

The Naked Truth of Our Approach to Human Rights

By Bernard Boase

Human rights have scarcely looked more relative than in the last 10 days. First there was the deeply political decision in the Russian court's sentencing of the girls from Pussy Riot. There followed international condemnation of this totalitarian punishment of protest, with celebrities piling in to express outrage, and Amnesty International's flashmob protesting colourfully in the Royal Mile.

Then there was the deeply myopic decision by a sheriff in Kirkcaldy that Stephen Gough (the Naked Rambler) should, for the umpteenth time, be returned to solitary confinement in a Scottish jail because of the way he looks in public.

Perhaps it is easier to feel righteous about another country's despotic treatment of its citizens than about ones own country's treatment of a harmless eccentric. But that's no reason to gloss over the human rights issues.

In Stephen's case, there is no political confrontation, no anti-church display, no noisy, in-your-face provocation at all. There is merely a man who understands that his humanity (and all ours too) includes the human body. It is our only undeniable possession.

Yet, in selected jurisdictions there is a draconian desire to deny it, and consequently to deny him his freedom. To injure him further, jails have imposed their own sanctions compromising his physical and mental health, a matter which Stephen is taking to the European Court of Human Rights.

Stephen was inspired to start his crusade for self-expression by Vincent Bethell who, you may remember, underwent a five-day trial naked and was unanimously acquitted by a London jury of the unusual and petty-sounding charge of public nuisance. After two treks from Land's End to John O'Groats (partly accompanied by other walkers equally naked) Stephen found that Scotland had a much lower threshold of toleration than England, locking him up for the last six years.

We hear that 'complaints' are received by the police who then have to act. But if every public sight that displeased a citizen produced a 'complaint', the police would have no time to catch real criminals. Is it really not possible for a constabulary to inform complainers that what they dislike is not criminal, and if they want to take it further they are free to start a civil action?

Apart from some sheriffs being so obsessed with court decorum that Stephen's nakedness in the dock added contempt to their punishments, the usual charge has been breach of the peace. Yet, in 2001, in the Appeal Court, Lord Coulsfield defined breach of the peace as "conduct, which does present as genuinely alarming and disturbing, in its context, to any reasonable person." He also clarified that 'annoyance' alone was not enough.

Stephen is certain that most people are reasonable and that reasonable people accept the reality of bodies in both art and in life. He does not confront people, and anyone surprised by his nude presence is free to pass by.

The idea that children must never see adult bodies is absurd, arising from the unhealthy and untrue equation of nudity with sex. Taking that line, one's whole body is involved in sex in the relatively rare moments of intimacy, so how about having all men and women wear burkas!

Somewhat more sinister is the sheriff's request for a mental health assessment of Stephen. This has been tried before, and he has passed with flying colours. Clearly this time his strength has been sapped, and perhaps the court is hoping that he can be locked up elsewhere and forgotten. He will, I am sure, once again impress any independent psychologist with his lucidity and be found 'normal'.

There is now a growing and international body of support for Stephen that sees Scotland stuck in an earlier century. It includes the Facebook group 'Free the Naked Rambler Stephen Gough' with 2,400 members, various naturist and naked hiking groups, and recent press releases from British Naturism and the Naturist Action Group. Some have been writing to MSPs to highlight the misapplication of the law and the misuse of funds, but more pressure is needed.

Stephen holds up a mirror to the authorities in Scotland showing them to be superstitiously afraid of their very selves. Afraid, too, that a long tradition of inhuman taboos might be questioned. How unsettling! Come on Scotland; show some independent spirit! See Stephen Gough for what he is: a beacon of good sense who deserves at the very least to be tolerated and then, if that's your preference, ignored.

Let him be released on compassionate grounds and allowed to leave Scotland unhindered so he can return to England to rejoin his family.

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