

Human rights today suffer from a 'democratic deficit': UK report

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Report suggests the judiciary, parliament and the executive share a responsibility to protect human rights

A new report finds that while there has been an increase in the UK parliament's involvement in debates about human rights over the last decade, and in the quality of that debate, there is still considerable scope for parliament to have a bigger role in making human rights more democratic.

Professor Murray Hunt, legal adviser to the UK parliament's Joint Committee on Human Rights (JCHR) since 2004 and a Visiting Professor in Human Rights Law at the University of Oxford, led the research project.

The report, '[Parliament and human rights: redressing the democratic deficit](#)', has important implications for parliaments throughout the world.

It reveals the scope for [parliament](#) to take a more active role in protecting and realising human rights in the future.

It makes some interesting findings about the increase in the quantity and quality of parliamentary debate about human rights between 2000 and 2010. Between 2000 and 2005 there were only 23 substantive references to reports of the Joint Committee on Human Rights in parliamentary [debates](#), compared to more than 1,000 during the 2005-2010 parliament.

The report says that a choice between the courts and parliament as the guardians of human rights is increasingly rejected and there is now widespread agreement that all branches of the State - parliament, the executive and the judiciary - have a shared responsibility for the protection and realisation of human rights.

Professor Hunt said: "Human rights today suffer from a democratic deficit. Criticisms of court decisions on human rights for being profoundly undemocratic reflect genuine concerns that democracy is being subverted by unaccountable judges who are sidelining parliament.

"By the end of the decade parliamentarians were significantly more engaged in the sorts of debates about human rights that were previously the preserve of courts and lawyers. The research also shows, however, that courts have not yet begun to grapple systematically with the implications of this increased parliamentary role for the exercise of the judicial function."

The research systematically considered both Hansard reports of parliamentary debates and court judgments referring to the work of Parliament's Joint Committee on Human Rights (JCHR). It set out to assess how, if at all, debate about human rights in Parliament changed between 2000 and 2010. It also looked at how courts used such parliamentary materials when considering human rights issues that had

already been examined by parliament. It found that references to JCHR reports were more common in the House of Lords (which accounted for two-thirds of the total) than the House of Commons (one-third of the total). Commons. The most common contexts in which JCHR reports were referred to were counter-terrorism and criminal justice and procedure.

Commenting on possible lessons of the research, Professor Hunt said: "I hope that this research will help to start a discussion about how the UK parliament could play an even greater role in human rights debates by mainstreaming human rights across all of its functions and activities. I also hope that it will initiate a process leading to the adoption of an internationally agreed set of principles and guidelines on the role of parliaments in the protection and realisation of [human rights](#)."

More information: The report, 'Parliament and Human Rights: Redressing the democratic deficit', appears in the latest Public Policy Report from the Arts and Humanities Research Council (AHRC).

Provided by Oxford University

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