

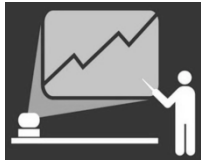
What rights do I have?



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Edited by Dr Peter Jepson
Read & Précis: Chapter 3, Issue 2, pages 117-135

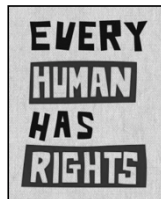
Welcome

- Ensure mobile phones are off
- No eating in the classroom
- You should take notes/annotate your Pdf print files



Topic Aims

- What are 'human rights'?
- The right to know.
- Other rights of UK citizens.



Human Rights

- A constitution is a collection of rights that have been formally recognised by the state.
- The United Kingdom has an unwritten constitution. Rights come from:
 - (1) Statute Law – *who makes this?*
 - (2) Common Law – *what is this?*
 - (3) Convention

Human Rights

- Parliament can change any of our laws, it is sovereign – the supreme law maker.

The most recognised definition of parliamentary supremacy was given by Dicey in the 19 Century.
- (1) Parliament can legislate on any matter.
- (2) No Parliament is bound by any previous Parliament or can bind a future Parliament.
- (3) No other body has the right to declare illegal an Act of Parliament.

Human Rights ...

- Define the UK Parliament (what does it consist of) ?
 - Can the UK Parliament pass an act that is incompatible with human rights?
 - Can the Scottish Parliament and/or Welsh Assembly pass an act that is incompatible with Human Rights?

Human Rights

- Traditionally, UK based rights approach is that every citizen is free to do whatever he or she wants to do – as long as it is legal.

However, sometimes it must be restricted...

E.g. Somebody who preaches hate speech (Race Relations Act).

E.g. When an individual wants to sell state secrets (Official Secrets Act).

Human Rights

- What is the rule of law?
- Can the Government interfere with our rights – what is the justification?

Case Study: Malone v Commissioner for the Metropolitan Police (1979)



ECHR

The European Convention on Human Rights was created after WWII. **Why?**

The convention sets out basic rights for all citizens whose countries have signed. **What are some of these rights?**

Who can I bring a claim against?



 Private individual

 The State (i.e. Govt. and Local authorities)

The HRA 1998

How has the Human Rights Act 1998 benefited UK citizens?

Copy the advantages and disadvantages table on page 125 – Answer activity 5 (be prepared to share your answer!).

The HRA 1998

Debate:

'The right to a fair trial must be made available to all citizens regardless of their crimes.'

'The HRA protects criminals more than law abiding citizens. Discuss.'



The Right To Know

Freedom of expression is important for three key reasons:

- (1) The argument from truth.
- (2) The argument from self-fulfilment.
- (3) The argument from democracy.

The Right To Know

In groups, research and present...

- (1) Why is freedom of expression important?
- (2) The purpose of the Data Protection Act 1998?
- (3) The purpose of the Freedom of Information Act 2000.



Other Rights

Although not protected by the HRA 1998, citizens are also entitled to rights such as:

- Welfare rights. **Can you think of any?**
- The right to defend oneself. **Where does this apply?**
- The right to trial by jury. **Where is a jury used?**

Just to remind you...

➤ For the Unit 1 exam, you should be able to **know, understand** and **discuss**:

- The ECHR and HRA 1998.
- Data Protection Act 1998.
- Freedom of Information Act 2000.
