

A Level Politics

Transition Booklet 2026-27



Full Name: _____

Key Areas of Focus	
Introduction to A Level Course	- Paper 1 = UK Politics - 33$\frac{1}{3}$% - Paper 2 = UK Government - 33$\frac{1}{3}$% - Paper 3 = USA Politics - 33$\frac{1}{3}$%
GCSE Link	- You may have studied political themes in Humanities based subjects. - You will use the skills you learnt in GCSE English lessons.
Skills	- Construct and analyse arguments - Source examination and evaluation skills - Critical thinking skills
Wider Reading	- BBC News - https://www.bbc.co.uk/news - A Level Politics Podcast: https://www.alevelpolitics.com/alevel-politics-podcast - Pre chewed Politics: https://www.prechewedpolitics.co.uk/ - Tutor 2 U Politics: https://www.tutor2u.net/politics - A Level Politics Revision: https://www.alevelpolitics.com/a-level-politics-revision

Introduction

This booklet will help to prepare you for your transition test and baseline assessment, which you will complete when you start the A Level Politics course.

Your transition test will focus on the Paper 1 side of the course, while the baseline assessment will focus on the Paper 2 side of the course.

This booklet **MUST** be handed in on results day.

A Level Politics

Synopsis of Content

The course has been designed to provide students with a balanced education in politics. Students are encouraged to develop a critical awareness of the nature of politics and the relationship between political ideas, institutions and processes. We explore representative democracy and participation as well as key governmental processes and institutions. We also examine the history and contemporary application of political ideologies including feminism, socialism, conservatism and liberalism.

Paper 9PL0/01	<i>UK Politics (political participation, political parties, electoral systems, voting behaviour, conservatism, liberalism, socialism)</i>
Paper 9PL0/02	<i>UK Government (the constitution, parliament, PM and executive, feminism)</i>
Paper 9PL0/3A	<i>USA (the US Constitution and federalism, US Congress, US Presidency, US Supreme Court, democracy and participation, civil rights.)</i>

Part 1

Paper 1

Votes at 16 - Preparation for the Transition Test

Using the website links, complete the tables on voting rights in the UK. Please use Google if these links do not work.

<https://www.bbc.co.uk/news/uk-politics-62064552>

<https://www.gov.uk/elections-in-the-uk>

<https://www.myvotemyvoice.org.uk/resource/my-vote-my-voice-easy-read-guide-to-englands-main-political-parties/>

Who can vote in the UK?

What kind of elections do we have in the UK and how do they work?

What are the major parties you can vote for in the UK?

Read the article below on whether 16 year olds should be allowed the vote.

Arguments for

It is in line with the rights already held by 16 year olds. 16 year olds can marry, join the armed forces and consent to medical treatment.

It may be an answer to apathy in this age group. Young people are likely to be as aware of issues at 16 as they would be at 18 might feel that their views do not matter if they cannot vote.

A wide range of political decisions affect people at 16 such as tax rates, job seekers' allowance, university fees, bullying and education funding, access to training. Politicians would be more likely to act on these if young people could vote.- it is noted that pensions are protected by the Triple Lock but student fees have increase dramatically- is this because people over 60 are the most likely age group to vote?

Molly Scott Cato, the Green Party's candidate for Bristol West, believes: "At 16, you're eligible to pay taxes, you can leave home, you can get married, you can even join the armed forces.

"If you can do any of these things, you are entitled to vote - you are entitled to have a say in the direction of your country, you're entitled to have your say on the key issues affecting your life."

Alternatively, Professor David Runciman says an ageing electorate means young people are now massively outnumbered resulting in an inbuilt bias against governments who plan for the future.

Young people are passionate about many issues as Greta Thunberg shows and may well have better knowledge of issues than some older people as they are more likely to follow them on the internet and in lessons at school in Citizenship.

It is important to increase turnout at elections. In the 1964 general election the youngest age group turned out to vote as strongly as other age groups but this has changed. 44% of 18 to 24 year olds voted in the 2010 general election compared with 76% of the over 65s. Voting at 16 when politics is still discussed at school/college may get them into the habit of voting.

What is the argument for 16 year olds having the vote?

Arguments against

People legally become adults at 18. Many of the things that 16 year olds can do are still limited by law, for example, they can join the armed forces but not in frontline service and only with the permission of their parents.

At 16 people may not have the maturity and life experience to make political judgements. They may still be under the influence of parents and teachers or college lecturers. They may also be easily influenced by popular trends as Cleggmania, which developed after the leaders' debates in the 2010 general election campaign, showed, when support for Clegg soared through the social media because of the way that he spoke on camera in the first debate.

The majority of voters in opinion polls, including half of those in the 16-18 year old group, felt that the voting age should stay at 18. Most other countries have chosen 18.

Some consider support for votes at 16 to be a cynical ploy to introduce a demographic into the electorate that would be more likely to vote in favour of opposition parties.

Professor James Tilley agrees such decisions are made for political gain rather than from principled conviction. He posits that many of the responsibilities afforded to 16-year-olds are not as significant as those advocating votes at 16 make out.

He contests that rather than lowering the voting age it should be increased due to a slowing rate of maturity. He cites research by Prof Lucinda Platt which shows that only 29% of 16- to 19-year-olds are currently in full-time work, compared to around four-fifths in the late '60s.

Yet, the largest obstacle for votes at 16 could simply be public opinion. In 2013, a YouGov poll showed that 60% of British Adults opposed the idea and only 20% supported it.

YouGov research from 2018 shows that whilst the public are still opposed, there is growing support for extending the franchise, with the way in which the question is worded having a significant impact on the response. Thirty-four per cent of the public support 16- and 17-year-olds' right to vote, but only 24% backed reducing the voting age.

What is the argument that 16 year olds should not have the vote?

Scottish referendum: How first vote went for 16/17-year-olds

The article below was written following the Scottish Independence referendum in 2014.

How did it go for the 16 and 17-year-olds who were allowed to vote for the first time ever in the UK?

According to organisers a record 3.6 million turned out to vote in the Scottish independence referendum.

More than 100,000 of the total were 16 to 17-year-olds who had registered to vote.

Erin Fyfe McWilliam, 16 said: "I'm glad the government thought we were able to make decisions for our country."

She thinks it's put young people in the spotlight: "Usually the older generation see us as being the 'tallywags' who don't care about politics at all.

"But I do think this referendum has taught the younger generation a lot about politics."

A survey, commissioned by Conservative peer Lord Ashcroft, said 71% of 16 to 17-year-olds voted for Scotland to be independent and 29% voted against.

So even if the age-group contributed their political views, it didn't appear to influence the outcome.

Scotland remains part of the United Kingdom after the "No" campaign won.

The Scottish referendum was a one-off for 16 and 17-year-olds, after the Scottish Parliament passed legislation allowing it to happen.

But for years youth campaign groups have been trying to get the UK voting age lowered, arguing you can get married at 16 and pay your taxes, so why not vote?

Gaelan Miller 17, who voted in the referendum, agreed that he didn't have that much life experience but said that shouldn't matter.

"Sometimes I think young folk like me can be influenced by your parents and we don't have mortgages," he said.

"But that's not to say we can't look at statistics at what's happened before with mortgages and ask your parents questions."

The Lib Dems are all for 16 and 17-year-olds voting and promised it in their 2010 manifesto.

Labour leader, Ed Miliband, also backs lowering the age.

UKIP are against it, the Green Party is for and the Scottish National Party (SNP) is in favour as well.

David Cameron and the Tories oppose it, so until all the parties agree to debate the issue it's unlikely to happen.

Senior Lib Dem minister and Scottish MP, Danny Alexander, told Newsbeat he believes young people "bring a freshness to the debate and ask important questions".

He said: "I've always believed that 16 to 17-year-olds should have the vote.

"Some of the best debates and discussion I have had about the Scottish referendum have been with young people in schools and Newsbeat's Big Debate."

But when asked about lowering the voting age before the next General election in May 2015, he was less optimistic.

"Not every party wants that so that we will have to look at that. We need to build a consensus across all parties for that happen. So we could have debate the constitutional changes in the UK," the chief of the Treasury said.

"All parties have to agree to do that. But I think the time has come for reform."

17-year-old Erin added: "It's a bit disappointing being given this opportunity, then being told a few months down the line you have to wait a few years. I think it should be changed so that 16 and 17 year olds can vote."

In the last general election in 2010, fewer than half of all 18 to 24-year-olds voted, which was much lower than the national average.

Find one piece of evidence from the article that young people are politically engaged.

Find one piece of evidence from the article that young people are not politically engaged.

Should 16- year-olds be allowed to vote in the general election?

Labour leader Sir Keir Starmer has plans to lower the voting age to 16 if his party wins July's general election — but Tories have been critical of the proposal

In 1969, Harold Wilson's Labour government lowered the voting age from 21 to 18. More than fifty years on, Sir Keir Starmer believes the time has come to lower the voting age even further, to 16.

The idea is not a new one. It was first rejected by Parliament back in 1999 and again in 2005.

The Labour leader has plans to lower the voting age to 16 if his party wins July's general election.

On a campaign visit to Stafford last week, the Labour leader confirmed plans to follow Scotland and Wales in extending the vote to a further 1.5 million people, telling reporters: "If you can work, if you can pay tax, if you can serve in your armed forces, then you ought to be able to vote."

The "extremely straightforward" legislation could appear as soon as the King's Speech, a Labour source told *The Times*, which estimated that such a move could flip eight Tory seats red in England alone.

Members of the Tory party have been critical of the proposals, however. Conservative Bob Seely said: "Perhaps Labour think younger voters will be easier to pull the wool over than older folks with a bit of life experience."

And Sir Iain Duncan Smith accused Sir Keir of 'virtue signalling', adding: "This is a gimmick done by those who think their party is more likely to get the vote."

What is Keir Starmer's argument for votes at 16?

What is the criticism of Keir Starmer's policy?

Part 2
Paper 2
The Human Rights Act - Preparation for the Baseline Test

<https://www.equalityhumanrights.com/human-rights/what-are-human-rights>

Using this website above, complete the table. If the link does not work, you can google.

What are human rights?
How do human rights help you?
Where do human rights come from?

<https://www.equalityhumanrights.com/human-rights/human-rights-act>

Using this website above, complete the table. If the link does not work, you can google.

Why is the Human Rights Act important?

Read each article and complete each summary table.

Extradition – Against our Human Rights?

What's the story?

On the 16th October 2012, it was announced by the Home Secretary, Teresa May, that a computer hacker named Gary McKinnon would not be extradited to face trial in the United States. The decision was made on the grounds that McKinnon has Asperger's syndrome and psychiatrists warned that he would possibly try to end his life if sent abroad to face trial and possibly prison.

This has put an end to a ten year campaign against the extradition by McKinnon's supporters. They argue that the charges he is faced with are overblown and that his mental health must be considered. McKinnon admits hacking into top secret US military computers, but claims he was looking for evidence of UFOs and alien life, not military secrets relating to terrorism and attacks on America.

What exactly is 'extradition'?

Extradition is where an accused person is transferred from one country to another country which wants to put them on trial. The United States would like Gary McKinnon, a British citizen, transferred to America to face trial for hacking into their military secrets.

Extradition is important for tackling international crime. It prevents criminals escaping trial by fleeing the country after committing a crime. However, civil liberties focussed pressure groups such as Liberty, argue that while extradition can be essential, reforms to how it functions in the UK have meant that it infringes upon the rights of citizens to be given a fair trial in their own country.

Since the Extradition Act (2003), there have been two different methods of extradition. Firstly, nations in the European Union can use the European Arrest Warrant, where a judge in one EU country can issue an arrest warrant that applies across the EU if the offence carries a prison sentence of 12 months or more. Secondly, the law introduced a 'fast-track' system of extradition which allows for individuals to be extradited to other select nations without the need to provide prima facie evidence (evidence which can provide a clear case, unless contested, against a person) showing why they should be extradited. This fast track process applies to Albania, Andorra, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Canada, Croatia, Georgia, Iceland, Israel, Liechtenstein, Macedonia FYR, Moldova, Montenegro, New Zealand, Norway, Russian Federation, Serbia, South Africa, Switzerland, Turkey, Ukraine and the United States of America.¹ Therefore, in the case of Gary McKinnon, specific evidence is no longer required in America's extradition request, only information about the arrest.

Why is extradition so controversial?

Critics of the fast-track process argue that it is unfair that other nations can request British citizens be extradited on 'reasonable suspicion' rather than real evidence. Although the Act was passed in the

¹ <http://www.homeoffice.gov.uk/police/extradition-intro11/extrad-part-2/>

aftermath of the 9/11 terrorist attacks, during the 'War on Terror' led by Prime Minister Tony Blair and President George W. Bush, it is now being used in a number of cases for suspects of crimes far different to terrorism. Although America and the UK have numerous cultural similarities, the U.S. system of justice is considered by some to be substantially more punitive, with McKinnon's Asperger's syndrome less likely to be considered, and harsher sentences more likely than if tried in the UK.

There is also the fact that in a UK trial it is possible to subpoena (legally force) witnesses to give evidence under oath, however there is no right to force UK citizens to attend an extradited trial in the US. Similarly, in the UK, if you are found not guilty it is possible to claim back the costs endured from the trial, but this would not be possible in the US.²

Numerous newspapers also regularly highlight the controversial use of 'plea bargains' in US courts. This is where defendants strike a deal with the prosecution whereby they plead guilty, even though innocent, to get a shorter sentence. Approximately 95% of all convictions in US courts result from plea bargains.³ This is because sentences can often be much more severe than in the UK and innocent defendants do not want to take the risk of being mistakenly found guilty, and given a lengthy sentence.

Critics are concerned that under the Extradition Act (2003), citizens can also be extradited for offences that are not even illegal in the UK. They believe that there should be greater testing of the evidence in local courts and consideration as to whether it would be better for some trials to take place in the UK. For example, another Briton currently facing extradition to America is Richard O'Dwyer, who created a website called TVShack while studying at university. Although the website did not store any copyrighted material, it did host links to other websites which were illegally hosting TV programmes and films. The site became popular and O'Dwyer made around £146,000 from advertising revenue. However, O'Dwyer's supporters question why a crime committed by a British citizen, on UK soil must be prosecuted in the United States where it will be harder for the defendant to get legal and financial support. They view the Extradition Act (2003) as contradicting the Human Rights Act (1998).

What have the Home Secretary's critics argued?

The former Labour Home Secretary Alan Johnson argues that despite how popular the decision might be among civil liberties groups, it was a self-serving political move in which Teresa May bowed to public pressure, rather than seeking justice.⁴ He also claims that he saw the same medical evidence, produced while he was in office, and that there were not sufficient grounds for refusing to extradite McKinnon. He maintains that by allowing McKinnon's campaign to use the Human Rights Act (1998), more dangerous terrorist suspects could equally apply to avoid extradition on the grounds that they could face inhuman or degrading treatment if extradited. This would therefore impact national security and our relationship with a very important foreign power. The US State Department has already expressed its frustrations with May's decision. In response, the Home Secretary has argued that case of McKinnon will be an exception, and that she was working with lawyers to ensure that it does not set a new precedent for use in future extradition cases.⁵

How does this fit in your exams?

For some critics, the example of how the Extradition Act (2003) made sweeping changes to extraditions, through the introduction of the fast-track system, demonstrates the problem of having such a flexible, **uncodified constitution**. The law was formed in the emotional aftermath of the terrorist attack against the World Trade Centre on 9/11 and the government was arguably quick to make changes that, while helping with the 'War on Terror', were to have long-term impacts on the human rights of UK citizens.

It has been noted that while America does not need to provide prima facie evidence when requesting extradition, the process is very different when the UK would like an American citizen extradited. When the UK makes an extradition request, it is first examined by a State Department lawyer to see whether the request contains 'a reasonable basis' to show that the person should be extradited. The Department of Justice also examines the extradition request to see if there is 'probable cause'. This is because the Fourth Amendment to the US Constitution states that American citizens cannot be arrested unless there is 'probable cause' and the extradition agreement must comply with this **codified constitutional** right.⁶

There is substantial debate as to whether the American requirement that the UK demonstrate 'probable cause' is actually more substantial than the British expectation that American prosecutors give grounds for 'reasonable suspicion'. In September 2011, the government launched an inquiry into this issue chaired by Sir Scott Baker, a former Judge in the Court of Appeal. The results of the report surprised many civil liberties campaigners. Despite calls from critics, it argued that the UK-US extradition treaty was fair and balanced and that in practice, 'probable cause' and 'reasonable suspicion' were the same thing. The report also argued that there was no need for a 'forum bar', in which a judge would decide whether the trial could actually take place in the UK, when the alleged conduct had taken place in whole, or in part, in the UK.

In October 2012, Teresa May published the government's response to Baker's report. While the government agreed that the requirement for 'probable cause' was equal to the requirement for 'reasonable suspicion', it argued that a 'forum bar' was necessary, and it would seek to pass legislation to create this

judicial step prior to extradition.⁷ This change would allow charges such as those against Richard O'Dwyer, where the alleged crimes took place in the UK, to be heard in UK courts, under UK law.

Ultimately, critics do not accept that a UK citizen can be extradited to stand trial in a foreign country, facing the potential hardship of being sent away from home, family and support, without evidence first being presented in a British court to prove that there is a prima facie case against them. The flexibility of our constitution allowed the New Labour government to make changes to our extradition laws that would help fight terrorism and ease international arrests. However, to critics, that same flexibility has also allowed the government to infringe on the basic right to a trial in one's own country and to see the case that is being made against you before being extradited.

How was the Human Rights Act used in this example?

Does the real impact of the Human Rights Act (1998) lie in Parliament, rather than the courts?

What's the story?

The Human Rights Act (1998) is often associated with British and European judges making controversial decisions on whether individuals have had their human rights (as listed in the European Convention on Human Rights) violated. However, while some court cases grab the headlines, the day to day impact of the Human Rights Act (HRA) on the workings of Parliament can often be overlooked, despite these changes arguably having a significant impact.

How does the Human Rights Act (1998) influence Parliament?

The HRA made two important changes to Parliament which ensure that new legislation complies with the rights listed in the European Convention on Human Rights.

1) Statements of compatibility

Section 19 of the HRA requires all Ministers to issue a statement before the Second Reading of any bill they introduce, explaining whether it is compatible or incompatible with human rights. Although these statements are not legally binding, they do encourage Ministers to consider the human rights implications of their bills as any conflict with human rights is likely to feature in debates on the bill.

Each bill also contains 'explanatory notes' which explain why the bill is considered to be compatible with human rights. If you follow the link <http://services.parliament.uk/bills/> you will see the bills currently working through Parliament. By selecting a bill from the list you will be able to see options not just to read the bill, but also to download the accompanying 'Explanatory Notes', providing there has been time to publish them. For example, in the notes for the Defamation Bill (<http://www.publications.parliament.uk/pa/bills/lbill/2012-2013/0041/en/20130041en.htm>) you will see, starting from paragraph 90, an examination of the Articles of the European Convention on Human Rights that the bill concerns, as well as an explanation of relevant court cases and judicial verdicts which demonstrate the compatibility of the bill.

This process helps to ensure that human rights will be considered at the very earliest stages of a new bill. It forces government ministers to think through the implications of their legislation and provide some argument and evidence to demonstrate compatibility. This theoretically should cut down on the need for judges to highlight problems later, once the bill has passed.

2) The Joint Committee on Human Rights (JCHR)

The HRA also prompted the creation of a dedicated **select committee**, to scrutinise new bills, and the actions of government, for compliance with human rights. The Joint Committee on Human Rights (JCHR) was first established in 2001. It has members appointed from both the **House of Commons** and the **House of Lords**. As well as scrutinising draft legislation to check for compatibility with human rights, the committee also launches inquiries into particular issues surrounding human rights and makes recommendations to the government.

But what about when existing legislation is found to be 'incompatible' with human rights?

Obviously, despite these safeguards, there will still be instances in which the courts may consider legislation to undermine human rights, issuing a '**declaration of incompatibility**'. Unlike other countries, the UK courts do not have the power to strike down 'incompatible' laws and once a 'declaration of incompatibility' has been issued, it is up to Parliament what happens next.

However, Section 10 of the HRA was designed to help Parliament respond effectively in such situations. It allows for Parliament to make necessary alterations to 'incompatible' laws through a process called a 'remedial order'. This process is designed to be quicker than the standard legislative process as it bypasses normally essential stages, such as debates.

The relevant minister must present a draft of the remedial order before Parliament for 60 days. Once issued, remedial orders are also scrutinised by the Joint Committee on Human Rights. The remedial order must finally be approved by a resolution in both Houses of Parliament. In urgent situations, a remedial order can be issued with immediate effect upon being presented to Parliament, it then has 120 days to be approved by Parliament.

For example, in January 2010, the stop and search powers granted to the police by the Terrorism Act (2000) were found to violate Article 8 (right to respect for family and private life) of the European

Convention on Human Rights in the case *Gillan & Quinton v UK*.¹ The case involved a demonstrator and a photographer who were stopped and searched in the vicinity of an arms fair in London. Under Section 44 of the Terrorism Act, police could stop and search anyone for articles that could be used for terrorism, even if they did not have grounds to suspect the individual. As a result of the ruling, the government issued the 'Terrorism Act 2000 (Remedial) Order 2011' which repealed the offending sections, meaning that police could only stop and search where they had 'reasonable' suspicion.² These changes were then built upon by the Protections of Freedoms Act (2012) which further clarified the rules surrounding stop and search procedures.

How does this fit into your exams?

The Human Rights Act (1998) is a significant piece of constitutional reform. Many students write about how it has empowered UK judges and citizens to defend their rights and liberties in court. While this is true, it is similarly important to note the changes the Act has made to the legislative process in Parliament. It is true that Parliament remains sovereign and the UK does not have a **codified constitution**. The rights listed in the European Convention on Human Rights are not **entrenched**, like the rights contained in the US Bill of Rights, and Parliament retains the power to repeal or replace the HRA.

However, it is possible to argue that this theory overlooks the reality. Much like US legislators must ensure that their bills comply with the US Constitution and Bill of Rights, UK legislators must consider whether their bills comply with human rights listed in the European Convention on Human Rights. Although statements of compatibility are not legally binding, the very fact that ministers are actively considering human rights suggests that the effect is similar. Although the Joint Committee on Human Rights (JCHR) can make recommendations to the government, it has no power to veto actions incompatible with human rights. However, the presence of a dedicated select committee, specialising in human rights, again attests to their significance. It suggests that although Parliament has the theoretical power to replace the HRA, in reality, it would be difficult to undo the Act's modifications to the culture of Parliament.

Therefore these examples are excellent for any exam questions centred on whether the UK needs a codified constitution to adequately defend and uphold rights and liberties in the UK. Many students often

argue that the HRA is limited because it is not 'higher law', or a part of a codified constitution which other laws must be compatible with and which is difficult to amend. However, it is possible to counter this argument by demonstrating that although theoretically this is true, the HRA has nonetheless had a significant impact upon Parliament. Laws are designed to comply with the HRA, a dedicated select committee supports it and the remedial order procedure exists to ensure that the government can quickly make changes to existing laws so that they comply with it. With this in mind, does the UK really need a codified constitution and a bill of rights? Or is Parliament already functioning like we have them?

Does the Human Rights Act need to be changed?

UK Constitution: Does the UK need a new 'Bill of Rights'?



What's the story?

On 3rd October 2014, the Justice Secretary, Christopher Grayling, released 'Protecting human rights in the UK', an eight-page strategy paper outlining the Conservative Party's proposals to repeal the Human Rights Act (1998) and introduce a new Bill of Rights if they win the 2015 general election.

What is the European Court of Human Rights?

Following World War II, the UK Prime Minister, Winston Churchill, championed the idea of a European Charter of Human Rights, an international treaty for European nations to commit themselves to. It was largely British lawyers that drew up the final European Convention on Human Rights (ECHR), and Britain was amongst the first countries to sign up in 1950. A European Court of Human Rights (ECtHR) was established in Strasbourg, France, to hear cases from individuals or groups, who believed that their state was breaching the human rights listed in the Convention. The Human Rights Act (1998) then incorporated the Convention into UK law, allowing UK citizens to defend these rights in UK courts.

What criticisms have the Conservatives made?

Firstly, the paper accuses the ECtHR of 'mission creep', arguing that the court's jurisdiction continues to expand because it interprets human rights so broadly. The paper argues that judges treat the ECHR as a 'living instrument', adapting its meaning over time, expanding it into areas "beyond what the framers of the Convention had in mind when they signed up to it." It cites a number of examples, such as the court's decision in *Hirst v United Kingdom (2005)* that the UK's blanket ban on prisoners voting breaches human rights. Secondly, the paper argues that the Human Rights Act "undermines the role of UK court in deciding human rights issues" because Section 2 of the law requires UK judges to "take into account" rulings of the Strasbourg Court when they interpret the Convention. Thirdly, it argues that the Human Rights Act undermines the sovereignty of Parliament because it requires UK judges, as far as it is possible to do so, to interpret UK laws in a way that makes them compatible with Convention rights – potentially applying the law differently to how MPs intended.

What proposals does the paper make?

It says that the Human Rights Act would be repealed and replaced with a new Bill of Rights, which would not require UK courts to "take into account" the decisions of the ECtHR. The UK would treat Strasbourg's decisions as "advisory", with Parliament deciding whether its judgements should be binding on UK courts. The Bill of Rights would retain the original rights of the ECHR, but would be written in a way that would 'clarify' the rights, to "make sure that they are applied in accordance with the original intentions for the Convention and the mainstream understanding of these rights". For example the phrase "degrading treatment and punishment" will be more narrowly defined. UK judges would no longer be able to interpret UK laws so that they comply with human rights. Finally, it says that human rights would be limited to only the most "serious cases" so that UK courts can "strike out trivial cases".

This announcement is an interesting example for questions on the similarities and differences between the policies of the two main parties. The Labour Party was quick to criticise the plans to replace the Human Rights Act (1998). Shadow Justice Secretary Sadiq Khan cited the fact that of the 1,700 cases brought against the UK government last year, only eight had actually been upheld. He also said that the Conservatives were overstating the influence of the ECtHR, as UK judges only have to *take into account* the court's interpretations. He said, "The truth is that our courts have been free to interpret rulings by the European Convention on Human Rights for 50 years - the Human Rights Act did nothing to change that fact".

The announcement is also an interesting example for the conflicting views that exist *within* the Conservative Party. While the announcement was greeted with enthusiasm from the party's most conservative, Eurosceptic members, some more moderate Conservatives, were as critical as the Labour Party. The Conservative MP, and former Attorney General, Dominic Grieve, raised concerns that "rights will be qualified and reduced where government and Parliament think fit." He continued that rather than 'freeing' UK courts from following Strasbourg's decisions, something they can already do, it would actually restrict them, as they would be prevented from applying the Convention except for "serious cases". How would we decide which cases should count as 'serious'? Grieve argued that "By usurping the role of our own courts in interpreting the law, Parliament will be more to blame than the Strasbourg court for micromanaging the Convention."

Constitution:

The proposed reforms are also an interesting example for questions about constitutional reform. One of the strategy paper's main complaints is that the ECtHR and the HRA undermine the sovereignty of Parliament, and therefore constitutional reforms are necessary. Under Article 46 of the ECHR, the UK is required to implement the judgments of the ECtHR. The Human Rights Act (1998) also allows UK judges to interpret legislation so that it complies with human rights, or, when this is not possible, to issue a declaration of incompatibility. When asked about the court's 2005 ruling that the UK could not ban all prisoners from voting, David Cameron said "If parliament decides that prisoners should not get the vote then I think they damn well shouldn't. It should be a national decision taken in our parliament."

However, many argue that the constitution is working, and human rights reforms are unnecessary. They claim that in protecting the rights of all people, human rights laws will inevitably frustrate governments in order to protect rights. Andrea Coomber, Director of human rights group Justice, argued, "The Human Rights Act gets the balance right between protecting our rights and preserving parliamentary sovereignty. Parliament isn't right 100% of the time, as ID cards, control orders and DNA databases remind us." Ultimately, Parliament does remain legally sovereign. It is up to Parliament to decide how to respond to 'declarations of incompatibility', and although the ECtHR ruled in 2005 that we needed to address the blanket ban on prisoners voting, Parliament is yet to change the law. In December 2013, a cross-party committee of MPs concluded prisoners serving sentences under one year could be given the vote, so that the UK complied with the ruling, but little has happened since.

Does everyone want to keep the Human Rights Act?

Bill of Rights: Call to scrap plans to rewrite human rights law

Published 25 January 2023

Plans to rewrite UK human rights law would "damage people's ability to enforce their rights" inside and outside court, MPs and peers say. The influential Joint Committee on Human Rights said a planned Bill of Rights restricts certain protections "the government finds inconvenient".

It said the bill should not go ahead in its current form. But the government said the bill would strengthen freedom of speech and end "abuse of our laws".

The Bill of Rights is intended to replace the Human Rights Act, which sets out in law the basic rights and freedoms everyone in the UK is entitled to. The government says the bill is designed to "help prevent trivial human rights claims from wasting judges' time" and to make it clear UK courts do not always need to follow the decisions of European courts.

But in a new report, the cross-party committee argues the bill is likely to reduce the protections currently provided by the Human Rights Act. The committee said its public consultation found people were "overwhelmingly against the proposals", with victims of violence against women, care home residents, and those whose family members have lost their life due to the actions of the police among those raising concerns.

Its report said the reforms would undermine the universality of human rights by making it more difficult for certain groups to bring cases. The committee said the bill also "risks dangerous uncertainty by abandoning decades of important case law".

It said the likely result of the legislation would be that more people would need to go the European Court of Human Rights in Strasbourg to enforce their rights and more judgements would be made against the UK.

The committee's chairwoman, SNP MP Joanna Cherry said: "Human Rights are universal. A Bill of Rights should reaffirm and reinforce the fundamental rights that protect everyone in the UK, but this bill does nothing of the sort." She added: "We have called on the government to reconsider the vast majority of the clauses of the bill.

"However, there is such little appetite for these reforms and the impact is likely to be so damaging to human rights protection in the UK it may be more sensible to scrap the bill in its entirety."

The bill has been championed by Justice Secretary Dominic Raab, who first introduced it when he held the role under Boris Johnson. It was later shelved when Mr Raab was sacked by Mr Johnson's successor as prime minister, Liz Truss.

The legislation has been revived by Rishi Sunak's government, but there is still no timetable for when MPs will start debating it. A Ministry of Justice spokesperson said: "The Bill of Rights builds on the UK's proud tradition of liberty by strengthening freedom of speech, reinjecting a healthy dose of common sense to the system and ending abuse of our laws.

"The government was elected on a manifesto that committed to updating the Human Rights Act to ensure there is a proper balance between the rights of individuals, our vital national security and effective government - that is what we are doing."