

# Conservatism and human rights

An essay collection



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Edited by Ryan Shorthouse  
and James Dobson

 bright blue

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## Foreword

The Rt Hon Dominic Grieve QC MP

Conservatism has long been anchored in principles of liberty. From its earliest beginnings it has emphasised the importance of freedom under law and sought its inspiration in a historic narrative in this respect, that traces this tradition back to Magna Carta, the evolution of the Common Law, the Petition of Right of 1628, Habeas Corpus and the Bill of Rights of 1689.

Although some of the historical analysis underpinning this story may sometimes be questionable, its positive impact cannot be doubted. It has helped inspire political and legal changes in the last three centuries which have promoted the tolerance of diversity and difference. Our ability to engage peacefully with major differences of opinion on how our society should best be organised has been of the greatest value for our country's wellbeing. We have unlocked human potential and encouraged full participation by minority groups to our economic and social advantage. The country in which we live today and in which we can take pride is its product.

*“Our ability to engage peacefully with major differences of opinion on how our society should best be organised has been of the greatest value for our country's wellbeing”*

But human society is never static. Just as the former First Lady of the United States, Eleanor Roosevelt, promoted the UN Universal Declaration of Human Rights as the Magna Carta of the 20th Century, so we need to continue this work to create rights for our present century. This is what this collection of essays is designed to help achieve. In it a group of politicians and thinkers have set out their

assessment of our current framework of rights and considered what changes might be implemented to improve or widen them.

In a good conservative tradition, it will be seen that this does not necessarily need the enactment of new laws. As the Chief Executive of Stonewall, Ruth Hunt, demonstrates in her essay on tackling lesbian, bisexual, gay and transgender (LBGT) discrimination, the further changes needed are ones that come from within our society, implementing existing laws in their spirit so that all are treated with fairness, dignity and respect.

Equally, we should be willing to consider what improvements might be made to existing laws where this is needed and not treat historic statutes as ‘tablets of stone’ incapable of being touched. This applies as much to the Bill of Rights of 1689 as to the Human Rights Act of 1998. At a time when we are still awaiting the Government’s consultation on a British Bill of Rights, the essay by Damian Green MP discusses some of the complex issues that will have to be addressed if this is to work in practice.

I am also particularly pleased to see the emphasis on the United Kingdom’s role in promoting human rights abroad. We do not exist in a bubble of our own. We have played in the last century a key role in improving the lives of our fellow human beings throughout our planet and it is very much in our national interest to continue to do so.

*“Creating a British Bill of Rights that diminishes the effectiveness of the European Convention on Human Rights to operate successfully to raise standards of behaviour in other states is unlikely to be in our national interest”*

But, as is highlighted in these essays, this can raise difficult choices. This can be seen in the current debate about how best to respond to the mass movement of peoples either fleeing war and persecution, or seeking a better life for economic reasons. It also emphasises how important it is to consider any changes to our national human rights framework in an international context. Creating a British Bill of Rights, for example, that diminishes the effectiveness of the European Convention on Human Rights (ECHR) to operate successfully to raise standards of behaviour in other states is unlikely to be in our national interest.

I would like to thank all who have contributed to these essays and urge all who read them to join in the debate. Moderating each others points of view by discussion is the very essence of a vibrant democracy. I very much hope that this initiative will put conservatives at the heart of this process.

*Dominic Grieve QC MP is the former Attorney General (2010-2014) and is currently the Chair of the House of Commons Intelligence and Security Committee*

## Introduction

Ryan Shorthouse and James Dobson

At the heart of conservatism is a belief in individual freedom, especially from an overreaching state. People matter. Their autonomy is more important than trying to impose change or rules on them for some grand plan for society, however well-intentioned. Conservative and liberal thinkers – for instance Michael Oakeshott and Karl Popper – have long argued that government and the law should treat people as ends in themselves, not means. Human rights are fundamental for realising these insights because they protect people from undue power.

But human rights have a bad reputation. There are reasons for this. First, Europe – specifically, frustration that the European Court of Human Rights (ECtHR) or European Court of Justice can override the judgement of UK judges or Parliament. Second, ‘rights inflation’ – the demands for individuals to have new rights, for example, to economic status, possessions or material comfort.

Conservatives should avoid the temptation to score political points by joining the chorus of criticism against human rights. Rather, they should work to ensure that fundamental human rights are better understood and enhanced. That is Bright Blue’s aim over the next year, as we launch – through this essay collection – a new major project examining what the relationship between conservatism and human rights is and should be.

First step: ensuring this Government’s proposed new British Bill of Rights – which will replace the sound but unpopular Human Rights Act – incorporates into law the European Convention on Human Rights (ECHR), an important document rooted in centuries of English common law.

Our second focus is discrimination: whether it be racial, religious, gender, disability or sexual discrimination. The Prime Minister – in numerous recent speeches and as part of his social reform agenda – has talked about persistent gender and racial inequality in our society, especially in key institutions. It is important to devise centre-right ideas to tackle different forms of discrimination – both overt and subtle – so unfair barriers to individual flourishing are removed.

Finally, we venture overseas, exploring how the UK can play a leading role in tackling human rights abuses. Under the recent Coalition Government, the Foreign Office was very active on issues such as sexual violence in conflict and Female Genital Mutilation (FGM). Now is a critical time to suggest particular causes this Conservative Government can champion to ensure that the UK gets a better balance between commercial interests and promoting human rights in diplomacy with key allies.

This essay collection brings together a range of influential individuals – conservative politicians and opinion formers, as well as independent academics and campaigners – who suggest reforms conservatives could support in the three core themes identified above.

In Chapter One, Trevor Phillips OBE – the former Chair of the Equality and Human Rights Commission – observes the transformation in the Conservative Party over several decades in its attitude to race equality. He claims that the Prime Minister's recent announcements criticising racial discrimination in the criminal justice system and universities is a significant milestone in UK politics. The Conservative Party now has an opportunity to seize the issue of racial equality from its traditional home, the Labour Party.

A centre-right programme on race equality would have three components: political, social and economic. First, Conservative politicians should be even more active in the cultural events of different ethnic minority groups. Second, the Party should highlight its social and cultural conservatism. For example, ethnic minority communities strongly support English language acquisition and traditional marriage. Finally, the Conservative Party must address the significant economic disadvantage suffered by ethnic minority Britons. Transparency is key – expecting companies to publish information about ethnic minority recruitment and progression.

In Chapter Two, the Rt Hon Maria Miller MP – the Chair of the House of Commons Women and Equalities Select Committee –

illustrates the extent of gender discrimination in the UK, especially in employment. Women now outperform men at all stages of education, yet they remain stubbornly underrepresented in senior positions. The gender pay gap, she argues, is mainly attributable to women disproportionately undertaking caring responsibilities, especially taking time out of the labour market to look after young children.

Maria argues that progress is being achieved thanks to a number of important policy reforms by successive governments. For instance, tax breaks for childcare and Shared Parental Leave. But legislation alone is insufficient: attitudinal change is also required. Both business and government must do more to support men to take on caring roles and to provide real flexible working.

In Chapter Three, Ruth Hunt – the chief executive of Stonewall – argues there is still more to do to improve lesbian, gay, bisexual and transgender (LGBT) rights. In the late 1980s, the Conservative Government’s inclusion of Section 28 in the Local Government Act prohibited the promotion of homosexuality in schools. But, three decades on, the current Prime Minister enthusiastically argued for the legalisation of same-sex marriage. She congratulates the Conservative Party on a significant transformation in its attitude to LGBT rights.

But she warns against complacency. Even today, a quarter of lesbian, gay and bisexual people are not at work, and one in five have experienced verbal abuse from colleagues. Meanwhile, transgender people face high levels of personal abuse. The Government’s decision to repeal the Human Rights Act, Ruth argues, risks diluting the rights afforded to the LGBT community. She concludes that if real change is to be achieved, policymakers and businesses must seek to provide LGBT people with the tools to improve their own situation.

In Chapter Four, the Daily Telegraph columnist Timothy Stanley examines the conflict that can occur between freedom of religious expression and discrimination. He laments the decline of Christianity and calls on Christians to be more vocal and visible.

Timothy argues that many of the positive aspects of modern Britain are a result of its Christian heritage, not secular liberalism. He reminds that Christians in the past helped abolish slavery and resisted totalitarianism. He concludes that “Christians have to prove that not only that they have a right to speak their mind but also that everyone else benefits from having a healthy religious culture”.

Chapter Five turns to human rights in foreign policy. The

Chair of the House of Commons Foreign Affairs Select Committee, Crispin Blunt MP, begins with a discussion of the methods that can be employed to improve human rights in countries that we trade with. He contrasts ‘megaphone diplomacy’ with behind-the-scenes persuasion, suggesting both techniques are often required to exact change.

Crispin argues that our companies operating overseas have a particular role to play. Many have globally-applied policies on non-discrimination which can help create safer spaces and positive examples for individuals vulnerable to human rights abuses, such as women or LGBT employees.

In Chapter Six, Justin Forsyth – the former CEO of Save the Children – claims that the migration crisis, mainly caused by the Syrian civil war, is the greatest challenge of our times. Horrifyingly, at least 10,000 unaccompanied refugee children disappeared in Europe in 2015. The British public has responded with characteristic generosity to the crisis, yet the political response – though laudable in some respects – has been generally inadequate.

Justin argues that government must expand the legal routes to the UK for refugees fleeing war and persecution. The UK Government has committed to taking 20,000 more Syrian refugees by 2020, but the scale of the crisis requires more. The UN High Commissioner for Refugees, for example, has called for 10% of Syria’s refugees to be resettled globally, representing roughly 450,000 people.

Chapter Seven explores the ways in which Britain can improve the lives of those in extreme poverty. Professor of Economics and Public Policy at the University of Oxford, Sir Paul Collier, argues that rich countries have a ‘duty of rescue’ to help those affected by humanitarian crises. However, Sir Paul claims that UK aid should be better targeted. We should not provide aid to countries that are rich enough to help those suffering from mass despair.

Interestingly, Sir Paul argues that Britain should not apply conditionality to the giving of aid – for example, to improve human rights of certain social groups. Doing so, he argues, is counter-productive.

Chapter Eight brings us back home to focus on proposed major legislative change: the repeal of the Human Rights Act and introduction of a new British Bill of Rights. The former Home Office Minister, the Rt Hon Damian Green MP, believes it is vital that the new British Bill of Rights ensures we remain a signatory of the European Convention on Human Rights (ECHR).

However, the Bill should set limits on the European Court on Human Rights (ECtHR). This should be done by detailing that the UK Parliament is the ultimate source of legal authority and that the UK Supreme Court is supreme in the interpretation of the law. If this is included, UK courts should no longer feel obliged to follow the rulings of the Strasbourg Court, nor will UK judges be placed in the position of effectively having to rewrite legislation passed by the UK Parliament. The British Bill of Rights should also ensure that the Convention cannot be used in areas which are wider than what the authors of the ECHR intended.

Finally, Chapter Nine delves into the world of our intelligence agencies such as MI5, MI6 and GCHQ, outlining how Parliament can provide greater oversight of them. The former Foreign Secretary, the Rt Hon Sir Malcolm Rifkind QC, argues that the ‘internet age’ has led to new threats to UK security. If the intelligence agencies are to respond to modern-day terrorist threats, then we may have to accept greater intrusion into our private lives.

Nevertheless, in order to protect the public, there must be proper parliamentary oversight. The intelligence agencies operate within a strict legal framework which requires their actions to be for a specific lawful purpose, to be necessary and to be proportionate. The House of Commons Intelligence and Security Committee (ISC), which Sir Malcolm previously chaired, provides a pivotal function in ensuring that the agencies meet these requirements. Since 2014, the powers of the ISC have increased. Sir Malcolm celebrates the fact that the ISC now has the power and authority to require, rather than request, all the information needed to conduct its investigations of the agencies.

Each author raises interesting arguments and recommendations. They will not all necessarily agree with one another. But this collection of essays is a strong starting point for Bright Blue’s upcoming work on human rights.

*Ryan Shorthouse is the Founder and Director of Bright Blue*  
*James Dobson is a Researcher at Bright Blue*

## How, rather than if, we change

### Conservatives and race equality

Trevor Phillips OBE

The brutal truth is that it has always been smart politics for mainstream Conservatives to avoid thinking about race, and to ignore the votes of people of colour. To start with, they have been dogged for almost half a century by the disastrous legacy of Enoch Powell. Silence always seemed the better part of valour. And, anyway, until recently there haven't been that many non-white votes to be had. People of colour were less likely to register to vote. Of those who did register, many didn't turn up on the day. Of those who did, the vast majority invariably sided with the Labour Party. And the most compelling argument for remaining tight-lipped about race – for both the left and the right – was that conspicuous efforts to appeal to minority voters were thought likely to lose more white votes than they gained from people of colour.

But things are changing, the Prime Minister's recent declaration that his administration will not have succeeded if it does not make strides in tackling racial and ethnic inequality was a milestone for British politics. He pinpointed educational failure and chronic discrimination as major issues within British society, and called for change. Second, Cameron's appointment of Louise Casey, the candid, no-nonsense civil servant, to encourage the integration of minority groups – not least Muslim Britons – is a refreshing, if belated, acknowledgement that entire communities are gradually drifting away from the mainstream.

Most importantly, the Tory leader's demarche effectively buries the lingering taint of Powellism. Our Prime Minister hasn't yet gone as far as his German counterpart Angela Merkel did in 2005, when

she told Germans that immigrants should no longer be treated as a problem to be solved, but as an opportunity to be embraced. Yet the idea of a non-partisan, national mission to eliminate racial discrimination finally seems possible.

### Changing gears

It's about time. There are several reasons why our country desperately needs a change of gear on race equality. To start with, there's the democratic case. Under both the British and American systems, a party's electoral success can rest on its ability to persuade a minority of opposition voters. But as the Republican Party is discovering, with immigration and asymmetric birth-rates boosting ethnic minority populations, it is increasingly impossible to assemble a credible plurality without appealing to the needs of minority voters.

Second, race in politics isn't only about the influence of minorities. It's also about the principles and values of the whole electorate. In the UK racism has become – amongst the young at least – a kind of original sin. Conservatives could hardly ignore the change in public sentiment.

Third, the centre-right is finally waking up to the fact that many migrants share their values and behaviours. Today, socially conservative African, Filipino and Latino immigrants are breathing new life into both the Church of England and Roman Catholicism. David Voas, a sociologist, predicts that: “The future of religion in Britain is to be found in Islam and the black majority churches”. The 2011 census painted a similar picture of marriage. More than 98% of UK marriages are between couples of the same ethnicity. The character of these unions therefore gives us a good idea of cultural attitudes to family formation within different communities. For households with a UK born head, marriage rates are around 65%; cohabitation rates are 17%. Amongst minority households from the Middle East and Asia – the largest minority group – the equivalent figures are 79% and 6%. The contrast is even more pronounced with Indian households.

And then there is education, often the only legacy left intact after the process of international migration. Academic achievement is characteristically a priority for many immigrant families; children from these backgrounds are twice as likely to receive private tuition outside schools as their white peers. At 29%, the proportion of ethnic

minority pupils is significantly higher in private schools than in state schools (23%). Most of these children are not rich foreigners; even amongst British nationals, minorities are over-represented in the sector. These are ambitious new Brits.

Finally the left's weakness has delivered the centre-right a window of opportunity. After decades of taking the loyalty of ethnic minority voters for granted, European social democracy is struggling to find a story for itself that reconciles social diversity. In the UK, Labour has even surrendered its historic symbolic parliamentary advantage. Before 2010, almost all MPs of colour were on the Labour benches; today, 17 of the 40 minority MPs in the House of Commons are Conservatives.

For the first time in 50 years, the Tories can get a hearing on race equality. But they now face the challenge of developing a modern stance on race equality which does not undermine their commitment to individual freedom and the primacy of the market, or send a signal to white voters that their interests are suddenly less important than those of minorities.

*“After decades of taking the loyalty of ethnic minority voters for granted, European social democracy is struggling to reconcile social diversity with equality.”*

### **A Conservative approach to race equality**

So what should a Conservative race equality programme look like? I imagine that a centre-right strategy would have three arms: political, social and economic.

The easiest is the politics. The Tories have made good ground in shedding their image as a party uncomfortable around people who do not happen to be white. Part of this has been sheer effort. Learning from their Canadian counterparts, and led by the Camerons themselves, the UK Conservatives have ramped up their presence at cultural events, particularly those within the Asian community. In 2015, the think tank British Future suggested that the Tories, who had taken just 16% of the minority vote in 2010, had since accumulated an extra million votes from non-white Britain.

Second, the centre-right could, and probably should, raise the stakes by differentiating itself on issues of social and cultural con-

servatism. The proposal to put more effort into making migrants learn English may be cloaked as an opportunity to bring women, especially in Muslim communities, closer to the labour market; but it is also a cultural clarion call for a policy of active integration. In essence, the message is “join in, or you’ll be left out”.

This does not have to be a hostile or stigmatising proposition; most surveys of opinion suggest that minority communities are more hawkish on language acquisition than the average – they believe that not speaking English well can be a huge barrier to achievement. An effective centre-right race equality policy might also establish programmes to promote religious freedoms for evangelical and other religious movements, for instance by making it easier to set up faith schools. Conservatives could also consider a return to waving the flag for traditional marriage, still popular amongst minorities, though this might appear to clash with Cameron’s manifest enthusiasm for same-sex marriage.

Ultimately, however, any sustainable centre-right programme of race equality must tackle the economic disadvantage suffered by minority Britons. The scale of the challenge is immense; and the resources required unprecedented. Compare our integration programmes with those of Germany and the USA. In 2016, the German federal Chancellery is making a sum in excess of eight billion euros available to help regional governments with extra housing, teachers and other services. This is in addition to the sums normally expended to support integration.

The White House too is deploying big money. Obama has raised 300 million dollars, mostly from the private sector for a single initiative, ‘My Brother’s Keeper’, aimed at keeping young black men out of crime. The publication of data exposing lamentable figures for black and hispanic Americans employed by Silicon Valley’s major companies has spurred the tech giants to invest vast sums into diversity. Intel alone has pledged to spend 300 million dollars over the next four years.

Meanwhile, the UK has no obvious government-wide strategy. The presence of an energetic minority Cabinet Minister, Sajid Javid, may be a catalyst for action but his efforts have yet to materialise into any real, tangible change. A centre-right Government is unlikely to increase legislation or regulation (through quotas, for example). But there is a market-based approach that could make a major difference.

## A market-based approach

First, transparency. We need better information, publicly available and widely disseminated. Consumers should know what sort of company they are supporting. Over the past two years, our team at Green Park Executive Recruitment has shown that the minority presence within the leadership of top UK companies is both tiny (under 5%), and diminishing. This has galvanised some smart business leaders, led by Sir John Parker of the mining giant Anglo American, into trying to clean up our act. They argue that companies with more diverse leaderships attract higher grade talent from all backgrounds.

But fear of breaching the Data Protection Act discourages many companies from keeping reliable ethnicity data. Recruitment firms and agencies cannot offer diverse lists of candidates because they are not allowed routinely to identify people with their ethnic background. A Conservative Government committed to competition would make such information easily available; the excuse that a company “didn’t know where the minority candidates were” would be invalidated.

A centre-right Government would also find new ways of challenging the professional bodies’ stranglehold over advancement in the law, medicine and academia. Whilst at the Equality and Human Rights Commission, I found that the angriest people of colour, who most deeply resented their exclusion from opportunity, were not black teenagers who felt school had failed them, nor poor Asian women on low pay. They were lawyers, doctors and teachers who had worked hard, gained qualifications and lived up to the demands of white society – and yet had found the pathway to the top jobs – judges, consultants, professorships – perpetually blocked. They have a case. There is almost no minority presence amongst the senior judiciary; and just 17 female non-white professors in our universities. It’s deeply frustrating for these people and it’s profoundly demotivating for young people.

Transparency would make a difference here too. Every professional body would be required to publish annual data recruitment and employment compared to the ethnic mix of qualified candidates. Should the situation fail to change, ministers might review the legal privileges accorded to professional bodies – most of which only survive because practitioners need to pay them fees in order to be licensed. The cold breeze of competition would certainly facilitate progress.

Finally, it is in the private sector where ethnic minorities experience the greatest disappointment. Minority graduates are up to 15% less likely to be employed than their white peers; even those in work suffer a 23% ethnic pay penalty. Greater transparency at the level of the individual enterprise will show that there is, in most cases, an equality deficit in pay, promotion and retention.

*“I found that the angriest people of colour were not black teenagers who felt school had failed them, nor poor Asian women on low pay. They were lawyers, doctors and teachers who had worked hard and yet had found the pathway to the top jobs perpetually blocked.”*

A government-led system of financial reward and relief would incentivise companies in this area. An equity levy on companies would create a pool of funds, similar to that created for apprenticeships, aimed towards supporting diversity-centred programmes of sponsorship, development and additional training. Any company bidding for funds from the pool would be required to reveal relevant data which, over time, would encourage openness. On the other hand, companies that did well on the metrics could be completely exempted from the levy.

Britain has come a long way. Most people today, regardless of their background, view race equality as an indicator of a healthy modern society. It is no longer solely a concern of minorities or a partisan advantage for the political left. But we have much more to do. This is a national mission, and whilst the centre-right approach may be different from that traditionally pursued by the left, the debate is now about *how* rather than *if* we change. It is the right argument to have. Let battle commence.

*Trevor Phillips is a former chair of the  
Equality and Human Rights Commission*

## Changing attitudes

### Tackling gender discrimination

#### The Rt Hon Maria Miller MP

In Britain we have some of the most comprehensive legislation in the world when it comes to equality. Whilst the Women and Equality Select Committee that I chair has called for urgent action to better support transgender people, the legal protections against discrimination towards men and women are extensive. So why do women continue to endure blatant discrimination and unequal outcomes?

The evidence shows that for women in Britain today discrimination still lies at or just beneath the surface. Despite a mountain of legislation and good intentions, most women still do not have the same opportunities as men. We are still missing the necessary cultural shift to turn those laws into everyday practice. Rejecting gender stereotyping is central to the solution, as is achieving better gender balance in leadership positions. Our business, political and public sector leaders shape our lives – we need strong female voices at the heart of that decision-making process.

A quick glance at Laura Bates' 'Everyday Sexism' web page graphically demonstrates women of all ages have to face 'micro-aggression'. A growing 'lad culture' in our universities has sparked a Government investigation. Even the film and television industry is waking up to the need to tackle gender inequality in front of and behind the camera. Undoubted progress in legal protection in recent years cannot be allowed to eclipse the fact that opportunities for women are still not the same as those for men. Without further cultural and policy change, the situation already shows signs of deteriorating further.

## Is the world really her oyster?

With record numbers of women in employment, there is nowhere more important than the workplace to tackle gender discrimination. This Government has the opportunity to provide the level-playing field that women deserve, and that previous governments have failed to deliver.

Yes, girls and women outperform boys and men at every level of education. For almost 20 years, more women have graduated from the best universities in our country with better degrees than their male counterparts. Yet only eight in every 100 of the senior managers who run UK businesses are women.

Excellent progress amongst a handful of companies masks the fact that just half of the FTSE 100 reached the target of 24% female non-executive directors on boards, as recommended in the government-commissioned reports by Lord Davies. A lack of science, maths and operational experience is often cited as the reason women do not progress. But the same employment trends are seen outside of the FTSE, in sectors where those skill sets are not a pre-requisite. For example, more than two-thirds of students studying law are women and 48% of practising solicitors are women. Yet, of the top 25 UK law firms, only three have 25% or more female partners. The best and most talented women are not getting through to the top.

*“It has become too easy to pin entrenched inequality at work on women and the choices we make. But balancing family life, caring for children and caring for elderly relatives are not unexpected or obscure choices.”*

It has become too easy to pin entrenched inequality at work on women and the choices we make – subject choices at school, career choices, choosing to take time out of the labour market to have children, and choosing to take low paid jobs because they fit around family life. But balancing family life, caring for children and caring for elderly relatives are not unexpected or obscure choices. Increasingly and rightly, they are not only the preserve of women. Business needs to properly modernise the workplace to reflect this, to meet the demands of family and elder care.

Some businesses remain in denial. The result for women is underemployment, economic inactivity costing millions, a ‘men-only’ approach to leadership, and entrenched under-performance

for women over 35. Women simply ‘Leaning In’ more, as the Chief Operating Officer of Facebook Sheryl Sandberg argues, isn’t going to be enough. To create momentum, we need cultural change from employers too.

### Policy reforms

More affordable childcare is a huge step forward for parents with younger children. Successive governments over the past two decades have started the process of reform and now is the time to finish the task. The Chancellor has to be applauded for expanding tax breaks for childcare – a fiscal tool that will, I am sure, be used more in the future to help ensure work pays for parents with childcare responsibilities. But more affordable childcare alone will not solve the problem. The new right for either parent to take up to a year of Shared Parental Leave acknowledges the importance of men and women sharing the caring responsibilities for their children right from the start.

Nevertheless, businesses and government have been far less successful at ensuring these important policies drive real behavioural and attitudinal change. The Government’s own estimates are that only 8% of fathers will use Shared Parental Leave, mostly because they feel their employers will question their job commitment if they do so. Even where employers such as Unilever offer dads 37 weeks at full pay, they see only 15% uptake. An essential part of tackling gender discrimination is to support men to be able to take a more equal role in caring responsibilities. The evidence shows that the Sweden ‘use it or lose it’ model for paid paternity leave can better drive the cultural change that is needed if men are to start to take on a more equal role in the care of their children and allow women to spend less time away from the labour market when their family is young.

Flexible working is seen as critical for enabling parents to successfully juggle family and work. The right to request flexible work can no longer be seen as a concession for women, but a way to shape jobs around the real lives of people in 21st Century Britain. Business can break free from the traditional model of 40 hours work over five days a week. This was shaped around an era of single-earner households and stay-at-home carers. Especially with many more people facing significant elder care problems, the need to develop more flexible jobs for men and women is long overdue.

Two-earner families are now the norm in Britain. Employers need to change attitudes and practices to reflect this working life revolution in the way they design jobs. Current inflexibility is forcing women to take time out of the labour market unnecessarily, damaging future careers and significantly reducing earning potential. For too many women the only 'flexible' work is part-time and the only part-time work is low pay – meaning many trade down to a less skilled job too. That is why the gender pay gap remains stubbornly high for women over 35 and won't be eliminated unless flexible working becomes the norm.

*“For too many women the only ‘flexible’ work is part-time and the only part-time work is low pay – meaning many trade down to a less skilled job too. That is why the gender pay gap remains stubbornly high.”*

More support for men to take on caring roles and real flexibility in jobs of all types are two small changes, but they could help to demonstrate to women that business and politicians understand their priorities and take them seriously. With Britain in the grips of a skills shortage and a productivity crisis, now, more than ever, we need to tackle gender discrimination head on. The employers who embrace this change in approach will be at a real advantage.

Our legislature has long agreed that every citizen has a right to be treated equally regardless of gender. What we need now is the culture change to put that into practice, starting in the workplace.

*Maria Miller is Member of Parliament for Basingstoke, Chair of the Women and Equalities Select Committee and former Minister for Women and Equalities. Maria is also the former Secretary of State for Culture, Media and Sport*

## Accepted without exception?

Tackling lesbian, gay, bisexual and transgender (LGBT) discrimination

Ruth Hunt

In less than two decades we have achieved a transformation in legal freedoms and protections against discrimination for lesbian, gay and bisexual people in the UK. From the repeal of Section 28, the equalisation of the age of consent, increased protections in employment and in buying goods and services, through to the breakthroughs of same-sex fostering and adoption, civil partnership and same-sex marriage, the journey is well-known, but no less extraordinary for that in its pace and impact.

Many more lesbian, gay and bisexual people can participate in society, at work, in their families and communities, today as full and equal citizens than were able just 10 or 15 years ago. And this legal change has run alongside an equally extraordinary transformation in public attitudes to homosexuality. In 1989, when Section 28 was still brand new, three-quarters of people in Britain thought homosexuality was morally wrong. In 2012, on the eve of the Coalition Government's Same-Sex Marriage Act, two-thirds of the public thought marriage equality was the right thing to do.

### Changing Conservatives

It was vital that this transformation in attitudes was mirrored in the Conservative Party. When Margaret Thatcher's last Government included Section 28 in the Local Government Act 1988, it sent a clear signal that, while the Conservatives had adopted a libertarian approach to economics in the 1980s, traditionalist ideology that

restricted freedoms and prevented people from flourishing still prevailed in Conservative thinking.

Stonewall was set up in reaction to that act, and to lobby for the repeal of centuries of prejudice against lesbian, gay and bisexual people that has built up in our law since the Reformation.

It is often forgotten that Sir John Major responded positively to Stonewall's lobbying in the early nineties, but in the event he lacked the political base and space to make significant progress during his premiership. And in the early part of the new millennium it looked like the Conservative Party would allow the left to take all the credit for transforming LGBT rights in the UK. What changed was the recognition amongst an important and influential section of the Conservative movement that the traditionalist ideology that rejected the idea of equal rights and freedoms to lesbian, gay and bisexual people was an outdated prejudice; one that was hampering, rather than supporting, our society and economy.

Stonewall has been working with over 750 employers in the last ten years to change the experience of the workplace for LGBT people, and that simple message is at the heart of the business case that has helped transform policy and attitudes at all levels of those organisations. Not only is equality right because every individual has inalienable human rights, equality means people can thrive, develop and use the full potential of their talents. But also, for a business or a modern economy competing in the twenty-first century, equality means better performance and an edge that can secure prosperity and well-being.

*“The traditionalist ideology that rejected the idea of equal rights and freedoms to lesbian, gay and bisexual people was an outdated prejudice; one that was hampering, rather than supporting, our society and economy.”*

Leading Conservative thinkers recognised that, and saw the importance of championing the right of LGBT people to be open and be able to live as full and equal citizens. The power of the transformation in the Conservative Party that followed shouldn't be underestimated. Not only did it signal that the Party had put outdated and prejudiced thinking on social issues behind it, it no doubt influenced supporters of the Party whose attitudes hadn't yet shifted

to re-examine their views of equality for LGBT people. But we are at a watershed moment where we face threats and an opportunity to truly realise the potential of the more than four million LGBT people in Britain today.

### What now?

“You’ve achieved everything you set out to do, haven’t you?” is a refrain I hear every week. Despite the fact that there are 80 hate crimes against lesbian, gay and bisexual people in England and Wales every day. And last year one in three transgender people were affected by a hate crime. In our schools today, more than half of all lesbian, gay and bisexual students are bullied, and three in five of those say their teachers don’t intervene. And more than half of all young people do not receive any education about LGBT issues at all.

Many LGBT people experience discrimination when they access health care. A quarter of health and social care staff have seen abuse and discrimination against lesbian, gay and bisexual people by colleagues; and one in five staff have seen poor treatment and derogatory remarks about transgender people.

Still a quarter of lesbian, gay and bisexual people are not out at work, and one in five have experienced verbal abuse from colleagues, customers or service users. And many LGBT people still can’t be open to their family or their friends because they live in a community which does not accept them as themselves. So it’s important that people understand that, while we have seen a transformation in attitudes and legal equality for lesbian, gay and bisexual people, the reality is many schools, workplaces and communities remain hostile to LGBT people.

And for transgender people, who face the highest levels of abuse and discrimination, there are still major changes in the law, in the way institutions and communities respond to transgender people’s needs, and the way individuals react to transgender people in everyday life needed before we can get anywhere near saying that the job is done.

So complacency now is dangerous. And that’s why the Government’s decision to repeal the Human Rights Act at this moment also threatens future progress in removing discriminatory barriers to LGBT people. Though we are yet to see the shape of the proposed

British Bill of Rights, any dilution in the protections afforded by the Human Rights Act will send a signal that an individual's right to be treated equally, with fairness, dignity and respect is qualified. In such a situation those who still maintain that LGBT people do not deserve equal treatment may consider their perspective supported.

*“The reality is many schools, workplaces and communities remain hostile to LGBT people.”*

Of course, any diminution in the rights afforded our own citizens, particularly if our link to the European Convention on Human Rights is threatened, could be interpreted by policymakers in other countries who are hostile to improving freedoms and protections for LGBT people that the UK no longer considers these rights as important as we have previously.

Today the UK is considered to have some of the best legal protections for LGBT people in the world. We have taken a lead in promoting freedoms that unlock LGBT people's potential to succeed and prosper. The emerging thinking on improving freedoms and protections not currently in place for transgender people provide us with an opportunity to maintain that leading position. But we need to make fast progress. Already countries like Malta, Ireland and Argentina have introduced more progressive approaches to empowering transgender people to have their affirmed gender recognised legally.

But the bigger prize will be driving the social change which still needs to happen in our workplaces, our schools and communities. Policymakers will have a role to play in this: in helping to transform our institutions so they treat people with fairness, dignity and respect; and in helping to reframe the debate so that people recognise that we haven't achieved true equality for LGBT people until everyone can be themselves without fear or constraints.

But real change comes from within: from individuals empowered to create change in their own community, in their workplace, in their school. Individuals in faith communities, black and minority ethnic communities, in rural areas, in industries where the concept of being a man or woman does not allow for any difference, and in communities that face high levels of social or economic exclusion. In all these places and others LGBT people are still being held back and are not achieving their full potential.

If we can help to provide individuals, LGBT people and allies, with the tools, confidence and power to create change, they will then in turn empower others in their communities. This domino effect will transform the reality for many LGBT people who cannot be themselves, and we will unlock the talents of thousands more. If we can do that we will genuinely get closer to our ultimate goal that everyone is accepted as they are, without exception.

*Ruth Hunt is the chief executive of Stonewall*

## **Re-finding faith**

### Protecting Christian Britain

Timothy Stanley

Rights compete for privileged status in a liberal society. The right to redefine one's gender, for instance, conflicts with a woman's right to undress in a room reserved strictly for women. The right to speak one's mind on campus comes up against the right of students to live free from unwelcome opinions. And the right to articulate a deeply held religious belief crashes headlong into the right of a whole smorgasbord of groups who don't want to hear it.

Last year, a Christian bakery in Northern Ireland was fined for refusing to make a cake promoting gay marriage. The prosecution was backed by the Northern Ireland Equality Commission, which covered nearly £39,000 in legal fees. This story isn't necessarily evidence of a conspiracy against true believers. It's what happens when a society shrugs off its ancient cultural assumptions, embraces relativism, and invites people to sue their way to justice.

### **Speaking up, speaking out**

Christians have to accept that we can't take Britain's Christian identity for granted anymore. Church attendance is way down, multiculturalism is a reality, atheism is popular, and the establishment is almost antipathetic towards people of faith. While mainstream culture is prepared to accept faith as a vague and private matter, expressions of orthodox dogma are seen as warning signs of insanity – as demonstrated by reactions to BBC1's appointment of a Creationist to present its morning show. Why Dan Walker's private views generated such outrage is unclear. BBC Breakfast mostly presents items on celebrity

weight loss and the Oscars. The day that it tackles Darwinian evolution is the day that it goes dangerously beyond its remit.

All of this is doubly irritating in an age in which horoscopes are widely read and a significant slice of the population thinks Earth has been visited by aliens. The human race is no less credulous than it once was. It's just that its taste in the fantastic has moved on. So we now live in a post-Christian society, surrounded by the archaeology of an almost forgotten faith. One of the jobs of Christians in the next few decades will simply be to preserve – keep the churches open, keep the assemblies going, keep the Church of England's role as the national church. As Hector says in *The History Boys*: “pass it on, boys, pass it on.”

But it's not all doom and gloom. Britain has gone through periods of near-faithlessness before – and come out of them thanks to waves of mini-awakenings fired by popular zeal. In the mid-19th century, Anglo-Catholicism and non-conformism revived the spirit in urban centres. They also injected themselves into politics by fighting child labour and poverty. The idea that some separation of church and state exists in England is a recent, fatuous import from America: we still have an established church and policy has always been framed by religious viewpoints. The Labour Party was a movement dominated by Methodists and Catholics. The Anglicans were once called “the Tory Party at prayer”. In the arts too, Christians need to be as visible as C. S. Lewis, G. K. Chesterton or Malcolm Muggeridge. Speak up, speak out. Let people know that you're a believer.

*“The idea that some separation of church and state exists in England is a recent, fatuous import from America: we still have an established church and policy has always been framed by religious viewpoints.”*

### **The future of Christianity**

Christians ought to illustrate the ways in which their faith has informed so much that is lazily associated with secular liberalism. Humanism, they should remind the public, began in the Catholic renaissance. Tolerance evolved from the notion that conversion should be entirely a matter of free will. Even Britain's constant guilt over its past treatment of religious minorities is, ironically, a Christian

thing: there's no such culture of self-abasement in Turkey, even if it did previously rule millions with an iron fist during the Ottoman period.

Doubt and criticism of one's motives are essential to the Christian ethic. The things that sometimes seem weakest about Western society are actually signs of its moral strength. The certainty and cultural homogeneity found in Arab societies, for instance, has only bred prejudice.

Re-evangelisation of Britain, however, has to start with acceptance that Christianity is no longer in control of European society. Christians have to think and act like a minority. That means being as loud and righteous as other groups have been when pursuing their goals. Happily, legal funds now exist to defend people who are denied the right to wear a cross at work or refuse an unreasonable demand for customer service. We need to be more vocal about fighting for the freedom to preach in the street or to avoid participating in abortion. A fine is deeply irritating, imprisonment an injustice. But both might be blessings in disguise. If the cost of standing up for the tenets of the Christian faith is persecution then that's the price that has to be paid – and it could stir the hearts of onlookers. Never forget that a martyr is a witness. And the Christian story required witnesses for it to be told.

*“Christians have to think and act like a minority. That means being as loud and righteous as other groups have been when pursuing their goals.”*

Christians have to prove not only that they have a right to speak their mind but also that everyone else benefits from having a healthy religious culture. In the past few centuries, Christians have contributed towards the abolition of slavery, the clearing of slums, the fight against low wages and the resistance to totalitarianism. They still have many wonders to perform.

*Timothy Stanley is leader writer for The Daily Telegraph and contributing editor for The Catholic Herald*

## Striking the right balance

### The role of human rights in British diplomacy

Crispin Blunt MP

The promotion and defence of human rights has been a guiding moral purpose for the United Kingdom in international relations since the end of the Second World War. Scarred by the acts of inhumanity committed in that war, the UK, Europe, and indeed the world, formally resolved to place human rights at the forefront of the legal framework of the post-war international order.

The 1948 United Nations Universal Declaration of Human Rights makes this commitment, recalling how “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind” and pledging Member States “to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”. In setting up the Council of Europe and European Court of Human Rights in Strasbourg in 1949, Winston Churchill understood the importance of leading by example: “A European Assembly forbidden to discuss human rights would indeed have been a ludicrous proposition to put to the world.”

*“Winston Churchill understood the importance of leading by example.”*

Now, nearly seven decades later, global interconnectivity, the speed of communications and the spotlight which non-governmental organisations (NGOs) and international organisations put on human rights, makes it harder to hide and ignore human rights abuses. With Europe’s most extensive local diplomatic network, largest aid budget,

global trade patterns and investment flows to and from London, backed by a history intimately intertwined with the notion of rights, the UK has a leading role to play in scrutinising the observance of human rights and using its influence to challenge abuses.

### **A balancing act**

The human rights agenda continues to be contested by many governments, which do not recognise our values as universal or fundamental. The challenge for foreign policy and diplomacy is how we can work with state actors, civil society and business to make progress in improving people's lives, even if the improvements may be painstakingly small and incremental.

There is a moral imperative behind our support for human rights, but there is a practical purpose too. All the evidence shows that respect for human rights and human dignity is underpinned by well-governed, stable and representative government. These too are the best conditions for developing trade and investment. Overall, open markets and trade liberalisation should support good governance and human rights, not run counter to them.

A strong trading and economic relationship with another country may make it easier for diplomats to have access to raise human rights concerns and to gain undertakings – often away from the glare of publicity. Megaphone diplomacy and noisy condemnations will always be heard, but may not always be effective with the key decision makers, unless the target audience is cynically the domestic media and NGOs. We all then feel better, but repression may have hardened. Yet public shaming and isolation of offending regimes can be a spur to progress too. It is much more difficult to gauge the success and effectiveness of private diplomacy, persuasion and support behind the scenes, when this work necessarily is private.

There is also the gradual positive influence which private investment can bring in terms of companies' own conduct in other countries. Many UK and multinational companies have globally-applied policies on non-discrimination which can help create safer spaces and positive examples for women or lesbian, gay, bisexual and transgender (LGBT) employees.

On the other hand, it may be very easy for human rights to fall off the agenda when the overriding dynamic of bilateral relations

is simply to strike deals on market access, trade and investment. For example, the Government has been criticised for turning a blind eye to China's human rights record in its eagerness to improve trade with a country which will undoubtedly become a vast market opportunity as China's middle class grows. In the short term, this presents an obvious dilemma. In the long run, will a more prosperous, literate and educated Chinese middle class not lead to political reform and less authoritarianism?

*“Megaphone diplomacy and noisy condemnations will always be heard, but may not always be effective with the key decision makers, unless the target audience is cynically the domestic media and NGOs.”*

The cancellation of the contract for the Ministry of Justice to provide training of prison staff in Saudi Arabia means we can assure ourselves we have no part to play in a justice system which executes for offences that may not even be crimes in the UK, but did we not give up an opportunity to improve standards and conditions in Saudi prisons? What are the right levels of engagement and pragmatism?

These are difficult questions involving ethical and practical considerations. The Foreign Affairs Select Committee has opened an inquiry into human rights to set out how this Government will answer these types of questions and assess them over the Parliament. An important part of the inquiry will be to examine how the Government's approach to human rights is translated into practice and to measure how human rights issues are prioritised and funded within a complex matrix of diplomatic considerations, including economic and security interests.

The balance between these competing interests will quite rightly always be a matter for debate within and beyond the Foreign Affairs Select Committee. But I hope too that a complementarity of economic and social interests will be able to reinforce the great cause of freedom and human rights in the twenty-first century in a way that honours the principles and values forged by the founders of international law and cooperation in the twentieth century.

*Crispin Blunt is Member of Parliament for Reigate and Chair of the Foreign Affairs Select Committee*

## **Mass movement**

### Responding to the refugee crisis

Justin Forsyth

The refugee crisis is arguably the greatest challenge of our time – the mass movement of desperate people across the globe, fleeing war, persecution and grinding poverty. This is not just a European crisis, but a global phenomenon – though here in Europe our values and identity are being tested in new ways.

The statistics are hard to comprehend. There are currently over 60 million people displaced from their homes worldwide. The brutal war in Syria – now entering its sixth year – has forced 4.5 million people from their country and a further 6.6 million from their homes. Last year we saw one million refugees risking everything to seek refuge in Europe – over three times as many as the previous year. More than a quarter of those arriving in Europe last year were children – 270,000 children making treacherous journeys across sea and across land, the numbers undeterred by baking sun or freezing blizzards.

## **Protecting children**

In my role leading Save the Children for the past five years, I have witnessed the full spectrum of this crisis – in nations torn apart by war or wracked by poverty, along the migration route, and closer to home. I've seen first-hand the true cost of the human rights abuses that force people to abandon their homes in search of safety. Save the Children was set up nearly 100 years ago to protect children whose lives had been torn apart by the wars of adults. Our founder was a remarkable woman, Eglantyne Jebb, who set out to “claim certain rights for the children and labour for their universal recognition”. Her Declaration

of the Rights of the Child was adopted by the forerunner of the UN, The League of Nations, and inspired the current UN Convention on the Rights of the Child. Every country in the world, save one, has signed up to this Convention, meaning governments are bound by international law to uphold children's rights – their right to life, to an education, to be raised by their parents, and to be protected from violence, abuse or neglect.

In the response of political leaders to the refugee crisis, we have seen a global failure to safeguard these rights. Refugee children are victims of discrimination, abuse and neglect. They are highly vulnerable to trafficking and exploitation. Recently the EU's criminal intelligence agency, Europol, warned that at least 10,000 unaccompanied refugee children disappeared in Europe last year. Sadly this figure can only be a conservative estimate, as many children are simply not registered in the first place. Europol have told us that a pan-European criminal infrastructure is targeting refugees; that children are being sold into slavery and the sex industry. Save the Children staff have received reports of a ten year old boy being raped while he slept in a park, and of children being tortured by people traffickers on the migration route to extort more money.

*“Refugee children are victims of discrimination, abuse and neglect. They are highly vulnerable to trafficking and exploitation.”*

The British public has responded with characteristic generosity to this crisis – funding Save the Children teams to do whatever it takes to feed, protect and help desperate families as they make their journeys. Thanks to this generosity we have helped more than 260,000 refugees in Greece alone, providing hot meals and a safe place for children to learn and play. We've also received incredible public support for our campaign asking political leaders to protect the children who are the greatest victims of this crisis. We've been inundated with offers of practical support too – while one of our partner organisations, Home For Good, has registered 10,000 new families who are keen to foster a refugee child. This outpouring of support is driven by the understanding that this crisis has landed on our doorstep – the British public are shocked that vulnerable children are dying on Austrian roads or Greek beaches, just like the ones we visit on holiday. Save the Children helped the Home Office set up a website to martial the

flood of offers from people who want to play their part. This is the Prime Minister's 'Big Society' in action.

### **The political response**

And yet world leaders have struggled to respond to the scale of this crisis. There has been too much talk, and not nearly enough action. The UK government has taken some important steps, though the scale of the crisis demands more. David Cameron MP and George Osborne MP deserve huge credit for ensuring Britain met the commitment to spend 0.7% of Gross National Income (GNI) on aid, despite tough economic times at home – making the UK the first G7 country to meet this historic global promise. Significant resources – and political capital – have been invested by the Prime Minister and the Secretary of State for International Development, Justine Greening MP, into safeguarding the rights of Syrian children. The UK has led the way in aid to support Syrians, pledging over £2.3 billion – making the UK the world's second largest donor to the Syrian region. The London Conference on Supporting Syria, hosted by David Cameron in February 2016, resulted in a groundbreaking settlement for Syrian refugees which will see hundreds of thousands of Syrian children back in school, as well as their parents given the dignity of legal employment.

I know from working with children in crisis around the world how much they want to be in school. When Save the Children asked nearly 5,000 children in nine emergency-affected countries to rank their needs in order of priority, almost 40% identified education as their first priority, and for 70%, education was among their three highest priorities. Yet the international community is failing to answer their call. Education is consistently and significantly underfunded by donors in their response to humanitarian emergencies. This inaction means that of the 11 million refugee children around the world less than half are in school. The impact of this should not be underestimated – not only is education the first step for refugee children to rebuild their lives, it is also a strong foundation for their contribution to their host country – and indeed their home country, whenever returning home becomes an option.

The World Humanitarian Summit, which takes place in Turkey in May 2016, is a critical moment for the international community to invest the resources and signal the political commitment to ensure

children in crisis around the world are offered the opportunity to return to school. This Summit also offers a once-in-a-generation opportunity for world leaders to agree a comprehensive new deal for refugees. As well as action to get refugee children back in school, this deal must include multi-year aid commitments, to enable better planning and response to protracted crises. And it must deliver urgent reform of International Financial Institutions' funding criteria to allow long-term support to middle-income countries such as Jordan and Lebanon, which are hosting 2.1 million Syrian refugees between them. After leading the way at the recent London Conference, the UK is in a strong position to encourage other donors and world leaders to get behind this package. I hope to see our Prime Minister attending the World Humanitarian Summit and calling on his counterparts to rise to this challenge.

### Legal routes

As well as financial measures, this new deal for refugees must involve increased global resettlement, and ensure other safe and legal routes are available to those escaping war and persecution. In the absence of peace – in Syria, Yemen and other conflicts around the world – people will continue to flee. We must enable safe and lawful routes to this country for genuine asylum seekers, to save them from traffickers and from losing their lives in the Mediterranean. After the horrors of the Second World War, European leaders adopted the refugee convention, which proclaimed freedom from persecution and war as a universal human right. As so often, it was British lawyers who played a critical role in drafting this important instrument of international law. As a nation, we made a promise honouring the best of our history and values: that never again would refugees be left to fend for themselves without protection.

David Cameron has made some progress in this area – committing in 2015 to take 20,000 of the most vulnerable Syrian refugees from the region. And in January 2016, in response to Save the Children's work to highlight the plight of unaccompanied refugee children, further steps were announced which will see lone child refugees from the Syrian region and North Africa resettled to the UK. Importantly, the Prime Minister also acknowledged that we have a responsibility to the vulnerable, lone refugee children in Europe – promising to honour

Britain's obligation to give refuge to those who have family links in the UK. We need to see progress to reunite these unaccompanied children with their families as swiftly as possible, given the very real risk of trafficking and abuse that they face every day.

*“We must enable safe and lawful routes to this country for genuine asylum seekers, to save them from traffickers and from losing their lives in the Mediterranean.”*

These commitments are laudable. But the sheer scale of the crisis demands a stronger response – from Britain, from Europe, from the world. The UN's Refugee Commissioner has called for 10% of Syria's refugees to be resettled globally, 450,000 – highlighting that we all need to do more to play our part.

We were all moved by the images of Alan Kurdi's lifeless body washed up on the beach last summer. I have a three year old son, which made it inevitable – and unbearable – for me to put myself in the shoes of his father. The awful truth is that children like Alan are still losing their lives off the shores of Europe – deaths which are needless, and which stain our collective conscience.

The UN Convention on the Rights of the Child demands that we take steps to prevent such loss of life and ensure refugee children are protected – not just because the vulnerability of childhood deserves our compassion, but for a more fundamental reason: because it is their right.

*Justin Forsyth is the former CEO of Save the Children.  
Justin will soon take up the position of Deputy Executive  
Director of UNICEF*

## The duty of rescue

### Helping those without hope

Sir Paul Collier

What can others reasonably expect of us? Our duties towards the global poor are, of course, far more limited than our duties to fellow-citizens. The latter, based on a dense web of reciprocal obligations have gradually deepened with national prosperity. In contrast, our duties to the global poor are not meaningfully grounded in reciprocity.

Rather, they are based on our common humanity which triggers the universal emotion of compassion. We behave compassionately, not because there is any expectation that our generosity will be reciprocated, but because through empathy we see that, had the roles been reversed, that is how we would have wished to be treated. Compassion responds to the cry for help triggered by acute need. That response is the recognition of a 'duty of rescue'.

*“Compassion responds to the cry for help triggered by acute need. That response is the recognition of a duty of rescue.”*

The duty of rescue is a fundamental moral principle, well expressed by the familiar thought experiment of the child drowning in a pond. You, as bystander, have the power to pull the child out. Not to do so on the grounds that it would spoil your new clothes would be recognised not as reasonable self-interest, but as a catastrophic failing: a lack of humanity. The drowning child does not cry out: “I demand my rights!” Such language is the stuff of student unions. But the child’s cry of “Help!” does carry the reasonable expectation that the bystander has a moral responsibility to provide help.

## Britain's responsibility

So what, more specifically, can the global poor reasonably expect of us? They cannot reasonably expect open access to the dense web of the British welfare system with all its implied rights. But the plight of the global poor does generate two acute needs, each of which triggers a distinct duty of rescue. The situations that generate these needs are: humanitarian crises and mass despair of escaping poverty.

The need to respond to humanitarian crisis is manifest. When British people see famine or natural disaster portrayed on television, they donate generously, and for the British Government to do the same is an appropriate expression of common national purpose.

The need to respond to mass despair is less well recognised, but it is a better moral basis for development assistance than the conventional loosely expressed objective of alleviating global poverty wherever it is found. Most societies still have some very poor people: China, India, and even the USA. The poor in those societies that are rich enough to do something about it, such as the USA and now China, are clearly not a collective British responsibility. There is also good reason why the British Government has decided not to provide further aid to India: India is growing rapidly and so even those who have not yet been lifted out of poverty now have credible hope of a better life. Even if those who expect to remain poor for throughout their own lifetimes, at least have credible hope for their children. Such people are poor, but they are not in despair. Like many older British people I have known this situation intimately: it described my parents.

*“When British people see famine or natural disaster portrayed on television, they donate generously, and for the British Government to do the same is an appropriate expression of common national purpose.”*

But some countries are too poor to end mass poverty through redistribution and are not yet on a secure path of economic growth. For some, their entire economic history is of stagnation. These societies are the breeding grounds of mass despair. We all recognise individual despair, when we meet it, as a devastating condition. We respond as best we can with narratives of hope and actions aimed at lifting spirits. Mass despair is even worse than the aggregation of such individual despair: it makes the society vulnerable to sham remedies that can have devas-

tating consequences both for the society itself and for other societies.

Just as individual despair triggers an instinctive individual duty of rescue, so the appropriate collective response to mass despair is nationally provided assistance for development. As with individual responses, those actions need to be astute. Bringing sustained growth to economies that have long been stagnant is invariably difficult. In some situations, such as North Korea, there is nothing effective that we can do and so the duty of rescue is moot. But in many situations we can help, and so it is our duty to do so. I am proud that Britain has built the world's best national development agency; just as I am proud that Britain has built some of the world's finest universities.

### **What about conditions on our assistance?**

Meeting the duty of rescue inadvertently places us in a position of power over those desperately needing our assistance. We must be careful that we do not abuse that power, even in the interest of human rights. The right of the desperate to rescue trumps other considerations. In response to the child's cry for help, we are not entitled to say: "I'll pull you out of the pond as long as you promise to be polite to your parents."

There are some legitimate conditions that we can demand when we provide development assistance to countries characterised by mass despair of escaping poverty. But they relate only to those aspects of behaviour critical for the success of the assistance. For example, it is important that we ensure that British aid is not misappropriated. But it would be an abuse of our power over the desperate to insist that recipients conform to our standards of behaviour if this is not material to the escape from poverty. Especially for a nation with an imperial past, such conditions, even when well intentioned, are heard as imperialism reincarnate.

It is in the nature of moral norms that every society believes that its own norms are right. This is not to degenerate into moral relativism: like you, I believe that Britain's moral norms are better than those of many other societies. But I am wary of exporting our norms by coercive means. For example, I am proud that my generation was the one that rethought attitudes to homosexuality, resulting in the gay rights now established in Britain. I hope that the same transformation happens across Africa. But I am queasy of making gay rights a condition for aid.

We need to convince, not overpower. Academic psychology has established that coercion is usually counterproductive. It provokes an attempt to re-establish autonomy by doing the opposite of the desired action: a phenomenon termed 'reactance'. I recall my father explaining this to me rather more expressively by means of an old British proverb, "a man convinced against his will is of the same opinion still."

*Sir Paul Collier is professor of economics and public policy in the Blavatnik School of Government at the University of Oxford*

## Refinement, not redefinition

What should be in the British Bill of Rights?

The Rt Hon Damian Green MP

It is both bizarre and depressing that ‘Human Rights’ has become a boo phrase for many Conservatives. The protection of the rights of the individual against an over-mighty state has been one of the main principles of conservatism for as long as it has been an ‘ism’, and the post-war attempts to make this British tradition a universal principle ought to make conservatives proud. Instead we are perturbed by what courts can do with the unexceptionable ideals of the European Convention on Human Rights (ECHR), and so we are searching for a new way of cleansing the bathwater without – I hope – losing the baby.

I would start with the principle that nothing should be in this Bill that would break the principles of the ECHR. More specifically, the British Bill of Rights would have failed if it led in the future to the resignation or removal of the UK from the Council of Europe for breaching the Convention.

*“The protection of the rights of the individual against an over-mighty state has been one of the main principles of conservatism for as long as it has been an ‘ism’.”*

This is not to say that the faults are all on the British side. The European Court of Human Rights (ECtHR), which enforces Convention rights, regards it as a ‘living instrument’ which is capable of sometimes radical interpretation. It is true that the world has moved on since 1950, but the point has been reached on some occasions when the Strasbourg court’s interpretation of a human right offends against a wide consensus in the UK, and indeed what the framers of

the Convention had in mind when they signed up to it. This is specifically true in the case of prisoner voting rights, which were considered and rejected by the framers.

### Modest reforms

This suggests that the real task of the British Bill of Rights is a modest one. Not to redefine Human Rights from the beginning – I would say *ab initio* but I am not a lawyer – but to find a way to protect the principles of the Convention from too great a stretching by the Court, especially when it seems to be specifically defying the will of Parliament. In a slogan: ECHR yes, ECtHR not always.

This means that the bulk of the BBOR – if I may create an acronym to put it on a par with its continental equivalents – should consist of writing into British law precisely the wording of the European Convention. This is essentially the same process that the Labour Government followed in 1998 with the Human Rights Act, which was presented as a means of giving decisions back to British courts which would otherwise have been made in Strasbourg. This transposition of the ECHR into a British Act of Parliament needs to demonstrate that in no way does the British Government want to weaken its domestic commitment to human rights, nor to downgrade the ECHR in its essential role as a beacon for societies in which human rights are less habitually regarded than they are the UK or other EU countries. The rest of the Bill will need to set limits on the influence of the ECtHR.

This may be a modest task, but it is a fiendishly difficult one, because those in other countries who are signed up to the Convention – but do not hold its principles in high regard – would love to find a UK-sized loophole through which they could slip some oppressive legislation. I know they find ways of being oppressive anyway, but we should not provide them with convenient fig leaves.

### Parliamentary supremacy

The British Bill of Rights should therefore ensure in law that Parliament is the ultimate source of legal authority, and that the Supreme Court is indeed supreme in the interpretation of the law. This will mean:

- UK courts do not feel required to follow Strasbourg jurisprudence when applying Convention Rights, though they may take it into consideration.
- UK judges are not put in the position of having effectively to re-write legislation agreed by Parliament.
- Greater clarity is given by Parliament on the meaning of Convention rights in UK law, to help ensure that they are applied in accordance with Parliament's understanding of these rights.

In practical terms, this would entail setting out a better balance of how some of the inalienable rights in the ECHR apply to cases of deportation, extradition and other removal of persons from the UK. The Strasbourg court has ruled in some cases that a 'real risk' – not a likelihood – of a person being treated in a way that would infringe his Convention rights is an absolute bar to their being removed to a country where this risk occurs. No balance is given to British national security in cases such as these, even though the Convention itself does not deal with such risks outside control of the state which is a signatory to the Convention.

It would also mean that any individual who has abdicated their responsibilities and infringed certain key rights of another person will not be able to pray in aid qualified rights to prevent the state taking action against them in relation to that infringement. So, for example, a foreign national who takes the life of another person will not be able to use a defence based on Article 8 of the European Convention – the right to respect for private and family life – to prevent the state deporting them after they have served their sentence.

*“A foreign national who takes the life of another person will not be able to use a defence based on Article 8 – the right to respect for private and family life – to prevent the state deporting them after they have served their sentence.”*

There would also be merit in introducing a *de minimis* test – apologies, this really does require Latin – that will apply to the use of Convention rights in UK law, as part of the overall objective of preventing the use of these rights in areas which fall well below the intentions of the Convention's originators and the scope of fundamental human rights.

As well as the legislative effort involved in achieving these ends, there will need to be a diplomatic effort in persuading the Council to accept these changes to our human rights laws. As long as the British Government is genuinely committed both to maintaining human rights in this country and to maintaining the ECHR's standing around the world this should not be impossible. I do not believe that there is a widespread desire to remove Britain from the Council of Europe, which would be the ultimate sanction. Therefore, although the task of producing a workable British Bill of Rights is indeed difficult, it should not be impossible, and could at best return 'Human Rights' to being a phrase which all of us regard in a positive light.

*Damian Green is the Member of Parliament for Ashford  
and the former Minister for Immigration*

## Public servants or public threat?

Intelligence in the internet age

The Rt Hon Sir Malcolm Rifkind QC

Intelligence agencies in any free society should not be treated with unqualified enthusiasm. First, they are secretive, and must remain so in regards to a very high proportion of their capabilities and activities. This, inevitably, makes it much more difficult for Parliament to hold them accountable than with any other part of government or of the public sector. Second, to fulfil their statutory responsibilities and serve the public interest they must be given lawful authority to carry out deeds which, if carried out by any other citizen, would constitute criminal offences. They have legal authority to hack computers, intercept phones or break into people's homes to plant bugs. In any democracy that should make all of us uncomfortable.

For the public to accept such powers there needs to be proper oversight of the agencies – namely, MI5, MI6 and GCHQ. But, it is unavoidable that oversight can only be exercised by enabling people to have access to the secret information that the agencies gather. Apart from senior Ministers and a small handful of public servants, that access is limited to the quasi-judicial Commissioners and to the Intelligence and Security Committee (ISC) of Parliament which I chaired from 2010 to 2015. If the public are to be supportive of the work of the intelligence agencies they must not only have trust in them but also in the independence and integrity of those who carry out the oversight task.

Some of the secrecy which used to surround the agencies has gone. Today, the intelligence chiefs have been questioned in front of TV cameras; their names are known as are their places of work, in Vauxhall, Thames House and Cheltenham, to a degree that would have

been inconceivable even 30 years ago. But, although there has been much greater openness, there needs also to be continuing examination as to whether transparency can be further enhanced and secrecy modified without harm to their operational effectiveness. During these years of increasing openness, the priorities of the agencies and the technical capabilities available, not only to them but also to those who would do us harm, have changed out of all recognition. The advent of the internet age and its implications for the world of intelligence is, perhaps, the profoundest change of all.

For many years the primary purpose of our secret services was to find out the secrets of hostile governments and their leaders; to protect the secrets of our own government; and guard against internal subversion. Espionage and counter-espionage were the classic priorities. During the Cold War, spying was still largely conducted at a state-to-state level. The IRA campaign in Northern Ireland and on the British mainland was the one significant exception. After the Soviet Union collapsed, the spies were brought in from the cold. Then, the tragic events of 9/11 in New York, and the London bombings in 2005, changed everything. We found that many of the terrorists had not come from abroad but were British citizens, so alienated from our society and values that they were prepared not only to blow themselves up but to take with them as many of their fellow citizens as they could.

### **The internet age**

At the heart of the development of the international terror networks that most threaten our safety is the rise and spread of the internet. Global terrorists communicate globally, and this means using e-mail, social messaging, chat rooms, webcams, online gaming platforms, mobile applications and a whole host of other media. It allows extremists to organise and prepare acts of terror, without ever having to meet face-to-face. Many young Britons, already radicalised or at risk of radicalisation, are in regular contact with people in remote, distant, hostile or ungoverned territories. We have to come to terms with a world in which potential terrorists communicate using sophisticated encryption technology, and are just as much in contact, through the internet, with sympathisers in Yemen or Pakistan as they are with those in the UK.

If actual or potential terrorists are to be apprehended, there is likely to be a considerably greater degree of intrusion into the privacy of the public by the security services than was required when our enemies were restricted to foreign governments. It is, of course, not surprising that the intelligence agencies may possess capabilities about which the public have not been fully aware. This should not be controversial in itself – any intelligence agency would be rendered obsolete were all of its capabilities to become common knowledge.

Some people presume that the intelligence agencies have some sinister intent and are indifferent to the loss of privacy that their activities entail. Most, however, who express concern are more reasonable. They acknowledge that the agencies seek to operate within the law but question whether any system of monitoring that is not targeted, exclusively, at known or suspected terrorists is either justifiable or necessary.

Since 1994, intelligence agencies have had to operate within a very strict legal framework. First, their actions must be for a specific lawful purpose. Second, their actions must be necessary. Third, their actions must be proportionate. Unless they can meet all these requirements, any use of their capabilities would be illegal. The agencies must also comply with the 1998 Human Rights Act. This includes an individual right to privacy which may only be interfered with to protect the safety of society as a whole.

*“If actual or potential terrorists are to be apprehended, there is likely to be a considerably greater degree of intrusion into the privacy of the public by the security services than was required when our enemies were restricted to foreign governments.”*

### **Parliamentary oversight**

Parliament’s ISC had inadequate power to do its job until 2014. First, when conducting an investigation, the Committee could only ‘request’ the necessary documents from the agencies. There was no legal right to insist on it being provided. I do not suggest that, in the past, the agencies purposely obfuscated or tried to hinder investigations. But an ISC investigation did not impose upon them the same statutory demands to provide all the relevant material as would be required, for example, for a court case. Second, while the ISC was formally responsible for scrutinising the agencies’ policy, resources and administration, it had

been given no responsibility for scrutinising agency operations. Operations are, of course, the most sensitive and important part of the agencies' activities and are what give rise, from time to time, to most public concern, as was seen with the Edward Snowden allegations in regard to the UK Government Communications Headquarters (GCHQ).

In practice, the ISC was able to oversee many aspects of agency operations, but these were restricted to investigating a specific event at the request of the Prime Minister such as the London bombings of 2005, or allegations, such as rendition, that had surfaced in the media. The ISC did not have the statutory right to investigate operations at its own discretion.

The Government accepted the Committee's own proposals for reform and Parliament approved them in the 2014 Justice and Security Act. The reforms to the ISC in the Act constituted a radical transformation of the ISC's powers. The ISC now has statutory responsibility for the retrospective oversight of MI6, MI5 and GCHQ operations for the first time. The committee also has the statutory right to ascertain the agencies' capabilities in a systematic, as opposed to an ad hoc, manner. The agencies are now reporting to the Committee on a quarterly basis with detailed information on their operational activities in the preceding period. GCHQ has been providing information on the full spectrum of its capabilities.

The ISC now also has statutory authority to require, as opposed to request, all the information, including the raw intelligence it requires in order to conduct its investigations. The most radical change is that the ISC's own staff now have the right, and are using it, to go into the agencies offices and, together with agency staff, decide the files that will be given to the ISC, as opposed to having agency staff doing it on the ISC's behalf.

### **Intelligence in a democracy**

The distinction between intelligence agencies in democracies and those in authoritarian systems is crucially important. Intelligence agencies exist in every state, both democratic and authoritarian, throughout the world. While they share certain things in common, we must never lose sight of the differences. Intelligence agencies within authoritarian systems may wish to protect the public from terrorism and some types of serious crime but their primary objective is the preservation of the regime they serve.

It is ironic that the US National Security Agency (NSA) defector, Mr Edward Snowden, in the name of privacy and the rule of law, chose China and Russia from which to launch his attack on the United States. Our agencies are not, and do not wish to be 'all-seeing', nor 'all-hearing'. Their capabilities have been designed only to pursue their lawful, narrowly defined objectives.

*“Intelligence agencies within authoritarian systems may wish to protect the public from terrorism and some types of serious crime but their primary objective is the preservation of the regime they serve.”*

True public servants operate with honest intent, lawful authority and subject to rigorous oversight. These are the values that distinguish public servants from a public threat. That is how those who work for our intelligence agencies see themselves. That is how most of the public see them. That has been my own experience seeing them at work over a number of years. It is in all our interests that this should remain their justified reputation in the internet age.

*Sir Malcolm Rifkind is the former Member of Parliament for Edinburgh Pentlands (1974-1997) and Kensington and Chelsea (2005-2015), and the former Foreign Secretary*

Human rights are increasingly unpopular. The judgements of European courts and ‘rights inflation’ have made conservatives especially sceptical. But human rights are essential – to protect individuals, including from an overarching state.

In this essay collection, a broad group of influential people, both conservative and independent, outline ways in which human rights could be strengthened both in the UK and abroad by centre-right politicians and policymakers. There are three themes in particular that are focussed on: tackling discrimination – including gender, sexual, religious, disability and racial discrimination; ensuring the new British Bill of Rights strengthens human rights; and advancing human rights in British foreign policy.



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[www.brightblue.org.uk](http://www.brightblue.org.uk)  
[connect@brightblue.org.uk](mailto:connect@brightblue.org.uk)

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