

## Update: December 2007

### Chapter 2

#### Question 5

Continue to follow the application of *Ramzy v Netherlands* (Application No 25424/05), pending before the European Court. The UK is joined as a party to the proceedings and the Court is being asked to reconsider the decision in *Chahal v United Kingdom* in the context of the threat of terrorism.

### Chapter 3

#### Questions 1, 2 and 3

Students should note the various calls for the repeal or amendment of the HRA, in particular the government's paper: *The Governance of Britain* (Cm 7170), paras. 204-215.

Read Klug, *Do we need a bill of rights; or have we already got one?* [2007] PL

### Chapter 4

#### Question 1

See the recent case of *Brecknell and others v United Kingdom*, *The Times*, 7 December 2007, on the breach of the procedural obligation under article 2 to hold an effective and independent investigation into deaths.

#### Question 3

See *Brecknell v United Kingdom* (above).

#### Question 4

Follow the proceedings in *Ramzy v Netherlands*, see above.

### Chapter 5

#### Questions 1 and 4

Students should look out for the decision of the European Court in *N v United Kingdom*, with respect to the obligation to keep AIDS sufferers in the country.

#### Question 4

Continue to follow the proceedings in *Ramzy v Netherlands*.

## Chapter 6

### Questions 1 and 2

See now the decisions of the House of Lords in *E v Home Secretary* and *JJ v Home Secretary*, and *AF v Home Secretary* on whether control orders constituted a deprivation of liberty within article 5.

Also follow the government's plans to extend the period of detention with respect to terrorist offences.

### Question 3

See the House of Lords decision in *MB v Home Secretary*, on whether control orders constitute a criminal charge (no) or engage civil rights (yes).

## Chapter 7

### Question 1

Read Foster, Automatic Forfeiture of Prisoners' Rights (2007) Notts Law J 1

### Question 2

See now the decision of the Grand Chamber of the European Court's decision in *Dickson v United Kingdom* (4 December 2007) regarding the legality of denying a prisoner artificial insemination facilities. It was held that the policy and its judicial review did not provide for an appropriate balancing of the respective private and public interests.

## Chapter 8

### Question 1

See *R (Countryside Alliance) v Attorney General* [2007] UKHL 52, rejecting the claim that fox hunting was part of private life and home within article 8.

### Question 5

Note the new Sexual Orientation Regulations passed under the Equality Act 2006.

## Chapter 9

### Question 3

Note the decision of the Court of Appeal in *Charman v Orion Publishing Group* (11 October 2007), applying the extended approach adopted in *Jameel v Wall Street Journal* and granting qualified privilege.

## Chapter 10

### Question 1

See the decision of *Friend v Lord Advocate* [2007] UKHL 53 where the House of Lords rejected the claim that fox hunting engaged the participants' rights of conscience under article 9.

### Question 2

See the decision in *R (Green) v City of Westminster Magistrates' Court* [2007] EWHC 2785 (Admin) on the refusal to prosecute the Jerry Springer show, shown on BBC television and performed on stage. The High Court held that both the Theatres Act 1968 and the Broadcasting Act 1990 provided immunity against actions in blasphemy, and that in any case the show ridiculed television programmes rather than Christianity.

### Questions 4 and 5

See the Court of Appeal decision in *Austin v Commissioner for the Police of the Metropolis*, *The Times* 29 October 2007 upholding the police's power to detain protestors in order to prevent an imminent breach of the peace.