

THE HUMAN RIGHT

BROADENING POLITICAL
SUPPORT FOR THE HUMAN
RIGHTS AGENDA

AUTUMN 2018

ANDREW McDONALD,
WILL TUCKER & ZANDER WOOLLCOMBE

the
eden
Stanley
group

Contents

Section

1

Introduction

Page 04

- 1.1 Backstory
- 1.2 Human rights since 1945
- 1.3 The Left and human rights
- 1.4 The parties and a rights-based agenda
- 1.5 Judicial activism as seen by today's Right
- 1.6 The 'human rights agenda'
- 1.7 Human rights today: a crowded field
- 1.8 The future of human rights
- 1.9 What next?

2

The research

Page 09

- 2.1 Method
- 2.2 Sample
- 2.3 Research questionnaire

3

Political perceptions of human rights

Page 11

- 3.1 Human rights are not understood or seen as a priority
- 3.2 Politicians and human rights NGOs
- 3.3 Understanding why politicians support human rights
- 3.4 Human rights in the 2017 manifestos
- 3.5 Segmenting attitude groups

4

Opportunities to broaden support for human rights

Page 20

- 4.1 An issue of the Left?
- 4.2 Presenting human rights to the public
- 4.3 Messaging
- 4.4 Implications

5

Human Rights in the UK: today and tomorrow

Page 25

- 5.1 Brexit
 - 5.2 What next for human rights in the UK?
-

1

Introduction

1.1 Backstory

The casual observer might be forgiven for characterising the human rights landscape in the UK as one of scepticism by the Right and support from the Left. We will show that the position today is far more complex than that caricature, but like all caricatures, it has an element of truth to it. And yet it need not have been so. The history of political support for human rights in the UK has been complex and erratic.

1.2 Human Rights since 1945

Britain played a leading role in the development of the European Convention on Human Rights after the war. This was as much a cause of the Right as of the Left. But in the first instance, the whole of the political spectrum saw it as something for 'them' (Continental Europeans), not for 'us' (the victors, who had an enviable record of protecting human rights). So, while Britain was quick to ratify the Convention, it did not allow individuals to petition the Court in Strasbourg until 1966.

1.3 The Left and Human Rights

The Left has long been ambivalent about securing progress for its supporters through treaties or conventions which were ultimately to be interpreted by the courts. And when Labour did pass the Human Rights Act in 1998, it did so having played down expectations: the measure was sold as making it easier for the British to secure their rights, not as heralding a new concept of citizenship. What is more, Labour adopted an approach which did all it could to preserve Parliamentary sovereignty. The Party of the Tolpuddle Martyrs still has an ambivalent relationship to judicial power.

Not only was Labour's approach to the 1998 legislation understated, but it also took a modest approach to implementation. There was judicial training and Whitehall was briefed, but the scale of preparations pales when compared to Canada's lead-in to the Charter of Rights of Freedoms. Not only were government and the judiciary rigorously prepared, but Canadian NGOs were funded to bring cases to test the limits of the Charter. Later, when Jack Straw was invited to look back on what had flowed from the UK statute, he expressed unease that even this, relatively cautious law, was seen to have created a 'villains' charter'. He went on to say that "*In due course I could envisage that there could be additions made to work in the issues of responsibilities*" (Daily Mail, 2008).

1.4 The Parties and a rights-based agenda

From its inception, Labour had been focussed on securing power at Westminster rather than constraining the exercise of that power through judicial oversight. And there are many on the left of the Labour Party who remain sceptical about any expansion in the power of the courts. Though the official position of the Conservative Party has never been sympathetic to the 1998 Act, in some ways the philosophy underlying a rights-based agenda was a more comfortable fit for the libertarian Right than it was for the Labour Party.



1.5 Judicial activism as seen by today's Right

Many Conservatives, including Boris Johnson, and Theresa May, criticise the courts (especially the European courts) for 'judicial activism'; judgements that interpret convention texts more broadly than (they argue) was originally intended, or than individuals and individual governments would prefer to interpret them.

Judicial activism is a bug-bear of senior Conservatives, for whom the principle of sovereignty is particularly important. The current UK Government has sought to challenge judicial activism directly through legislation.

As Home Secretary, Theresa May brought in new measures curtailing the right to family life. This was a direct response to judges' interpreting it as including the right of foreign criminals to stay in the UK once their sentences are served so they could remain with their families.

The UK Government has sought to maximise the degree to which UK courts can determine how to interpret human rights laws and when and how to take European court judgements into account. This is known as the 'margin of appreciation'. The debate over this discretion is set to continue for as long as the UK remains party to the ECHR and to the European Court on Human Rights. There are differing opinions about how states should seek to respect, protect and fulfil human rights. This plurality of interpretation is inevitable, and helps rights evolve over time.

How dissenting interpretation of non-discrimination rights created progress:

Early judgements by international committees often interpreted 'non-discrimination' narrowly, as a requirement not to treat people differently, even if their needs and circumstances were different. An alternative interpretation was proposed by lawyers and judges in many countries, especially Canada. Gradually, over the past 50 years, most countries' interpretation of non-discrimination has expanded to require states to take proactive action to tackle inequity.



By the summer, I will have changed the immigration rules so that we can end the abuse of the right to a family life.
(Theresa May as Home Secretary, 2012)

1.6

The 'human rights agenda'

We will make use of the term 'the human rights agenda' but we will do so with caution, not least because it is sometimes used almost as a term of abuse. Critics sometimes portray advocates as having a grab-bag of judicial solutions to political problems. We will use the term to mean a political philosophy originating in the Enlightenment, whereby the rights of the citizen are given legal protection.

1.7

Human rights today: a crowded field

The debate about the future of human rights is not, of course, restricted to a contest between the political parties. Civil society is active on the battlefield, fighting across the whole human rights agenda and applying the Human Rights Act to secure particular policy aims. And, despite a painful entry onto the field since 2007, the Equality & Human Rights Commission is increasingly self-assured, though its impact on human rights is, as yet, difficult to judge. Some civil society groups have co-operated successfully with the Commission, but others have yet to engage with it to the full and they would do well to consider their approach to the Commission, not least because it is clear that it is here to stay.

1.8 The future of human rights

Our understanding of what constitutes human rights is not static. Scholars and practitioners are continually working to expand the concept, very often to a bemused response from the public or a hostile one from the press. This development of human rights may be seen in the way in which they are enshrined in constitutions created since the Second World War. Constitutions are a good measure of this development since one would want to see fundamental rights enshrined in a higher form of law. The constitutions of the immediate post-war period – for example in West Germany – focus on political and civic rights (e.g. the rights to vote et cetera). The constitution of post-apartheid South Africa, meanwhile, embraces social and economic rights (e.g. the right to healthcare).

1.9 What next?

This study looks afresh at the attitudes of politicians, senior civil servants and key political influencers across the political spectrum, towards human rights. This is a good time to take stock of their allegiances, not least because there is reason to believe that their approach to the rights agenda is not set in stone. And Brexit will generate a raft of new challenges for those who support a rights-based agenda. In the course of this report we attempt to understand current attitudes to human rights and to consider whether they might be malleable. In particular, we consider the politics of human rights, exploring ways in which civil society groups may best harness the potential of the Human Rights agenda.

Andrew McDonald

2

The research

We undertook qualitative research with political actors¹, seeking to understand their motivations and to segment the various players so that we could better understand their attitudes and how they might develop.

¹ MPs, Peers, journalists, civil servants, politicians' friends and relatives, senior party members, think-tanks and academics.



2.1 Sample

We spoke to individuals from across the political spectrum, taking in those known to be sceptical about human rights and those who had a track record of being supportive. Given the nature of our research, we put a particular emphasis on the former: we wanted to be sure we understood the thinking of the sceptics.

We conducted 27 interviews with members and ex-members of Government, senior members of both Houses of Parliament, political advisors, journalists and external commentators, and senior civil servants.

2.2 Research questionnaire

Our research used semi-structured face-to-face interviews based on the following questionnaire.

Snapshot of perceptions of human rights

- *What is your (the respondent's) awareness/understanding/engagement with human rights?*

Influence of the political environment

- *What is the influence of the political and media narratives on human rights?*
- *What are the human rights opportunities and threats presented by Brexit?*
- *Do you think authoritarianism is on the rise, and if so what should the UK response be?*
- *What is the local and regional influence of devolution on perspectives of human rights?*

Factors that influence people's positions on human rights

- *What factors influence your position on human rights?*
- *Are there practical barriers that prevent you from viewing human rights in a positive light?*

Routes to influence

- *What sources of news and commentary on human rights do stakeholders pay attention to and why?*
- *Which individuals or groups do stakeholders pay attention to and why?*



Photo credit: Alexandros Michalidis / Shutterstock.com

3

Political perceptions of human rights

3.1

Human rights are not understood or seen as a priority

Most politicians and political influencers do not engage with the topic of human rights frequently or see it as a high priority. This is the case for the majority of senior members across the Conservative and Labour parties. They see human rights as a wide, confusing and sometimes incoherent agenda.

This significantly reduces the salience of human rights with political audiences across the political spectrum, and in particular with Conservatives. It also poses particular challenges for civil society groups struggling to get their voice heard on human rights issues.

Conservative priorities for the foreseeable future:

- 1 | Delivering Brexit
- 2 | Immigration (including asylum)
- 3 | The economy

“Even Cameron didn’t champion human rights, it’s too broad; within his efforts to change the party he chose the environment, international development and equal marriage.”
(Senior Conservative advisor)

Most policy positions relating to human rights require a difficult balancing act, with individual rights traded off against each other to reach a palatable position. Where these trade-offs prove contentious, they often draw media attention, and have become a source of many disagreements about human rights in the political sphere.

“It is meaningless to say that one is in favour of human rights... At the margin human rights come down to questions of difficult choices.”
(Ex-Cabinet Member, Labour)

Human rights are not understood or seen as a priority *continued*

3.2 Politicians and human rights NGOs

The idea of a 'human rights agenda' was particularly toxic with interviewees across the centre-Left, centre-Right and Right. Politicians are not going to accept an agenda they do not fully understand, and which encompasses such a wide-ranging set of policy implications. Civil society groups are going to have to find more subtle routes to market.

'Rights' and 'freedoms' are contested and debated constantly in British politics, usually around single priority issues. For example:

- the rights of different groups of migrants
- the rights of patients
- the rights of workers
- the rights of victims of crimes – and of criminals

Parliamentarians are more comfortable in dealing with the choices surrounding these discrete policy issues than they are grappling with an amorphous rights agenda whose boundaries are difficult to discern.

One important influence on politicians' perceptions of human rights is, of course, the campaigning of civil society groups. This is a diverse and numerous list of organisations, since the Human Rights Act may be played in aid of single issues (e.g. the right to die) as well as broader movements for social and political change (e.g. attempts to read human rights principles into the whole of British statute and common law). This diversity may be one reason why politicians told us they were puzzled by the activities of even some of the most high-profile organisations. Parliamentarians of all parties confessed confusion.

Implications

- Latent engagement is low beyond a fairly small group of politicians and political influencers.
- Human rights need to be balanced and many politicians are put off by the dogmatic positions taken by some on where that balance should lie.
- Politicians and their influencers are put off by the idea of 'buying-in' to a whole agenda, especially one as expansive as the 'human rights agenda'. But our research suggests that they might be tempted to engage with the broader rights agenda having first cut their teeth on single issues which raise questions of human rights.

3.3

Understanding why politicians support human rights

Politicians consider a simple, central question whenever they consider engaging with an issue: ‘Why should I act?’ It could be because it’s a principle which aligns with their ideology. It could be because it would further the desires of their constituents. It could be because it would impress their constituents.

Political messaging positions human rights in two ways, presenting different reasons why a politician might support them:

1. *Human rights as a means to an end*
2. *Human rights as an end in themselves*

Of the two, politicians are far more likely to support human rights as a step towards another policy goal. Human rights are seen to be useful because they protect workers’ pay, patients’ health or voters’ stake in democracy. Support for human rights narrows when they are presented as abstract principles.

Human rights as a means or the end: preserving the liberty of suspected terrorists

Option one: ‘Human rights as a means’

To lock up or tag suspects is counter-productive: it damages the UK’s reputation at home and abroad, making it more likely that we will be a target for terrorism

Option two: ‘Human rights as the end’

We assume innocence. Restricting freedom of movement of those yet to be tried violates the inalienable rights of the individual



3.4

Human rights in the 2017 manifestos



SNP



Human rights were not prominent in the last general election, but insofar as they were referenced in the manifestos they were seen as a means to an end.

Conservatives

- Human rights were only mentioned in terms of reducing protections from the European Convention and the oversight of the European Court of Human Rights.
- Rights were framed as a means to an end – for example, how employment rights protect people in employment and the ‘gig’ economy.

Labour

- The Labour manifesto was far more positive about human rights than its Conservative counterpart.
- But it, too, cast rights as a means to an end rather than an end in themselves. For example, it promised rights for workers “*so that working conditions are not driven down... [and] so that all workers can be supported when negotiating with their employer.*”

The Scottish National Party and the Liberal Democrats positioned human rights differently.

Scottish National Party

- The SNP consistently referred to human rights in its manifesto as ends in themselves, not the means to a social, economic or cultural end.

Liberal Democrats

- Similarly, the Lib Dems largely framed human rights as ends in themselves. But when they said that human rights should be extended to enhance the lives of people in the UK and overseas they were talking about rights as a means to an end.

Beyond the political parties, some advocates have gone further, highlighting what human rights have done for the individual and his/her community. For example, this narrative has successfully been built around the Hillsborough families’ fight for justice.

But our research suggests that this shift in narrative hasn’t yet filtered through to politicians. Not the least reason for this is the vigorous and sustained opposition to the human rights agenda from certain newspapers.

3.5

Segmenting attitude groups

Our qualitative research on how parliamentarians think about human rights suggests a segmentation along the following lines:

1. Advocates

- Human rights advocates
- Libertarian advocates
- Social justice advocates

2. Disengaged majority

- Uninterested
- Opportunists
- Sceptics

3. Antagonists

1. Advocates

It is clear that there are strong human rights advocates across the UK's political parties. We have split them into three elements: human rights advocates, libertarian advocates and social justice advocates.

We are not suggesting that these groupings are homogeneous. Some advocates show significant commitment, others less so. Some hold strongly left-wing attitudes on social and economic rights but are less concerned about civil rights. Others focus on civil and political rights, but are less interested in economic, social and cultural rights.

We will consider each of our segments in turn.



Segmenting attitude groups *continued*

Human rights advocates

This segment has a strong belief in human rights and is more likely to see them as an end in themselves. They:

- have a nuanced individual understanding of human rights, and have considered the balance between competing rights
- recognise a plurality of opinion on what the ideal balance is and have a willingness to discuss what it should be
- use their political capital to pursue human rights causes and to advocate for at-risk individuals or groups
- are likely to be in regular contact with human rights and other cause-related groups
- make use of evidence, and are willing to attend and advocate at events, and raise questions in parliament

Libertarian advocates

This segment generally takes the libertarian view that rights exist to protect individuals from the state and to enable people to do as they want to the greatest extent possible without causing harm. Libertarians often use the term ‘fundamental freedoms’ rather than rights, and some dislike the language of human rights and maintain that human rights campaigners narrow public freedoms rather than enhancing them.

That said, this group:

- have, would or could use their (sometimes significant) political capital to advocate for human rights and freedoms
- will make use of evidence, and are willing to campaign for human rights whether for instrumental reasons or as ends in themselves



*[Human rights are] fundamental to conservatism...
and to our identity as a nation.*

(Dominic Grieve, Liberty fringe event Conservative Conference 2016)

Social justice advocates

This segment is guided by a belief in an ideal set of outcomes for society, often founded in personal values. Social justice advocates span a wide cross-section of UK politics, from both Left and Right. They:

- will often advocate for specific rights, or even for sets of rights, without referring directly to human rights – often because they think their audience has a negative perception of human rights
- have, would or could use their political capital to advocate for human rights – often focusing on ‘single issues’ that are particularly important to them, such as gender equality, child protection, or promoting democracy or the rule of law

“Human rights and social justice are central to the cause of democratic socialism. Nationally and internationally they are vital to ensure stability and security.”
(Lord Judd, Labour Campaign for Human Rights)

2. Disengaged majority

As with the public, most politicians at Westminster don’t view human rights issues as a priority. This group splits into three sub-categories.

Opportunists

This segment has no particular allegiance to human rights. They will occasionally use the language of human rights to make a case for a particular political position or policy. This is usually motivated by political expediency. They will also opportunistically oppose human rights for the same reasons.

“And if human rights laws stop us from doing it, we will change those laws so we can do it.”
(Theresa May, June 2017 quoted on Guardian.com)

“These crimes must be stopped and the victims of modern slavery must go free. This is the great human rights issue of our time, and as Prime Minister I am determined that we will make it a national and international mission to rid our world of this barbaric evil.”
(Theresa May, August 2016 quoted on TheFreedomFund.org)

Segmenting attitude groups *continued*

Uninterested

This segment does not engage with human rights debates or campaigns, whether they concern single issues or a broader agenda.

The uninterested are confused by the breadth of the human rights agenda, do not have a nuanced understanding of human rights and don't pick up on media coverage about human rights beyond some of the bigger critical commentaries in the press.

Sceptics

This segment has considered supporting human rights but has accepted, and often adopted, counter-narratives. These include the propositions that human rights undermine security and impede immigration control.

- They support the principle of freedom but are willing for it to be trumped in particular circumstances by the need, for example, to increase security or limit immigration.
- Many are put off by the term 'human rights' because of the way it can be associated with protecting terrorists and migrants.

3. Human rights antagonists

Advocates of this position actively denounce human rights, usually specific rights, and often, it appears, as a means to some wider political goal, such as leaving the EU or garnering media attention.

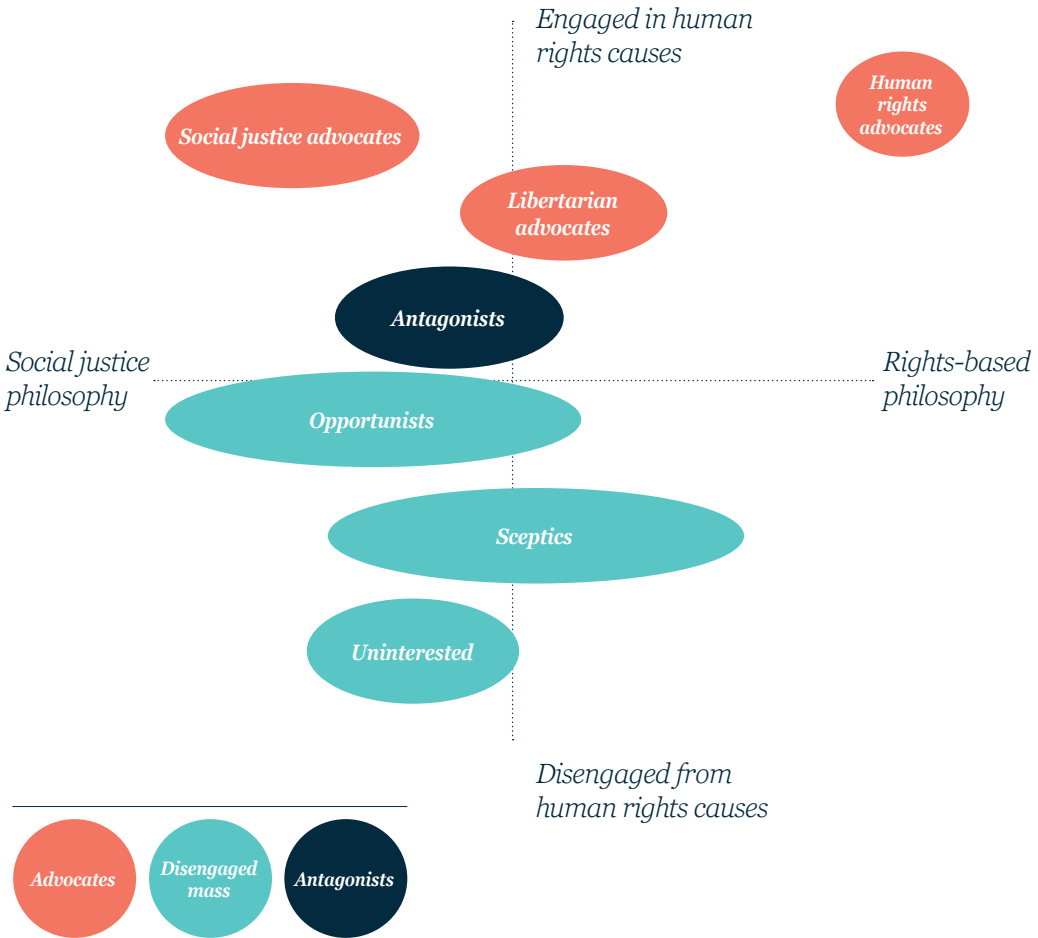
They disproportionately shape the media agenda and, as a result, public perceptions of human rights. This media coverage informs the scepticism of sceptical moderates and may reduce the willingness of other politicians to speak out on human rights.

“Human rights have become a protean and inchoate concept. For some of their advocates, they are simply a way of elevating political aims to a grander plane, thereby intimidating their opponents.”
(Daniel Hannan on CAPX Blog)

Implications

The research data allow us to map the attitudes to human rights of our research respondents. And it gives human rights advocates the opportunity to consider how best to draw in those who might currently seem to be lukewarm or hostile. For example, they could try to reduce the engagement of antagonists (in effect making them disengaged sceptics) or encourage them to support single issues (in effect making them simply disengaged).

Mapping these segments



4

Opportunities to broaden support for human rights

4.1 An issue of the Left?

We saw earlier that human rights might currently be seen as an issue for the Left, but this association has not always been present, and even today masks a far more complex relationship between the parties and the human rights agenda.

“To be honest I think of human rights as a lefty issue. It’s never framed in ways that appeal to Tories and that’s a shame, as rights shouldn’t be party political.”

(Conservative parliamentarian)

To broaden support for human rights it is essential that human rights advocates break out of the restrictions of the current debate, reaching out to the concerns of ‘ordinary voters’ in a way that engages ‘ordinary people’. If human rights are to prosper, they need to be seen as an issue for the political mainstream. This is one of the most important (and potentially discomfoting) issues for civil society groups.

But as things stand, common public perceptions of human rights are a very long way from where advocates would want them to be:

“Focus groups with ordinary voters during the EU referendum found that human rights were associated with Abu Hamza and foreigners telling us what to do.”

(Senior Conservative advisor)

4.2

Presenting human rights to the public

Our research tells us that advocates face three choices in presenting human rights to the public:

1 | **Human rights purpose: Restriction of state versus enhancement of freedom**

Human rights can be expressed as a way of restricting the power of the state or of enhancing people's freedoms and promoting social justice.

Very often human rights are seen as mandatory restrictions on state action, rather than as a way of increasing people's freedom.

Our research shows that politicians, like everyone else, resent being told what to do. Conservatives in particular do not want the limits of what they can and can't do prescribed by human rights law. They want to do something positive. Unsurprisingly, they're more likely to support human rights when they are expressed as enhancing freedom and social justice.

2 | **Natural versus legal rights**

Human rights may be seen as stemming from natural rights or as legal rights.

The doctrine of natural rights holds that rights are inherent; they are endowed simply by the existence of the rights holder. The philosophy of natural rights, from Aristotle to John Stewart Mill and on to John Rawls, has a strong tradition in British and European politics. The challenge with natural rights is in deciding which natural rights exist and where their protections start and end.

Legal rights are endowed by legislation; they are codified in law. Some are resistant to the notion that rights are conferred by legislature or international conventions and proceed to acquire some immutable quality.



Liberty is something that citizens intrinsically have... Human rights, granted by the state, aren't how Conservatives think about liberty; human rights are top down.

(Conservative parliamentarian)

3 | Foreign imposition versus national sovereignty

Whether codified or natural, our research showed that human rights are often perceived as a foreign imposition, rather than a set of laws the UK government has signed up to, and often helped to write. This perception deters many political actors from engaging with human rights; particularly nationalist and pro-Brexit politicians.

All of this would tend to confirm the judgment of the first Blair administration to emphasise that the 1998 Human Rights Act was bringing rights home. The political mainstream is more likely to warm to measures which are either home-grown or which have been adopted by the decision of a sovereign British Government.

Based on earlier desk research we tested five motivational prompts on political stakeholders:

Core values

1. Family security

Because you care about your family, you care about human rights; their freedom and their opportunities in life are guaranteed by human rights.

2. Pride/Nationalism

We should be proud that the UK led the way in developing and prompting human rights around the world.

3. Universalism

Universal human rights are an important basic foundation for a fair and just world.

4. Rule of law

Citizens are expected to abide by the law. All we ask is that those in power abide by the law, just like everybody else is expected to do.

5. Social norms

Most people like me support human rights as part of the protections of people's fundamental freedoms.

Human rights are often perceived as a foreign imposition, rather than a set of laws the UK government has signed up to, and often helped to write.

The most popular message was the one that didn't use the term 'human rights', namely "*Citizens are expected to abide by the law. All we ask is that those in power abide by the law, just like everybody else is expected to do.*"

People reacted more positively to the other four messages when the words 'human rights' were removed and replaced with 'freedom' or 'individual freedoms' or 'justice'. The second most popular message was: "*Most people like me support human rights as part of the protections of people's fundamental freedoms.*"

The universalism message did not go down well because it is seen as left wing.

The pride/nationalism frame, "*we should be proud that the UK led the way developing and promoting human rights around the world*", was seen as the weakest. Human rights isn't seen as being a major part of Britain's agenda. One Conservative parliamentarian made a comparison with some Gates Foundation research, which showed that people do not associate aid with national interest. Civil society groups will not make much progress on the human rights agenda by making appeals to national pride.



4.4 Implications

Based on this analysis, we conclude that the following five approaches to framing human rights will, in turn, hold out the best prospect of engaging Conservatives without alienating left-wing audiences.

1 | Liberty, freedom, social justice:

“Tories will die in a ditch for liberty, freedom and meritocracy” one Conservative parliamentarian told us. Our research shows that these are the terms on which most Tory or right-of-centre politicians engage with human rights.

2 | Rule of law:

Human rights are an essential element of the rule of law. They can promote an independent judiciary, more democratic and transparent governance, and the principle of non-discrimination.

3 | Social norm:

People tend to behave in ways they think people like them to behave, and the same is true when it comes to engaging with human rights. Show political audiences that speaking out on human rights issues is a normal thing to do, and that those who do so are respected and even celebrated.

4 | Bringing rights home:

This builds on the strategy used by the Government at the time the Human Rights Act was passed into law.

5 | Natural rights, codified in Britain:

It will be more appealing to the mainstream to frame human rights as codified natural rights granted through national, sovereign decisions rather than as legal rights imposed by foreign institutions. This will significantly increase the willingness of sceptical audiences to engage.

5

Human Rights in the UK: today and tomorrow

5.1 Brexit

There are numerous potential threats to the UK's domestic and international efforts to promote human rights, not least the UK's potential withdrawal from the European Convention of Human Rights (ECHR). This is not a necessary consequence of Brexit: indeed, the ECHR and the associated court are creatures of the Council of Europe, not of the EU. But Britain's departure from the EU might generate the momentum to allow for a bid to leave the ECHR and its court in Strasbourg.

There was significant disagreement among interviewees about whether and when a break from the ECHR might come about. However, the balance of opinion was that it would not happen during the Brexit process, but potentially come up again post-Brexit:

"The British Bill of Rights is in the long grass and we are unlikely to spend time [in the Brexit negotiations] on the ECHR."

(Conservative parliamentarian)

"That [Euro-sceptic] agenda will have been satisfied by Brexit."

(Senior Labour MP)

"I'm confident that a British Bill of Rights and withdrawal from the Convention will return to the agenda. The problem is that British courts should have the final say. The commitment was dropped from the manifesto because the party was not confident of having a majority big enough to deliver it."

(Conservative parliamentarian)

Brexit continued

Our Conservative interviewees, including those deeply involved in the Vote Leave campaign, wanted to stress that leaving the EU should be seen as an opportunity to enhance human rights provisions, domestically and internationally.

“Brexit isn’t a threat to human rights – the UK is better on rights than a lot of the EU and with all the areas that are contentious and complicated within the Brexit process human rights isn’t a focus.”
(Conservative parliamentarian)

Remainers make no secret of their fear that Britain outside the EU would become isolationist, reneging on its ties to the international community and focussing increasingly on its narrow self-interest. But one can also conjure up an image of a country which is required, through economic need, to engage more openly with new trading partners. This might provide the perfect opportunity for Britain to promote human rights.

“The Government is looking for friends and ideas for how to make the case for a positive Global Britain to counter the narrative that Brexit is about cutting Britain off from the rest of the world.”
(Conservative parliamentarian)

“We want to strengthen the human rights components of our trade deals – both with the EU and US, but also as we develop free trade agreements with other third countries. We are very keen to go further than the EU has gone in pushing for environmental, social and governance standards within our trade deals.”
(Senior Conservative advisor)

There’s so much energy being focused on what kind of Brexit we have, and how it will work, that there’s a real vacuum in thinking what Global Britain means in terms of trade and foreign policy. Human rights could be a part of this, if packaged correctly.”
(Conservative parliamentarian)

But it would be fantastical to see Brexit as all opportunity and no threat for human rights advocates. There are unquestionably some political actors who see Brexit as a chance to row back on judicial activism and wider human rights responsibilities. One Conservative parliamentarian told us Brexit is an opportunity to enhance “liberty” but didn’t mention human rights.

Much will turn on the fortunes of Theresa May herself. If she comes through Brexit successfully, she may well have the opportunity to launch the political strategy she has long advocated: repeal of the Human Rights Act and introduction of a British Bill of Rights. Were this to happen, it would be yet another illustration of how the human rights agenda is subject to the contingencies of day-to-day politics and to the fate of individual politicians.



5.2

What next for human rights in the UK?

The safe, but unremarkable, conclusion of this report might be that Brexit is more likely to happen than not and that this seismic shift in the UK's political and cultural landscape is unlikely to be favourable to human rights. So far, so bland. But our research has shown that the outlook for human rights is more complex than it might appear at first glance.

Three conclusions arise from our work. They have particular significance for civil society groups, whether they are promoting a single issue or working across a broader human rights agenda.

First, we should be wary about interpreting human rights as simply meaning support for the 'human rights agenda' which stems from the ECHR itself. There are plenty of MPs and senior party members who are willing to advocate the strengthening of individual rights without signing up to an 'agenda' they do not understand and which they might associate with their political opponents. These individuals will quite possibly have more, not less, influence on Britain's future once it has left the EU.

Second, advocates of the now-familiar 'agenda' would do well to look across the political spectrum to find allies. The alliances are unlikely to be about advancing on all fronts of the ECHR at once. Indeed, the attitudes we have uncovered suggest that a frontal assault would only alienate potential supporters. Much more likely to succeed would be a number of ad hoc alliances on single issues.

Third, our research suggests that those same advocates risk losing support if they allow the careless, easy association between the Left and human rights to go unchallenged. Some might be tempted to forge a heroic path, seeking to expand the interpretation of the ECHR at every turn and fighting the hard cases, the unpopular cases. Glory might lie in that direction, but so too does isolation. Advocates should give serious consideration to returning to the political mainstream, to fighting for causes which win support from Left and Right and to making human rights genuinely popular. Our research suggests that that is a feasible goal. But it will require human rights to be reimagined. Whether or not Britain is in the EU.

One senior Labour figure captured the message precisely. Talking of the role of civil society groups on the human rights agenda, he concluded that they '*need to pursue cases which are founded in a recognisable sense of British fairness*'.

About the authors

Andrew McDonald spent most of his career in the civil service. From 2003 to 2005, he led the Government's constitutional reform programme, including its work on human rights. He was the founding CEO of the Independent Parliamentary Standards Authority from 2009 until 2014. He writes on public policy and modern history. He is now the chair of Scope, the disability charity.

Zander Woollcombe is an independent consultant with over a decade of experience working for a range of philanthropic and charitable clients on political and public campaigns in Europe, North America, India, Australia and sub-Saharan Africa. He worked as David Cameron's adviser on the 2018 LSE/Oxford Commission on Fragile States and for the Conservative Party in the European Parliament. He also served as the Bill and Melinda Gates Foundation's Head of Global Campaigns.

Will Tucker is a strategic communications consultant who develops audience-informed strategies for charities, philanthropic organisations, and social-impact focused businesses. Will's clients include The Bill and Melinda Gates Foundation, The Children's Investment Fund Foundation, On Our Radar/Comic Relief, OneWorld / SIDA, Save the Children UK, and Global Dialogue. Will's work with Eden Stanley has included a brand strategy for social enterprise BRAC and Amnesty International UK's political strategy.

Eden Stanley

Eden Stanley is an audience-centred, fundraising and campaigns agency for the non-profit sector. We provide insight, strategy and creative services to UK non profits, charities, INGOs, and arts and culture organisations. All of our project leaders have backgrounds in senior management for third sector organisations.

This report is one of an ad hoc series of publications we've developed on subjects that interest us, and that we think will interest our clients. Others include:

Make it Matter, a book published in partnership with CharityComms, offers a practical guide to developing a communications strategy in the non-profit sector.

Change the Record, a major Gates-funded research study, developed in partnership with Bond, in which we explore current media narratives around international poverty, how they affect public attitudes, and what strategies could be deployed to change them.

Where Change Happens, a report in which we investigate how international NGOs are shifting the focus of their advocacy and campaigning towards the Global South, and often managing this transition with limited resources, and under pressure to demonstrate impact quickly.

Whatever Next, a report published in partnership with CharityComms, draws together the current thinking from 30 charities with countless other sources, on current and future trends in public engagement, looking in particular at the changing needs of supporters and the challenges of an ever more fragmented media environment.

The Right Wavelength, was written for the CharityComms 2018 conference. It's designed to equip charity communicators with the 'whys and hows' of audience-centred strategy, and help them make the case to their colleagues with comments, stats and case studies from sector leaders such as Amnesty International and Scope.

About The Human Right

Based on interviews with senior politicians, civil servants and political influencers, this report explores current political opinion about human rights, in the context of Brexit and the major parties' approaches to the Human Rights Act. It illustrates the potential, and the imperative, for civil society organisations to deepen support for the human rights agenda in the UK political mainstream.

