

BOOK REVIEWS

Kirsty Hughes, Stevie Martin and Stephanie Palmer, *Human Rights in the UK: Themes and Principles*, Cambridge University Press 2025

At a time when the textbook market on domestic human rights law has been largely replaced by texts on international human rights and specialist tomes on burning human rights issues, Cambridge University Press have published what at first sight appears to be a 'standard' text on the protection of human rights in the United Kingdom. The movement away from general texts in this area reflects the international and domestic concern for specialist and minority rights – such as environmental rights and the rights of the vulnerable – and this has affected the teaching of human rights, where traditional human rights courses are being replaced by studies of more specialist human rights concerns, and/or the institutions and process of enforcement of rights.

Civil Liberties texts began their life in the 1960's, concentrating primarily on police powers, aspects of the right to free speech (national security and the protection of morals) and the right to demonstrate. *Freedom, the Individual and the Law*, written by Harry Street and published by Penguin, was the set text, offering a readable and political insight into the battle between civil liberties and the state, and as (the most interesting) part of the student's study of constitutional and administrative law. Civil liberties and human rights texts (and courses) became popular from the 1990's when the law was being informed by the growing jurisprudence of the European Court of Human Rights, and the expected incorporation of the Convention into domestic law via the passing of the Human Rights Act 1998. Consequently, many human rights courses were shaped by books by leading experts such as Helen Fenwick and David Feldman, who provided outstanding academic commentary on rights' values, the process of protecting rights in the UK and in Europe, and the wide range of civil and political rights covered in the Convention and in domestic law. Other texts followed, written by academics and practitioners, following and explaining the case law under the Human Rights Act and the jurisprudence of the Strasbourg Court (together with the political and constitutional dialogue over the extent and enforcement of those rights).

Despite the legal and political growth of human rights in the UK, recently the publishers of human rights texts were reluctant to publish new editions, reflecting perhaps the change of focus in higher education to international human rights modules, or ones specialising in topics such as environmental rights, asylum and immigration law, discrimination and equality, and a wide range of economic and social rights. Domestic human rights law was largely being placed back into constitutional courses, as it was for many years, and the need for general human rights texts has been reduced.

The present text offers students, academics and practitioners a welcome return to expert and detailed coverage of domestic human rights issues, including those representing various new challenges to rights' protection in the last ten years or so. Written by three leading academic publishers and researchers in the enforcement of human rights in this jurisdiction, and in international and European law, the text offers a fascinating mix of human rights and their essential institutions and themes; an expert coverage of Convention and HRA rights (such as the right to life, freedom from torture, free speech, freedom of religion, the right to demonstrate, privacy and freedom from discrimination); and, importantly, a fascinating examination of some of the key and controversial rights and dilemmas in modern human rights law.

The initial chapters of the text follow the format of previous texts, covering the (critical) nature of rights, the enforcement of various rights in the United Kingdom, and the machinery for

enforcement of 'Convention' rights under the European Convention on Human Rights (and, where appropriate, EU and international law). The critical discussion in these chapters has been informed by the authors' research into specialist rights covered in the text, and we are introduced to many of the political and legal dilemmas that will help us understand the central arguments covered in those chapters. Much of the text then stays on reasonably traditional grounds in its coverage of the right to life, freedom from torture, inhuman and degrading treatment, the right to demonstrate, terrorism and human rights, freedom of religion and freedom from discrimination. These chapters are expertly written, successfully providing the reader with a critical awareness of the central themes and dilemmas, and the enormous amount of case law that has been produced in this jurisdiction and in Europe with respect to the recognition, enforcement and balancing of human rights.

The text stands out, however, because of its coverage and treatment of rights' issues and dilemmas not covered (in detail) in other general texts, but which are very much on the political and legal agenda in the early part of the twenty-first century. For example, after the chapter on the right to life and torture etc., we are provided with a chapter discussing issues on the beginning and end of life, including abortion rights and the current dilemmas raised by various aspects of assisted dying. This allows the reader to digest the substantive laws and case law in the context of the fierce debate from both sides, including the overruling of *Roe v Wade* in the USA, and the support and opposition to 'the right to die' in the United Kingdom (and in Europe). Such issues have been covered in other general texts, but the authors allow us to examine those dilemmas in detail based on their intense and critical research and considering current discussions and conflicts. Further, after the chapter on the battle between privacy and freedom of expression and press freedom, we are provided with chapters on the right to private and family life under Article 8 ECHR as it affects Immigration Law; incorporating political and moral discussions on the present government's new approach to immigration. Again, a specific chapter on hate speech then feeds into their examination of freedom of religion and equality and discrimination laws in subsequent chapters. Those chapters explore the current conflicts between free speech and the recognition of equality and diversity (including in universities), and the balancing of free expression with the protection of the rights of others to be free from discrimination and the enjoyment of their right to private life. There is also a chapter on Modern Slavery and Human Trafficking, including Article 4 of the ECHR's incorporation into domestic law via the Modern Slavery Act 2015. These areas reflect the authors' expertise and research into some of the modern dilemmas of rights' enforcement and are likely to reflect the interests of many law teachers who shape the content of their human rights modules. The text will also provide an invaluable resource to those in practice, or students, who must undertake assignments in these areas, or who are looking for inspiration for undergraduate or postgraduate dissertations.

The text thus successfully offers us both a welcome return to the general human rights text covering domestic and European law, together with a focus on controversial areas not usually included in those texts, but which are presently dominating political and legal discussion and arguments on human rights and their enforcement. In that sense, the book achieves both goals: an expert coverage of human rights law, themes and enforcement, with an opportunity to focus on pressing, specialist rights' dilemmas and challenges. The content and focus of the text are obviously affected by the authors' expertise and previous and current research, and consequently certain areas and rights are not covered – prisoners' rights, the right to a fair trial, liberty of the person (including police powers of arrest) – are not covered specifically. The text also fails to cover many aspects of Article 8, such as surveillances, instead focussing on privacy versus free speech. Such observations can be made of most general texts on human rights, and as the market for standard texts on human rights has now been severely affected by the concentration on specific rights and their enforcement, your reviewer offers no criticism with respect to those omissions. As stated above, universities have moved on from offering general modules covering all Convention and domestic human rights and have subsumed those discussions in modules covering constitutional law (or the criminal or civil justice system) or ones examining specific rights and institutions.

This text, and the authors' critical expertise, is particularly welcome at a time when human rights, and the rule of law (both domestically and internationally) are under threat from political opposition and right-wing populism. Echoing Phillipe Sands' recommendation of the book, it represents a 'vital, necessary, meticulous and magisterially accessible account of human rights law in Britain'. As stated in the preface, the authors are aware of the limitation of rights, and the inevitable conflict between different rights' holders (free speech versus privacy; free speech versus religion and freedom from discrimination), asking the reader to be aware of those limitations and conflicts, rather than abandoning the concept of rights all together.

Dr Steve Foster, Honorary Fellow, Coventry University