

Human Rights Commissioner: Report on State of Human Rights in the UK



News

András Csúri

On 9 December 2022, *Dunja Mijatović*, Commissioner for Human Rights of the Council of Europe, published a [report](#) on the state of human rights in the UK. The report is based on her visit to the UK from 27 June to 1 July 2022. The focus was particularly on the overall human rights landscape in the UK, children's rights, and specific human rights issues relating to Northern Ireland.

Regarding the overall human rights landscape, the Commissioner focused especially on recent and proposed changes to laws and policies, in particular on the proposal to repeal the 1998 Human Rights Act (HRA) and replace it with a Bill of Rights. The Commissioner found that the legislative proposal would weaken human rights protection by encouraging a divergence in interpretations by UK courts and the ECtHR regarding rights set out in the ECHR and by limiting the possibilities to bring human rights cases before UK courts.

In addition, the Police, Crime, Sentencing and Courts Act (PCSC Act) has introduced extensive restrictions on peaceful assembly, which may be subject to arbitrary application and should be reviewed. The provisions of the PCSC Act *de facto* criminalise Gypsy, Roma and traveller communities who lead nomadic lifestyles. The Commissioner believes that this situation will be further exacerbated by additional restrictions stemming from the Public Order Bill and calls on the UK Parliament not to pass it.

Mijatović also underlines that the UK has fallen significantly behind in meeting its international obligations to respect the human rights of refugees, asylum seekers, and migrants and also calls for countering the toxic public discourse towards trans persons – a discourse that risks reversing the UK's progress in combating discrimination against LGBTI persons.

Regarding children's rights, the Commissioner stresses the need to fight child poverty and homelessness, including ensuring free school meals for all and realising children's right to adequate housing. To better protect and enhance children's rights, the Commissioner calls for the following:

- Reviewing police and judicial issues, such as the use of stop and search powers over children, including strip searches;
- Raising the age of criminal responsibility and ensuring that 16- and 17-year olds can fully benefit from child-friendly justice, including time spent in custody.
- Promoting children's participation in decision-making, including lowering the voting age where possible.

AUTHOR

András Csúri

Vienna University of Economics
and Business

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As far as Northern Ireland is concerned, the UK Government should consider withdrawing the Northern Ireland Troubles (Legacy and Reconciliation) Bill, which the UK government introduced to Parliament on 17 May 2022. This Bill addresses the legacy of the Northern Ireland Troubles and aims to promote reconciliation by establishing an Independent Commission for Reconciliation and Information Recovery, limiting criminal investigations, legal proceedings, inquests and police complaints, extending the prisoner release scheme in the Northern Ireland (Sentences) Act 1998, and providing for experiences to be recorded and preserved and for events to be studied and memorialised.

The Commissioner recently published her [submission](#) on the matter under Rule 9.4 of the Rules of the Committee of Ministers. Accordingly, the Bill could potentially have far-reaching implications for the handling of so-called “legacy cases” in the context of the supervision of the execution of the *McKerr* group of judgments of the ECtHR. This group of judgments relates to various shortcomings in the investigation of deaths during the Troubles in Northern Ireland, leading to violations of Art. 2 ECHR.

Mijatović also calls for adequate resources to be provided to the Northern Ireland Human Rights Commission in order to enable it to fully carry out its functions. In addition, she calls for better protection of journalists in the country and for adequate and sustained funding of abortion services in Northern Ireland.

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