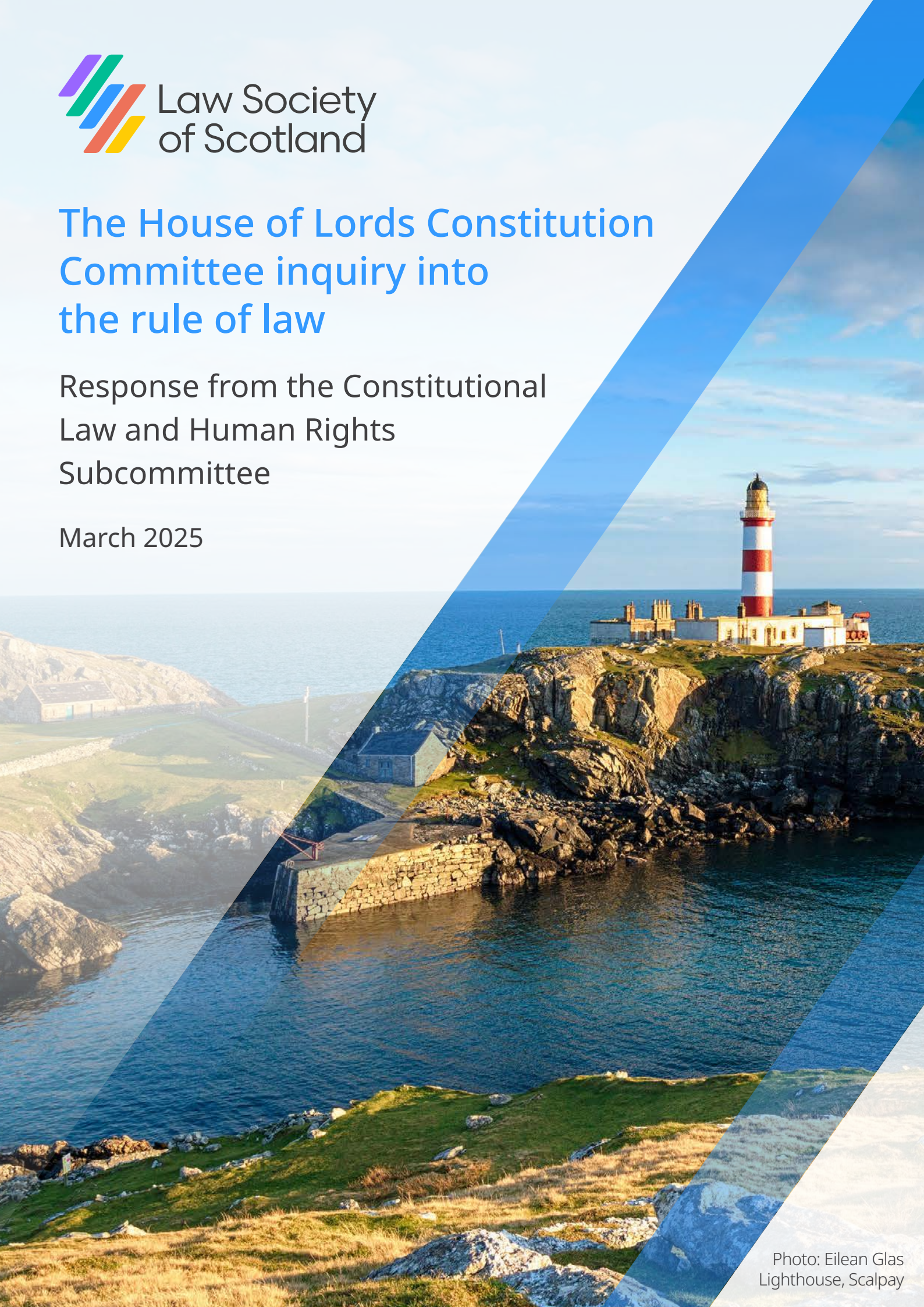


The House of Lords Constitution Committee inquiry into the rule of law

Response from the Constitutional
Law and Human Rights
Subcommittee

March 2025



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Introductory Comments

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors. We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

The constitutional principle of the rule of law is threatened across the globe. Interference by Government in the courts, undermining the legal profession and through the creation of legislation which affects the constitutional principle is widespread. But it is not only happening abroad.

A recent attempt to undermine the rule of law occurred in Scotland when the Scottish Government introduced into the Scottish Parliament the Regulation of Legal Services (Scotland) bill: [Regulation of Legal Services \(Scotland\) Bill | Scottish Parliament Website](#). We welcomed the introduction of the Bill. It was an important opportunity to introduce major and long overdue regulatory changes in the public interest, for the benefit of consumers, and those working within the legal profession. However, we were very concerned to see in the Bill sections which would give the Scottish Government extensive and exceptional new powers of intervention over how solicitors and advocates are regulated. A key component of a free and democratic society is the role that an independent legal profession plays in challenging government and protecting citizens from the excessive use of power by the state. These proposed new ministerial powers in the Bill risked seriously undermining the rule of the law and the independence of Scotland's legal sector from the state. We were joined in that concern by the Scottish Judiciary which stated in their submission on the Bill:

"These proposals are a threat to the independence of the legal profession and the judiciary. It is of critical constitutional importance that there is a legal profession which is willing and able to stand up for the citizen against the government of the day. The judiciary is fundamentally opposed to this attempt to bring the legal profession under political control. If the Bill is passed in its current form, Scotland will be viewed internationally as a country whose legal system is open to political abuse.": [Response 319392044 to Regulation of Legal Services \(Scotland\) Bill - your views - Scottish Parliament - Citizen Space](#)

The Scottish Judiciary were not on their own, the International Bar Association stated that it was:

"...disturbing to see the Scottish Government now attempting to secure, through the Bill, powers of control over the Scottish legal profession. If enacted, Sections 19, 20, 41 and 49 of the Bill would grant Scottish Ministers extensive new powers over the currently independent regulators of legal professionals, and over law firms directly. It is even more shocking to see the Scottish Government seeking the power to appoint itself as a regulator of the legal sector. By any measure, these sections of the Bill represent an alarming and dangerous assault by the Scottish Government on the independence of the legal profession. At a stroke, it risks undermining the rule of law in Scotland and harming the international reputation of Scotland and its legal sector.": [Response 377687700 to Regulation of Legal Services \(Scotland\) Bill - your views - Scottish Parliament - Citizen Space](#)

The Commonwealth Lawyers Association also expressed its opposition to the Bill.

These expressions of concern led to the Scottish Government agreeing to change the bill in the words of the Scottish Minister for Community Safety and Victims to: “address the concerns in respect of the role placed on Scottish Ministers within the Bill”.

This result shows what unified opposition can achieve when the rule of law is challenged. The problem is that the Scottish Government should not have undertaken such legislation in the first place. Scottish Ministers are under an obligation in the Judiciary and Courts (Scotland) Act 2008 to uphold the continued independence of the judiciary. Under the Legal Services (Scotland) Act 2010 Scottish Ministers must, so far as practicable, act in a way which (a) is compatible with supporting the constitutional principle of the rule of law (sections 1 and 4). To seek to enact legislation which undermined the rule of law is something which no government in any part of the UK should ever do.

Having set the scene with our introductory comments about our experience over the period since the introduction of the Regulation of Legal Services (Scotland) Bill on 20 April 2023, we welcome the opportunity to provide comments to the House of Lords Constitution Committee inquiry into this important constitutional principle.

[Defining the rule of law](#)

1. What are the components of the rule of law?

[Our Comment](#)

Constitutional theory describing the rule of law relies on the balance of powers described in Montesquieu’s *De L’Esprit des Lois* which postulates that liberty is threatened if the functions of government, legislative, executive and judicial are not institutionally distinct and discharged by separate persons. A precisely defined separation of powers (in written constitutions in France, Germany, or the United States) does not apply within the UK where power is distributed not separated. In the UK, at UK level and within the devolved arrangements, the executive and legislative branches of government are fused. There is also some mixture of legislative, executive and judicial power in that prosecution functions can be carried out by the Attorney General and Lord Advocate even though they are members of the Government and of Parliament (or in the case of the Lord Advocate participate in proceedings in the Scottish Parliament). It is only since the Constitutional Reform Act 2005 that the judiciary has been separated from the legislative and executive branches by the creation of the United Kingdom Supreme Court. The focus for the rule of law at UK level continues to lie on parliamentary sovereignty, an independent judiciary, a powerful executive and ministerial accountability to Parliament.

In his book, *The Rule of Law*, Lord Bingham explained the core objective of the rule of law: “that all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly and prospectively promulgated and publicly administered in the courts”. Lord Bingham set out key principles which support that objective: That law must be accessible, intelligible, clear, and predictable, and should apply equally to all. That Ministers and public officials must exercise the powers conferred in good faith, fairly, for the purposes for which they were conferred. Furthermore, the State requires to comply with its obligations in international law as well as national law. Put simply, the rule of law is a foundation upon which our society exists and operates.

i. Why is the rule of law an important tenet of the UK constitution?

[Our Comment](#)

The rule of law is important to the UK constitution because in the analysis of the Constitution Unit it:

- a. prevents the abuse of state power,
- b. requires the law to be followed by all,
- c. ensures that legal rights are fulfilled in practice.
- d. provides the means for various other core aspects of democracy to be safeguarded.
- e. underpins social functioning by providing fair and legitimate routes for disputes to be settled: [The rule of law: what is it, and why does it matter? | The Constitution Unit Blog](#)

As such, the rule of law has long been recognised as a fundamental part of the UK system. AV Dicey in his *Law of the Constitution* considered it, alongside parliamentary sovereignty, one of the 'twin pillars' of the constitution.

Its importance was recognised as an existing principle in the Constitutional Reform Act 2005 later reflected in the Legal Services Act 2007 and the Legal Services (Scotland) Act 2010.

ii. Which factors can be used to assess the health of the rule of law?

[Our Comment](#)

The following factors can be used to assess the health of the rule of law:

- a. Decisions of the courts or tribunals which draw attention to failings in the rule of law by the Executive for example the litigation concerning the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023,
- b. Criticisms by Ministers or the media of decisions by parties to bring cases before the courts (such as petitions for judicial review or the ICC),
- c. The extent to which the state is providing a well-functioning, effective and efficient judicial system, such as providing sufficient courts and adequate prison facilities. The current backlog in civil and criminal cases, and restrictions on legal aid are measures which indicate the health of the rule of law,
- d. Legislation including framework legislation and Henry VIII provisions (which can be difficult to access and understand) which is criticised in Parliament or by stakeholders,
- e. Activities by Government or agencies such as the police, prisons or public authorities which fail to uphold the rule of law.
- f. The response by Governments to legal decisions or to rule of law-based criticisms.
- g. The extent to which Government attacks the courts or legal profession or seeks to avoid legal duties or to oust the jurisdiction of the courts.

iii Is useful assistance to be gained from definitions of the rule of law used by international or supranational organisations, or in the legal systems of other countries.

[Our Comment](#)

The United Nations describes the rule of law is "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards". The UN notes that the rule of law requires adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers (between the Legislature, the Executive and the Judiciary), participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.

We know from the UN's work how the rule of law is important to peace and political stability; helps achieve economic and social progress and development; and protects people's rights and fundamental freedoms. It is foundational to access to public services, curbing corruption, restraining the abuse of power, and to establishing the social contract between people and the state.

The Commonwealth Charter confirms in paragraph 7 that:

"We believe in the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government. In particular we support an independent, impartial, honest and competent judiciary and recognise that an independent effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice."

Furthermore, fundamental rules of Public International Law mean States are obliged to keep to their agreements, including agreements with other countries and institutions.

2. How well is the rule of law understood by politicians and the public?

Our Comment

This is a difficult question to answer as there is little scientific data on the topic of politicians understanding of the rule of law. Some respected former judges have expressed a view. At the opening of the newly formed [Leicester Community Advice and Law Centre](#) (LCALC) in June last year Lady Hale, the former president of the UK Supreme Court added that she feared 'politicians don't understand the rule of law in the way they should'. She quoted another former president of the Supreme Court president, Lord Neuberger, saying: 'If the rule of law is taken for granted it may be neglected, and if it is neglected it will eventually be lost.' She called on all people in the room to do what they could to protect and preserve it. Access to justice is an important part of that, she said, and has recently been in danger.".: [Legal Action Group | 'Politicians don't understand the rule of law,' warns Lady...](#)

Ministers should never be reluctant to stand up for the independence of the judiciary and lawyers and to guarantee procedures such as judicial review which offer litigants a route to challenge Government decisions.

i. Has the rule of law been confused with the rule of lawyers?

Our Comment

It is always possible that some people confuse concepts especially when similar words are used in the expression of the thought. To maintain the rule of law it is necessary for lawyers to be able to take unpopular cases in courts which make the decisions. This is distinct from the pejorative reference to the rule of lawyers. However, we are responding to an inquiry which is about nomocracy (government in accordance with a system of law) rather than any other concept. The ability to access courts to enforce legal rights is an essential aspect of the rule of law. As Lord Reed recognised not every point requires to be litigated, and the courts are sensitive to the risk of the litigation being abused for unmeritorious claims. It remains open to Parliament to intervene by legislation where it considers that the balance has not been properly struck, but legitimate interventions are likely to involve marginal adjustments of procedural or substantive rules rather than wholesale attempts to remove issues from the jurisdiction of the courts.

The Committee will be able to issue such clarification of the meaning of the rule of law in its final report.

The operation of the rule of law

3. What threatens the effective operation of the rule of law in the UK?

Our Comment

In September 2023, law reform and human rights organisation Justice published '[The state we're in: Addressing threats and challenges to the rule of law](#)'. The report stated that the rule of law has been facing "attacks from multiple directions and successive governments". Justice argued:

- Public consultations are poorly conducted, if at all. For example, it said the Illegal Migration Act 2023 was not subject to any public consultation or pre-legislative scrutiny despite having "profound implications for the UK's asylum system and human rights adherence".
- There has been a growing legislative disregard for human rights. It said laws like the Public Order Act 2023 could have a "chilling effect on our rights to freedom of thought, expression, and peaceful assembly".
- 'Henry VIII' powers, which allow ministers to amend or repeal laws through secondary legislation with little parliamentary oversight or scrutiny, have become more prevalent, adversely affecting the principle of legal certainty.

The Scottish Parliament's Delegated Powers and Law Reform Committee has recently published its report on its [Inquiry into Framework Legislation and Henry VIII powers](#) which stated that it "expects that, where a proposed delegated power may be used to amend primary legislation, the power should usually as a minimum be subject to the affirmative procedure. Only where strong justification is given would a less rigorous parliamentary procedure be appropriate." (Paragraph 330-333).

- Justice said this was evident in the European Union (Withdrawal) Act 2018, in which "power is bounded by whether the minister thinks its exercise is 'appropriate', rather than it being objectively 'necessary'".

The Law Society of Scotland promoted amendments to this effect during the passage of the European Union (Withdrawal) Act 2018: [list-of-eu-withdrawal-amendments-co-committee-bill.pdf](#) [European Union \(Withdrawal\) Bill 2017-19](#) | [Law Society of Scotland](#)

- Cuts to legal aid have decimated universal access to justice, with victims and witnesses left waiting months if not years for a trial. It said this has been compounded by the ongoing courts backlog crisis.

In Scotland the legal aid crisis has been building for years. Recently the Law Society of Scotland has been campaigning to improve the provision of legal aid for citizens in Scotland. The Society will ensure a newly launched Scottish Parliament inquiry is informed about the extent of the crisis in civil legal aid, and the changes required to restore the system. The Scottish Parliament's Equalities, Human Rights and Civil Justice Committee launched a recent call for views as part of a new inquiry into civil legal aid. The Committee has indicated the inquiry has been launched on the basis of evidence already presented showing significant issues making it difficult for people to access civil legal assistance: [Legal aid](#) | [Scottish Parliament Website](#) .

- Approaches to tackling inequality and discrimination are unfit for purpose. It said the budget of the Equality and Human Rights Commission has "plummeted". It also said policymakers do not, as a matter of course, conduct equality impact assessments. For example, it cited the Illegal Migration Act 2023 not receiving an assessment until after its passage through the House of Commons.

Justice's president Baroness Kennedy of the Shaws stated on the report's publication "the rule of law in this country is under unprecedented threat, and reversing this trend will take hard work and consensus across the political spectrum".

4. What is Parliament's role in upholding the rule of law? Is it performing this role well, and how could it be improved?

Our Comment

Parliamentary vigilance is the ultimate guarantor of compliance with the rule of law upholding the rule of law. The scrutiny of legislation by both the House of Commons and the House of Lords is designed so that Government is held to account and that legislation complies with the principles of the rule of law. The research by the Bingham Centre for the Rule of Law https://www.biicl.org/documents/860_final_full_rule_of_law_in_parliament_research_report_2013-14_2014-15.pdf confirms that: Bills and issues that concerned the justice system, security and human rights in the UK were subject to more rule of law discussion in the House of Lords than in the House of Commons...Parliamentary scrutiny of the Executive concerning the rule of law appears to have been concentrated in the area of foreign affairs, and lacking in relation to government activities within the UK.

- i. How can Parliament improve its legislating to better facilitate the rule of law?

Our Comment

The Bingham centre research confirmed that "Legislative work and scrutiny of the executive are both enhanced when engagement with the rule of law is clear and thorough."

To improve its legislating to better facilitate the rule of law Parliament should ensure that the Bills before it are carefully analysed to identify the rule of law issues which may be contained in the measure – that could stimulate improvement in the scrutiny. The views of stakeholders with relevant expertise should be heeded as they frequently identify the rule of law issues in legislation concerning immigration and asylum, human rights, criminal law and other areas of the law. The Foreign, Commonwealth and Development Office promote and support the development of the rule of law in their activities. Lord Collins of Highbury stated in a speech in 2024 that "My second priority, is upholding the rule of law. We are committed to the institutions that promote the international rule of law, including at the United Nations, the Council of Europe and OSCE. We need to build and broaden alliances, and listen to the views of others, even where we might disagree.

The Bingham Centre proposed that the All-Party Parliamentary Group (APPG) on the Rule of Law therefore had a role to play in promoting further consideration and discussion of the rule of law in Parliament, along with other APPGs, select committees, individual parliamentarians' contributions and non-parliamentary bodies. Unfortunately the APPG has not been re-established since the 2024 election: [House of Commons - Register Of All-Party Parliamentary Groups as at 28 March 2025: Contents](#)

5. What is the Government's role in upholding the rule of law? Is it performing this role well, and how could it be improved?

Our Comment

Upholding the rule of law is a central function of Government. The very fabric of society is at risk if the Government of the day does not commit to ensuring its application in everything Government does.

That was why it was important that affirmations of the rule of law were made in July 2024 when the Rt Hon Shabana Mahmood MP, Lord Chancellor and the Law Officers for England and Wales were sworn in. The Lord Chancellor said, “I will be a champion for the rule of law, and our judiciary, inside Cabinet and in our government, at home and abroad.” :[Lord Chancellor swearing-in speech: Rt Hon Shabana Mahmood MP - GOV.UK](#)

Rt Hon Lord Hermer KC, the Attorney General for England and Wales said at his swearing in that the rule of law would be “the lodestar for this government”: [Attorney General swearing-in speech: Rt Hon Richard Hermer KC - GOV.UK](#)

The Lord Chancellor set out the Government’s priorities for the rule of law including:

- a) supporting the Lord Chancellor’s mandate to protect the independence of the judiciary.
- b) promoting better appreciation in Westminster and beyond of our constitutional balance in which a respectful relationship between parliament, the executive and the courts is ...the bedrock of our framework of governance.
- c) promoting the rule of law domestically,
- d) promoting international law and the rule of law in the international legal order.
- e) promoting the highest standards in how we legislate, seeking to increase accessibility and certainty in how we make law—including not abusing the use of secondary legislation.

On 26 November 2024 in a debate sponsored by Baroness Smith of Cluny, Advocate General for Scotland the House of Lords considered the importance of the rule of law. During her swearing in ceremony as Advocate General, Lady Smith said that she held a responsibility “along with the Attorney General and the Solicitor General for England and Wales, to uphold and promote the rule of law in Government.”: [Rule of Law - Hansard - UK Parliament](#)

The Attorney General has also issued amended risk guidance so that government lawyers “feel empowered...to stand up for the rule of law”: [AG_s_Legal_Risk_Guidance_2024.pdf](#) .

Sometimes Government risks failing to live up to promoting the rule of law in practice e.g. the current debate to curtail the role of judicial review or the inconsistent way in which countries are criticised when they appear to breach international law.

6. What is the role of the judiciary in upholding the rule of law? Is it performing this role well, and how could it be improved?

Our Comment

When Scottish Judges are appointed, they take the Judicial Oath: “I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill-will”. The independence of the judiciary is a cornerstone of a democratic society and a safeguard for people’s freedom and rights under [law](#). The key elements of judicial independence are impartiality, integrity and freedom from interference.

“Regulatory responsibility must lie with the Court and in Scotland with the Lord President in order to ensure the independence of the legal professions and the judiciary. The courts often decide disputes between citizens and the State and lawyers advise clients in those disputes.

This means the courts and lawyers must always be entirely independent of the State in order to protect the rights of citizens and the rule of law. This is a fundamental part of democracy”: [Ethics & Independence](#)

The important case of R (on the application of Miller and another) (Respondents) v Secretary of State for Exiting the European Union (Appellant) 2017 UKSC 5 highlights the judicial role in respect of the rule of law at paragraph 42: “In the broadest sense, the role of the judiciary is to uphold and further the rule of law; more particularly, judges impartially identify and apply the law in every case brought before the courts.”

Lord Hodge in his lecture “The Role of Judges in the Rule of Law and the Promotion of International Flourishing: a Case Study” stated: “The judicial task is to articulate, interpret and enforce legal rules, whether statutory or of the common law. It is also to clarify and develop the common law in the face of economic, technological and social change. In a democracy, perhaps in many other societies, the rule of law depends upon the consent of the public in the long term. That means that legal rules should not be perceived to give rise to injustice.

Maintaining public respect for the law requires judges to remedy injustice where they can, while preserving the coherence of the law and explaining the rational basis upon which judicial decisions are made.”.

[speech_lord_hodge_190225_63f51c0f72.pdf](#)

There is no evidence of failure to uphold the judicial oath, or of the sort of politicisation of the judiciary that can be found in other countries.

Some have said that judges have become less activist/more deferential in recent years (see e.g. Lewis Graham [Has the UK Supreme Court Become More Restrained in Public Law Cases? - The Modern Law Review: The Modern Law Review](#)), but there are legitimate disagreements on how the rule of law should be balanced against other constitutional principles. Cases such as the Rwanda judgment demonstrate the willingness of the Supreme Court to take a robust approach where necessary.

7. Is there a role for the public in upholding the rule of law?

[Our Comment](#)

A central element of the rule of law is that everyone is subject to the law. This includes the public at large who clearly have a significant part to play in maintaining this constitutional principle by consenting to the rule of law. The rule of law finds many expressions in the public’s role; obeying the law, voting in elections, resisting corruption, supporting human rights and resolving disputes through the courts and not by as Lord Sumption told the Committee recently “more effective deployment of force”: Q20

[committees.parliament.uk/oralevidence/15682/pdf/](#) --what we would describe as self-help.

The Attorney General promised to “work closely with the Lord Chancellor to promote the rule of law amongst the public, not least young people – seeking to use it to rebuild trust in our political system by explaining how it serves all of us and that no-one, least of all politicians, are above it.”.

i. Is there a greater role for education, the media and civic society in promoting the rule of law?

Our Comment

This point about education about the rule of law is a key one. That is why we are involved in the “Street Law” programme. Street Law is a way for the Law Society and its partners to provide legal education in schools, in a format with which pupils can connect. It is designed to be engaging and get people talking on themes like crime and human rights, or formats like mock-trials.

We also aim to get pupils thinking about a career in law, by raising aspirations and encouraging skills such as critical thinking. As well as an educational programme, it is also a highly successful volunteer scheme.

Our Street Lawyers are all law students studying in Scotland based near local schools. It gives them an amazing opportunity to build confidence, gain presentation skills and work with their communities: [Street Law | Law Society of Scotland](#) We also agree with Baroness Hale's support for more school education on the law: [Q22 committees.parliament.uk/oralevidence/15682/pdf/](https://committees.parliament.uk/oralevidence/15682/pdf/).

The Law Society is widely involved in promoting the rule of law. In our submissions to and in evidence sessions at the UK and Scottish Parliaments we frequently refer to the rule of law. We publish significant material about the rule of law on it and endeavour to support it by our international work.

We believe that the media and civic society should do more to promote the rule of law by embracing the principle in the creative arts and news reporting and making it central to the work of civic society organisations. A free and independent press is a key element in the rule of law – it is key to holding Government to account, but it is also bound by the principle not to undermine the institutions such as the courts and the legal professions unjustifiably.

8. How important is the rule of law for the UK's economy and international influence?

Our Comment

The rule of law supports [stable economies and economic growth](#) by upholding property rights, facilitating the elimination of corruption, and maintaining a business environment in which contracts are enforced, and international trade and investment can flourish. The rule of law alone is not sufficient to make a state democratic, but a state which does not observe it cannot be a healthy democracy.

The Bingham Centre research shows that, “The rule of law was mentioned numerous times in debates on foreign affairs and international development, but without detailed consideration of the particular relevance of the rule of law for those issues, or what the rule of law required in the context of those issues.”.

Lord Hodge has said in the lecture cited above: “It is increasingly recognised that economic prosperity both at home and internationally is linked to the rule of law, the strength of a state's institutions, and the public's respect for those institutions. The 2024 Nobel Prize winning economists, Daron Acemoglu and James Robinson, in a ground-breaking work entitled ‘Why Nations Fail’, demonstrated a clear association between them. Intuition suggests that the association is not coincidental but causal, perhaps in both directions. “



9. What threatens the effective operation of the rule of law globally?

Our Comment

It would be trite to rhyme off a list of characteristics such as war, instability, inequality, corruption, self-serving government which threaten the effective operation of the rule of law.

It is better to highlight the systematic annual study carried out by the [WJP Rule of Law Index](#) which identifies the following factors as indicating adherence to the rule of law. By a process of deduction, we can identify the threats which deny the operation of the rule of law today.

Factor 1 Constraints on Government power measures the extent to which those who govern are bound by law.

Factor 2 Absence of corruption measures the absence of corruption in government.

Factor 3 Open Government measures the openness of government defined by the extent to which a government shares information, empowers people with tools to hold the government accountable, and fosters citizen participation in public policy deliberations.

Factor 4 Fundamental rights recognize that a system of positive law that fails to respect core human rights established under international law is at best “rule by law,” and does not deserve to be called a rule of law system.

Factor 5 Order and security measures how well a society ensures the security of persons and property.

Factor 6 Regulatory enforcement measures the extent to which regulations are fairly and effectively implemented and enforced.

Factor 7 Civil justice measures whether ordinary people can resolve their grievances peacefully and effectively through the civil justice system.

Factor 8 An effective criminal justice system is a key aspect of the rule of law, as it constitutes the conventional mechanism to redress grievances and bring action against individuals for offenses against society.

i. Which countries do you think are leaders in adherence to the rule of law, and why is this the case?

Our Comment

The [WJP Rule of Law Index | Global Insights](#) ranks the following countries as leaders in adherence to the rule of law:

1/142. Denmark, 2. Norway, 3. Finland, 4. Sweden, 5. Germany, 6. New Zealand, 7. Luxembourg, 8. Netherlands, 9. Ireland, 10. Estonia.

The UK is ranked 15/142 in the 2024 rankings.

ii. How effective is the UK as an advocate for the rule of law on the international stage? How could this be improved?

Our Comment

Assessment of the effectiveness of the UK as an advocate for the rule of law abroad is difficult to comment upon. It is easier to acknowledge that the UK's reputation as a state which respects the rule of law is not necessarily an eternal truth and could be damaged by activity in the UK which undermines the rule of law here. Activity such as enacting legislation such as the Safety of Rwanda (Asylum and Immigration) Act 2024 or the Illegal Migration Act 2023 whilst expressly acknowledging that the Home Secretary was unable to make a statement that, in his view, "the provisions of the Bill are compatible with Convention rights, but the Government nevertheless wishes the House to proceed with the Bill" could send a message to observers of UK legislation that Human Rights do not matter in the UK. We commented on this when the respective bills were passing through Parliament and note that the Border Security Asylum and Immigration Bill proposes to repeal the Safety of Rwanda (Asylum and Immigration) Act 2024 and to substantially amend the Illegal Migration Act 2023 (we question why that Act is not being repealed in its entirety). That action may just restore any damage to the UK's reputation which occurred when those Acts passed into law although a reputation lost may be difficult to recover.



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