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10 June 2022

CC: Victoria Atkins MP

Dear Deputy Prime Minister,

The impact of the Bill of Rights on the rights of victims and survivors of domestic abuse and sexual violence

We are writing with regard to the Government's proposals to amend the Human Rights Act 1998 and replace it with a Bill of Rights. As the Domestic Abuse Commissioner and Victims' Commissioner for England and Wales, we wish to highlight the significance of this legislation to victims of crime, including domestic abuse and violence against women and girls, and to strongly recommend that any draft Bill is subject to pre-legislative scrutiny. The Domestic Abuse Commissioner briefly raised our concerns with Minister Atkins in a recent meeting, where we committed to providing more substantive feedback on this issue. We would be pleased to discuss this with you further at time which is most convenient for you.

We are troubled by the proposals for a Bill of Rights as outlined in the Ministry of Justice's consultation. Many victims and survivors of domestic abuse and sexual violence rely on the rights conferred to them by the Human Rights Act to obtain redress for failures made by public authorities to adequately protect them from harm or provide them with statutory services which they have a right to access.

We wish to ensure that all victims and survivors have their rights considered and upheld by public institutions with powers to protect them from harm. The restriction of positive obligations in the proposals would disproportionately hinder victims and survivors of domestic abuse and sexual violence from being able to enforce their rights to support, as it would place a greater burden on victims who already face significant barriers to justice and struggle to access support services. This would risk undermining the significant work which the Government is currently doing to address falling criminal justice outcomes for domestic abuse and rape through key work such as the End-to-End Rape Review and the Domestic Abuse Plan. We have previously laid out these concerns in extensive detail in our respective proposals to the Ministry of Justice's consultation on reform of the Human Rights Act.

The Queen's Speech has since [confirmed plans](#) to proceed with proposals for the Bill of Rights. We are concerned that this legislation will coincide with the passage of the Victim's Bill, in which the government has outlined its intentions to amplify victims voices, improve support for victims and strengthen oversight of criminal justice agencies – commitments of which we fully support. We are concerned that these two Bills might have contradictory effects on victims' abilities to access support and justice which we would urge the Government to consider prior to proceeding with the Bill of Rights.

Given the far-reaching implications of the Bill of Rights on victims of domestic abuse and sexual violence, we strongly recommend that it be laid as a draft Bill for pre-legislative scrutiny, echoing the recommendation recently made by the Joint Committee on Human Rights.

We would be grateful for your serious consideration of the matters raised, and for clarification on the proposal for pre-legislative scrutiny.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'V Baird', with a stylized, flowing script.

Dame Vera Baird QC
Victims' Commissioner for England and Wales

A handwritten signature in black ink, appearing to read 'Nicole Jacobs', with a cursive, flowing script.

Nicole Jacobs
Domestic Abuse Commissioner for England and Wales