

Call for Evidence Response – Emma Overton

I intend this as a modest contribution to the review's call for evidence.

I am a non-practicing solicitor with an ongoing interest in human rights law. Although I write in my personal capacity, in my public sector work capacity I am continually involved in the application of human rights law, and avidly follow relevant judgements of the courts.

I am very concerned that the review itself will undermine the HRA, as it appears to assume that a weakened Act is appropriate (it is not, in my view). Its existence calls into question the government's commitment to human rights. I do not think changes to the HRA are either necessary or desirable. My own experience of the HRA is that it is largely serving its intended purposes and achieving fair outcomes, in line with our obligations under the ECHR.

As I have discovered the consultation very much at the last minute, I make only very brief comments, as follows -

Theme One

It seems to me that UK judges have done an admirable job in seeking to apply judgements of the ECtHR domestically. No need for amendment to section 2 or any changes.

Theme Two

I see no reason to make any change to the framework established by s3 and 4. I am in favour of the UK being held to its international human rights obligations. I see no reason for any of the other changes referenced. I am very much more comfortable with human rights in the hands of the judiciary than I am in the hands of the government (of any political persuasion).

I would be very distressed if protections under the HRA were to be diminished in any way. On the contrary, I would like to see our approach to human rights strengthened, but it appears no comment is sought on this.