

Government behaving badly: human rights and responsibilities

The riots which swept across the country in the summer of 2011 prompted a spate of national soul searching. What had gone so badly wrong that young people were willing to burn and loot their own towns? For many, this was a generation which had not learnt its duty to the rest of society. In his speech after the riots, the Prime Minister pointed out a number of culprits for this: including the “twisting and misrepresenting of human rights in a way that has undermined personal responsibility”.¹

This idea that too many freedoms or too few obligations undermine responsibility deserves to be taken seriously because it is at the foundation of serious proposals for reform. But what do human rights have to do with responsibilities?

The myth of “too many freedoms”

The European Convention on Human Rights doesn't say anything about the responsibilities of individuals. It is important to acknowledge that for many people, this disconnect between rights and responsibilities offends notions of what is fair. Why should that prisoner or terrorist be able to make demands about his own freedoms when he has such clear disregard for those of others?

The answer is this: civil and criminal law imposes countless responsibilities and obligations on individuals. The rules cover not just behaviour which has serious consequences for other people, like assaulting someone or stealing, but goes right down into the minutiae of everyday life. Decide not to recycle at home? Your council could decide to fine you. Want to get married in a civil ceremony? Your readings will have to be approved by the council first.

In other words, individuals are restricted by government as to what they may or may not do in every sphere of their life. The contrast between this and the small and limited number of rights they are guaranteed by the Convention is significant.

What about government behaving responsibly?

¹ The Rt Hon David Cameron MP, *PM's speech on the fightback after the riots, 15 August 2011*. Available from <https://www.gov.uk/government/speeches/pms-speech-on-the-fightback-after-the-riots> [27 March 2015]

When the government proposes limiting human rights, it is really saying that it wants more latitude to act as it wants towards people it doesn't like. But if the argument is that individuals have less respect to society as a whole when they are given more rights and are under fewer obligations, why should the same also not be true of government?

The point has even more force when the huge imbalance of power between government and the individual is taken into account. An irresponsible person might loot shops or set fire to property, but the scale of the damage that they can cause is dwarfed when compared to an irresponsible government. Of course, the majority of government officials are in fact both well intentioned and competent. But this has not stopped human rights abuses happening in the past and won't in the future.

It's true that both an irresponsible private individual and an irresponsible minister might end up on the wrong side of the law. But while government has the resources to ensure that individuals are held to account for their actions before the courts, successive reforms have made it ever harder for individuals to do the same to government. And even if someone gets as far as obtaining a judgment declaring the government's conduct unlawful, the defendant minister always has the option of using her position as a Member of Parliament to try and change the offending law.

Nurturing mutual respect

Humans are social creatures; it is right that both private persons and governments have a duty to behave responsibly towards others. For individuals, including those caught up in the riots, this requirement is made enforceable by the whole swathes of laws which regulate what they can and can't do. The human rights regime does the same for government. Taking human rights away won't make individuals more responsible but could make government less so.

And what about those people who do not have the very basic rights set out in the Convention honoured? Are they likely to be more respectful of the needs of the rest of society or less? Research done in the aftermath of the riots noted the widespread anger among rioters over police discrimination and lack of

respect, as well as perceived social and economic injustices.² This is not an excuse for criminal behaviour, but it does form part of the explanation. If we want a better society, government needs to take more responsibility for its actions – and that means championing more human rights, not fewer.

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² The Guardian and the London School of Economics, *Reading the riots: Investigating England's summer of disorder* [December 2011].