

Human Rights Lawyers Association
'Celebrating 5 Years of Human Rights across the UK'
Art Workers Guild, 6 Queen Square, London WC1
Friday 30 September

Speech by Francesca Klug

When I was asked to speak tonight, on the fifth anniversary of the Human Rights Act, I was told to make it light, make it funny, make it brief and talk about the early days as well as now.

Whenever I am asked to tell a joke, particularly if it is in front of 200 people, I am reminded of Woody Allen's comment on death that "It is not that I am afraid to die; it is just that I don't want to be there when it happens".

Well the funniest story I can come up with about my early days working on the HRA had me wishing, at the time, that I was dead and buried, never to be revived.

It was about 1992 and I was...well much younger than now obviously.

I was working at Liberty (CLT Director) and was on Charter 88's Executive, you know the kind of thing, and had just been introduced to three leading lights in the shadow home affairs team to discuss whether, and if so how, Labour might support Charter 88's call for a Bill of Rights. The only problem was that they all had reversible names – Graham Allen, Allun Michael and Tony Blair – and this made me so nervous that in my strenuous efforts to get it right I – yes you guessed it – kept getting it wrong, or at least the wrong way round. I'll leave you to imagine the rest....

I had an interesting time this morning looking back at some of the things that were said in those days.

THIS IS BLAIR TONY'S (I mean...) MANIFESTO FOR LEADER OF THE LABOUR PARTY. The most eye catching thing about it is its brevity. He only had space for a few headline policies. One of these was "NO....not we will introduce interim or permanent or semi-permanent ASBOs or detain suspected terrorists for three months without trial" but that "Labour will win by providing a Bill of Rights".

What about this? "What kind of example do you set, when you tell the British people that you can pick and choose which court decisions to accept? How will that teach young people respect for the law, the difference between right and wrong?" That was Jack Straw at the 1995 Labour Party conference decrying the Tory Government's challenge

to the authority of the European Court of Human Rights in the context of Irish terrorism, please note.

So where are we now? Well the government did introduce a kind of Bill of Rights of sorts, of course, through the Human Rights Act and are currently legislating to create a Commission for Equality and Human Rights which I sincerely believe will provide the Act with the kind of institutional back-up and measured and authoritative support it needs if it is to withstand current attacks.

And attacks there are a-plenty just now, aren't there?

From the present and various would-be leaders of the Conservative Party.

From some senior representatives of the police and

From various journalists and political commentators of varying repute

Did I mention some ministers from the government that introduced the HRA on occasion? Surely not?

It is in fact becoming quite fashionable, the equivalent of body piercing for the political classes, to call for the HRA's repeal.

Just today the BBC announced every hour on the hour that The new Cornerstone Group of Tory MPs, headed by one Edward Leigh, is calling for repeal of the HRA.

It is interesting, at this point, to pause to reflect that whatever other divisions there are in the United States, no-one, even George Bush, dares attack their Bill of Rights and this no-go area applies throughout Europe too.

Perhaps that has a lot to do with the way that other democracies view their fundamental rights charters as emblematic of everything they stand for.

As a signal of the nature of their democracy in which the popular will that politicians are elected to represent operates within a set of definable values that sum up their national identity.

Our government, which should be standing very tall today on this 5th anniversary, asks us to remain resilient in the face of those who would destroy our way of life .

I am not the first to ask how we do so when the set of values and principles which defines us more than anything else – of free speech, due process, presumption of innocence etc from the Magna Carter to the ECHR – are the very ones that we are asked to compromise on, sometimes to a degree that we are no longer sure which way of life it is we are meant to be defending?

But Jonathan asked me to be humorous as I said. I know I am not doing very well but forgive me for getting even worse when I say that I can't finish without mentioning three national figures who played a major role in the HRA project, all of whom have died in the recent past.

First Lord Scarman. He first put a British Bill of Right on the map with his famous 1974 Hamlyn lecture and never tired in his support for the cause until the very end. People like me were of course Jenny come latelies and our contribution was largely to develop a model for incorporation that was consistent with our democratic traditions, reflected in s.4, the Declaration of Incompatibility. It was giants like Lord Scarman and of course Lord Lester, who indefatigably flew the flag for Incorporation through decades when no-one wanted to hear and without whom we would not be celebrating tonight.

Second Lord Gareth Williams. Although a former Chair of the Bar Council his significant involvement was after he became a Home Office Minister and Chair of the Government Task Force for implementing the HRA on which I sat. His gentle wisdom, patience and unwavering commitment were indispensable to the smooth passage of the Human Rights Bill and were particularly important during the period of preparation after it was passed in 1998 and before it came into force in 2000.

Finally Mo Mowlam. That might surprise some of you, I know. It is not so well known but she was a major supporter of the Bill of Rights project in the early days, spending time helping us to lobby and put resolutions to Labour Party conference in the early 90s. The inclusion of a Human Rights Commission and commitment to a Bill of Rights in the Good Friday Agreement had her unique fingerprints all over it.

Our greatest tribute to these three stalwarts is, of course, to go on celebrating the achievements of the HRA as effectively as we can.

Not as disembodied, narrow, technical principles shrouded in legalism of course. But as a set of fundamental ethical values which indeed help us distinguish between right and wrong, as Jack straw said.

Particularly if the current attacks on the HRA get nastier, and I think we all expect they will, all of us who are here celebrating because we think the HRA is worthwhile, will have a responsibility to speak about it in terms which people can relate to -

- as a major advance for our democracy,
- as a way of holding on to our values in a very uncertain world
- and as a means of enhancing the dignity and reducing the powerlessness of some of the most vulnerable members of the community.

Lord McCluskey famously predicted five years ago that the HRA would be “a field day for crackpots, a pain in the neck for judges and legislators and a goldmine for lawyers”.

Well it's clearly a pain in the neck for some legislators and I don't feel it's safe to comment on lawyers and goldmines in present company.

But the judges have shown enormous wisdom in their interpretations of the Act on the whole and the only people who have had a field day are the headline chasers on a quiet day who are not met with the rebuttals the famous government media management operation is capable of.

In my experience many people who have benefited directly from the Act are willing to record their experiences in order to promote and defend it including elderly and disabled people, women with breast cancer, mental health patients etc who had little or no chance of success in their struggles with bureaucracy or authority in the past.

From my memory of many conversations with the men with reversible names that is exactly what they wanted the HRA to deliver. They – and we – should be proud today.