

EU/UK: High alert for human rights protection in the future in the UK and beyond

UK withdrawal from the European convention on human rights could have devastating repercussions for the EU, warns Willy Fautré.

By Willy Fautré, *Human Rights Without Frontiers*

The Parliament Magazine (10.03.2017) – <http://bit.ly/2ncRiPG> – More than 50 British top lawyers and legal experts are sounding the alarm about UK Prime Minister Theresa May's intention to go beyond the scope of Brexit by withdrawing from the European convention on human rights (ECHR) and consequently from the mechanism of the European Court in Strasbourg.

By publishing an open letter to May in The Observer, the group of lawyers and experts have pressured her to abandon the idea of exiting the ECHR system. In their appeal, they also call upon the EU to "make Britain's membership of the ECHR a legally binding requirement for any future free trade deal in the UK.

"The rule of law and human rights are non-negotiable when new countries join the EU, they should be non-negotiable when countries leave and desire a free trade deal," the authors firmly state, emphasising that this provision was incorporated into EU law through the Lisbon treaty.

Under the guise of planning to restore the UK's sovereignty, Theresa May has stated in the past that she would like to leave the ECHR, although it has been the bedrock of peace and security in Europe since World War II and a remarkable instrument for the growth of democracy in European former

Communist countries after the fall of the Berlin Wall.

Brexit is Brexit, and leaving the EU will already entail the withdrawal from several EU mechanisms: the EU charter of fundamental rights, the European Court of Justice, the European arrest warrant, and Europol. It remains to be seen which other mechanisms of cooperation between the UK and the EU will be negotiated in the near future – and at what cost.

Extending the UK's withdrawal from the ECHR might have a pernicious domino effect and could embolden populist leaders in countries such as Hungary and Poland to abandon domestic and international commitments to human rights.

In December 2015 Russia sent out an alarming signal to Strasbourg and Brussels by adopting a law which allows the country to overrule judgements from the European Court of Human Rights (ECtHR).

The EU values enshrined in this historical institution may suffer a devastating setback from Lisbon to Vladivostok if the UK decides to pull out of the ECHR. It would give carte blanche to Putin and others to further weaken the European Court and prevent the expansion of EU values.

The publication of their appeal comes as British campaign agency 89up launches a crowd funding operation to send a 'battle bus' carrying human rights activists to Brussels. The purpose will be to lobby the EU to ensure that any free trade deal that it agrees to with the UK will include a guarantee that London remains a signatory to the European Convention of Human Rights.

These concerns however should not be limited to British human rights advocates and their campaign should not only involve British citizens. It is a battle to be fought by all human rights watchdogs and civil societies across Europe.

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