



House of Lords  
House of Commons

Joint Committee on Human Rights

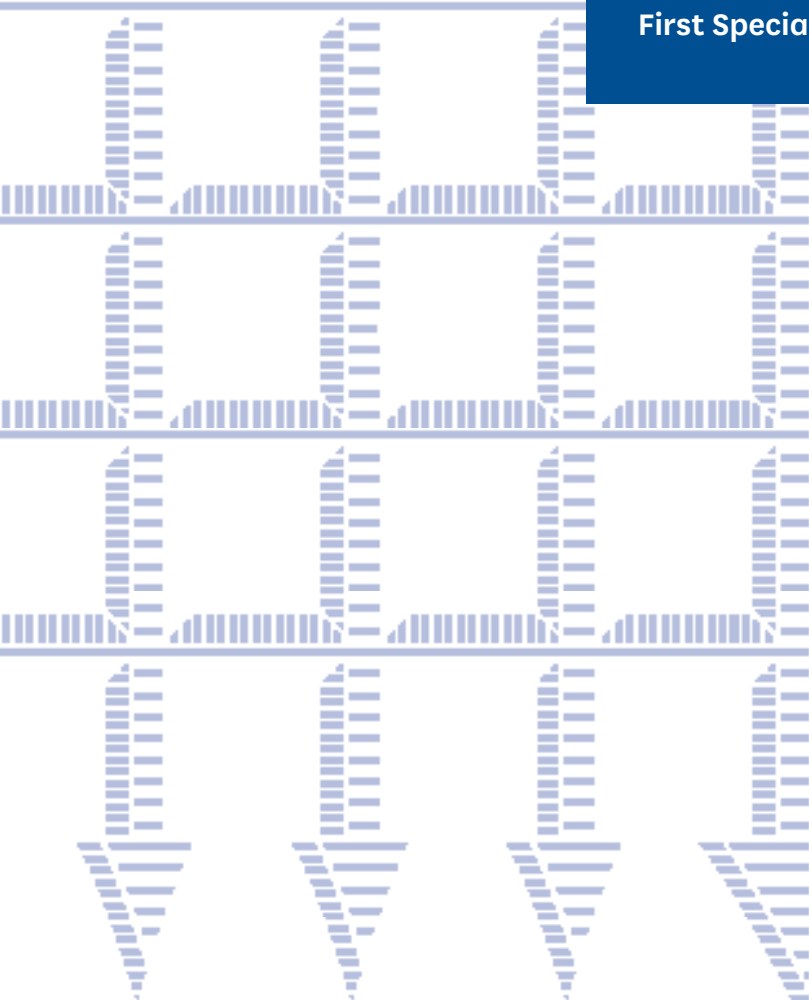
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# Human rights and the proposal for a “Hillsborough Law”: Government Response

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First Special Report of Session 2024–25

HC 739



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# Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders. The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

## Current membership

[Lord Alton of Liverpool](#) (Crossbench; Life peer) (Chair)

[Juliet Campbell](#) (Labour; Broxtowe)

[Lord Dholakia](#) (Liberal Democrat; Life peer)

[Tom Gordon](#) (Liberal Democrat; Harrogate and Knaresborough)

[Baroness Kennedy of The Shaws](#) (Labour; Life peer)

[Afzal Khan](#) (Labour; Manchester Rusholme)

[Baroness Lawrence of Clarendon](#) (Labour; Life peer)

[Lord Murray of Blidworth](#) (Conservative; Life peer)

[Alex Sobel](#) (Labour; Leeds Central and Headingley)

[Peter Swallow](#) (Labour; Bracknell)

[Sir Desmond Swayne](#) (Conservative; New Forest West)

## Powers

The Committee has the power to require the submission of written evidence and documents, to examine witnesses, to meet at any time (except when Parliament is prorogued or dissolved), to adjourn from place to place, to

appoint specialist advisers, and to make Reports to both Houses. The Lords Committee has power to agree with the Commons in the appointment of a Chairman.

## Publication

This Report, together with formal minutes relating to the report, was Ordered by the House of Commons, on 26 February 2025, to be printed. It was published on 3 March 2025 by authority of the House of Commons. © Parliamentary Copyright House of Commons 2025.

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## Contacts

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# First Special Report

The Joint Committee on Human Rights published its Third Report of Session 2023–24, [Human rights and the proposal for a “Hillsborough Law” Bill](#) (HC 180 / HL Paper 119), on 24 May 2024. The Government response was received on 12 February 2025 and is appended below.

## Letter from the Minister for Victims and Violence Against Women and Girls, dated 12 February 2025

Dear David,

### **Joint Committee On Human Rights’ Report On Proposals For A Hillsborough Law**

I write with regard to the previous Joint Committee on Human Right’s Report on proposals for a Hillsborough Law.

As you will be aware, the Government has committed to bringing forward a Hillsborough Law and will introduce the Bill this Parliamentary session.

The issues the Committee raises are important, and I have carefully considered the report, including as part of Bill development. I enclose the Government’s response to the Committee’s recommendations.

I look forward to working with the Committee and other Parliamentarians as the Bill progresses through Parliament.

Yours Sincerely

**Alex Davies-Jones MP**

**Minister for Victims and Violence Against Women and Girls**

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# Appendix: Government Response

## Introduction

1. The Government is grateful to the Joint Committee on Human Right (JCHR) for its *Human rights and the proposal for a “Hillsborough Law”* report.
2. The Government has committed to introducing a Bill this session to deliver on the proposals for a “Hillsborough Law”. As part of policy development of this work, we will consider the findings of this report, as well as the views of stakeholders, families and Parliamentarians. A legal analysis will be undertaken to ensure that any policy fulfils our obligations under ECHR. This will include analysing the impact any duty of candour could have on Article 6 ECHR and the privilege against self-incrimination.
3. The Victims and Prisoners Act 2024 gained Royal Assent on 24 May 2024. Part 2 of the Act establishes the office of the Independent Public Advocate and allows the Secretary of State to declare a major incident and appoint an Advocate in respect of this. The Advocate will act as a conduit between Government and victims of a major incident to ensure victims and their families receive the information they are entitled to. They will signpost to relevant support and can advise the Government in relation to any reviews related to the incident. This was a core component of the Hillsborough Law campaign. The majority of the measures in Part 2 have been commenced, with the exception of those relating to the Standing Advocate, which will be commenced after the appointment process for the Standing Advocate is completed. The Standing Advocate will be appointed using the public appointments process. The campaign has been launched and we expect the advocate to be in post by summer 2025.
4. In response to the Bishop James Jones’ report’s recommendations for legal aid at inquests, the previous Government committed to build on the removal of the means test for Exceptional Case Funding (ECF) at inquests by consulting on expanding legal aid so that it is available to bereaved families at inquests following major incidents where the IPA is deployed, and following terrorist attacks. The consultation was not able to be launched before the General Election was called.

5. In its 2024 manifesto, the current Government committed to provide legal aid for victims of disasters or state-related deaths. This will support bereaved families at an incredibly difficult time following the loss of their loved ones. The Government is considering how best to deliver this commitment.
6. The Government recognises that legislation alone will not deliver the cultural change needed to ensure transparency, openness and access to the truth. Legislation should be seen as part of a wider package. The Bill will help to safeguard and improve the candour of the public sector in external settings such as inquiries and inquests. But success will also require cultural and behavioural changes within institutions, underpinned by clear expectations from senior leaders. The Government is committed to working with partners across the public sector to deliver this change.
7. The Government is committed to delivering measures to bring forward a Hillsborough Law.

## Response to recommendations

**Recommendation 1: The Government should consider introducing a statutory duty of candour and extend it to all public authorities, as called for in the Hillsborough Law.**

8. The Government announced in the King's Speech in July 2024 that they will bring forward a Hillsborough Law. This Bill will deliver on the manifesto commitment to implement a 'Hillsborough Law' which will place a legal duty of candour on public servants and authorities. This was further committed to in the Prime Minister's Speech at Labour Party Conference in October 2024. The Prime Minister committed to introducing the Bill this Parliament, ahead of the next anniversary of the Hillsborough Disaster (15 April 2025). This speech stated that the duty will apply to public authorities and public servants.
9. The legislation will be introduced this Parliamentary session and further details of the duty will be presented to Parliament when the Bill is introduced.

**Recommendation 2: We urge the Government to take steps to ensure that families receive proportional legal representation at inquests and inquiries whenever the state has its own representation. If a consultation on the extension of legal aid in inquests that follow public disasters is considered necessary, it should be launched at the earliest opportunity. While seeking to reduce the spending of public authorities on legal representation inquest may be appropriate, Government must**

**be careful not to simply reduce the quality of representation overall, as this risks damaging the ability of inquests to serve their statutory and Article 2 ECHR purpose.**

10. The government is considering how best to deliver the manifesto commitment to provide legal aid at inquests for victims of disasters or state-related deaths. This will support bereaved families at an incredibly difficult time following the loss of their loved ones.
11. Funding of legal representation at statutory inquires is dealt with separately, under the Inquiries Act 2005 and is typically provided by the sponsoring government department.

**Recommendation 3: The Minister should provide an explanation to the Joint Committee on Human Rights and the Justice Select Committee if no standing advocate is appointed within three months of the Bill gaining Royal Assent.**

12. The Victims and Prisoners Act received Royal Assent on 24 May 2024. This was ahead of the dissolution of Parliament for the General Election. The General Election took place on 5 July 2024 with a new Government formed the next day.
13. The Standing Advocate is being recruited through the public appointment process. It is important to run a rigorous, open and transparent process given the high profile, sensitive and independent nature of the role. Additionally, in line with commitments made during the passage of the Victims and Prisoners Act, the Justice Select Committee will be invited to scrutinise the Government's preferred candidate.
14. The Government launched the campaign to recruit for the role of the Standing Advocate on 24 September. This was the earliest the campaign could be launched following the formation of the new Government. The Standing Advocate is expected to be in post next summer.
15. Most of the measures in Part 2 of the Victims and Prisoners Act were recently commenced on 18 September. Therefore, should an incident occur now that meets the definition in section 34(2), the Secretary of State has the power to declare it as a major incident and appoint an individual to act as advocate for the victims of that specific major incident.

**Recommendation 4: The Government should consider providing an undertaking that if an advocate is not appointed in respect of a major incident within 72 hours of that incident taking place, the Minister will attend before Parliament to explain this delay and will do so on a weekly basis until an appointment takes place.**

16. The decisions on whether to declare an incident to be a major incident and whether to appoint an advocate are at the discretion of the Secretary of State. The Secretary of State will consider the specific circumstances of an incident and that will inform the decision on whether it is appropriate to declare it to be a major incident and appoint an advocate.
17. The Government's ambition is for the appointment of an advocate in respect of an incident to be as smooth and as quick as possible. Any appointment of an advocate will be mindful of the existing processes which occur following a major incident, and the timing of the advocate's engagement with victims will reflect this.
18. It is highly likely that if a major incident were to occur, a statement would be made to Parliament, likely by the relevant Secretary of State, on the Government response, including how to support victims and families and the role of the IPA in this. This would be in line with standard Parliamentary procedures. It would not be appropriate for a Minister to be required to attend Parliament weekly to give an update on appointment of an advocate.

## Conclusion

19. The Government is grateful to the Committee for its report. We are committed to bringing forward a Hillsborough Law to ensure transparency, openness and to be able establish quickly and clearly when something has gone wrong, what has gone wrong.
20. Further detail of the duty of candour will be presented to Parliament when the Bill is introduced. We look forward to engagement with the Committee and further Parliamentarians on the measures.