

## The Human Rights Act 1998:

### The role of Human Rights

We live in a society that enjoys a number of hard-earned rights and freedoms that have been many hundreds of years in the making and which were brought together in UK law for the first time in 1998 with the adoption of the Human Rights Act.

The Act sets out, for all to see, sixteen key rights and freedoms from the right to life to the right to education. It enables people in the UK to uphold those rights and freedoms in the UK courts, without the need to go to the European Court of Human Rights in Strasbourg

But, most importantly, the Human Rights Act brings together for the first time our common values – the values that, over time, have given the strength and cohesion to our society that many take for granted today.

The Human Rights Act provides a framework to support decisions that we make every day. And most of those decisions are informed by our common sense.

### What are Human Rights?

Human rights are the basic rights that belong to all human beings without distinction as to sex, race, colour, language, religion or citizenship. No one seriously disputes the importance of these rights: rights such as the right to life, the right not to be tortured or the right to a fair trial. Human rights give expression to the values of our society.

### The Human Rights Act

The Human Rights Act 1998 became law in the UK in October 2000. The Act gives legal status to human rights in the UK. It means that if you are in the UK and believe that your human rights have been violated by a **public authority**, you can now seek redress in a UK court.

It is important to note that this act only applies to Public Authorities.

Acts of public authorities.

- It is unlawful for a public authority to act in a way which is incompatible with a Convention right.

In this section “public authority” includes—

(a) A court or tribunal, and

(b) Any person certain of whose functions are functions of a public nature, but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.

(c) In relation to a particular act, a person is not a public authority if the nature of the act is private.

“An act” includes a failure to act.

The Act aims to ensure that everyone’s rights are properly respected. This means that one individual’s rights will often have to be balanced against another’s and that the wider interests of the community as a whole may also need to be taken into account.

Through a shared understanding of what we are entitled to expect from public authorities, the Act aims to give people more confidence in the criminal justice system and other public bodies.



# The Human Rights Act 2008

## **Our fundamental Human Rights**

The Act sets out 16 fundamental rights. These are based on the rights agreed in the 1950 European Convention on Human Rights - a binding international agreement that the UK helped draft and has sought to comply with for over half a century.

Some rights concern matters of life and death, but the Act also covers everyday rights such as what a person can say and do, their beliefs and their right to a fair trial.

## **Some of the key rights for the Criminal Justice System**

### **Article 3: Freedom from torture or inhuman or degrading treatment**

You have the absolute right not to be tortured or subjected to treatment or punishment that is inhuman or degrading. The treatment prohibited is of the worst kind and this Article is one of your most fundamental rights. Although the threshold for showing a violation of this right is high, potential breaches may occur as a result of conditions in police cells, prisons, mental hospitals and other kinds of detention centre.

### **Article 5: Personal freedom**

You have the right not to be deprived of your liberty even for a short period. But this is a limited right and it does not apply where an arrest or detention is lawful. This Article also covers the right to be brought before a court "promptly" once someone has been arrested as a criminal suspect.

### **Article 6: Fair trials**

You have the right to a fair and public hearing within a reasonable period of time. This applies both to criminal charges and to cases concerning civil rights and obligations. In the case of a criminal charge, a person is presumed innocent until proven guilty according to law and has certain guaranteed rights to defend themselves.

### **Article 14: Prohibition of discrimination**

Discrimination means treating people in similar situations differently or treating those in different situations in the same way without proper justification. This Article seeks to ensure that everyone has equal access to the other rights protected under the Human Rights Act - it does not give a general right to protection from differences in treatment in all areas of your life.

## **What does the Human Rights Act mean for you?**

All public authorities and people working for them in the UK have an obligation to respect human rights. You need to understand these rights and take them into account in your day-to-day work. That is the case whether you are working on the front line or designing new policies and procedures.

## **Things to remember**

Human rights are about our common values; working with them should be informed by common sense. In making decisions, you will need to balance the rights of the individual against the need to preserve public safety and the wider interests of the community.



# The Human Rights Act 2008

If you are unsure, or if an issue is particularly complex, seek legal advice.

SCHEDULE 1 the Articles

PART I the Convention Rights and Freedoms

- Article 2 Right to life
- Article 3 Prohibition of torture.
- Article 4 Prohibition of slavery and forced labour
- Article 5 Right to liberty and security
- Article 6 Right to a fair trial
- Article 7 No punishment without law
- Article 8 Right to respect for private and family life
- Article 9 Freedom of thought, conscience and religion
- Article 10 Freedom of expression
- Article 11 Freedom of assembly and association
- Article 12 Right to marry.
- Article 14 Prohibition of discrimination.
- Article 16 Restrictions on political activity of aliens.
- Article 17 Prohibition of abuse of rights.
- Article 18 Limitation on use of restrictions on rights.

Part II of the First Protocol

- Article 1 Protection of property.
- Article 2 Right to education.
- Article 3 Right to free elections

For more information go to [www.legislation.gov.uk](http://www.legislation.gov.uk)