



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Rt Hon Michael Gove MP
Lord Chancellor and Secretary of State for Justice
102 Petty France
London
SW1H 9AJ

28 April 2016

Dear Michael,

I am writing to follow up our correspondence about the Government's plans to introduce a British Bill of Rights, in the light of recent comments made by the Home Secretary concerning the UK's future relationship with the European Convention on Human Rights (ECHR).

Our understanding of the Government's position has hitherto been based on various comments made by the Prime Minister and you over the course of this parliamentary Session.

In June of last year, the Prime Minister said ***"The plans that were set out in our manifesto do not involve us leaving the European Convention on Human Rights, but ... When we have these foreign criminals committing offence after offence, and we cannot send them home because of their "right to a family life", that needs to change. I rule out absolutely nothing in getting that done."***

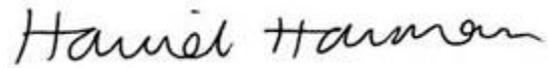
This position was supported by your initial correspondence to this Committee in November 2015, when you wrote that ***"We are confident that we can make progress from within the ECHR. Our Bill of Rights will be based on Convention rights, while also taking into account our common law tradition, and making clear where the balance should lie between Strasbourg and British courts. While we want to remain part of the ECHR, we would not stay in at any cost and our plans are aligned to that objective."***

Subsequently, you told the House of Lords' EU Justice Sub-Committee that ***"we are not planning to derogate absolutely from any of the rights. At the moment, we envisage that all the rights contained within the convention will be affirmed in any British Bill of Rights, but where rights are subject to potential qualification, we may emphasise the importance of one right over another."***

I was therefore surprised to read comments made by the Home Secretary during her speech on the EU referendum on 25 April. In it, she said ***"The ECHR can bind the hands of Parliament, adds nothing to our prosperity, makes us less secure by preventing the deportation of dangerous foreign nationals – and does nothing to change the attitudes of governments like Russia's when it comes to human rights. So regardless of the EU referendum, my view is this. If we want to reform human rights laws in this country, it isn't the EU we should leave but the ECHR and the jurisdiction of its Court."***

In your letter to us of 15 April you offered to give oral evidence to us on a British Bill of Rights. In light of the Home Secretary's comments and the lack of clarity they have created regarding the Government's policy on the UK's relationship with the ECHR, the Joint Committee on Human Rights invites to attend an oral evidence session to discuss these matters on Wednesday 25 May, after the Government has published its legislative programme for the new Session in the Queen's Speech. Our Clerks will be in contact with your office with further details.

Yours sincerely,

A handwritten signature in black ink that reads "Harriet Harman". The signature is written in a cursive, flowing style.

Rt Hon Harriet Harman
Chair of the Joint Committee on Human Rights