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We must not withdraw from the European convention on human rights

The European court isn't just for Abu Qatada and life-sentence prisoners. It serves us all, deserving and otherwise, like the NHS



Cherie Booth
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Abu Qatada leaves for Jordan, 7 July. 'I don't agree with the general lesson Theresa May is reported to have learned from this episode: that we should consider withdrawing from the ECHR.' Photograph: Sgt Ralph Merry ABIPP RAF/Mod/Cr/PA

Few people in Britain can have failed to rejoice at the deportation of Abu Qatada to Jordan. He was a threat to this country, and it was right to remove him. Full marks to Theresa May for the painstaking approach she took that enabled him finally to be deported after eight years of trying but without breaching the international law to which the UK has signed up. I agree with her, too, that there is something wrong with a system that takes so long to achieve its aim and at enormous cost to the taxpayer. But I don't agree with the general lesson which she is reported to have learned from this episode: that we should consider withdrawing from the European convention on human rights.

Most of us in Britain live our day-to-day lives without coming into contact with the law. But then you are knocked down by a car, your bag is stolen, or a simple operation goes wrong; at that point we expect the courts to step in to right the wrong that has been done. We expect and receive a fair and impartial arbiter of such disputes funded by the state.

But what if the wrongdoer is the state itself? What if the dispute is not between two individuals but between the state on the one hand, whether as central or local government, and an individual or organisation on the other? Who decides then what the rules are and who enforces them?

It's entirely understandable, due to the high media profile given to such cases, to think that human rights are just for the benefit of murderers, rapists, terrorists and failed asylum seekers. It's not surprising that people then ask why we need the concept of human rights at all. And why don't we have the right to decide as a state when to deport an undesirable person, or whether we lock people up for ever? Why it is that a European court should make that decision?

Concentrating on such cases paints a distorting picture. Ordinary members of the public need the protection of human rights legislation too. Take Mark Neary, who his autistic son back home after successfully arguing that his son's right to freedom and family life under [Article 8 of the convention](#) was being breached by Hillingdon council, which was holding him in a care home. Or the young man in "T v Chief Constable of Manchester", cautioned when he was 12 for a minor offence he did not commit. Years later he wanted to become a PE teacher and found that he could not get a job because he was subject to an enhanced criminal records check, covering not just actual convictions but also any accusations of offences resulting in a caution. He was able successfully to challenge the law using Article 8, which protected his right to privacy. How many parents wouldn't want their child to be afforded that protection?

And for the children in Z v UK, whose abuse and neglect by their parents was overlooked for years by the social services departments who were supposed to be protecting them, Article 3 was a means by which the negligent local authorities were held liable to pay them damages and the overall law changed to make such neglect less likely to happen in the future.

Or look at what has been happening in Ireland this week, where, after a long battle, the abortion laws have been clarified. The immediate cause for that was the public outrage at the tragic and preventable death of dentist [Savita Halappanavar](#), who died in a Galway hospital from complications after a termination of her pregnancy was delayed. But there was another, less-publicised reason. The Irish government was obliged to clarify the law because two years earlier, in a case involving a different Irish woman, the European court had held that the lack of clarity in Irish law of when a termination was permissible to save the life of the mother, was a breach of her human rights, as she had a rare form of cancer and feared it would relapse if she became unintentionally pregnant.

These are but two examples of the real, individual impact of human rights which are rarely reported.

But I would also defend the rights of those whose behaviour I might abhor to a fair trial, and to the protection of the convention – even if that's not what they would offer me. I may disagree, and I often do, with the judgments made by the European court, but I support absolutely its right to make them. Like the NHS, it is there to serve everyone, deserving or at times less deserving.

None of the decisions of the court about prisoners, [including the most recent one on whole-life tariffs](#), prevents the government protecting the public – indeed the same human rights legislation also requires the state to protect us from serious crime. The court simply ruled that the cases must be reviewed after they've served 25 years in prison.

The concerns about long delays and constant appeals in the Abu Qatada case could be addressed by streamlining the appeal process. At the moment, once the courts have declared a piece of legislation incompatible with the Human Rights Act there is a fast track for parliament to change the law. Why not fast-track any appeals challenging those legislative changes straight to the court that overturned the original law, and so avoid the long and costly climb back through the high court and the appeal courts, which so contributed to the delays in the Abu Qatada case?

Respect for human rights is part of Britain's DNA. It was why, at the end of the second world war, when disrespect for human rights had devastated our continent, Europe looked to politicians like Churchill and to British lawyers to help shape and bring into being the European convention on human rights. To turn our backs on that legacy now would be a denial of their efforts, which have served us well over the last 60 years.

Human rights are indivisible and universal. They are the most integral part of you, as a human being. They are the last (or first) line of defence between the individual and the state, and they need defending. You might not think you need them now, but you may just miss them if they're gone.

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