



Bill of Rights will seriously undermine freedom of expression in the UK

22 June 2022

Today, the UK Government presented its new Bill of Rights before Parliament, [claiming](#) that it will ‘restore a proper balance between the rights of individuals, personal responsibility and the wider public interest’. In reality, the new Bill will undermine the universality of all human rights and weaken the ability of courts to give effect to protection of fundamental human rights, including freedom of expression. It will expand state power and hamper efforts to hold the Government to account, joining other legislative measures – such as the Judicial Review and Courts Act 2022 – that have reduced the ability to challenge government overreach.

The Bill is set to replace the Human Rights Act, which has protected human rights and the freedom of expression of people living in the UK for over 20 years.

The government claims that replacing the Human Rights Act with a new Bill of Rights will strengthen freedom of expression. As human rights organisations that promote and defend the right to freedom of expression worldwide, we unequivocally reject this false narrative. Freedom of expression is too important to be used as cover for weakening the protection of human rights. On the contrary, as detailed in our [joint consultation response](#), the Human Rights Act has bolstered free expression in the UK in a number of areas: it has strengthened defamation law; enhanced protection of journalistic sources and material; strengthened protection of the right to protest; and restricted perception-based recording of non-crime incidents, among others.

ARTICLE 19, Index on Censorship and English PEN believe that if the government is serious about its purported goal to strengthen freedom of expression in the UK, it should instead focus its attention on reforming a number of problematic laws and legislative proposals it has brought forward, including the National Security Bill, the Online Safety Bill, the Higher Education (Freedom of Speech) Bill, the Public Order Bill, and the Police, Crime, Sentencing and Courts Act.

We urge the government to abandon any proposal that would replace or weaken the Human Rights Act in any way. Moreover, it must follow the normal procedures for introducing new law - particularly a bill that could have such sweeping repercussions - and allow for proper, thorough democratic scrutiny of the bill. Rushing through such legislation could put the protection of human rights of the people in the UK at risk and fail to offer the levels of protection to which they are entitled, and which the Human Rights Act has already enshrined in law. One of the justifications for the Bill of Rights is to give greater weight to the views of elected lawmakers. By reducing the opportunity for these same lawmakers to scrutinise the Bill, it demonstrates the hollow commitment to democracy and the rule of law that underpins this Bill.

[In the letter to Justice Secretary](#) Dominic Raab this month, our organisations were among a coalition of 150 organisations from across civil society that called on the Government to provide pre-legislative scrutiny of the proposed Bill of Rights. We warned that the proposal to repeal and replace the Human Rights Act would be a significant constitutional reform, which requires careful and robust consideration. The rights of individuals could be compromised if such a process was hurried.