

FACT SHEET



HUMAN RIGHTS ACT

BACKGROUND INFORMATION

Human rights are for **all** individuals - whoever they are and whatever their background, origins or beliefs. Universal human rights became part of the law after the end of World War II.

The first international laws on human rights in Europe were made up of the European Convention on Human Rights (ECHR), which entered into force in 1953. The UK was one of the first to sign up and played a big role in creating the ECHR.

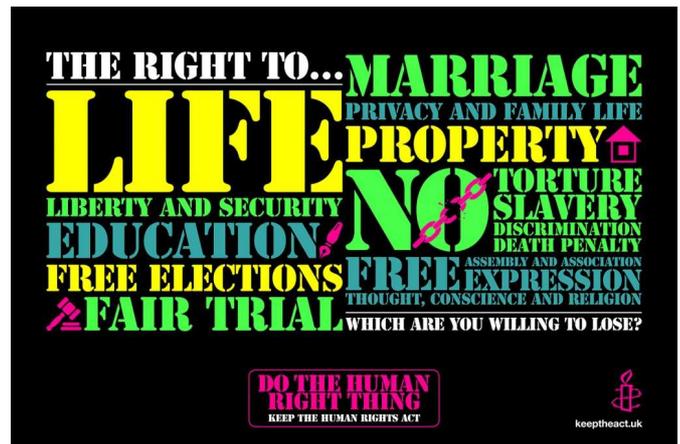


The UK government introduced its own human rights law for the UK in October 2000 - the Human Rights Act 1998 (**HRA**). The HRA requires public authorities to respect and protect our human rights in everything they do. In the UK, these public authorities include hospitals, prisons, courts, the police and local/central government.

KEY ISSUES

Some of the key rights protected by the HRA are:

Right to life	Freedom from torture
Freedom from slavery	Right to liberty
Right to a fair trial	Respect for privacy
Freedom of expression	Freedom from discrimination



There are 3 types of human rights: (1) **absolute**; (2) **limited**; and (3) **qualified**.

Absolute rights cannot be denied to any individual, e.g. freedom from torture.

Limited rights can only be denied if expressly permitted by the law, e.g. right to liberty. For example, a person convicted of a crime can be sent to prison.

Qualified rights can be interfered with by a public authority as long as it can be properly justified. For example, the right to freedom of expression can be limited if the rights of others are impacted, (e.g. a court could prevent a newspaper publishing an article that may infringe on someone's right to privacy).

The Human Rights Act is regularly cited in the UK courts. Harry Potter author, JK Rowling, successfully brought a case before the UK courts (relating to right to privacy and family life) when a UK newspaper published pictures of her young child.

FURTHER INFORMATION

www.savetheact.uk

www.keeptheact.uk

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FACT V FICTION

Arguments <u>against</u> the HRA	Counter arguments
The HRA means that people have a human right to everything.	The HRA only protects the core fundamental rights and freedoms set out in the ECHR. These include the right to life, freedom of expression and equality under the law.
The HRA undermines parliamentary sovereignty.	<ol style="list-style-type: none"> The HRA is primary legislation that was voted on and passed by both Houses of the UK Parliament with cross-party support. In cases where British courts believe that existing legislation is incompatible with the HRA, they cannot quash the legislation, but instead have to issue a declaration of incompatibility. It remains in the hands of Parliament to decide whether to change the law.
The HRA was imposed by Europe.	<ol style="list-style-type: none"> The HRA is primary legislation that was voted on and passed by both Houses of the UK Parliament with cross-party support. British judges are responsible for deciding on human rights claims in the UK. They must take into account ECtHR judgments, but are not bound by them and in some famous cases have disagreed with the ECHR. The rights protected by the HRA are derived from the ECHR. The ECHR was drafted by a group including British lawyers, and the UK was one of the first countries to sign it.
The HRA has created a compensation culture.	<ol style="list-style-type: none"> Very few cases brought under the HRA result in damages being awarded. The remedies available under the HRA focus on bringing to an end the infringement of the claimant's human rights, rather than awarding compensation which is very much a secondary consideration. There is no right to compensation. Monetary damages are only awarded where it is necessary to ensure 'just satisfaction'. Monetary damages can only be awarded once all the circumstances of the case have been taken into account. This includes the claimant's behaviour. In addition, since the HRA came into force the number of cases decided against the UK by the ECtHR have fallen.
The ECtHR has developed 'mission creep'. Its judgments have expanded the core fundamental freedoms into new areas beyond the original intention of the signatories.	<ol style="list-style-type: none"> Human rights are an evolving concept and need to be reinterpreted as societies change and develop. For example, LGBTQI rights are now taken for granted, but were rarely discussed at the time that the ECtHR was drafted. Over the years and due to societal progression, the UK has agreed on a number of changes to the ECHR. These changes are also reflected in the HRA. One example is the abolition of the death penalty which was agreed after the ECHR was drafted: the HRA now guarantees that no one in the UK may be sentenced to death. British judges are responsible for deciding on human rights claims in the UK. They must take into account ECtHR judgments, but are not bound by them and in some famous cases have disagreed with the ECtHR.