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IS THE HUMAN RIGHTS ERA DRAWING TO A CLOSE?

Conor Gearty¹

ABSTRACT

The challenge that human rights face today have not come out of the blue. Rather they are the result of what from the human rights perspective are three systemic weaknesses in the architecture of the post-World War Two political settlement: the acceptance of national sovereignty; the focus of human rights on governmental rather than private power; and the relative weakness of social and economic rights as compared with more traditional civil and political guarantees. The attacks of 11 September 2001 and the financial collapse from 2008 have exposed these weaknesses and the responses to both have threatened the system in a direct way. At a time when the United States has forsaken any role as defender of international human rights, even on a hypocritical basis, the future might appear bleak. But a reinvigorated Europe may yet operate as an antidote to pessimism.

TEXT

Whether temporary or permanent, the withdrawal of the United States from a lead role in world affairs has many immediate implications. Not the least of the spheres affected is American engagement in what can be broadly described as the promotion and protection of ‘universal human rights’. Not much space will be given over here to proving the thesis of Trump-inspired withdrawal from this field.² We know the game is up, that human rights have been reduced to another of those transactional concerns that holds the President’s attention for a minute or two while policy gets made around him, when the Saudi leadership and the Phillipine’s president get applauded while Iran gets slated the day after its elections and Cuban relations are put back on ice because of the President’s ostensible concern for human rights abuses ongoing in that country. Of course there have always been double standards at work here, calculated hypocrisies even. But the Trump ascendancy is marked by an nearly-admirable level of honesty – there is no effort to square the circle, to develop some kind of distinction between ‘authoritarian’ and ‘totalitarian’ states as Reagan’s UN envoy Jeanne Kirkpatrick did,³ or to rationalise some strong men as caterpillars-about-to-become-democratic-butterflies as Carter might have tried.⁴ No: Trump and his gang know we know they are making it up, and they don’t care.

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² M. Posner, “Trump Abandons the Human Rights Agenda” (26 May 2017), *New Yorker*, <http://www.newyorker.com/news/news-desk/trump-abandons-the-human-rights-agenda> [Accessed 22 August, 2017].

³ J. Kirkpatrick, *Dictatorships and Double-Standards. Rationalism and Reason in Politics* (New York: Simon and Schuster, 1982).

⁴ The Rand Paper by A. Gándara and C. Sereseres, “US-Latin America Relations under the Carter Administration” (June 1980) is a short near-contemporary overview that hints at the tensions created in the Administration by seeking to square the new human rights approach of the President with perceived American interests: <https://www.rand.org/content/dam/rand/pubs/papers/2009/P6496.pdf> [Accessed 22 August, 2017].

Where does this leave human rights, for so long the flagship of American global ascendancy? A significant head of steam has built up in academic scholarship behind the argument that human rights as an idea is 'on the back foot',⁵ that such rights are now vulnerable to the powerful case that can be made against them,⁶ or even that they are in their 'endtimes'.⁷ This article reflects first on how human rights came to enjoy the place in the (American) diplomatic sun which they have long enjoyed, but then secondly on how systemic faults in the architecture of the post war global order have meant that they have always been more vulnerable to being superseded than had ever seemed to be the case at their height. Indeed that process of threatened supersession long predates the current wave of critical assaults or the Trump presidency, beginning with the attacks of 11 September 2001 and being then exacerbated by the economic and banking crises of seven years later. But if 'human rights' are on the ropes they are by no means down and out. The third part of this essay reflects on a change of global leadership that we are seeing unfolding, at what is by international standards a dizzying pace. Much has been made of China's feasting on the carcass of America's hegemony. But so far as human rights are concerned, a resurgent European Union, reshaping itself in the face of adversity, has emerged as lead advocate of human rights in our new multipolar world. The era of human rights is not dying; it is seeing a change of its patron.

THE PAST, 1945-2001

The arrival of human rights on the international scene is announced by its starring role in the UN charter in 1945 and then confirmed three years later with its very own, tailor-made, foundational document, the Universal Declaration of Human Rights. The story for the rest of the twentieth century is positively Whiggish in the seeming inevitability both of its rise and growing ascendancy.⁸ The range of what the term human rights covers (already ambitious in 1948) gets fleshed out in a succession of additional agreements and declarations, most famously in covenants agreed in 1966 on civil and political and economic, social and cultural rights, but also over the years covering such issues as racial and religious discrimination and discrimination against women, and the rights of discrete groups: children, migrant workers, persons with disabilities, and indigenous peoples. Prohibitions on heinous activities (genocide; torture) are given particular attention.⁹

Accompanying this growth in range had come a deepening of bite. Starting as a mere declaration of intent human rights gradually grew sharper and sharper teeth, quasi-judicial oversight with regard to the mainstream rights documents, new opportunities for individuals to defend themselves from their own states, and then – the long-sought ultimate deterrent against abuse – a new punitive code with a freshly created International Criminal Court to turn old rhetoric into the reality of the prison cell. By the time this last initiative

⁵ See N. Robinson, "Defining Rather than Defending Our Human Rights 'Movement'" (20 July 2017), *Open Global Rights*, <https://www.openglobalrights.org/defining-rather-than-defending-our-human-rights-moment/> [Accessed 22 August, 2017].

⁶ E. A. Posner, *The Twilight of Human Rights Law* (Oxford: Oxford University Press, 2014).

⁷ S. Hopgood, *The Endtimes of Human Rights* (Ithaca: Cornell University Press, 2013).

⁸ F. Klug, *A Magna Carta for All Humanity. Homing in on Human Rights* (Abingdon: Routledge, 2015).

⁹ For a comprehensive review see O. de Schutter, *International Human Rights Law, Cases, Materials, Commentary* 2nd edn (Cambridge: Cambridge University Press, 2014).

had been agreed, in 1998¹⁰, a slew of states had marked their breach with Communist control by buying wholesale into human rights, seeking through enthusiastic membership of the new global community to demonstrate to the world and themselves that the provincialism of the Cold War was conclusively over. New regional agreements took human rights into areas free of American influence. UN human rights missionaries (the special rapporteur on this; the Secretary-General's special representative on that; (from 1993) the UN's very own High Commissioner for Human Rights) took the message far and wide, underpinning the efforts of the redesigned UN Human Rights Council and a myriad of treaty bodies to (in the nicest possible way) imprint the human rights ethic on an imperfect world.

However successful, no idea can be rendered forever immune to attack. Human rights are no exception. Vulnerabilities that can be glossed over when the going is good become more dangerous when events unfold in a way that serves to place such exposures at centre stage. Since their post-war re-emergence as a global force, human rights have been carrying within them three such risk-agents, and it has been human rights's misfortune that all three have lately pushed themselves to the fore. Each grows out of gaps left in the structure of human rights protection when the post-war international edifice was being constructed in the second half of the 1940s.

First and largest of all, there is the continued salience of sovereign states: for all the rhetoric in the Charter it is the *United Nations*, not the *United Peoples* (much less the *World Government*) that the document creates. A corollary of this capital fact is the principle of non-interference in the affairs of states where a matter is 'essentially within the domestic jurisdiction of any state' (to quote article 2(7)). In a different international climate than that to which we have become inured over the decades since 1945, the word 'essentially' might have done a lot of limiting work here but the reality has been that states have been able to erect large NO TRESPASSING signs on their borders behind which an often bloody impunity has been allowed to reign. Of course the rights missionaries have been able to make noise, the Security Council has from time to time become engaged in rights enforcement, but for all the grandiosity of their language, human rights defenders have invariably been supplicants, knocking on the door, not storming in with their ethical troops to do immediate justice.

The second and third of our gaps grow from the first. Since the United Nations is constructed as a deal between universal values on the one hand and sovereign states on the other, it is on the latter that the responsibility rests for making that deal work. States are the parties with the obligation to ensure that human rights are respected within their jurisdictions. They must answer for all that happens within their borders. It follows from this that non-governmental entities – individuals; associations; criminal gangs – are only indirectly bound by the high-flown rhetoric of the UN charter. Their adherence (and in some cases it will be involuntary compliance) depends on the State within whose borders they conduct their activities. Now given the UN model we have been discussing this makes perfect sense. But it has seemed sometimes odd to those unschooled in the intricacies of international relations that, to take a couple of examples, the mafia do not have to 'obey' UN law while the Italian state does or (to pick a hot topic from the 1980s) that the IRA's

¹⁰ Rome Statute of the International Criminal Court, UN Doc A/Conf 183/9*: <http://legal.un.org/icc/statute/romefra.htm> [Accessed 22 August, 2017].

'Kangaroo courts' can be untouched by UN oversight while the State's non-jury Diplock courts could attract such opprobrium. (Needless to say these examples can be multiplied.)

Thirdly and finally there is the problem of what to do with international financial institutions. The International Bank for Reconstruction and Development, which soon became the World Bank, was established in 1944. That same year the Bretton Woods agreement led to the creation one year later of the International Monetary Fund (IMF). Each is a UN specialised agency enjoying formal autonomy within the organisation. Not being a state neither is overseen by the UN human rights apparatus as a state would be. Of course both have sought to engage with human rights standards and pre-requisites, particularly recently, but always only up to a point and never because either has to.¹¹ It is the states to which they are empowered to issue instructions – often of course (particularly with regard to the IMF) harsh and controversial dictates – that are required to square the human rights circle. Even more than for sub-state actors, so far as these international financial institutions are concerned, human rights obligations are for other people.

These three cracks in the human rights edifice – all structural – could be glossed over when the going was good, as generally speaking it was through the second half of the twentieth century, especially after as earlier noted the great wave of democratisation that followed the collapse of the Soviet empire. But the large-scale security and economic crises of the first decade of this Millennium have dealt a couple of heavy blows to the stability of the human rights building. These have been exacerbated by the weaknesses just discussed and are serious enough now to be threatening the whole project.

THE PRESENT, 2001 –

The attacks in New York and Washington on 11 September 2001 were shocking in their scale, their brutality and in their unconscionable daring, but it was not easy immediately to see them as involving (despite the horror) any direct breaches of human rights. Al-Qaeda were not a state after all, and Osama Bin-Laden was no warring president, but rather (merely) a private individual living in Afghanistan. Governmental reaction on the other hand was squarely exposed to human rights critique, was the sort of conduct that the international human rights organisations were well used to engaging with in their role as proxy-defenders of the UN's universal ethics. The result was the same hesitancy about engaging with those responsible for these attacks as Amnesty had displayed in Northern Ireland in the 1980s with regard to paramilitaries, juxtaposed awkwardly with a speedy and confidently critical engagement with the response of governments. The overall effect was to seem to suggest that in the 'clash of civilisations'¹² begun by the attacks and fully unleashed by the Global North's reaction to the events of that day, human rights were on the wrong side, apologists for the radical jihadists, indifferent to the suffering of victims and obsessively critical of only one side, our own. This was unfair but only up to a point: the NGOs were stuck in the world in which they lived and that world did point human rights defenders towards states only.

¹¹ D. Kinley, *Civilising Globalisation. Human Rights and the Global Economy* (Cambridge: Cambridge University Press, 2009).

¹² S. Huntington, "The Clash of Civilisations" (1993) 72 (3) *Foreign Affairs* 22-49.

The Al-Qaeda attacks also tipped the UN balance dramatically away from human rights and towards state sovereignty. President Bush's 'war on terror' infamously did not allow for any moderation by human rights law, and the results of this – Guantanamo; Abu Ghraib; torture black sites; wholesale executive eavesdropping; and much else – gradually did his administration lasting political and legal damage. But applauding the American pushback should not obscure how counter-terrorism became the new means for the assertion by states all around the world of their national power over international scrutiny, especially in the field of human rights.¹³ This is not a trend that has been reversed. To this day authoritarian states have continued to dress their repression in Western-pleasing counter-terrorism clothes. The UN has rowed in behind this. Directly after the 2001 attacks the Security Council seized control of the counter-terrorism agenda from a General Assembly that had been dithering for years about how to engage with terrorism.¹⁴ Its principal initiative was to set up a new bureaucracy to lead global efforts to counter political violence. The Council's Counter-Terrorism Committee working with its executive directorate now roams the world exactly as the UN human rights emissaries do, but with a brief to crack down on subversives and their sympathisers rather than to protect residents from abusive governmental forces.¹⁵ To make matters worse, none of the UN organs have been able to define terrorism, this power therefore falling by default on states to do with as they wish.¹⁶ By these means, and in a way that would have been unthinkable before the 11 September events, has the security of the state secured a major advantage over the ethic of human rights, within rather than in conflict with the UN framework of international oversight.

The second hammer blow was delivered by the reaction to a different global crisis, the economic and financial meltdown of 2008. Here our concern is with the extreme actions required by many states to implement the 'austerity' that was quickly deemed to be required as a way of coping with the effects of these multiple market failures.¹⁷ The drivers of such changes around the world were often the relevant state's authorities themselves but also frequently to the fore were the international financial institutions that as we earlier noted sit in an autonomous relationship with the UN, in particular the IMF. The last ten years have seen a dramatically negative impact on the living standards of those affected by 'austerity' measures of this sort, and frequently it has been the poor in any given society that have suffered most. In the language of human rights, it has been their various economic and social rights (many set out in the Universal Declaration of Human Rights and further embedded in the 1966 Covenant on Economic, Social and Cultural Rights) that have been eroded, giving rise to suggestions that for this reason human rights may be no longer 'fit for

¹³ H. Duffy, *The "War on Terror" and the Framework of International Law* 2nd edn (Cambridge: Cambridge University Press 2015). See generally the work of the Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism: <http://www.ohchr.org/EN/Issues/Terrorism/Pages/SRTerrorismIndex.aspx> [Accessed 22 August, 2017]. The recently appointed current incumbent is Professor Fionnuala Ní Aoláin. One of her predecessors and the inaugural holder of the post Professor Martin Scheinin did highly original and important work in foregrounding the interests of human rights at a very difficult time.

¹⁴ UN Security Council Resolution 1373 (28 September 2001): [http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20\(2001\).pdf](http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20(2001).pdf) [Accessed 22 August, 2017].

¹⁵ For a sense of its remit see <https://www.un.org/sc/ctc/> [Accessed 22 August, 2017].

¹⁶ B. Saul, *Defining Terrorism in International Law* (Oxford: Oxford University Press, 2006).

¹⁷ See A. Nolan (ed.), *Economic and Social Rights After the Global Financial Crisis* (Cambridge: Cambridge University Press, 2016).

purpose'.¹⁸ However and despite this we have not seen an insurrection by rights-holders against the damage being done to them in the bankers' interest. Rather the reverse has occurred. 'Human rights' have been caught up in a populist backlash against globalisation, perceived as the exclusive preserve of prisoners, terrorists and 'citizens from nowhere' rather than the ordinary 'just about managing' citizen. (Both of these terms come from the current British Prime Minister Theresa May, notorious for her hostility to human rights.¹⁹)

How can this be? How did the potentially strong critique of uncontrolled market power offered by human rights become subsumed in the same populist attacks on globalisation that the unfairness and injustice of austerity had (understandably) precipitated? The answer is two-fold. First, and despite the growth in bite earlier identified the legal frameworks for the protection of such rights, whether at the state, regional or international level, were and remain weak, both in themselves and relative to the approach taken to their more robust sibling, civil and political rights. Social and economic rights are relative Cinderellas in the world of human rights implementation, everywhere hedged about with restrictions, diluted by anxiety about demanding more than 'the maximum available resources', afflicted by poor enforcement mechanisms, and even when they make it into a court-room often encountering judges too anxious about transgressing a politico-legal boundary to take them seriously. Secondly, and as earlier noted, to the extent that the international financial institutions are involved, then it is literally impossible to bring them to any fora at all to account for the human rights implications of what they demand of states in the name of financial rectitude. The states may retain their human rights obligations but so far as crisis measures are concerned often they are answering to a higher power, barking instructions from off the stage.²⁰

The result of both of these structural problems acting together can be seen right around the world: savage assaults on living standards existing side-by-side with a continued commitment to human rights standards that appears however to have next to no impact on the lived experiences of those whose life-circumstances are changing markedly for the worst.²¹ Of course the UN's human rights representatives continue to do their best, and gains are undoubtedly made on the margins. But the contrast between the continued availability of human rights in the civil and political sphere (those 'terrorists', criminals and prisoners again) rankles to the point where the whole subject is contaminated by cynicism. The stage is set for a Trumpian agitator celebrating torture and state-killings to wild applause from the victims of unregulated markets to whom it has never occurred that human rights should be on their side.

THE FUTURE

¹⁸ For a powerful critique see A. Nolan, "Not Fit for Purpose? Human Rights in Times of Financial and Economic Crisis" [2015] (4) *European Human Rights Law Review* 358-369. Very forceful as well is P. O'Connell, *Masking Barbarism: Human Rights in the Contemporary Global Order* (Oxford: Hart Publishing, 2016).

¹⁹ The first in her Party Conference speech in October 2016 (<http://www.telegraph.co.uk/news/2016/10/05/theresa-mays-conference-speech-in-full/> [Accessed 22 August, 2017]), the second in her first public statement on assuming the post (<https://www.gov.uk/government/speeches/statement-from-the-new-prime-minister-theresa-may> [Accessed 22 August, 2017]).

²⁰ These points are discussed in greater detail in Nolan n 18 above.

²¹ An example of "neo-democracy": see C. A. Gearty, *Liberty and Security* (Cambridge: Polity Press, 2013).

On 25 June 2016, the Russian Federation and the People's Republic of China 'reiterate[d] their full commitment to the principles of international law as they are reflected in the United Nations Charter, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.'²² These principles were 'the cornerstone for just and equitable international relations featuring win-win cooperation, creating a community of shared future for mankind, and establishing common space of equal and indivisible security and economic cooperation.' Such claims of rectitude may be thought hollow in light of the activities of both countries, in Ukraine and the South China Sea respectively, the annexation of the first having been condemned as illegal by a majority of states in the General Assembly,²³ and the Permanent Court of Arbitration having rejected China's claims with regard to the second only a couple of weeks after the statement was issued.²⁴ A system that depends on both for its good health is already ill.

But at least there is a pretence of engagement. Writing recently in the *Wall Street Journal*, two of the most senior figures in the Trump administration Gary Cohn and H R McMaster co-authored a broadly-based defence of their President's then recently concluded first foreign trip, widely believed to have been a disaster.²⁵ The opinion piece included a description of American foreign policy which has already become notorious:

'The president embarked on his first foreign trip with a clear-eyed outlook that the world is not a "global community" but an arena where nations, nongovernmental actors and businesses engage and compete for advantage. We bring to this forum unmatched military, political, economic, cultural and moral strength. Rather than deny this elemental nature of international affairs, we embrace it.'

President Trump's is not, of course, the first US administration to 'put America first' or to promote a protectionist approach to trade. But his is the first to do so since the establishment of the new international order discussed at the start of this essay. There is simply no room left in this for any kind of global system of human rights, whatever 'moral strength' Cohn and McMaster might think the US can still bring to the international table. Like Dr Frasier Crane in the long running TV series the Americans have 'left the building'.

So who is left? It is clear that human rights need a powerful international patron, or they will wither on the vine, suffocated by the sort of statement of support for international law that we have just observed having emerged from Moscow and Beijing. As recently as the second half of 2016, the answer might have been no one at all. The only credible candidate for ownership, the European Union, seemed then to be hell-bent on a retreat into nationalism, protectionism and xenophobia, exactly the Hobbesian jungle for which Cohn and McMaster are such enthusiasts. A major member

²² See the statement at http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/2331698 [Accessed 22 August, 2017].

²³ See GA/11493 (27 March 2014): http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/2331698 [Accessed 22 August, 2017] - 100 votes in favour, eleven against and 58 abstentions.

²⁴ The South China Sea Arbitration: *The Republic of Philippines v The People's Republic of China* 12 July 2016: <https://www.pcacases.com/web/view/7> [Accessed 22 August, 2017].

²⁵ "America First Doesn't Mean America Alone" (30 May 2017), *Wall Street Journal*, <https://www.wsj.com/articles/america-first-doesnt-mean-america-alone-1496187426> [Accessed 22 August, 2017].

state had just announced its departure from the whole project while others on the margins were seeking aggressively to redefine their role within it in a way that allowed them to continue to collect Brussels's cheques while locking up their opponents and refusing all refugees. With an array of plausible fascist/nativist candidates on display, elections beckoning across old (Western) Europe in 2017 were expected to confirm a death-knell that had already been sounded.

But then something quite remarkable happened. The idea of Europe spoke back. Italy's government did not crash after its prime minister's ill-judged referendum defeat. The Austrians chose a Green candidate to be their president. The Dutch self-publicist whose reputation has been built on inflaming hate found himself locked out of power after an election in which many thought he would emerge a key player. And the ballot that on this script was to confirm the end marked instead a new beginning – France's choice of Emmanuel Macron over Marine Le Pen, followed by a further overwhelming victory for his new Party in the legislative elections that immediately followed. In the Autumn there are to be German elections in which the battle is being fought between two parties which are both committed to the European Union, with the previously much noticed *Alternative für Deutschland* watching helplessly from the sidelines. Meanwhile the United Kingdom's move towards BREXIT has so far proved so calamitous that it cannot be long before the country finds itself begging to remain or (if things go this far) rejoin. Newly emboldened the European Commission has launched a legal case against Poland, Hungary and the Czech Republic for refusing to implement an EU-wide agreement on the settlement of refugees.²⁶ Expulsion could yet result for some. The regional version of human rights that has been developed under the oversight of the European Court of Justice and its sister tribunal the European Court of Human Rights in Strasbourg have both had occasion in the recent past explicitly to reject the framework of UN counter-terrorism insofar as it conflicts with the continent's commitment to human rights, creating a benign 'white' hole in the international system.²⁷ The latter court has also forced human rights compliance on the armed forces of European states enjoying neo-imperialist military junkets abroad, as the departing British have found, much to the annoyance of their defence leadership.²⁸

National identity cannot exist in the abstract. Nor is it something that happily comes along in the good times, when so much can be taken for granted. True citizenship is forged only in adversity. Enemies are what make us know what we are and what we truly want from our lives, for ourselves, our children, our communities. The EU has had an easy childhood and a positively spoilt adolescence, protected by the US to the West and witness to a collapsing USSR to the East. Things are different now. Putin invades states close to its own border. Trump's lieutenants applaud self-interest while cosying up to tyrants and berating Germany for being too successful at trading. Having been given a succession of special deals the UK nevertheless storms off in a fit of plebiscitary pique. Nothing is any longer taken for granted. The resurgence of the European ideal is being made easier by the return of decent levels of growth. The Franco-German alliance stands ready to drive

²⁶ "EU opens legal case against Warsaw, Budapest and Prague over Migration" (12 June 2017), *Reuters*, <http://uk.reuters.com/article/uk-europe-migrants-eu-infringements-idUKKBN19313G> [Accessed 22 August, 2017].

²⁷ *Kadi v Commission* Joined Cases 584/10 P, C-593/10 P and C-595/10 P CJEU, 18 July 2013: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62010CJ0584:EN:HTML> (*Kadi II*) [Accessed 22 August, 2017]; *Nada v Switzerland* (App. No.10593/08), judgment of 12 September 2012: [http://hudoc.echr.coe.int/eng#{"itemid":\["001-113118"\]}](http://hudoc.echr.coe.int/eng#{) [Accessed 22 August, 2017].

²⁸ Most famously *Al Skeini v United Kingdom* (App. No.55721/07), judgment of 7 July 2011: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62010CJ0584:EN:HTML> [Accessed 22 August, 2017].

the project further and more deeply into an integration which is nevertheless far more mindful of the needs of all its citizens than it has ever been in its youth. There is no King to bless the project or shared ancient past that is not rooted in warfare. What remain are the shared values. Human rights in particular become part of what constitutes this new regional hegemon, the phrase springing through cliché and diverting past hypocrisy in order to assume the status of a received truth in a newly renewed community, one that has implications at home (more refugees; better data protection; social protection; respect for law; and so on) and abroad (human rights compliant trade deals; human rights tests before expulsion of suspects; and much else). Crucial here is a closing of the gap between the rhetoric of equality and the lived experiences of millions of Europeans – but there is evidence that after the near death of experience of 2016/17, EU leaders are prepared to live the new life they have been granted in a different way. If human rights have a future, then it is (at least for now) European.

London, 23 August 2017