# New research challenges Churchill’s link to UK membership of the ECHR



A recently released research paper has reignited the debate surrounding the United Kingdom's relationship with the European Convention on Human Rights (ECHR), particularly in connection with the legacy of Sir Winston Churchill. According to the paper, which enjoys the support of notable figures such as a former Supreme Court Justice, the idea that withdrawing from the ECHR would betray Churchill's legacy is fundamentally flawed. This assertion challenges popular beliefs, particularly those voiced by prominent political leaders like Sir Keir Starmer, who proclaimed at Blenheim Palace, Churchill’s birthplace, that the UK would “never withdraw from the European Convention on Human Rights,” asserting that Churchill was a pivotal architect of the Convention.

Lord Robert, a historian and author of *Churchill: Walking With Destiny*, argues in the foreword of the Policy Exchange paper that the invocation of Churchill’s name in this context is often a strategic misuse of history. He remarks that the notion of linking the UK’s potential withdrawal from the ECHR to Churchill's legacy reflects a "basic historical misunderstanding." In fact, he asserts that Churchill had no involvement in the drafting of the ECHR and did not support its adoption by the Attlee Government, which was cautious about the new framework and sought to limit its implications. When he returned to power, Churchill reportedly showed no interest in the ECHR, aligning with the Labour government's perspective that the UK did not require additional human rights protections.

Contributing to this perspective, Lord Sumption, a former Supreme Court Justice and a vocal critic of the current ECHR structure, contends that the Convention has devolved into a system that largely circumvents British sovereignty. He highlights that the enforcement mechanisms established by the Strasbourg court were never intended by British negotiators, who were primarily focused on preserving parliamentary democracy. In his view, the Convention, once a modest post-war agreement, has morphed into an authoritative source of law, increasingly unrecognisable from its original form. He describes it as a "law-making factory" devoid of democratic mandate, which asserts rights without the input of the British electorate.

This criticism aligns with the broader sentiments expressed within the UK Conservative Party, which has grappled with the implications of the ECHR. An analysis of the party’s position reveals a recurrent theme depicting the ECHR as a 'folk devil', a harmful influence that compromises national sovereignty. Over the years, this concern has permeated discussions about the balance between respecting international human rights obligations and maintaining domestic legal autonomy.

The ECHR was established in the aftermath of World War II largely to safeguard fundamental freedoms in Europe. During a 1996 House of Commons debate, Sir Nicholas Bonsor, then Minister of State for the Foreign and Commonwealth Office, extolled its significance as an important framework for human rights protection. Yet as the 75th anniversary of the Convention approaches, reflections by various speakers in the House of Lords illustrate its enduring relevance in shaping justice, the rule of law, and human rights within member states.

While some voices argue that withdrawing from the ECHR would be a grave mistake, risking the UK's international standing and commitment to human rights, others see the potential for re-evaluating Britain’s role within an evolving legal landscape. As the debate continues, questions remain about how best to honour the principles that guided Churchill, while adapting to contemporary realities that reflect the complexities of modern governance and human rights advocacy.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.express.co.uk/news/politics/2059794/groundless-say-echr-winston-churchills> - Please view link - unable to able to access data
2. <https://www.telegraph.co.uk/news/2023/09/28/lord-sumption-backs-britain-to-leave-echr/> - In a September 2023 article, Lord Sumption, a former Supreme Court judge, advocates for the UK's withdrawal from the European Convention on Human Rights (ECHR). He criticizes the Strasbourg-based court for overreaching its powers and becoming a 'law-making factory' without democratic mandate. Sumption argues that many rights proclaimed by the ECHR are already part of British law and that the Convention's real purpose is to impose rights without democratic consent. He believes the court's expansion into various aspects of life undermines British sovereignty and parliamentary democracy.
3. <https://www.theguardian.com/law/2013/nov/28/european-court-human-rights-democratic-process> - In a 2013 article, Lord Sumption sharply criticizes the European Court of Human Rights (ECHR) for undermining the democratic process. He argues that the court's expansive interpretation of the Convention allows it to make laws without democratic mandate, potentially eroding democratic institutions. Sumption contends that the ECHR's interventions in national matters, such as military operations and deportation policies, infringe on national sovereignty and parliamentary democracy, suggesting that the court's actions may not be consistent with democratic principles.
4. <https://archive.discoversociety.org/2014/11/04/turning-the-european-court-of-human-rights-into-a-folk-devil-the-uk-conservative-party-and-human-rights-2/> - This 2014 article examines the UK Conservative Party's stance on the European Court of Human Rights (ECHR). It discusses how the party has portrayed the ECHR as a 'folk devil,' criticizing its influence on UK law and policy. The article highlights debates within the party regarding the balance between national sovereignty and international human rights obligations, reflecting concerns about the court's impact on domestic legal and political processes.
5. <https://publications.parliament.uk/pa/cm199596/cmhansrd/vo960306/debtext/60306-14.htm> - In a 1996 House of Commons debate, Sir Nicholas Bonsor, Minister of State for the Foreign and Commonwealth Office, emphasizes the importance of the European Convention on Human Rights (ECHR) as an international instrument for protecting human rights. He references Winston Churchill's support for the court's establishment in 1950, highlighting its role in unifying Europe and upholding fundamental freedoms. The debate underscores the UK's commitment to the ECHR and its principles.
6. <https://hansard.parliament.uk/Lords/2025-03-20/debates/FAFEDE1D-7EA4-4C7B-9C3A-D2553D37DC65/details> - In a 2025 House of Lords debate marking the 75th anniversary of the European Convention on Human Rights (ECHR), speakers reflect on its historical significance and ongoing relevance. They discuss Winston Churchill's role in advocating for the Convention and its impact on safeguarding fundamental freedoms in Europe. The debate highlights the ECHR's role in promoting justice, the rule of law, and human rights across member states.
7. <https://www.telegraph.co.uk/business/2023/02/10/echr-maddening-withdraw-would-tragic-mistake/> - In a February 2023 article, the author argues against the UK's withdrawal from the European Convention on Human Rights (ECHR). Despite acknowledging the ECHR's perceived overreach, the piece contends that leaving the Convention would be a 'tragic mistake.' It emphasizes the importance of the ECHR in upholding human rights and democratic values, suggesting that withdrawal could have negative implications for the UK's international standing and commitment to human rights.