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**DEVELOPMENT OF HUMAN RIGHTS IN GREAT BRITAIN**  
**Bakalářská práce**

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Prohlašuji, že jsem bakalářskou práci vypracovala samostatně a použila jen uvedených zdrojů a pramenů.

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## Abstract

The bachelor thesis is divided into thirteen chapters. The first chapter gives the definition of the term human rights. Following chapters deal with the most significant milestones of the development of human rights in Great Britain from the medieval times to modern democracy. The thesis examines the particular legal document, as well as impact of the change. The thesis, however, does not give a complete history of the development. It offers an overview of the most important moments in the movement.

## Introduction

The motivation behind choosing this topic is quite simple. As I am interested in the field of law with the emphasis on constitutional law, the connection of the law and British history seemed to be worth exploring.

The aim of the thesis is not to give a complete picture of the human rights development. As the topic is extensive, the thesis focuses on the most significant milestones in British history. The intended outcome of my bachelor thesis is to provide an overview of the development, give political and social background which made the particular change possible and illustrate the impact of the change on people's lives. Hopefully, the thesis might serve as a useful material for teaching the history of Great Britain, history of human rights in particular.

In order to capture the issue properly I have decided to work mainly with expert books and articles as well as with the legal texts. Working with such materials provides me with reliable information and sources. As the topic is not widely studied in our country and most of needed books are not available in Czech libraries, I welcomed the possibility of using electronic books.

In the first chapter the thesis introduces the topic of human rights. The explanation of the term human right is given and the importance of it in today's world is pointed out. The following chapters focus on the development across the British history. Each chapter focuses on a certain turning point. At this point it describes the approach to human rights, political background and factual relevance of the change. Following chapters two to thirteen examine each of the chosen turning points, beginning with medieval documents. As the last milestone the Human Rights of 1998, which I believe is the most recent revolutionary point, is presented.

Great Britain has always been a pioneering country in human rights movement and served many other European countries, as well as many non-European countries, as an example. Of course, the state of things is not final, however the level of recognition and protection of human rights nowadays is one of the highest in the world. Without doubts this is thanks to the centuries lasting development.

# 1. What are human rights

When dealing with the topic of human rights, their history and protection, it is necessary to define what the words actually stand for. Throughout the history of human society, there were many different opinions and points of view. The most current definition is given by the Office of the High Commissioner for Human Rights: “*Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.*” (Office of the High Commissioner for Human Rights). As the definition goes on, it is said that: “*Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups*”. Hoffman and Rowe understand the term human rights as: “...*those fundamental freedoms and entitlements that each person possesses by virtue of nothing more than their status as a human being.*” The authors add that all people are equal and there is no person who would be born with more or less rights than others (Hoffman and Rowe 2010: 3).

Human rights is a term that is known to every citizen of a modern democratic country. However, there are several approaches to the subject, thus the question what rights should be included in a list of human rights is not to be answered easily. The response would differ when answered from the philosophical, political or religious point of view and also throughout the history various rights have been recognized (Hoffman, Rowe, 1996: 3). For instance, several rights were at first given to men of higher social class only.

These basic principles are the foundation stones to every modern democratic state. In democratic societies fundamental rights and freedoms form a part of the legal system and the state finds its highest interest in protecting them (Bingham, 1996: 1). However, the history of human kind, even of our own nation, taught us that the journey to democracy and protection of freedom can be very thorny. Each nation is very specific and very different. As mentioned before, the thesis will be targeted on the development of human rights in Great Britain. Due to the extent of the topic, certain milestones in British history have been chosen for closer examination. The aim is to chart all the significant milestones, give the political and social background and illustrate the impact of the particular change on everyday life.

## 1. 1166 Assize of Clarendon

The law British law system, as it is known today, owes a lot to Henry II. He can be even called the founder of English Common Law. His goal was to introduce an approach to law which would be less clerical. By that he wanted to achieve bigger independence on Rome. His effort was mostly successful. Thomas Becket, on the other hand, could not bear king's initiative and that led to a conflict which culminated in his murder (Sommerville).

As the first turning point in the development of human rights in Great Britain the Assize of Clarendon was chosen. It is because this document can be seen as the start of the transformation of English law and it later led to abolition of the trial of ordeal and introduced a precursor to trial by jury, a method well known in common law.

To fully understand the Assize of Clarendon, the terminology must be explained. Today the word can have several meanings and that could be for some readers rather confusing. Firstly, it stands for trials and procedures. Secondly, it describes court sessions of judges held in English counties in order to deal with both civil and criminal matters (Janin 2004: 76).

The main difference between the system which was to come and the previous one was that in the previous system local courts had applied local customs. Such an application of law caused that for the same crime two perpetrators in distant parts of the reign could have been judged diversely, often unfairly. Up to this point, it was the king who was expected to deal with the most serious offences. The king, of course, was preoccupied with other duties and often interfered only when influential people of great social status were involved. King's activity in this field could be called only sporadic, thus not as effective (Morgan 2001: 173).

The considerable change came in 1166. The assize took its name after the royal hunting lodge of Clarendon where the convocation were held and consisted of 22 articles (Encyclopaedia Britannica). As said before, the assizes were run by judges. At the beginning, those judges were simply men whom the king trusted and who were, generally speaking, servants to their king. With no doubt they were figures of great importance and status – earls, bishops, abbots and barons. Tasks the nobles carried out on their king's behalf were of administrative, military and diplomatic character. Later, the nobles focused mainly on practicing the law. It could be said that at this point of the history, professional judges were born. That was also one of the point of Henry II's plan which would weak the connection with the church. The judges were well trained in the law. Later we could identify a certain hierarchy

of courts. There were basically two types of them, each dealing with different kinds of offences. The first was a lower court dealing with less serious offences. The second type was a professional court. Cases in which the lower courts had no authority were decided by the professional king's court (Morgan 2001: 174). The Assize took power away from the local courts and brought it back to the crown (Janin 2004: 76).

The Assize of Clarendon stated: *“for preserving peace and maintaining justice, that inquiry be made through the several counties and through the several hundreds by twelve more lawful men of the hundred and by four more lawful men of each vill, upon oath that they will tell the truth, whether in their hundred or in their vill there is any man cited or charged as himself being a robber or murderer or thief or any one who has been a receiver of robbers or murderers or thieves since the lord king was king. And let the justices inquire this before themselves and the sheriffs before themselves.”* Until this moment, there was no trial by jury. The jury could testify against the offender, however, he had to go through the ordeal to provide his innocence or guilt: *“And he who shall be found by the oath of the aforesaid cited or charged as having been a robber or murderer or thief or a receiver of them since the lord king was king, let him be arrested and go to the judgment of water, and let him swear that he was not a robber or murderer or thief or a receiver of them since the lord king was king, to the value of five shillings so far as he knows.”* Even if the lawbreaker proved his innocence, he was forced to leave the country and could not return without a special permission (Janin 2004: 77).

The big contribution of the Assize of Clarendon is that it introduced the trial by jury, moved the English justice towards the common law system and paved the way for the abolition of trial by combat and trial by ordeal (Thomas 2008: 80).

## 2. 1215 Magna Carta

Probably the most cited milestone in the journey of human rights is Magna Carta, sometimes called the Great Charter of English Liberty (Janin 2004: 74). Although it is a document of British origin, it exceeded the borders and became highly influential in other countries, for instance, it had an enormous impact on the United States' Bill of Rights (Janin 2004: 89).

In a few words, Magna Carta was an attempt to prevent the king, in this case John, from abusing the power. If we take into consideration that the king was the highest authority above all the people the fact that he signed such a document seems to be a bit strange. To understand why he did such a thing we must see the picture in the context. The principle of the relation between the king and his barons was quite simple. King John made the mistake that he broke the rules of the cooperation. Barons would provide money and men to defend and govern king's territory in northern France. Then the king would always consult with the barons before raising taxes or demanding more men for the territory abroad. This was the ideal state in harmony with the feudal law and customs. Unfortunately, John was not very successful in his military campaigns abroad. After the loss of his land in France, John introduced new, higher taxes without asking. This was the mistake which was the impulse for the barons to come up with a document such as Magna Carta. However, not only the loss of John's French land led to raising the taxes. Inflation was to be blamed as well (Morgan 2001: 150). Anyway, the barons started a rebellion against their king. The only problem they had was the fact that at the time there was no suitable candidate to substitute for the king. All John's enemies had been eliminated and his own sons were just little boys. Meaning that there would be no point in removing John without having the right successor. So the barons came up with a different solution – programme of reform (Morgan 2001: 150). Knowing that neither of the sides – king or barons – could rule the country on their own, they were willing to discuss the matter and find a compromise. The result of the discussion was Magna Carta. In June 1215 John accepted barons' terms and signed the 63 clause document.

First few clauses deal with the role of the Catholic Church. Following clauses state the conditions of king's attitude to the widows or children of a baron who would die in a battlefield. Further, it deals with some aspects of England's legal system. For purposes of this theses, one of the key clause is the thirty-ninth clause saying that: *“No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except*

*by the lawful judgment of his equals or by the law of the land.*”. In the context of the time, freeman was a person who was not a serf, thus it was a noble. Other crucial points of the document are clauses 40 and 45 providing that no one would be refused the right of justice, judges would be appointed only if they knew the law well and meant to observe it well. In that case, the law would not be abused by men who are not aware of it. Finally, clause 52 guarantees the enforcement of the terms in the text. In case of unlawful dispossession or removal one’s rights they shall be restored. Further, if there are any disputes the matter should: “*be resolved by the judgement of twenty-five barons*”. It is said that the most significant moment is to be found in clause 61 where the king acknowledged that if he failed in observing the Charter, he was answerable to a group of men chosen by the rebel barons. From that the principle a conclusion was derived, saying that although king is above all other individuals, he is subject to the law (Judge 2015).

Magna Carta had very little to do with the ordinary men and women. It surely involved the nobles and the king in the first place (Nice 2014). Then it would influence the subjects of the noble, however primarily it was not targeted on lower class people.

This first proclamation of subjects’ legal rights helped to establish the principles that limits must exist on the powers of royal government. Kings must respect rights and liberties can be guaranteed by law and no one will be denied or delayed right and justice (Lauren 2003: 13). Meaning that no man, not even the king himself, is above the law. (Janin 2004: 90). The king was bound by the law by the promulgation that become the first document to set out the right of habeas corpus and started the tradition of civil rights that still exists today (Nice 2014).

### 3. 1647 An Agreement of the People

The interval between Magna Carta and the next level of human rights development took four hundred years. It is without doubt that quite important changes took place in those four centuries. However, for the purposes of the thesis those changes were not as significant as An Agreement of the People. The Agreement was introduced in autumn 1647 by a group of English political activists called Levellers (Borgeaud 1894: 95). Since the thirteenth century, the age of Magna Carta, a lot had changed. The seventeenth century brought the first wave of scientific revolution. With knowledge of physics, maths, medicine and astronomy the view on natural rights, as rights that entitle every person, developed. Political events testified to the growing opinion that all people were born with natural rights which could not be diminished, not even by the king (Lauren 2003: 14).

In the 1740s, the country was troubled with a series of armed conflicts today known as the English Civil War. King Charles, who was later beheaded, was now in custody. As any other war, the English Civil War brought chaos and contributed to a constitutional crisis (Baker and Vernon 2012). As a reaction to the crisis, a democratic movement known as the “Levellers” rose. The group behind the agreement is now known as the Levellers, however, they referred to themselves as to “Agents for Five Requirements of Horse”. The name Levellers appeared later in the press and became well-known. The true identity of the author remains anonymous, nevertheless modern historians developed certain theories about who the guiding hand was (Baker and Vernon 2012). Not only were the Levellers seeking for a solution of the crisis. The king’s grandees came with a proposition, too. The Heads of the Proposals was a highly conservative document that changed very little of the existing power structures (Hunt 2007). On the other hand, the Agreement was highly unconventional.

The Agreement was firstly presented to a meeting of the general council of the army at Putney in October 1647. Their main target was solving the constitutional crisis. During the next years, various versions were proposed, yet the one from 1647 was quite significant as it was the first attempt. All the versions were connected through the root which was the device of a written agreement between people and their representatives. Such an agreement would settle immutable fundamentals of governance, in other words foundations of freedom (Baker and Vernon 2012). The content was purposively radical as the text was proposing a constitutional settlement. Its core was the belief in human liberty. In other words, it suggested religious toleration, a general amnesty and freedom from conscription. The Agreement also expressed the need of an equal

application of law. Nobody shall be discriminated based on grounds of tenure, estate, charter, degree, birth or place (Hunt 2007). The group called for guarantees of the native rights of all to life, property, election of representatives, freedom of religion and others. (Lauren 2003: 15). The clauses of the Agreement are considered rather minimal and dealt with dissolution of Parliament and the structure of governance of the biennial representatives replacing Parliament. Another suggestion regards redistribution of parliamentary seats “*according to the number of the inhabitants*” (Baker and Vernon 2012).

At those times it was Oliver Cromwell who was in the chair of the council. On the second day of the debates, the soldiers focused on the question of the franchise. On one side, there were the Levellers suggesting that the right to vote should be declared to everyone who would place himself under the government. The very conservative grandees, who were on the other side, were shocked by the range of democracy. In the end they found a compromise. The right to vote should be granted to all adult males. Of course excluding foreigners, servants and beggars – the grandees were concerned that votes of uneducated, suggestible people could be bought up easily. As said, the right applied to males only. There was no right to vote for women at the time. Another matter for discussion was how to deal with imprisoned Charles I. And during the council days it was decided to put him on trial for high treason (Hunt 2007).

## 4. 1689 The Bill of Rights

It is beyond any doubt that the Bill of Rights together with Magna Carta are of the most influential documents shaping the constitutional system in the United Kingdom. Even after centuries those two deeds continue to be cited in courts today (Slynn 2004: 479). It is important to stress the influence not only in Britain but also worldwide. One example for all, English Bill of Rights, as the document is called in order to distinguish it from the American one, was used as a starting point for George Mason's Virginia Declaration of Rights. The same thing happened while creating the United States Bill of Rights (Smith 2010: 27).

Firstly, it is necessary to describe the historical context of the Bill of Rights. The country was ruled by James II. The king abused his power in many ways. For instance, he collected taxes which had not been approved by Parliament, stopped enforcing or even abolished some laws, again without the support of Parliament (Rivera 2010: 14). The struggle between the monarch and Parliament led to the Glorious Revolution of 1688<sup>1</sup>. The charter is considered to be its outcome. The Revolution culminated in the abdication and later exile of James II. He was succeeded by his daughter Mary and her Dutch husband, William of Orange. At their coronation, Mary and William were asked to make an oath. They promised to follow the laws that had been approved by Parliament (Maer and Gay 2009: 2). That included the Declaration of Rights which later turned into the Bill of Rights. Beside other things, the bill declared some of James II's acts illegal (Johnson 2009: 4).

The Bill as such consists of 13 articles defying the limitations of the royals and defying the rights of Parliament and individuals. The first provision states that the crown should not interfere with the law. The second says that the king or queen cannot create new taxes without the approval of Parliament. The third one gives the right to petition the monarch. Fourth article declares that the no army should be maintained during peacetime, except when with the consent of Parliament. The following article gives the people the right to bear arms as long as it is allowed by the law. This provision was important, thus at the point Puritans were not allowed to bear guns, only Catholic citizens were. Here we can see some kind of emancipation of Catholics and Puritans. Articles 6 and 7 deal with Parliament. It is stated that the elections should be free and all debated and proceedings in Parliament should not be impeached. The

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<sup>1</sup> For sure, the Glorious Revolution is one the most momentous events in British history, however this thesis does not target on the topic, thus it will not examine it in detail.

next article declares that no cruel and unusual punishment should be imposed. More, people have the right of trial by jury. No one can be fined before the trial and finally, Parliament should hold sessions regularly.

The English Bill of Rights did not present much of a novelty. Nevertheless, from that moment on, Parliament has been supreme over the crown (Johnson 2009: 4). It contributed to the establishment of parliamentary sovereignty which gives the legislative body of parliament absolute sovereignty and makes it supreme over all government institutions. As Professor Sir Geoffrey Nice QC said: *“It ingrained a strong tradition of civil liberties in Britain, so much so, some say, that it was never considered necessary to have a formal, written constitution.”* (Nice 2014). Additionally, the Bill influenced legal systems all over the world and it must be admitted that the Czech constitutional law is no exception.

## 5. 1774 The Parliamentary Register

If we could summarize The Parliamentary Register from 1774 in a few words we would probably get *public access to information*. This initiative is connected with the name John Wilkes who was celebrated by some and cursed by others. First of all, he was a journalist and that influenced his activities as a member of Parliament. He was described as radical, witty, arrogant and even ill-mannered. However, all these qualities made him popular among people and that helped him later.

It all started in May 1762 when George III appointed his favourite, the Earl of Bute, as Prime Minister. Wilke and also most of the public disliked this move. As Wilke ran a weekly periodical, he had the perfect opportunity to attack Bute in his texts. The open critic caused Bute's resignation. Obviously, Wilke had decided to go even further and accused the king of lying during his speech. The new Prime Minister felt like Wilke stepped too far and exceeded his parliamentary privileges. Wilke was imprisoned but he fought back. Claiming that as an MP he was entitled to say whatever he desired based on the parliamentary privilege. This argument was convincing enough and Wilke was released (British Library Board). Later, he launched legal suits against his persecutors (Sainsbury 2006: XV). He argued that his imprisonment was against the fundamental principles of the constitution, therefore illegal. The government, however, was plotting its revenge and Wilke was charged with libel. Wilke escaped to France and would not return the following four years. He was tried in his absence and only observed the situation from a distance. It was decided that he would be expelled from Parliament. After he came back to England, thanks to the massive support of the public, he became a magistrate in the City of London. Taking advantage of his position he used his privilege against Parliament. As journalists published reports on parliamentary debates, several printers were arrested. Wilke got involved, demanding that the arrests were illegal. As mentioned before, he owed much of his success to his popularity among people. This time, it was Wilke who won and the printers were released.

In 1774, one of the printers whom Wilke had helped, John Almon started writing reports on debates of Parliament. Those reports are known as Parliamentary Registers and they mean the victory for the public, press and freedom of speech (British Library Board).

## 6. 1832 The Reform Act

In a few words, it could be said that the most compelling impact of the Reform Act on the human rights development was the change in the franchise qualification (Whitfield 2001: 201). It was an attempt to redraw what kind of people should have the right to vote and what kind, on the contrary, should not (Evans 2008:2).

As any revolutionary move, the birth of the Act was not an easy process. It was preceded by a long-lasting struggle among politicians. To be exact it was a struggle between Tories and Whigs (Parliament). Between 1770 and 1830, the dominant force in the House of Commons was represented by Tories. The party had a firm opinion about who should get to vote and was not willing to change it. That led to unbalanced and non-representative elections (British Library Board). A wide spectrum of factors determined whether a person could vote or not. Surprisingly, it was not determined only by money or social status but also by the place where one lived, meaning whether the particular area was able to send an MP to Parliament at all. At the time, London had population of over one million citizens, whereas there were only 7 towns which exceeded the number of 50 000 inhabitants (British Library Board).

After the Tory government was ousted, a member of the Whig Party, known to all tea lovers, Earl Grey became Prime Minister. Unlike the Tories, Whigs were pro-reform and Grey himself pledged to carry out parliamentary reform (Parliament). King William IV was not very pleased with the Act, however it came after a two-years lasting political tension and there was a hope that giving the royal consent would calm things down. He did accept The Reform Act on 7 June 1832 (Evans 2008: 1).

Firstly and probably most importantly, the electorate was increased from 478, 000 to 813, 000. Even after the increase, the number represented only 8% of adult population. 67 new constituencies were created. Redistribution of seats gave to cities like Manchester, Leeds and Birmingham their representative for the first time. This surely helped the industrial growth (Whitfield 2001: 202). Smaller landowners, shopkeepers and farmers were given the right to vote, too. Again, the Act excluded women. It took another 80 years before females had the chance to elect their representative. At the same time, there were so called “rotten boroughs” such as Old Sarum at Salisbury. With only seven voters, it had two MPs (British Library Board). The Act dealt with those situations as well. 56 boroughs were disenfranchised and 31 reduced to one MP (Parliament).

Many authors agree that the Act changed very little and the impact on the live of the working classes was close to none (Evans 2008: 2) (British Library Board). Anyway, it was an important step towards universal suffrage.

## 7. 1833 The Slavery Abolition Act

After just a few months another important Act was passed in. In general words, the Act made the slavery illegal throughout the vast British Empire. That means that it influenced not only Britain but also the colonies (Fassbender and Peters 2012: 592).

Having settled in African colonies, it took Europeans very short time to develop a highly profitable business. In the 16<sup>th</sup> century they imported African slaves to America where they would be sold and work for their owners. As the population of colonists grew, more and more slaves were brought to America. The statistics say that over 300 years more than 11 million of people were kidnapped from their homeland and enslaved. Ships filled with slaves were bringing wealth to their owners. Apart from the slave trade itself, the slave masters profited from slave products such as tobacco, cotton and sugar, too (The National Archives).

The Slavery Abolition Act was not the first act of this kind. In 1807, the Abolition Slave Trade Act had been passed, however, it did not mean much to slave traders. British captains were caught with slaves for sale on board and fined for each slave found on the ship a great deal of money – 100 pounds. As the fines were very high, captains avoided paying them by throwing the slaves to the sea (Simkin 2014). Obviously, further action was required. The Anti-Slavery Society started its journey in 1823. Their main aim was to make slavery illegal and members of the movement considered the abolition the only possible solution to end the suffering of slaves (Simkin 2014). The most influential members were probably William Wilberforce and Thomas Fowell Buxton (Alston and McConnell 2011: 15). The Act was passed by the House of Commons and the House of Lords in 1833. Then, it received the royal assent which is necessary for any legal proposal to become a law (National Archives). On 1 August 1834 the Act finally came into force and 800 000 enslaved people were liberated.

Firstly, the purpose of the sixty-six article Act was to make owning, buying of another human being unlawful. Secondly, its purpose was to promote the industry of the manumitted slaves. Finally, it dealt with financial compensation to the slave owners. To achieve that, 20 million pounds, which was a huge amount of money at the time, was released. One of the beneficiaries was the Bishop of Exeter, who was paid almost 13 thousand pounds for the 665 slaves he had owned (Danks 2007).

However, the process was not as easy as it seems. Only slaves under the age of six were freed. The rest of slaves, older than six years, became apprentices. That means that “freed”

slaves would work for their former owners for a certain period of time. Three classes of apprentices were recognized and the time of serving depended on which of these classes the person was (Williams, Jr. 2013: 2). Further, the Act's application was in some colonies delayed, in the Cape of Good Hope it was delayed 4 months and in the Colony of Mauritius 6 months. Some territories, such as Ceylon and India, were excluded completely (The Anti-Slavery Society).

The Act may have not had an immediate effect, however it surely was a very significant milestone on the way to emancipation all human beings and having equal human rights.

## 8. 1918 the Representation of People Act, 1928 the Equal Franchise Act

Before the Representation of People Act in 1918, only 58% of the male adult population was allowed to vote (Parliament). The aim of the Act was to extend the vote to all men over the age of 21 as a reward for serving in the war. Wanting men to fight in the war without giving them the right to vote seemed unfair to politics and public, too.

Obviously, up to this point no women were entitled to elect their representatives. The change can be attributed to many factors. During the First World War, the role of women in the society had changed. With men fighting on front lines, women had had no other choice but substitute for them where they role had been vital and responsible. The strongest argument advocating the equal suffrage was: if women could work like men why could they not vote like men? As mentioned before, another key factor in getting women the vote was the attempt of the government to create a new electoral register (Chandler 2001: 26). Finally, the Suffrage Movement and trends towards democratic reforms made the change possible (BBC 2014). Before the war, the actions and campaign of suffragettes had highlighted the political and social unfairness (BBC 2014). At the same time, the society had been shocked by acts of the Suffragettes. Their methods how to attract attention had been radical and violent. They had been, for instance, arson, vandalism, attacks or even the incident when Emily Wilding Davidson, a suffragette, had given her life for the cause by stepping into the horse race track. Suffragettes' opponents had argued that women, due to these incidents, could not be trusted. Now, many of them spoke differently and supported the purpose (Chandler 2001: 26). The Representation of People Act became the law in February 1918. From that moment, all men over 21 and women who were older than 30 years and were occupiers of property or married to an occupier, were eligible to vote. Overall, the electorate increased from 8 to 21 million people. Eight and half of million women who met the criteria still represented just 40% of adult female population (Parliament). For younger women year 1918 did not mean much, however it was a major start for the equality regarding franchise.

Ten years later, in 1928, it turned out that giving women the right to vote had not had the catastrophic outcome as some had expected (Chandler 2001: 27). Tireless and constant efforts of the Suffrage Movement led to the Equal Franchise Act. Introduced in March 1928, the bill was to give women the vote on the same terms as men (Simkin 2014). That changed the number into 15 million of women who were allowed to participate in elections. After the Act became

the law, all adults over 21, regardless of the gender or social status, were entitled to vote (Parliament).

## 9. 1948 The Universal Declaration of Human Rights

Beyond any doubt, the Universal Declaration of Human Rights was the result of the dreadful experience of Second World War that had brought unparalleled devastation and human misery (Blair 1998: 65). The atrocities with its unusual brutality and intensity provided the needed background for drafting and later adoption of the Universal Declaration of Human Rights. The world was shocked by Mussolini's fascist regime in Italy, militarism in Japan, Hitler's Nazi practices, Franco and the Spanish civil war and Stalin's terror in the Soviet Union. (Alfredsson and Eide 1999: XXVII). After the war, the democratic states realized a principal fact. Without proper protection of human rights, they would be just written rules with no relevance to an individual. The United Nations was founded in 1945 in San Francisco and vowed never again to allow such conflicts happen (The United Nations). There was tremendous pressure on the delegates to create an international bill of rights (Morsink 2010: 1). The idea of universal rights for all people and all nations was born, however, it took three more years to adopt the Declaration.

The efforts began in 1946 when the Nuclear Committee met to discuss the shape of the Human Rights Commission with the Economic and Social Council. Later the work was taken over by a formal drafting committee which consisted of eight members (The United Nations). During two years, several sessions of the Committee followed. Delegates introduced crucial proposals which helped to shape the final form of the document (Morsink 2010: 4). There were many influential participants from all over the world who represented their country's policy and philosophy. Finally, the Declaration was adopted by the UN General Assembly on 10 December 1948 (The United Nations).

The UDHR consists of a preamble and 30 articles which list key civil, political, social, cultural and economic rights (Andreopoulos 2014). Generally, the preamble emphasizes the universality and essence of the Declaration. Further, each article deals with a certain right. One by one, they guarantee the right to equality, freedom from discrimination, meaning that the charter applies to all people regardless sex, race, religion or origin. Next articles provide the right to liberty, life and security, freedom from slavery, cruel and inhuman treating and punishment. Article 6 and the following ones set the right to recognition as a person and equality before the law. It also deals with the effective remedy for acts of violating the fundamental rights, freedom from arbitrary arrest and exile. Basic principles of a fair trial are stated, such as the right to public hearing and to be considered innocent until proven guilty. Further, freedom

from interference with privacy, family home and correspondence is granted. Every person is given the freedom of movement, to asylum in other countries, to nationality and its change, family, religion, property, opinion, information. The following articles guarantee political rights such as the right to assembly, to vote and to be elected. Articles 22 to 30 give social rights, for instance, the right to social security, to rest, to education and community life.

Tony Blair said that: “*The significance of the Universal Declaration lies both in the text itself and its wider impact beyond the United Nations.*” (Blair 1998: 65). The document was first of its kind as it applied to all people in different countries. At the same time, it influenced many newly independent countries’ constitutions or fundamental laws. The European Conventions on Human Rights must be highlighted (Blair 1998: 66).

Regarding the protection of granted rights, the High Commissioner for Human Rights is a part of the United Nations Secretariat and offers leadership and education concerning human rights all over the globe. Apart from that, the UN provides the judiciary and examines reports on the state of human rights protection given by each member state (The United Nations).

## 10. 1950 The European Convention on Human Rights

It is said that the European Convention for the Protection of Human Rights and fundamental Freedoms, as the full name goes, did not develop in a vacuum. The American Declaration of the Rights and Duties of Man among with the Universal Declaration of Human Rights, known from the previous chapter, preceded (Gomien 2005: 11). Some authors such as Jacobs, White and Ovey claim that the Convention's origin can be tracked even further and the document can be associated with the American Declaration of Independence and the French Declaration of the Rights of Man (Jacobs, White and Ovey 2014: 3).

The Convention was drafted by the Council of Europe, then signed in Rome by all 12 members of it on 4 November 1950 and entered into force in 1953 (Council of Europe).

The main aim of the initiative was to achieve greater international unity in recognising and respecting equal rights of all human beings (Gani 2014). However, the biggest significance of the document is that effect and binding force to those rights stated in the Universal Declaration of Human Rights were given. It was the first agreement to establish a supranational organ which would make sure that the signatory states would not violate the stated rights (Council of Europe). By signing the Convention the states accepted that a supranational court can question the state court decisions. Any individual, group of people or even company and non-governmental organization can apply to the supranational court. Of course, the application must fulfil certain conditions. One of them is to prove that all domestic remedies have been exhausted. If all of the requirements were met, the European Court of Human Rights, which is based in French Strasbourg, will deal with the case and examine whether there has been a violation of the Convention (Council of Europe).

The Convention from 1950 itself consists of 66 articles divided into 5 sections. The protocol of six articles followed. Firstly, the Convention states that all parties shall secure everyone the rights and freedoms defined in it. Further, it guarantees the right to life, prohibition of torture, slavery and forced labour. These are followed by the right to liberty and security, fair trial and no punishment without law. The next articles deal with the right to family and private life, freedom of thought, conscience and religion. Social rights are declared too. Freedom of expression, assembly and association as well as the right to get married. The thirteen article is quite crucial as it gives the right of an effective remedy when a fundamental freedom is violated. Other articles prohibit discrimination and abuse of rights. As the Convention was created just

after the war, there is also an article which deals with derogation in time of emergency and sets circumstances under which the state can derogate its obligation under the Convention. In general words, the rest of the articles introduce formal conditions of how the Commission and Court should work. Over the years, the ECHR has been supplemented by a number of protocols, however, the United Kingdom has ratified just some of them (Donald, Gordon and Leach 2012: 6).

## 11. 1957 The Wolfenden Report

Before the Report of Lord Wolfenden, male homosexuality had been illegal. Female homosexuality was never specified or banned by any law and rather overlooked. Men who were suspected of homosexual behaviour were persecuted. Probably the most known prosecution was the trial against Oscar Wilde in 1895. After 60 years the situation remained the same. Male homosexuality was punishable by years in prison. Lives and reputations of many gay men were destroyed. For instance, an honourable man and brilliant brain, Alan Turing, who had helped to break the Enigma code, was being blackmailed. He could either go to prison or undergo a hormone therapy. After what he had done for his country and the whole world, he was forced to commit suicide (Jensen). This and many other cases forced the government to act. A Departmental Committee was appointed in July 1954. John Wolfenden, a former headmaster and Vice-Chancellor of the University of Reading, was chosen as the chair. The committee's task was to examine homosexuality and the expected outcome was to tighten legislation against it. However, the committee of 15 members came up with a different proposal. During three years, the committee heard over 140 witnesses, such as psychologists, judges, MPs, doctors, sociologists, moral reform groups, women's organizations and many others (Laite 2011: 186). Most surprisingly, the report recommended that sexual behaviour between consenting adults in private should be no longer a criminal offence. Expressions "consenting" and "in private" should be understood as in the case of heterosexual acts between adults (The British Library Board). The committee also made recommendations concerning prostitution. The streets should have been cleaned by introducing much higher penalties for soliciting, nonetheless, the report acknowledged that there could be an increase in number of "call girls" and nothing would change (British Broadcasting Corporation). In conclusion, the Report suggests that homosexuality and prostitution between adults should not be illegal (Bayles 2013: 196).

The atmosphere towards homosexuality was very hostile in the 50s. Hence, the proposal was very controversial and rejected by the government. The proposal itself stated clearly that homosexuality was not approved, it even said it was repulsing. The big contribution of the proposal is that it started a public discussion on what should be examined by the law and what should be private to every person and led to realization that homosexuality is not something which could be criminalized. Generally speaking, the message of the report is that homosexual people had the same rights even if the major society disapproved their lifestyle (Jensen). Homosexual men had to wait another ten years before the Sexual Offences Act permitted sexual

relations between adults regardless gender. At the time, the permission excluded members of Merchant Navy or Armed Forces. In Scotland, however, was the law introduced much later, in 1980 (British Broadcasting Corporation). The age of consent for gay man was reduced to 18 in 1994 and the ban on gays serving in the army was not lifted until 1999 (Thane 2010).

## 12. 1975 The Sex Discrimination Act, 1976 the Race Relations Act

As the title says, this Act was introduced to ban discrimination based on one's sex. That was in 1975 and the Race Relations Act followed in 1976. As the Race Relation Act followed so soon after the Sex Discrimination Act, they will be both dealt with in one chapter. Also the scope of legislation is the same. They are both designed to prevent from unfair treatment on grounds of sex, race or marital status in employment, education and provision of services.

The Act consisted of eight parts. Firstly it dealt with both the direct and indirect discrimination, then with discrimination in employment, education and other fields. The sixth part set the Equal Opportunities Commission which fought sex discrimination and promoted equality of men and women.

Women have always had to fight to at least get close to having the same rights as man. In this theses, some of their efforts were mentioned in previous chapters. Although women gained the suffrage in 1928, their position in the society was not equal to men's. It is hard to say whether the position is equal in modern society. An employee should be paid based on the kind of work he or she does and not based on their sex. Anyway, the statistics say that women are still employed in less skilled and lower paid jobs than man (British Broadcasting Corporation). One of possible causes could be the fact that women are expected to work and look after their household and children at the same time so their career is not considered as important as men's career. The situation is still not ideal, however, without the Act it would surely be even worse as it served as foundations for further legislation.

The Race Relations Act was passed in 1976. Although Britain had been taking advantages of many colonies for centuries, their inhabitants and later immigrants were not given the same rights as the European population. The Race Relations Act was passed in 1976. In its ten parts it banned unequal treatment on grounds of colour, race, nationality, ethnic origins and national origins (Daniels and Macdonald 2005: 40). It also established the Commission for Racial Equality with three main functions. The first function was to try to eliminate racial discrimination and promote equality of people. Secondly, it should have encouraged good relationships between people from different cultures. Finally, it ought to control the way the Act is working and give recommendations (Campbell and Patrick 2002: 25).

Both the Sex Discrimination Act and Race Relations Act were repealed by the Equality Act in 2010. The scope of the new act is wider and covers several fields. However, the importance of the 1970s acts is unquestionable.

### 13. 1998 The Human Rights Act

The Human Rights Act is closely related to the European Convention on Human Rights. Any individual who believed that the UK Government had violated the European Convention on Human Rights had no other choice but turn to European Court of Human Rights in Strasbourg. The applicant was obligated to prove that he exhausted all domestic remedies. Not only was the process lengthy but also very expensive.

In 1997, the Labour Party won the elections and took the office. The party's intention was to incorporate the Convention into the national law. By that, the right under the Conventions would be directly enforceable in the UK courts. Since 2 October 2000 when the Act came into force, it is unlawful for a public authority to act incompatibly with the Convention rights. Further, the courts are obligated to interpret all national legislation in compliance with the Convention. The UK judges must acknowledge the Court's and the Commission's practice and by that they help to develop the common law compatibly with the Convention rights (The National Archives). According to this policy, individuals can take human rights cases to domestic courts instead of turning to Strasbourg. The rights and freedoms which are contained in the Human Rights Act are: right to life, freedom from torture and inhuman treatment, right to liberty and security, freedom from slavery, right to a fair trial, right to family and private life, freedom of thought, religion, expression, assembly and right to get married together with protection from discrimination, right to peaceful enjoyment of property, education and right to participate in free elections.

There is a common opinion that the Human Rights Act from 1998 is the most important piece of legislation in modern history of the United Kingdom. It could be said that the process of human rights development, that had lasted centuries, reached fruition (Kirby 2009).

## Conclusion

The aim of the thesis was to chart important milestones in the development of human rights in Great Britain. As the topic is extended, only the most significant turning points were chosen to be examined. Firstly, the thesis gave the readers the idea of what human rights are. The second chapter dealt with the first revolutionary moment in the development and that was the Assize of Clarendon. The biggest significance of this document is the introduction of the trial by jury and it was also a step towards abolition of trial by combat or ordeal. Third chapter introduced Magna Charta. This frequently cited promulgation influenced not only the national law but also the law of the United States. It was the first document to say that there must be limits on king's powers. Following chapters described other important documents and changes such as An Agreement of the People which gave the right to vote to all adult man, with the exception of servants and beggars. The Bill of Rights was described in chapter four. This turning point granted limitations of the monarch and rights of Parliament and individuals. The fifth chapter dealt with the Parliamentary Register from 1774. From that moment on, the citizens have the right to access to information through those reports. The Reform Act was examined in chapter six and its contribution was the increase of the electorate in order to get more balanced results of elections. The Slavery Abolition Act was introduced in chapter seven. As the title of the act says, the main contribution was the abolition of slavery throughout the British Empire. Although it did not abolish the slavery completely, it was the first step towards freedom of all humans. The Representation of People Act together with the Equal Franchise Act were the content of the chapter eight. As the intended outcome of these two acts was moreover the same, they are dealt with in one chapter. After the WWI all adult men were given the right to vote. It took ten more years for women to achieve the same position regarding suffrage. The tenth chapter introduced the first international document – the Universal Declaration of Human Rights. Further, the thesis focused on the European Convention of Human Rights. The revolutionary character of the Convention lies in the establishment of a supranational court which can question a national court's decision. In the twentieth century, the society changed radically. One of the big changes was also the approach to human sexuality. Wolfenden Report suggested that even if people do not approve of homosexuality, it is not their place to judge those who are gay. Although the report itself was never binding, the major approach began changing. The Sex Discrimination Act together with the Race Relations Act were studied in the twelfth chapter. These two deeds completed the idea of equality. Finally,

the last chapter examined the Human Rights Act. From my point of view, it is the most recent important change in the human right development in the United Kingdom. Often the document at the time of its formation did not change very much. What all of them have in common is the fact that they started the public discussion and eventually made the real change possible.

In each chapter the political and social background was given and the impact of the particular change was sketched.

Not only did the work on the project widen my knowledge, but it has also aroused my interest in the topic. In the future, the option of further exploration occurs. One of possible themes for research could be, for instance, the comparison of American and British human rights development or comparison of the English Bill of Rights and the American Bill of Rights. Another direction of a possible study could be the influence of the British approach to human rights on other legal systems, the Czech one included.

I have always considered Great Britain a developed country which serves as a model of democracy to many other countries. While working on my project, I found out that for some fields it is true. Human rights recognition and protection is surely one of them. However, there were areas which had been moreover overlooked. For instance the equal suffrage for women did not come sooner than in 1928. Even worse seems the issue of sexual orientation. Not only homosexuality was a crime, but until 1999, which was only 16 years ago, it was banned for homosexuals to serve in the army. From that I presume that it has been a long journey for human rights, nevertheless there is still much to be improved.

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## Anotace

<b>Jméno a příjmení:</b>	Anna Štěřbová
<b>Katedra:</b>	Katedra anglického jazyka
<b>Vedoucí práce:</b>	PhDr. Světlana Obenausová, Ph.D.
<b>Rok obhajoby:</b>	2015

<b>Název práce:</b>	Vývoj lidských práv ve Velké Británii
<b>Název v angličtině:</b>	The Development of Human Rights in Great Britain
<b>Anotace práce:</b>	Bakalářská práce se zabývá vývojem lidských práv ve Velké Británii, uvádí nejdůležitější změny v přístupu k lidským právům a dané právní dokumenty, kodifikující tato práva a svobody.
<b>Klíčová slova:</b>	Lidská práva, základní svobody, Velká Británie
<b>Anotace práce v angličtině:</b>	The bachelor thesis is focused on the development of human rights in Great Britain. It lists the most significant changes of approach to human rights and fundamental freedoms.
<b>Klíčová slova v angličtině:</b>	human rights, fundamental freedoms, Great Britain
<b>Rozsah práce:</b>	41 stran
<b>Jazyk práce:</b>	angličtina