



Bill of Rights - Second Consultation

1 In our Legal Paper MW 237 published in August 2011 I set out the views of Migration Watch in response to the initial consultation paper issued by the Commission on Human Rights. For all the reasons set out in that paper we expressed ourselves to be strongly opposed to a new Bill of Rights. On the basis of experience since the Human Rights Act 1998 was brought into force in 2000 we concluded that in ways which the briefing paper summarised, the direct availability of the provisions of the European Convention on Human Rights (ECHR) in litigation in the United Kingdom courts had been detrimental to effective immigration control. We have noted in Legal Paper MW 268 the new Immigration Rules which came into force on 9 July 2012 with the objective of restricting the ability of foreign convicted criminals to avoid deportation by reliance on the right to family life contained in Article 8 of the ECHR. It remains to be seen whether the new Immigration Rules will achieve the desired effect.

2 The Commission on Human Rights has now in July 2012 published a second consultation paper. The paper emphasises that it has not yet reached any conclusion as to whether it should recommend a Bill of Rights, nor has it formed any view as to what rights a Bill should contain if it were to make a positive recommendation. The Commission does not seek any further views from those who have already responded to the initial consultation and Migration Watch does not therefore intend to respond further. We have nothing to add to our previous submissions. Paragraph 10 of the Commission's paper states that of those who previously responded "approximately a quarter advocated a UK Bill of Rights; *just under half opposed such a Bill* [emphasis added]; with the remainder being neither clearly for nor against such a Bill". This is a clear indication of the lack of any general enthusiasm for a Bill. The Commission is charged with reporting to the government its recommendations by the end of the year.

3 The second consultation paper summarises some of the suggestions which interested parties made in their initial responses as to the specific rights which might be included in a Bill. The first consultation paper contained no such suggestions from the members of the Commission. The suggestions now summarised include rights to equality, administrative justice and trial by jury, right not to be discriminated against and rights for victims of crime. These are already covered by specific statutes or by the common law and it is difficult to see any justification for restating them in a UK Bill of Rights.

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