

Human Rights Law

Dr Kirsty Hughes and Dr Stephanie Palmer

What is this course?

This exciting new course provides knowledge of, and an opportunity to engage in critical examination of Human Rights law. It will examine the nature of civil liberties and human rights, including the position prior to the Human Rights Act 1998, the operation of the Human Rights Act 1998 and prospects for reform. This context to human rights is of fundamental importance as we sit on the cusp of ongoing challenges to, and possible transformations of, human rights law.

The course draws upon both theories and critiques of human rights and detailed case studies of rights in particular contexts. Students will critically examine human rights adjudication within the European and UK legal system and there will be a focus upon in-depth analysis of selected problems in human rights law including, the right to life, torture, terrorism, immigration, human trafficking, privacy, hate speech, protest, freedom of religion, and discrimination.

I want to work in the magic circle should I take this course?

Yes. Human rights law impacts across the legal framework and knowledge of how it operates is essential for all kinds of lawyers.

I don't like or believe in Human Rights should I take this course?

Yes. There are (some) good reasons to be skeptical about human rights law (from both the right and left end of the political spectrum). We will consider these during the course, and as a result you may find that the course assists you in understanding and explaining your doubts about the legitimacy or role of human rights. Alternatively you may find that knowing more about human rights law changes your views.

How does this course relate to Constitutional Law and Administrative Law?

This course builds upon the brief introduction to Human Rights law that you received (or will receive) in Constitutional law. It is possible to take this course as well as Administrative law (either in the same year or in separate years), it is also possible to take this course without taking Administrative law. There is neither an advantage nor a disadvantage to doing so.

Although all three public law courses (Constitutional, Administrative law and Human Rights law) involve analysis of power, freedom, accountability and democracy, and necessitate critical analysis of the various tools and theories as to how to achieve this, human rights law focuses more on what actually happens to the individual in a given context. Thus whilst in Constitutional law you considered how the Human Rights Act 1998 operates, and what the use of s. 3, s.4 and s. 6 HRA 1998 tell us about the relationship between the various organs of state and the Constitution, in Human Rights law you will look much more closely at whether, how and why an individual's right is, or is not, protected. In other words, you will look not only at the infrastructure of the Human Rights Act 1998, but at what the law actually provides in terms of e.g. freedom from torture. What activities and actions does the right to freedom from torture encompass? Are there any exceptions? What measures has the state brought in to deal with terrorism? Are those measures compatible with human rights law? Has human rights law limited what the state can do to combat terrorism?

Is it better to take this course in Part IB or Part II?

In line with a number of other full papers offered by the Law Faculty the course is available in Part IB and Part II, there is no advantage or disadvantage to taking the course in either year.

Should I be worried that this is a new course?

Certainly not! The lecturers on this course have taught human rights law to undergraduate and graduate students in Cambridge for many years, and the course itself builds upon a very popular and successful half paper in European Human Rights law that has been offered by the Faculty for nearly two decades. The supervision materials, essays and sample examination paper will provide clear insight into what is expected from students. Lecturers will also be available throughout the year to respond to any queries that students may have.

How will this course be taught?

There will be 32 lectures for this course in Michaelmas and Lent term. They will be supported by nine substantive supervisions and one revision supervision. Materials will make extensive use of * items to guide students reading and study throughout the course.

How will this course be assessed?

This course is assessed in the same way as other full papers, namely a three hour written examination in Easter term. Students will answer four questions from a range of essay and problem questions. There will be no mandatory questions, nor combinations of questions.

Will I have access to sample examination questions?

Yes a sample examination paper will be available on Moodle during the academic year and feedback on the sample examination paper will be part of the revision supervision. Supervision sheets will also contain examples of examination style questions, and students will have an opportunity to receive feedback on written responses to these questions throughout the year.

I have further questions who can I contact?

Dr Kirsty Hughes (kh391) or Dr Stephanie Palmer (sp10002)