
MONTHLY ACTION

The Human Rights Act Briefing

The Human Rights Act (HRA) brings human rights home. It protects us from abuse by the state. If you are lucky, you might never be directly aware of the protection it gives you, which means it is doing its job and your rights have been protected. But negative press coverage of human rights and calls for the HRA to be scrapped, has placed this key protection at risk. We must stand up for human rights and protect the HRA.

The HRA is an excellent example of human rights protection and has had a positive impact for many individuals and for UK society generally, in a number of ways. For example a couple used the HRA to challenge a decision which would have separated them after 65 years together.

The HRA brings human rights into all state decisions improving government and public authority actions and policies. If someone feels their rights are not being respected, they can challenge the government in court. But in the vast majority of HRA cases, the issue is settled out of court i.e. the government/public authority comes to an agreement about how to respect the individual's rights and this can have a positive impact on policies affecting hundreds or even thousands of people.

The HRA brings human rights home – it allows people to turn to UK courts and UK judges if they feel their rights are not being respected by the government. It gives us power to challenge the decisions made by politicians and Local Authorities **here in the UK.**

It might not seem exciting, but the HRA is a brilliant piece of law, cleverly designed to suit and support the UK democratic system. Often attacked, rarely championed, and surrounded by myths and misconceptions, the HRA is vitally important. In 1215, the signing of the Magna Carta signalled a commitment to writing human rights into English law. On its 800 year anniversary the need for such written protection in the form of the HRA is as strong as ever.

How does the Human Rights Act (HRA) work?

The Human Rights Act 'incorporates' into UK law most of the rights in the European Convention on Human Rights. The Convention was created from the ashes of the Second World War and it was inspired by the desire to protect individuals against those abuses happening again. It drew on a lot of British ideas; in fact, British experts drafted most of it and the UK was the first state to sign up to it in 1951.

What unifies the rights in the act (for example protection from torture, the right to a free trial) is that they are all considered fundamental in a civilised society. They are all rights which you have because you are a human being, not because the government believes you have 'earned' them by behaving a certain way and not because you happen to have been born in the UK. **Human rights are for everyone.**

If an individual feels a public authority is not respecting their rights they could challenge this in the courts using the HRA.

The Human Rights Act at work

There have been Human Rights Act cases in the Courts leading to positive system changes on issues such as dignity for the elderly and others receiving care at home; support for a young girl with learning disabilities to get to and from school; improved procedures to avoid disabled individuals falling into a gap between social services and housing departments; protecting people who have been victims of trafficking and an end to blanket Do Not Resuscitate orders in hospitals. Individuals have been able to use the Act to protect themselves in numerous ways, in and out of Court. Here are a few examples:

Keeping couples together: A husband and wife had lived together for over 65 years. He was unable to walk unaided and relied on his wife to help him move around. She was blind and used her husband as her eyes. They were separated after he fell ill and was moved into a residential care home. She asked to come with him but was told by the local authority that she did not fit the criteria. After relying on their family rights, the authority agreed to reverse its decision and offered the wife a subsidised place so that she could join her husband in the care home.

Keeping families together: A woman left her partner after discovering that he had been abusing their children. She and the children were placed in temporary bed and breakfast accommodation but were regularly moved. Eventually, the woman was informed by social workers that the children would be removed from her because she was unable to provide stability and was having difficulty getting them to school. The woman challenged the decision citing her and the children's right to respect for private and family life, and the children's right to education; the department decided not to remove the children.