

Safe Lives. Strong Futures.

Human Rights Team International,
Rights and Constitutional Policy Directorate,
Ministry of Justice,
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London,
SW1H 9AJ
Email: HRAreform@justice.gov.uk

8 March 2022

Dear Ministry of Justice,

Response to the open consultation - Human Rights Act Reform: A Modern Bill of Rights

Thank you for the opportunity to respond to this important consultation. I am responding on behalf of Solace Women's Aid (Solace), one of the England's largest providers of accommodation and community-based services for women and children who have survived domestic abuse and sexual violence.

Currently we do not believe that the consultation documents meet current [Government Consultation Principles](#) due to the lack of Easy Read and plain language versions of the documents (Principle A) and the lack of consideration of ensuring that the consultation takes into account of 'the groups that are being consulted' and seeks to ensure their ability to have their voices heard (Principle G). We therefore felt it was more appropriate to respond via letter.

Acts of violence against women and girls are violations of human rights, and as an organisation working on tackling violence against women and girls, Solace supports the Human Rights Act wholeheartedly and rejects the need for its reform. The Human Rights Act is an essential piece of legislation that helps to ensure justice for women and children experiencing violence and provides a mechanism to hold institutions accountable when they fail to keep women and children safe. The Human Rights Act has been instrumental in bringing cases against individual police forces when they have failed in domestic violence murder cases, rape and trafficking cases, requiring them to change the way they work in response to VAWG.

We are particularly concerned about question 11 which sets out that there is a need to address the imposition and expansion of positive obligations to prevent public service priorities being impacted by costly human rights legislation. From our experience there is not a need to limit positive obligations, but a focus on ensuring that local authorities improve their efforts to fulfil their human rights duties, particularly for vulnerable people including survivors of violence and abuse.

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Registered in England and Wales (3376716). Charity Number 1082450



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The case of John Worboys is important to reflect on in light of this consultation and the Government's proposed changes. Worboys committed over 100 rapes and sexual assaults on women between 2002 and 2008, and despite several women reporting him to the police, no action was taken. When one woman reported the rape to the police in 2004, no links were made between her and other women reporting offences by Worboys and the case was closed. Another woman, who was raped in 2007, had her case closed after just three months during which officers interviewed Worboys and accepted his account at face value, whilst regarding the victim's behaviour as inconsistent.

The two women brought a claim against the Metropolitan Police under the Human Rights Act, alleging a break of their rights under Article 3 of the European Convention on Human Rights over the inadequacies in the way their cases were investigated and generally the systems in place within the police force for investigating rape. The High Court found many failings by the Metropolitan Police amounting to a clear breach of the women's human rights.

More broadly, specialist VAWG services like ours often rely on the positive obligations in the HRA in a preventative way by highlighting public authorities of their duties to women and children escaping abuse and preventing a case from reaching the courts. We regularly see local authorities not adhere to their responsibilities around providing suitable accommodation for those fleeing abuse including in cases where women are offered mixed sex accommodation or told to return to the borough where they lived to get access to a refuge, putting them in danger of further abuse and psychological trauma.

Any watering down of the current legislation could prevent women accessing justice, diminish the ability to hold public services accountable for their failures and prevent improvements being made in the way women and girls are protected. The Human Rights Act is based on universal human rights standards. Each of the 16 Articles set out within the Act safeguard the rights of every single person in the UK, rights that are about making sure everyone, no matter who they are, is treated with equal dignity and respect.

The Act is about power and people, and getting the balance right, limiting the power of Government and public authorities. If the Government or a public authority risks our rights, ordinary people can hold them to account, both in the courtroom and in our everyday discussions with those making decisions affecting our lives. It is one of the very few laws that enables survivors of abuse or neglect to hold authorities to account for failing to protect them.

Though the Government has indicated that any reforms will keep the same list of 16 rights, we are concerned that this does not safeguard the current protections everyone in the UK has and the reforms will reduce the legal responsibilities the Government currently has towards individuals.

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The reform proposals set out in the Government's consultation paper would diminish accountability mechanisms under the Act leaving people like those Solace supports with little to no access to justice should their rights be risked or breached. These include:

- limiting the responsibilities of public bodies (including Government) to uphold human rights and even reducing who has these responsibilities through changes to definitions;
- dictating what proportionality means when balancing rights which will limit the ability of judges and decision-makers to look at each individual situation on the facts;
- putting more rules on the independent courts when they are deciding whether public bodies (including Government) have risked or breached people's human rights; and making it harder to bring a legal case and seek justice.

We believe that the changes proposed, although when looked at one-by-one may appear to be small tweaks, taken together would fundamentally reduce our ability to access our human rights in the UK.

This Bill is not the only Bill the Government is introducing that weakens the protection for freedom of expression. The Police, Crime, Sentencing and Courts Bill also represents a significant attack on the right to protest, including by giving police the power to impose noise-based restrictions on protest, lowering the threshold for breaching a condition imposed on a protest and increasing sentences for such breaches. I note question 7 in this consultation asks what steps the Bill of Rights could take to strengthen the protection for freedom of expression and I would recommend that the best way to do this would be to remove the regressive clauses in the Police, Crime, Sentencing and Courts Bill as highlighted by many campaign groups, including Liberty, which target freedom of expression and the right to protest.

We also note question 10 asks about how the Government can best ensure that the courts can focus on 'genuine human rights abuses'. I am concerned that this consultation outlines the Government's desire as wanting to "reduce the number of human-rights based claims being made overall". It is alarming that this is a goal the Government is looking to pursue. The Government's goal should be to fundamentally eliminate the conditions that create violations of human rights, and any human rights legislation should improve governance and public service delivery, and enhance, rather than reduce, access to justice and avenues of accountability.

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Our Human Rights Act is not simply a question of legal technicalities, it is about supporting ordinary people to be heard. It is a law which helps authorities reach respectful, dignified decisions that matter in everyday life, whether that is in education or housing, health or care, the local council, or a national regulator. Sadly, as is the case with this Human Rights Act Reform consultation, this lived experience is rarely part of the debate in the UK, and yet these are real life stories of how our Human Rights Act is working for people here at home.

Solace does not support any of the proposed changes to the Human Rights Act, or the creation of a new UK 'Bill of Rights'.

Yours Sincerely,



Judith Banjoko
Interim CEO



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