

# Human Rights 20 Years On:

*Are they still relevant?*

*X Vengoechea, Adv*

# Human Rights 20 Years On

## The Human Rights Act 1998

Royal Assent: 9 November 1998; In force: 2 October 2000.



# Human Rights 20 Years On

- Inherent
- Inalienable
- Universal

# Human Rights 20 Years On

- Freedom rights
- Equality rights
- Collective rights

# Human Rights 20 Years On

- Interrelated
- Interdependent
- Interconnected

# Human Rights 20 Years On

- Absolute
- Limited
- Qualified

# Human Rights 20 Years On

*“a field day for crackpots, a pain in the neck for judges and a gold mine for lawyers”*

*– The Rt Hon The Lord McCluskey, The Reith Lectures, 1986*

# Human Rights 20 Years On

*“By incorporating into our domestic law **vague, imprecise and high-sounding statements of legal rights, we hand** what is truly legislative **power away** from a democratic and accountable Parliament **to an appointed, unelected and unaccountable judiciary.** No doubt the latter will be composed of distinguished men - indeed, that applies to some, many or most of them - but they will be successful lawyers **with very limited democratic credentials and experience**”*



# Human Rights 20 Years On

- *Campbell v Mirror Group Newspapers Ltd* [2004] UKHL 22
- *V v United Kingdom; T v United Kingdom* (1999) 30 EHRR 121; *Venables & Anor v News Group News Papers Ltd & Ors* [2001] EWHC QB 32; *Venables & Anor v News Group Papers Ltd & Ors* [2010] EWHC B18 (QB)
- *Mosley v the United Kingdom*, 48009/08 [2011] ECHR 774

# Human Rights 20 Years On

- *HM Advocate v Little*, 1999 SCCR 625
- *Stars v Ruxton*, 2000 JC 208
- *Maan, Petitioner*, 2001 SCCR 172
- *Robert Napier v The Scottish Ministers*, [2005] CSIH 16
- *Cadder v HM Advocate*, [2010] UKSC 43

# Human Rights 20 Years On

## The Telegraph

“The Criminals' Rights Act 1998”

12:01AM BST 14 May 2006

<https://www.telegraph.co.uk/news/uknews/1518302/The-Criminals-Rights-Act-1998.html>

# Human Rights 20 Years On

## A British Bill of Rights?

*“For centuries, it has been quoted to help promote human rights and alleviate suffering all around the world (...) But here in Britain, ironically the place where those ideas were first set out, the good name of human rights has sometimes become distorted and devalued (...) It is our duty to safeguard the legacy, the idea, the momentous achievement of those barons. And there couldn't be a better time to reaffirm that commitment than on an anniversary like this” - David Cameron, PM*

**<https://www.bbc.co.uk/news/uk-politics-33134338>**

# Human Rights 20 Years On

## 50 HUMAN RIGHTS CASES THAT TRANSFORMED BRITAIN

<https://rightsinfo.org/infographics/fifty-human-rights-cases/>

# Human Rights 20 Years On

- Pre Act:
- (3) *Smith and Grady v UK*, (1999) 29 EHRR 493
- (41) *Osman v UK*, [1999] 1 F.L.R. 193 (ECtHR)
- (4) *Dudgeon v UK*, 7525/76, [1981] 4 EHRR 149
- (35) *A v UK*, 1998

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# Human Rights 20 Years On

- Post-Act:
- (1) *A and others v Secretary of State for the Home Department*, [2004] UKHL 56
- (7) *Ghaidan (Appellant) v Godin-Mendoza (FC) (Respondent)*, [2004] UKHL 30
- (13) *Gillan and Quinton v UK*, [2010] ECHR 28
- (22) *Othman (Abu Qatada) v UK*, [2012] ECHR 56

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- Post-Act:
- (36) *Liberty and others v UK*, [2008] ECHR 568
- (37) *Eweida and others v UK*, [2013] ECHR 37
- (46) *Vinter, Bamber & Moore v UK*, [2012] ECHR 61
- (47) *R (on the application of T and another) v Secretary of State for the Home Department and another*, [2014] UKSC 35



# Human Rights 20 Years On

- Domestic Abuse (Scotland) Act 2018
- Gender Representation on Public Boards (Scotland) Act 2018
- Child Poverty (Scotland) Act 2017
- Contract (Third Party Rights) (Scotland) Act 2017
- Private Housing (Tenancies) (Scotland) Act 2016

# Human Rights 20 Years On

- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Human Trafficking and Exploitation (Scotland) Act 2015
- Children and Young People (Scotland) Act 2014
- Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010
- Criminal Justice and Licensing (Scotland) Act 2010

# Human Rights 20 Years On

## Brexit

12:00AM BST 29 March 2019

<https://www.equalityhumanrights.com/en/our-human-rights-work/what-does-brexit-mean-equality-and-human-rights-uk>