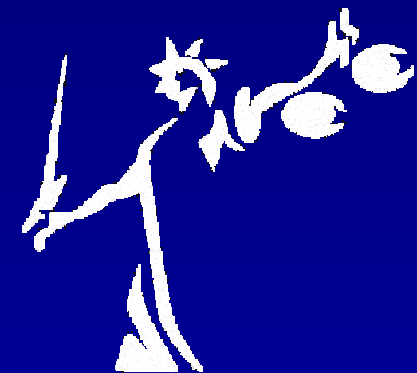


Towards a British Bill of Rights?

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JUSTICE



3 arguments against a Bill of Rights: 'Down with rights, up with Parliament'

- We should pull out of the European Convention on Human Rights (ECHR) as anti-democratic
- We should 'dis-incorporate' the ECHR from domestic law, eg repeal Human Rights Act 1998
- We should blunt the impact of sections 3, 4 and 6 Human Rights Act, eg by saying courts should use the ECHR as a guide to interpretation only (New Zealand position)

3 better arguments against a Bill of Rights

- Human Rights Act 1998 introduces the ideal balance between courts and Parliament
- ECHR cannot be beaten as providing a minimum level of human rights' protection that has near universal consensus
- The difficulties in drafting and passing a Bill of Rights are so great that they are unsurmountable. Arguments for a Bill are code for an attack on the Human Rights Act

We need a British Bill of Rights:

- To give greater constitutional protection to fundamental rights
- To increase the scope of rights provided for in the Human Rights Act 1998
- To emphasise the constitutional principle of the rule of law
- To facilitate public awareness of – and support for – rights protection, and to emphasise the rights and duties of citizenship

A British Bill of Rights – four crucial factors....

- Content – building on the ECHR for a tailor-made British model
- Amendability – using procedural entrenchment to safeguard rights
- Enforcement – choosing a model of justiciability to suit the British system
- Process – gaining consensus and enhancing legitimacy through consultation