



HOUSE OF LORDS

European Union Committee

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Rt Hon David Gauke MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
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19 December 2018

Dear David,

As part of the EU Justice Sub-Committee's continued scrutiny of rights after Brexit, I am writing with an inquiry about the wording of the proposed Political Declaration setting out the future relationship between the European Union and the United Kingdom.

When the summary draft of the Political Declaration was published on 14 November 2018, it indicated that the relationship would be underpinned by a "reaffirmation of the United Kingdom's commitment to the European Convention on Human Rights (ECHR)." In respect of law enforcement and judicial co-operation in criminal matters, the summary draft clearly spelled out that there would be "continued adherence to the ECHR and its system of enforcement."

The final document, published on 22 November 2018, has diluted these formulations. In particular, the UK would merely agree "to respect the framework of the European Convention on Human Rights." On the question of law enforcement and judicial co-operation in criminal matters, the UK would commit to "continued adherence and giving effect to the ECHR".

In response to a question on this issue by Baroness Ludford, a member of the EU Justice Sub-Committee, the Leader of the House of Lords, Baroness Evans of Bowes Park, gave the rather unenlightening response that the Government was "committed to the framework of the ECHR".

What accounts for these drafting changes, and what do they mean in practice? Does the Government intend to bring forward plans to break the formal link between the UK courts and the European Court of Human Rights after Brexit?

We ask that you reply to this letter by Monday 7th January, ahead of the next meeting of the Sub-Committee.

I am copying this letter to Sir William Cash, Chair of the European Scrutiny Committee; Jessica Mulley, Clerk to the European Scrutiny Committee; Arnold Ridout, Legal Adviser to

the European Scrutiny Committee; Les Saunders, Department for Exiting the European Union; Matt Koris, Clerk to the House of Lords Constitution Committee; and Eve Samson, Commons Clerk to the Joint Committee on Human Rights.

Yours sincerely,

Yours sincerely.

Tim Boswell

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Chairman of the European Union Committee