

With his promise to introduce a British Bill of Rights, David Cameron is really aiming at the ECHR

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In his party conference speech, David Cameron promised to repeal the Human Rights Act but his main reason seems to be to avoid compliance with the European Court of Human Rights (ECHR). The cases the PM cited in his speech as justification would have still been directly binding on the UK government even if the HRA had never been introduced. Today, David Cameron has signalled his wish to distance our country from the many achievements of the ECHR, writes [Francesca Klug](#).



Today, the Prime Minister [repeated a commitment](#), first made to his Party in 2006, to repeal the UK's Human Rights Act (HRA) and replace it with a so-called British Bill of Rights. Until now there has been speculation over what such a Bill of Rights might consist of and how it may differ from the HRA. In his conference speech Chris Grayling, the Justice Secretary, promised to provide more details "shortly," but the PM has today made crystal clear that the *purpose* of this putative British Bill of Rights is to avoid compliance with the [European Convention on Human Rights](#) (ECHR).

Ratified by the post-war Labour government 60 years ago, the ECHR was championed by Winston Churchill and largely drafted by a future Tory Home Secretary, Sir David Maxwell-Fyfe. It drew its inspiration-and many of its Articles from the UN's 1948 Universal Declaration of Human Rights which represented a new common ethical framework for a fractured world.

Like any court, the European Court of Human Rights, which enforces the Convention, is not perfect but it is internationally recognised as the most successful product of this post-war vision of a better and fairer world. Its judgments have led to real changes in the lives of men, women and children across Europe, including the banning of corporal punishment, protections for rape and child abuse victims and the overturning of homophobic laws; and that is just here in the UK. There are many justifiable complaints about invasions into our private lives in the modern world, but before the ECHR there was virtually no regulation of state surveillance or right to privacy through either statutes or the common law.

David Cameron has signalled his wish to distance our country from such achievements. Using all the authority of his office, our Prime Minister declared that the "interpretations" of the Court "are frankly wrong". The cases he cites in his speech as justification for repealing the HRA were all determined by the European Court of Human Rights. In fact, these judgments would have been directly binding on the UK government if the HRA had never been introduced and they will remain so even if the HRA were repealed; provided we are still signed up to the ECHR.

Many campaigners make the point that the HRA *is* a British bill of rights. Our judges are not bound by the European Court of Human Rights when they interpret the HRA and many people living in the UK have benefited from it without going anywhere near a court. But the purpose of the HRA was to introduce a British bill of rights which is compatible with European and international human rights standards, in line with most democracies, whilst Cameron's purpose appears to be the opposite.

So whether or not the UK formally withdraws from the ECHR in the future, Cameron is clearly signalling that his so-called British Bill of Rights is aimed at exempting Britain from judgments of the European human rights court that have not found favour with the government. We are told we will find out more from Grayling soon but this bid for 'British exceptionalism' is not ultimately sustainable if we do remain signatories to the Convention. Even if it were, it would probably fatally damage the ECHR's impact on other members of the Council of Europe, from Russia to Turkey, who are equally restless about complying with the judgments of the Court. It is also deeply inconsistent with

our repeated admonishments to the rest of the world to abide by international human rights law. Surely this cannot be what the Government means by 'British values' that are now required teaching in our schools?

Note: This article gives the views of the author, and not the position of the British Politics and Policy blog, nor of the London School of Economics. Please read our [comments policy](#) before posting. Featured image: [FishInWater](#) CC BY 2.0

About the Author

Professor Francesca Klug OBE is a Professorial Research Fellow at the LSE Centre for the Study of Human Rights. She is Director of the [Human Rights Futures Project](#) which seeks to explore and analyse the future direction of human rights discourse in the UK and elsewhere. Francesca is also a member of the Advisory Committee for LSE's Centre for Analysis of Social Exclusion. She is currently on sabbatical working away from the LSE.

