



By: Murray Hunt

Human rights laws stand a chance despite populist narratives



The international order that emerged in the aftermath of World War II is confronting a legitimacy crisis, and the system for protecting human rights is no exception.

Nationalist-populist narratives portraying human-rights treaties and the institutions that uphold them as examples of foreign interference in domestic politics, and thus undemocratic assaults on sovereignty, are taking hold even in countries that led the world in creating them.

Restoring this system's legitimacy will require imaginative global leadership that recognizes, as former British Prime Minister **Gordon Brown** puts it in his new book, the umbilical connection between the local and the global. British Prime Minister Andy Burnham now has a critical opportunity to do just that.

In 2009, as secretary of state for culture, media, and sport, Burnham spoke at the 20th anniversary commemoration of the Hillsborough stadium disaster, when a human crush at a Liverpool soccer match resulted in the deaths of 96 fans (a 97th died of related injuries years later).

But **furious audience members** interrupted his speech with chants calling for "justice for the 96."

The tragedy had been the result of incompetent policing, and there had not been nearly enough transparency in the ensuing investigation or accountability in its wake.

Hillsborough Law

Now, some measure of justice may finally be arriving, in the form of the so-called Hillsborough Law, now being considered by the House of Lords.

Officially called the **Public Office (Accountability) Bill**, the legislation would establish a "duty of candor and assistance" for public authorities and "introduce parity of representation for bereaved families at inquests."

More broadly, the legislation could transform the public's understanding of what human-rights law can do for them.

Recent polling points to weakening support in the UK for remaining in the European Convention on Human Rights

In the United Kingdom, print and broadcast media churn out **stories**, amplified by social media, that create the impression that human-rights laws protect "other," undeserving people—not ordinary British citizens.

In fact, the narrative goes, human-rights protections directly undermine the things people really care about: security, democratic accountability, and national sovereignty.

The population appears increasingly convinced by such stories. Recent **polling** points to weakening support in the UK for remaining in the European Convention on Human Rights.

Far from resisting this trend, many mainstream politicians have jumped on the bandwagon.

For the first time, all the UK's political parties on the right favor withdrawing from the ECHR, making the UK the only country that might do so after the next election.

European Convention on Human Rights

But the story of the **Hillsborough Law** shows the importance of human-rights laws, not least the **ECHR**, to help ordinary people hold the state accountable for its costliest failings.

In fact, were it not for the ECHR, the families of the Hillsborough victims would not have been able to secure inquest verdicts that their loved ones had been unlawfully killed.

Domestic political will played a crucial role in driving the Hillsborough legislation forward

To be sure, domestic political will played a crucial role in driving the Hillsborough legislation forward, and politicians from all parties (including Burnham) showed leadership at different points in the process.

But ECHR case law was also essential: the European Court of Human Rights has interpreted the right to life contained in the ECHR as requiring the state to carry out an effective investigation if the state is implicated in a death.

Had that legal requirement not been part of UK law, “justice for the 96” would probably still be a distant prospect.

Of course, these families have already waited far too long. And they are not alone.

State failures have contributed to many other disasters, including the contaminated blood scandal of the 1980s, the Manchester Arena attack and the Grenfell Tower fire in 2017, and the recent Post Office Horizon fiasco.

Far from weakening the case for human-rights laws, such episodes show why we need stronger ones.

Burnham could turn the tide of public opinion on human-rights laws

While the rights that are enumerated in the ECHR are reflected in UK law via the Human Rights Act, more detailed national laws are needed to clarify how these rights are to be upheld.

That is what the Hillsborough Law would do: put flesh on the bones of the underlying legal rights established by the ECHR.

Such detailed measures make it much more

likely that the state will be held accountable for any future failings.



Andy Burnham is well positioned to turn the tide of public opinion on human-rights laws

This is how the ECHR system is meant to operate. Beyond making ECHR provisions part of their legal systems through important laws like the Human Rights Act, states are supposed to adopt, through the democratic process, detailed national laws giving meaningful protection to those rights within their particular legal system.

The result is a framework that empowers ordinary citizens to hold their governments accountable for violations, without having to resort to a supranational court.

Given his record on Hillsborough, Burnham is well positioned to turn the tide of public opinion on human-rights laws and provide the sort of imaginative international leadership that is needed to safeguard and strengthen the global system for protecting human rights.

With his words and actions—including support for the Hillsborough Law—he can make clear that human-rights law is on the side of the people.

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