

Response to proposed Reforms of Human Rights Bill

John Raven

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General

While many of the proposed reforms of the Bill seem reasonable taken one by one, my general impression is that, on the one hand, they still leave us with a level of complexity that will provide endless grounds for legal disputes, waste of time and money, and litigation which will create serious stress for those concerned and their families.

More importantly, on the other, they fail to engage with many potential and actual infringements of civil liberties and human rights, particularly on the part of the government and its agencies.

Put bluntly, while to government is, rightly, concerned to stem the proliferation of rights and contradictions in some areas, there seems to be an urgent need to spell out the implications for human rights relating to life, liberty, and happiness of recent developments in society. These have major implication for government and its agencies relating directly to the protections historically afforded by the Magna Carta. There may even be a need for an external court to enforce them. The issue now is not one of the king vs the nobles but government vs the people.

Changing tack somewhat, reflection on the huge infringements of life, liberty, and happiness that have occurred across the globe almost without protest over the last two or three years leads to the somewhat paradoxical conclusion that the most important thing any government to do to protect freedom is to nurture a civic culture which is predisposed to resist government directives.

My impression is that, at the end of the day the tinkering that is proposed will not help us much to deal with complex issues such as what to do about would-be migrants arriving in rubber dinghies.

Nor do they help us to deal with “unintended” consequences of current legislation such as the appalling conditions in which benefits claimants and asylum seekers (and pupils in schools) often find themselves as a result of unbridled application of rules and regulations.

It seems to me that it is impossible to envisage and provide for all such eventualities through legalistic frameworks.

The attempt to do so results in the proliferation of legislation. A possible answer has to do with holding public servants directly responsible for the effects of their actions¹.

I agree with the claim that lawyers (and “scientists”) have somehow come to displace parliament in the determination of affairs.

On the other hand, the assertion that the role should be returned to parliament seems to me facile. Parliament is grossly overloaded and insufficiently open to public scrutiny. Very many pieces of legislation get passed through parliament in short end-of-day sessions with virtually no debate while many others never see the light of day at all but are simply enacted through executive orders².

In any case, politicians are not noted for carefully considering the wider effects of their actions, however well intentioned.

But, whatever about these issues, they pale into insignificance in comparison with the total neglect of human rights/civil liberty issues which have come to the fore in connection with electronic devices, the growth of international trade, and the financial system.

And these in turn pale into insignificance in comparison with the worldwide death and destruction that has been inflicted on the peoples of the world in the name of “advancing the common good” over the past few years. This has occurred despite most governments’ signature to international agreements on human rights. Nothing could better illustrate the problems inherently involved in seeking to generate a legalistic framework to guarantee freedom.

Human rights/civil liberties issues associated with electronic surveillance.

Alerted to the idea that there may be oversights in this area, I searched the document for the following words: surveillance (1 mention), phone (tracking, on-line “vaccine passports”, monitoring of internet usage [mandatory carrying of phone in China]), smart (phone), passport (1 mention), facial (recognition), ID (cards), tagging, monitoring of internet usage (there is a single reference in para 208 where we are assured that the government is committed to free and open access – but there is a sting in the tail saying “in accordance with democratic values”. If the words “majority” or “vociferous moralists” is substituted for “democratic values”, the problem posed for the rights of non-mainstream values becomes clear.)

How could this be? Electronic monitoring activities must encompass some of the most serious interferences with human rights/civil liberties of all time.

And they are not limited to these things. The intrusions include monitoring internet usage on computers, getting “smart meters” and Alexa to track and record conversations and movements within the home as well as entries and exits from it, pervasive CCTV cameras, the completion of compulsory GERFEC and SHANARRI questionnaires in schools and homes, social workers’ access to all family health and criminal records, and the control of the information we receive over the internet by censorship, algorithms, and bots.

Then again, we have become dependent on the internet to claim benefits, access services, challenge abuses of our rights, and contribute to public debate.

Then, of course, there is the problem of drones.

Especially during Lockdown, our ability to contribute to the governance process – which many would claim to be a fundamental human right – has become constricted. And the voices of a few – especially – “scientists” and those who claim to know what is in the public interest – have been amplified. How can we contribute in a meaningful way to public debate if the information we need has been censored or, worse, doctored?

Of course, all this might be deemed to be OK if it could be assumed that we were all, or should be, law-abiding citizens. But here is the catch: It is impossible to be both a law-abiding citizen and a good citizen because so many laws are unjustifiable (especially when applied to sub-sectors of the population) and thus merit evasion or protest.

We have been taken over by a safeist culture which claims to seek to protect all from harm but, in the process, wreaks unimaginable harm on some of those involved and undermines the capacity to build resilience and tolerance.

At the very least, what is needed is a set of clauses under which citizens can resist such intrusions into their lives.

Invisible attacks on our life, liberty, and human rights

But these things are not the end of the matter.

Many of us are subject to infringements of our life and liberties of which we are unaware. Ostensibly, we have a right to a healthy diet. We are urged to pursue 5-components-a-day diets. But the value what appear to wholesome vegetables has been destroyed by pesticides destroying the bacteria which are essential to the plants’ uptake of the minerals on which we depend and the toxic pesticides themselves find their way into our bodies³. The meat is contaminated by bacteria which have been fed to livestock and are destructive of our immune systems.

Ostensibly, we have a right to heat our homes in the way we choose. But we find that we have been forced to become dependent on heating and cooking systems, whether by gas or otherwise, which depend on electricity and the internet for their functioning. We have been forced to become extraordinarily vulnerable. We have very few means of escape. Exercising the right to do so was always difficult, but it has become more so.

We have an “educational” system which is dedicated to legitimising and enacting hierarchy rather than nurturing the diverse talents available to all. Millions suffer from it⁴. How can they enact their rights to health, happiness, and respect? Note the problem: current arrangements were enacted by parliament, so the enactment of the human rights of pupils and parents is going to go *against* decisions taken by the ultimate law maker. Maybe it is for the courts to adjudicate on the issue. Maybe the need is for a requirement that those administering the law (teachers, social workers) exercise personal responsibility for

ameliorating the effects of the law when they can see that the law is having unanticipated harmful effects⁵.

What could a revised UK Human Rights act do to help us protect ourselves from these threats to our lives and liberties? Our health and happiness.

The destruction of Human rights via policies implemented in the name of halting the spread of COVID.

Numerous within-nation studies of the collateral damage inflicted by Lockdown and related policies have revealed that the cure was much worse than the disease. Unfortunately, these studies focus mainly on health-related deaths (such as from inability to get treatment for cancer) and do not include such things as deaths inflicted on Bangladeshi workers arising from the cancellation of garment production in the West or the deaths among Indian subsistence farmers arising from inability to obtain supplies and market produce.

Two years ago^{6 7}, the UN World Food Programme reported that some 130 million people were likely to die as a result of worldwide lockdown policies.

A more recent review by D.W. Allen⁸ concludes that, dependent on variation in the quality of data, somewhere between 3.2 and 282 life-years have been lost for every life-year saved by the Lockdown policies. A more secure figure for Canada is that 141 life-years have been lost for every life-year saved.

From the point of view in this response, it is important at this point to reiterate that this huge number of deaths has arisen from policies implemented “in the long term public interest”.

How are we to take action, on a worldwide basis, to hold those concerned accountable and take steps to ensure something similar does not happen again?

It would seem that the steps that were taken to do this in the middle of the last century and subsequently embedded in endless legislation and case law have utterly failed us.

What can a reformed UK Human Rights Act do about it?

We need to be better able to monitor, and influence, what governments – and other social institutions – are doing⁹.

But the real horror of what we have observed over the past few years is that the vast majority of the population accepted both the governments’ impositions (including the virtual lockdown of the governance process) and the story used to justify those impositions without question and without protest.

The failure to question the story behind the impositions is perhaps understandable – checking the claims that have been made is a difficult and demanding activity which few have time to undertake. And, anyway, the requisite information has often been censored or distorted.

But the willingness of most of the population to march to the tune of a distant drummer without considering the implications for their own future freedom – nominally the most cherished of our rights – was, until this event occurred, virtually unimaginable – or at least something which, although common in the witch-hunts and manic/hysterical religious episodes of earlier years – had last occurred in the middle of the last century and been seen off by Human Rights legislation.

Few recognised that such things as conforming to commands to wear a mask and acceptance of censorship were in danger of becoming the first steps in a trail of minor acceptances leading to the arrival of a totalitarian state¹⁰.

Few noticed the government's abuse of science, logic and authority¹¹, their deployment of censorship, and their deliberate creation of a climate of fear and deployment of psychological techniques¹² to induce compliance with a destructive and abusive network of policies.

Taken as a whole, these observations suggest that the real problem is not so much to stem the proliferation of legislation (important though that is) as to create a civic culture in which citizens are predisposed to take action against abuses of law and authority¹³. There are areas of life in which the law has no role and in which its operation should be confined to an absolute minimum.

All in all, I cannot avoid harbouring a suspicion that the issues raised by the government, and proposals being made by them in the current draft of the reform Bill, while in some ways important, are somehow diversionary.

Notes

¹ Raven, J. (2018) *How to deal with Atrocities Invented and Perpetrated by Public Servants?*

<http://eyeonsociety.co.uk/resources/How-to-deal-with-atrocities-perpetrated-by-Public-Servants-2.pdf>

² The notion (Questions 15 and 16) that such secondary legislation should not be open to scrutiny by the courts seems to me extremely dangerous, perhaps revealing a hidden agenda.

³ eg *The Big Secret* <https://www.youtube.com/watch?v= QGPxlx0oOY>

⁴ Raven, J. (1994). *Managing Education for Effective Schooling: The Most Important Problem Is to Come to Terms with Values*. Unionville, New York: Trillium Press. www.rfwp.com; Edinburgh, Scotland: Competency Motivation Project, 30, Great King Street, Edinburgh EH3 6QH. http://eyeonsociety.co.uk/resources/fulllist.html#managing_education

⁵ See Note 1.

⁶ UN food program (2020) [1] *Global report on food crises* [https://www.wfp.org/publications/2020-global-report-food-](https://www.wfp.org/publications/2020-global-report-food-crises)

[crises](https://www.wfp.org/stories/risk-hunger-pandemic-coronavirus-set-almost-double-acute-hunger-end-2020) [2] *Risk of hunger pandemic as coronavirus set to almost double acute hunger by end of 2020*

<https://www.wfp.org/stories/risk-hunger-pandemic-coronavirus-set-almost-double-acute-hunger-end-2020> 265 million people (up from 135 million) in low and middle-income countries will be under severe threat unless swift action is taken to tackle the pandemic.

⁷ <https://www.wfp.org/news/wfp-chief-calls-urgent-funds-avert-famine>. However, the UN World Food Programme has elsewhere reiterated that COVID-related hunger could kill more people than the virus [https://unglobalcompact.org/take-action/20th-anniversary-campaign/covid-related%20hunger-could-kill-more-people-than-the-virus`](https://unglobalcompact.org/take-action/20th-anniversary-campaign/covid-related%20hunger-could-kill-more-people-than-the-virus)

⁸ Allen, D.W. (2022) Covid-19 Lockdown Cost/Benefits: A Critical Assessment of the Literature. *International Journal of the Economics of Business* Volume 29, 2022 - Issue 1 p 1-32 <https://doi.org/10.1080/13571516.2021.1976051> Non paywalled version at <https://www.sfu.ca/~allen/LockdownReport.pdf> After comparing regions with and without lockdowns around the world, and after counting the negative effects of lockdown on public health, he concluded that, for every year of life lockdowns has saved, it has caused the loss of between 3.2 and 282 years of life, the figure for Canada being 141 life-years lost for every life-year saved.

⁹ Actually, we need to evolve alternative forms of government, perhaps along the lines set out in Raven, J. (1995). *The New Wealth of Nations: A New Enquiry into the Nature and Origins of the Wealth of Nations and the Societal Learning*

Arrangements Needed for a Sustainable Society. Unionville, New York: Royal Fireworks Press

http://eyeonsociety.co.uk/resources/fulllist.html#new_wealth

¹⁰ Cf Lord Sumption <https://www.express.co.uk/news/uk/1262338/Coronavirus-hysteria-Lord-Sumption-BBC-police-lockdown-UK-response> Also directly relevant is: Lord Sumption: *Lockdown errors and the importance of due process* <https://www.youtube.com/watch?v=HQSONL6NEEw>

¹¹ Raven, J. (2020, July). *Some abuses of "science", logic, and authority illustrated from responses to the COVID-19 threat and especially in the Dynamic Systems Models being used by policy consultants*.

<http://eyeonsociety.co.uk/resources/Abuses-of-Science-and-authority-COVID-19.pdf> Also available on Systems Community of Inquiry and

[https://www.researchgate.net/publication/343127688_Some_abuses_of_science_logic_and_authority_illustrated_from_responses_to_the_COVID-](https://www.researchgate.net/publication/343127688_Some_abuses_of_science_logic_and_authority_illustrated_from_responses_to_the_COVID-19_threat_and_especially_in_the_Dynamic_Systems_Models_being_used_by_policy_consultants)

[19_threat_and_especially_in_the_Dynamic_Systems_Models_being_used_by_policy_consultants](https://www.researchgate.net/publication/343127688_Some_abuses_of_science_logic_and_authority_illustrated_from_responses_to_the_COVID-19_threat_and_especially_in_the_Dynamic_Systems_Models_being_used_by_policy_consultants)

¹² Dodsworth, L. (2021). *A State of Fear*. London: Pinter & Martin Ltd.

¹³ They also suggest that there is need for systematic study of the nature and diffusion of the kinds of mental virus that contribute to mass hysterical phenomena of the kind we have recently witnessed and are also evident in mass religious and revolutionary movements.