Human Rights and British Values:

was unsympathetic towards the Human R
which implements the Convention and pla
to apply it. On 18 March 2011 the Governm
Parliament the establishment of a Commi
which was asked to assess the benets of
HRA and its replacement with a UK Bill of
advise the Government on its position in t
Whe the Commission did not reach conse
of such a Bill in its report,contentious issu
voting rights and the deportation of migra
oences have continued to make headline
statements by the Prime Minister in Septem
that Britain may end up leaving the ECHR

Key issues

Why should the UK stay in the ECHR today,

must involve a transfer of sovereignty. at is the only way in which that system of human rights can produce any results.

e 'sovereignty' critique is extremely complex and the di erent stances regarding the proper reading of UK sovereignty in respect of the ECHR are hard to reconcile, which made it impossible to achieve consensus in the Bill of Rights Commission.

The problems with the interpretation and functioning of the ECHR

Many of the objections to the Convention system do not relate to the content of its provisions as such but, rather, to its application by the ECtHR and to the functioning of the system. In addition to the sovereignty critique, most of the concerns raised at the seminar related to the delays inherent in the individual petitions system and arguments regarding overreach. ese concerns may encourage people to "think the unthinkable", as Mr Wheeler put it, i.e. that the UK should withdraw from the ECHR. Two important problems therefore need to be addressed:

The ECtHR's interpretation of the Convention

e reach of the judgments of the ECtHR regarding sensitive issues, such as prisoners' voting rights, deportations, life term imprisonment, and battle eld human rights, is a matter of contention.

• It is often felt that the Court's judgments in these fields have been excessively interventionist. While many of the judgments can be justi ed on their facts, it is disputable whether they always set a good record. Another critique is that the Court has failed to take account of the margin of appreciation doctrine by accommodating legitimate di erences of opinion between the Member States in respect of the sensitive issues at stake (it is noteworthy that this issue will be discussed in further detail in March 2013, in a 'Britain and Europe' seminar delivered by the ECtHR's President, D. Spielmann). Furthermore, while Art 46 ECHR requires Member States to comply with the Court's judgments, the proliferation of judgments on these issues may lead to a de facto lack of enforcement on the part of Member States.

• On the other hand, it could be argued that independent oversight is needed precisely in these sensitive areas, in order to ensure a

Conclusions

• On the whole, the symposium made clear that the UK is in the right place with the Human Rights Act and within the ECHR system. ere seemed to be no fundamental objections to human rights as such, or to the UK's presence in the ECHR system in general, despite the far-reaching statements presented in the media.

• However, there are specifc objections regarding the way the ECtHR is applying the Convention, as well as the delays embedded in the ECHR system. ere needs to be a process of debate to improve this system – but that does not necessarily mean its repeal.

• At the same time though, aspects of this debate and, particularly, the sovereignty concerns, illustrate a lack of direction regarding Britain's constitutional principles. Most notably, it is debatable whether it is Parliament's ability to legislate across the board or the ability to challenge potential human rights violations before an independent arbiter, which is most valued in Britain's constitution.

BACKGROUND

In the academic year 2013-14, the UCL Faculty of Laws, the