

'Human Rights, Civil Liberties and Democracy' – A Conference Report

On Saturday 14 March 2009, the JUSTICE Student Human Rights Network staged a conference for law students, trainee solicitors and pupil barristers entitled 'Human Rights, Civil Liberties and Democracy' hosted by Freshfields Bruckhaus Deringer in London. The conference included a series of seminars addressing several themes: the interplay between law, rights and policy within the context of human rights, the distinction between human rights and civil liberties and the merits and demerits of the proposed 'British Bill of Rights' currently being debated in the political arena. It is submitted that the return of the human rights and civil liberties issue to the forefront of the public business is both an opportunity and, particularly now, a danger to the defence and advancement of the cause of protection for individuals and minorities from abuse of public power.

The first talk, delivered by JUSTICE Chair, Baroness Helena Kennedy QC, addressed the conference theme in analysing the historical development of human rights legislation in the aftermath of the Second World War. The thesis of the lecture was that no 'golden age' of human rights law has ever nor will ever exist owing to the enduring propensity of the political elite to abuse power and the consequent necessity for perpetual vigilance by human rights lawyers and campaigners to defend vulnerable individuals and minorities from such abuse. The second talk, focusing upon the signature issue of 'human rights and counter-terrorism', emphasised the 'dialogue model' between the respective branches of government as the executive and legislature react to judicial pronouncements concerning the compliance of legislative and executive activity with human rights. Government reactions to the cases of *Chahal v UK*¹ and *A & Others*² were cited to illustrate the often negative reaction of the executive and legislature to judicial pronouncements of unlawful conduct.

The final two seminars addressed the issue of a 'British Bill of Rights', the desirability of which is agreed amongst the three major Westminster political parties but the content, procedure, enforceability or entrenchment of which is not. Arguments advanced by the participants included the danger of manipulation of a 'Bill of Rights' in order to curtail the protection currently afforded by the Human Rights Act 1998 ('HRA') particularly for non-UK nationals, the necessity to educate the wider public with the HRA and engender a spirit of public ownership of it and the necessity to amend the HRA or introduce new legislation in order to adopt additional rights not addressed by the HRA which are included in international treaties such as the European Union Charter of Fundamental Freedoms 2000. The opportunity offered

¹ [1996] ECHR 54.

² *A & Others v Secretary of State for the Home Department* [2004] UKHL 56.

by the debate for a 'British Bill of Rights' is to advance human rights through accretion and refinement of the existing statutory framework but the danger is that a 'Bill of Rights' would effectively undermine some or all of the achievements of the HRA. These necessitate the active engagement of human rights lawyers with the debate in order to educate and enlist the wider population in the perpetual struggle to achieve a just balance between public laws and private rights.

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