



Volume XI, Issue II

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<p>1-25</p>	<p><u>Emily Ottley: Mandatory Covid-19 Vaccinations for adults in England & Wales: a justified interference with Article 8 of the European Convention on Human Rights?</u></p> <p>In light of the Covid-19 pandemic and the Grand Chamber's recent decision in <i>Vavřička and others v the Czech Republic</i>, it is time to re-examine the contentious issue of mandatory vaccinations. This raises a number of difficult political, ethical, and legal issues. However, the focus of this paper is on compliance with human rights obligations. More specifically, it asks whether mandatory Covid-19 vaccinations for adults in England and Wales would be a justified interference with Article 8 of the European Convention on Human Rights. The question of mandating vaccines for adults has so far been under analysed in the case law and legal literature. The conclusion reached here is that the interference could be justified for the protection of health and the economic wellbeing of the country. This supposes that the necessary legislation will be passed by Parliament. It is also contingent on both the way in which the scheme is set up and the ineffectiveness of education/awareness campaigns.</p>
<p>26-48</p>	<p><u>Mary Lowth: Can mandatory vaccination be ethically justified? A deontological perspective.</u></p> <p>The moral duty to choose to be vaccinated is a duty to exercise autonomy unselfishly, taking proper account of the duty of rescue. This does not imply a community 'right' to coerce such duties, since only selfish choices can be coerced, since these reject the moral duty of easy rescue. Since the ease of choosing to rescue is subjectively determined, for those with extreme aversion vaccination may too difficult to be required by the duty. Even for those who do choose selfishly the permissible degree of coercion of selfish choices will necessarily be limited to those that do not impair the voluntariness of consent since, irrespective of law, medical ethics do not permit invasion of the bodies of patients without consent. The permissible level of coercion therefore cannot exceed that which permits an 'all things considered' decision made for normatively reasonable reasons, as opposed to a choice between evils.</p>
<p>49-73</p>	<p><u>Akash Thomas Jose, Rida Ameen: Non-Discrimination Obligations in FRAND Disputes: A Need to Reconsider based on Antitrust Concerns</u></p> <p>Licenses for standard essential patents must be given on 'fair, reasonable and non-discriminatory' (FRAND) terms to ensure that every licensee gains access to standardised technology without being treated unfairly. However, their compliance depends on the scope of each obligation which has not been defined accurately. In particular, the 'non-discrimination' obligation has been overlooked, although it is vital to restrict patentees' monopoly power. This article highlights the lacuna existing in the European Union (EU) and the United Kingdom (UK) regarding the interpretation of this obligation and the courts' failure to interpret the 'non-discriminatory' aspect of FRAND obligations from the antitrust perspective. It further analyses the effects of price and non-price-based discrimination on competition in the market resulting in economic inefficiencies. The article recommends certain guiding factors to be considered by the courts if discrimination between licensees is allowed. It further suggests a model agreement to fulfil the 'non-discriminatory' obligation from the antitrust lens.</p>

74-95	<p><u>Mitchell Hill: The Cornerstone No Longer? The Growing International Problem Of Refugee Refoulement</u></p> <p>Non-refoulement prevents States from expelling or returning a refugee to any location where they may face any form of discriminate persecution. This internationally-renowned rule is often referred to as the cornerstone of refugee protection. Despite this, States can be seen adopting a variety of measures which both explicitly and implicitly undermine (or in some instances, wholly violate) the operation of this rule. This situation has become visibly worsened as a result of the COVID-19 pandemic. With this in mind, this paper seeks to determine the extent to which non-refoulement truly remains the cornerstone of refugee protection.</p> <p>Fundamentally, this paper aims to contribute to ongoing discourse within the field of public international law, more particularly international refugee law. Thus, it aims to bring together both the theoretical and factual scene underpinning the non-refoulement principle, assessing this in light of measures arising both before and after the emergence of COVID-19.</p>
96-119	<p><u>Prateek Joinwal: Enforcing Multilateral Treaties in a Public Emergency: A Note on Limitations and Derogations to The International Human Rights Framework</u></p> <p>The outbreak of the novel coronavirus and its impact on the enforcement of human rights have been subjected to a lot of deliberation in the past few months. States around the world have been looking for measures to balance the conflicting interests of guaranteeing citizens their individual rights with that of protecting the health of the general population, most notably by restricting their liability under international law for the breach of the former rights. This endeavour has inevitably revived the debate on the contours of the right of the State(s) to either limit the application of international convention(s) or to derogate from them altogether. In an attempt to test the murky waters surrounding these two inter-related concepts, this paper aims to discuss the avenues available for member States to circumscribe their liabilities under the multilateral treaty regime, with a special focus on the framework of human rights treaties.</p>
120-138	<p><u>Osama Shabaan: To what extent is the new regulatory regime proposed by the Online Harms White Paper effective in increasing accountability on Social Media Companies for online hate speech?</u></p> <p>The appointment of Ofcom as the regulator for online harms raises a plethora of regulatory concerns for social media companies. Nevertheless, it remains undoubtedly clear that a core concern emanating from the new regulatory regime relates to the extent to which social media companies will be held to higher standards of accountability. Through evaluating the legal mechanisms entitling online hate speech victims to judicial redress prior to appointing Ofcom as a regulator, the paper develops a more holistic understanding of the socio-legal implications that arise following Ofcom’s appointment and whether this will sufficiently shield victims from hateful content. Upon establishing the contours of the new regulatory regime, the paper evaluates the excessively wide and nebulous duty of care proposed through the White Paper and recommends a more narrowly delineated duty in context with contractual mechanisms.</p>