

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")

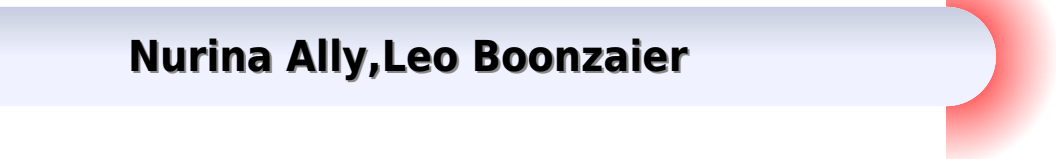
Early history and ideology:

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

Nurina Ally, Leo Boonzaier



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