

Human Rights Priorities in the Light of Brexit QSD on 12 December 2017

Summary

On 12 December 2017, the House of Lords is due to debate a question tabled by Lord Cashman (Labour) to ask Her Majesty's Government what are their human rights priorities in the light of Brexit. This Lords Library briefing examines some of the overarching human rights issues relating to Brexit and the European Union (Withdrawal) Bill. It does not provide details on specific issues such as citizens' rights or workers' rights.

Through the European Union (Withdrawal) Bill, the Government's general approach is to convert EU law into domestic law so that existing legal rights and obligations would be the same after the UK has left the EU as they were immediately before Brexit. The EU Charter of Fundamental Rights is expressly excluded from this approach. The Government's position is that the Charter did not create any new rights, and the substantive rights and principles underpinning it will be converted into domestic law, meaning that individuals' substantive rights will not be affected. Others have argued that removing the Charter would have an effect on individuals' rights and the way they could enforce them. With regard to the protection of equalities, the Government has undertaken to bring forward an amendment to the Bill to include a requirement for a ministerial statement to be produced for any Brexit-related primary or secondary legislation showing whether and how it is consistent with the Equality Act 2010. The Government has stated that the UK will remain a signatory to the European Convention on Human Rights (ECHR) for the duration of this Parliament, but the human rights legal framework, including the Human Rights Act, may be reviewed once the process of leaving the EU is concluded.

General Approach

The Government has consistently stated that the decision to leave the European Union does not change the UK's "long tradition of ensuring that rights and liberties are protected domestically, and of fulfilling its international human rights obligations".¹ In its white paper on *Legislating for the United Kingdom's Withdrawal from the European Union* (the 'Repeal Bill' white paper), published in March 2017, just as Article 50 was triggered, the Government explained its approach was that: "unless and until domestic law is changed by legislators in the UK, legal rights and obligations in the UK should where possible be the same after we have left the EU as they were immediately before we left".² To this end:

- the Bill will convert directly applicable EU law (EU regulations) into UK law;
- it will preserve all the laws we have made in the UK to implement our EU obligations;
- the rights in EU treaties that can be relied on directly in court by an individual will continue to be available in UK law; and
- the Bill will provide that historic CJEU [Court of Justice of the European Union] case law be given the same binding, or precedent, status in our courts as decisions of our own Supreme Court.³

The white paper used the example of maintaining workers' rights to illustrate how the Government intended this approach to work:

The Great Repeal Bill will convert EU law into domestic law. This means that the workers' rights that are enjoyed under EU law will continue to be available in UK law after we have left the EU. Where protections are provided by the EU treaties as a final 'backstop'—such as the right to rely on Article 157 of TEU (equal pay) directly in court—they will also be preserved.

Protections are further strengthened by the Great Repeal Bill's incorporation of CJEU case law, which means that where workers' rights have been extended by CJEU judgments, those rights will continue to be protected in the UK once we have left the EU. In a number of areas, UK employment law already goes further than the minimum standards set out in EU legislation, and this Government will continue to protect and enhance the rights people have at work.⁴

In line with the approach set out in the white paper, the European Union (Withdrawal) Bill (as the Repeal Bill is now called) would save EU-derived domestic legislation (clause 2), incorporate direct EU legislation into domestic law (clause 3) and save certain other rights, such as directly effective rights contained with the EU Treaties (clause 4). The explanatory notes to the Bill state that: "As a general rule, the same rules and laws will apply on the day after exit as on the day before. It will then be for Parliament and, where appropriate, the devolved legislatures to make any future changes".⁵ The Bill would give ministers time-limited powers to make secondary legislation to: correct 'deficiencies' that would otherwise arise in retained EU law post-Brexit (clause 7); enable continued compliance with the UK's international obligations (clause 8); to implement any withdrawal agreement concluded between the UK and the EU under Article 50 (clause 9). These delegated powers would allow ministers to make secondary legislation amending primary legislation (so-called Henry VIII powers). In each case, however, the Bill specifies that the powers could not be used to amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it.

The Government has noted that there may be circumstances in which these powers could be used to amend certain rights in other pieces of legislation:

[...] there are rights that are currently enjoyed by individuals living in the UK which are dependent on the UK's membership of the EU and which will make no sense and fall away automatically as a result of EU exit (such as the right to vote and stand in European Parliamentary elections). The powers in clauses 7 to 9 of the Bill may be used to amend the legislation concerned and [...] the exercise of those powers could engage [European] Convention [on Human Rights] rights. However it is important to recognise that this would be a natural consequence of withdrawal, following the UK's decision to leave the EU; the Bill simply puts that into effect.⁶

The Government has stated that the Bill "does not aim to make major changes to policy or establish new legal frameworks in the UK beyond those which are necessary to ensure the law continues to function properly from day one".⁷ It said that policy changes in any policy area would be introduced in separate primary legislation. The Conservative Party manifesto for the 2017 general election reaffirmed that "the rights of workers and protections given to consumers and the environment by EU law will continue to be available in UK law at the point at which we leave the EU".⁸

Prior to the publication of the Bill, the Joint Committee on Human Rights argued that preserving rights at the point of departure did not necessarily preclude them changing in future:

Assuming that the Repeal Bill safeguards existing rights under EU law, this would not stop a future

Parliament from repealing laws it did not consider desirable. Without the underpinning of EU law, the rights preserved under the Repeal Bill would be subject to amendment. Under the UK constitution, outside the auspices of EU law, there is no way to entrench fundamental rights. However, the Government must resist the temptation to allow laws relating to fundamental rights to be repealed by secondary legislation for reasons of expediency. If rights are to be changed there should be an opportunity for both Houses to seek both to amend and to vote on such changes.⁹

The Labour Party has indicated that the protection of existing rights is one of the key planks of its approach to Brexit. Shortly before the Government triggered Article 50 at the end of March 2017, Keir Starmer, the Shadow Secretary of State for Exiting the European Union, set out six tests by which he said Labour would judge the deal negotiated by the Government. One of these was that it must “defend rights and protections and prevent a race to the bottom”. He argued that leaving the EU “must not be used as a pretext for rolling back [...] rights or weakening hard fought protections” in areas such as workplace rights (paid holiday leave, parental leave and equal treatment rights for part-time and agency workers), consumer rights, human rights and environmental protections.¹⁰ In his speech to the Labour Party conference in September 2017, Jeremy Corbyn said that what mattered in the Brexit negotiations was to “achieve a settlement that delivers jobs, rights and decent living standards”.¹¹

Charter of Fundamental Rights

Although the Government’s general approach is to preserve current EU law in domestic law when the UK leaves the EU, the EU Charter of Fundamental Rights is expressly excluded. The Government stated in its white paper on *Legislating for the United Kingdom’s Withdrawal from the European Union*, published in March 2017, that the Charter would not be converted into UK law by the Great Repeal Bill.¹² The [EU Charter of Fundamental Rights](#) brings together in a single document the fundamental rights protected in the EU, under the headings of: dignity; freedoms; equality; solidarity; citizens’ rights; and justice.¹³ The Charter was proclaimed in 2000. When the Treaty of Lisbon entered into force in 2009, the Charter became legally binding on the EU institutions all the time, and on member states when they are acting within the scope of EU law.

Clause 5(4) of the European Union (Withdrawal) Bill provides that: “The Charter of Fundamental Rights is not part of domestic law on or after exit day”. Clause 5(5) states that this provision “does not affect the retention in domestic law on or after exit day in accordance with this Act of any fundamental rights or principles which exist irrespective of the Charter”. It also provides that “references to the Charter in any case law are, so far as necessary for this purpose, to be read as if they were references to any corresponding retained fundamental rights or principles”. The Government’s position, as stated in the explanatory notes to the Bill, is that: the Charter codified rights and principles that already existed in EU law; as the EU *acquis* (body of law) is converted into UK law by the Bill, those underlying rights and principles will also be converted into UK law; and EU law which is converted will continue to be interpreted in light of those underlying rights and principles.¹⁴

The Government has explained its reasons behind not converting the Charter into domestic law:

The Charter did not create any new rights. Instead it was intended to catalogue the rights that already existed in EU law, including case law of the CJEU [Court of Justice of the European Union].

The substantive law and the principles which underpin the Charter will be converted into domestic law. As such, they will continue to be enshrined in UK domestic law, through domestic legislation or retained EU law.

The Charter only applies to member states acting within the scope of EU law. As such, when we leave the EU it will cease to have any real relevance for the UK.

The Government's intention is that **the removal of the Charter from domestic law will not affect the substantive rights that individuals already benefit from in the UK.** The Charter was never in itself the source of those rights.

The Charter of Fundamental Rights is only one element of the UK's human rights architecture. The Bill makes no changes to the UK's substantive obligations under the ECHR [European Convention on Human Rights], nor under the Human Rights Act 1998 that gives effect to the ECHR. This Government has been clear that it has no plans to withdraw from the ECHR. Individuals will still be able to bring a claim under the Human Rights Act 1998 as they can now.

It does not make sense for the UK to continue to be subject to EU judicial processes and remedies that do not exist in our legal system once the UK has left the EU. It is the Government's position that it cannot be right that the Charter could be used in its own right, post-exit, to bring challenges against the Government to strike down UK legislation after the UK's withdrawal from the EU.¹⁵

However, the Government's stance that removing the Charter from UK law would not affect individuals' rights has been disputed. During the committee stage debate on clause 5 of the European Union Withdrawal Bill, Paul Blomfield, Shadow Minister for Exiting the European Union, spoke to a new clause tabled by Labour, which would have retained the Charter as part of domestic law post-Brexit. He maintained that removing the Charter would leave a gap in the statute book, and would diminish rights—both things that the Government had said it would not do.¹⁶ Firstly, he argued that by codifying existing rights, the Charter had effectively created new rights that could not be relied upon without the Charter:

Drawing on existing rights, the Charter set out a new framework for human rights protection under EU law. The rights contained in the Charter may have existed in EU law for decades—the Government are relying on that point—but that is not enough. The whole point of the Charter was that nobody could verify those rights or their sources, and as the lawyers among us know, identifying the source of a right is imperative in securing effective recourse. In his speech, will the Minister therefore clarify whether the Government have succeeded, where others have not, in comprehensively identifying every single source of these rights? If not, how do they plan to uphold the same level of protections for these rights once we have left the European Union, because a right without effective recourse is rendered effectively meaningless?

By compiling and codifying these rights in a single document, the Charter in effect created new rights and certainly created new protections. In short, the Charter is the most effective key to unlocking vital rights, and to fail to transpose it and make it operable in UK law is to lock away those rights and deny UK citizens the key to accessing them.¹⁷

As examples of rights in the Charter that he said could not be found elsewhere, he cited data protection rights in Article 8; Article 24 giving effect to the UN Convention on the Rights of the Child, which would not otherwise be directly effective in domestic law although the UK is a signatory to the Convention; Article 13 on the right to academic freedom, which he said was “not secured anywhere else”.¹⁸

Secondly, Mr Blomfield argued that in comparison with the Human Rights Act 1998, the Charter applied to a wider class of applicants: “Anyone with a sufficient interest can apply for a judicial review based on the Charter, and it can also be relied on in other types of case—for example employment tribunal claims—that are within the scope of EU law. By contrast claims under the Human Rights Act can only be made when an individual is a victim of a rights violation”.¹⁹ Thirdly, he argued that the Charter allowed for “stronger remedies” as national courts had to disapply primary legislation or quash secondary legislation that they found to be incompatible with a directly effective provision of the Charter, whereas under the Human Rights Act, the courts could only make a declaration of incompatibility.²⁰ He therefore concluded that “we should be in no doubt that losing the Charter means losing rights”, and that it was “not acceptable” to “pretend that the Bill provides for the transfer of rights and protections when it clearly does not”.²¹

In response, Dominic Raab, Minister of State at the Ministry for Justice, repeated the Government’s position that “all of those substantive law principles and rights, of which the Charter is a reflection not the source” would be converted into domestic law by the Bill, and that it was “not necessary, therefore, to retain the Charter in order to retain such substantive rights”.²² He confirmed the Government’s commitment to publish a detailed memorandum setting out how each article of the Charter would be reflected in UK law after Brexit. He said that if, after studying the memorandum, any member felt the Government’s analysis was “deficient” or “missed out a substantive right that risks being removed if the Charter is not retained”, he would be happy to discuss the issue again. Following this undertaking, neither Mr Blomfield, nor Chris Leslie (Labour MP for Nottingham East)—who had tabled a new clause which would have required the Government to report to Parliament on the implications of removing the Charter from domestic law—pressed their amendment to a vote.

The Government first made a commitment to publish this memorandum to the House of Commons Exiting the European Union Committee.²³ During its inquiry into the European Union (Withdrawal) Bill, the Committee heard evidence both for and against the Bill’s removal of the Charter from domestic law. The Committee did not draw any conclusions as to the relative strength of the arguments on either side, but it said it would be “helpful” if the Government published the memorandum before clause 5 was considered at committee stage.²⁴

The Joint Committee on Human Rights (JCHR) has been corresponding with the Government about the human rights implications of the European Union (Withdrawal) Bill.²⁵ In its most recent letter to the Secretary of State for Exiting the European Union, the JCHR set out a number of outstanding questions relating to the Charter which it said that the Government had failed to clarify during the committee stage debate on clause 5.²⁶ Clause 5(5) provides that “fundamental rights and principles which exist irrespective of the Charter” would be retained in domestic law. The JCHR asked the Government whether it was correct that all provisions within the Charter would fall within this definition and would be retained in domestic law after Brexit. It called on the Government to clarify which of these underlying rights and principles would confer an enforceable right, and which would be retained merely for interpretative purposes. The JCHR noted that the sources of the Charter include the European Convention on Human Rights, EU legislation, general principles of EU law, international conventions and national constitutions. It reasoned that Charter provisions would be available in domestic law if they:

- were retained by clauses 2, 3 or 4 of the Bill (these clauses deal with the retention in domestic law of EU-derived domestic legislation; direct EU legislation; and certain EU law rights respectively); or
- were already incorporated into domestic statutes; or
- were replicated in common law.

Otherwise, the JCHR reasoned, the Charter provisions “will no longer be available”. The JCHR therefore sought detailed clarification from the Government about the means by which Charter provisions with different sources would be ‘saved’, or whether some would be lost.

The Equality and Human Rights Commission has recommended that Charter rights that have equivalent UN treaty rights should be incorporated into UK domestic law to ensure that they have direct effect in domestic law.²⁷

The Government published its memorandum, *Charter of Fundamental Rights of the EU: Right by Right Analysis*, on 5 December 2017. The Government summarised the key findings of its analysis of each article in the Charter as follows:

The Government has been clear that it does not intend that the substantive rights protected in the Charter of Fundamental Rights will be weakened. Those rights will continue to be protected in a number of ways. First [...] rights will continue to be protected through the EU law that is preserved and converted by the Bill. Second, eighteen of the articles correspond, entirely or largely, to articles of the European Convention on Human Rights and are, as a result, protected both internationally and, through the Human Rights Act 1998 and the devolution statutes, domestically. Finally, the substantive rights protected in many articles of the Charter are also protected in domestic law via the common law or domestic legislation.

Many articles of the Charter set out principles, which are different from rights. Principles cannot be relied on directly by individuals, in the way that rights can.

Eight articles constitute rights which are intrinsically linked to EU citizenship, and make sense only in the context of the relationship between a member state and the Union.

The remaining articles include rights which will continue to be reflected in UK law in a range of ways—including through clause 4 of the EU (Withdrawal) Bill which will preserve Treaty rights which are directly effective, through the retention in UK of general principles of EU law for interpretative purposes and case law of the CJEU, and through other domestic legislation, such as the Equality Act 2010 in England, Scotland and Wales, and equality legislation and regulations in Northern Ireland.²⁸

Equality Legislation

The Government has stated that leaving the EU will not change its commitment to “protecting and promoting equality and to eliminating discrimination”.²⁹ Its position is that the rights enshrined in the Equality Act 2010 will not be affected by Brexit:

Because decades of domestic legislation and transposed EU law have already been consolidated into the Equality Act 2010, this Act is the cornerstone of domestic equality law. The Government is committed to ensuring that all the protections in the Equality Act 2010 will continue to apply once we have left the EU.

The effect of these commitments will be to ensure the continued protection of people’s rights not to be discriminated against, harassed or victimised in the provision of goods, services and public functions, housing, transport and education. These are rights provided by the Act, but supported by our longstanding commitment to equalities.³⁰

The Repeal Bill white paper promised that “all the protections covered in the Equality Act 2006, the Equality Act 2010 and equivalent legislation in Northern Ireland will continue to apply once the UK has left the EU”.³¹

In its report on ensuring strong equalities legislation after Brexit, the House of Commons Women and Equalities Committee noted concerns that Brexit could lead to a diminishing of equality protections:

At present, domestic legislation and EU legal structures together provide the UK’s strong equality protection. Stakeholders have expressed concern that the removal of the EU legal underpinning, including the court system, will lead to a weakening of equality protection in the future unless its full effects are understood. It is therefore important for the Government, during the process of leaving the EU, to ensure that robust equality protection is embedded at each milestone. The Government should ensure that equality protections—including but not limited to workers’ rights—remain to the fore as negotiations begin and throughout the leaving process.³²

The Committee recommended that the Government should consider bringing forward an amendment to the Equality Act 2010 to mirror provisions in the Human Rights Act 1998 with the purpose of ensuring:

[...] that public authorities must not act in a way that contravenes the Equality Act unless required to do so by another Act of Parliament; that ministers, when presenting any Bill, must make a declaration of compatibility with the Act; that interpretation of legislation by the courts must take account of that Act and be read as far as possible to comply with its provisions; and that, if any legislation is incompatible with the Act, a declaration of incompatibility should be made by the court.³³

During the first day of the committee stage on the European Union (Withdrawal) Bill, Dominic Raab, Minister of State at the Ministry for Justice, announced that the Government was working on an amendment, to be tabled before report stage, that would require ministers to “make a statement before the House in the presentation of any Brexit-related primary or secondary legislation on whether and how it is consistent with the Equality Act 2010”.³⁴

Future Reform?

The Conservative manifesto for the 2017 general election left open the possibility of future reforms to domestic human rights legislation once the Brexit process was concluded. It stated:

We will not repeal or replace the Human Rights Act while the process of Brexit is underway but we will consider our human rights legal framework when the process of leaving the EU concludes. We will remain signatories to the European Convention on Human Rights for the duration of the next parliament.³⁵

The Conservatives had previously advocated change to the UK’s human rights law. The Party’s 2015 manifesto stated that it would seek to “scrap the Human Rights Act”, limit the jurisdiction of the European Court of Human Rights in the UK and create a British Bill of Rights.³⁶ The creation of a British Bill of Rights was included in the 2015 Queen’s Speech but no bill was introduced during the 2015–17 parliament.³⁷ The Prime Minister has previously stated her personal support for reform of UK human rights law. During the 2016 referendum campaign, Theresa May, who was then Home Secretary, stated that it was her view that, if the UK wanted to reform its human rights law, it needed to leave the European Convention on Human Rights and the jurisdiction of the European Court of Human Rights.³⁸

During the 2017 general election campaign, Mrs May stated in an interview with the *Sun* that a Conservative Government would be prepared to change the UK's human rights law if necessary for the purposes of countering terrorism.³⁹ These comments were criticised by the Shadow Secretary of State for Exiting the European Union and former Director of Public Prosecutions, Keir Starmer, who argued that effective counter-terrorism policing was not incompatible with UK human rights law.⁴⁰ The human rights campaign organisation Liberty also criticised the Prime Minister, arguing that she was seeking to undermine UK human rights and that this would not make the UK safer from terrorist attacks.⁴¹

In answer to a parliamentary question in September 2017 about when the Ministry of Justice would consult on legislative proposals to replace the Human Rights Act 1998, Philip Lee, Parliamentary Under Secretary at the Ministry of Justice, said that the Government would “further consider our human rights legal framework when the process of leaving the EU concludes, and consult fully on proposals in the full knowledge of the new constitutional landscape”.⁴² He added that the UK had “a proud tradition of respect for human rights which long pre-dates the Human Rights Act”.

Further Information

- House of Commons Library, [EU \(Withdrawal\) Bill: The Charter, General Principles of EU Law, and ‘Francovich’ Damages](#), 17 November 2017
- [Debate on European Union \(Withdrawal\) Bill](#), HC Hansard, 21 November 2017, cols 862–1014
- Department for Exiting the European Union, [Charter of Fundamental Rights of the EU: Right by Right Analysis](#), 5 December 2017
- Joint Committee on Human Rights, [The Human Rights Implications of Brexit](#), 19 December 2016, HL Paper 88 of session 2016–17

¹ [HC Hansard, 16 November 2017, col 573.](#)

² Department for Exiting the European Union, [Legislating for the United Kingdom’s Withdrawal from the European Union](#), March 2017, Cm 9446, p 14.

³ *ibid.*

⁴ *ibid.*, p 16.

⁵ [Explanatory Notes to the European Union \(Withdrawal\) Bill](#), para 10.

⁶ Department for Exiting the European Union, [European Union Withdrawal Bill: European Convention on Human Rights Memorandum](#), 20 November 2017.

⁷ [Explanatory Notes to the European Union \(Withdrawal\) Bill](#), para 14.

⁸ Conservative Party, [The Conservative Party Manifesto 2017](#), 18 May 2017, p 36.

⁹ Joint Committee on Human Rights, [The Human Rights Implications of Brexit](#), 19 December 2016, HL Paper 88 of session 2016–17, p 29.

¹⁰ Speech by Keir Starmer on ‘[What Next for Britain?](#)’, Chatham House, 27 March 2017.

¹¹ [‘Labour Party Conference: Read Jeremy Corbyn’s Speech in Full’](#), *Independent*, 27 September 2017.

¹² Department for Exiting the European Union, [Legislating for the United Kingdom’s Withdrawal from the European Union](#), March 2017, Cm 9446, p 18.

¹³ European Commission, ‘[EU Charter of Fundamental Rights](#)’, accessed 4 December 2017.

¹⁴ [Explanatory Notes to the European Union \(Withdrawal\) Bill](#), paras 99–100.

¹⁵ Department for Exiting the European Union, [The Repeal Bill—Factsheet 6: Charter of Fundamental Rights](#), 7 September 2017. Emphasis as in original.

¹⁶ [HC Hansard, 21 November 2017, cols 887–8.](#)

¹⁷ *ibid.*, col 889.

¹⁸ *ibid.*, cols 889–91.

- ¹⁹ *ibid*, col 891.
- ²⁰ *ibid*, col 892.
- ²¹ *ibid*, cols 892 and 893.
- ²² *ibid*, col 899.
- ²³ House of Commons Exiting the European Union Committee, [European Union \(Withdrawal\) Bill](#), 17 November 2017, HC 373 of session 2017–19, p 16.
- ²⁴ *ibid*, p 17.
- ²⁵ Joint Committee on Human Rights, '[Letter to the Secretary of State for Exiting the European Union regarding the EU \(Withdrawal\) Bill](#)', 2 November 2017; '[Letter \(and Memorandum\) from Rt Hon David Davis MP, Secretary of State for Exiting the European Union, on the EU \(Withdrawal\) Bill](#)', 20 November 2017; '[Letter to the Secretary of State for Exiting the European Union regarding the EU \(Withdrawal\) Bill](#)', 28 November 2017.
- ²⁶ Joint Committee on Human Rights, [Letter to the Secretary of State for Exiting the European Union regarding the EU \(Withdrawal\) Bill](#)', 28 November 2017.
- ²⁷ Equality and Human Rights Commission, [The European Union \(Withdrawal\) Bill](#), 13 July 2017.
- ²⁸ Department for Exiting the European Union, [Charter of Fundamental Rights of the EU: Right by Right Analysis](#), 5 December 2017.
- ²⁹ House of Commons Women and Equalities Committee, [Ensuring Strong Equalities Legislation After the EU Exit: Government Response](#), 11 October 2017, HC 385 of session 2017–19, p 1.
- ³⁰ *ibid*.
- ³¹ Department for Exiting the European Union, [Legislating for the United Kingdom's Withdrawal from the European Union](#), March 2017, Cm 9446, p 16.
- ³² House of Commons Women and Equalities Committee, [Ensuring Strong Equalities Legislation After EU Exit](#), 28 February 2017, HC 799 of session 2016–17, p 10.
- ³³ *ibid*, p 13.
- ³⁴ [HC Hansard, 14 November 2017, col 278](#).
- ³⁵ Conservative Party, [The Conservative Party Manifesto 2017](#), 18 May 2017, p 37.
- ³⁶ Conservative Party, [The Conservative Party Manifesto 2015](#), April 2015, pp 58, 60 and 73.
- ³⁷ [HL Hansard, 27 May 2015, cols 5–7](#).
- ³⁸ Home Office, '[Home Secretary's Speech on the UK, EU and Our Place in the World](#)', 25 April 2016.
- ³⁹ *Sun*, '[Theresa May Vows to Beef Up Police Powers on Jihadis with a Human Rights Act Shake-Up and 28 Days to Question Suspects](#)', 6 June 2017.
- ⁴⁰ Keir Starmer, '[I Have Prosecuted Terrorists—and Know Human Rights Laws Make Us Safe](#)', *Guardian*, 7 June 2017.
- ⁴¹ Liberty, '[The Prime Minister Risks Handing Terrorists Their Greatest Victory](#)', 6 June 2017.
- ⁴² House of Commons, '[Written Question: Human Rights](#)', 12 September 2017, 7772.

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