

*Human Rights as Human Values*

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Since becoming Liberty's director, she has written, spoken, and broadcast widely on the importance of the post-World War II human rights framework as an essential component of democratic society.

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In 2011 Shami was invited to be one of six independent assessors advising Lord Justice Leveson in his public inquiry into the culture, practice, and ethics of the UK press. She was also chosen as one of eight Olympic Flag carriers at the London 2012 Olympics opening ceremony. In February 2014, she was appointed as honorary professor of law at the University of Manchester.

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Where after all do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

—Eleanor Roosevelt, “In Our Hands,”  
1958 speech delivered on the tenth anniversary  
of the Universal Declaration of Human Rights

It is always a daunting privilege for a scruffy activist to come to the smart academy and attempt to give a lecture, previously given by so many learned thinkers. In fact, even the word *lecture* seems counterintuitive to a recovering lawyer and apprentice campaigner like me, with a preference for *argument*, *persuasion*, and even *call to arms* over anything that might seem too remote, theoretical, or preachy to perform its purpose.

Yet this lecture series concerns “human values,” a subject irresistible to someone who has spent her adult life attempting to argue as Mrs. Roosevelt (the grandmother of universal human rights) did, so much more effectively, that to mean anything, fundamental rights and freedoms have to flourish not just in the courtroom but in the living and bedrooms, the classroom, newsroom, boardroom, and cabinet room, and on the street. Threaten them in any one of these places (close to or far from home), and you threaten them everywhere. Today, in Liberty’s eightieth year, its director seeks to argue not just that this is the only way to make the law effective, out of respect and protection for the ultimate in universal human values; that is what our human rights represent.

Let me first set my mission and voice in context. Liberty (the National Council for Civil Liberties) was formed in 1934. You might think that a year drastically different from the present. True enough, DNA had yet to be discovered, let alone stored and profiled, and we had yet to enjoy the first public television broadcast, let alone closed-circuit or reality TV. The world had yet to be shrunk by easy airline travel, let alone the Internet. Yet it was a time of great economic uncertainty and, for many, hardship.

The Far Right was on the rise all over Europe, and certain newspapers ran regular headlines expressing horror at refugees coming to Britain from Eastern Europe. The particular spur to Liberty's founders was the scenes of hunger marchers from the North of the country meeting a particularly brutal police response on arrival in London's Hyde Park. Indeed, this response had been engineered by the placement of undercover officers used as agents provocateurs amid otherwise peaceful demonstrators. Anyone who has read reports of similar police abuses in recent years might be forgiven for thinking that some things change and too much remains the same.

A small group of concerned writers, lawyers, activists, and academics met in the crypt of St. Martin-in-the-Fields Church in Trafalgar Square and wrote a letter to what was then the *Manchester Guardian* newspaper.<sup>1</sup> They had been shocked at such a crushing of peaceful dissent and vowed to defend the entire spirit of liberty. Their number included Clement Atlee, Vera Britain, Edith Summerskill, H. G. Wells, and Harold Laski as well as the key instigators, Sylvia Scaffardi and her partner, my original predecessor, Ronald Kidd, and the list goes on. The membership organization of which I am caretaker today is the one that they founded out of that same movement to defend a right to protest that didn't exist as such in English law. (For all its celebrated significance as a document from 1215, you'll find no mention of freedom of expression or association and many other now-cherished rights in the Magna Carta.) However, an even more significant moment in the history of our fundamental rights and freedoms had yet to come.

It is very much in post-World War II moments that freedom struggles ancient, more contemporary, and anticolonial come together in a notion of human rights as truly universal values, recognizing and protecting everything that it is to be human. It is, of course, the 1948 Universal Declaration of Human Rights that represents the aspirational values of democrats to the left and right of politics and so many people of all the great world faiths and none. Even its preamble is instructive for present purposes:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,

and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

It goes on, of course, but notice the positioning of the legal enforcement of human rights. While it comes in the third stanza as an essential alternative to conflict and rebellion, it is the values themselves that provide the “foundation of freedom, justice and peace in the world” that, when disregarded, result in the “barbarous acts that have outraged the conscience of mankind.”

Further, the declaration is of course a statement of values in being an inspirational rather than a legal document, given force in international law by a number of regional instruments, including our own European Convention on Human Rights (ECHR), the drafting and implementing of which was such an important part of Winston Churchill’s postwar legacy. It is this vital instrument (and its incorporation into domestic UK law by way of the Human Rights Act of 1998) that has become so denigrated in parts of our polity and media in recent years. In fact, current Conservative Party policy appears to be to repeal the Human Rights Act, perhaps in favor of a “UK Bill of Rights with Common Sense” (about which no detail has ever been provided), and there are even threats to withdraw or seriously reserve from the European Convention itself.<sup>2</sup>

But before addressing the various criticisms that skeptics make of human rights values in general and the European Convention and Human Rights Act in particular, it may be worth unpacking their contents just a little. The enumerated rights now enshrined in law can be summed up, in my view, with three little words—*dignity*, *equality*, and *fairness*—and while all human rights might be described as some form of recognition of or provision for human dignity, as the Roosevelt quotation suggests, the most important of these words is actually *equality*. Why?

Even the greatest human rights skeptic has little beef with his own rights and freedoms. It’s other people’s that present the problem. You might say that “my speech is free but yours a little more expensive.” Furthermore, very many human rights necessarily require qualification or balance in application (not least to protect the rights and freedoms of others). So the principle of equality works as an essential safeguard, preventing us from

forsaking for others protections that we would cherish for ourselves and those closest to us. It asks us to consider (perhaps even *love* is not too strong a word) other people's children and not just our own. In legalspeak, this is called "nondiscrimination"; in human speech, we call it "empathy." It is the opposite of hypocrisy and selfishness and explodes the myth of human rights as some kind of greedy sense of personal entitlement rather than social solidarity and glue. It is also the way in which the ballot box and courtroom work together to prevent the disenfranchised and other vulnerable groups from being left out or behind or sacrificed to some notion of a "greater good."

From these high-level ideals of dignity, equality, and fairness (especially in the procedural sense of fair hearings and so forth), all the various articulated and enumerated rights and freedoms flow. The latter articles of the Universal Declaration of course contain what we call social, economic, and cultural rights, including the right to work,<sup>3</sup> rest,<sup>4</sup> housing,<sup>5</sup> health care,<sup>6</sup> and cultural participation.<sup>7</sup> Some younger democracies (most notably post-apartheid South Africa) have experimented with enshrining these rights in constitutional documents with legal enforceability.<sup>8</sup> In the United Kingdom there is, of course, no single overarching constitutional document, and social and economic rights are essentially delivered by the welfare state and civil and political rights ultimately by the European Convention, now incorporated into the Human Rights Act. This is not to say that there has not been a complex system of detailed legal regulation around, for example, social security entitlement; rather, the courts have not, for the most part, been delegated the role of measuring parliamentary and executive performance against the ultimate standard of a human right to adequate provision. You might say that social, economic, and cultural rights have largely been delivered to the people of Britain by democratic politics and civil society, while the ultimate backstop protection for civil and political rights has been the law.

There is an obvious logic to this framework, given the particular design and competence of polyphonic politics when it comes to the allocation of resources and the mostly binary nature of court-based debate. However, the obvious bridges between the way we protect socioeconomic and civil and political rights are discrimination law and legal-aid provision. The former gives hard-edged legal human rights protection to vulnerable people in the economy who may be disenfranchised or marginalized by democratic politics, and the latter makes civil and political rights real and effective rather than theoretical and illusory. Ultimately, it is the

courts that are the most effective final guardian of the rights in the ECHR in the face of abuses of power. Unsurprisingly, therefore, those with power to abuse sometimes resent them, but given that judges do not ultimately command armies, such resentment, when it festers and develops into contempt, threatens the rule of law itself. It is ultimately only a rule of recognition, after all, grounded, like the human rights it protects, in respect rather than coercion.

We have discussed the various places where human rights must live, but where do they come from? One long-standing criticism is, of course, that they are a fiction, Bentham's "nonsense on stilts."<sup>9</sup> Why do we, how can we, talk about the violation of rights that simply do not exist in societies where the political community, however large or small, has chosen not to bestow them? I think that there are essentially two answers to this question.

The first finds favor often (though not exclusively) with people of religious faith. It is rooted in the notion that human beings are inherently special, either because they are created in the image of God or because they have some special dominion over the earth, or, to be less spiritual, simply because of their advanced capacity for ingenuity, creativity, empathy, altruism, suffering, and so on. In any event, the argument is that each and every human life is precious and should be protected in its inherent beauty and dignity. The various fundamental rights and freedoms are a reflection of that truth and provide protection for everything that it means to be a human.

However, this foundation is far from practical and instrumental enough for every taste, particularly in the face of the very different and all too unequal lives that people all over the world experience in practice. So my second argument is one of democratic necessity and regulation and goes to the heart of how democracy is built and sustained. Just as we have seen free markets eat themselves without sufficient regulation and enforcement, democracy too requires a basic code by which to live and stay alive. Even the most popular majority government might quickly descend into something quite different without hard-edged rules in favor of further elections, free conscience and speech, and many other civil and political rights protected by the rule of law. It has happened all over the world and in our lifetimes.

This brings me to the first common criticism of human rights values, thinking, and instruments: that they somehow protect individual but not collective interests. The first response is that collectives are made up

of individual human beings, and the second is that they recognize human beings as the social creatures that they are. So yes, rights to life, conscience, and fair trials and against torture, slavery, and arbitrary detention are very much focused on protecting individuals from oppression, but rights to private and family life, expression, and association and against discrimination are a real manifestation of the way that we come together in families and in faith, political, and other communities, not least to advance our shared interests. Further, the concept of what is “necessary in a democratic society” is introduced repeatedly in the ECHR as a legitimate limit on the qualified rights, demonstrating the document as the framework of social (not selfish) values that it is.<sup>10</sup>

When people argue that we must somehow choose between social and economic advancement and our civil liberties, it is perhaps worth taking Eleanor Roosevelt’s example and going back to our homes. When a guest arrives for the weekend, do we ask them to choose between joining in with the eating or speaking at dinner? Do we offer a bedroom for the night on that condition that the guest be watched at all times by closed-circuit monitors? Clearly not. Those who say that there is a choice between liberty and equality should put that ridiculous dilemma to a slave.

The second criticism, and one that I hear frequently posed as a question, is why we speak of human rights and not responsibilities. This is a gripe of considerable antiquity and one that Thomas Paine once described (during his observations of debates over the French Declaration) as demonstrating a mind that “had reflected . . . but not enough.”<sup>11</sup> His response was that a declaration of rights is by necessary reciprocity one of obligations as well. Of course, under the ECHR and Human Rights Act, the primary responsibility for protecting people’s rights and freedoms (including positively and actively rather than just by way of restraint from interference) lies with government and other public authorities.

However, as this is a framework of values as well as a legal one, there is no doubt that, for example, a conviction against inhuman and degrading treatment and for respect for privacy must have an effect on my behavior as an ethical person. Furthermore, the state’s positive obligation to deliver these protections will often extend to a duty to create local civil and criminal law governing the behavior of those within its jurisdiction toward each other (for example, crimes against the person, data protection, and so forth). Further, my qualified rights may well be limited where my bad behavior renders it necessary and proportionate to protecting the rights and freedoms of others. Proportionate surveillance of criminal



suspects is, for example, permitted, as is imprisonment after a fair criminal trial that respected the presumption of innocence in particular. But a contract it is not. There is no sense in which every right has an equal and opposite responsibility, breach of which can lead to a complete loss of rights and freedoms.

There has to be some modicum of respect even for those who have hurt others and perhaps lost respect for themselves. So convicted criminals may lose their liberty and face collateral limitations on their privacy and association, but such limitations must be justified and proportionate (it is hard, for instance, to see how depriving them of books or indeed the vote meets this test). Further, the absolute rights against torture, slavery, and the death penalty remain even for them.

Finally, however, given the rain forests of civil, criminal, and regulatory obligations governing (it sometimes seems) every minute aspect of our daily lives, it hardly seems excessive that there should be a small bundle of fifteen or so obligations owed by those who govern toward those whom they are supposed to serve.

Another common beef is that in the hands of “unelected judges,” human rights become somehow antidemocratic and undermine the overarching principle of the British constitutional-parliamentary sovereignty. The first response lies in the foundational argument that human rights and the rule of law, far from being antidemocratic, provide a vital framework for the survival of democracy, preventing it from descending into dictatorship or mob rule. However, there is a further response in the exquisite constitutional compromise contained in the architecture of the Human Rights Act itself. The act operates as follows. First, “as far as it possible to do so,” all other legislation must be read compatibly with the human rights contained therein.<sup>12</sup> This marks a departure from the previous tradition of literal interpretation of legislation. Second, where “public authorities,” including ministers, have discretionary power, it must be exercised in conformity with human rights.<sup>13</sup> The fact that courts are also regarded as “public authorities” for the purposes of the act means that the common law must be revisited and developed in a human rights-compliant manner.<sup>14</sup>

However, where it is simply not possible to read an act of Parliament compatibly with the European Convention rights (the will of Parliament being too clearly of the opposite intention—as in the case of the infamous post-9/11 Belmarsh internment regime),<sup>15</sup> the higher courts’ ultimate sanction is an ingenious device called a “declaration of

incompatibility,” which informs Parliament, and indeed the public, of the way in which the statute offends.<sup>16</sup> This declaration has no effect whatsoever on the continuing legality of the anti-human rights provision but constitutes the ultimate in judicial soft power. It works by persuasion only as a shaming sanction, for Parliament (too often dominated by the executive, of course) to respond to if, and as, it sees fit. So values trump hard-edged legal sanction even in the design of Britain’s much-maligned modern bill of rights.

Some would say that this contrast with bills of rights the world over (which arm constitutional courts with powers to strike down even primary legislation) makes the Human Rights Act something of a toothless tiger. I disagree. The compromise goes some way to protecting the judiciary from politicization and conversely may even embolden it in the face of the worst human rights abuses (such as internment and torture during the War on Terror). Further, in the absence of an entrenched written constitution, it does preserve the overarching theory of our system. So when senior politicians, including, I am sad to say, the prime minister, express feelings of actual nausea (yes, actual nausea) at the human rights decisions<sup>17</sup> of the higher courts, my advice is that they should either develop stronger stomachs or run to the bathroom and not the chamber.

Another recurring criticism is that human rights values (perhaps because they are so universal) somehow undermine national sovereignty. At the heart of this reproach is a toxic xenophobia in our current politics that works against a convention and Strasbourg Human Rights Court that have the word *European* in their descriptions. Once more, however, the argument fails to bear scrutiny. If all internationalism (whether of values or cooperation) is inherently undermining of national sovereignty, then the criticism stands, but the manner in which universal human rights values are delivered by the framework of the European Convention and Human Rights Act places primary responsibility for their application upon national governments and domestic courts. So the ECHR is a treaty to which the UK government is signatory (and indeed was instrumental in 1950), and even judgments of its custodian court in Strasbourg are for or against the government, which retains responsibility (again by way of international treaty law rather than anything more directly enforceable domestically) for their implementation.

The Human Right Act that was brought into force by the Blair government in 2000 goes even further to protect and enhance national sovereignty and domestic ownership over the application of universal human

rights values. First, it allows interpretation, application, and adjudication of the various rights and freedoms in the convention to take place in every magistrate's court and employment tribunal (as well as higher courts) in the land, and not just in an international court. But for the demise of legal aid, it should allow wider and swifter access to justice than could ever be offered by a court responsible for vindicating a multitude of abuses all over the Council of Europe (including in the somewhat troubled Baltic states of the former Eastern bloc). Crucially, the injunction for UK courts and tribunals under the Human Rights Act is to "take account of" rather than to be bound by the judgments of the Strasbourg court (and indeed human rights jurisprudence from around the world).<sup>18</sup> So domestic higher courts in particular are able to depart from previous Strasbourg interpretations of the convention. Naturally, this would leave an applicant free to take her alleged violation onward to the European Court of Human Rights. However, if the domestic jurisprudence was compelling enough, it might well persuade the Strasbourg court itself to change tack. Thus, just as the Human Rights Act creates a dialogue between the domestic judiciary and legislature, it creates another, between domestic and international courts, about how best to interpret and apply human rights principles. Of course, the enumerated rights in the convention are reminiscent of those to be found in postwar bills of rights the world over. Churchill, Maxwell-Fife (his Lord Chancellor), and their lawyers were thus instrumental in the drafting of a document that can be said to link Britain to both Europe and the Commonwealth by way of values that are truly universal.

Which brings me to the basest and most common criticism, namely, that human rights values are simply not British enough, perhaps for being too shared or universal. To this notion I can only reply that habeas corpus (which finds its modern incarnation in the right against arbitrary detention) is no less precious when translated from its original Latin into English and every other language of the free world. The underlying criticism, however, is perhaps not with the nationality of the rights, but with that of the people who are to enjoy their protection. However, before dealing with the choice between human rights and those restricted to, for example, "freeborn Englishmen," it might be worth remembering the nature of some of the freedoms in question.

Article 2 of the convention protects the right to life. Of course, being ethical rather than medical or spiritual, it cannot grant life everlasting, but it does place a positive duty on states to protect people in their

jurisdiction and to investigate untimely deaths. Liberty lawyers have used this provision to great effect in securing investigations and inquests on behalf of the grieving families of victims of crime and state neglect.

Article 3 articulates the right against inhuman and degrading treatment and torture and is one of the few absolutes in a framework that otherwise must allow flexibility and negotiation as well as bright lines. It was used by the Strasbourg court against the common-law defense of “reasonable chastisement” in English common law when it was employed to protect parents from perpetrating grievous bodily harm against their children.<sup>19</sup> It was used by women rape victims to force a change in the criminal procedure that previously allowed defendants to cross-examine victims in person for days on end (including as to their sexual history) in a manner that created the sensation of a second rape.<sup>20</sup> And yes, it has been used to impugn the practice of “extraordinary rendition” of terror suspects, a euphemism for kidnap and torture in freedom’s name, at the height of the War on Terror (another Orwellian euphemism if ever there was one).<sup>21</sup>

Article 4 contains the right against slavery and servitude. Although the slave trade was outlawed more than two hundred years ago, there was until 2009 no criminal offense under English law for holding someone as a slave. The argument went that threats and violence and locked doors were all covered by offenses against the person and false imprisonment. Yet sometimes the means of enslavement are more subtle. What of the mentally vulnerable or trafficked person who lives as a slave without knowing better or for fear of deportation or recriminations against family back home or in circumstances where the threats or repeated common assaults are too old or otherwise impossible to prove? It was only with the aid of Article 4 that my Liberty colleagues and cross-bench peer Baroness Lola Young were able to persuade the Brown government in its final days to accept an amendment to its own Coroners and Justice Act of 2009, making it a criminal offense to hold someone in slavery or servitude or requiring them to perform forced or compulsory labor.<sup>22</sup>

Article 5 is the right to liberty and against arbitrary detention, placing vital limits on both the purposes and procedures for lawful incarceration. It provided the philosophical inspiration for Liberty’s parliamentary campaigns against both ninety- and forty-two-day precharge detention for terror suspects and is also the reason the current inadequate legal regime by which so many elderly and vulnerable people are effectively

detained by their caregivers without independent or legal scrutiny will not sustain. Some rail against human rights for suspects and prisoners, but there are unlikely suspects and prisoners everywhere. This is the value that prevents the knock on the door and the disappearance in the night that is the hallmark of despotic regimes the world over and throughout history.

Article 6 is the right to a fair trial and, crucially, in the case of criminal trials, to be presumed innocent until proven guilty. It has been much denigrated as a box of courtroom lawyers' tricks by so many politicians and media moguls until they have found themselves in the dock in recent years. In fact, I would argue that a fair hearing and the presumption of innocence in particular can be seen as vital societal values that can shape our way of living way beyond the courtroom. Indeed, so many authoritarian measures connected with blanket police powers and surveillance and data mining in particular might be seen as an attack on the notion that we are essentially innocent until there is some proof or at least reasonable suspicion to the contrary.

Which brings us to the right to respect for private and family life and our homes and correspondence as enshrined in Article 8. This has in recent times provided the first positive constitutional privacy protection in our law against the burgeoning technological opportunities for surveillance, offered by the Internet in particular, and the political paradigm that the innocent have "nothing to fear" from being constantly monitored in both their public and their intimate lives. It imposes the requirements of proper justification, lawful authority, and proportionality on the watchers and in my view impugns the kind of nonstatutory secret surveillance of entire populations revealed by Edward Snowden's whistleblowing on the National Security Agency in the United States and Britain's own intelligence activities. The often arrogant secret state seems instinctively to demand no scrutiny for itself and less and less privacy for us.

It is easy perhaps to trivialize personal privacy next to, for example, torture and imprisonment. But this is to misunderstand a vital freedom capable of changing the whole flavor of a society by its prevalence or indeed by its absence. It is also completely intertwined with so many of our other civil and political rights. How can you have free elections without secret ballots or fair trials without confidential counsel? How can you have freedom of conscience or association without some notion of the private sphere? And even though freedom of expression is sometimes in

tension with this right, a journalist knows the importance of protecting confidential sources, and very many important commentators from the early days of the printing press to those of the Internet have found greater courage to speak under the cloak of anonymity.

Article 9 protects freedom of thought, conscience, and religion. It is the right to a faith of your choice, the right to no faith, and, perhaps even more important, the right to heresy within any particular community. When combined with and balanced against equality rights in Article 14 and elsewhere, it also helps us negotiate some of the difficult fault lines around religious conviction and equality in modern society. It demonstrates that human rights protect even the human rights skeptics who one might hope would become just that little bit more understanding as a result. So the British Airways first-class lounge attendant should have been allowed to wear her cross absent any functional necessity to the contrary.<sup>23</sup> However, local authorities should not be forced to accommodate homophobic staff motivated by their religious convictions to the point of seeking to discriminate between which members of the public they will and will not serve in the course of their employment.<sup>24</sup>

Article 10 provides Britain's first express positive right to free speech, though it is more honest than some of its international counterparts in acknowledging on its face that even this most pertinent democratic freedom is not unlimited. As with Article 8 (and indeed freedom of association provided in Article 11), it imposes substantial intellectual and legal discipline on those who seek to limit the right, and as is too often forgotten there is no countervailing right not to be offended. That said, a right is not a duty, and if human rights are a framework of values as well as law, self-censorship for fear of prosecution or persecution is a terrible thing. Self-censorship in the avoidance of causing fear or unnecessary anxiety or offense to one's neighbors might simply be regarded as the kindness and politeness that are ours alone to bestow until overly intrusive legislators infantilize us by rendering irritation and offense "antisocial" or otherwise unlawful behavior.

Last but by no means least, as indicated at the outset, the nondiscrimination provision in Article 14 provides the keys to the human rights kingdom. It is not a freestanding right to equality but provides protection against discrimination in the application of all the other convention freedoms. It has proved a vital value with which the courts have, for example, impugned the post-9/11 internment of foreign national terror suspects in circumstances where their British counterparts continued to live

their lives at liberty.<sup>25</sup> It is the provision that ensures that these are human rights and not merely citizens' privileges. In an uncertain world of nationalism and xenophobia, why should internationalism be the preserve of multinational corporations, trading blocs, and organized criminals and not also enjoyed by ordinary people with their shared human values? Our own Parliament has just passed a law that would allow it to make Britons with no other nationality stateless (once more in the name of combating terrorism).<sup>26</sup> This is an all too familiar reminder of the meager protection of citizenship compared with that of humanity. To replace our Human Rights Act with any bill of rights based on nationality would be the path to Guantánamo Bay (where the US government notoriously interns non-American "enemy combatants" without charge of trial) at a very strange moment to be making that pilgrimage. Snowden's revelations once more demonstrate the way that governments exploit weak domestic protections for nonnationals to spy on each other's populations and then swap the material.

In short, this is an ever-shrinking, interconnected world, and our choice as democrats seeking our dignity and that of future generations is whether to seek the protection of being humans everywhere or the vulnerability of being foreign nearly everywhere on the globe. I know which I prefer.

Five years ago the late great jurist Lord Tom Bingham addressed Liberty's seventy-fifth anniversary conference. After listing some of the values that I have attempted to set out, he left us with the following thought: "Which of these rights, I ask, would we wish to discard? Are any of them trivial, superfluous, unnecessary? Are any of them un-British? There may be those who would like to live in a country where these rights are not protected, but I am not of their number."<sup>27</sup>

Nor am I.

#### NOTES

1. See <http://www.liberty-human-rights.org.uk/who-we-are/history> for more information about Liberty and the NCCL.
2. See, for example, Chris Grayling, Conservative Party Conference Speech, 2013, [http://www.conservativepartyconference.org.uk/Speeches/2013\\_Chris\\_Grayling.aspx](http://www.conservativepartyconference.org.uk/Speeches/2013_Chris_Grayling.aspx).
3. Universal Declaration of Human Rights (UDHR), Article 23.
4. UDHR, Article 24.
5. UDHR, Article 25.
6. UDHR, Article 25.

7. UDHR, Article 27.
8. Constitution of the Republic of South Africa, 1996.
9. J. Bentham, *Anarchical Fallacies: Being an Examination of the Declaration of Rights Issues during the French Revolution* (1816).
10. For example, Article 10(2) states: "Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."
11. Thomas Paine, *The Rights of Man* (1791).
12. Human Rights Act of 1998, Section 3.
13. Human Rights Act of 1998, Section 6(1).
14. Human Rights Act of 1998, Section 6(3)(a).
15. Under Part 4 of the Anti-terrorism, Crime, and Security Act of 2001, introduced by the New Labour government following the 9/11 terrorist attack in the United States, the government could detain those it suspected to be international terrorists without trial for an indefinite period of time.
16. Human Rights Act of 1998, Section 4.
17. *Hansard*, November 3, 2010, column 921, per the Right Honourable David Cameron, prime minister, when asked about giving prisoners the vote: "It makes me physically ill even to contemplate having to give the vote to anyone who is in prison."
18. Human Rights Act of 1998, Section 2(1).
19. *A v. UK* (1998), ECHR 85 (September 23, 1998).
20. *Gani v. Spain* (2013), ECHR 154 (February 19, 2013).
21. *El Masri v. Former Yugoslav Republic of Macedonia* (2012), ECHR 2067.
22. Coroners and Justice Act of 2009, Section 71.
23. *Eweida and Others v. UK* (2013), ECHR 37 (January 15, 2013).
24. *Ibid.*
25. *A and Others v. Secretary of State for the Home Department* (2004), UK House of Lords 56.
26. Immigration Act of 2014, Section 66.
27. Tom Bingham, speech at Liberty's seventy-fifth anniversary conference, <http://www.liberty-human-rights.org.uk/media/articles/pdfs/lord-bingham-speech-final.pdf>.