

COMMENT ON THE NEWS 1 - 29 APRIL 2005

The Future of the Human Rights Acts

Why has there been no general election coverage about the future of the Human Rights Act? In advertisements published on 20 March 2005, Michael Howard said that the Conservative Party 'is reviewing the Human Rights Act, and if it can't be improved we will scrap it'. Yet on 30 March the Times reported that the Shadow Attorney General Dominic Grieve MP had expressed support for the Act while sharing a platform with Labour and Liberal Democrat leaders.

Mr Grieve is reported as saying 'I don't think the Human Rights Act has anything to do with fuelling a compensation culture'. That is not the opinion of Mr Justice Peter Smith, who said in a 2004 judgment that for a claimant to argue that his human rights have been infringed 'is becoming a catch-all': (*Hanoman v Southwark London Borough Council* [2004] EWHC 2039 (Ch) at [59]).

In a speech to Scottish Conservatives last March Mr Howard said a Conservative election victory would liberate the country. 'There will be a clear choice for people at the election: a Conservative Government that will roll back the tide of political correctness, and stand up for people who want more respect and a return common sense to government; or Mr Blair who gave us the Human Rights Act, who has let the rights culture rip and who has let political correctness run riot.'

Where is this clear choice? Which of the disparate views given above represents the policy of the party? One looks in vain for the answer in the Conservative election manifesto, which includes just the following paragraph on the topic-

Local communities will have a greater say over planning decisions. We will also give new powers to help local councils to deal with those incidents, such as illegal traveller encampments, which breach planning laws. Together with clear guidance for police and our review of the Human Rights Act, this will ensure fairness for all, rather than special rules for different groups.

Are you thinking what I'm thinking?