

Public Law Lectures 9 and 10: Human Rights

INTRODUCTION

Outline

- Introduction
- European Convention on Human Rights
 - Early history
 - Principles of interpretation
 - Scope of the rights
 - Limitations and exceptions
 - Procedural elements
- Human Rights Act 1998 (HRA)

Context

Background

Traditional means of protection of individual freedom in the UK: **we relied on the judges to protect our civil liberties when developing the common law**

Civil liberties rather than human rights

"We are free to do anything that is not against the law"

Reliance on:

- the common law see e.g. *Entick v Carrington* 1765
- the democratically elected Parliament – e.g. Factory Act 1833; Representation of the People Act 1918; Race Relations Act 1976; Sex Discrimination Act 1975

THE EUROPEAN CONVENTION ON HUMAN RIGHTS ("ECHR")

Early history and ideology:

European Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950) – entered into force 3 September 1953. It was based on the United Nations Universal Declaration of Human Rights 1948.

It was drafted as a statement of values in opposition to those of the dictatorships which had recently been defeated in the Second World War and which had led to the horrors of the Holocaust.

Seven Lectures On Human Rights

Thomas David Jones



Seven Lectures On Human Rights:

Seven Lectures on Human Rights Johan David Van der Vyver, 1976 **Does Human Rights Need God?** Elizabeth M. Bucar, Barbra Barnett, 2005-08-31 When the Universal Declaration of Human Rights was drafted in 1945 French Catholic philosopher Jacques Maritain observed We agree on these rights providing we are not asked why With the why the dispute begins The world since then has continued to agree to disagree fearing that an open discussion of the divergent rationales for human rights would undermine the consensus of the Declaration Is it possible however that current failures to protect human rights may stem from this tacit agreement to avoid addressing the underpinnings of human rights This consequential volume presents leading scholars activists and officials from four continents who dare to discuss the why behind human rights Appraising the current situation from diverse religious perspectives Jewish Protestant Orthodox Muslim Confucian and secular humanist the contributors openly address the question whether God is a necessary part of human rights Despite their widely varying commitments and approaches the authors affirm that an investigation into the why of human rights need not devolve into irreconcilable conflict Contributors Khaled Abou El Fadl Barbra Barnett Elizabeth M Bucar Jean Bethke Elshtain Robert P George Vigen Guroian Louis Henkin Courtney W Howland David Novak Sari Nusseibeh Martin Palou Robert A Seiple Max L Stackhouse Charles Villa Vicencio Anthony C Yu *Human Rights and Forced Displacement* Joan Fitzpatrick, Anne Bayefsky, 2021-10-18 A comprehensive approach to the problem of forced displacement involves understanding and addressing human rights issues in a multiplicity of forms This collection aims to contribute to the institutional capacities of the many different players to operationalise the human rights of refugees and the internally displaced by conceptualising the emerging issues and priorities and advancing policy thinking on human rights and forced displacement Each of the sections of the book approaches this issue from a different perspective The section on standards asks What international human rights standards apply to the forcibly displaced How do they apply Have there been failures Are there gaps in the international standards Are there conflicts The section on monitoring reporting asks Who monitors human rights violations Who reports the findings and to whom What are the respective responsibilities of the different actors The section on solutions asks where solutions lie Environmental planning and development International prosecution of war criminals Rebuilding legal infrastructures and national institutions Enhancing the role of human rights NGOs to monitor report and frame forced displacement in human rights terms for increased public understanding and interest The final section looks to the future and considers where asylum fits into the spectrum of solving the nature of forced displacement today the capacities and limitations of international criminal tribunals and the co operative arrangements and practical divisions of labour that need to be fashioned between international agencies and service relief providers **Israel Yearbook on Human Rights, Volume 26 (1996)** Yoram Dinstein, Fania Domb, 2020-10-26 The Israel Yearbook on Human Rights an annual published under the auspices of the Faculty of Law of Tel Aviv University since 1971 is devoted to

publishing studies by distinguished scholars in Israel and other countries on human rights in peace and war with particular emphasis on problems relevant to the State of Israel and the Jewish people The Yearbook also incorporates documentary materials relating to Israel and the Administered Areas which are not otherwise available in English including summaries of judicial decisions compilations of legislative enactments and military proclamations Volume 26 contains amongst others articles on The Essence of Democracy Democracy in International Relations The Threats to Democracy and Democracy in Israel and the Palestinian Authority

South Africa's Struggle for Human Rights Saul Dubow, 2012-09-07 The human rights movement in South Africa's transition to a postapartheid democracy has been widely celebrated as a triumph for global human rights It was a key aspect of the political transition often referred to as a miracle which brought majority rule and democracy to South Africa The country's new constitution its Truth and Reconciliation Commission and the moral authority of Nelson Mandela stand as exemplary proof of this achievement Yet less than a generation after the achievement of freedom the status of human rights and constitutionalism in South Africa is uncertain In government the ANC has displayed an inconsistent attitude to the protection and advancement of hard won freedoms and rights and it is not at all clear that a broader civic and political consciousness of the importance of rights is rooting itself more widely in popular culture

The International Law of Human Rights in Africa M. Hamalengwa, Cees Flinterman, E. V. O. Dankwa, 1988-07 Against Apartheid in Sports 1986

Israel Yearbook on Human Rights Y. Dinstein Domb, 1997-09-01 The Israel Yearbook on Human Rights an annual published under the auspices of the Faculty of Law of Tel Aviv University since 1971 is devoted to publishing studies by distinguished scholars in Israel and other countries on human rights in peace and war with particular emphasis on problems relevant to the State of Israel and the Jewish people The Yearbook also incorporates documentary materials relating to Israel and the Administered Areas which are not otherwise available in English including summaries of judicial decisions compilations of legislative enactments and military proclamations Volume 26 contains amongst others articles on The Essence of Democracy Democracy in International Relations The Threats to Democracy and Democracy in Israel and the Palestinian Authority

God's Joust, God's Justice John Witte, 2006-10-31 God's Joust God's Justice provides a vista of the major debates over law and religion in the West enabling readers to proceed toward a more integrated understanding of the foundational elements of modern democracy

Human Rights Thomas David Jones, 1998 The Nature of Human Rights

The Global Bioethics of Artificial Intelligence and Human Rights Dominique J. Monlezun, 2020-07-22 Human annihilation has never been so easy Artificial intelligence guided genetic engineered nanotechnology and robotics AI GNR are widely recognized as our most transformative technological revolution ever yet we do not even have a common moral language to unite our pluralistic world to prevent an AI apocalypse should this revolution explode out of our control This book is the first known comprehensive global bioethical analysis of AI and AI GNR by defining the Thomistic Aristotelian personalist foundation of the rights and duties based social contract framework of the United

Nations and then applying it to AI As such it creates a compelling approach which will appeal to scientists health professionals policy makers politicians students and anyone interested in our shared survival around shared solutions

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