

BRITAIN AND THE STRUGGLE FOR HUMAN RIGHTS

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Journey to Justice emphasises the critical role of popular campaigning and protest in the struggle for human rights. Campaigning and protest are necessary where hierarchical power structures prevail. When a minority who hold power resist surrendering or even sharing it, justice can only be achieved by a demand for human rights. *Journey to Justice* will be a vigorous force in the perennial search for universal justice.

In recent years an outstanding illustration of the effect of campaigning in the cause of human rights is the civil rights movement in the United States, in which the Reverend Martin Luther King played such a prominent part. But the history of Britain supplies a number of other examples going back much further in time. It is important to recognise that the struggle for human rights is a universal one which goes back to the root of civilisation, but Britain took the lead.

Magna Carta in the year 1215 is a useful starting point. In fact it had little to do with democracy and the rights of the people as a whole. Rather, it was a compromise hammered out in a dispute between King John and his barons. But it has achieved symbolic power through popular recognition of its principles as the embodiment of the rule of law and the inviolability of human dignity. Clause 39 says, in summary, "no free man shall be arrested or detained or deprived of his property or in any way molested unless by the lawful judgement of his peers and by the law of the land." Clause 40 says: "to no one will we sell, to no one will we refuse or delay, right or justice". Both these principles, have been applied and extended in the constitutions of many states, including the US constitution, and since the second world war into such international landmarks as the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. At a regional level, the principles of Magna Carta also centrally feature in the European Convention on Human Rights.

But we cannot be complacent. However widespread these principles, their practical value would be minimal if they remained mere words on paper. They have little meaning unless they are implemented, yet the means of implementation are often woefully weak when they threaten powerful vested interests. That is why in spite of the huge efforts of the world leaders such as Winston Churchill and Franklin and Eleanor Roosevelt who promoted global human rights after the second world war, the struggle for human rights must go on.

In Britain we face a particular threat because of an association which has been claimed by certain elements in the media and some politicians who ought to know better between the protection of human rights and Britain's membership of the European Union. Using human rights as a stick to beat the EU is absurd. While it is true that human rights are safeguarded throughout Europe by the European Human Rights Convention, the Convention, dating from 1950, originated in the Council of Europe, not the EU. More importantly, the Convention is essentially British in its conception. Its principles, like several of those in the Constitution of the United States, are adapted from longstanding doctrines of British justice, such as habeas corpus. The Convention was promoted by Winston Churchill and was drafted under the supervision of the Conservative Lord Chancellor Kilmuir. The universality of human rights has achieved global recognition by their incorporation in international law. This is a source of pride to those in Britain who know and understand its history. Those who disparage human rights do not know their history.

The Human Rights Act has since the year 2000 made the rules set out in the European Convention binding on the domestic courts within the United Kingdom. Before that a dispute which required those rules to be applied could only be settled by the Court of Human Rights in Strasbourg, France. The government which introduced the Human Rights Act therefore correctly described its effect as “bringing rights home”. This means that it is mainly the task of the British judges to decide claims based on an appeal to human rights principles. In contrast to the situation before the Human Rights Act, appeals to Strasbourg from Britain are now infrequent.

Strasbourg judges usually uphold the rulings of British judges. Because in a mere handful of cases the Strasbourg court has disagreed with the position taken by the British government of the day, the Conservative party has threatened to bring about the repeal of the Human Rights Act, should they ever be elected to office. This would be a seriously retrograde step and one of the issues on which the struggle to defend human rights will continue to focus. It is very satisfying to know that Journey to Justice will be here to add its weight to the struggle.

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