

Topic: Human Rights -Discussion led by Terry Glover**Summary**

A summary of arguments for and against the European Convention on Human Rights (ECHR) was distributed prior to the meeting, giving us all the opportunity to familiarise ourselves with the subject of the day's discussion.

Discussion***History of the ECHR and its forerunners***

The League of Nations did not have a declaration on human rights because some of the constituent members (in particular the USA and Australia) regarded this to be interference in their internal affairs. On 10th December 1948 the United Nations did proclaim the Universal Declaration of Human Rights (UDHR) as a common standard of achievements for all peoples and all nations.

The ECHR was an international agreement set up by the European Council in 1950 to protect human rights in its 47 member nations (including Russia and Turkey). Under the convention were established the European Commission for Human Rights and the European Court of Human Rights. The judgments of its 47 judges are legally binding on all member states but are not uncommonly ignored by the member prosecuted, on the basis that the ruling interferes with that state's internal rights.

The UK Human Rights Act 1988 incorporated the ECHR into UK law and is currently being reviewed to see whether some of its principles should be separated from the ECHR.

Examples of Main Human Rights enshrined in the ECHR

The ECHR enshrines the rights to life, liberty, privacy, family life and a fair trial. It prohibits torture, slavery, all forms of discrimination and arbitrary arrest and detention. It protects the freedoms of thought, conscience and religion, expression, assembly and association.

The above are all eminently desirable but the interpretation by member states depend very much on their inherent culture and varied experiences encountered on their progress to nationhood.

Main arguments against the ECHR

The European Court of Human Rights has created new laws and precedents on issues not originally contemplated under the original Convention through 'mission creep' instead of interpreting existing law. The ECHR rights imposed, whilst eminently desirable, are arguably based on Western principles and are judged to ignore sharp differences in national cultures and may be regarded as a form of latter-day Western colonialism.

In particular, in some countries 'the good of the community' is regarded as far more important than the right of the individual. However this principle, if taken to the extreme, can be of tremendous use to authoritarian and/or dictatorial regimes in their quest to deny basic human rights not quite to their 'taste'.

Examples of infringements of Human Rights

Hong Kong: China has expunged the rights of HK citizens, supposed to last until 2048 under an international agreement with the UK, by enacting new security laws to control residents and limit the eligibility of candidates allowed to stand in local elections in the former British colony.

Russia: The main opposition leader, Alexei Navalny, has been sent to a penal colony after being found guilty of violating his bail conditions, in a move to ensure his silence and removal from the political scene.

Dubai: The alleged unlawful imprisonment of Princess Latifa by her father, the Prime Minister of the UAE.

Worldwide: Restrictions imposed on individuals' freedom to (inter alia) congregate, leave their country of origin or even travel away from their local areas of residence.

EU and UK: Restriction in the rights of refugees, fleeing persecution or unsafe conditions in their homelands, to claim asylum in safe territories. Of course, there is a great difficulty in deciding who is a genuine refugee and who is an economic migrant.

Conclusion

Human rights are really only enforceable in a country's own population and not worldwide. It is fervently hoped that, in the future, all countries will voluntarily adopt the principles of human rights. The International Criminal Court is seen as a tool of Western imperialism punishing leaders of weaker states while ignoring crimes committed by richer and more powerful states. This sentiment has been expressed particularly by African leaders due to an alleged disproportionate focus of the Court on Africa, while it claims to have a global mandate; until January 2016, all nine situations which the ICC had been investigating were in African countries.