

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

R Sanford



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Table of Contents Seven Lectures On Human Rights

1. Understanding the eBook Seven Lectures On Human Rights
 - The Rise of Digital Reading Seven Lectures On Human Rights
 - Advantages of eBooks Over Traditional Books
2. Identifying Seven Lectures On Human Rights
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Seven Lectures On Human Rights
 - User-Friendly Interface
4. Exploring eBook Recommendations from Seven Lectures On Human Rights

- Personalized Recommendations
- Seven Lectures On Human Rights User Reviews and Ratings
- Seven Lectures On Human Rights and Bestseller Lists
- 5. Accessing Seven Lectures On Human Rights Free and Paid eBooks
 - Seven Lectures On Human Rights Public Domain eBooks
 - Seven Lectures On Human Rights eBook Subscription Services
 - Seven Lectures On Human Rights Budget-Friendly Options
- 6. Navigating Seven Lectures On Human Rights eBook Formats
 - ePub, PDF, MOBI, and More
 - Seven Lectures On Human Rights Compatibility with Devices
 - Seven Lectures On Human Rights Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Seven Lectures On Human Rights
 - Highlighting and Note-Taking Seven Lectures On Human Rights
 - Interactive Elements Seven Lectures On Human Rights
- 8. Staying Engaged with Seven Lectures On Human Rights
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Seven Lectures On Human Rights
- 9. Balancing eBooks and Physical Books Seven Lectures On Human Rights
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Seven Lectures On Human Rights
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Seven Lectures On Human Rights
 - Setting Reading Goals Seven Lectures On Human Rights
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Seven Lectures On Human Rights

- Fact-Checking eBook Content of Seven Lectures On Human Rights
- Distinguishing Credible Sources

13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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