

# A Modern British Bill of Rights: A Balanced, Sovereign Solution

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*Version 1 of this article is available here:*  
<https://no-bull-politics.co.uk/a-modern-british-court-of-human-rights-a-balanced-approach/>

The debate has moved beyond whether we need human rights protections—it's now about **who should enforce them** and **how we can reconcile parliamentary sovereignty with modern rights safeguards**.

## 1. Why a British Bill of Rights?

- **Democratic legitimacy**

Decisions on rights—how they're defined and balanced—should be made by **Parliament and UK courts**, accountable to voters, not by judges in Strasbourg.

- **Legal clarity and consistency**

A domestic rights framework would allow UK courts to interpret rights realistically within our legal traditions, avoiding endless appeals to Strasbourg and controversial ECtHR rulings.

- **Rights without relinquishing sovereignty**

We already protect core rights—freedom of expression, fair trial, protection from torture—via common law and the Human Rights Act. A British Bill of Rights can build on that foundation, with the UK Supreme Court as the final authority.

- **Filtering out frivolous or politicised claims**

A modern Bill could include a permission stage—similar to Strasbourg's Article 34—to ensure courts focus on serious and substantial cases, not headline-grabbing ones.

## 2. What Would It Look Like?

- **Incorporates equivalent rights to the ECHR**

It would enshrine protections equivalent in scope and substance to the Convention—but interpreted through a UK lens and grounded in UK democratic values.

- **Limits excessive judicial activism**

Clauses could prevent courts from creating new positive obligations, requiring them to defer to Parliament where reasonable.

- **Strengthens free speech, tightens deportation and jury rules**

Protections such as “great weight” given to speech, stricter tests on deportation appeals and a guaranteed jury trial for serious offences could all be enshrined.

- **Creates an efficient domestic forum**

A UK rights court would take Strasbourg-level cases domestically, with only the most exceptional referred abroad (if the UK remained a signatory).

## 3. Does This Mean Leaving the ECHR?

**Not necessarily.** There are two viable paths:

- **Stay a signatory, use domestic court as primary forum**

Most cases would end in UK courts. Strasbourg would remain a backstop for exceptional circumstances.

- **Or leave the ECHR, but replicate all Convention-equivalent rights domestically**

If UK law continues to guarantee rights that match the ECHR in substance and effect—with direct court access and enforceable remedies—then those protections can be maintained without relying on foreign jurisdiction.

## 4. Implications for the Good Friday

# Agreement (GFA)

There's a common misconception: **leaving the ECHR would automatically breach the GFA.**

That is incorrect.

- The **GFA requires** that the UK “complete incorporation” of **ECHR-based rights** into Northern Ireland law, with **direct access to domestic courts** and **effective remedies**.
- It does **not require continued membership** of the Convention or the Council of Europe.
- The **Human Rights Act 1998** currently fulfils this requirement, and a well-drafted British Bill of Rights could do so as well, provided it guarantees the same rights and remedies in Northern Ireland.

**Political caveats:** While legally possible, any move away from the ECHR would be politically sensitive. Nationalists, the Irish government, the EU and the US would all be watching. While lawful, such a move may carry diplomatic or trade-related consequences under the **Northern Ireland Protocol** and wider GFA framework.g. While legally permissible, it may trigger serious political and trade consequences under the **Northern Ireland Protocol** and the wider GFA framework.

## □ Summary Table

<b>Objective</b>	<b>How it's achieved domestically</b>	<b>ECHR membership needed?</b>
Protect rights in Northern Ireland	Incorporate ECHR rights via HRA/Bill with court access & remedies	□ No - substance over form
Sovereignty and accountability	UK Supreme Court as final arbiter, parliamentary oversight of rulings	□

Strasbourg as back- cheap court	Option to Remain ECHR signatory, limit referrals	☐ Optional
Avoid political backlash	Support NI institutions, reassure stakeholders, negotiate assurances	☐ Highly sensitive

## Final Take

Legally, the UK **can leave the ECHR without breaching the Good Friday Agreement**, provided that **equivalent rights with identical legal effect** remain fully incorporated into Northern Ireland law, with direct court access and effective remedies.

What matters under the GFA is not who enforces the rights, but **that they are protected and accessible to all citizens** in Northern Ireland.

Politically, however, this path requires careful navigation. It is lawful and achievable, but it must be done with transparency, reassurance, and respect for the unique sensitivities of Northern Ireland.

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*Written by a layperson with AI assistance.*