

Independent Human Rights Act Review (IHRAR)

Call for Evidence

RESPONSE OF MATRIX CHAMBERS

1. Matrix chambers was set up in May 2000 just before the Human Rights Act 1998 came into force on 1 October of that year. Many of its founding members were already established specialists in the European Convention of Human Rights having acted for Claimants and Governments, including the United Kingdom Government before the European Court of Human Rights, written academic and practitioner texts and worked in human rights institutions, including in the European Court of Human Rights. In the first years of the Human Rights Act many also took part in a project set up by the Judicial Studies Board to train the judiciary in this area of law.
2. Since then, Matrix members have been involved in the most important human rights cases before the domestic courts – again acting both for the Government and for Claimants. They therefore have an exceptional perspective on the last twenty years of its operation.
3. Matrix chambers has decided however, not to address each of the questions asked by the IHRAR but rather to rely on the submissions of the Bar Council, the Administrative Law Bar Association, JUSTICE and the Oxford Public Lawyers, which deal with them in detail. It endorses those responses and the clear views expressed in them, for which it is grateful.
4. Matrix chambers wishes to make one overall comment in relation to the IHRAR. The IHRAR states that it is not considering any alteration to the substantive rights protected by the Convention, nor the UK's membership of the Council of Europe. Both, it says, will remain unchanged. That being the case, the suggestion in Theme 2(a)(ii) that s. 3 of the Human Rights Act might be repealed makes no sense. The consequence of such a change would be to return the UK to the pre-HRA position where individuals had to seek redress in Strasbourg in respect of violations of their Convention rights. Instead of British judges examining alleged violations of the Convention by reference to the facts, that task would be returned to Strasbourg. In turn, the Strasbourg court would not benefit from the analysis of British judges. This alone would be likely to result in more violations of the Convention being found than is currently the case, this time however, at an international level by an international court. The objective of "bringing rights home" was achieved by the Human Rights Act. It was achieved in a way that guaranteed Parliamentary Sovereignty. It is a carefully calibrated system that applies well-established principles of law, many of which apply equally in the common law.