S9 of the Human Rights Act when a judicial act is alleged to have breached a human right, needs to be reviewed to include a complaints procedure *independent of the judiciary* otherwise the scope for the judiciary to undermine the law as Parliament intended remains possible, less visible and unregulated. The IHRAR should not proceed on the assumption that all judicial acts are made in good faith. Currently, the Human Rights Act allows the Employment Tribunal for example to obstruct and regulate the complaints of human rights abuses against it which may be ineffective and contrary to the State's duties and obligations to provide a fair and impartial legal system. By reviewing and empowering the individual to identify abuses in the application of the law, the relationship between the judiciary, the executive and the legislature can be more effectively periodically reviewed.

Enforcement of human rights using the HRA in the employment tribunal is fraught with difficulties, arbitrary, expensive, time consuming and stressful.

The Women and Equalities Committee report '*Enforcing the Equality Act: the law and the role of the Equality and Human Rights Commission'* highlights the difficulties citizens have enforcing their human rights in the UK. Inequalities and oppression are institutionalised and the consequence of the confrontation between juridical and political power. However, it is the empowered individual who can collectively provide the data that will transform the system and effectively balance the power between the judiciary, the executive and the legislature for the benefit of society.

Parliament should focus therefore on the effectiveness of the legal system to uphold the Statutes through the empowerment of the individual to speak out about judicial acts of good and bad faith using authoritative, regulated mechanisms. However, at this time, few effective mechanisms exist for the individual to challenge the judiciary which may undermine the intentions of the Statutes.

This must be addressed because regarding themes one and two of the IHRAR for example, ECtHR case law, domestic and international obligations can be ignored by the ET. The ET can regulate its own procedures and is not bound by the 'rule of law' regarding the admissibility of evidence resulting in unpredictable and arbitrary measures. For example, the use of hearsay evidence and legal fictions to undermine the HRA without allowing any remedy or redress. Evidence also shows the altering of facts by the ET which cannot be appealed, can be used to create 'case law' which undermines the Statutes.

Findings from the Survey of Employment Tribunal Applications 2013 Research Series No. 177 JUNE 2014 suggests in 2012 only 10% of Claimants were successful at the employment tribunal with those with disabilities and caring responsibilities less likely to be successful. 66.5% of litigants overall thought the ET 'fair' however a considerable number therefore do not. These experiences of the ET not being 'fair' should be regularly informing the system and law.

However, instead faced with the prospect of using S9 HRA to raise a complaint of unfair treatment against the employment tribunal, the claimant is placed at further risk.

Currently when a claimant alleges human rights abuses against the Employment Tribunal, S9 Human Rights Act *(1) states under section 7(1)(a) in respect of a judicial act may be brought only—*

(a)by exercising a right of appeal;…..(c)in such other forum as may be prescribed by rules. Further, regarding acts in good faith that breach human rights: 4)An award of damages permitted by subsection (3) is

to be made against the Crown; but no award may be made unless the appropriate person, if not a party to the proceedings, is joined.

This is not credible for many claimants especially Litigants in Person who have already suffered disadvantage and unfair treatment by the employment tribunal.

In accordance with S9 HRA when the claimant is forced to use the appeal system, it is very difficult to present any evidence due to limits imposed or to have a fair hearing of the complaint. Faced with the 'sift' the system may deny the right to an appeal as an effective means of ending the human rights complaint against itself with no compulsion to air its failings in public. Human rights abuses may be deemed an 'error of fact' and not an 'error of law' and any appeal can be denied without proper consideration of its merits.

Whilst limiting the evidence that can be relied upon and denying an appeal, the current system also permits threats of costs to be made by the ET against the claimant who has raised human rights issues against them. This imbalance of power needs to be reviewed.

Further the complaints procedures against judicial acts are ineffective. The investigation is completed behind closed doors by their peers, with no right to feedback or information about how the evidence and issues have been addressed. Indeed, the judge complained about may not be interviewed at all.

Some evidence also shows the complaints procedures may represent human rights abuses by the ET as 'judicial decisions' that cannot be appealed or complained about. It is an effective means of shutting down the human rights abuse claims against it.

In 2019/20 the Judicial Conduct Investigation Office received 1,292 complaints and only 42 resulted in disciplinary action. The Judicial Appointment and Conduct Ombudsman found 8 cases of maladministration in 2017/18 out of 935 cases and 24 cases in 2018/19 out of a possible 942. The complaints procedures erode the issues to a manageable few and the judiciary is not interested in catching themselves out. It is perhaps too much to expect a system responsible for the enforcing of human rights to readily admit its own failings.

However, judges undermining the HRA with impunity in the course of their duties should not be tolerated in a modern democracy but it should not be left to the individual to suffer abuses in an outdated system. Please review HRA that enables the judiciary to investigate themselves following allegations of human rights abuses. Provide in the Bill of Rights an independent system that investigates and collates evidence collectively from individuals who raise concerns about judicial acts. This data will provide valuable perspectives, informing how the law is being applied, what changes need to occur to transform the system and therefore balancing the distribution of political-juridical power.