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2 March 2012

Dear Sir,

Diplomats gather on Monday (5 March 2012) in Strasbourg to give an initial reaction to the UK's ideas on the proposed reform of the European Court of Human Rights.

The Court stands at the centre of the European Convention on Human Rights. Its decisions are binding. The Convention has helped to stabilise Europe twice by setting out enforceable common values – once in the 1950s and again in the 1990s.

The UK, as a major European power, has a real interest in promoting the rule of law and the respect for human rights from Portugal in the west to Russia in the east. The UK's proposals, however, seek to rip the heart out of the Court, essentially changing its role from enforcer to adviser.

The UK is constrained by the Court. But so too – and much more – are countries with far less of a respect for democracy and the rule of law. The Court has been a victim of its own success and it has been overwhelmed by cases. But, measures are already in place to mitigate this.

The UK's proposals will be decided upon at an April gathering of ministers in Brighton. It would be unedifying to see the UK leading a gleeful set of serial offenders in a bid to neuter the Court. Having made the required splash in the domestic media, perhaps the UK might quietly moderate its attempted neutering. It would be regrettable to rely on the Germans, Norwegians and other countries more evidently committed to human rights to do so.

Yours faithfully,

Roger Smith OBE,  
Director.

*Chairman of Council* **Baroness Kennedy of The Shaws QC** *Director* **Roger Smith**

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