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Sir,

It is difficult to see why Lord Judge's reported comments "bolster the case for reform" of the Human Rights Act (HRA) ("Britain can ignore Europe on human rights: top judge", Oct 20). We agree with Dominic Raab, MP (Opinion, Oct 20), that "we should not be importing the Strasbourg case law wholesale" through the HRA as this is not what the Act requires.

Our research supports the Lord Chief Justice's reported comment that judges must take account of European Court of Human Rights decisions but are not bound by them. A number of cases where our courts have not concurred with Strasbourg case law have been decided on this basis.

The HRA s2 states that domestic courts must "take into account" Strasbourg case law in so far as it is "relevant". The intention behind this was made clear in the parliamentary debate on the Act when an amendment to require our courts to be bound by Strasbourg case law was rejected.

The point of the HRA was to allow individuals to claim fundamental human rights in domestic courts with our judges developing their own interpretation of the rights in the ECHR, in the manner of any domestic Bill of Rights. The difference between the HRA and many other countries' Bills of Rights is that it was crafted to respect Britain's tradition of parliamentary sovereignty. Despite misleading reports to the contrary, the simple fact is that the government can decide whether and how to respond when domestic courts make a "declaration of incompatibility" under the HRA. Unlike the US Bill of Rights, there is no power to strike down Acts, leaving the last word with Parliament.

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