



Update for ROCK – England

Following the UK General Election, which resulted in a Conservative majority, we have been anticipating the repeal of the Human Rights Act and a new British Bill of Rights - a commitment included in the Conservative manifesto.

A draft Bill was widely expected to be announced in the May 2015 Queen's Speech but following concerns raised by senior Conservatives the Government announced it would be consulting on the proposals instead.

There is still no clarity on when the consultation will be published. In answer to a recent Parliamentary Question the Government said that the proposals would be published in '*the near future*' and giving evidence to the Lords' EU Justice Sub-committee, the Justice Secretary, Michael Gove said the consultation would be published '*soon*' but not did give a specific timescale.

As you will know, we have real concerns about plans to repeal the HRA and replace it with a British Bill of Rights. The current HRA enables children to enforce some of their CRC rights (important due to lack of progress on CRC incorporation) for example, the rights to life, freedom of expression, and the right to privacy and family life. Importantly for children, who depend heavily on public services, the HRA also places a duty on the public sector to comply with the human rights set out in the Act. This non adversarial aspect of the Act is important for children as it makes human rights part of the decision-making processes of public authorities and could help to prevent a breach of human rights in the first place. Some of our most vulnerable children, for example, children in care, children in custody, child witnesses and refugee children, regularly use the HRA to improve their lives.

Currently, speculation on what the proposals may include, are based on a paper published by Chris Grayling last autumn but it is now difficult to know what will be included as Michael Gove has taken a different approach to his predecessor Chris Grayling on several other issues, including on legal aid and the U-turn on the secure college – a giant children's prison. During his recent evidence session he said that the Government was '*not planning to derogate absolutely from any of the [European Convention on Human Rights] rights*'

In England, we are also gearing up for the UK examination by the UN Committee on the Rights of the Child later this year on how well it is respecting children's rights. CRAE, alongside other children's rights alliances, independent national human rights institutions and the children's commissioners, attended the Pre-sessional Working Group last October and gave evidence on the UK's child rights record. We are currently pushing the Government to address some of our key concerns in the run up to its examination and we will shortly be working with colleagues to respond to the UN Committee's List of Issues – a document which asks the Government for further information on key child rights concerns. The Government has to submit its response by 1st March.