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Assignment Title: BILL OF RIGHTS BILL

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INTRODUCTION:

In 1998, the UK government established the Human Rights Act whose main objective was to protect human rights. This act was enacted by the government and was enforced by law. All the people residing in the UK get equal rights about freedom, freedom of speech, family life, freedom of thought, religious life, private life, property rights and others. All of these rights are prepared following European Convention on Human Rights and these are protected by the court.

BILL OF RIGHTS BILL:

New legislation was proposed by the government of the United Kingdom which is known as the Bill of Rights Bill and this will be replaced the previous Human Rights Act of 1998 [*Webster, E. (2022). The UK Governments current proposals for reform of the Human Rights Act 1998 are in equal measure unsurprising and astonishing*]. The UK government presented this bill to the parliament for the public. The House of Commons introduced this Bill and this bill without any debate passed in the parliament.

HUMAN RIGHT ACT 1998:

In 1998, the UK government passed a law named Human Rights Act to defend the rights of humans in courts and other organizations [*Feldman, D. (1999). The Human Rights Act 1998 and Constitutional Principles. Legal Studies, 19(2), 165-206*]. Under this act, all people will be treated equally, with fairness, and dignity. The people who are resided in the UK can be eligible to follow this act. No matter how whether the people have UK nationality. Like people, other organizations can also use this act. The rights included in this act are based on European Convention on Human Rights. Under this, the people can get a guarantee of their rights and freedom. The Human Rights Act protects some human rights like the right to life properly, protection from inhuman treatment and torture, and human protection against forced labour and slavery. People will get security to freedom and liberty. Without law, people will not have punishment and they will be fairly treated. People have privacy and well family life and they can have the right to marry. They can express their thoughts and belief and they can follow their religion. People have the right to protest and the right to free speech. People's rights will be equal and there will be no discrimination. People have the right to have proper education. Property can be protected under this law.

THE AIM AND OBJECTIVE OF THIS BILL:

The main objective of this bill is to replace the Human Rights Act (HRA) incorporating the rights which are included in European Convention On Human Rights and enforcing these rights for the public [*Foster, S. (2022). Reforming the*

Human Rights Act 1998 and the Bill of Rights Bill 2022. Coventry Law Journal, 27(1), 1-21]. It will provide people with facilities to express their thoughts and freedom. Enforced rights will protect human rights. This bill has been created for various reasons. The UK has a long-term tradition of freedom and free speech. So, the government decided to curtail the abuses of rights and to reinforce their tradition to restore justice ensuring human rights throughout the country ***[Greene, A. (2022). Evidence submitted to Joint Committee on Human Rights Legislative Scrutiny: Bill of Rights Bill. Available at SSRN].*** This bill has been created for the following reasons:

- 1) It will strengthen freedom of speech right which means people can express their opinions, ideas, and thoughts anywhere.
- 2) It will help people to identify their rights during jury trials.
- 3) In certain rights, the court's power will be limited.
- 4) The burdens on the public will be reduced by this bill.
- 5) Territorial jurisdiction bills will be limited.
- 6) A permission stage will be implemented for ensuring trivial cases so that public confidence cannot be undermined.
- 7) It will help people to identify their responsibility along with their rights.
- 8) The UK law primacy and other domestic institutions will be strengthened by this bill.
- 9) With this bill, democratic oversight will be increased.
- 10) Parliamentary roles will be enhanced by this bill.

CHANGES THINGS IN THE BILL:

The Bill of Rights Bills has made some changes in the provisions of the Human Rights Act ***[Hale, B. M. (2022). 'Human Rights Act'reform: A modern bill of rights. EUROPEAN HUMAN RIGHTS LAW REVIEW, (3), 228-238].*** Alongside the changes, it has introduced several measures in the bill. The changes provisions and measures are given below:

- 1) A new permission stage has been introduced in this bill which enables the claimants that they need to prove their huge disadvantages due to breach of rights and this might be before taking a claim to the court.
- 2) A larger threshold will be set for deportation-related challenges which are related to a foreigner and these challenges are based on family life right.
- 3) The court's duty on interpreting legislation compatibility will be removed and these compatibilities must be with convention rights.
- 4) Considering the interpretation of a right of the European Court, it will remove the court's duty.
- 5) It will prevent claims related to human rights claims and these claims must be generated from military activities.
- 6) It will give the courts a favour for providing weight for the parliamentary views.
- 7) It will prohibit the court so that it cannot find human owes.

WHICH WILL NOT BE CHANGED IN THE BILL:

They will not change everything in the bill. It is described that the bill will change some provisions of the act and some major measures will be taken. The bill will keep the convention rights as same as before and the ability of the convention's rights will be retained to enforce in the court [*Ormerod, D. (2022). 'Human Rights Act'reform. CRIMINAL LAW REVIEW, (3), 179-184*]. The United Kingdom's membership in European Convention on Human Rights will not be changed in this bill. Governmental obligations will not also be changed which are placed for securing everyone's rights in the UK. The Public authority will have the power to do something about protecting human rights.

DESCRIPTION OF SOME CHANGES:

Deportation: as this bill will block article 8 of ECHR, it will be easy for refugees to be deported. In this bill, foreign criminals and extreme harm people can be deported. But this bill will disadvantage refugees and migrants and they cannot defend their rights challenging deportation [*Palmer, Q. C. (2022). Does the UK need a Modern Bill of Rights? Or is it a Policy in Search of Purpose?. Or is it a Policy in Search of Purpose*]. The definition of extreme harm will be limited in this bill because it will allow the children of a family no other members.

Public authority: under the new bill, the public authority will not have many obligations to protect human rights from abuses. If there are positive obligations, the public authority can have the power to protect basic rights. The existing positive obligations are not safe, so the new bill will ensure some situations that the public body needs to ignore.

Free of speech: This bill will act for freedom of speech and the court must give huge importance to protecting human rights. When people will say that a criminal will breach their free of speech, in that case, this right will not have any weight [*Webster, E. (2022). The UK Governments current proposals for reform of the Human Rights Act 1998 are in equal measure unsurprising and astonishing*]. Under this bill, there will have no difference in decision making though people are not a citizen of the UK but are residing here.

Governmental power: after passing this bill, the highest weight will be given to the parliament and the parliament can be able to dictate the court's interpretation of human rights. Under this bill, people need to take prior permission before going to proceedings from the court against authority. This permission will only be granted by the court when it will seem that the person suffered much.

Armed forces and their impunity: under this bill, any proceeding against military forces cannot bring when the military will violate human rights during their operations in their home country or abroad.

REFORM SUGGESTIONS:

As there are some changes in this bill and all of the changes are not favourable for people, so some reform suggestions might be the following:

- a) It cannot break the rule of law
- b) Justice might have access
- c) Increase the protection of rights
- d) There will have legal certainty
- e) It will crease the reputation of the UK.

IMPACT OF THIS BILL:

This will impact human rights and the UK people. The UK government decides to overrule the previous Human Rights Act when it finds some people are not eligible for their rights and these people are marginal. This bill will breach the legality of the law. Justice will not get proper access to the judgement. If this bill is passed, it will reduce the protection of the human right. There will have much uncertainty regarding legal legislation. The reputation of the UK government will be damaged.

CONCLUSION:

The UK government has prepared the Bill of Rights Bill, a new piece of legislation that would replace the outdated Human Rights Act of 1998. This bill's primary goal is to repeal the Human Rights Act (HRA) and replace it with the European Convention on Human Rights' inclusion of those rights together with public enforcement of those rights. This bill has changed some provisions of the Human Rights Act and taken some measures. But all the things are not changed in this bill. Though this bill has some advantages, it has some disadvantages too. The UK government should consider the disadvantages.

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