Government Interference and the Joint Committee on Human Rights:

A rational choice institutionalist analysis of Britain's human rights Select Committee

By

Colin Edward Forber

Submitted to

Central European University

School of Public Policy

In partial fulfillment for the degree of Erasmus Mundus Masters of Arts Public Policy: European Public Policy

Supervisor: Marie-Pierre Granger

Budapest, Hungary

2017

Abstract

The Joint Committee on Human Rights (JCHR) is the primary scrutinizer of legislation in the UK for compliance with national and international human rights standards. The independence and efficacy of this body is therefore important to the accountable functioning of government. This study examines the ability of the JCHR to make those decisions with the information it is provided, and critically assesses the scope and the effect of the Government's interference in this process, from 2010 until the initial stages of the current Brexit process. Throughout this period, there is consistent and traceable interference on inputs to the JCHR, which then affect the outputs provided to Parliament.

This analysis applies rational choice institutionalism to account for the self-interested motivations of the Government, using process-tracing to delve deep into the specific criteria of this interference. Rational institutionalism provides a useful framework to understand such interactions, and helped lead to a greater understanding of the often-conflicting motivations behind decisions relating to interference. Self-interest relating to potential rights violations and the Government's public image was easily traceable throughout such cases.

Specific issues raised present vastly different forms of interaction. In trying to understand the nature of interference, it was necessary to accommodate and critically analyse the nature of these differences. Consistent interference was found, manifesting in either restrictions to the time available to carry out scrutiny, or to the information provided in that pursuit. This interference takes place when either there is a potential human rights issue that conflicts with the Government's position or when their public image might be affected, or both. This, in turn, explains much of the Government's reticence to even clarify its position on Brexit, and the goals it intends to strive towards in the upcoming negotiations.

Contents

Introduction

The interests of government sovereignty and action often come at the expense of human rights. This is seen in such issues as security and business interests (Golder and Williams 2007; Weiler 2004). Self-interest in decision making is tied to the autonomy and power of the individual governance institution. This paper studies this self-interest interfering with human rights, using the case of the Joint Committee on Human Rights (JCHR) in the UK, and the interference from the British Government. This consistent interference, given the criteria of potential violations of human rights and public image, are highlighted through this analysis. The exact nature of this interference is subject to some evolution over time.

Human rights protections are an important aspect of a government's mandate. They are the legal manifestation of the values that a society believes worth protecting. As such, they inform the way that society functions by regulating the ways in which governments provide for their citizens. The right to life, to freedom of thought and to health contribute to such services as legal and police protection, newspapers and the internet, and a well funded healthcare system, respectively (Nickel 2014). Therefore, changes in human rights protections change the ways in which services are provided, and services must reflect the relevant human standards.

Human rights protections are usually within the jurisdiction of the judicial system. It is in this judicial system that the European Convention on Human Rights (EHCR) and the European Union Charter of Fundamental Rights are upheld (Murray 2011). However, in Britain, the legislative committee who scrutinises Bills for compliance is subject to limitations. The JCHR was created in

2002 and consists of six members of the House of Commons and six members of the House of Lords, whose job it is to scrutinise legislation for compliance with human rights standards (JCHR 2002, s. 152B). In that capacity, they select, and gather information, on the Government's position on pieces of legislation deemed to have potential human rights implications. Upon the JCHR's review, they release to inform Parliamentary debate on these new Bills.

However, government members' self-interests are important to consider, as are the self-interests of the institutions in which members of government reside. Collectively, this institutional self-interest has the potential to greatly hinder the embodiment of human rights standards in the policies that affect people's daily lives. Therefore, it is essential to understand the ways in which the Government and human rights bodies interact in ensuring that society is well run and accountable. The JCHR relies on information to provide analysis. That is the relevant point of inquiry for this study.

This issue is particularly relevant due to the changing political environment in the UK. On 23 June 2016, there was a referendum that showed a majority of people desired Britain to leave the EU, a process which has since been named "Brexit" (Foster 2017). The EU is one of the bodies that both enshrines and protects many of the rights and freedoms enjoyed in the UK, from privacy, to workers' rights, to various citizenship and migratory rights (JCHR 2016i, p. 3-7). Just as human rights form the basis for common shared values within a given society, these also form the basis for much of what holds the EU together today. By exiting the EU, Britain will need to redefine these rights and more. Additionally, there will be one less governing body available to provide recourse to those suffering rights violations.

To mitigate these potential negative outcomes, dialogue with the relevant bodies is necessary. This study's goal of providing some insight into the interactions between the JCHR and Government is

particularly important in this changing human rights and policy landscape. Whereas human rights changes usually happen in a slow, organic way, rights themselves might be subject to change currently. Providing a model that can help to understand and explain interaction is therefore of eminent importance.

An analysis of inputs and their implications for outputs is necessary to understand the role of information in interactions. Only with complete information can well-informed outputs be provided to Parliament, and only with a well-informed Parliament can the best policy outcomes be achieved. Therefore, the research question is, to what extent is the government trying to exert its own power over the JCHR regarding potential compliance issues with which it disagrees? This then provides implications for outputs.

The self-interested nature of such interaction necessitates using an application of rational institutionalism, which understands actors as being strictly self-interested with decisions reflecting this, to understand motivations. Along with this, process tracing was used to delve deeper into the actual processes by which such pieces of legislation were chosen for interference. All of this is first assessed in the context of the JCHR's legislation scrutiny between 2010 and now, and then applied to the issues revolving around this initial stage of the Brexit process.

The first section of this study outlines the relevant literature and theory involving rational choice institutionalism, the compliance mechanisms into which the JCHR fits, and previous scholarship involving the JCHR and other select committees. This establishes the both the justification and use of theory to frame this study, shows the way in which compliance mechanisms operate and how that relates to Governments, and finally focuses more specifically on select committees and the scholarship relating to them.

Following this, the use of process tracing, and an explanation of the available information and the methods employed in analysing it are explained. These analysis techniques are used in subsequent analysis sections, where interference involving timetabling and other forms of restricted scrutiny periods is analysed considering specific policy areas of proposed legislation, followed by a similar analysis section addressing the timely provision of information to the JCHR. The conclusions of these, and the motivations of public image and policies with potential compromise on human rights protections, are then applied to Brexit, and the initial stages of interaction on that issue.

Unfortunately, the focus on interactions does create restrictions on the scope of this study. Valuable information can be gained about the reliability of the analysis produced, but other forms of interference, such as appointments and budgeting, are necessarily overlooked. This study is unable to account for these, and so leaves them to future scholarship. Inputs and outputs are useful to make sense of current debates in the literature of select committees, and while these other issues are important, examination of them would require different means, and have potentially different implications.

1. Theoretical framework and literature review

The aim of this study is to determine the nature and implications of human rights related interactions between different stakeholders as played out in the Joint Committee on Human Rights (JCHR) in the United Kingdom's parliamentary system. The nature of this interaction is found in the form of interference on inputs then affecting outputs, as stated in the research question: to what extent is the government trying to exert its own power over the JCHR regarding potential compliance issues with which it disagrees? Therefore, to understand the nature of this interaction, an understanding of both the application of rational choice institutionalism and scholarship relating to the JCHR and other select committees must be understood first to provide context. The most useful theory to examine this interaction is rational choice institutionalism, and the importance of the work of the JCHR, as examined by previous studies, is in the provision of information and analysis for Parliament and other stakeholders.

There is a clear and unnecessary gap in scholarship on these committees. Much time and effort has been given to both the external role they provide in compliance, how that relates to the judiciary and to what extent they affect policy change, but little attention has focused on the interplay of interests involved in their actual functioning. The entire parliamentary system is based on constructive but adversarial interactions, delineated by the different interests and different briefs of the various legislative institutions involved. These interactions take place in several different arenas in government, and to encapsulate them all in one overarching study beyond the capacity of this work. Rather, this is a study of this process in microcosm.

There are a few aspects to this issue. One is the theory to guide the study of these interactions. Rational choice institutionalism provides this. While other theories such as constructivism lend themselves to change over time, the British system seen through both these Committees and the Parliament is based on oppositional dialogue and interests, between parties with different ideological backgrounds and between institutions with different briefs. To provide for this analysis, the boundaries of this conflict must be set. Self-interest, framed by internationally set normative values and protected through both international and domestic mechanisms within the JCHR, provides a model for this interaction.

This chapter is divided into sections that address different aspects of this relationship, providing context for the following study. First, the justifications for and extent of the rational choice institutionalist framework is discussed. This explains that interactions between the Government and the JCHR are best understood through an examination of self-interest. This self-interest then provides an explanation of the motivations behind interference, allowing it to be understood more fully.

The following section examines first of the nature of compliance regimes in relation to international human rights standards, then of those relevant mechanisms, as seen through relevant literature. The JCHR was created to incorporate these processes into the legislative system of the UK Parliament. Given that this study, by focusing on the inputs and outputs of the JCHR, focuses on the way in which it works, this section considers why and how it fits into the larger human rights and legislative context.

Next, there is an additional section examining previous literature on the work of select committees. This is necessary to understand why such questions relating to the reliability of inputs and outputs are necessary in contemporary literature and why this study is necessary.

1.1 Theoretical framework: rational choice institutionalism

This study examines interactions. Therefore, a theory able to account for the variety of interactions present must be used in examining such. The most compelling interpretation of the interaction between legislative bodies and human rights bodies is through rationalist theoretical framework encompassing the will national governments. What this study examines is how governments' strategic following of human rights is displayed in their interactions with the institution designed to protect them. The applicability of this rationalist approach is largely due to fact that the Westminster model of parliamentary democracy is based on well governed opposition (Dewan and Spirling, 2011, p. 337). This model permeates all subsequent levels of government, including the checks provided through independent bodies such as the judiciary. The independence of these bodies is necessary for them to effectively challenge government policies and provide accountability in the policy process. Thus, examining the ways in which these bodies interact from a rationalist perspective is useful due to the inherently competitive nature of their functions. To begin with, this model requires the definition of first government, and the outlining of judicial bodies to begin to identify competing stakeholders.

Due to the focus on the Westminster model of parliamentary legislative deliberation, the phrase "government" will from hereafter refer to the persons and mechanisms of the governing party in parliament unless stated otherwise. This includes ministerial offices as well as those subordinate to these. This is largely because of the role of this organisation in the drafting of the relevant policy

for whichever political or social purpose. It is these bodies which both set the agenda of policy making and draft the legislation that make up its content.

Defining the extent of the judicial bodies involved is considerably less straight forward. This is largely because in a jurisprudential system, while direct pressure and information is provided by national judicial systems, standards and precedence is often provided outside of this limited national sphere. As such, the British Supreme Court, while providing analysis to the JCHR, makes use of standards provided through the HRA, the ECHR and the European Court of Justice (ECJ), to name a few (Lord Mance 2013). Therefore, defining and isolating the individual interests of each actor is made considerably more complicated. Fortunately, throughout most of the deliberations, these interests are aligned, and therefore can be assessed collectively. Further, sovereignty of national courts in the deliberative process also helps the ECHR, due to the indirect influence that the ECHR can provide through that national system. While this is not always the case, it is useful to acknowledge both the shared interests as well as the nuance in the following analysis.

There is a third group to be considered: the committees in which these other interests compete. The position of these committees is often ambiguous since they represent their own interests, those of the judiciary with whom they are regularly required to defer to, and those of the Parliament and House of Lords, from which they draw their members.

Rational choice institutionalism came about through modifications of more traditional rational choice models to account for legislative behaviour, particularly that of Congress in the US (Hall and Taylor, 1996, p. 942). In his seminal study on this reorientation, William Riker described the ability of Congress to create equilibrium and stability through applying rational choice not to individuals, but to the institutions which they formed (Riker, 1980). Since then, many studies were

produced which further underlined this form of interaction, with applications reaching far beyond the US Congress (Moe, 1984; Shepsle, 1986; Weingast and Marshall, 1988). These were largely concerned with applying previous theories, as well as relevant contemporary neoliberal economic theory to understanding political interactions. They tended to be very general, as can be expected from work based on establishing theoretical models.

However, the work of Shepsle is particularly useful. His was one of only a few that extended this rational choice model to the Congressional committees, and highlighted their ability to affect preferences and legislative outcomes (Shepsle, 1986). However, even here there is an issue of underestimating the unpredictable nature of interactions. Shepsle uses extensive mathematical models to assist in his research, betraying an overly positivist view of such issues. This is a major failing of such models. Given that the shortcomings of inputs are not always quantifiable, the use of this model does not relate well to many of the actual interactions that take place.

There have been several scholars focusing their efforts on the examination of competing institutional interests with the focus on interaction between the parliament and executive, and the judiciary. On the one hand, there are those strictly opposed to judicial powers of policymaking, exemplified in the words of Alexander Bickel, "… judicial review is at least potentially a deviant institution in a democratic society" (Bickel, 1962, p. 128). Bickel's critique, which focused on the US example and which has been used extensively since, posits that powers over constitutional or other political matters which the judiciary granted itself through the *Marbury v. Madison* case, are undemocratic and unmajoritarian. The deferment of political matters to an unelected body is therefore an unnecessary and a potentially destructive force in a representational system. For him, this was a result of the extension of judicial powers through self-interest.

This is an argument that was given considerable attention both before and after Bickel's work, with both positive and negative interpretations (Dahl, 1957; Graber, 1993). What these works focus on is mostly the normative value in interaction of the judiciary in legislative practices, usually through judicial review. While this often relates to studies of the ability of judicial systems to affect legislative change, the fact that the focus is on the value of this interaction restricts their ability to assess how and to what extent that change is manifested. This has been addressed more thoroughly by more recent studies (Sweet, 2000; de Sousa, 2010).

The work of Alec Stone Sweet provides a useful starting point for theoretical frameworks. His work on the rational choice institutionalism concerning constitutional courts provides a useful starting point for this discussion. He distinguishes different levels of both interaction and the perspectives of (mainly judicial) actors in pursuing their institutional self-interest. These fit into the general categories of *rules* and *behaviours*, the former denoting formal standards and the latter denoting informal practices and patterns of interaction (Sweet, 2000, p. 4). Most of Sweet's focus is on more continental process of constitutional courts' interactions with legislative processes, however. He brings this rationalist perspective to frame the interaction of constitutional orders and legislators in sector specific special committees during the drafting phase, with the notable exception of the issues surrounding German industrial codetermination (pp. 62, 79-80), or in judicial review post ratification.

Despite this difference with the current study, which focuses on review pre-ratification, the self-interested interplay examined is nevertheless useful. The German example is particularly poignant since the judicialisation of the legislative process pre-emptively ensures constitutionality prior to the ratification of legislation (p. 80). Though this process differed from the structure of review

granted to the JCHR in the UK, it served the same purpose, while maintaining much of the competitive nature of interinstitutional interactions in coming to that final decision.

Other examples are also useful. In most Western European countries, there are similar forms of judicial review that take place after legislation has been passed but before it can take effect or be applied. This is the case in France, Spain, Italy and Germany. In France, this judicial review can take place upon referral by the parliamentary opposition, thus allowing for a somewhat politicised aspect to the review of Acts before they come into effect (Sweet 2000, pp. 45, 50).

The main alternative to this framework comes from constructivism, a theory much lauded in this context due to the reliance on interaction. This is further reinforced by the mechanisms by which certain norms or practices are adopted, particularly that of proportionality analysis which will be addressed later. Frank Fischer is one of the main proponents of this. In his 2003 book, he focused on discourse and argumentation in the pursuit of politically relevant and useful information (p. 17). His critique of more empiricist and positivist conceptions of policy making is well taken, and applicable to this study. However, it fails to account for much of the institutional self-interest that is evident in the interactions between the various actors involved.

Further, positivist conclusions which might allow for predictive models of outcomes requires too much simplifications. While there are indicators of outcomes, particularly in the nature of specific issues under discussion, the complexity of motivations and discourse make such decisions impossible to accurately predict. Rather, behaviour and reactions to behaviour can be addressed. Therefore, to adequately assess this form of interaction and interference, a rational choice approach appears to fit best.

There is a wealth of scholarship making use of these theories. They allow greater understanding of interactions, which can then be used to provide context and understanding of the motivations behind interference with inputs. This understanding is necessary to make sense of the information gathered and trace the effect addressed in the research question.

1.2 Human rights compliance and judicial processes

The extent of interference, as per the research question, can only be addressed when there is a corresponding understanding of the role of the JCHR and why interference is both pursued and a troubling occurrence. This area of study, relating to judicial and legislative interaction is that of compliance. While this study is using a rational choice institutionalist framework exclusively, understanding of these issues of compliance is necessary to gain a full appreciation of the motivations and preferences that inform that institutional self-interest. This largely encompasses the extent to which governments abide by internationally set legal standards and the mechanisms. This focus has been largely addressed from two perspectives, the legislative and the judicial, with the former looking at mechanisms employed by bodies such as those in the EU and its ECJ on legislative processes, and the latter focusing on mechanisms of compliance between international and national judicial bodies.

There is an intrinsic connection between international legal orders and domestic courts, particularly in systems that rely on case law, as in the UK. Domestic courts draw on larger bodies of law to provide context to their own systems and decisions. This is true in terms of both standards

set and judicial processes. This was the focus of Mattli and Slaughter, who found the relative autonomy of domestic legal systems at once a challenge to traditional neofunctionalist and intergovernmental theories of integration, and yet their connection with the ECJ a further source of integration in its own right (Mattli and Slaughter, 1997, pp. 253-5). With regards to the current thesis, Mattli and Slaughter also admitted that much of the differentiation between judicial orders, domestic and international alike, was a result of horizontal competition of interests (p. 262). This therefore represents both self-interested competition, vis-à-vis differentiated institutional interests, as well as international influence on domestic processes.

Karen Alter's work extends upon this, but makes use of a more neofunctionalist model, whereby the sovereignty of domestic courts was deferred over time when specific cases warranted an appeal to the international ECJ (Alter 2008). The creation of an new legal order, and the gradual extension of its powers over time is important insofar as the influence of these international juridical orders, embodied here in the ECJ are relevant to the influence gained in such institutions as the JCHR, as well as the implications for the sectoral interest in human rights allowing for some insight into wider issues relating to self-interest.

Sweet examined this through his previously mentioned work largely devoted to the softer legislative powers of constitutional courts, particularly in their interpretive role with regards to policy (Sweet, 2000, p. 13). In another article, he contributed to, he examined the extension of influence of European courts through their exporting of the legal tool of "proportionality balancing", which assesses the extent to which one legal standard, such as rights, should take preference over others in specific cases (Sweet and Matthews, 2009, p. 72-4).

Much of the study of the remaining relation of international legal orders with domestic judicial systems focuses on non-compliance and the responses thereof. This has largely been the case in

countries that already enjoy strong domestic legal legitimacy (Grewal and Voeten, 2015, p. 1). Where the domestic legal system is strong and reliable already, conflicting judgments from the ECtHR are more easily contested, and rather than undermining the legitimacy of domestic judicial systems, these actions often strengthen their perceived legitimacy at the ECHR's expense. This is also affected by countries with already prevalent Euro-scepticism such as Russia (Russia Today, 2016).

Government interference is therefore observable in both the British and other circumstances, and can explain why both compliance and noncompliance are prevalent. This presents definite implications for interference through inputs to affect outputs.

1.3 Human rights compliance and legislative processes

These compliance issues have led to the creation of structural systems to support such judicial concerns within legislative processes. The JCHR is one manifestation of such mechanisms. The role of the judiciary in informing sound decisions and information is essential, but incomplete when considering the protection mechanisms employed by states. This is largely because sound protection mechanisms stem from policies passed through legislative means, informed and framed by the legal boundaries set by juridical processes. The relationship between these bodies is complex, as is that of their intermediary committees in balancing these different often conflicting interests, such as those of the Government and the JCHR.

As explained by H.W.R. Wade, the traditional view of the influence of these international orders and indeed domestic courts in the UK was that "no Act of the sovereign legislature… could be invalid in the eyes of the courts" (Wade, 1955, p.174). This is clearly challenged by more recent legal scholars and politicians who focus more on the ability of the judiciary to create policy outcomes through their interpretive role, even in a system with such a strong institution of parliamentary sovereignty as the UK (Craig, 1997; Sweet, 2000; Jackson, 2007; Sweet and Matthews, 2009; Hiebert, 2013; Keller and Marti, 2015; Della Torre, 2016). This reinforces the need for the JCHR, as a judicialized body within that Parliamentary model.

Jackson's analysis focuses on the interactions between judicial systems, both international and domestic, and legislative processes. Where Sweet focuses more on the judiciary as "specialised legislative organs", acting in a strictly independent role to affect change through interpretation translated into both review and advisory, Jackson assesses rights protection through dialogue and collaboration between legislative and judicial bodies (Sweet, 2000, p. 61; Jackson, 2007, p. 89). Despite ultimately being sceptical of the ability of a collaborative model to account for the forms and functions of actual interaction, her analysis nevertheless reflects this more constructivist perspective (Jackson, 2007, p. 114-5).

Going beyond this debate, during his collaboration with Matthews, Sweet examined the harmonisation of legal processes around the use of proportionality analysis, as stated earlier. The implications of this transcend international judicial systems, however. By increasingly interpreting constitutional or rights-related issues in the same way, the ability of judicial systems to have a say in the policy-making process is thus strengthened (Sweet and Matthews, 2009, p. 161). The transfer of this ECtHR mechanism in use in the JCHR reflects not only one of the processes of the JCHR, but also a potential for interference. Proportionality testing requires informational context

that, when withheld, renders such analysis incomplete and untenable. This is then an example of how interference can affect the JCHR's ability to carry out analysis.

1.4 Influence of select committees

While this study examines the functioning in inputs and outputs of the JCHR, other works relate more directly to the select committees' effectiveness, their influence and more generally their role in the legislative process. Notable amongst these works are those of Tolley (2009), Hindmoor *et al.* (2009), Monk (2010), and Benton and Russell (2013). These works set about finding a set of criteria to assess the effectiveness of the JCHR and other bodies in the legislative process. Generally, this is predicated on a shared recognition of the increasing importance of these select committees in drafting policy and policy outcomes.

Feldman's and Tolley's works focus on the effectiveness of JCHR reports and recommendations. This is largely due to the need for these outputs to be effective for human rights to be sufficiently included into the policy process (Tolley, 2009, p. 53). Much of this focus stems from the fact that in studies of human rights protections, most of the research to date had been focused on the judiciary (p. 42). Tolley sought to examine other actor's and their effectiveness within this human rights policy framework. On the other hand, Feldman focused on the impact within departments and ministries rather than in the legislature, concluding that since the Human Rights Act's passing in 1998, the UK's legislative systems, even outside parliament, have become more sensitive to rights (Feldman 2004). What this analysis provides is perspective outside of parliamentary

dialogue and the more straight-forward policy process. Therefore, these studies are devoted to the impact of the JCHR, on both parliament and the judiciary rather than on the actual workings of the committee itself.

There has been notable work on the Joint Committee on Human Rights itself apart from Tolley, however. Klug provides an important insight into the role of the JCHR, with considerably more nuance than is provided through generalisations related to simply information provision. The HRA, from which the JCHR gains its legitimacy, was established to provide human rights oversight through a law able to supersede other legislation, without overriding parliamentary sovereignty. As such, there is no judicial override. Information and advice is established through "quasi-judicial" dialogue (Klug 2007). To a certain extent, this is expanding on the earlier work of Hiebert, who came to similar conclusions (Hiebert 2006). This is important in providing reference to how the JCHR ought to run and establishes its role in the legislative and judicial process. However, this provides a summary of internal debates about what the JCHR ought to do, rather than an analysis of interactions themselves.

In contrast, Hindmoor *et al.* examined the effectiveness of the Education and Skills Committee, however the conclusions drawn are like those found by Tolley. There is empirical evidence that some changes have been made in policy because of these committees, but the evidence is fragmented and it is difficult to draw cohesive conclusions from such (Hindmoor *et al*. 2009, p. 86). This is largely since both authors sought to address the issue from the perspective of quantitative study. This need for empirical understanding of issues related to policymaking has been addressed by many, often older studies, such as that of Halligan *et al*. (2007) which contend that such processes are too complex and multifaceted to be so easily amalgamated into a cohesive conclusion. However, both conclude that the value of these committees is in the provision of

valuable and largely unbiased information and analysis to inform further debate. This should be noted for later reference. The availability of reliable information for lawmakers is essential for effective and well-informed decisions to be made.

Though it was published a year after the studies of Tolley and Hindmoor, Monk's framework for evaluation of the effectiveness of select committees is useful in understanding these works. He outlines the ways in which these other studies assess effectiveness in the provision of reports and recommendations, noting the focus on quantitative analysis of policy outcomes (Monk, 2010, p.2). Rather then pursue this same line of inquiry, Monk examines responses to these reports, though his conclusion is much the same as Tolley and Hindmoor, emphasizing complexity and expertise (p. 11).

Benton and Russell (2013) tried to address this same problem. However, rather than attempting to isolate a straight forward metric by which to assess influence, they looked at the different forms of influence apart from the more traditional ones examined by Tolley, Hindmoor and Monk. This includes but is not limited to consultation and the provision of information and analysis, as per the conclusions of the previous studies (rather than the bulk of study itself) (Benton and Russell, 2013, p. 244-5). The conclusion is of not insignificant, but often intangible influence.

This contrasts with the analysis undertaken by Boaz *et al*. (2008) which sought to examine the role of evidence-based policy making in the British context. As such they devoted considerable efforts in examining the role of select committees in that process. This further underlines the importance of these committees in providing information, even when specific recommendations are not adopted.

Government interference in the ability of the JCHR to carry out their duties represents an acknowledgment of the importance of the Committee's role in facilitating policy debate. The expectations of such interaction would therefore be issue specific, since the relationship that governments the world over have with human rights is strictly issue specific. On areas typically in contrast to the individual freedom-based human rights standards of the ECHR, such as security, some form of interference would be expected. Surveillance, search and seizure, and wider jurisdiction for the restriction of sensitive information are all often deemed necessary for responsive anti-terror regimes, therefore inspiring interference against human rights oversight. The opposite would therefore be true of policy targeting human rights, since positive analysis strengthens the government's position.

1.5 Gaps in the available scholarship

These studies have gone to great lengths to show the nuances of the influence of select committees on the policy process, but more is necessary. Therefore, what needs to be determined is what techniques, mechanisms and processes are used to influence, support or undermine these select committees by other stakeholder and what this means for their interactions. This addresses the underlying assumption of these studies that the information gathered is reliable in the first place. Without this, the influence they have is irrelevant. Reports that fail to sufficiently analyse an issue, or that reflect in some way a biased position are not constructive sources of information, no matter the influence of the committee from which they come.

There is an underlying assumption throughout many of these studies: that of the primacy of informational resources. It is essential that lawmakers have the best and most unbiased information and analysis available to make informed decisions. Therefore, it follows that the resources provided to the bodies that provide those amalgamations of information and analysis need to be as thorough as possible.

2. Methods

The need for this study are evident, and the outcomes of such analysis are significant. While other studies have tried to apply quantitative models on outcomes alone, such a pursuit fails to encapsulate the less tangible and positivist nature of interactions between actors whose offices are necessarily placed in conflict of each other. As such, an objective but qualitative study is necessary to first gain an understanding of the actual interactions involved, before such external outputs can be considered. To this end, a study which shows the interactions of different governments with the JCHR over time is the best way to determine the overall nature of interaction and how it is changing.

2.1 Research question and variables

It is necessary to reiterate the main question. To what extent is the government trying to exert its own power over the JCHR regarding potential compliance issues with which it disagrees? This study seeks to answer this question, with consideration given the veracity and reliability of outputs therefrom. The following analysis attempts to isolate interactions that affect either of these points. The various documents to be analysed provide a variety of contexts in which such interaction takes place, and as such each will provide different perspectives. The focus here is determining the nature of outside interference, if any, from both Committee inputs and outputs.

Therefore, there are two main variables to be examined. The first is the nature of interference, which can be subsequently broken down into subcategories representing each of the different outside stakeholders. This interference can take a few different forms. For one, not all interference is acted upon without acquiescence. The quasi-judicial nature of the JCHR means that inputs representing ECHR or other judicial stakeholders might be more accepted than those from strictly political bodies. Therefore, careful consideration of implicit as well as explicitly stated interference is necessary.

The effect of such analysis is to provide clarity for the reliability of outputs. As such these are examined, but only in reference to the research question. The actual influence of such reports and recommendations and the ways in which they are used has been examined already. The importance of this study is in providing background context for these reports.

2.2 Analysis through process-tracing

To answer the research question, a qualitative approach is necessary. This is largely because of the intangible nature of influence within these legislative and legal structures. Rather than looking at distinct and quantifiable measurable indicators, much of the actual effect of this question can only be measured in looking at the rhetoric and actions of the relevant bodies. The actual nature of interference, such as can be isolated and examined, are any issues reported relating to the exchange of information which for whatever reason is not fluid, or in some way hinders the ability of the JCHR to undertake its analysis. Given that this study focuses on interactions, it is the interactions

presented and the real and potential friction within those that determined the nature of this study. Issues related to lack of information or time are therefore of primary note.

In examining government resistance to the ECHR, it should be noted that there are few cases in which there is enough exposure or controversy to justify analysis, which would be included in thorough quantitative studies. In addition, the actual effects and circumstances of the cases in which there is a compliance issue vary, therefore further lending itself to qualitative rather than quantitative study.

The analysis of these documents was undertaken using methods of process-tracing, as outlined by Alexander L. George (2005). This is due to the in-case nature of these theoretical questions. To understand the nature of interference, one must understand the goals and decision-making process by which that interference is carried out (Beach, Brun 2013; Peters 2013, pp. 163-165). By identifying causal relationships through identifying processes by which decisions are made, a greater understanding of the nature of interaction can be gained.

Due to the nature of this interaction, and the changing relationship between government, domestic judiciary, and ECHR vis-à-vis human rights compliance, an examination of reports and documents over time is necessary. This has been made a necessity given the recent shocks to Britain's relationship with Europe, whose effects on human rights is yet to be determined. The key consideration in answering this question, as per George's work, is the tracing of causal relationships in terms of compliance.

2.3 JCHR reports and document analysis

This study mainly used document analysis to address the question stated earlier. This is largely because of the nature of communication to and from the JCHR. On the one hand, communications and requests for analysis from outside bodies or individuals pass through official channels in, as does the relevant information provided by the government, and the JCHR in turn communicates mainly through reports and official written recommendations which are submitted to the Parliament along with the affiliated bill. The result are reports provided by the JCHR which contain both their recommendations, as well as all the sources of information and expertise used in compiling those recommendations and any problems related thereto. These therefore provide the most fertile source of primary documents in terms of scrutiny. In addition, the JCHR releases several reports and larger agenda memos that help to provide context to these scrutiny reports.

These form the basis for much of the following analysis. From them, the issues that are raised by the JCHR are identified, and where necessary further information on both their actions and intentions as well as those of the Government are examined. Their value is the wealth of both secondary, as in the summary of interactions and problems, and primary sources, as in the attached appendices of these reports containing contributing information and correspondence. They are therefore singularly useful for this study.

Further, these reports dating from 2010 onward are readily available to the public. This then corresponds to the period that is covered by this study. Starting in 2010, the period of study considers the years up until the Brexit period following the referendum of June 2016, extending to the present. The first two periods, the coalition and the early majority provide context for many of the changes and trends seen currently amidst the issues involving Brexit. Therefore, this

chronological aspect, though loose in the analysis, will aim to provide context and analysis of current trends.

The judgments and recommendations of the JCHR reflect the standards set and enforced by the ECHR. As such, throughout this analysis, these standards were considered, and were used to help delineate different interests. They provide the general principles foundation that helps to give clarity elsewhere.

3. Human rights compromises and public image in interference

The self-interest of the Government is such that on issues when restricting human rights is deemed necessary, either to promote another policy goal or to strengthen their own position through administrative or constitutional changes, they will try to restrict the ability of the JCHR to provide scrutiny to such actions. Contrary to expectations, there is considerable nuance in interference beyond simply the specific issue area at hand. For one, specific practices of individual Ministries influence the effectiveness of information provision and reliability, independent of the issues at hand. The Home Office has been increasingly forthcoming in providing memoranda outlining relevant issues of compliance regarding the ECHR and ECtHR case law. This is not necessary to suggest the lack of interference by other means, but there is at least an acknowledgement of the role of the JCHR in the legislative process.

It is important to consider both the ways in which this interference manifests, and the contrast that provides in areas in which such interference is not present. This is largely decided by specific preferences, which are often difficult to isolate and this examine. However, the reporting of the JCHR includes the Explanatory Notes which are intended to explicitly state the intention of the Government in any given piece of legislation, and so much of that insight can be gleaned.

Interference can take on a few forms, but as the issues at hand are related to the JCHR's ability to take in information and scrutinise it to provide useful information for Parliamentary debate, it should come as no surprise that the most prevalent forms of interference are related to time allowances and the timely provision of useful information. Once this was established, analysis attempting to understand the self-interested aspect of this interference found trends in which issues

become points of contention and interference based on two main categories. The first is legislation that presents compromises on human rights standards. And the second is legislation that benefits the public image of the government in some way, especially when the issue at hand is timely. These two categories often manifest in the same piece of legislation, since the restriction of human rights is often balanced with other concerns that affect the government's public image, such as in terrorism.

Public image is difficult to define however. Therefore, any analysis must necessarily be done on a case-by-case basis, therefore, as different Bills relate to different policy areas and therefore affect public image in different ways.

4. Timetabling

The first form of interference is with the timeframes provided by the Government in allowing proper scrutiny of proposed Bills. The Government, by restricting the time available to the JCHR to provide analysis before Bills reach the Parliament, undermine the quality and thoroughness of the reports that can be provided. This occurred relatively frequently during the period of study, presenting a poignant trend towards interference in issues that present compromises on human rights standards, the Government's public image or both.

Throughout the period of the coalition government, various Bills were granted "emergency" or otherwise expedited status to facilitate a more rapid passage into law. This can take on a few different forms, ranging from remedial orders, which are used to fix issues with current legislation, to emergency timetabling of legislation. In all cases, inadequate time results in insufficient analysis.

Despite remedial orders' quick, and often immediate implementation into law, there is both an assured timeframe for scrutiny, and productive cooperation on the part of the relevant Government body (JCHR 2011h, para. 4-10). Hence, while this form of legislation is worth consideration, such actions does not represent the conflictual relationship of other pieces of legislation represent between the Committee and Government. This contrasts with expedited primary legislation, which can enter effect no scrutiny at all. Also, due to Parliamentary sovereignty, the judiciary lacks the power of override post-passage, which means that this legislation can become law despite glaring human rights implications without timely redress.

4.1 Administrative or constitutional Bills

Bills dealing with changes to issues relating to the Constitution have the potential present a boon to the Government's public image, particularly if they are rights enhancing, while creating considerable problems for lawmaking consensus. Therefore, the rational choice of the Government is to restrict the efficacy of debate on potentially troublesome legislation. This mainly presents issues related to the Government's public image. Administrative Bills are the converse of this. While the minutia of governance does not tend to gain considerable public awareness, such issues are both in the Government's interest and related to human rights.

During the 2012-2013 session alone, there were multiple Bills passed by both Houses that were undertaken too quickly for the JCHR to be made aware of their existence prior to passage. The Succession to the Crown Bill, despite being a rights-enhancing measure, was unnecessarily fast-tracked. In response, the House of Lords released a report in which it questioned the justifications of the Government for fast-tracking a Bill with such obvious constitutional implications (Constitution Committee, 2013). This represents clear issues for this study's research question. On the one hand, emergency timetabling clearly interfered with the JCHR's ability to scrutinise legislation for human standards, to such an extent that there was no output to be had.

Amongst the other Bills that suffered from a similar lack of oversight as a result of an expedited process were the Jobseekers (Back to Work Schemes) Bill, which finished its passage through both Houses a mere eleven days after introduction, the Police (Complaints and Conduct) Bill, which finished its passage through both Houses nineteen days after its introduction, and the Mental Health (Approval Functions) Bill, which was passed by both Houses the day after it was introduced and whose existence the JCHR was not made aware (JCHR 2013b, para. 26, 33, 41). Given the

timeframes of these Bills, no scrutiny placed upon them could possibly have been adequate. Of these, both the Jobseekers and Police Bills relate to administrative frameworks, and are thus fit the trend of interference based on their potential human rights violations or lack of coverage.

In the case of the Jobseekers (Back to Work) Act 2013, the lack of human rights scrutiny has led directly to the Act's axing. Shortly after the passage of the Act, court cases were brought forward which challenged the legislation based on incompatibility with Article 6 of the ECHR, which guarantees the right to a fair trial (Reilly (2) and Hewstone v The Secretary of State for Work and Pensions, 2014). The illegality of the Act within current human rights standards has been challenged by the Government, most recently in an unsuccessful appeal in April 2016 (Butler, 2016). This case shows the importance of the thoughtful scrutiny of the JCHR, and demonstrates that the Parliamentary voting which allowed this legislation to pass into law was insufficiently informed, leading to tangible and measurable policy failure.

Therefore, the ability of the JCHR to perform its scrutiny was significantly affected, and the information outputs made available to Parliament were compromised. The rational choice for the Government on such issues was to limit potentially obstructionist debate. However, there are also rational choice implications for the JCHR. By cooperating with other bodies, such as the House of Lords in the Succession to the Crown Bill, the JCHR exerted their own force, and provide inter-institutional pressure that reinforced their own role in the legislative process. Parliamentary bodies' need for information means that supporting the JCHR is in their best interests as well.

4.2 Crime and terrorism

Crime and terrorism prevention are often part of the discussion of balancing human rights with other considerations. This fits into a wider understanding of counter-terrorism policy in the UK, which considers the use of exceptional powers necessary to allow such efforts to pre-empt attacks and thus go beyond simple policing (Miller and Sabir 2012, p. 12-3). These powers have, previously, led to disproportionate discrimination against specific groups, such as the Muslim community, and have undermined other rights such as freedom of assembly and due process rights. Nevertheless, successive Governments have portrayed themselves as proactive and tough on terrorism (Dominiczak, Prince 2015). This was done in the Governments' political self-interest.

Terror laws are updated relatively frequently, providing further points of comparison. The Terrorist Asset-Freezing etc Bill 2010 faced timetabling issues because of emergency urgency (JCHR 2010c, p. 3). Just following the 2015 general election, the Government announced further counter-terrorism measures to reinforce existing mechanisms in legislation to be fast-tracked because of its importance to the safety of the British people (Dominiczak, Prince 2015). Further, in addition to fast-tracking there were serious problems with the provision of responses and information regarding this follow-up legislation. While there is sufficient justification for the fast-tracking of such legislation, this nevertheless represents an ongoing and consistent restriction of the JCHR's ability to sufficiently scrutinise Bills with clear human rights implications.

This interference also applies to amendments added later. The Crime and Courts Bill 2012 was introduced in May. Then, despite the Committee stage ending in early November, significant amendments were added to the Bill only on the 22 October, providing insufficient time to provide scrutiny despite potential human right implications. This was the case despite correspondence

between the Minister and the Committee in July (JCHR 2012g, para. 1-3). This is therefore another example of interference directly affecting outputs.

The rights to life and privacy, through the ECHR by way of the HRA, are often at odds with anti-terror legislation. By ensuring that the full extent of this compromise on human rights standards is not analysed, the Government is provided with greater autonomy in passing this legislation without interference from Parliament. The fact that Parliament and the JCHR provides obstructions also shows more about the nature of preferences in this rational choice model.

4.3 Trade unions and organised labour

Another policy area in which the Government has had a long history of conflict is trade unions, lobbying and collective bargaining. Margaret Thatcher's Government in the 1980s characterised unions as "the enemy within" (Travis 2013). In addition to the Bills targeting trade unions passed by the Cameron Government in 2013 and 2016, Prime Minister Theresa May made a similar position part of her party's manifesto ahead of the 2017 general election (JCHR 2013g; JCHR 2016a; BBC 2017). Thus, restricting the powers of trade unions as part of the Government's pro-business platform, is in their self-interest through contributing to their public image.

Both the Transparency of Lobbying, etc Bill 2013 and the Trade Union Bill 2016 suffered from Government interference, but it was the Transparency of Lobbying, etc Bill that encountered timetabling issues. In addition to serious information provision issues and an unnecessarily brief scrutiny stage, the period allowed for scrutiny fell within the summer recess. The Government

response said that sufficient time was provided if the Committee met during this time. However, meetings only take place during recess in cases of emergencies or mitigating circumstances (JCHR 2013g, para. 9-12). The Committee's complaint highlights the fact that they felt the resources provided to them meant that they were unable to provide the quality or quantity of information to Parliament.

There is clear rational self-interest displayed in the Government's actions. By only providing time outside of regular meeting periods, they at once limited discussion on legislation that compromises the right to freedom of assembly, and appeared more accommodating. Conversely, the JCHR's unwillingness to accommodate a meeting during their recess would seem to support Bickel's application of rational choice theory to judicial processes at the expense of democratic bodies.

4.4 Government cooperation: Modern Slavery Bill

These cases are particularly notable given the timeframes usually afforded to the JCHR, which while not official, usually enjoys standardised periods. There are usually months between the introduction of a Bill, and debates and subsequent Parliamentary voting. In most cases, this period is useful for scrutiny and discussion between the different relevant Committees and the Government, to help perfect the legislation before it is passed.

Some Bills are afforded a great deal of time and resources throughout the Committee stage. The Modern Slavery Bill is one example. Like other pieces of rights-enhancing legislation, it was provided both an extended period of scrutiny aided by pre-legislative consultation and extensive memoranda relating to the ECHR and related UN conventions. These memoranda outlined the

extent to which the proposed legislation met human rights requirements and represented the Government's positive obligation to provide further protection and justifications for changes made (JCHR 2014i, para. 1.3-1.9).

This provides a counter-example in contrast to the contemporary interference with the JCHR on bills either presenting conflicts with human rights standards or the Government's interests. The rational desire to appear benevolent on human rights issues is a clear example of actions taken in the interests of their public image. In addition, the strengthening of human rights provided by this Bill meant that compromises on human rights standards were unwanted. Therefore, the Government can be seen to consistently interfere with the work of the JCHR, within the bounds of the given variables, and this interference has tangibly, though not always measurably, affected Parliamentary discussion. Sweet's classification of self-interested interaction based on *rules* and *behaviours* is shown here through the changing behaviours of the Government in interactions with the JCHR governed by stricter rules.

5. Timely provision of information

The JCHR relies on outside information to provide the best possible scrutiny. A large part of this scrutiny involves the implementation of these Bills. This form of interference is therefore particularly powerful, as without information, no decent analysis may take place. During the reporting period, this practice has become increasingly common, and communication with relevant ministers on potentially problematic issues more difficult. What is most notable in the provision of information to the JCHR since 2010 is the trend of an increase in memoranda relating to compatibility with the EHCR, and growing interference in providing other or complete forms of information.

During the coalition between 2010 and 2015, there was a gradual increase in the provision of ECHR memoranda, released around the time of their related Bill's introduction. This was notably the case of Bills proposed by the Home Office under Secretary of State Theresa May MP. These memoranda outline the relevant human rights issues of the proposed Bill vis-à-vis the ECHR, and how these issues are addressed. In 2010, the Home Office started releasing these alongside the Bills they referenced, a practice which has since been greatly commended by the JCHR as representing best practices to be emulated by other Ministries.

However, gaps persist in the provision of information. Most Bills that the JCHR deem require in-depth analysis require additional information relating to specific clauses or sections. In addition, some issues require documents outlining compliance with not only ECHR standards, but those of other international agreements, including UN conventions. This information is usually requested by letter following the introduction of the proposed Bill during the scrutiny stage of the legislative

process. The timeliness and thoroughness of responses is necessary to ensure that the Committee has the resources to reconsider the Bill in light of this additional information.

Throughout the period of this study, the provision of this additional information has increasingly been a point of concern. Whereas during the coalition, additional information tended to be provided expediently and was helpful in providing further insight into the concerns raised by the JCHR, since the Conservative majority from 2015 correspondence is more irregular. A significant proportion of the letters requesting further information have either required further requests for a response, or have been met with a holding response weeks later. One example of the former is the Children and Social Work Bill 2016 and of the later, the Trade Union Bill 2016 (JCHR 2016f, para. 9-11; JCHR 2016a, para. 4).

This directly relates to the wealth of scholarship identifying the role of information in the work of select committees. By restricting the information the JCHR receives, the Government limits potential negative outcomes of the analysis the JCHR releases. Similarly, the JCHR strengthens its own position by holding the Government to account for ever higher standards of cooperation. This give and take is an embodiment of conflicting self-interest in a rational choice model.

5.1 Trade Union Bill

The Transparency of Lobbying, etc Bill 2013 has already been mentioned as an example of interference from timetabling. The Trade Union Bill 2016 is notable for highlighting the changes in the forms of interference the JCHR encounters. Both Bills suffered from the lack of timely

information, but the Trade Union Bill had no issues with expedited time tables. However, there was considerable Government recalcitrance in providing the JCHR with timely and thorough information. In both cases, the ability of the JCHR to scrutinise the proposed legislation was impeded, and in both cases, they noted shortcomings in the information they could provide to Parliament (JCHR 2013g, para. 8; JCHR 2016a, para. 9).

In the Transparency of Lobbying, etc Bill 2013, the Government was over a year late in providing a consultation paper to the Political and Constitutional Reform Committee (PCRC), and in addition to a complete lack of pre-legislative scrutiny, the related ECHR memorandum was released two month after the introduction of the Bill in July 2013 (JCHR 2013g, para. 5, 11). Further, the memorandum failed to provide information on amendments.

By comparison, the Trade Union Bill 2016 was introduced with an ECHR memorandum. Following this, the JCHR requested further information, and received a holding reply before a full response was provided seven weeks after the initial request. Not only did this lateness hinder the ability to provide adequate analysis and scrutiny, but the Government response failed to answer all questions (JCHR 2016a, para. 4, 11). This represents the trend towards providing memoranda at the time of introduction, but also the increased prevalence of other forms of restrictions on information.

Given that previous works on select committees focused on their effectiveness, these findings are important because they show the shortcomings in the committees' ability to provide that analysis in the first place. Interference towards labour rights represent a self-interested choice by Governments wanting to seem pro-business. The scrutiny that Governments receive based on their economic performance is proof of the applicability of rational choice in understanding these decisions.

5.2 Children and Social Work Bill 2016

The Children and Social Work Bill 2016 was provided with a UN Convention on the Rights of the Child memorandum but not an ECHR memorandum (JCHR 2016f, para. 6). A full ECHR memorandum was only included after a meeting with the Bill team six weeks after the initial introduction. Following this, a letter asking several questions of the Minister in relation to the Bill required a follow-up request for a response, finally receiving a reply six weeks late (para. 9-11). What followed was months of debate and discussion, much of which focused on issues related to mandatory relationship and sexual education, and the provision of educational services to refugee and asylum seeking children, both of which are politically charged issues (Brindle 2017).

The reason for these issues being politically charged is the perception of them in the public. Among more conservative voters, mandatory sexual education is very divisive. As such, the public image motivation is clear, thus justifying the restrictions on the timely provision of information despite the rights enhancing nature of the Bill. This explains why, about the research question, inputs were controlled to affect outputs.

Despite the potential for rights enhancement in this Bill, the institutional self-interest of the Government was at odds with some human rights standards. The further exacerbation from public image meant that their rational choice embodied behaviours that conflicted with rule of information provision. Therefore, their decision to interfere was a rational choice, just as it was a rational choice for the JCHR to press them.

5.3 Government cooperation: Investigatory Powers Bill 2016

The Investigatory Powers Bill 2016 serves as a useful counter example. The proposed legislation sought to consolidate already existing standards related to the use of investigatory powers, and in that capacity created clearer legal mechanisms and standards governing the use of such powers (JCHR 2016d, para. 1.21). What this meant was that despite relating to issues regarding crime and police action, it acted in a similar way to remedial orders, simply in the form of regular primary legislation. Not only was information presented far enough in advance to allow for pre-legislative scrutiny and recommendations prior even to the introduction of the Bill, but thorough and timely responses were presented to the JCHR in response to this scrutiny. As this legislation improved standards related to human rights, and thus benefited from the JCHR's insights vis-à-vis the Government's public image, its scrutiny was greatly assisted rather than hindered.

6. Brexit and the rights implications of leaving the EU

The Brexit negotiations have potential serious consequences for the protection of human rights in the UK. While the most important role of the JCHR is to provide adequate human rights scrutiny for proposed legislation, the wider implications of Government policy go beyond this primary legislation. There are many rights whose definition and protection are tied to the UK's place in the European Union. Therefore, the current negotiations and corresponding policy to facilitate leaving the EU represent an important and constantly changing area of interest for the study of human rights in the UK. The Conservative government has irrevocably hitched their wagon to Brexit, campaigning heavily on their ability to negotiate a favourable deal during the 2017 snap general election (May 2017 cited in Maidment 2017). There is little that could tie their public image stronger to this issue.

The most significant initial human rights concerns are the citizenship rights and the rights of residence of EU citizens in Britain and British citizens in the EU. The former is particularly important for the roughly 900,000 British nationals living in other EU countries and the 2.1 million from other EU countries living in the UK (Office for National Statistics 2017; Office for National Statistics 2016). The latter also means that the practical extent of changes is impossible to gauge without first knowing the nature of proposed or approved legislation to repeal and replace existing EU-related policies.

Prime Minister Theresa May and her Government have tried to bypass Parliamentary authority already. Following the Brexit vote, there were several court cases ruling that the Government needed to seek Parliamentary approval before declaring their intention to leave the EU in

accordance with Article 50 of the Lisbon Treaty (Watts, Fenton 2017). The Government's actions represent a clear intention to bypass the authority of Parliament, which would prevent debate and a democratic vote in that chamber. Despite the potential benefit to the Government's negotiating position, this restriction of constructive dialogue hinders the Parliament's ability to scrutinise the most important issue in recent years. Further, this study has already made mention of the potential of constitutional issues in motivating interference from Government. The constitutional issues related to exiting the EU are themselves wide ranging and unclear.

This intention to circumvent Parliament is reflected in the Government's early correspondence with the JCHR. Rather than sending the more relevant Minister Elizabeth Truss, Lord Chancellor and Secretary of State for Justice, the Minister of State, Sir Oliver Heald was sent in her place for discussions on the matter. Further, responses to requests for information were cursory at best. The Government expressed the opinion that should not provide "running commentary" on ongoing negotiations (The human rights implications of Brexit 2016, para. 8-9).

In terms of the main research question, then, the Government's position is the most important information for scrutiny and this has not been provided, thus fundamentally undermining inputs. Additionally, while this has prevented the JCHR from providing specific analysis tailored to the actual negotiating position in question, the Government has further tried to limit Parliamentary debate. Thus, the answer to both questions regarding the extent of interference and effect is: interference and its effect are wide reaching and undermine the Parliament's ability to debate potential human rights issues.

While previous issues resulted in the JCHR acting in their own self-interest, as per rational choice institutionalism, in this case the Government's monopoly on relevant information results in a corresponding monopoly on interactions. This is the case from analysis of citizens' rights, to the

scheduling of meetings, to all other relevant human rights areas. Thus, with so much at stake the applicability of this rational choice approach is both compelling, and deeply worrying.

Within the framework provided by this study, despite the implications of Brexit being unclear yet, there is very clear connection between the Government's public image and the issues at hand, and with human rights. This will be important to consider throughout the remainder of the Brexit process. What this study presents is a model for understanding the interactions of Government and the judicialised processes of the JCHR. Different issues arising from negotiations and policy in response to the changing political environment will address this model in different ways. Potentially human rights enhancing measures that come about as a response to the needs of filling the gap left by EU policy will likely be treated differently than those relating to accommodating changing national security concerns.

Conclusions

The most important role of the JCHR, as with the other Select Committees of the UK Parliament, is the provision of information and analysis so that lawmakers can make the best decisions possible. The relevant literature in the field of these Committees shows that to disrupt this function, the flow of information must be interrupted. This is seen in the interactions of the JCHR and the Ministers putting forward new Bills. In instances of potential human rights violations or issues of public image for the Government, this interference occurred with notable consistency. Under the period of the coalition government, between 2010 and 2015, the most common form of interference was in timetabling, which restricted the ability of the JCHR to put together thorough analysis by shortening the period between the introduction of Bills and their debate and accession in Parliament. In some cases, this period was a matter of mere days and in a few of these, the JCHR was not made aware of legislation until it had already been passed (JCHR 2013b).

Increasingly, this occurs alongside a lack of timely information from the Government. The JCHR's reliance on the Government providing not only information relating to compliance with human rights standards, but their intentions in practical implementation and interpretation issues make this a particularly worrying form of interference. If the JCHR does not receive complete information, they are not able to carry out analysis that is sufficiently thorough, likewise for necessary additional information received too close to the end of a Bill's scrutiny period. Based on potential human rights protection compromises, the Government's public image or both, these actions have become the main tools for interfering in the work of the JCHR.

These issues are not simply important for historical context. They are having a real and observable impact on the current Brexit negotiations, which represent both a serious issue for future human rights protections as well as for the Government's public image. The reticence related to communication, and interference with the scrutiny of the JCHR is occurring currently in these negotiations, and while this represents a serious issue for inputs, the actual effect on outputs cannot yet be known.

Therefore, both inputs and outputs have been affected. The Government's interference in inputs takes these two main forms, timetabling and the provision of information, and is motivated by these two main factors, areas in which human rights might be subject to compromise and public image. This has been shown to be consistent and relatively easily modeled. This answers the research question conclusively. As to the implications for outputs, the JCHR admitted that the reports it provides are not as thorough as the Parliament needs, in order that Parliament may understand the shortcomings of the information they use. These shortcomings are from restrictions on the JCHR's inputs. Therefore, the analysis shows consistent negative effects from interference.

The relevance to literature is also striking. Despite the prevalence of interactions between judicial and legislative bodies (Feldman 2004; Jackson 2007; Tolley 2009), interactions are nevertheless typified by self-interested rational choice. While this does occur on the part of the JCHR and judiciary, as Bickel pointed out (Bickel 1962), the relationship goes in both directions. Therefore, Sweet's characterisation of relationships built upon behaviours and rules is far better able to encapsulate this complexity (Sweet 2000). This study goes further, however, in providing the specific motivations of compromise on human rights standards and public image. The application of this is wide, and further testing necessary.

Therefore, this is an area which requires future work. Brexit negotiations have only recently begun as of the completion of this work, and given the changes to the political and rights landscape that will occur over the course of the subsequent years, careful study is required to ensure that systems to protect people remain strong and independent. Further, more work is required to examine other forms of interference, such as appointments and budgetary restrictions. Even with this work, the lack of more general study restricts the applicability of wider conclusions. Politics are constantly changing, and while this study is a useful start, more is necessary to account for future changes.

Bibliography

Alter, K.J. (2008). "Chapter 12. The European Court and Legal Integration: An Exceptional Story or Harbringer of the Future". In K. Whittington, R.D. Kelemen and G.A. Caldeira (eds.), *The Oxford Handbook of Law and Politics*. Oxford: Oxford University Press, pp. 209-228.

Beach, D.P. and Brun, R. (2013). "Process-Tracing Methods". [Online copy] University of Michigan Press.

Benton, M. and Russell, M. (2013). Assessing the Impact of Parliamentary Oversight Committees: The Select Committees in the British House of Commons. *Parliamentary Affairs*, vol. 66 (2013). pp. 772-797.

Bickel, A. (1962). The Least Dangerous Branch: The Supreme Court at the Bar of Politics. New York: The Bobbs-Merrill Company, inc.

Boaz, A., Grayson, L., Levitt, R. and Solebury, W. (2008). Does evidence-based policy work? Learning from the UK experience. *Evidence and Policy*, vol. 4 (2). pp. 233-253.

Brindle, D. (2017). "What does the Children and Social Work Act mean for frontline staff?" *The Guardian*. [Accessed 30 May 2017] Available online at: https://www.theguardian.com/social-care-network/2017/may/11/what-does-the-children-and-social-work-act-mean-for-frontline-staff.

British Broadcasting Corporation (2017). "Conservative manifesto summary: Key points at-a-glance". [Accessed 29 May 2017] Available online at: http://www.bbc.co.uk/news/election-2017-39960311.

Butler, P. (2016). "Appeal court rejects government challenge in Poundland case". *The Guardian*. [Accessed 27 May 2017] Available online at: https://www.theguardian.com/society/2016/apr/29/appeal-court-rejects-challenge-in-poundland-case.

Constitution Committee (2013). "The Succession to the Crown Bill". *House of Lords*. [Accessed 26 May 2017] Available online at: https://www.publications.parliament.uk/pa/ld201213/ldselect/ldconst/106/10603.htm.

Craig, P.P. (1997). "7. Report on the United Kingdom". In: A.M. Slaughter, A.S. Sweet, J.H.H. Weiler, eds., *The European Courts & National Courts: Doctrine and Jurisprudence*. Oxford: Hart Publishing. pp. 195-226.

Dahl, R.A. (1957). Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker. *Journal of Public Law*, vol. 6 (1957). pp. 279-295.

de Sousa, M.M. (2010). "Chapter 4: How Courts Engage in the Policymaking Process in Latin America: The Different Functions of the Judiciary". In: C. Scartascini, E. Stein, M. Tommasi, (eds.), *How Democracy Works: Political Institutions, Actors, and Arenas in Latin American Policymaking*. Cambridge: David Rockefeller Center for Latin American Studies.

Della Torre, L. (2016). From the "Judicialization of Politics" to the "Politicization of Justice" in the UK and Switzerland. *Border Crossing*, vol. 6 (2). pp. 118-135.

Dewan, T. and Spirling, A. (2011). Strategic Opposition and Government Cohesion in Westminster Democracies. *American Political Science Review*, vol. 105 (2). pp. 337-358.

Dominiczak, P., Prince, R. (2015). "David Cameron to fast-track tough anti-terror laws". *The Telegraph*. [Accessed 29 May 2017] Available online at: http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11600927/David-Cameron-to-fast-track-tough-anti-terror-laws.html.

Feldman, D. (2004). The Impact of Human Rights on the UK Legislative Process. *Statute Law Review*, vol. 25 (2), pp. 91-116.

Fischer, F. (2003). Reframing Public Policy: Discursive Politics and Deliberative Practices. Oxford: Oxford University Press.

Foster, A. (2017). "What is Brexit and what is going to happen now that Britain has voted to leave the EU?" *The Express*. [Accessed 2 June 2017] Available online at: http://www.express.co.uk/news/politics/645667/Brexit-EU-European-Union-Referendum-David-Cameron-Economic-Impact-UK-EU-exit-leave.

George, A.L. (2005). "Process-Tracing and Historical Explanation". In A.L. George and A. Bennett (eds.), *Case Studies and Theory Development in the Social Sciences*. Cambridge: MIT Press, pp. 205-232.

Golder, B. and Williams, G. (2007). Balancing national security and human rights: Assessing the legal response of common law nations to the threat of terrorism. *Journal of Comparative Policy Analysis: Research and Practice*, vol. 8 (1), pp. 43-62.

Graber, M.A. (1993). The Non-Majoritarian Difficulty: Legislative Deference to the Judiciary. *Studies in American Political Development*, vol. 7 (Spring 1993). pp. 35-73.

Grewal, S. and Voeten, E. (2015). Are New Democracies Better Human Rights Compliers? *International Organization*, February 2015. pp. 1-22.

Hall, P.A. and Taylor, R.C.R. (1996). Political Science and the Three New Institutionalisms. *Political Studies*, vol. XLIV, pp. 936-957.

Halligan, J., Miller, R. and Power, J.M. (2007). "Parliament in the Twenty-first Century: Institutional Reform and Emerging Roles". Carleton: Melbourne University Press.

Hiebert, J.L. (2006). Parliament and the Human Rights Act: Can the JCHR Help Facilitate a Culture of Rights. *International Journal of Constitutional Law*, vol. 4 (1), pp. 1-39.

Hiebert, J.L. (2013). The Human Rights Act: Ambiguity about Parliamentary Sovereignty. *German Law Journal*, vol. 14 (12). pp. 2253-74.

High Court of Justice (2014). Reilly (2) and Hewstone v The Secretary of State for Work and Pensions, 2014. Case No: CO/8003/2013. [Accessed 27 May 2017] Judgment available online at: https://www.judiciary.gov.uk/wp-content/uploads/2014/07/r-oao-reilly-others-v-sswp.pdf.

Hindmoor, A., Larkin, P. and Kennon, A. (2009). Assessing the Influence of Select Committees in the UK: The Education and Skills Committee, 1997–2005. *The Journal of Legislative Studies*, vol. 15 (1). pp. 71-89.

Jackson, S. (2007). Designing Human Rights Legislation: 'Dialogue', the Commonwealth Model and the Roles of Parliaments and Courts. *Auckland University Law Review*, vol. 13 (2007). pp. 89-115.

Joint Committee on Human Rights (2002). "Standing Orders 2002(2): Select Committees". *UK Parliament*. [Accessed 2 June 2017] Available online at: https://www.publications.parliament.uk/pa/cm200102/cmstords/27519.htm.

Joint Committee on Human Rights (2016i). "The human rights implications of Brexit". *UK Parliament*. HL paper 88, HC paper 695. [Accessed 12 February 2017] Available online at: https://www.publications.parliament.uk/pa/jt201617/jtselect/jtrights/695/695.pdf.

Keller, H. and Marti, C. (2015). Reconceptualizing Implementation: The Judicialization of the Execution of the European Court of Human Rights' Judgments. *European Journal of International Law*, vol. 26 (4). pp. 829-850.

Klug, F. (2007). Breaking new ground: the Joint Committee on Human Rights and the role of Parliament in human rights compliance. *European Human Rights Law Review*, 2007 (3), pp. 231-250.

Mance, J. (Baron Mance) (2013). "The Interface between National and European Law". *UK Supreme Court*. [Accessed 2 July 2017] Available online at: https://www.supremecourt.uk/docs/speech-130201.pdf.

Mattli, W. and Slaughter, A.M. (1997). "9. The Role of National Courts in the Process of European Integration: Accounting for Judicial Preferences and Constraints". In: A.M. Slaughter, A.S. Sweet, J.H.H. Weiler, eds., *The European Courts & National Courts: Doctrine and Jurisprudence*. Oxford: Hart Publishing. pp. 253-276.

Mary, T. (2017). Early general election speech. Cited in J. Maidment, "Theresa May's early general election speech in full". *The Telegraph.* [Accessed 1 June 2017] Available online at: http://www.telegraph.co.uk/news/2017/04/18/theresa-mays-early-general-election-speech-full/.

Miller, D. and Sabir, R. (2012). "1. Counter-terrorism as counterinsurgency in the UK 'war on terror'". In S. Poynting and D. Whyte (eds.), *Counter-Terrorism and State Political Violence*. London: Routledge.

Moe, T.M. (1984). The New Economics of Organization. *American Journal of Political Science*, vol. 28 (4), pp. 739-777.

Monk, D. (2010). A Framework for Evaluating the Performance of Committees in Westminster Parliaments. *The Journal of Legislative Studies*, vol. 16 (1). pp. 1-13.

Murray, J.L. (2011). The Influence of the European Convention on Fundamental Rights on Community Law. *Fordham International Law Journal*, vol. 33 (5), pp. 1388-1422.

Nickel, J. (2014). "Human Rights". In *Stanford Encyclopedia of Philosophy*. [Accessed 1 July 2017] Available online at: https://plato.stanford.edu/entries/rights-human/.

Office for National Statistics (2016). "Migration Statistics Quarterly Report: May 2016". [Accessed 1 June 2017] Available online at: https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/may2016.

Office for National Statistics (2017). "What information is there on British migrants living in Europe?: Jan 2017". [Accessed 1 June 2017] Available online at:

https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/whatinformationisthereonbritishmigrantslivingineurope/jan2017.

Parliament of Westminster (2013). "Crime and Courts Act 2013". Chapter 22. [Accessed 29 May 2017] Available online at: http://www.legislation.gov.uk/ukpga/2013/22/pdfs/ukpga_20130022_en.pdf.

Peters, G. (2013). "Strategies for Comparative Research in Political Science". Basingstoke: Palgrave Macmillan.

Riker, W.H. (1980). Implications from the Disequilibrium of Majority Rule for the Study of Institutions. *The American Political Science Review*, vol. 74 (2), pp. 432-446.

Shepsle, K.A. (1986). Institutional Equilibrium and Equilibrium Institutions. In: H.F. Weisberg (ed.) *Political Science: The Science of Politics*. New York: Agathon Press, Inc., pp. 51-81.

Sweet, A.S. (2000). "Governing with Judges: Constitutional Politics in Europe". Oxford: Oxford University Press.

Sweet, A.S. and Matthews, J. (2009). Proportionality Balancing and Global Constitutionalism. Columbia Journal of Transnational Law 47. pp. 72-164.

Tolley, M. (2009). Parliamentary Scrutiny of Rights in the United Kingdom: Assessing the Work of the Joint Committee on Human Rights. *Australian Journal of Political Science*, vol. 44 (1). pp. 41-55.

Travis, A. (2013). "National archives: Margaret Thatcher wanted to crush power of trade unions". *The Guardian*. [Accessed 29 May 2017] Available online at:

https://www.theguardian.com/uk-news/2013/aug/01/margaret-thatcher-trade-union-reform-national-archives.

Wade, H.W.R. (1955). The Basis of Legal Sovereignty. *The Cambridge Law Journal*, vol. 13 (2). pp. 172-197.

Watts, J. and Fenton, S. (2017). "Brexit ruling: Supreme Court judges defy Government and empower Parliament". *The Independent*. [Accessed 1 June 2017] Available online at: http://www.independent.co.uk/news/uk/politics/brexit-supreme-court-ruling-judges-defy-theresa-may-and-hand-power-to-parliament-a7542406.html.

Weiler, T. (2004). Balancing Human Rights and Investor Protection: A New Approach for a Different Legal Order. *Boston College International and Comparative Law Review*, vol. 27 (2), pp. 429-452.

Weingast, B.R. and Marshall, W.J. (1988). The Industrial Organization of Congress; or, Why Legislatures, Like Firms, Are Not Organized as Markets. *Journal of Political Economy*, vol. 96 (1), pp. 132-163.

References for Legislative Scrutiny Reports

Joint Committee on Human Rights (2010a). "1st report - Work of the Committee in 2008-09". House of Lords paper 32, House of Commons paper 459.

Joint Committee on Human Rights (2010b). "2nd report - Legislative Scrutiny: Identity Documents Bill". House of Lords paper 36, House of Commons paper 515.

Joint Committee on Human Rights (2010c). "3rd report - Legislative Scrutiny: Terrorist Asset-Freezing etc. Bill (Preliminary Report)". House of Lords paper 41, House of Commons paper 535.

Joint Committee on Human Rights (2010d). "4th report - Legislative Scrutiny: Terrorist Asset-Freezing etc Bill (Second Report); and other Bills". House of Lords paper 53, House of Commons paper 598.

Joint Committee on Human Rights (2010e). "5th Report - Proposal for the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2010". House of Lords paper 54, House of Commons paper 599.

Joint Committee on Human Rights (2010f). "6th report - Legislative Scrutiny: (1) Superannuation Bill; (2) Parliamentary Voting System and Constituencies Bill". House of Lords paper 64, House of Commons paper 640.

Joint Committee on Human Rights (2011a). "7th Report - Legislative Scrutiny: Public Bodies Bill; Other Bills". House of Lords paper 86, House of Commons paper 725.

Joint Committee on Human Rights (2011b). "8th Report - Renewal of Control Orders Legislation 2011". House of Lords paper 106, House of Commons paper 838.

Joint Committee on Human Rights (2011c). "9th Report - Draft Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2010 - second Report". House of Lords paper 111, House of Commons paper 859.

Joint Committee on Human Rights (2011d). "10th Report - Facilitating Peaceful Protest". House of Lords paper 123, House of Commons paper 684.

Joint Committee on Human Rights (2011e). "11th Report - Legislative Scrutiny: Police Reform and Social Responsibility Bill". House of Lords paper 138, House of Commons paper 1020.

Joint Committee on Human Rights (2011f). "12th Report - Legislative Scrutiny: Armed Forces Bill". House of Lords paper 145, House of Commons paper 1037.

Joint Committee on Human Rights (2011g). "13th Report - Legislative Scrutiny: Education Bill; and other Bills". House of Lords paper 154, House of Commons paper 1140.

Joint Committee on Human Rights (2011h). "14th Report - (Remedial Order 2011: Stop and search without Reasonable Suspicion". House of Lords paper 155, House of Commons paper 1141.

Joint Committee on Human Rights (2011i). "15th Report - The Human Rights Implications of UK Extradition Policy". House of Lords paper 156, House of Commons paper 767.

Joint Committee on Human Rights (2011j). "16th Report - Legislative Scrutiny: Terrorism Prevention and Investigation Measures Bill". House of Lords paper 180, House of Commons paper 1432.

Joint Committee on Human Rights (2011k). "17th Report - The Terrorism Act 2000 (Remedial) Order 2011: Stop and Search without Reasonable Suspicion (second Report)". House of Lords paper 192, House of Commons paper 1483.

Joint Committee on Human Rights (2011l). "18th Report - Legislative Scrutiny: Protection of Freedoms Bill". House of Lords paper 195, House of Commons paper 1490.

Joint Committee on Human Rights (2011m). "19th Report - Proposal for the Sexual Offences Act 2003 (Remedial) Order 2011". House of Lords paper 200, House of Commons paper 1549.

Joint Committee on Human Rights (2011n). "20th Report - Legislative Scrutiny: Terrorism Prevention and Investigation Measures Bill (second Report)". House of Lords paper 204, House of Commons paper 1571.

Joint Committee on Human Rights (2011o). "21st report - Legislative Scrutiny: Welfare Reform Bill". House of Lords paper 233, House of Commons paper 1704.

Joint Committee on Human Rights (2011p). "22nd Report - Legislative Scrutiny: Legal Aid, Sentencing and Punishment of Offenders Bill". House of Lords paper 237, House of Commons paper 1717.

Joint Committee on Human Rights (2012a). "23rd Report - Implementation of the Right of Disabled People to Independent Living". House of Lords paper 257, House of Commons paper 1074.

Joint Committee on Human Rights (2012b). "24th Report - The Justice and Security Green Paper". House of Lords paper 286, House of Commons paper 1777.

Joint Committee on Human Rights (2012c). "1st Report - Draft Sexual Offences Act 2003 (Remedial) Order 2012: second Report". House of Lords paper 8, House of Commons paper 166.

Joint Committee on Human Rights (2012d). "2nd Report - Implementation of the Right of Disabled People to Independent Living: Government Response to the Committee's Twenty-third Report of Session 2010-12". House of Lords paper 23, House of Commons paper 429.

Joint Committee on Human Rights (2012e). "3rd Report - Appointment of the Chair of the Equality and Human Rights Commission". House of Lords paper 48, House of Commons paper 634.

Joint Committee on Human Rights (2012f). "4th Report - Legislative Scrutiny: Justice and Security Bill". House of Lords paper 59, House of Commons paper 370.

Joint Committee on Human Rights (2012g). "5th Report - Legislative Scrutiny: Crime and Courts Bill". House of Lords paper 67, House of Commons paper 771.

Joint Committee on Human Rights (2012h). "6th Report - Reform of the Office of the Children's Commissioner: draft legislation". House of Lords paper 83, House of Commons paper 811.

Joint Committee on Human Rights (2012i). "7th Report - Legislative Scrutiny: Defamation Bill". House of Lords paper 84, House of Commons paper 810.

Joint Committee on Human Rights (2013a). "8th Report - Legislative Scrutiny: Justice and Security Bill (second Report)". House of Lords paper 128, House of Commons paper 101.

Joint Committee on Human Rights (2013b). "9th Report - Legislative Scrutiny Update". House of Lords paper 157, House of Commons paper 107.

Joint Committee on Human Rights (2013c). "1st Report - Human Rights of unaccompanied migrant children and young people in the UK". House of Lords paper 9, House of Commons paper 196.

Joint Committee on Human Rights (2013d). "2nd Report - Legislative Scrutiny: Marriage (Same Sex Couples) Bill". House of Lords paper 24, House of Commons paper 157.

Joint Committee on Human Rights (2013e). "3rd Report - Legislative Scrutiny: Children and Families Bill; Energy Bill". House of Lords paper 29, House of Commons paper 452.

Joint Committee on Human Rights (2013f). "4th Report - Legislative Scrutiny: Anti-social Behaviour, Crime and Policing Bill". House of Lords paper 56, House of Commons paper 713.

Joint Committee on Human Rights (2013g). "5th Report - Legislative Scrutiny: Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Bill". House of Lords paper 61, House of Commons paper 755.

Joint Committee on Human Rights (2013h). "6th Report - Legislative Scrutiny: Offender Rehabilitation Bill". House of Lords paper 80, House of Commons paper 829.

Joint Committee on Human Rights (2013i). "7th Report - The implications for access to justice of the Government's proposals to reform legal aid". House of Lords paper 100, House of Commons paper 766.

Joint Committee on Human Rights (2013j). "8th Report - Legislative Scrutiny: Immigration Bill". House of Lords paper 102, House of Commons paper 935.

Joint Committee on Human Rights (2014a). "9th Report - Legislative Scrutiny: Anti-social Behaviour, Crime and Policing Bill (second Report)". House of Lords paper 108, House of Commons paper 951.

Joint Committee on Human Rights (2014b). "10th Report - Post-Legislative Scrutiny: Terrorism Prevention and Investigation Measures Act 2011". House of Lords paper 113, House of Commons paper 1014.

Joint Committee on Human Rights (2014c). "11th Report - Legislative Scrutiny: Care Bill". House of Lords paper 121, House of Commons paper 1027.

Joint Committee on Human Rights (2014d). "12th Report - Legislative Scrutiny: Immigration Bill (Second Report)". House of Lords paper 142, House of Commons paper 1120.

Joint Committee on Human Rights (2014e). "13th Report - The implications for access to justice of the Government's proposals to reform judicial review". House of Lords paper 174, House of Commons paper 868.

Joint Committee on Human Rights (2014f). "14th Report - Legislative Scrutiny: (1) Criminal Justice and Courts Bill and (2) Deregulation Bill". House of Lords paper 189, House of Commons paper 1293.

Joint Committee on Human Rights (2014g). "1st Report - Legal aid: children and the residence test". House of Lords paper 14, House of Commons paper 234.

Joint Committee on Human Rights (2014h). "2nd Report - Legislative Scrutiny: (1) Serious Crime Bill, (2) Criminal Justice and Courts Bill (second Report) and (3) Armed Forces (Service Complaints and Financial Assistance) Bill". House of Lords paper 49, House of Commons paper 746.

Joint Committee on Human Rights (2014i). "3rd Report - Legislative Scrutiny: (1) Modern Slavery Bill and (2) Social Action, Responsibility and Heroism Bill". House of Lords paper 62, House of Commons paper 779.

Joint Committee on Human Rights (2014j). "4th Report - Protocol 15 to the European Convention on Human Rights". House of Lords paper 71, House of Commons paper 837.

Joint Committee on Human Rights (2015a). "5th Report - Legislative Scrutiny: Counter-Terrorism and Security Bill". House of Lords paper 86, House of Commons paper 859.

Joint Committee on Human Rights (2015b). "6th Report - Violence against women and girls". House of Lords paper 106, House of Commons paper 594.

Joint Committee on Human Rights (2015c). "7th Report - Human Rights Judgments". House of Lords paper 130, House of Commons paper 1088.

Joint Committee on Human Rights (2015d). "8th Report - The UK's compliance with the UN Convention on the Rights of the Child". House of Lords paper 144, House of Commons paper 1016.

Joint Committee on Human Rights (2016a). "1st Report - Legislative Scrutiny: Trade Union Bill". House of Lords paper 92, House of Commons paper 630.

Joint Committee on Human Rights (2016b). "2nd Report - The Government's policy on the use of drones for targeted killing". House of Lords paper 141, House of Commons paper 574.

Joint Committee on Human Rights (2016c). "3rd Report - Appointment of the Chair of the Equality and Human Rights Commission". House of Lords paper 145, House of Commons paper 648.

Joint Committee on Human Rights (2016d). "1st Report - Legislative Scrutiny: Investigatory Powers Bill". House of Lords paper 6, House of Commons paper 104.

Joint Committee on Human Rights (2016e). "2nd Report - Counter-Extremism". House of Lords paper 39, House of Commons paper 105.

Joint Committee on Human Rights (2016f). "3rd Report - Legislative Scrutiny: (1) Children and Social Work Bill; (2) Policing and Crime Bill; (3) Cultural Property (Armed Conflict) Bill". House of Lords paper 48, House of Commons paper 739.

Joint Committee on Human Rights (2016g). "4th Report - The Government's policy on the use of drones for targeted killing: Government Response to the Committee's Second Report of Session 2015-16: Fourth Report of Session 2016-17". House of Lords paper 49, House of Commons paper 747.

Joint Committee on Human Rights (2016h). "5th Report - The human rights implications of Brexit". House of Lords paper 88, House of Commons paper 695.

Joint Committee on Human Rights (2017a). "6th Report - Human Rights and Business 2017: Promoting responsibility and ensuring accountability". House of Lords paper 153, House of Commons paper 443.

Joint Committee on Human Rights (2017b). "7th Report - Mental Health and Deaths in Prison: Interim Report". House of Lords paper 167, House of Commons paper 893.

All reports available at: http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/publications/.