

Conflicts between  
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Law



Conflicts between Public Interest and Personal Interest  
Conflicts between Public Interest and Personal Interest “ Human rights are vital in empowering and self-actualization of an individual. The UK’s human rights Act of 1998 was assented on November 9, 1998. Its full implementation was in 2000. The rights were an enforcement to the existing rights provided by ECHR (Amos, 2009). Enforcing the human rights Act, however, is subject to drawbacks emanating from both application and interpretation of the law. Such contradiction and incompatibility in the law demand revision to streamline all controversies in the various provisions of the law. This presentation highlights some of the profound drawbacks in the UK’s human rights Act.

#### Conflict in Article 8 and 10 of the Act

Article 8 of the conventions provides for respect for one’s private life, home and family life. The Article covers areas concerned with self-determination. The definition of private life is complicated and broad. The privacy entitles people to life without the intrusion as in the case of *Terry v Persons Unknown* (Rev 1) [2010] EWHC 119 (QB) (29 January 2010) (BAILII 2010). Contrary to Article 8, Article 10 provides for freedom of expression. One of the aspects of expression involves communication. Communication entitles citizens to express their ideas without limitations. However, communication may also be limited depending on the infringement of an individual’s privacy (BAILII, 2012). It, therefore, can be deciphered that the two aspects considered in the two articles breach confidence in their interpretation. Whereas Article 10 advocates democratic expression, Article 8 suppresses such fundamental entitlements. Article 10 demands transparency and openness, contrary to article 8 that advocates privacy. Upholding Article 8 requires prior

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consultation of individuals while exercising expression. Such incidence occurred between Mr. Max Mosley sought for an injunction to uphold Article 8 (Mosley v The United Kingdom [2011] 53 E. H. R. R 30). An inference of lack of proper ways of upholding Article 8 can be made from the case.

#### Conflicts between Article 9 and Public Interest

Article 9 provides for an individual's freedom to uphold a wide range of ideas and beliefs, based on religious ideologies. The article empowers citizens with autonomy regarding their actions and lifestyles (Equal Rights Trust 2014, p. 2). The issue of public interest involves anything that may interfere with other standards upheld in the society. The extent of manifestation of beliefs may be limited as in the case Eweida and Others v The United Kingdom; ECHR 15 January 2013 (BAILII, 2013).

#### Public Interest versus Personal Interest

Usually, one's autonomy conflicts with that of the mass. Personal interest concerns the autonomy of an individual on issues affecting his or her life. Court interpretation of issues regarding personal and public interest requires a balance of the enactment counter-act. There is a conflict in the case R (on the application of SB) v Denbigh High School, personal interest and the public interest. The respondent's interests were violated to uphold public interest (BAILII, 2013).

#### The Bill of Rights

Human rights acts provision has rights, which are incompatible. Listing of these rights in order of importance will help in putting boundaries between the rights. This listing will act as a guide to courts in enacting the laws. The bill will also help in protecting rights of minority groups.

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## Bibliography

Amos, M. (2009). Problems with the Human Rights Act 1998 and How to Remedy Them: Is a Bill of Rights the Answer? *The Modern Law Review*. 72 (6), pp. 883–908.

British and Irish Legal Information Institute (BAILII) (2010). England and Wales High Court (Queens Bench Division) Decisions. Retrieved January 20, 2015 from <http://www.bailii.org/ew/cases/EWHC/QB/2010/119.html>

British and Irish Legal Information Institute (BAILII) (2012). European Court of Human Rights. Case of Axel Springer AG v. Germany. Retrieved January 20, 2015 from <http://www.bailii.org/eu/cases/ECHR/2012/227.html>

British and Irish Legal Information Institute (BAILII) (2013). European Court of Human Rights. Case Eweida and Others v The United Kingdom; ECHR 15 January 2013. Retrieved January 20, 2015 from <http://www.bailii.org/cgi-bin/markup.cgi?doc=/eu/cases/ECHR/2013/37.html&query=eweida&method=boolean>

British and Irish Legal Information Institute (BAILII)(2006). United Kingdom House of Lords Decisions. Begum, R (on the application of) v. Denbigh High School [2006] UKHL 15 (22 March 2006). Retrieved January 20, 2015 from <http://www.bailii.org/uk/cases/UKHL/2006/15.html>

Equal Rights Trust (2014). S. A. S v France. Application number 43835/11. Retrieved January 20, 2015 from <http://www.equalrightstrust.org/ertdocumentbank/Court%20Watch%20-%20SAS%20v%20France.pdf>

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