Against cheap rhetoric

Why ECHR withdrawal would not put the UK in company with Belarus and Russia

Conor Casey, Richard Ekins KC (Hon), Sir Stephen Laws KCB, KC (Hon)

Forewords by Rt Hon Lord Sumption, Rt Hon Jack Straw, Rt Hon Lord Howard of Lympne CH KC, Rt Hon Sir Malcolm Rifkind KCMG KC, Hon Alexander Downer AC, Rt Hon Lord Gove and Rt Hon Sir Patrick Elias

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Policy Exchange

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Forewords

Rt Hon Lord Sumption, *former Supreme Court Justice*

The debate on the European Convention on Human Rights is about constitutional principle. The question is how should we make law for a democracy. The argument is not really about the Convention itself, which codifies rights most of which are uncontroversial and have been part of the common law tradition for centuries. The argument is about the role of the European Court of Human Rights in Strasbourg.

By emancipating itself from the text of the Convention in the name of modernising it, the Strasbourg court has transformed itself from a judicial into a legislative body. As such, it has classified as fundamental human rights many things which have no basis in the Convention, are not in any sense fundamental or human rights, and are proper matters for political rather than judicial decision. This is a significant change with profound constitutional implications for Britain and other European democracies. The object of any British withdrawal from the Convention would to get rid of the Strasbourg court. It would not be to get rid of human rights, which are perfectly capable of being protected by domestic statute and common law, interpreted by domestic judges on orthodox legal criteria.

This is an important issue which deserves to be taken seriously, and not trivialized by resort to cheap rhetorical slogans. One of those slogans is the often repeated trope that if Britain were to withdraw from the Convention it would be putting itself in the same camp as Russia, which was expelled from the Council of Europe in 2022, and Belarus, which never joined. This implies that if Britain withdrew from the Convention, it would become in some relevant respect like Russia and Belarus, both of which have been guilty of gross violations of human rights over many years. It also implies that acceptance of the jurisdiction of the Strasbourg court is in some way necessary for the effective protection of human rights.

This is an extraordinary suggestion. Russia and Belarus are totalitarian states. They have never been democracies. Neither of them has independent courts. Neither has ever had a tradition of protecting rights politically against the state. Neither permits any meaningful opposition to the government. None of these things are true of Britain, nor is there any reason to suppose that they ever will be.

And in the unlikely event that the British people were to turn into monsters of oppression and prejudice, would the Convention or the Strasbourg court be capable of stopping them? They never inhibited Russia from trampling on human rights during the 24 years in which it

was a member of the Council of Europe. Conversely, other common law countries such as Canada and New Zealand have outstanding human rights records without needing any international tribunal to stand over them.

This study is a powerful challenge to the conventional comparison of a Britain outside the Convention system with Russia and Belarus. It should not be necessary to deal so thoroughly with so obviously meretricious an argument. Unfortunately, experience shows that there is a real need for it. Let us hope that from now on we will hear no more of these tired clichés from any respectable source.

Rt Hon Jack Straw, *Home Secretary 1997-2001, Foreign Secretary 2001-2006 and Lord Chancellor 2007-2010*

This important paper concludes by saying: "There are serious arguments to be had about the merits of the UK's membership of the ECHR. The spectre of being 'in company with' Belarus or Russia is not one of them."

I agree. I am one of those who, despite my reservations about the way in which the Strasbourg Court has behaved, still believe that on balance we should stay signed up to the European Convention of Human Rights itself. The scope of the Court needs drastically to be cut down. I'm delighted that the Prime Minister and Justice Secretary are themselves in the vanguard of arguing within the Council of Europe (the Court's parent body) that change is now urgent, not least on the ludicrously extravagant widening of the scope of Article 8, on the right to family life.[1]

However, those who want the UK to stay attached to the ECHR must do better than trot out the tired, indeed nonsensical, argument that if we were to leave we would be in the same 'club' as Belarus or Russia. It's a 'Here be dragons' argument, devoid of serious meaning. As the authors of this paper point out, amongst other features which distinguish these two countries from the UK is that Belarus was refused membership of the Council of Europe, and Russia was expelled, in both cases because of their lamentable human rights record; though as the authors point out, Russia would not have been expelled but for its invasion of Ukraine, and notwithstanding that record.

In sharp contrast, voluntarily leaving the ECHR is quite a different matter.

Then there's the inconvenient truth that the ECHR club with which we do maintain membership includes Turkey, and Azerbaijan, states which the authors remind us "routinely violate human rights".

It's the very breadth of behaviours by individual Council of Europe states, well-illustrated by Turkey and Azerbaijan on the one hand, and say Sweden, Norway, and ourselves on the other, which is a serious argument for the UK staying in the Council of Europe, but taking a more robust approach to the expansionist attitudes of the Court.

We can still do diplomatic good within the Council of Europe, and I

1. "This may be illustrated by the vast range of issues which the Strasbourg court has held to be covered by Article 8. They include the legal status of illegitimate children, immigration and deportation, extradition, criminal sentencing, the recording of crime, abortion, artificial insemination, homosexuality and same-sex unions, child abduction, the policing of public demonstrations, employment and social security rights, legal aid, planning and environmental law, noise abatement, eviction for non-payment of rent and much else besides." Jonathan Sumption, *Trials of the State: Law and the Decline of Politics* (Profile Books, 2019), 19.

think, though I cannot be certain, that we shall be able to achieve reform. Meanwhile, the British Parliament could and should amend the Human Rights Act 1998 (I was its sponsor Minister) which has worked, to separate its jurisprudence from the Strasbourg Court.

As the authors say: "In reality, the protection of human rights and political freedoms in the United Kingdom is guaranteed not by ECHR membership but by the fact that the country has deeply rooted constitutional, political, and cultural characteristics conducive to the protection of individual and political freedom."

Rt Hon Lord Howard of Lympne CH KC, *former Home Secretary and Leader of the Opposition*

If the UK is to remain a member state of the ECHR, it should do so because Parliament and the public are persuaded that this is in the national interest. Neither parliamentarians nor members of the public should be intimidated by specious arguments that conflate respect for human rights with membership of the ECHR or that exaggerate the consequences of withdrawal from the Convention. Unfortunately, many such arguments now abound in the public domain. Unless and until they are cleared away, it will be difficult to get to grips with the real considerations in play.

In a series of papers, Policy Exchange's Judicial Power Project has made a major contribution to the public debate about the ECHR. Its 2021 report on the ECHR and immigration and asylum law remains the authoritative study of this vital question. Its 2023 report on the Strasbourg Court's assertion of a power to grant binding interim relief laid bare the Court's usurpation of a power member states chose to deny it. More recently, Policy Exchange has considered the historical origins of the ECHR and challenged the claim that withdrawal from the Convention would somehow dishonour the legacy of Sir Winston Churchill. It has also challenged the assumption that ECHR withdrawal would breach the Belfast (Good Friday) Agreement.

In this new paper, Policy Exchange considers and rejects another common argument, namely that ECHR withdrawal would place the UK "in company" with Belarus and Russia – two other European states that are not party to the Convention. As the authors show, this comparison to Belarus and Russia has been widely made and packs an emotional punch. No one wants to be placed in company with two authoritarian states, which oppress their peoples and, in Russia's case, invade their neighbours.

The UK's good name in international affairs is a precious thing, and it is the duty of anyone in office to guard it jealously. So, if it was likely that other states would understand the UK's withdrawal from the ECHR to mean that we were somehow like Russia or Belarus, or, worse, were "aligned" with them, that would be a very real consideration. However, as the authors of this new paper show, any such comparison would

be groundless and there is no good reason to credit it. There is a very significant difference between choosing to leave the ECHR, as the UK might one day do, and being expelled from the Council of Europe, as Russia was in 2022, having invaded Ukraine, another member state, or never having been admitted in the first place, as with Belarus. If the UK were to leave the ECHR, it would obviously not for that reason be in any kind of "club" with Russia or Belarus, two states whose violations of human rights, at home and abroad, it would continue firmly to oppose.

I am surprised that in the debate about ECHR withdrawal, supporters of the status quo have so often appealed to Russia and Belarus, which, for the reasons so forcefully set out in this paper, are obviously not relevant to a future UK decision to leave the Convention. I would have expected more to have been made by ECHR supporters of the example of Greece in 1969, which remains the only state ever to have chosen to leave the Council of Europe and thus the ECHR.

When I was in government in the 1990s, we faced difficulties with the Strasbourg Court, including when the Court by a bare majority, and I would say in defiance of reason, condemned the SAS's interception of an IRA bomb squad in Gibraltar as a breach of the terrorists' Article 2 right to life. Withdrawal from the ECHR was of course an option then, as it remains now. But one reason for our hesitation about taking this option was the risk that we might have been seen to have been following Greece's example, choosing to leave the Convention to evade an inconvenient judgment.

This paper considers the Greek case and makes a powerful argument that UK withdrawal from the ECHR in the foreseeable future would be nothing like the Greek military dictatorship's exit from the Council of Europe in 1969 (it rejoined, as a democracy, in 1974). Leaving the ECHR now, when more than half the member states have expressed major concerns about the Strasbourg Court's immigration case law, would be quite different to leaving before being expelled, as Greece did in 1969. In any case, there is no comparison between the Greek regime then, which was clearly complicit in mass human rights violations, and the UK. The UK is a free democracy with robustly independent courts and a healthy political culture. Like other common law countries that are not ECHR member states, we are perfectly capable of protecting human rights without subjection to international adjudication.

Of course, the fact that these arguments are invalid does not necessarily mean that we should leave the ECHR. There are reasons against this course of action as well as for it and, as the authors note, there is a difference between choosing not to enter a treaty and choosing now to leave it. But the force of this paper is to establish that comparisons with Russia or Belarus, or indeed with Greece in the 1960s, should form no part of the case for remaining in the ECHR. Whatever one's views about the wisdom of leaving the ECHR it is vital that the debate be conducted on the basis of substantive and not synthetic arguments. Policy Exchange's new paper helps clear away one such specious argument.

Rt Hon Sir Malcolm Rifkind KCMG KC, *former Foreign Secretary*

There has been, for some time, a difficult but serious debate in the United Kingdom as to whether we should withdraw from the European Convention of Human Rights in order to resolve the very difficult challenge of illegal immigration, including the "boat people", into Britain.

This excellent paper, by Policy Exchange, focuses on just one, but a very controversial, aspect of that debate. It is the implications of the UK becoming one of only three European states not adhering to the ECHR – the other two being Russia and Belarus.

Do we really want to be part of such a dreadful triumvirate, linked to the two European countries that have such an appalling record of human rights abuse and disregard for civic liberties?

On first reading the answer sounds obvious but this paper makes clear that such arguments are spurious, if not ridiculous – that we should not give respectability to such charges that could not be taken seriously even in an Oxford Union debate!

The whole world knows that Russia and Belarus are cruel dictatorships which believe in "Rule by Law" not the Rule of Law. They criminalise peaceful opposition to their power to try and justify imprisoning or killing their opponents.

The UK, in comparison, whether adhering to the ECHR or withdrawing, will remain not just the originator of Magna Carta but a country whose Parliament and Supreme Court are champions of civil liberty and the rule of law. The authors of this paper demonstrate this view with clarity, common sense and complete persuasiveness.

Of course, even if logic is on the side of this paper's authors, that will not stop those who cannot, or choose not to, understand the fundamental differences between the situation of the UK and that of Belarus and Russia. I am also afraid that there will be many who do understand that difference but will continue to find it irresistible to make that comparison because it will have a powerful impact on the wider public in our country many of whom read and remember headlines rather than detail!

Edmund Burke once declared that he had no objection to being governed by law but did, occasionally, object to being governed by lawyers. If our own Supreme Court, from time to time, interprets the law in a way that was never intended by Parliament, Parliament has the power, if it wishes, to change the law. If the Strasbourg Court does the same their interpretation of ECHR law can only be changed if dozens of European countries can reach agreement to do so.

Tony Blair, as Prime Minister, added to the problem. He changed UK law to provide, in effect, that Strasbourg Court judgments would, automatically, become part of UK law, no longer requiring the UK Parliament to give its approval.

So I agree with the central argument of this paper. But I do differ from the many who demand a total and permanent UK withdrawal from the ECHR. My public (and private) view is that the UK, rather than withdrawing

from the ECHR overall, should repeal the UK legislation (introduced by the Blair Government) that incorporates all judgments by the European Court of Human Rights automatically into UK law. UK judges should not be bound by the judgments of the Strasbourg Court.

I also believe that rather than withdraw from the Convention we should, simply, suspend our recognition of those parts of the European Convention that deal with, or have been interpreted to deal with, the rights of illegal migrants to resist deportation. There is not, in my view, any need for the UK to withdraw from the whole Convention much of which has nothing to do with the rights of illegal migrants. It would, also, be preferable to "suspend" rather than withdraw, permanently, from the Convention. Such an approach would, in my view, be sufficient to enable our Parliament and Courts to have the last word on migration issues until the current crisis has been resolved. When it is resolved, we can then consider whether we should resume our full recognition of the ECHR.

Let the debate continue but not for too long! The Government and its recently appointed Home Secretary, have, in the near future, to deliver the reforms necessary to reassure the public that illegal immigrants have no right to demand permanent residence in the United Kingdom. On that there is, already, a virtual national consensus.

***Hon Alexander Downer AC**, former Minister for Foreign Affairs and Australian High Commissioner to the UK*

The debate about whether the UK should leave the ECHR would benefit from some comparative and historical perspective. But it is important to make the right comparisons and to draw the right conclusions. Policy Exchange's new paper is a major contribution to the ECHR debate, helping to show which comparisons with other states can safely be drawn and which should be firmly set aside.

Having served as Foreign Minister for Australia for eleven years and having spent several years of my life in Britain, I am in no doubt that the UK is, and long has been, a world leader in terms of protecting human rights – at home and abroad. The UK's record in relation to Ukraine and Russia speaks for itself, with Britain a stalwart defender of Ukrainian freedom and opponent of Russian aggression.

In the years before the Russian invasion of Ukraine, it was not uncommon to hear the great and the good decry UK withdrawal from the ECHR on the grounds that if Britain were to leave this would set a bad example for Russia. This was always an odd claim, overstating both Britain's influence on Russia and the Strasbourg Court's capacity to limit the Russian state's abuses of power. But the new argument that this Policy Exchange paper considers is stranger still.

The argument is that if the UK were to leave the ECHR it would somehow place itself in company with Russia, and also with Belarus, a state

that never entered the Council of Europe. But, as the authors of this paper show, the assertion that UK withdrawal from the ECHR would "align" the UK with Belarus and Russia is preposterous. So too is the assertion that the UK outside the ECHR would resemble either state. Belarus and Russia are authoritarian states; the UK is a free democracy. The comparison is absurd.

Policy Exchange's paper shows clearly that the repeated invocation of Russia is an intellectually empty argument against ECHR withdrawal. I would add that it is also a politically desperate argument, attempting to smear those who argue for ECHR withdrawal with association with Putin's Russia. The debate about ECHR membership should be carried out on substantive grounds, not in this underhand way.

Foreign policy is a complex business, and I am glad that Policy Exchange intends to return to the foreign policy implications of ECHR withdrawal in a future paper. But as they make clear in this paper, there is a world of difference between thinking carefully about how to maintain good relations with one's neighbours and adopting, or accepting, a narrative that blithely compares the UK with Russia. Freely choosing to leave a treaty-based organisation is entirely different from being expelled – or from being denied entry in the first place. The prospect of UK withdrawal from the ECHR does not bear comparison with Russia's 2022 expulsion from the Council of Europe or Belarus's denial of admission many years before.

If the UK withdraws from the ECHR, I imagine that it will either remain a member state of the Council of Europe or will become an observer state. This is utterly unlike the relationship that Russia and Belarus have with the Council of Europe and for obvious reasons. The UK outside the ECHR would remain a pivotal NATO member and one of the preeminent European security powers – a state to whom other European states look for security and support.

If the UK leaves the ECHR, the obvious point of comparison is not with Russia and Belarus but with Australia, Canada and New Zealand, three common law countries in good international standing. Outside the ECHR, the UK would be in the same position as Australia, decently governed, deeply concerned about human rights, and widely respected. This can all be achieved without subjection to an international court or indeed without adopting a bill of rights that empowers domestic courts.

As this report notes, Lord Hermer KC, the Attorney General, asserted in September last year that leaving the ECHR would leave the UK, like Belarus and Russia, in "splendid isolation on this planet". He repeated this warning about "splendid isolation" in an interview with the Guardian published on 9 January 2026, asserting that leaving the ECHR would make it impossible to cooperate with other states in tackling the problem of illegal immigration. This is parochial nonsense. Europe is not the world, membership of the ECHR is not a condition of civilised status, and the UK outside the ECHR would not be cast into diplomatic darkness.

Policy Exchange's new paper shows that comparisons of this kind with

Belarus or Russia are insupportable and should embarrass those who make them. After the publication of this paper, such thoughtless comparisons will be inexcusable.

Rt Hon Lord Gove, *former Lord Chancellor*

Defending human rights and hard-won liberties is a noble endeavour. But where to conduct that defence is becoming more difficult to discern in an ever more confused landscape.

A Labour Government, led by one of the most able human rights barristers of his generation, is set upon diluting one of the most important, and ancient, of British freedoms – the right to trial by jury. And yet at the same time it remains attached to our membership of the European Convention, and Court, of Human Rights when those instruments are proving profoundly flawed as protectors of democratic interests.

In recent months twenty-seven ECHR member states, including the UK, have expressed serious concerns about the Strasbourg Court's case law in the context of immigration and asylum. I have listened with interest, and sympathy, as fellow parliamentarians from neighbouring European states have voiced their frustration with the way in which this trans-national body, unanchored in any meaningful system of democratic accountability, has operated in a way which frays support for our existing legal order.

It is no surprise, therefore, that a growing number of distinguished British jurists and politicians have come to the conclusion that departure from the ECHR may now be the best course. Both Lords Sumption and Wolfson, two of our finest legal minds, have come to that conclusion. Driven, as lawyers, by evidence not ideology. Strengthening domestic courts, situated in distinct and robust legal traditions, it appears, could prove both a sturdier safeguard of citizens' liberties and a surer means of protecting citizens' collective interests.

Those who continue to defend the ECHR *ancien regime* have thrown up any number of obstacles to departure. But the more vigorously they have proclaimed the strength of these obstacles the more they have proved, on closer inspection, to be straw men.

Policy Exchange, and the brilliant team of lawyers it has assembled under the umbrella of its Judicial Power Project, has been in the forefront of showing just how flimsy objections to any departure from the ECHR really are. In a recent paper they demonstrated that the assertion that departure from the ECHR would be wholly contrary to the Belfast/Good Friday agreement was a misreading of that accord.

More recently, opponents of change have raised the rhetorical ante by arguing that departing from the ECHR would place the United Kingdom, or indeed any other country taking the same route, alongside Russia and Belarus.

The smear by association has never been a particularly elevated line

of argument. Is New Zealand a dictatorship because it does not subscribe to Strasbourg jurisprudence? Is Mark Carney another Lukashenko because Ottawa has not allowed Canada's legal order to be over-ruled by judges from Serbia and San Marino?

The case against this false equivalence of the UK with Russia and Belarus is made brilliantly in this new Policy Exchange paper.

There is also no substantive comparison between Russia and Belarus, on the one hand, and the UK outside the ECHR, on the other. The former are authoritarian states without free and fair elections. They lack independent courts, fair trials, and due process; human rights violations are widespread in both countries. There are problems with the protection of free speech in the UK, but the abuse of state power in Russia and Belarus is on a different level entirely. Everyone knows this. The argument that withdrawal from the ECHR would place the UK in company with these states should be abandoned.

The assertion that those of us who support departure from the ECHR are somehow Putin's puppets or have a sneaking regard for Moscow rules is all the more absurd given the record of support for Ukraine in the face of Russian aggression which has been a consistent feature of British politics since Kiev's sovereignty was first breached. The UK has been tireless in its support for Ukraine and would, of course, remain so whether inside the ECHR or not. Britain's willingness to stand with sovereign democratic states against freedom's enemies is a feature of our deep democratic culture not a function of foreign judicial diktat.

Indeed, outside the ECHR, we would remain, as our history and institutions have anchored us, a firm defender of Europe and the West. The notion that we would have joined "a club" with Belarus or Russia is as ridiculous as suggesting that the Republic of Ireland is a Moscow satellite because it is not in NATO.

If the UK decides in the end to leave the ECHR, we will do so in order to affirm our parliamentary democracy and to defend the rule of law, bringing to an end open-ended rights adjudication and resisting the Strasbourg Court's abuse of its jurisdiction.

I commend this thoughtful paper and the ongoing excellent work of the Judicial Power project.

Rt Hon Sir Patrick Elias, *former Lord Justice of Appeal*

Should the UK remain a party to the ECHR? This has become a major political issue because the European Court of Human Rights has developed the law in ways that were never anticipated when the Convention was adopted. The law that the Court has made has undermined the ability of governments to regulate immigration policy and, especially, to expel illegal immigrants and foreign criminals. Concern about this development is not limited to the UK but is now shared by many other ECHR member

states, indeed by a majority of them.

If the UK were to withdraw from the Convention, it would be absurd to say that this would necessarily undermine the proper protection of human rights in the UK. The UK, if it wished, could adopt the very same principles as are set down in the Convention but subject to interpretation and application by the UK judges. There will, I suspect, be many people – of whom I admit to being one – who would undoubtedly put more faith in our Supreme Court to construe the proper scope of these principles than the judges of the Strasbourg Court. Moreover, UK judges would necessarily be more attuned to the practical impact of their decisions on the operation of government in the UK and, importantly, their decisions would be subject to reversal by Parliament when appropriate.

If the UK courts, or Parliament, were to give more limited scope to the application of any particular right than the Strasbourg Court would do, this would not itself constitute a failure of human rights protection. One should not assume that a more generous interpretation of a right is necessarily appropriate. Most rights are not absolute; they are qualified rights which have to be balanced against countervailing considerations concerning the wider public interest. There is a balance to be struck between the individual and collective interests depending on all the relevant factors in the case. It is often a difficult exercise – and, it must be said, not one that judges are particularly well-equipped to make. There is no a priori reason to assume that to give priority to the individual interest is either desirable or appropriate. Indeed, an undue focus on individual interests has done much to bring human rights law into disrepute, as the Strasbourg Court's Article 8 case law arguably demonstrates.

Concerns about the ECHR now cut across party lines. The Labour government plans to deal with the issue by working with other European states to reform the ECHR. The Conservatives consider that this is unlikely to work, given that any amendments to the Convention would require unanimity amongst all 46 member states. They wish instead to withdraw from the Convention, which the UK can lawfully do on six months' notice.

There are undoubtedly serious arguments about whether withdrawal is either practically possible or desirable. The authors of this new report addressed what is perhaps the most important of these arguments last year, when they gave detailed and powerful reasons why, in their view, withdrawal from the ECHR would not breach the Belfast (Good Friday) Agreement.

In this report, they focus on another argument – more accurately, assertion – that if the UK were to leave the ECHR, this would put it in a club with Russia and Belarus, apparently because all three would be outside the protections for human rights afforded by the Convention. The implication is that each state would be demonstrating a similar disdain for human rights. As the authors show, this is a ridiculous assertion not least because it wholly ignores the reason why these states would not be parties to the Convention. Russia was expelled from the Council of Europe for invading Ukraine and as a consequence could no longer be a party to

the ECHR; Belarus was never admitted to the Council and so could not be a party to the Convention because it is an authoritarian regime which has shown a complete disregard for the most basic human rights.

These two countries have demonstrated a clear contempt for the rule of law in various ways. It is outrageous to say that the UK would fall into that category if it were to withdraw. It would not be leaving because of opposition to human rights as such, or because it is habitually in cavalier disregard of them, but because the government taking that step considered that certain of those rights were being misinterpreted or misapplied by the Strasbourg Court in ways that seriously damaged the government's ability to act responsibly.

Whether the premise is correct, and if so, whether it is a sufficiently good reason to leave the ECHR are matters for legitimate argument. Some genuinely believe that, even accepting that the Strasbourg Court has misapplied the Convention in damaging ways, withdrawal from the ECHR is such a drastic step, placing the UK outside the European mainstream, that it would not be worth the damage it might cause to our future standing and influence within Europe. (This is an objection to withdrawal which the authors intend to address in a future report.) But what no-one could genuinely believe is that by withdrawing, the UK is thereby demonstrating the same dismissive attitude towards human rights as Russia and Belarus.

Indeed, the point is so obviously without merit that I wondered whether the assertion should simply be ignored, being unworthy of the very detailed response provided in this paper. However, the authors show how widely the "common club" argument has been employed, albeit always as cheap political point-scoring rather than as a serious point in an important debate, and I can see why it justifies a response. The rebuttal is comprehensive and, in my view, wholly unanswerable. The title of this report describes the "common club" assertion as no more than "cheap rhetoric", an entirely apt characterisation. Politicians will no doubt continue to make the assertion, but it is not worthy of anyone engaged in a serious discussion of a very important issue.

Executive Summary

The question of whether the UK should leave the ECHR is now a live question in our politics. There is a serious case to be made for ECHR withdrawal – and we have made it in earlier work.[2] There are also serious arguments that can be made *against* this course of action, which anyone who supports withdrawal should address. In an earlier paper, we have considered and rejected the argument that ECHR withdrawal would place the UK in breach of the Belfast (Good Friday) Agreement or the UK-EU Trade and Cooperation Agreement.[3] In a future paper, we will consider another serious argument, which is that ECHR withdrawal would be a foreign policy blunder because it would undermine important UK foreign policy objectives.

This paper considers an argument that is superficially related to the foreign policy argument but is in fact somewhat distinct. The argument is that if the UK were to withdraw from the ECHR it would be in company with (in a club with, in bed with) Belarus and Russia, two European states that are not member states of the ECHR. This is a very bad argument – indeed it barely counts as an argument at all – as we show in some detail. The argument warrants this close refutation, despite its lack of intellectual force, because it has become a refrain in public deliberation, with opponents of ECHR withdrawal now routinely referring to Belarus or Russia. We term this "the Russia argument" and the point of this paper is to expose its lack of foundation, to disarm its emotional resonance, and thus to clear it away.

Parliamentarians and others who make the Russia argument, including the Prime Minister and Attorney General, standardly equivocate about the sense in which ECHR withdrawal would place the UK in company with – or in a club with – Belarus and Russia. Would it be comparable to these two authoritarian states in the purely formal, and thus trivial, sense that like them the UK would not be an ECHR member state? Or would it be comparable to them in the more substantive sense that outside the ECHR human rights in the UK would be inadequately protected, or worse would be routinely violated? The first comparison is uninteresting; the second comparison is unargued and unbelievable.

The Russia argument falls apart when one notes that the Council of Europe denied Belarus admission to the Council and that Russia was expelled from the Council of Europe, in the wake of its invasion of Ukraine, and for that reason ceased to be a member state of the ECHR. Neither state chose to withdraw from the ECHR. If the UK chose to leave the ECHR it would exercise its treaty right to denounce the ECHR. It would

2. Richard Ekins KC (Hon) and Sir Stephen Laws KC (Hon), *The Future of Human Rights Law Reform* (Policy Exchange, October 2025), 73-75. See also: Richard Ekins, "The case for leaving the ECHR" *UnHerd* (11 August 2023) and Richard Ekins, *The Limits of Judicial Power: A programme of constitutional reform* (Policy Exchange, October 2022), 10-12.

3. Conor Casey, Richard Ekins KC (Hon) and Sir Stephen Laws KC (Hon), *The ECHR and the Belfast (Good Friday) Agreement* (Policy Exchange, August 2025)

not necessarily leave the Council of Europe, and it is highly unlikely that the Council would move to expel the UK from its membership. The UK might choose to leave the Council of Europe, but it would almost certainly then enjoy observer status, and thus participate in the Council's activities, as do Canada, the Holy See, Japan, Mexico and the United States. Neither Belarus nor Russia enjoy this status.

Neither Belarus nor Russia chose to leave the ECHR, or the Council of Europe. Greece chose to leave the Council of Europe in 1969, and thus ceased to be party to the ECHR, but only because it was about to be expelled for mass human rights violations committed by the then military dictatorship. If the UK chooses to exercise its treaty right to withdraw from the ECHR, while remaining a member state of the Council of Europe or changing to observer status, it will in no way be comparable to Greece under the Colonels. The UK would not be leaving before being expelled and neither would it be leaving having been found to have been violating human rights. On the contrary, it would be choosing to leave – as every member state is free to do – because it disagreed with the way in which the European Court of Human Rights in Strasbourg has developed human rights law over the last decades. It would be choosing to leave, moreover, in a context where a majority of member states are now seriously concerned about this case law.

It is absurd to compare Belarus and Russia, on the one hand, and the UK outside the ECHR, on the other. The former are authoritarian states which pay lip service, at most, to democracy and which do not have independent courts that uphold legal rights. Tellingly, this was also true while Russia was a member state of the ECHR – and it remains true in relation to Azerbaijan and Turkey as well, two states that routinely violate human rights and have violated the sovereignty of other states in the Council of Europe. This is the company that the UK keeps while it remains an ECHR member state. This is not itself a reason to withdraw, but it is a counterpoint to the claim that the UK outside the ECHR would somehow be *aligned* with Belarus and Russia, two states whose conduct it would in fact continue to decry and oppose.

Belarus and Russia are states that do not hold free and fair elections, which do not enjoy independent judges or the rule of law, and in which the state routinely persecutes its political opponents and otherwise violates fundamental human rights with impunity. The UK could not be more different, and the relevant differences are *not* dependent on ECHR membership, as Russia's behaviour before its expulsion in 2022 confirms and as Azerbaijan and Turkey have demonstrated over the years. The UK is a mature democracy that enjoys a sophisticated political culture in which political competition takes place fairly. It enjoys and has long enjoyed independent courts that help uphold the rule of law. Outside the ECHR, the UK would be comparable not to Belarus and Russia (or North Korea or Eritrea, to name two other states that are not party to the ECHR) but to Australia, Canada and New Zealand, which are common law states that share a constitutional tradition with the UK. These three states are

widely recognised as amongst the best governed in the world and their freedom from the jurisdiction of the Strasbourg Court does not mean that they are in any meaningful way comparable to Belarus, Russia or any other authoritarian state.

The Russia argument is based on drawing a manifestly false equivalence between the case that is made for UK withdrawal from the ECHR and the reasons why Belarus and Russia find themselves outside the ECHR. Those two authoritarian states are outside the ECHR – and the Council of Europe – because, in the ultimate analysis, the practical governance of their polities, and arguably the whole concept of government in each state, involves an outright rejection of what the preamble to the ECHR refers to as "those fundamental freedoms which are the foundation of justice and peace in the world", which "are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights upon which they depend". By contrast, our constitutional settlement is firmly committed to these fundamental freedoms and to the human rights that are set out in general terms in the ECHR, even if we differ from the Strasbourg Court about how they should be crystallised into specific rules in practice, or about how to strike the balances that the Convention itself acknowledges need to be struck in giving effect to them. If the UK withdraws from the ECHR, it will be because we have concluded that democratic politics (which we have and which Belarus and Russia do not) has an important and bigger role to play in making decisions about giving effect to those generalities and in ensuring that they command the acceptance and respect of the community.

I. Introduction

There is a compelling case for the UK to withdraw from the European Convention on Human Rights (the ECHR), namely that this would be the most straightforward way to bring about meaningful reform in human rights law, reform which is urgently needed.[4] (The need for reform seems now to be accepted by His Majesty's Government and by a majority of member states in the ECHR.)[5] There are serious arguments against this course of action, including the argument that ECHR withdrawal would place the UK in breach of the Belfast (Good Friday) Agreement, putting peace in Northern Ireland in jeopardy, and the argument that ECHR withdrawal would place our country in breach of its agreements with the EU. We have answered both in an earlier report.[6] Another serious argument is that ECHR withdrawal would be a foreign policy blunder, weakening the UK's standing in the world. We plan to address this argument in detail in a future report. One much less serious argument, which is at first glance related to the foreign policy argument we have just mentioned, is that ECHR withdrawal would somehow place the UK "in company" with Belarus and Russia – two European, or partly European, states that are not now (and in Belarus's case, never have been) members of the Convention.

This argument – "the Russia argument", as one might term it – has been made by many jurists and parliamentarians, from all parties and none. It has become a constant refrain in public debate about the merits of ECHR withdrawal, even though the argument is, as we show, undeveloped and incoherent. Indeed, it barely constitutes an argument at all. Still, the rhetorical force of an apparent connection between UK withdrawal from the ECHR and the authoritarian governments of Belarus and Russia may well have an emotional impact on some people, especially on members of the legal and political elite who are highly attuned to considerations of 'image', to slights real or imagined, and to reputational ranking. This report aims to help improve the debate about the merits of ECHR membership by clearing away this emotionally resonant but intellectually weightless argument against withdrawal. Leaving the ECHR would not in any meaningful way "place" the UK "in company" with Belarus and Russia.

The jurists and parliamentarians who deploy the Russia argument routinely equivocate about the precise way in which the UK's withdrawal from the ECHR warrants drawing some kind of connection or comparison between the UK and, on the other hand, Belarus or Russia. Is their point any more than that the UK would become comparable to these countries in

4. Richard Ekins KC (Hon) and Sir Stephen Laws KC (Hon), *The Future of Human Rights Law Reform* (Policy Exchange, October 2025).
5. See the Joint Statement to the Conference of Ministers of Justice of the Council of Europe, delivered to the meeting of the Justice Ministers of the Council of Europe on Wednesday 10 December, signed by 27 countries including the UK.
6. Conor Casey, Richard Ekins KC (Hon) and Sir Stephen Laws KC (Hon), *The ECHR and the Belfast (Good Friday) Agreement* (Policy Exchange, August 2025).

the purely formal sense that we too would not be party to the ECHR? Or is it rather that we would become (or risk becoming) like those countries in a more substantive sense: a country demonstrating manifest disrespect for human rights and the rule of law? Is the argument that other countries, rightly or wrongly, would see us in that light, and that we would suffer as a result? Or is it that the UK's withdrawal from the ECHR would, rightly or wrongly, be taken as endorsing or tolerating the misdeeds of Belarus and Russia, giving them comfort for their wrongful acts and hindering development of any desire for reform on their part? The argument is sometimes expressed in terms of guilt by association, such as when Sir John Major said the UK would be in "rum company" if it withdrew from the ECHR.[7] Other commentators make the bolder claim that the UK would be a "pariah" if it withdrew.[8] And still others seem to suggest the even bolder claim that outside the ECHR the UK would *be* a state in which, as in Belarus or Russia, human rights are routinely liable to be violated.

When opponents of UK withdrawal from the ECHR make this argument, in any of its forms, they are peddling nonsense. There is no sensible comparison that can be made between the UK, on the one hand, and Belarus or Russia, on the other, when it comes to respect for human rights and the rule of law – and the reason for this is *not* that the UK is a member state of the ECHR whereas the other two are not. On the contrary, if the UK left the ECHR, the relevant differences between the UK and Belarus or Russia would remain vast and the UK would remain a free and decent democracy. That there is no sensible comparison to be made between the UK and Belarus or Russia would remain obvious to everyone if we withdrew from the Convention and it would be abundantly clear, and could be made even clearer if necessary, that any withdrawal did not amount to an acceptance of Belarusian or Russian state action, at home or abroad, or somehow "aligned" the UK with either state on any serious question of foreign policy. Only the contumaciously blind who wish the UK ill would think otherwise.

So, any comparison between the UK outside the ECHR and authoritarian states like Belarus or Russia, which are also outside the ECHR, is, as Lord Sumption correctly put it, "no more than rhetoric, and cheap rhetoric at that".[9] It is baseless rhetoric given that both those countries lack most, or all, of the kinds of political and legal protections and safeguards which exist for human rights and political freedoms in the UK, were established long before we became parties to the ECHR, and would continue to exist if the UK were outside the ECHR. A more apt comparison of the place of the UK after withdrawal from the Convention would be with Australia, Canada, and New Zealand, which are not subject to supranational rights adjudication, but which have made domestic arrangements for the protection of rights, constitutionally or otherwise.

This report begins by tracing "the Russia argument" in the debate about ECHR withdrawal. We go on to distinguish, as most commentators do not, failure to be admitted to the Council of Europe, expulsion from the Council, and exercise of a treaty right to withdraw from the ECHR. We then

7. Sir John Major, Oral evidence to Northern Ireland Committee on the effectiveness of the institutions of the Belfast/Good Friday Agreement HC 781 (7 February 2023),.
8. Polly Tonybee, "After Brexit, desperate Tories needed a new crusade. They think dumping 'human rights' could be it" *The Guardian* (10 August 2023).
9. Jonathan Sumption, "Ruled Out: What's to Stop Us Leaving the ECHR?" *The Spectator* (30 September 2023).

consider briefly Belarus and Russia's treatment of human rights, focusing on the persecution of the political opposition. The grim picture that is apparent from even a cursory look at the record of those two countries gives the lie to any claim that the UK could or would come to resemble them in any substantive sense if we were to leave the ECHR. There is no comparison between authoritarian regimes like these and a parliamentary democracy with a long history of political freedom and respect for human rights. The argument that ECHR withdrawal would make the UK resemble Belarus or Russia hinges on the profoundly misguided notion that the ECHR is the only, or even the main, guarantor of the UK's protection of human rights and political freedoms.

In reality, the protection of human rights and political freedoms in the United Kingdom is guaranteed not by ECHR membership but by the fact that the country has deeply rooted constitutional, political, and cultural characteristics conducive to the protection of individual and political freedom. These include our vibrant democratic culture, a long-standing tradition of peaceful parliamentary politics with a prominent role for an Official Opposition, a strong parliamentary committee system, a well-respected and independent judiciary, an independent criminal defence bar, a free press, an independent prosecution service, and a deep cultural commitment to law and legality. None of these features of our common life owes their existence to the ECHR, nor are they enhanced by it.

Human rights are protected in the UK by ordinary law and especially by detailed legislation that adheres to the discipline of the rule of law. This law is administered by well-regulated public bodies, including independent police services and other enforcement authorities, supervised by impartial courts. The provision that our law makes for human rights remains open to political debate, but it is at least clear where the political arguments should be. If or when the United Kingdom leaves the Convention, there is every reason to expect our constitutional system to continue in this form to provide strong and clear protection for human rights and the rule of law.

II. The "Russia argument"

The Prime Minister, Sir Keir Starmer KC MP, has ruled out the UK under his leadership ever leaving the ECHR because, as *The Times* reports it, "he believes that doing so would place Britain in the same 'camp' as Russia and Belarus."[10] The then Justice Secretary, Shabana Mahmood MP, now Home Secretary, echoed the Prime Minister's argument and characterized withdrawal as putting the UK "in a club" with Belarus and Russia.[11] In his evidence to the Constitution Committee, the Attorney General Lord Hermer KC repeatedly invoked the spectre of Russia and Belarus as a reason not to leave the ECHR, saying that "I think that leaving [the ECHR], and putting us in the company of Russia and Belarus, would be a deeply retrograde step"[12] and asserting that the "very act of leaving, putting us in the company of Russia and Belarus, would send an immensely damaging signal about not only where we are in the world currently but also the importance of international co-operation around what are core, shared values."[13]

In September 2025, the former Labour Lord Chancellor and Solicitor General, Lord Falconer KC, wrote that whilst the ECHR "protects whistleblowers and journalists, ensures fair trials, and defends freedom of expression", withdrawal would "align Britain with Russia and Belarus".[14] On 5 November 2025, during a Westminster Hall debate on the Council of Europe and ECHR, the Minister of State for Europe, North America and Overseas Territories, Stephen Doughty MP, stated that:

> *"The point many colleagues made about the company that we keep is very important. It is not surprising to me at all to see Reform on the side of the likes of Russia and Belarus. It was very sad to hear some of the comments the shadow Minister made and that he was proud to support the hon. Member for Clacton (Nigel Farage)."*[15]

Some months earlier, during a debate on borders and asylum, Labour MP Jacob Collier said that:

> *"Much has been said about the role of the European convention on human rights, and it appears that the party of Churchill is seeking to abandon his legacy in its lurch towards the right, just as there is a growing consensus among European nations that we need to modernise it for today's times. Does the Home Secretary agree that Britain should be part of leading that change, rather than leaving and turning us into Belarus or Russia?"*[16]

Similar arguments have been regularly advanced by senior Conservative Party figures. In February 2023, Sir John Major, in evidence to the Northern

10. Steven Swinford and Geraldine Scott, "Starmer: Leaving ECHR puts UK 'on par with Russia and Belarus" *The Times* (26 August 2025). In the same article, Matthew Pennycook MP, the Minister of State for Housing and Planning, is quoted as saying: "We want to reform [the ECHR] in conjunction with European partners, not by withdrawing from it unilaterally or suspending it. That would put us in a club with Russia and Belarus."
11. Oral evidence of Rt Hon Shabana Mahmood MP to House of Lords Constitution Committee (3 September 2025). The exchange was as follows:

    Lord Foulkes of Cumnock: *"As you know, Lord Chancellor, there are some people who are suggesting we should, as they say, withdraw from the European Convention on Human Rights. That would be effectively us withdrawing from the Council of Europe and joining Belarus and Russia. Is that right?"*

    Shabana Mahmood: *"Yes, if you withdraw, you are in a club that currently has two members and we would be a third. The position of our Government is the direct opposite of that."*
12. Oral evidence of Attorney General Lord Hermer KC to House of Lords Constitution Committee (10 September 2025).
13. Ibid. Lord Hermer's first reference to Russia and Belarus came earlier in his oral evidence, when he said (emphasis added):

    > *"Often, the complaint made against the Convention is that it stops us sending people back overseas to face the risk of death or torture. That is prohibited in the European convention, baked into the Good Friday agreement. If we wanted to get round that, we would have to leave not only the European Convention on Human Rights but also the refugee convention, the torture convention, the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.* **We would become, together with Russia and Belarus, in splendid isolation on this planet.** *I do not think that is in the interests of this country."*

    The Attorney's attempt to bundle ECHR withdrawal with denunciation of four other international agreements is fanciful. The Attorney's answer is misleading insofar as he implies that Russia and Belarus are not parties to the Refugee Convention (forty-four other states are not party to this Convention), the Torture Convention (twenty-one other states are not party to this convention), the UN Convention on the Rights of the Child (two other states, one of which is the United States, are not party to this convention), and the International Covenant on Civil and Political Rights (only one state, North Korea, is not party to this covenant). In fact, Russia and Belarus are party to all these treaties, as well as to the Genocide Convention (forty-two other states are not party to this convention). The UK is "in a club" with both states to this extent and to that extent they are not "in splendid isolation", nor is their conduct in relation to human rights attributable to their exclusion from these international instruments. It is worth noting that Russia remains a permanent member of the UN Security Council with a veto over Security Council action and it continues to participate in international institutions, which it seems happy to exploit to support its worst abuses. On 5 December 2025, the International Court of Justice accepted jurisdiction to consider Russia's counter-claims against Ukraine of genocide allegedly committed by Ukraine, and gave Ukraine until December 2026 to respond substantively to those allegations.

Ireland Affairs Select Committee, argued in respect of the ECHR that:

> *"The founding father of it was Churchill and members of his Government: it was a British invention. We would be in pretty rum company if we were to leave. I do not think the Government would do itself any favours around the world if it were to withdraw from that, and I profoundly hope that they won't."*[17]

In the same month, in response to arguments that the UK should leave the ECHR, the then Chair of the Justice Select Committee Sir Bob Neill MP queried "If Conservatives don't believe in the rule of law, what do we believe in? Are we going to put ourselves in the same company as Russia and Belarus?"[18] In November 2024, former Attorney General Dominic Greive KC asserted that the:

> *"UK's departure from the ECHR would also harm its international reputation. Comparisons with countries like Russia and Belarus, which are not signatories, would weaken the UK's credibility in addressing global human rights abuses. It would further isolate the UK from European allies and reduce its influence in global forums like the United Nations and the Commonwealth."*[19]

Senior figures in the Liberal Democrats and the Scottish National Party have also relied on this argument. During Prime Minister's Questions on 3 September 2025, Sir Ed Davey MP, the Leader of the Liberal Democrats, said:

> *"Here is an issue on which I hope the Prime Minister will agree with me. The European convention on human rights is a British creation that protects all our basic rights and freedoms: the rights of children, disabled people, survivors of domestic abuse, victims of horrific crimes—everyone. It protects care home residents from abuse and families from being spied on by councils, but the leader of the Conservative party and the leader of Reform want to join Russia and Vladimir Putin by withdrawing from the convention. The Liberal Democrats disagree, and so do the majority of the British people. Will the Prime Minister categorially rule out withdrawing from the ECHR, suspending it or watering down our rights in any way?"*[20]

The Prime Minister responded by ruling out withdrawal from the ECHR.[21] He did not clarify a point that Sir Ed's remarks otherwise obscure, namely that Russia did not withdraw from the ECHR; it was expelled from the ECHR in the wake of its invasion of Ukraine.

On 29 October, in a debate about legislation making provision for UK withdrawal from the ECHR, Sir Ed deployed the Russia argument at length:

> *"Let me give those attracted by the argument we have just heard [for ECHR withdrawal] one strong reason to think again. Russia under Vladimir Putin is the only country to have withdrawn from the European convention on human*

14. Lord Falconer, "Shabana Mahmood must back ECHR against Reform's fantasies" *The Times* (9 September 2025).
15. Stephen Doughty MP, Debate on Council of Europe and the European Convention on Human Rights Volume 774 (Wednesday 5 November 2025.
16. Jacob Collier MP, Debate on Borders and Asylum Volume 772 (1 September 2025). On the appeal to the supposed legacy of Churchill, see Conor Casey and Yuan Yi Zhu, *Revisiting the British Origins of the European Convention on Human Rights* (Policy Exchange, May 2025).
17. Sir John Major, Oral evidence to Northern Ireland Committee on the effectiveness of the institutions of the Belfast/Good Friday Agreement HC 781 (7 February 2023). On the assertion that Churchill and his government were the founding fathers of the ECHR, see Casey and Zhu, *Revisiting the British Origins of the European Convention on Human Rights*.
18. George Williams, William Wallis, Jasmine Cameron-Chileshe, "Rishi Sunak warned of Tory backlash if he tries to take UK out of ECHR" (5 February 2023).
19. Dominic Grieve, "Leaving the ECHR would be a disaster for Britain that Conservatives cannot contemplate" (1 November 2024).
20. Sir Ed Davey MP, Debate on Prime Minister's Engagements HC 772 (3 September 2025).
21. Ibid. This is the Prime Minister's answer in full:

    > *"We will not withdraw from the European convention on human rights. We do need to make sure that both the convention and other instruments are fit for the circumstances we face at the moment, and therefore of course we have been, as we have made clear, looking at the interpretation of some of those provisions. It would be a profound mistake to pull out of these instruments, because the first thing that would follow is that every other country in the world that adheres to these instruments would pull out of all their agreements with this country. That would be catastrophic for actually dealing with the problem."*

    The Prime Minister's assertion, in the penultimate sentence, that ECHR withdrawal would result in each and every member state of the ECHR withdrawing from its other agreements with the UK is parodic scaremongering. It would have been reckless as well as implausible to imply that such conduct would be possible – or that it might actually be justified – even if he had said only that "one or more countries" would withdraw from all their agreements with the UK.

> *rights. Maybe that is what attracts the hon. Member [Nigel Farage MP]—after all, he said that Putin is the world leader he most admires.*
>
> *"Russia: a country where those who oppose the regime are mysteriously pushed off balconies, and where, if it is not enough to murder a political opponent like Alexei Navalny, Putin has even jailed lawyers who dared to represent him—things not allowed under the European convention. As we have seen Nathan Gill, a leading political ally of the hon. Member for Clacton, imprisoned for taking Russian bribes, perhaps we should not be surprised that the Reform party is so keen to follow Russia."*[22]

In this speech, Sir Ed quite clearly asserts that Russia *withdrew* from the ECHR, which is false. It is true and important that the ECHR forbids extra-judicial killing and persecution of lawyers, but Sir Ed does not consider whether Russia's membership of the ECHR, until its expulsion in 2022, restrained these evils. Alexei Navalny died in prison in February 2024 but his judicial ordeal (and attempted assassination with the Novichok nerve agent) long predate Russia's expulsion from the ECHR.

At a Westminster Hall debate in November 2025, Liberal Democrat MP Dr Al Pinkerton told his colleagues that leaving the ECHR:

> *"…would align us with Russia, a nation expelled from the Council of Europe in 2022 after its unlawful invasion of our close ally Ukraine. Russia, our clearest adversary—that is the company that some would have us keep."*[23]

Dr Pinkerton was at least more careful than his party leader, in noting that Russia was expelled rather than exercised its treaty right to withdraw. Like his party leader, he asserted that UK withdrawal would constitute "alignment" with Russia; Sir Ed was even more inflammatory and uncharitable, saying that the Conservative and Reform Parties "*want to join* Russia and Vladimir Putin" (emphasis added) and speculating that it was Russia's example that "attracts" the Reform Party to ECHR withdrawal and speculating further that Russian bribery might explain why "the Reform Party is so keen *to follow Russia*" (emphasis added).

Joanna Cherry KC MP of the Scottish National Party argued during the House of Commons debate on the Safety of Rwanda (Asylum and Immigration) Bill in January 2024 that if the UK exercised the "nuclear option of withdrawing us from the convention" it would put "us in bed with Russia and Belarus".[24] During the November Westminster Hall debate on the ECHR, the Scottish National Party MP Pete Wishart criticized Nigel Farage MP for proposing that the UK should leave the ECHR, stating that the House should "remind ourselves of the company that the hon. Member for Clacton wants to keep: Russia and Belarus—perhaps that should not surprise us either."[25]

This kind of argument is also routinely deployed by pressure groups that oppose ECHR withdrawal. In responding to the Conservative Party's announcement that they would make leaving the ECHR a manifesto commitment, the Trade Union Congress claimed that:

22. Sir Ed Davey MP, European Convention on Human Rights (Withdrawal) HC 774 (29 October 2025).
23. Dr Al Pinkerton MP, Debate on Council of Europe and the European Convention on Human Rights HC 774 (5 November 2025).
24. Joanna Cherry KC MP, Debate on Safety of Rwanda (Asylum and Immigration) Bill HC 743 (17 January 2024).
25. Pete Wishart MP, Debate on Council of Europe and the European Convention on Human Rights HC 774 (5 November 2025).

> *"Leaving the ECHR echoes the worst instincts of the populist right: scapegoating international institutions and disregarding the rule of law. If the UK leaves the ECHR, it would join Russia and Belarus as the only European countries outside the Convention. That's not the company we should be keeping."*[26]

The UK Director of Human Rights Watch, Yasmine Ahmed, has stated that "the political implications and ramifications of [leaving] would be extreme". While noting that human rights law obligations would remain, "because the UK is still party to international law and a number of human rights conventions", she concludes that "we would be in the same bucket as Russia and Belarus, of having withdrawn from or defied the convention."[27] The former Law Society President Luban Shuja suggested that:

> *"Leaving the ECHR would mean the UK would sit as an outlier in Europe, alongside only Russia and Belarus, who are already outside the convention."*[28]

The current chair of the Human Rights Lawyers Association, Shoaib M Khan, has asserted, falsely, that "The only member to have withdrawn from the ECHR permanently is Russia, following its invasion of Ukraine", adding: "It would be foolish and disgraceful for the UK to join that club."[29] (The assertion is false because of course Russia did not withdraw from the ECHR; it was expelled.)[30]

Rashmin Sagoo, the former director of the international law programme at Chatham House, argued that leaving the ECHR would undermine UK "values and priorities", adding that the:

> *"…only other countries in the region outside of the Council of Europe, Russia and Belarus, both had sanctions imposed on them by the UK for their human rights record. Russia was expelled from the Council of Europe in 2022 due to its aggression in Ukraine and, although the UK would be deciding to remove itself from Europe's oldest and largest intergovernmental human rights body, the optics would not be good."*[31]

To his credit, Mr Sagoo recognised the difference between the UK deciding to withdraw from the Convention and Russia being expelled. There is not much more to his formulation of the Russia argument than his final six words: while the UK is very different from either Russia or Belarus (two states which the UK sanctions for human rights violations), being outside the ECHR *would not be a good look*.

26. Peter Wieltsching, "The Conservatives' plan to leave the ECHR is an attack on workers' rights" (6 October 2025).
27. Samir Jeraj, "Interview with Yasmine Ahmed" *Hyphen* (28 December 2023).
28. Luban Shuja, "UK would be outlier with Russia if it left ECHR, Law Society says" *The Guardian* (9 August 2023).
29. Thibault Spirlet, "Britons warned 'threat' of leaving ECHR to put UK on same level as Russia and Belarus" *The Express* (16 March 2023).
30. More technically put, it was expelled from the Council of Europe and thereby ceased to be qualified to be a High Contracting Party to the ECHR. It remained subject to the obligations of the Convention and the jurisdiction of the ECtHR for six months after its expulsion. Greece withdrew from the Council of Europe and thus from the Convention between 1969 and 1974, as we discuss further below.
31. Rashmin Sagoo, "The UK must not sleepwalk into leaving the ECHR" *Chatham House* (21 April 2023).

III. Alignment, withdrawal and expulsion

The argument that withdrawal from the ECHR would "align" the UK with Belarus and Russia – would place us in the same "bucket", "camp", "company" or "club" as them – is thus an assertion repeatedly made by senior politicians and pressure groups opposing withdrawal. The comparison with Belarus and Russia is intended to undermine the legitimacy of ECHR withdrawal, not least by associating supporters of ECHR withdrawal with authoritarianism and international aggression.

The argument collapses because in no meaningful way would the UK (outside the ECHR) together with Belarus and Russia constitute a club, or a camp.

Moreover, the argument falsely assimilates very different ways of leaving the ECHR or of being a (European) state that is outside the ECHR. There is a world of difference between a state (Belarus) never having been a member state of the ECHR because its application to join the Council of Europe has been rejected, a state (Russia) having been expelled from the Council of Europe because of its unlawful invasion and despoliation of another member state (Ukraine), and a state (the UK) choosing to exercise its treaty right to withdraw from the ECHR. Every member state of the ECHR is entitled to withdraw from the ECHR if it so chooses. In making that choice, the state is not in the same relationship to the Council of Europe as a state that is denied admission or is expelled.

We note that it is not clear whether UK withdrawal from the ECHR would necessarily involve or require withdrawal from the Council of Europe. Strictly speaking membership of the Council of Europe is distinguishable from membership of the ECHR. The UK, like other member states of the ECHR, has a right under Article 58 to denounce the ECHR. It does not follow that the UK would for that reason cease to be a member of the Council of Europe, although it is possible that UK might choose to withdraw from the Council of Europe at the same time as from the ECHR. It is possible that the Council might attempt to treat ECHR withdrawal as tantamount to withdrawal from the Council or, if the UK attempted to maintain its membership of the Council having left the ECHR, that the Council might attempt to expel the UK from the Council.[32] Whether the Council would act in this way is yet to be determined, as is the question of whether the UK, in leaving the ECHR, would want, or attempt, to remain a member of the Council.

Article 58(3) provides that "Any High Contracting Party which shall

32. See Lord Wolfson of Tredegar KC, Advice to the Leader of the Conservative Party re the ECHR (October 2025):

> "356. *While it is the current policy of the Council of Europe to require ECHR membership in order to join the Council of Europe, there is nothing in its founding statute which expressly requires continued ECHR membership. Article 3 states that "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms". It could therefore be argued that the UK could maintain its membership of the Council of Europe even if it withdraws from the ECHR. However, expulsion for political reasons would be a risk, albeit that can be very difficult to achieve given the large membership of the Council. In addition to the fact that expulsion would have no basis in the Council's founding statutes, and be very difficult to co-ordinate, it is not obvious that the Council of Europe would want to exclude the UK in view of its international significance more generally."*

cease to be a member of the Council of Europe shall cease to be a Party to this Convention under the same conditions." It is this provision that explains why Russia's expulsion from the Council of Europe also constitutes expulsion from the ECHR. This report will not consider further the relationship between ECHR withdrawal and Council of Europe membership, save to point out that it is perfectly possible that the UK, unlike Russia or Belarus, might cease to be an ECHR member state and yet might remain a member of the Council of Europe. And even in the unlikely event that the UK withdrew, or was expelled, from the Council of Europe, or was treated as having left the Council by reason of withdrawing from the ECHR, it is quite clear that the Council of Europe would want to maintain a close connection with the UK, and could not reasonably refuse to recognise it as an "observer state", in company with Canada, the Holy See, Japan, Mexico and the United States. Neither Belarus nor Russia enjoy such a status.

So, the UK having chosen to leave the ECHR would not be "in company with" Belarus or Russia as a state denied entry to or expelled from the Council of Europe and thus from the ECHR. It would be "in company with" Russia only in the pedantic and trivial sense that both the UK and Russia would be "former members" of the ECHR, a status that would be misleading to speak of without immediately explaining how and why each state had ceased to be a member state. The UK would also be in company with Belarus and Russia in the wholly trivial sense that all three states would be located (at least in part) in the continent of Europe and yet non-members of the ECHR.[33] In what sense is this a camp?

Most states in the world are not member states of the ECHR.[34] They do not for this reason form part of a camp – still less a bloc – with Belarus and Russia. Russia's many neighbours, including many of the former republics of the USSR, that do not belong to the ECHR do not for this reason form part of a camp with Russia, nor are they "in bed" with Russia because they are not ECHR member states. Canada, the Holy See, Japan, Mexico and the United States are observer states in the Council of Europe but not member states of the ECHR. Do they form part of "a club" with Russia and Belarus? Obviously not.

In what other context can anyone argue with a straight face that you must not freely leave a "club" of which you have been a member because others been refused permission to join it or have been expelled from it on grounds of misconduct? Or that if you do resign you will be aligning yourself with those refused admission or expelled?

The repeated assertion that supporters of UK withdrawal from the ECHR want to "join" up with Russia (or, worse, Russia *and* Putin) is mere base rhetoric. What supporters of ECHR withdrawal want is for the UK not to be a member state in order not to be subject to the jurisdiction of the European Court of Human Rights ("ECtHR") and not to have the UK's well-established and highly valued Parliamentary democracy and rule of law subverted by the systematic and incorrigible misapplication of dynamic generalities. No one in public life in Britain has argued that

33. The UK would also be in company with Kosovo and, amazingly, Kazakhstan (which is eligible to apply for full membership because 4% of its territory is west of the Ural River). The claim, repeated ad nauseam, that there are only two other European states that are not members of the ECHR is, strictly speaking, false. There are four such states now and would be five if the UK were to leave the ECHR.

34. By contrast, a majority of states are members of the Refugee Convention, the Torture Convention, the UN Convention on the Rights of the Child, and the Genocide Convention, and all but one state (North Korea) is party to the International Covenant on Civil and Political Rights. See n13 above for more detail, noting that Belarus and Russia remain party to all of these agreements.

the UK should withdraw from the ECHR in order to be in company with Belarus or Russia or to align the UK with those states, or indeed to move the UK even an inch towards either of them. The Russia argument is disgraceful – and defamatory insofar as it insinuates that supporters of UK withdrawal from the ECHR are supporters of Russia's approach to human rights or, worse, advocates for its adoption in the UK.

Again, no one in British public life has argued for ECHR withdrawal on the grounds that this would make our country more like Belarus or Russia, or that it would be a good thing if it did.[35] No one has argued for ECHR withdrawal because this would place our country in the "company of" those states or would show support for them. So, insofar as the claim is that the UK would be "in bed with" Belarus or Russia, this baselessly shuts its eyes to the intentions and grounds of the UK in withdrawing from the ECHR. To repeat: Belarus was denied entry to the Council of Europe and Russia was expelled. If the UK were to leave the ECHR, we would be doing so because of our concerns about the Strasbourg Court's abuse of its jurisdiction and the ever-growing mismatch between the Court-imposed dynamics of European human rights law and the integrity of parliamentary democracy and the rule of law.

There is one state that has voluntarily withdrawn from the Council of Europe and the ECHR, namely Greece in 1969, when it was under military dictatorship. (It rejoined in 1974 after the fall of the dictatorship.) But any comparison between UK withdrawal from the ECHR now and the Greek colonels' withdrawal in 1969 would be almost as absurd as the "Russia argument". The military seized power in Greece in April 1967, establishing a repressive regime that employed mass arrests (six thousand political opponents were immediately arrested), censorship, and torture to crush dissent. In September 1967, Denmark, Norway, Sweden and the Netherlands brought a case to the European Commission on Human Rights (an institution abolished in the reforms in 1998), alleging widespread violation of Convention rights. Greece attempted to argue that its (partly admitted) violation of rights was justified by reference to Article 15 derogation (but of course one cannot derogate from absolute rights, including the Article 3 right to be free from torture or inhumane treatment) and that the application should not be considered admissible because domestic remedies were available. The Commission rejected the latter argument in part because the military regime had removed many judges from office, which strongly suggested that the Greek judiciary was not free independently to hear and to adjudicate allegations of wrongdoing. The Commission found violations of almost every substantive Convention right, including Article 3. In December 1969, the Committee of Ministers considered a resolution on Greece, which would have led to its expulsion from the Council of Europe. Facing this prospect, Greece withdrew from the Council (and thus from the ECHR).

If the UK were to leave the ECHR in the foreseeable future, it would be nothing like Greece's decision to leave the Council of Europe in 1969, when the military dictatorship chose to leave before it was expelled.

35. Opponents of ECHR withdrawal sometimes claim that this is *why* the Reform Party (and perhaps now the Conservative Party) support ECHR withdrawal, but this is pure assertion. See the main text at nn22-23 above.

The UK is a free democracy with an enviable record for human rights protection and a very good record for compliance with Convention rights and judgments of the Strasbourg Court. If the UK chooses in future to leave the ECHR it would be doing so because of well-founded, responsibly argued concerns about the development of European human rights law, its weak jurisprudential foundations and its tension with parliamentary democracy and the domestic rule of law. And having left the ECHR, the UK would remain a decent, well-governed democracy, with a very strong commitment to the protection of human rights at home and abroad.

Greece left the Council of Europe (and thus the ECHR) in 1969 to escape accountability for abuse of human rights (well before the Strasbourg Court had embarked on its long campaign to remake human rights law by its own lights). In leaving the ECHR, it implicitly but undeniably confirmed the political charges that had been levied against it, namely that the maintenance and conduct of the military dictatorship was violating human rights. In leaving the ECHR, the UK would not be evading accountability for its wrongdoing but would, on the contrary, be taking responsibility for how it is governed and repudiating the substantively lawless expansion of European human rights law. If the UK, one of ten founding members of the ECHR and a state with an enviable reputation as a decent democracy, were to leave the ECHR, this would not place the UK electorate, Parliament or government in company with the Greek Colonels of 1970. Indeed, it would be very widely understood by other peoples and their governments and legal classes as a profound and thought-provoking judgement upon the ECHR, which would have been found intolerable by a state that had been a founding state of the Council of Europe and that the Council would otherwise, for obvious reasons, value and strive to keep as an ECHR member.

Greece chose to leave the Council of Europe (and thus ceased to be a party to the ECHR) before it was expelled. The UK would be choosing to leave the ECHR, but not necessarily the Council of Europe, and it would be doing so without being under the slightest pressure to leave, let alone any risk of expulsion for human rights abuses. The Greek military dictatorship was guilty of clear and serious breaches of Convention rights, rights that Greece had undertaken to secure by entering into the ECHR. Greece did not have good faith concerns about the way in which the Strasbourg Court had remade its rights and obligations, not least since the case brought against Greece by Denmark, Norway, Sweden and the Netherlands came years before the Strasbourg Court began to remake the Convention in the course of adjudication and because the allegations concerned actions that would, if substantiated as a matter of evidence, obviously constitute serious breaches of Convention rights.

By contrast, the UK – like many other member states, indeed now a majority of member states – has serious concerns about the way in which the Strasbourg Court has developed human rights law, especially in the context of immigration and asylum.[36] The member states might jointly succeed in reforming the ECHR to address these problems, although the

36. See n5 above.

chances of success are unfortunately low.[37] If these reform attempts fail, it is open to the UK (and to any other member state) to exercise its treaty right to leave the ECHR, while perhaps remaining a member of the Council of Europe, on the grounds that it is unwilling to continue to accept the jurisdiction of the Strasbourg Court and the case law that it has developed, which (a) cannot be reconciled with the terms agreed in 1950 or thereafter, and (b) is inimical to the national interest, not least in securing control of the borders and maintaining the rule of law. Withdrawal from the ECHR in this context would be utterly unlike the de facto expulsion of Greece – then a military dictatorship without independent judges – from the Council of Europe more than 50 years ago.

The Russia argument is a frivolous debating-point. Those who wish to conduct political discourse in this way should bear in mind that right now, as a member state of the ECHR, the UK is in a club with (among forty-five other states) Turkey and Azerbaijan, two states that routinely violate human rights. Perhaps their violations of human rights and their acts of aggression towards other member states (Cyprus and Armenia), are exceptions rather than the rule, but they certainly form a sizeable fraction of the caseload of the Strasbourg Court, which seems largely powerless to restrain the undermining or flouting of democracy or the persecution of political opposition in those countries. This is quite literally "the company that the UK keeps" by remaining in the ECHR, a deeply flawed regime for regional human rights adjudication which, in the cases where it needs to be effective, has proved largely ineffective.

37. Ekins and Laws, *The Future of Human Rights Law Reform*, 69-72.

IV. Rights and freedoms in Belarus and Russia

Having left the ECHR, the UK would remain, like Australia, Canada and New Zealand, a country that takes human rights and the rule of law very seriously. The UK would be nothing like Belarus or Russia, quite apart from the spurious charge that it would somehow be "aligned" with those states. It is impossible to take seriously the claim that ECHR withdrawal would turn the UK into a state like Belarus and Russia.

The absurdity of the comparison can be seen by considering some of the more vivid respects in which Belarus and Russia differ from the UK. Reflecting on their grim record of suppressing human rights and political freedoms helps to illustrate how intellectually hollow and misleading it is to suggest that the UK could or would be anything like them by virtue of leaving the ECHR. No sensible or reasonable comparison can be made between a tyrannical authoritarian regime and a parliamentary democracy with a long history of political freedom and respect for human rights. Any argument that ECHR withdrawal would trigger change in the UK that would make it more like Belarus and Russia in any substantive sense also hinges on the ignorant proposition that the ECHR is the sole, or the main, source and guarantor of the UK's protection of human rights and political freedoms. We consider below aspects of the UK's constitution and political culture that explain why ECHR withdrawal would not make the UK like Belarus or Russia in any real way.

Belarus

Belarus applied for membership to the Council of Europe in 1993, but its special status in the Parliamentary Assembly of the Council of Europe was suspended four years later, in response to anti-democratic actions by President Alexander Lukashenko. Thus, Belarus never completed its accession to the Council of Europe and never ratified the ECHR, a prerequisite for membership in the Council of Europe.[38] Belarus remains an authoritarian dictatorship with an extensive record of suppressing basic human rights and political freedoms. The most recent presidential elections in January 2025 saw President Lukashenko appointed for a sixth term. These elections have been widely condemned as systematically unfair, including by Australia, Canada, the European Union, New Zealand, the United Kingdom,[39] and the United States.[40] This section offers a brief overview of the Belarusian authorities' actions in 2024, which highlights the extent to which it also remains an actively repressive state.

38. Note that while the Council of Europe requires applicant states to join the ECHR, it does not follow that states that leave the ECHR thereby cease to be members of the Council of Europe.

39. Belarus Presidential Election: Joint Statement (January 2025).

40. United States State Department, Denouncing Sham Elections and Continued Repression in Belarus (17 January 2025).

Multiple international organisations have documented extensive repression of opposition or dissent. According to Amnesty International, several hundred civil society organisations were either dissolved or facing dissolution in recent years due to perceived opposition to the regime.[41] Human Rights Watch similarly noted that by 2024, at least 37 journalists were imprisoned, while authorities continued to arbitrarily block and label independent media outlets and human rights groups as "extremist."[42]

The U.S. State Department highlighted that libel and slander remain criminal offences in Belarus, punishable by up to six years in prison, and that hundreds of individuals were convicted for allegedly slandering officials or "inciting social hatred" through social media commentary.[43] Citing the Belarusian Association of Journalists, the report also noted that more than 400 journalists had fled the country between 2020 and 2024 due to repression, and as of October 2024, at least 33 media representatives were still detained on politically motivated charges, including those related to participation in public demonstrations.[44]

As of 2024, the Belarusian authorities continued to target participants and supporters of the 2020 peaceful mass protests. Citing the Human Rights Centre Viasna, Amnesty noted that as of December 2024, 1,265 people remained imprisoned on politically motivated charges, while around 3,000 had already served their sentences.[45] At least 55 individuals were detained upon returning from exile, with 17 facing criminal prosecution, including for making donations to victims of human rights violations.[46] Human Rights Watch similarly documented 1,275 people imprisoned for politically motivated reasons and reported that the homes of 21 exiled independent journalists were raided, with their family members coerced into recording public "confessions" condemning them.[47]

Conditions for political prisoners in Belarus are very harsh. Amnesty International reported that individuals convicted on politically motivated charges were subjected to particularly degrading treatment in custody, including being forced to wear prison uniforms marked with yellow badges to single them out. The organisation also documented the deaths of five people in detention following politically motivated prosecutions, two of whom had well-known pre-existing health conditions that authorities failed to address.[48] Human Rights Watch, citing local rights groups, noted that more than 244 political prisoners faced serious health risks due to poor and often inhumane prison conditions.

The authorities also extended their repression to the families and supporters of detainees. In January 2024, they labelled a volunteer initiative providing food assistance to political prisoners and their relatives as "extremist." Law enforcement subsequently raided, detained, and interrogated at least 287 aid recipients, with more than 100 fined or arrested on charges of "receiving foreign aid for terrorist and extremist activities."[49] Human Rights Watch further highlighted that Belarus remains the only country in Europe that continues to carry out the death penalty.[50]

Those charged for dissent or political opposition do not receive a fair and impartial trial. Amnesty International report that trials in absentia

41. Amnesty International, Report on Belarus (2024).
42. Human Rights Watch, World Report: Belarus (2025).
43. United States State Department, Country Reports on Human Rights Practice: Belarus (2024).
44. Ibid.
45. Amnesty International, Report on Belarus (2024).
46. Ibid.
47. Human Rights Watch, World Report: Belarus (2025).
48. Amnesty International, Report on Belarus (2024).
49. Human Rights Watch, World Report: Belarus (2025).
50. Ibid.

of journalists and political opposition figures are very common.[51] In 2024, instance, 20 exiled political analysts and journalists affiliated with Sviatlana Tsikhanouskaya were sentenced in absentia to over a decade's imprisonment for crimes against the state and 'extremism'.

These conditions were recently condemned by the UK and over a dozen other member states of the "Informal Group of Friends of Democratic Belarus" as evidence of systematic "brutal repression and human rights violations" by the Belarusian authorities.[52]

Russia

Russia became a member of the ECHR in 1998. In 2022, the Council of Europe voted to expel the Russian Federation from membership of the Council, the result being that it ceased to be a party to the ECHR on 16 September 2022. At this point in time, 2,129 judgments and decisions of the European Court of Human Rights against Russia had not yet been implemented, while 17,450 applications against Russia were pending before the Court.[53] If Russia had not invaded Ukraine, it would almost certainly still be a member state, yet a state in which human rights would have continued to be routinely violated. Membership of the ECHR did not seem in practice to restrain the Russian state from acting unjustly towards those within its jurisdiction. There is not a shred of evidence that the UK's stance as regards the ECHR had any impact at all (either way) on the willingness of Russia to respect human rights.

Although nominally a democracy, many doubt the fairness and competitiveness of Russia's electoral system. Many countries, including the United Kingdom and United States, have condemned the Russian regime for repeated "electoral violations and the suppression of opposition voices."[54] The Russian regime remains highly repressive and aggressive in suppressing perceived dissent and opposition. Russian authorities use repressive legislation to silence dissent and suppress criticism of the war against Ukraine and other government policies. Amnesty International reported that laws on "foreign agents," "undesirable organisations," and "war censorship" were increasingly weaponised to stifle free expression. In 2024, at least 98 new criminal cases were initiated and 171 people were sentenced under "war censorship" provisions. The organisation also noted that at least 114 new criminal cases were opened under charges of "justifying terrorism," often targeting individuals who had merely expressed opinions about specific events or figures. Amnesty further documented several cases of people imprisoned for artistic or journalistic expression, including those punished for plays, publications, and even articles published in foreign media outlets such as French newspapers.[55]

Human Rights Watch similarly reported that in 2024 Russian authorities brought new criminal charges against at least 78 individuals for "discrediting" the military or disseminating so-called "fake news" about Russia's armed forces, with around 130 people remaining imprisoned on such charges. The U.S. State Department also described a climate of pervasive intimidation of journalists, noting that reporters

51. Amnesty International, Report on Belarus (2024).
52. Repression in Belarus: joint statement to the OSCE Ministerial Council 2025 (5 December 2025).
53. Ausra Padskocimaite, "Execution of the ECtHR's judgments against Russia: Some legal (and political) aspects" *Strasbourg Observers* (15 May 2023).
54. Foreign, Commonwealth & Development Office, Russian presidential elections 2024: Foreign Secretary's statement following the outcome (18 March 2024).
55. Amnesty International, Report on Russia (2024).

faced harassment, threats to their physical safety, and attacks on their livelihoods, often through politically motivated prosecutions. One example highlighted was journalist and photographer Antonina Favorskaya and several of her colleagues, who were charged with "participation in an extremist association" after covering the activities of opposition leader Alexei Navalny. The report also drew attention to the growing risks faced by foreign journalists operating in Russia, who were increasingly targeted by restrictive laws and intimidation tactics.[56]

In 2024, Russian authorities continued violently to suppress public protests and target opposition voices. Human Rights Watch reported that in January, police forcibly dispersed spontaneous assemblies in support of a Bashkir activist, detaining dozens of protesters and opening at least 80 criminal cases accusing participants of mass rioting and assaulting police officers. In February, Amnesty International documented arrests of at least 387 people across 39 cities for publicly mourning opposition leader Alexei Navalny, with many facing severe administrative penalties, including fines and short-term detention. During the same month, authorities detained over 500 individuals at events commemorating Navalny, and around 30 people, mostly journalists, were arrested while covering a rally of women demanding the return of relatives mobilised to fight in the war.[57]

Repression extended beyond individuals to organisations and media outlets. Amnesty reported that 169 organisations, media outlets, and individuals were listed as "foreign agents," with an additional 65 organisations designated as "undesirable." In June 2024, the Supreme Court banned the non-existent Anti-Russian Separatist Movement and labelled it "extremist." The following month, the Ministry of Justice added 55 organisations, including those representing Indigenous Peoples, to the list of extremist groups liable to suppression.[58]

The Russian government has recently intensified its repression of religious and political dissent. Amnesty International reported the arbitrary prosecution of Jehovah's Witnesses under "extremism" charges, with 24 new criminal cases targeting 34 believers and 116 individuals sentenced, including 43 who received prison terms of up to eight years. By December 2024, 171 Jehovah's Witnesses from Russia and Russian-occupied Ukraine were serving sentences in penal colonies. Human Rights Watch noted a slightly different figure, reporting that 33 believers were sentenced under these charges; the religion had been banned as "extremist" in 2017.[59]

The year was also marked by heightened prosecutions for political offenses. The death of opposition leader Alexei Navalny in February 2024 underscored the ongoing political crackdown. Amnesty highlighted a sharp increase in convictions for treason and espionage in the first half of 2024, with 52 and 18 individuals convicted respectively. Human Rights Watch, citing Memorial's political prisoners project, recorded 783 political prisoners in Russia as of December 2024.[60] Meanwhile, the U.S. Department of State referenced a July 2024 report from the UN Working Group documenting 2,149 outstanding cases of enforced or involuntary disappearances in the country, reflecting the widespread and ongoing

56. United States State Department, Country Reports on Human Rights Practice: Russia (2024).
57. Amnesty International, Report on Russia (2024).
58. Ibid.
59. Ibid.
60. Human Rights Watch, World Report: Russia (2025).

repression of dissent.[61]

In 2024, serious human rights violations were documented in Russia, particularly involving the treatment of criminal suspects. Amnesty International reported evidence of inhuman and degrading treatment, with detainees frequently denied adequate healthcare The U.S. Department of State further highlighted that physical abuse by police officers was systemic, typically occurring within the first few days of arrest in pretrial detention facilities, reflecting a broader pattern of mistreatment and impunity.

Political culture and ECHR membership

Neither Belarus nor Russia have a political culture that adequately promotes respect for rights and freedoms or holds political power to account. For countries that lack such a culture to an adequate degree, membership of the ECHR might or might not, depending on local circumstances, help promote such a culture; but this clearly has limits, as shown by Russia's case. The decision that it was necessary to expel Russia from the Council of Europe suggests that ECHR membership did not have a sufficiently tangible effect, if any, on its behaviour. It certainly seems to demonstrate that it is primarily the domestic political culture and system of government that determines whether a polity will respect human rights. In a country that has a political culture that accepts that human rights should be upheld, the question will be *how* and by *whom* rights are best protected, not *whether* they ought to be protected. Membership of the ECHR is controversial in the UK not because we question whether human rights should be protected, but rather because we disagree about the appropriate roles of courts and international institutions in this process.

Politicians who claim, or insinuate, that ECHR withdrawal would make the UK more like Belarus and Russia should be asked to explain how and why leaving will make the UK's political culture oppressive and repressive in some of the ways outlined immediately above. The fact that no one has seriously tried to move beyond slur and innuendo and build a detailed and explicit case for how ECHR withdrawal would result in the UK moving more closely to Belarus and Russia, underscores how the argument is, as Lord Sumption correctly put it, "no more than rhetoric, and cheap rhetoric at that".[62] In the next section, we outline some of the ways in which our constitution and political culture ensure that ECHR withdrawal would not result in the UK becoming more like Belarus or Russia in any relevant sense.

61. United States State Department, Country Reports on Human Rights Practice: Russia (2024).
62. Jonathan Sumption, "Ruled out. What's to stop us leaving the ECHR?" *The Spectator* (30 September 2023).

V. Rights and freedoms in the United Kingdom

The protection of human rights in the United Kingdom is largely a result of constitutional, political, and cultural features of our political community which would persist regardless of whether we left the ECHR, and which are sorely lacking in authoritarian states such as Belarus and Russia.

Some of the human rights that are indispensable to a well ordered society include the right to life, to the security of the person, the right to freedom from enslavement or forced labour, the right to form a family and to raise and educate one's children, the right to privacy and security in one's dwelling or correspondence, and the right to practice one's religious faith. The freedom to speak one's mind, the right to vote, and security of private property holdings are also all critical features of a well-functioning and self-governing society. A political community which flouts these rights would be unjust.

These are not controversial propositions in the UK's political culture or constitutional tradition, although there is, understandably, considerable disagreement about how particular rights should be understood and about their implications in particular contexts. But the principal way in which rights have been protected is by Parliament, answerable to the people, deliberating about what law should be made and by the courts upholding settled legal rights, with government scrupulously doing its legal duty. The disagreements that we have in this country about the balance of power between Parliament and the courts in relation to the protection of human rights have no equivalent in Belarus or Russia. The UK, like other well-ordered states around the world (and outside the ECHR), is committed to rights protection and has a constitutional form of government that is apt to secure this end, and to do so in a way that makes democratic self-government possible and helps to realise the ideal of the rule of law.

Parliamentary democracy

Britain is a representative, parliamentary democracy with universal suffrage. The people participate in periodic elections to choose an assembly, the elected members of which constitute the House of Commons, which has the dominant role in our bicameral Parliament. Neither taxes nor changes to primary legislation can be secured without Parliament's assent. All significant secondary legislation is subjected to a degree of Parliamentary scrutiny. The Government is drawn from within Parliament and cannot remain in office if the House of Commons withdraws confidence in it.

Parliament holds the members of the Government to account for their decisions, a process that takes place in public, subject to constant media and public scrutiny, and very often in active consultation with the public. Parliament brings the community together in a form that makes it able to choose how it is governed.

The doctrine of parliamentary sovereignty makes each Parliament's choice fully authoritative, leaving it open for any subsequent Parliament, and thus for citizens and their representatives, to change course. This mode of government secures public involvement in intelligent policymaking and lawmaking and allows for the public to judge how MPs and the Government have acted and to respond accordingly in the next election.

The relationships between MPs and voters and the ongoing competition between Government and Opposition inform a wider public conversation about what should be done, all of which informs how Parliament exercises its law-making functions.

MPs are chosen by local people and accountable to them for the choices that they make or that are made by those to whom they give their support. If the people judge that the Government or their MP has acted improperly, or simply not delivered on their commitments, then they can vote them out. A single election can have dramatic consequences for the political party in power.

New political parties can emerge and disrupt settled patterns of voting. Occasionally, a new party can emerge and overtake and in effect eliminate a former party of government, as with the Labour Party and the Liberals in the early twentieth century. There is no guarantee that any political party will remain in power.

In our constitution, the executive is accountable and responsible for the powers it has. Government's accountability to Parliament, and especially to the House of Commons, is a vital restraint on its powers. Our constitution ensures that "no government, no matter the popularity of its actions, escapes dissent and the attention of those who think they could do better."[63] Our parliamentary system recognizes an Official Opposition that acts as a government-in-waiting. The Official Opposition and the Shadow Cabinet help to hold the Government to account for their actions and potential failings, and through mechanisms like Prime Minister's and Ministers' Questions, also help to engage the public in scrutinising how government is performing. This is a reflection of the constitutional fact that no politician or party has a right to rule and that every government is in principle the Opposition-in-waiting.

None of this is attributable to our membership of the ECHR. And it is nothing like the way in which government in Russia and Belarus functions. Both regimes are highly authoritarian, lack free and fair elections, and are notoriously brutal in dealing with political dissent. In other words, unlike in the UK, the people have little say in governing, there is little possibility of the incumbent losing power, and there is no meaningful institutional recognition of an official opposition.

63. See Grégoire Webber, "Loyal opposition and the political constitution" (2016) *Oxford Journal of Legal Studies* 357.

Rule of law and judicial independence

It is a deep-rooted constitutional principle of our political community, and an ingrained part of our national culture, that everybody is subject to the same laws: wealth, power, status or privilege provide no special protection. Governments and public officials are subject to the law and must exercise their powers lawfully. The "most fundamental principle... of the Rule of Law in this country, is that Ministers can neither claim any immunity, by virtue simply of their office, from the rules of common law, nor by any decree or order impose a legal duty (or relieve anyone of a legal duty), except to the extent that an Act of Parliament authorizes them to do so."[64] The rule of law also requires the rules governing us must be prospective, clear, general and possible to obey.[65]

Respect for the rule of law is deeply integrated into our policymaking and lawmaking process. There are thousands of lawyers working within government that work to ensure that the countless decisions made within government departments remain consistent with statute, regulations, the common law, and constitutional conventions. Lawyers working in the Office of Parliamentary Counsel, for example, work hard to ensure that the laws governing us are sufficiently clear and accessible and possible to obey. Parliament passes laws but government also accepts a responsibility, as the initiator of the vast majority of legislation, for ensuring that laws achieve the standards required by the rule of law.

For the rule of law to be effective, there must also be an effective court system with independent judges to settle disputes fairly and impartially. The rule of law therefore requires judges to be robustly independent, free to decide cases on the law and evidence and to resist pressure from any and all powerful actors. Our judiciary plays a central role in upholding the rule of law, by providing fair and fearless adjudication. Secure tenure, protected remuneration, judicial immunity and so forth are the key protections of judicial independence that help them perform this role. Another way we protect judicial independence in this country is by maintaining our strong cultural norm against personalised or *ad hominem* attacks on judges trying to do their job. And that is one reason why those who oppose our membership of the ECHR think our judges should be even better protected from the likelihood of such attacks by not being required to make decisions on law that leave politically contestable issues to be decided in litigation.

Belarus and Russia do not have independent judicial bodies that render impartial justice according to law. Far from acting without fear or favour, it is widely accepted that the judiciaries of both countries are seriously under the influence of the executive and will generally work to give rulings favourable to the state.

64. John Finnis, "Ministers, International Law, and the Rule of Law" (Policy Exchange, 2 November 2015).

65. Constitution Committee, *The rule of law: holding the line against tyranny and anarchy* HL Paper 211 (20 November 2025).

VI. Meaningful comparisons and consequences

The argument that UK withdrawal from the ECHR would reduce our country to the condition of Russia or Belarus rests on the fundamental assumption that the only countries relevant to this discussion are European and hence (almost all) members of the ECHR. But this is a highly parochial perspective, for the UK is far closer in terms of law and culture to other common law countries outside of Europe than to Belarus or Russia. Australia, Canada and New Zealand each have legal systems grounded on English law as well as effective domestic law which safeguard effectively the rights of their citizens, and far more so than is the case in countries such as Azerbaijan or Turkey, which remain members of the ECHR.

To leave the ECHR would put the UK in company with these Commonwealth states, which, far from being pariahs, are amongst the best governed countries in the world. This is despite their absence from the ECHR or similar regional regimes – indeed Canada has consistently refused to accept the jurisdiction of the Inter-American Court of Human Rights, a court comparable to the Strasbourg Court. The fact that these three countries have adopted very different approaches to the question of rights protection – Australia lacking a constitutional bill of rights at the federal level, Canada having since 1982 a constitutional Charter of Rights, and New Zealand having a statutory bill of rights which is not supreme over ordinary legislation – shows once again that what matters is domestic political culture and not supra-national mechanisms.

There are controversies about human rights in all three countries. Canada is the site of a decades-old debate about whether its Charter of Rights and Freedoms has given judges too much power. There are of course also debates about the proper scope of rights. However, these debates take place within national democracies, with decision-makers who are accountable to electorates. This is an arrangement for which, by its very nature, the ECHR is unable to provide.

Interestingly, the aptness of the comparison with Australia, Canada and New Zealand was put to the Attorney General during his oral evidence to the Constitution Committee.[66]

> **The Chair [Lord Strathclyde]:** *Thank you. I understand fully why you see the need to defend the ECHR and why you pray in aid a comparison with Russia and Belarus. I am not quite sure why you oppose the example set by Lord Anderson about Australia, New Zealand and Canada, which are*

66. Oral evidence of Attorney General Lord Hermer KC to House of Lords Constitution Committee (10 September 2025)

perfectly civilised members of the international community and stick to their agreements.

Lord Hermer: *Of course. I am not for one moment criticising Australia, Canada or New Zealand.*

The Chair: *It is just a preference for the ECHR.*

Lord Hermer: *They are currently not in the Council of Europe so there is no need for them to make what would be an enormous geopolitical statement by leaving it.*

The Chair: *But is their record on human rights any better or worse? Is it not very similar to ours and other European countries with whom we are friendly?*

Lord Hermer: *If you look at the contents of rights in many nations, not least great democracies such as Canada, Australia and New Zealand, you will see that their fundamental rights are our fundamental rights. I make no criticism of them at all. The point I made was that, since its conception, we have been a key player in the Council of Europe and a key promoter of these rights within Europe. The idea that we would leave that would be hugely damaging, in my view. It is because we are back as a leader within the Council of Europe, and once again we are a respected partner, that in the British interest we are able to go to discussions such as the ones with countries that Lord Anderson mentioned, and ensure that the British interest is represented as we discuss case law or perhaps the need for protocols. As I said, nothing is off the table. No stone will be left unturned as far as this Government are concerned. It is because we are back as a leader that we can properly protect British interests.*

We agree with Lord Hermer that there is a difference between leaving a treaty and never having joined it in the first place and a state that chooses to leave a treaty needs to consider the dynamic effects of withdrawal, including its implications on wider foreign policy. We wish Lord Hermer had attended more closely to the difference between choosing freely to leave the ECHR, on the one hand, and being expelled from the Council of Europe, on the other (or, like Greece in 1969, leaving because one is otherwise about to be expelled). We note that Lord Hermer's response to Lord Strathclyde concedes the point of substance, which is that Australia, Canada and New Zealand are great democracies with a record on human rights that is "very similar to our and other European countries with whom we are friendly" (and much better than many members of the ECHR, let alone Belarus or Russia). Lord Hermer's argument against leaving the ECHR, in the passage above, is in effect that it would deprive the UK of the opportunity to lead the Council of Europe and thus to ensure that British interests are "represented as we discuss the case law or perhaps the need for protocols". But more than 70 years of British leadership and "key player" status in the Council of Europe, and more than one determined British effort to discuss "the case law", and "the need for protocols" to reform the ECHR accordingly, have yielded no meaningfully substantive results,

but instead continued substantive ECtHR erosion of Britain's capacity for self-government.[67] Lord Hermer's allusion to imminent "discussions" is by way of evading the point of the Chair's final question: that membership of the ECHR is entirely unnecessary for achieving a "human rights record" at least as good as the ECtHR's, if not better.

Lord Hermer's final reference to "protect[ing] British interests" may conceivably have been an allusion to the UK's interest in having neighbouring states that act decently and meet some minimum standards. That was certainly a concern at the time of the UK's involvement in the drafting of the ECHR, and had the Strasbourg Court been willing to remain concerned with minimum standards of decent civil life and democratic order, instead of pursuing maximalist goals set by the "contemporary values" of elites and activists, there would be no pressure in or from the UK now to depart from the ECHR. There is no pressure in the UK to depart from the Council of Europe, and we see no reason to acquiesce in Lord Hermer's assumption, which he repeats earlier in his evidence, that leaving the ECHR requires one to leave the Council of Europe, still less in his neglect of the reality that at worst – in the unlikely event that his assumption about membership of the Council proved to be warranted – observer status would nevertheless provide the UK with meaningful opportunities to engage with the Council.

67. Ekins and Laws, *The Future of Human Rights Law Reform*, 20-23.

VII. Conclusion

The UK's good name in international affairs is extremely important, and parliamentarians should think hard about the impact that ECHR withdrawal might have on the UK's reputation and about how this impact, if negative, might be addressed or mitigated. However, the Russia argument, which this report has considered, is not a good faith attempt to warn the British public about the foreign policy costs of ECHR withdrawal. Motivated by a desire to win the domestic political argument about whether the UK should, or may reasonably, withdraw, the Russia argument prospectively blackens our country's good name, falsely implying that if the UK were ever to decide to exercise its right not to continue to be subject to the ECtHR's jurisdiction we would be, or could reasonably be thought by others to be, somehow comparable to Russia and Belarus in terms of rights protection.

The supposed comparison between the UK outside the ECHR and Russia and Belarus is groundless. Indeed, many of those jurists and parliamentarians who make the comparison must know it is empty insofar as they fail to substantiate the comparison, resting instead on the assertion that "it is not a good look". There is a major difference between choosing to leave the ECHR (or the Council of Europe) and being expelled from the Council of Europe (and thus being forced out of the ECHR). And *why* a country chooses to leave is also obviously vital. The UK leaving now, or in the near future, would not be remotely comparable to Greece "choosing" to leave in 1969 (when the alternative to leaving was likely to be expulsion). The UK would genuinely be choosing to leave and would be doing so in order to vindicate its parliamentary democracy and rule of law, refusing to continue to participate in an undisciplined regime of open-ended supranational rights adjudication that has, predictably, departed ever more widely from the genuine obligations authentically undertaken by the U.K. in helping to found the ECHR.

Substantive comparisons between the UK and Russia or Belarus collapse on the slightest analysis, which may be part of the reason why politicians never develop the comparison. Both are states whose authoritarian misconduct and failures to secure human rights the UK justifiably opposes – and would continue to oppose *just as firmly* outside the ECHR framework. And if the UK were no longer a member state, it would remain a state quite unlike Russia and Belarus, as our brief review of their recent record confirms. The much more obvious comparison would be with Australia, Canada and New Zealand, three well-governed common law states that protect human rights and the rule of law without being subject to the

jurisdiction of the European Court of Human Rights.

There are serious arguments to be had about the merits of the UK's membership of the ECHR. The spectre of being "in company with" Belarus or Russia is not one of them. Anyone who raises a comparison to Belarus or Russia in this context should be firmly challenged to explain the nature of the comparison and why anyone else should take them seriously. Europe is not the world and membership of the ECHR is neither a necessary condition for, nor a self-sufficient guarantee and badge of civilisation. Relatedly, withdrawal from the ECHR is not a mark of barbarism. It is past time to retire tendentious arguments from guilt by association, arguments that ignore every relevant point of connection and assert the conclusion that they should instead be establishing. If or when the UK leaves the ECHR, the Government, and others in public life, will have a responsibility to explain our country's actions to our neighbours and allies, minimising misunderstanding and defending our reputation. In this future conversation, comparisons with Russia or Belarus can and should firmly be rejected.

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