully and thought about them all and have now made a new plan we want to become the law.

4. What we plan to do



We made this plan with 7 main points.

- Making sure the law respects other laws and makes the **UK Supreme Court** stronger.



- Being clearer about people's basic rights.



- Making sure our parliament decides on changes to people's rights.



- Making sure people understand that they have **responsibilities** as well as rights.

Responsibilities are things people are expected to do.



- Work and talk with the **European Court of Human Rights** but make sure our parliament keeps its job.

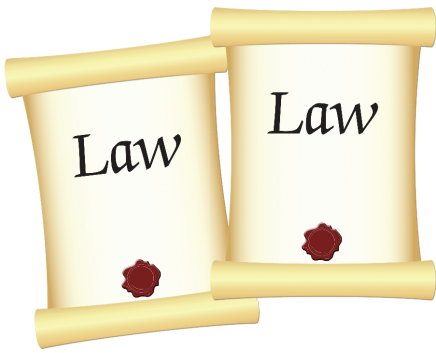


- Checking to see what effect these new plans might have.

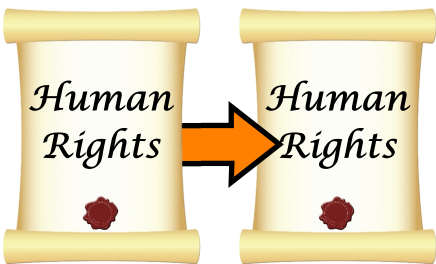


- Some other things we have added since we asked you about this.

1. Making sure the law respects other laws and makes the UK Supreme Court stronger



This includes called **common laws** and our **common law** traditions.



In this part we plan to include:

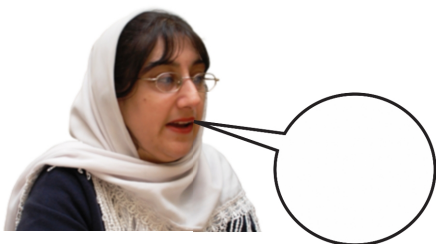
- changing section 2 of the **Human Rights Act**



- the job of our **Supreme Court**



- being able to have a trial decided by a **jury**



- freedom of speech (the right to say what you think and believe).



Changing how judges use the Human Rights Act

We plan to change this so that courts should include other things when making decisions, not just the decisions made by the **European Court of Human Rights**.

Make sure our courts:



- cannot make decisions that go further than what the **European Court** would decide



- know they do not need to make the same decisions as the **European Court**.



The job of our Supreme Court

We plan to make sure our **Supreme Court** can make the final decisions about our rights in the UK.

Being able to have a trial decided by a jury



We think it should be a right for people to have a trial by **jury** as we think it gives people the chance to have a fair trial.



So, we plan to add this into the new law as far as the other laws in the 4 countries of the UK allow it.

Freedom of speech



This is the right to say what you think and believe.



The **Human Rights Act** says everyone has this right. But sometimes people use the courts to stop this.



We plan to make this right stronger but we also need to:

- protect national security



- keep people safe



- protect people from harm



- make sure journalists can keep the people who give them information private.

2. Being clear about people's basic rights

In this part we plan to include:



- checking to see if someone who wants to take a **human rights case** to court has really had serious **human rights** problems



- making sure our courts do not give someone more in **compensation** (money to try to put things right) than the **European Court** would



- checking to see if people deserve **compensation** and it is not too high for a public service to pay



- make sure public services do not suddenly have to do more things because of a decision



- let experts in public services decide what money is spent on.

3. Making sure our parliament decides on changes to people's rights

Courts sometimes make decisions that change laws to say something different from what parliament meant them to say.



In this part we plan to include:

- making sure courts cannot add to or change laws from what parliament wanted them to mean



- allowing courts to say other laws do not fit with human rights



- making sure the new **Bill of Rights** cannot be changed by a court



- taking away the old rule about saying how laws are working with the **Human Rights Act**



- having just one set of **human rights** rules that include what our courts have always done



- making sure people cannot try to take public services to court about **human rights** if the services are doing what parliament has decided



- looking at stopping people taking **human rights** claims to court for things our **armed forces** may have done in other countries



- making sure our courts follow what parliament wanted its laws to do when they decide about rights



- making it harder for criminals from other countries to use **human rights** to stop them from being **deported**. Unless there is a real risk they might be tortured, killed or punished in their own country.



4. Making sure people understand that they have responsibilities as well as rights

Responsibilities are things people are expected to do.



In this part we plan to include:

- how important having **responsibilities** is, and



- the ways people behave may affect the amount of **compensation** they can get.

5. Work and talk with the European Court of Human Rights but make sure our parliament keeps its job



In this part we plan to include:

- making sure our parliament has the power to make the laws for this country



- making sure the Minister can take any decisions made by the **European Court** that affect the UK back to our parliament to talk about.

6. Checking to see what effect these new plans might have



We are keen to check the effect of these plans.



We looked at the things people told us very carefully.



The cost of these changes was mentioned by quite a few people.



There were also worries about the effect on people protected by a law called the **Equality Act**.

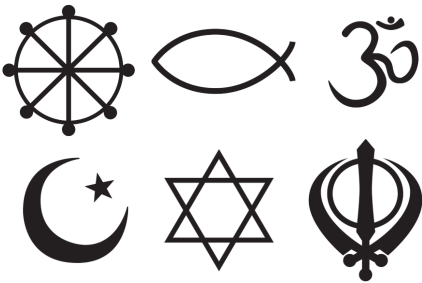


In particular it might be unfair for people because of their:

- age



- disability



- religion



- changing sex.



But we are looking at how best to stop this unfairness where it may happen.



There is a lot more information on this in the full paper: tinyurl.com/humanrights-response

7. Some extra things we have added since we asked you about this

In this part we plan to include 3 new things:

1. Prisoners



When a prisoner has been found guilty of a crime when they are in prison this can be included in making decisions about them.



This should help with:

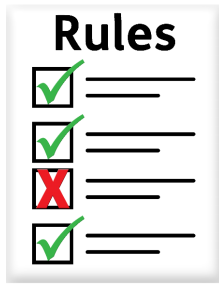
- changes we want to make to **parole** (when a prisoner is let out from prison)



- being put into **separation centres** (where they are kept apart from other prisoners)



- helping deport people from other countries who have broken the law.



2. New rules

Some new rules made recently by the **European Court** are not a part of UK law.

3. Compensation



To include one new decision made by the **European Court** saying **compensation** can be paid to someone who did not get their right to a private and family life because a judge decided something in an unfair way.

5. What happens now



The Bill will be written up with the things in this paper in it.



It is not a law yet. It has to be agreed to in parliament, this is usually in 3 stages.



1. First it has to be agreed by the House of Commons.



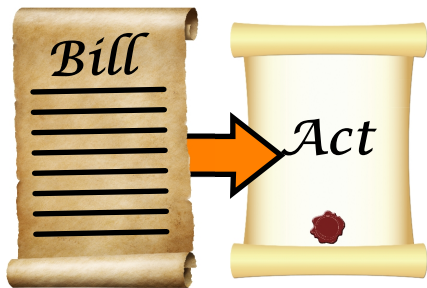
2. Then it is looked at by a committee with members often from both the House of Commons and Lords.



3. Any changes made then have to be agreed and it goes onto the House of Lords who might ask for more changes.



4. This all comes back to the House of Commons again for them to vote on whether it becomes a law or not.



5. When it does it changes its name from a bill to an act.

What the words mean

Armed forces – the army, navy and air force.

Bill of Rights – a new law to replace the Human Rights Act and set out what human rights Parliament says people have.

Case – when something happens and a court has to decide if someone has broken the law or not.

Compensation – money to try to put things right if an organisation has treated you unfairly or broken the law.

Common law - is law that has been made after decisions by judges or courts.

Criminal justice system – services like the police, courts, prison and probation that deal with people or organisations that break the law.

Convention on Human Rights - European Convention on Human Rights. An agreement on human rights that Governments sign.

Deported – when you are sent out of the UK to another country.

European Court of Human Rights – an international court in France that looks at decisions that courts in other countries make on human rights. If they say a decision was wrong the country has to agree to what the European Court decides.

Equality Act 2010 – a law that protects people from discrimination. Discrimination is being treated worse than other people because of who you are.

Human rights - basic rights and freedoms for every person in the world. Human rights are there to protect everyone.

Jury - a group of ordinary people who decide a case in court.

Parole - when it is decided you can get out of prison early if you have behaved well and can follow some rules about what you do.

Responsibilities - things you are expected to do.

Separation centres - a place where prisoners can be sent to keep them apart from other prisoners.

UK Supreme Court - the highest court in the UK. If you do not agree with what another court decides, you can sometimes ask this court to look at things again.

Credits



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Ref ISL166 22. June 2022.

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