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Sir, Ken Macdonald's article (Opinion, Sept 12) about the European Court of Human Rights (ECtHR), like the interim advice (just published) of the Government's Commission on a Bill of Rights, raises the serious problem of the ECtHR's growing case backlog.

The Commission makes some sensible recommendations to tackle this, including new screening mechanisms and the rejection of applications that raise "issues of minor or secondary importance". But the proposal that the Government ensures that the ECtHR addresses only "a limited number of cases that raise serious questions" goes far further than ruling out "minor" cases.

On the criteria proposed both by the Commission and by Macdonald, would landmark cases not involving torture or the right to life have been heard? These include the cases which led to the decriminalisation of homosexuality in Northern Ireland, regulation of the interception of communications, the outlawing of the indefinite retention of innocent people's DNA and the suspension of stop and search without suspicion.

Repeated references in the Commission's advice to member states taking prime responsibility for securing rights under the European Human Rights Convention (ECHR) are in line with the broad purpose of the ECHR that individuals should receive human rights protection from their own governments. But this intention should not be twisted into a formula which downplays the role of the ECtHR as the ultimate protector against governments which disregard individual rights. The Commission's proposal that "failure to put in place the machinery for compliance should itself constitute a violation of the Convention" will indeed rule out proposals to repeal the Human Rights Act and/or to de-incorporate the ECHR from our law.

An additional letter to government from Sir Leigh Lewis, the Chair of the Commission, reflects in part the views of those on the Commission who wish to re-negotiate the basis of the postwar human rights settlement in Europe. Although there is no likelihood that they will be implemented in the forthcoming six-month period of the UK chairmanship, if they are even proposed they would put us in the lead of those states whose human rights records are far worse than ours but who would be grateful to follow the direction advocated by the UK.

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