



# A Guide to the Human Rights Act

## A booklet for People with Learning Disabilities

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**Department for  
Constitutional Affairs**

Illustrations by CHANGE  
Picture Bank



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# This booklet

This booklet is a first step to understanding what the Human Rights Act means to **you**. We have used examples from everyday life - from your work, supported housing, day services or dealing with your local council.

At the end of the booklet are addresses and phone numbers where you can find out more.

# Some new words

## Rights



If you have the right to do something you are **allowed** to do it. The Government and all your public services must respect your rights.

Some rights, like the right to life, can never be tampered with. Other rights, like the right to free speech, might have to be balanced because of the rights of others.

## The Human Rights Act

This 1998 law brings the rights from the European Convention on Human Rights into UK law.

## European Convention on Human Rights (ECHR)



This is an important agreement passed by the Council of Europe. This is a large group of countries, which came together after the Second World War to stop such terrible acts happening again.

It has its own **Court of Human Rights** in Strasbourg. You can go to this court to claim your rights under the Convention. However, the new Human Rights Act says that you can use the courts in this country, too.

# Using the Human Rights Act

This booklet introduces you to the **Human Rights Act**. This Act helps us look after our rights in this country. You may never need to use the Act. But, if people are not respecting your rights, it's good to know there's something you can do about it.

## What does the Act mean for you?

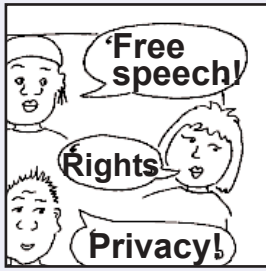


- 1** It is now **against the law** for a public organisation (like a government department, local council or the police) to ignore your rights, unless there is a law which means that it **couldn't** act differently.
- 2** Rights cases can now be dealt with in a **UK** court or tribunal. Before the Act, anyone who felt that their rights had been ignored had to go to the European Court of Human Rights in Strasbourg.



- 3** The Act says that **all UK law** should fit with the Convention rights. If a court says that a law doesn't fit, it will be up to Parliament to decide what to do.

# Can any of my rights be interfered with?



**Yes.** Most of the rights in the Human Rights Act have limits. This is to stop them unfairly affecting the rights of **other** people.

Everyone has rights. Your rights are important. But so are everyone else's. We all have to accept limits on our rights to make sure other people are treated fairly.

*For instance, your right to freedom might have to be limited if you have broken the law. Also your right to free speech cannot mean the freedom to shout 'Fire!' in a crowded hall, when there isn't one.*

## Your rights

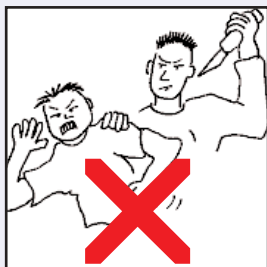


There are **16** rights in the Human Rights Act. Each one is called an **Article**. They are all taken from the European Convention on Human Rights. They affect big issues. Things to do with life and death.

Freedom from being tortured or killed. They are also about your rights in everyday life. What you can say and do. Your beliefs.

## ARTICLE 2

# Right to life



You have the right to have your life protected by law. There are very few situations when the State can take away someone's life - like if a police officer shoots someone to stop him blowing up a bomb and killing others.

***You have the right to live without worrying that the government or police might take your life away.***

***And, if you have a relative who dies while he is locked up, the State must have a proper inquiry into what went wrong.***

## ARTICLE 3

# Stopping torture

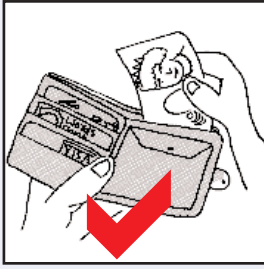


You have the **right** not to be tortured or punished in cruel ways.

***Nobody should hit or hurt you unfairly - even if they say you have behaved badly.***

## ARTICLE 4

# Stopping slavery and forced labour



You have the **right** not to be treated as a slave or forced to do certain kinds of work.

***People can't make you work for no money. You should get paid for the work you do.***

## ARTICLE 5

# Right to freedom and security



You have the right to freedom. You should not be arrested or locked up without a good reason, for instance if the police have reason to think you have done something criminal. If you are arrested, the police must bring you before a court.

***Nobody should lock you in or stop you going out except when the law says they can.***

***For example, it's not fair for care staff to lock you in your room, even if they're angry with how you have behaved.***

## ARTICLE 6

# Right to a fair trial



Where your private rights are involved (like when someone says you owe them money), you have the **right** to have your side of an argument heard. The trial must be independent and fair. The case has to be in public. It has to be heard fairly and quickly.

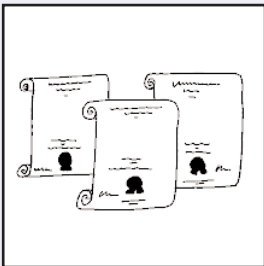
All this applies to criminal cases too.

You are **innocent** until you are **proved** guilty. You have the right to defend yourself, to legal help and to be clearly informed of the case against you.

***Nobody can say you are guilty of a crime unless a court says so.***

## ARTICLE 7

# No punishment without law

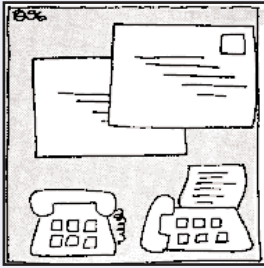


Normally, you **can't** be found guilty of a crime for something you did which was not against the law when you did it. You can't be made to stay longer in jail just because the punishment for your type of crime is made longer when you are in prison.

***You can only be found guilty of a crime if it was against the law when you did it.***

## ARTICLE 8

# Respect for private and family Life



You have the **right** to respect for your private and family life, your home, your letters and emails.

***You should be safe at home and have time to yourself. Staff shouldn't read your letters or listen to phone calls unless the law says they can and they need to for a very serious reason, for example to prevent crime.***

## ARTICLE 9

# Freedom of thought, religion and belief

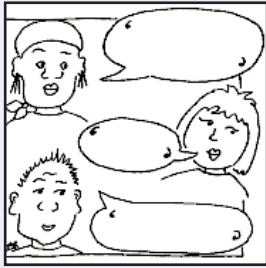


You are **free** to believe what you like. Other people should not try to tell you what to believe. These beliefs may be part of your religion.

***You should be able to believe the ideas which you think are right. And if you want to go to church, the temple or mosque, nobody can stop you. If you don't want to go, that's your right as well.***

***No public organisation can change this unless the law says they can and there is a very serious reason, for example to protect the rights and freedoms of others.***

## ARTICLE 10 Freedom of expression



You have the right to hold opinions and have your say - even if other people don't like your views. And you have the right to read books and newspapers, if you want to.

***You should be able to say and read what you like - as long as you respect other people.***

***However this right must be balanced against other peoples' rights and may be altered for reasons such as public health or safety.***

## ARTICLE 11 Freedom of assembly and association



You have the **right** to get together with other people in a peaceful way. You have the right to join a union.

***You can have your say by going on a demonstration - about the things you think are important.***

***There could be times when this right may be restricted to prevent crime or for the protection of the rights and freedoms of others. But this can only be done if it is really necessary. The police cannot interfere with your rights more than is needed.***

## ARTICLE 12 Right to marry



You have the **right** to marry and start a family. The law in this country says how and at what age this can happen.

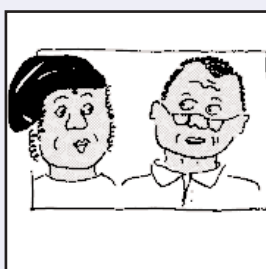
***You should be able to get married and have children - even if your family or staff worry about you doing this.***

## ARTICLE 14 Stopping discrimination



**Everyone** must have equal rights.

You have the right **not** to be treated unfairly about your rights because of your:



- Race
- Religion
- Sex
- Political views
- Disability
- Or any other status

***Nobody should treat you badly because of being a woman or man, black or white, disabled or not, or a Sikh, Muslim, Hindu, Jew or Christian. You have the right to fair treatment when your human rights are involved - like everyone else.***

# Additions to the Convention

## ARTICLE 1 OF PROTOCOL 1

### Protection of property



You have the **right** to enjoy the things you own.  
Public organisations cannot interfere with things you own or the way you use them.

***Nobody should take your money or things away from you - even if they feel you've done something wrong. Your money is yours - even if you need help to look after it.***

## ARTICLE 2 OF PROTOCOL 1

### Right to go to school or college



You have the **right** to use the educational system.

***You should have the same chance as everyone else to go to school or college to learn the things you want.***

## ARTICLE 3 OF PROTOCOL 1

### Right to free elections



Elections for Members of Parliament must be free and fair. They must take place by secret ballot - this means it is nobody else's business how you vote.

***You can vote in elections the way that you want - people can't make you vote a certain way. You can do this in private and don't need to tell anyone how you voted.***

## ARTICLE 1 OF PROTOCOL 6 / ARTICLE 2 OF PROTOCOL 6

### Getting rid of the death penalty

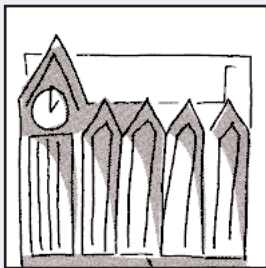
***You can't be sentenced to death for any crime in peace or war.***

## Does the Human Rights Act change your rights?



**No**, but it makes standing up for your rights much easier. You can now bring a case in a court in the United Kingdom. If someone has taken you to court, whatever the reason, you can ask the court to take **your** rights into account.

## Does the Act change the way public organisations behave?



**Yes**. The Human Rights Act says that all public organisations must respect your rights when they make decisions that affect you.

Public bodies might be:

- the Government
- civil servants
- your local council or health authority
- the police
- the law courts
- private companies when they are working for public organisations



Those given power over you need to check they are respecting your rights. They will have to think hard about how not to go further than they need to.

People who work for the Government should know about the Human Rights Act.

Every time Government proposes a new law in Parliament it must say how the new law fits in with your rights.

## Can I use the Act against someone else?



If it is a public organisation, for example, the housing department - **yes**.

But if they're not - **no, not directly**. You cannot sue, or be sued by, another person for breaking the Convention rights.

But the Act means all laws have to be given a meaning which is as close as possible to the Convention rights. A court will have your rights in mind, whoever the case is between.

It's easier to insist on your rights if they are **written down**. You can point them out to the person who is ignoring them.

***You can't use the Act to stop friends, family and individuals doing things - only public organisations.***

## Will the Act really change anything?

**It should do, over time.** This law affects all other laws. Proper respect for these rights should help change the way people think and behave.

## What does the Human Rights Act mean for democracy?

The Human Rights Act recognises the power of Parliament in our democracy.

Democracy is the only form of government which fits with the Convention rights. Politicians and public bodies should use the language of human rights to talk about problems. Because that's a language we can all understand we will be better able to understand what's being said - and to join in.

## Can the Human Rights Act please everyone?



**Not all the time.** The Human Rights Act affects decisions in lots of areas. People argue over some decisions. Sometimes there are clashes between rights. We don't all agree on privacy, victims' rights or freedom of expression.

Some people may feel that the wrong answer is reached. But the Act helps make sure there is proper discussion and that rights are respected.

## What does the Act mean for our Courts?

The Human Rights Act helps the courts protect people's basic rights. And they can use it to check that the rights of the whole community are properly balanced.

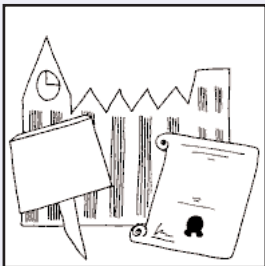
*For example, there is a right to assembly and a right to meet others. If the police are thinking of banning a march, or making a march follow a particular route, they must have good reasons for doing that. These reasons could be to protect other people and their rights, but the police should try to balance the rights of the people wanting to meet, and the rights of people who may not want them to.*

## Can the Courts change Parliament's decisions?



**No.** The Human Rights Act says judges can't overrule Parliament. But judges are working with a code of values, based on your basic rights which Parliament has approved..

## What about Scotland, Wales and Northern Ireland?



The Parliament in Westminster has power to pass any laws, **no matter what** the Convention says. The Assemblies in Wales and Northern Ireland and the Parliament in Scotland **do not** have this power. If they pass laws which don't fit with the Convention rights, the courts will overrule them.

## How can I find out more?

**For more information about the Human Rights Act visit: [www.dca.gov.uk/hract](http://www.dca.gov.uk/hract)**

**Or write to:**

**Human Rights Unit, 6th Floor, Department for Constitutional Affairs, 54-60 Victoria Street, London SW1E 6QW.**

**In Northern Ireland write to:**

**The Statutory Duty and Human Rights Unit, Office of the First Minister and Deputy First Minister, Castle Buildings, Stormont, Belfast BT4 3SG**

**In Scotland write to:**

**The Scottish Executive Justice Department, St Andrews Road, Edinburgh EH1 3DG**

**In Wales write to:**

**Equality Policy Unit, Working for the Welsh Assembly, Crown Buildings, Cathay Park, Cardiff CF10 3NQ**

# The Community Legal Service

To find help or information on a legal problem, you can contact the Community Legal Service on **0845 608 1122**.

The person who answers the phone can find you a legal advisor near where you live.

You can call them between 9 in the morning and 5.30 in the evening Monday to Friday.

You can find the Community Legal Service's leaflets at the library.

You can also find information on legal problems at their website **[www.justask.org.uk](http://www.justask.org.uk)**.

# The Disability Rights Commission



**The Disability Rights Commission wants to stop discrimination against disabled people.**

**Discrimination is when people treat you badly because of your disability.**

**The best way to get help from the Disability Rights Commission is to call its telephone Helpline. Please remember that the Commission's work is limited to cases related to the Disability Discrimination Act 1995.**

**The [Helpline](tel:08457622633) number is: 08457 622 633**

**You can call us any time between 8 in the morning and 8 in the evening Monday to Friday.**

**The person who answers the phone can tell you about your rights.**



**They can tell you about the Disability Discrimination Act. This is a law to stop you being treated unfairly because of your disability.**

**Please tell us if you think you have been treated unfairly or badly because of your disability. The person who did this to you might have broken the law. We can tell you if this has happened.**

**We will try to help sort out your problem and stop it happening again. We will try to stop it happening to other people as well.**

You can also **send them an email** from their web site at [www.drc-gb.org](http://www.drc-gb.org)

Or you can write to us or send a fax or use a text phone.



The **address** is:  
DRC Helpline  
FREEPOST  
Stratford upon Avon  
CV37 9BR

(You don't need to put a stamp on the envelope).



The **textphone number** is: **08457 622 644**

The **fax number** is: **08457 778 878**

If you would like a copy of this leaflet on CD or in Braille, please call **0207 210 2670**.

This document can be found on the internet at [www.humanrights.gov.uk](http://www.humanrights.gov.uk)

**An introduction to the Human Rights Act leaflet is available in these languages:**

Arabic, Bengali, Chinese, English, Greek, Gujarati, Hindi, Punjabi, Somali, Turkish, Urdu, Vietnamese and Welsh.

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