

# A Retreat from Human Rights? The UK's Dilemma with the ECHR

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## Background

As one of the original drafters and adopters of the European Convention on Human Rights (ECHR), the UK has historically positioned itself as a defender of international human rights.<sup>1</sup> However, recent outcry from the Conservative Party, led by Kemi Badenoch, has sparked debate over the UK's continued commitment to the ECHR.<sup>2</sup> The discussions, particularly surrounding immigration policies, have raised the prospect of a potential withdrawal. This shift could fundamentally alter Britain's role in upholding global human rights standards, highlighting the global debate of national sovereignty versus international responsibility.

Recent debates on the UK's future status with the ECHR have intensified, largely driven by a series of controversial rulings that critics argue prioritize individual rights over national security.<sup>3</sup> The UK's commitment to the ECHR has been attacked by the Conservative Party for blocking government efforts to deport foreign nationals convicted of serious crimes, sparking outrage from both politicians and the public as several high-profile cases have shown what many have considered an overreach of the ECHR in protecting individuals accused of serious offenses.<sup>4</sup> The outcome of these cases has been attacked and used to fuel racist and anti-immigration rhetoric.

One such example occurred when an Albanian criminal, convicted of drug trafficking and other serious crimes, was allowed to remain in the UK after a ruling from the European Court of Human Rights blocked his deportation.<sup>5</sup> This decision angered many who felt that such individuals should not be allowed to appeal deportation on the basis of human rights protections, especially when their crimes pose a risk to UK civilians.<sup>6</sup> Similarly, a case of a Lithuanian burglar, despite his criminal record, successfully appealed his deportation on the grounds of his family life in the UK.<sup>7</sup> Critics argue that such decisions undermine the UK's ability to act in its own national interest and prioritize the rights of criminals over the safety and well-being of its citizens.<sup>8</sup>

## National Sovereignty vs International Responsibility

The heart of this conflict over the ECHR is a fundamental battle between national sovereignty and international obligations. The argument against the ECHR contends that foreign courts have the power to

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<sup>1</sup> David Lynch, "Kemi Badenoch Signals Leaving ECHR on the Table in New Tory Approach to Immigration," *Evening Standard*, November 27, 2024,

<https://www.standard.co.uk/news/politics/kemi-badenoch-tories-echr-immigration-europe-westminster-b1196702.html>.

<sup>2</sup> Paul Seddon, "Tories Must Back ECHR Exit to Survive, Says Jenrick," *BBC News*, October 1, 2024,

<https://www.bbc.com/news/uk-politics-66989012>.

<sup>3</sup> Tanya Basu, "ECHR to Blame for Absurd Immigration Tribunals," *Yahoo News*, March 14, 2025,

<https://uk.news.yahoo.com/echr-blame-absurd-immigration-tribunals>.

<sup>4</sup> Badenoch, Kemi. "Remarks on the UK's Position on the ECHR." Speech at the Conservative Party Conference, London, March 2025.

<sup>5</sup> Jack Blanchard, "Albanian Criminal Allowed to Stay in UK," *Express UK*, March 12, 2025,

<https://www.express.co.uk/news/uk/2022840/albanian-criminal-allowed-stay-uk>.

<sup>6</sup> Lucy Harrison, "Albanian Cannabis Farmer Wins Deportation Appeal under ECHR," *The Independent*, March 10, 2025,

<https://www.independent.co.uk/news/uk/crime/albanian-cannabis-farmer-deportation-echr>.

<sup>7</sup> Tom Smith, "Lithuanian Burglar Allowed to Stay in UK under ECHR Ruling," *Express UK*, March 9, 2025,

<https://www.express.co.uk/news/uk/2019181/lithuanian-burglar-allowed-stay-uk-echr>.

<sup>8</sup> Joelle Grogan, "The European Convention on Human Rights," *UK in a Changing Europe*,

<https://ukandeu.ac.uk/explainers/the-european-convention-on-human-rights/>.

override domestic jurisdiction, which limits the UK's sovereignty and ability to enforce policies in the national interest; while the opposing faction maintains that international human rights commitments are essential for maintaining the rule of law and protecting vulnerable populations.

For the Conservative Party, headed by Kemi Badenoch, the ECHR represents an obstacle to effective immigration control.<sup>9</sup> The party has repeatedly pointed to cases where deportations of foreign criminals and asylum seekers have been halted by rulings from the European Court of Human Rights. Badenoch has argued that the UK should not be bound by rulings that prevent the government from "acting in the national interest"<sup>10</sup> and has suggested that, if the ECHR continues to interfere in domestic policy, leaving may become necessary.

This argument is not unique to the UK. Across the world, governments have debated whether international obligations should take precedence over national interests. The United States, for example, has historically resisted joining international treaties it views as limiting its sovereignty, such as the International Criminal Court.<sup>11</sup> Similarly, Poland and Hungary have pushed back against EU human rights frameworks, arguing that their national laws should not be subject to external influence.<sup>12</sup> The UK's potential withdrawal from the ECHR would place it in a similar category, aligning with countries that prioritize sovereignty over multilateral commitments.

The UK has long endorsed human rights on the global stage, often criticizing other nations for failing to uphold these standards. If it abandons a treaty it helped create, it risks undermining its own moral authority. Can Britain credibly call out authoritarian regimes for human rights abuses if it is retreating from its own international commitments? Would withdrawal encourage other nations to do the same, further eradicating global human rights protections?

## **The Impact on Britain's Global Reputation**

One of the biggest risks of leaving the ECHR is the diplomatic fallout it would trigger. The UK's closest allies view the convention as a fundamental preservation of human rights. The ECHR is more than a legal instrument; it symbolizes shared democratic values among its 46 member states, including every European country except Belarus and Russia. If Britain were to exit, it would stand alongside authoritarian governments that reject international human rights obligations.<sup>13</sup> This could strain relationships with European partners and weaken Britain's influence in international forums such as the United Nations and the G7, where human rights

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<sup>9</sup> Badenoch, Kemi. "Remarks on the UK's Position on the ECHR." Speech at the Conservative Party Conference, London, March 2025.

<sup>10</sup> Badenoch, Kemi. "Remarks on the UK's Position on the ECHR." Speech at the Conservative Party Conference, London, March 2025.

<sup>11</sup> David Forsythe, "The United States and International Criminal Justice," *Human Rights Quarterly* 24, no. 4 (2002): 974–991.

<sup>12</sup> Heather Grabbe and Stefan Lehne, "Defending EU Values in Poland and Hungary," Carnegie Europe, September 4, 2017, <https://carnegieeurope.eu/2017/09/04/defending-eu-values-in-poland-and-hungary-pub-73019>.

<sup>13</sup> Rowena Mason, "UK Would Be Outlier with Russia if It Left ECHR, Law Society Says," *The Guardian*, August 9, 2023, <https://www.theguardian.com/world/2023/aug/09/uk-could-leave-european-convention-on-human-rights-to-stop-channel-migrant-boats>.

commitments are a key pillar of diplomacy.

Additionally, the UK's ability to criticize human rights violations abroad would be severely compromised. The government has regularly condemned countries like China and Russia for their disregard for human rights, yet leaving the ECHR would expose Britain to accusations of hypocrisy.<sup>14</sup> If the UK no longer adheres to the same international legal standards it expects others to follow, its calls for human rights protections will hold no weight. This could enable authoritarian regimes, giving them justification to ignore international human rights laws under the guise of national sovereignty.

## **Critique of the Withdrawal Argument**

One of the main justifications for leaving the ECHR is that it allegedly prevents the UK from deporting foreign criminals and asylum seekers. However, this argument oversimplifies the issue. The European Court of Human Rights (ECtHR) does not automatically block all deportations—it only intervenes in cases where there is a real risk of torture, persecution, or inhumane treatment in the destination country.<sup>15</sup> The UK government has lost several high-profile cases not because of an inherent flaw in the ECHR, but because its deportation policies failed to meet basic human rights standards.

Additionally, withdrawing from the ECHR would not automatically resolve the UK's immigration challenges. Many of the legal barriers to deportation stem from domestic laws, including the UK's own Human Rights Act and asylum policies.<sup>16</sup> Even if the UK were to leave the ECHR, it would still be bound by other international agreements, such as the 1951 Refugee Convention and the UN Convention Against Torture, which impose similar obligations on the treatment of asylum seekers.

## **Policy Recommendations**

The UK must not withdraw from the ECHR; the consequences would be devastating for all human rights organs. Instead, the UK should draft bilateral agreements with countries receiving the deported immigrants that meet international human rights standards in order to facilitate secure deportations. This would allow for a case-by-case approach to deportation while respecting ECHR obligations, therefore resolving the criticism fueled by specific cases. These treaties would include explicit human rights guarantees ensuring that individuals returned to their countries of origin will not face torture, persecution, or inhumane treatment in accordance with Article 3 of the ECHR. This would allow the UK to pre-empt ECtHR intervention by demonstrating that deportations meet the necessary legal thresholds.

Rather than withdrawing from the ECHR, the UK should focus on improving the quality and legal soundness of its own deportation processes, ensuring they withstand judicial scrutiny. Many of the deportations blocked by the European Court of Human Rights are not due to the ECHR being too restrictive; rather, UK authorities failed to meet the thresholds required to demonstrate that deportations would not expose individuals to inhuman or degrading treatment. Instead, the problem lies in domestic processes. Therefore, by reforming

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<sup>14</sup> James Jennion, "The Case for Greater UK Consistency on Human Rights," British Foreign Policy Group, May 15, 2024, <https://bfpbg.co.uk/2024/05/the-case-for-greater-uk-consistency-on-human-rights/>.:contentReference[oaicite:8]{index=8}

<sup>15</sup> European Convention on Human Rights, 1950.

<sup>16</sup> UK Parliament, Border Security, Asylum and Immigration Bill, 2025.

domestic policies, there would be a reduction of appeals and court interference. The most crucial aspect of this would be clarifying the terms “family life” and “public safety”. This would aid judicial decisions and ensure proportionality is applied. Furthermore, the creation of tribunals would accelerate trials while ensuring due process. This approach preserves national sovereignty without sacrificing the UK’s global leadership in human rights.

## **Conclusion**

Leaving the European Convention on Human Rights would be a reckless and self-defeating move that would demolish Britain’s credibility as a defender of human rights, weaken its diplomatic standing, and fail to provide real solutions to the challenges posed by immigration. The UK has positioned itself as a global leader in both democracy and the rule of law, yet withdrawing from the ECHR would ultimately align it with authoritarian states that reject fundamental human rights obligations.

The argument that the ECHR prevents the UK from controlling its borders is a political facade to dress anti-immigration and racist rhetoric. Most deportation barriers stem from domestic policies and legal inefficiencies, not from the convention itself. Rather than abandoning a treaty that protects basic human rights, the UK should focus on targeted legal reforms that address legitimate concerns while preserving its commitment to human rights.

Britain cannot afford to turn its back on the principles that have established its global influence. If the UK wishes to remain a serious player on the global stage, it must uphold the same standard at home. Staying in the ECHR is not just about legal obligations; it reaffirms Britain’s identity as a nation that values the protection of fundamental freedoms.

## Bibliography

- Amnesty International UK. "UK: Government Is 'Bulldozing' UK Human Rights – Global Human Rights Review." March 28, 2023.  
<https://www.amnesty.org.uk/press-releases/uk-government-bulldozing-uk-human-rights-global-human-rights-review>
- Badenoch, Kemi. Remarks on the UK's Position on the ECHR. Speech at the Conservative Party Conference, London, March 2025.
- Basu, Tanya. "ECHR to Blame for Absurd Immigration Tribunals." Yahoo News, March 14, 2025.  
<https://uk.news.yahoo.com/echr-blame-absurd-immigration-tribunals>.
- Blanchard, Jack. "Albanian Criminal Allowed to Stay in UK." Express UK, March 12, 2025.  
<https://www.express.co.uk/news/uk/2022840/albanian-criminal-allowed-stay-uk>.
- British Foreign Policy Group. "UK Risks Underestimating the Dangerous Signal That Withdrawal from the ECHR Would Send to Russia." March 30, 2017.  
<https://bfp.org.uk/2017/03/uk-risks-underestimating-the-dangerous-signal-that-withdrawal-from-the-echr-would-send-to-russia/>.
- Embassy of the People's Republic of China in the United Kingdom of Great Britain and Northern Ireland. "Embassy Spokesperson on the UK's Wrongful Remarks Related to China's Universal Periodic Review at the United Nations Human Rights Council." January 23, 2024.  
[https://gb.china-embassy.gov.cn/eng/PressandMedia/Spokepersons/202401/t20240124\\_11231847.htm](https://gb.china-embassy.gov.cn/eng/PressandMedia/Spokepersons/202401/t20240124_11231847.htm).
- European Court of Human Rights. The European Convention on Human Rights. Strasbourg: Council of Europe, 1950.
- Foresti, Marta. "UK Backtracking on Human Rights Isn't Just Hypocritical – It's Bad Politics Too." openDemocracy, October 8, 2014.  
<https://www.opendemocracy.net/en/can-europe-make-it/uk-backtracking-on-human-rights-isnt-just-hypocritical-its-bad/>.
- Grabbe, Heather, and Stefan Lehne. "Defending EU Values in Poland and Hungary." Carnegie Europe, September 4, 2017.  
<https://carnegieeurope.eu/2017/09/04/defending-eu-values-in-poland-and-hungary-pub-73019>.
- Harrison, Lucy. "Albanian Cannabis Farmer Wins Deportation Appeal under ECHR." The Independent, March 10, 2025.  
<https://www.independent.co.uk/news/uk/crime/albanian-cannabis-farmer-deportation-echr>.
- Human Rights Watch. "The UK Government's Proposals Regarding the Human Rights Act and the European Court of Human Rights." May 20, 2015.

<https://www.hrw.org/news/2015/05/20/uk-governments-proposals-regarding-human-rights-act-and-european-court-human-rights>.

Jennion, James. "The Case for Greater UK Consistency on Human Rights." British Foreign Policy Group, May 15, 2024. <https://bfpg.co.uk/2024/05/the-case-for-greater-uk-consistency-on-human-rights/>.

Mason, Rowena. "UK Would Be Outlier with Russia if It Left ECHR, Law Society Says." The Guardian, August 9, 2023. <https://www.theguardian.com/world/2023/aug/09/uk-could-leave-european-convention-on-human-rights-to-stop-channel-migrant-boats>.

Oxford Human Rights Society. "What Would Be the Impact of the UK Withdrawing from the ECHR?" Accessed May 6, 2025. <https://www.ohrss.org/post/what-would-be-the-impact-of-the-uk-withdrawing-from-the-echr>.

Seddon, Paul. "Tories Must Back ECHR Exit to Survive, Says Jenrick." BBC News, October 1, 2024. <https://www.bbc.com/news/uk-politics-66989012>.

Smith, Tom. "Lithuanian Burglar Allowed to Stay in UK under ECHR Ruling." Express UK, March 9, 2025. <https://www.express.co.uk/news/uk/2019181/lithuanian-burglar-allowed-stay-uk-echr>.

The Conversation. "Where Brexit Will Leave the UK's Human Rights Diplomacy." Accessed May 6, 2025. <https://theconversation.com/where-brexit-will-leave-the-uks-human-rights-diplomacy-124719>.

The Guardian. "The Observer View on Dropping the UK's Commitment to Human Rights Law." March 8, 2020. <https://www.theguardian.com/commentisfree/2020/mar/08/observer-view-dropping-uk-commitment-to-european-convention-human-rights>.

UK Parliament. Border Security, Asylum and Immigration Bill: Committee Stage Report. London: House of Commons, 2025.

Wilson Center. "Protecting the Rule of Law in Hungary and Poland." Accessed May 6, 2025. <https://www.wilsoncenter.org/article/protecting-rule-law-hungary-and-poland>.

World Justice Project. "European Union's Top Court Rules Against Hungary and Poland in Rule of Law Showdown." Accessed May 6, 2025. <https://worldjusticeproject.org/news/european-union%E2%80%99s-top-court-rules-against-hungary-and-poland-rule-law-showdown>.