



Ministry  
of Justice

# *Human Rights Act*



**Bringing the Human Rights Act  
up to date**

**What do you think of our plans?**



EasyRead version of:  
Human Rights Act Reform: A Modern Bill of Rights.  
A consultation to reform the Human Rights Act 1998



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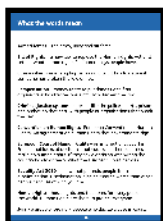
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Some words are in **bold**. There is a list of what they mean on the last page.

# 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 also 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**.



But sometimes protecting one person's rights can put other people in danger. So 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. 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 in the UK, Northern Ireland, Wales and Scotland should be more involved in decisions about **human rights**



- the UK courts should be more 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**.



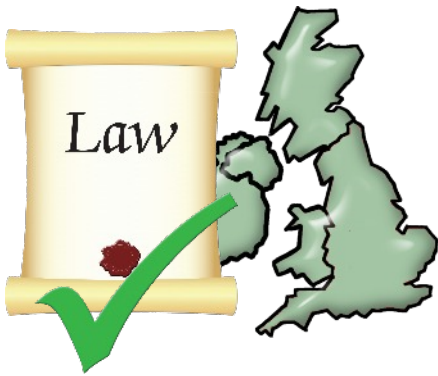
This would replace the **Human Rights Act 1998**.

### 3. What the government plans to do



The government wants to:

- have a **human rights** law that people trust
- make sure the law respects other laws, our parliaments and the **UK Supreme Court**
- protect people's basic rights
- make sure Parliament decides which rights are covered by the law
- make sure people understand that they have **responsibilities** as well as rights.  
**Responsibilities** are things you are expected to do.



- work with the **European Court of Human Rights** but keep control of UK laws.



The **Bill of Rights** will:

- keep all the rights in the **Human Rights Act 1998** and the **Convention** but make sure they work well for the UK



- give UK courts the power to make decisions about **human rights** in the UK



- help courts understand how giving individual people rights can sometimes make things worse for other people



- make sure people trust the **Bill of Rights** by checking **cases** are about real **human rights** problems before they go to court





- make sure **human rights** law does not stop the government or **public organisations** doing things they should



- protect people from being **deported** (sent back) to places where they will be **tortured** or treated badly



- explain people's **responsibilities** as well as rights



- have ways to check decisions by the **European Court of Human Rights** before changes are made. For example, if the European Court says a decision by a UK court was wrong.



We want to protect people in the **armed forces** from being charged with breaking **human rights** laws in places that are at war.



The government wants to know what you think about these ideas.



Please tell us by **8<sup>th</sup> March 2022**.

The next page explains how to do this.



After we look at what people think, we will tell Parliament about our plans for a new **Bill of Rights** instead of the **Human Rights Act**.

## 4. How to tell us what you think



Thank you for taking part.



Please tell us what you think by **8<sup>th</sup> March 2022.**



If you are answering for a group or organisation, please tell us about them when you reply.



### How to send us your replies

Email:  
**[HRAreform@justice.gov.uk](mailto:HRAreform@justice.gov.uk)**



Post:  
**Human Rights Team  
Ministry of Justice  
International Rights and Policy  
Directorate  
102 Petty France  
London  
SW1H 9AJ**



Telephone:  
**020 334 3555**



You can also fill in the form online at:  
**<https://consult.justice.gov.uk/human-rights/human-rights-act-reform>**



## **Comments or complaints**

Please write to us at the Ministry of Justice address.



## Extra copies

Please write to us if you would like more copies of this booklet.



You can also find a copy on our website:  
**[consult.justice.gov.uk](http://consult.justice.gov.uk)**



Please email us at:  
**[HRAreform@justice.gov.uk](mailto:HRAreform@justice.gov.uk)**  
if you would like this information in a different way.



## Our reply to your answers

We will write a reply to say how we have used everyone's ideas.



This will be on our website:  
**[consult.justice.gov.uk](http://consult.justice.gov.uk)**

## Confidentiality



We will use laws about keeping personal information safe when we handle, store or share the information you give us.



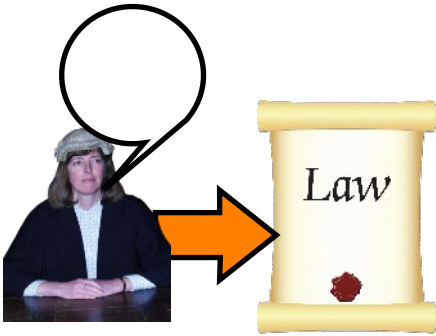
We will not usually share your personal information with anyone.



If you want us to keep your information private, please tell us why. We will look at this but cannot promise we can do this.

# 5. The Questions

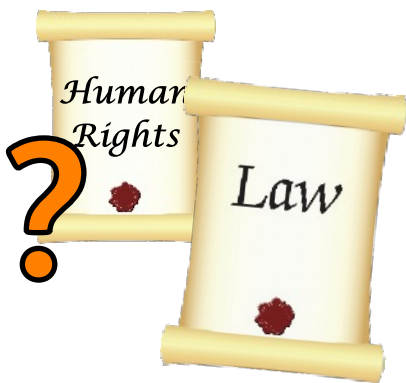
## 1. Learning from case law and giving the Supreme Court more power



The court's decision about a **case** is written down and becomes part of our laws.



This helps courts in the UK decide about other **cases** like this.



Deciding which rights the law covers.



The government thinks our courts should look at lots of different laws when they decide about **human rights**.



## Question 1.

We think the UK courts should think about law from other countries and decisions made by the European Court as well as UK decisions.



Do you think that is right, and which of these do you think is most important?



## Saying what the Supreme Court can do

The Government wants to say in the Bill that the **UK Supreme Court** has the last word in saying how rights are taken into account.



## Question 2.

How can we make this really clear?



## Trial by jury



In some types of court you can ask for a **jury** to decide your **case**. A **jury** is made up of ordinary people.



### Question 3.

Should the **Bill of Rights** say there are times when you can have a trial by **jury**? Why do you think this?



## 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 courts to try to stop this.



#### Question 4.

How can we make sure that the press are free to print important information?



#### Question 5.

How can courts protect freedom of speech?



What could we learn from other countries?



#### Question 6.

How could the **Bill of Rights** protect people who give information to newspapers and TV?



#### Question 7.

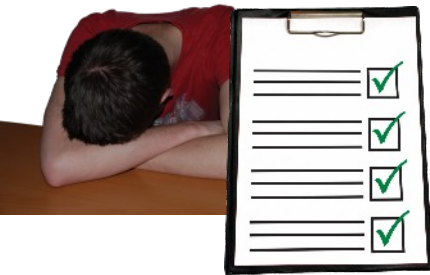
How else could the **Bill of Rights** protect freedom of speech?

## 2. Spending time on real human rights problems

### Checking cases before they go to court

#### Question 8.

Do you think people should show they have been really affected before they can go to court about **human rights**?



Would checking this make sure courts spend their time on real rights **cases**?

#### Question 9.

Should the courts check whether a **case** could be a really important problem for other people, even if the person is not really affected?



## Public organisations paying compensation



Sometimes a court tells a public organisation to pay **compensation** (money to try to put things right) when they break **human rights law**.

### Question 10.

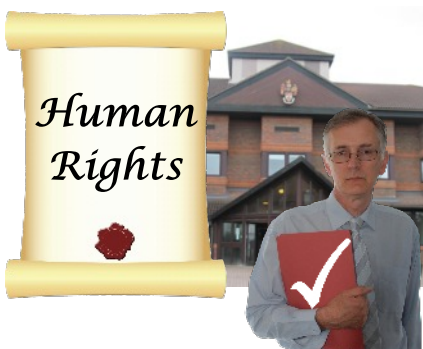


How can we make sure this only happens if the person is really affected by what the organisation did?

### Question 11.



The government thinks **human rights** laws could affect the way public organisations work if people keep taking them to court and claiming money.



How can we make sure **human rights** laws do not stop public organisations doing the things they should by making them to do things they should not?

### 3. Making sure decisions about rights work with Parliament's laws and rules

#### Making sure court's decisions do not go against other laws



Courts try to make our laws respect people's **human rights**. Over time this has meant courts have sometimes said laws mean something different from what they say.



#### Question 12.

Should we:

- take out this part of the **Human Rights Act** altogether?
- ask courts to look at what Parliament meant when it made laws?



#### Question 13.

How can Parliament get involved with the work of looking at how laws link with the Convention and check it is happening correctly?





## Question 14.

Should we have a new list for people to check what courts decide about what different laws mean and how they link with the Convention?

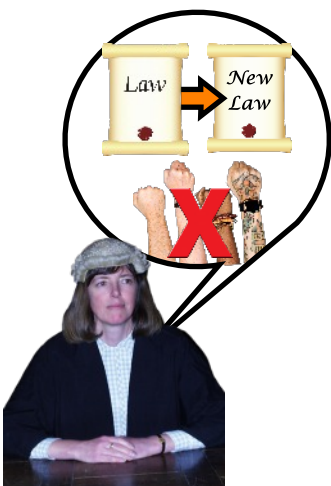
## If other laws go against human rights



The **Human Rights Act** gives government ministers the power to change part of a law that goes against **human rights**.



Some **courts** can tell parliament if they think part of a law goes against **human rights**. The courts can only do this for some types of law. Parliament then decides whether to change it or not.



## Question 15.

Should courts also tell government ministers if changes to more laws go against **human rights**?

## Question 16.



Should courts be able to:

- put a hold on their decisions, or
- say that their decision does not affect what should have happened in the past?



## Question 17.

Should the **Bill of Rights**:



- also give ministers the right to change laws



- give ministers the right to change other laws, but not the **Bill of Rights**



- only give ministers (instead of Parliament) the right to change the law if things are urgent
- not give ministers this right at all.

## Working with the Human Rights Act



Under the **Human Rights Act** every new law has a statement from the minister in charge of this part of government.



It says whether they think the law supports all the rights in the **Human Rights Act**.



### Question 18.

Do you think this works well or needs to change?

## Wales, Scotland and Northern Ireland

### Question 19.



The **Bill of Rights** will be for all the UK. But how can it also work with the laws and history of all parts of the country?





## Public organisations

The **Human Rights Act** says public organisations must not do anything that takes away the rights in the **Convention**.



But it does not explain clearly what public organisations are.



### Question 20.

Should we keep things as they are or should the **Bill of Rights** explain more clearly what **public organisations** are and what they do?



### Question 21.

The government wants public organisations to do what they need to without breaking **human rights** law.



Should the new **Bill of Rights** say:

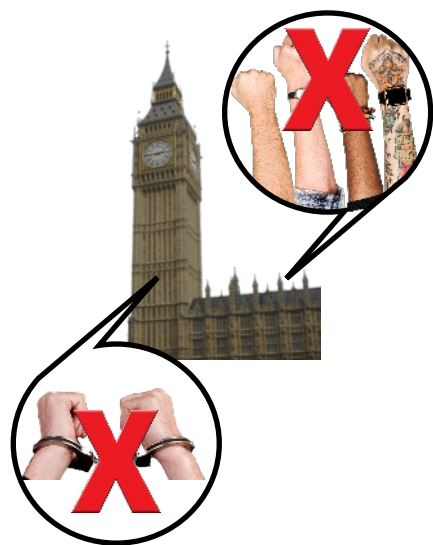
- public organisations are never breaking **human rights** law if they are carrying out a law that Parliament passed, or
- public organisations are not breaking **human rights** law if they had to act in that way to do what Parliament intended.



## Question 22.



What should happen if a person says the **armed forces** broke the Convention when working abroad?



## Qualified and limited rights

Some rights are **qualified**. This means governments can only take them away to protect the rights of other people, or for important reasons. For example, to stop crime.



**Limited** rights cannot be taken away to protect other people. But the **Convention on Human Rights** says they can be taken away when some things happen.



The **Convention on Human Rights** says whatever courts and governments decide or do must keep to the law, need to be done and give the person as much freedom as possible.

### Question 23.



We want the **Bill of Rights** to help the government and courts decide about these things.

Should it say:



1. Courts should think about other laws when they decide if they need to take away a right or freedom



2. Courts should think about what Parliament wanted its laws to do when they decide about rights and what is best for other people or organisations.

## Deportation



A person can be **deported** (sent back to the country they came from) to protect other people.



It can be difficult to deport them if the person argues it will be bad for their family and is against their **human rights**.

### Question 24.

How can we make sure **deportations** to protect other people are not held up by **human rights** claims:



- say certain rights in the Bill cannot stop some types of criminal being deported, or



- say some rights can only stop someone being deported in keeping with a law telling courts how to consider other people's rights. Say that a decision to **deport** someone cannot be changed unless the decision was really wrong. This means the government will usually have the final say and not the courts.



## Migration

**Migration** is when people move from one country to another to get a better life.



Some people plan and organise this and come to the UK legally. Others move in whatever way they can.



Sometimes the **Convention and Human Rights Act** can stop the government dealing with problems with **migration**.



## Question 25.

How can the **Bill of Rights** help us deal with problems with **migration** here?



### Public organisations paying compensation

Sometimes a court tells a public organisation to pay **compensation** (money to try to put things right) when they break **human rights law**.



This can mean they have less money to run services.



## Question 26.

Which of these should the **Bill of Rights** ask courts to think about when they decide about **compensation**?



Why do you think this?

- how paying **compensation** will affect services the organisation runs
- how much work the organisation has done that it should do
- how seriously they have broken **human rights** law
- whether the organisation broke **human rights** law because it was following other laws to do its work.



## Responsibilities and human rights

We think the **Bill of Rights** should talk about **responsibilities** as well as rights.

**Responsibilities** are things you are expected to do.



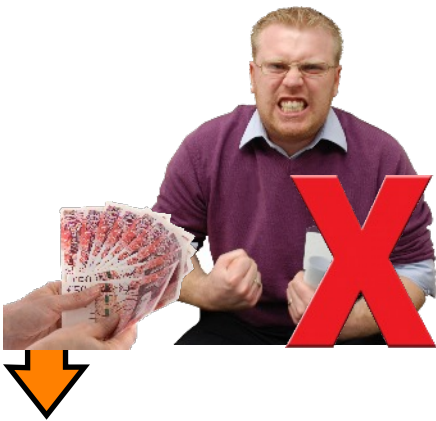
The ways people behave could affect any **compensation** the court says they should get.

## Question 27.

Which of these ideas would work best?  
Why do you think this:



1. **Compensation** will be less or will not be paid if the person claiming it did not take any **responsibility** at the time

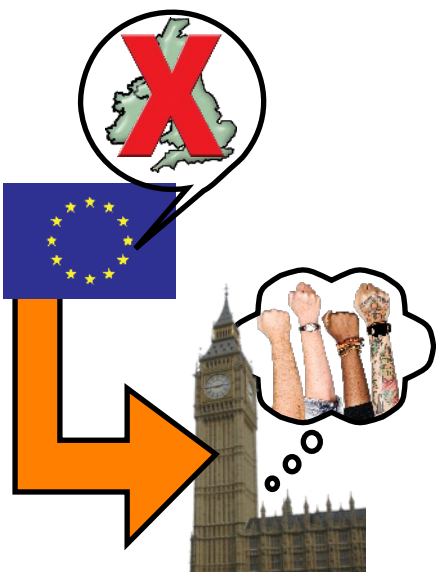


2. Say that **compensation** will be less or will not be paid if the person claiming it did not take any **responsibility** in the way they behaved over other things, not just at the time.

## Working with the European Court of Human Rights

### Question 28.

The government thinks that if the **European Court** says the UK did not protect people's rights Parliament should consider what should happen. What do you think?





## How the new Bill could affect people



### Question 29.

We have to look at whether the **Bill of Rights** could make things better or worse for different people and groups.

We would like to know what you think about this. For example:



- will the changes make things better and be worth the money they cost?
- how could the different changes affect people who are protected by a law called the **Equality Act**?
- how could we stop the changes affecting people badly? Why do you think this?

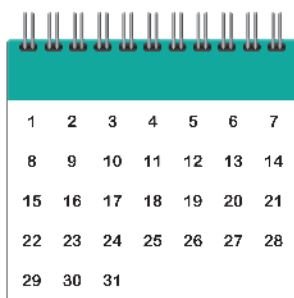


## 6. About you



### Please tell us about yourself

Your full name:



Date:



Who you are answering the questions for:

Yourself

A group or organisation

School, college or university

Group of people working together

Health and disability group

Equality organisation

Human rights organisation





Law firm or legal group

Union

Armed forces, police or prisons

Political party

Government department

The parliament in Scotland, Wales or Northern Ireland

Voluntary group or organisation  
(please tell us if this is local or national and who it supports:

Other – please tell us what this is:



The part of the country where you live:

North East

North West

Yorkshire/Humberside



East Midlands

West Midlands

Wales

East Anglia

South East

South West

Greater London

Scotland

Northern Ireland

Other – please tell us where:

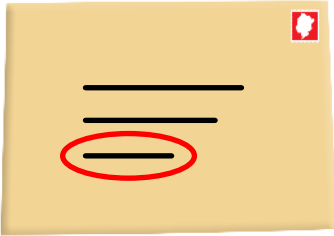
I don't want to say



Name of the group or organisation if you are answering for them:



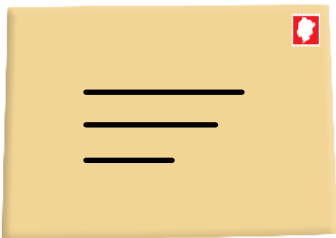
Address:



Postcode:



Please tick this box if you would like us to let you know we have received your answers



Please tell us if we should send this to a different address from the one you have given us:

## About your group or organisation



If you are answering for a group or organisation, please tell us the name and the type of people you are answering for:

# 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.

**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.

**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.

**Migration** – when people move from one country to another to have a better life.

**Responsibilities** - things you are expected to do.

**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.

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