Human Rights: Human Lives
A Guide to the Human Rights Act for Public Authorities
Part 1: Background

Who should use this handbook and why?

If you work in a public authority this handbook can help you to understand how the Human Rights Act relates to what you do and how you do it. The handbook is designed to give you information on how human rights are relevant to your role and what obligations public authorities have under the Human Rights Act. After reading this we hope you will feel confident in dealing with human rights issues in your day-to-day work, whether you are in central or local government, the police or armed forces, schools or public hospitals, or any other public authority.

What are human rights?

Human rights are the basic rights and freedoms that belong to everyone. Ideas about human rights have evolved over many centuries. But they achieved strong international support following the Holocaust and World War II. To seek to protect future generations from a repeat of these horrors, the United Nations adopted the Universal Declaration of Human Rights. For the first time, the Universal Declaration set out the fundamental rights and freedoms shared by all human beings.

What is the European Convention on Human Rights?

The European Convention on Human Rights was also drafted after World War II by the Council of Europe. The Council of Europe was set up as a group of like-minded nations, pledged to defend human rights, parliamentary democracy and the rule of law, and to make sure that the atrocities and cruelties committed during the war would never be repeated. The UK had a major role in the design and drafting of the European Convention on Human Rights, and ratified the Convention in March 1951. The Convention came into force in September 1953.

The Convention is made up of a series of Articles. Each Article is a short statement defining a right or freedom, together with any permitted exceptions. For example: ‘Article 3 – Prohibition of torture. No one shall be subjected to torture or to inhuman or degrading treatment or punishment.’ The rights in the Convention apply to everyone in the states that have ratified the Convention. Anyone who believes that a state has violated their human rights should first take every possible step to have their case resolved in that state, including through the courts. If they believe that their violation has not been resolved, they can then take their case to the European Court of Human Rights, set up by the European Convention on Human Rights and based in Strasbourg, France.
What is the Human Rights Act?

The Human Rights Act came into effect in the UK in October 2000. The Act enables people in the UK to take cases about their human rights directly to a UK court. Previously they were not able to rely directly on Convention rights in the domestic courts. It also provides public authorities with a legal framework to help them to ensure that their actions respect the human rights of those for whom they provide services, which may help prevent problems arising in the first place or enable a resolution without the need to go to court.

There are 16 basic rights in the Human Rights Act, all taken from the European Convention on Human Rights. They do not only affect matters of life and death like freedom from torture and killing; they also affect people’s rights in everyday life: what they can say and do, their beliefs, their right to a fair trial and many other similar basic entitlements (a more detailed explanation of the types of rights is at page 10).

Article 1: Jurisdiction

This Article imposes a duty on the state to protect the Convention rights but it is not included in the Human Rights Act.

Article 2: Right to life

Everyone’s right to life must be protected by law. There are only very limited circumstances where it is acceptable for the state to use force against a person that results in their death. For example a police officer can use reasonable force to defend themselves or other people.

Article 3: Prohibition of torture

Everyone has the absolute right not to be tortured or subjected to treatment or punishment that is inhuman or degrading.

Article 4: Prohibition of slavery and forced labour

Everyone has the absolute right not to be treated as a slave or to be required to perform forced or compulsory labour, except for certain limited types of obligations specified in the Article (e.g. work in prison).

Article 5: Right to liberty and security

Everyone has the right not to be deprived of their liberty except in limited cases specified in the Article (for example where they are suspected or convicted of committing a crime) and provided there is a proper legal basis in UK law for the arrest or detention.

Article 6: Right to a fair trial

Everyone has the right to a fair and public hearing within a reasonable period of time. This applies both to criminal charges brought against them, and in cases concerning their civil rights and obligations. Hearings must be before an independent and impartial court or tribunal established by law. It is possible to exclude the public from the hearing if that is necessary to protect things like national security or public order. A person who is charged with a criminal offence is presumed innocent until proven guilty according to law and must also be guaranteed certain minimum rights in relation to the conduct of the criminal investigation and trial.
Article 7: No punishment without law

Everyone has the right not to be found guilty of an offence arising out of actions which, at the time they were committed, were not criminal. People are also protected against later increases in the maximum possible sentence for an offence.

Apart from the right to hold particular beliefs, the rights in Articles 8 to 11 may be limited where that is necessary to achieve an important objective. The precise objectives for which limitations are permitted are set out in each Article – they include things like protecting public health or safety, preventing crime and protecting the rights of others.

Article 8: Right to respect for private and family life

Everyone has the right to respect for their private and family life, their home and their correspondence. This right can be restricted only in specified circumstances.

Article 9: Freedom of thought, conscience and religion

Everyone is free to hold a broad range of views, beliefs and thoughts, and to follow a religious faith. The right to manifest those beliefs may be limited only in specified circumstances.

Article 10: Freedom of expression

Everyone has the right to hold opinions and express their views on their own or in a group. This applies even if these views are unpopular or disturbing. This right can be restricted only in specified circumstances.

Article 11: Freedom of assembly and association

Everyone has the right to assemble with other people in a peaceful way. They also have the right to associate with other people, which includes the right to form a trade union. These rights may be restricted only in specified circumstances.

Article 12: Right to marry

Men and women have the right to marry and start a family. The national law will still govern how and at what age this can take place.

Article 13: Right to an effective remedy

This Article provides the right to an effective remedy for breaches of other Convention rights. It is not included in the Human Rights Act, as the Act itself is intended to provide such a remedy by enabling people to take proceedings in the British courts if they consider that their Convention rights have been breached.

Article 14: Prohibition of discrimination

In the application of the other Convention rights, people have the right not to be treated differently because of their race, religion, sex, political views or any other status, unless there is an ‘objective justification’ for the difference in treatment.

Article 1 of Protocol 1: Protection of property

(A ‘protocol’ is a later addition to the Convention.)

Everyone has the right to the peaceful enjoyment of their possessions. Public authorities cannot usually interfere with a person’s property or possessions or the way that they use them except in specified limited circumstances.
Article 2 of Protocol 1:
Right to education

Everyone has the right not to be denied access to the educational system.

Article 3 of Protocol 1:
Right to free elections

Elections for members of the legislative body (for example Parliament) must be free and fair and take place by secret ballot. Some qualifications may be imposed on who is eligible to vote (for example a minimum age).

Article 1 of Protocol 13:
Abolition of the death penalty

This provision prohibits the use of the death penalty in all circumstances.

Part 2 of this guide covers each of these rights (except Article 1, Article 13 and Article 1 of Protocol 13) and how they are relevant to public authorities in more detail.

What impact does the Human Rights Act have on public authorities?

Public authorities have an obligation to treat people in accordance with their Convention rights (see pages 10-63 for a more detailed explanation). Anyone who feels their rights have been violated by a public authority can take their complaint to a UK court or tribunal.

Wherever possible, existing legislation must be interpreted and applied in a way that is compatible with the rights set out in the Act. This means that legislation under which public officials operate may have to be interpreted and applied in a different way than before the Act came into force.

How does the Human Rights Act affect me?

Public authorities have an obligation to act in accordance with the Convention rights, and therefore public officials must understand human rights and take them into account in their day-to-day work. This is the case whether officials are delivering a service directly to the public or devising new policies or procedures. Understanding human rights can help in making the right decisions.

When it comes to decision-making, the rights of one person often have to be balanced against the rights of others or against the needs of the broader community (there is more detail on this in Part 3). But if you have to restrict somebody’s rights, you must make sure that you are not using a sledgehammer to crack a nut. Any restriction must be no greater than is needed to achieve the objective. This is called ‘proportionality’.

Always bear in mind that some Convention rights are absolute and can never be interfered with (for example the right not to be subjected to torture or inhumane or degrading treatment or punishment).
‘Where after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works ... unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.’

Eleanor Roosevelt, Chairman of the United Nations Human Rights Commission, 1948
Part 3: Guidance and information

Human rights flowchart

This flowchart is designed to help you in applying human rights in the workplace. It will be particularly relevant when you are restricting a right – either by balancing one right against another, or when you are balancing the rights of an individual against the interests of the public. It may also be useful when you are making decisions or policies that are previously untested.

More detail on the questions contained in the flowchart can be found in the succeeding pages. Once you have read those and understand the full meaning of the questions contained in the flowchart, it will be a useful prompt to refer back to when you need to make decisions involving human rights.
Regardless of the answers to these questions, once human rights are being interfered with in a restrictive manner you should obtain legal advice. And you should always seek legal advice if your policy is likely to discriminate against anyone in the exercise of a convention right.
1. The policy/operational decision

These questions cover the basics. They ensure that all the information about the new policy/decision is in one place if someone else in the organisation needs to know about it, perhaps to provide additional help or advice.

1.1 What is the policy/decision title?

This is simply a question of labelling the policy/decision clearly so that it may be referred to without confusion.

1.2 What is the objective of the policy/decision?

Here you should set out the basic aim of the policy/decision. What are you setting out to achieve? You could break this section down into three sections:

- Why is the policy/decision being developed?
- Why is it needed?
- What is its purpose?

1.3 Who will be affected by the policy/decision?

To answer this you should look back at the objective you are trying to achieve and think about what groups of people are most likely to be affected by it. Answering this question now is important because it will help you at the next stage when you will be asked to decide whether or not the policy/decision has anything to do with human rights. Knowing who is affected by the policy/decision will help you answer this question. For example, if you are dealing with families, this might raise the question of whether the right to respect for private and family life, protected in Article 8, is involved.

2. Human rights impact

2.1 Will the policy/decision engage anyone’s Convention rights?

Here we advise you to refer to Part 2 (page 10) of this guide to look through all the rights and consider whether or not your policy/decision falls into any of the areas that are covered by the Convention rights.

Flowchart exit

If you decide that no Convention rights are engaged, there is no need to continue along the flowchart. However, there are three further points to note:

- First – be alert to any possibility that your policy/decision may discriminate against someone in the protection of a Convention right.
- Second – although this checklist is designed to help you identify any potential human rights impact, it may still be necessary to obtain legal advice. For example, the policy/decision may be particularly controversial or you may not be fully certain about whether or not certain human rights have been engaged.
- Third – even if you decide that the policy/decision does not engage anyone’s Convention rights, things may change and you may need to reassess the situation.
2.2 Will the policy/decision result in the restriction of a right?

If you decide that your policy decision might engage a Convention right, the next step is to look at the nature of this engagement. Will the policy/decision restrict or limit any of the rights it engages? If so, you should log details of how the right is interfered with or limited.

You should remember that interference with a right may not always simply consist of an action that is not compatible with Convention rights; it may also be a failure to take action where a right places a positive obligation on public authorities to take action to preserve a right.

Once you have made your assessment, if you decide that although a right is engaged, the policy will not result in any restriction on that right, or that you are not under a positive obligation to act differently, then you may exit the flowchart, bearing in mind the points mentioned above in the 'Flowchart exit' box.

If, however, you do decide that there is a danger of Convention rights being restricted, it will be necessary to proceed to the next section.

3. Types of right

3.1 Is the right an absolute right?

If the right you are proposing to restrict is absolute, it may not be restricted, and any attempt to do so will be incompatible with the Convention. The prohibition of torture and inhuman or degrading treatment or punishment (Article 3), slavery and forced labour (Article 4) and retroactive laws (Article 7) are all absolute rights and may not be limited in any way. So is the right to hold particular beliefs (the first part of Article 9) and the abolition of the death penalty (Protocol 13).

3.2 Is the right a limited right?

If the right you are proposing to restrict is limited, it may be restricted within the terms set out in the relevant Article. The terms will be different for different rights and they have been explained in relation to the individual rights in Part 2 of this guide. For example, there are six instances where the right to liberty and security set out in Article 5 may be lawfully restricted. These are set out in the section dealing with Article 5 in Part 2 of this guide (see page 19). One example is after conviction by a competent court. There are also some rights where there is no limitation mentioned in the text of the Convention, but where limitations have been read in through decisions of the European Court of Human Rights. For example, the courts have read in some limitations on the right to vote and stand for office (Protocol 1, Article 3).

3.3 Will the right be limited only to the extent set out in the relevant Article of the Convention?

If you decide that you are trying to restrict either an absolute or limited right, you may exit the flowchart at this point. However, you should then go on to consider your policy/decision further because it will either not be compliant with the Convention (if it restricts an absolute right), or you will need to check that your restriction is provided for in the text of the Article (if it restricts a limited right). You may need to take legal advice at this point.

If you are restricting a qualified right, then you will need to continue using the flowchart.
4. Qualified rights

In the case of qualified rights, the fact that a policy/decision restricts the right does not necessarily mean that it will be incompatible with the Convention. If a restriction has a legitimate aim, such as public safety, and the restriction itself does not go any further than absolutely necessary to protect this aim, then it is likely that it will be compatible with the Convention. The Convention recognises that there are situations where a state must be allowed to decide what is in the best interests of its citizens, and enables a state, or a public authority acting on behalf of the state, to restrict people’s rights accordingly.

The following questions will help you to determine whether or not your policy/decision falls within this category of accepted restrictions.

4.1 Is there a legal basis for the restriction?

Any restriction must have a clear legal basis. The restriction must be set out in law, or in rules or guidance, and it must be communicated effectively to ensure that people to whom it applies can find out about it. This will allow them to prepare to change their behaviour in good time if they are required to do so. That might mean making guidance or other rules publicly available, perhaps via the internet, via other partner organisations, or through cross-agency working.

4.2 Does the restriction have a legitimate aim?

If you are restricting rights, you will need to identify a legitimate aim that you are trying to achieve. A legitimate aim is one that is set out in the text of the Articles themselves, such as public safety, the protection of public order, national security or protection of the rights or freedoms of others.

You will find legitimate aims for restricting rights listed in the sections relating to each Article in Part 2 of this guide.

If the aim that you want to achieve does not fall within one of those listed in the text of the Article, it is likely that the restriction will not be legitimate. You should seek legal advice.

4.3 Is the restriction necessary in a democratic society?

For a restriction to be necessary in a democratic society there must be a rational connection between the legitimate aim to be achieved and the policy/decision that restricts a person’s rights. It is not sufficient to put forward a legitimate aim if, in fact, the restriction will not make a real difference in achieving that aim.

4.4 Are you sure you are not using a sledgehammer to crack a nut?

A policy/decision should be no more restrictive than it needs to be in order to achieve its objective. This is called ‘proportionality’. For example, a blanket application of a policy/decision to everyone concerned will often be considered disproportionate, as it does not take into account individual circumstances, and the individual rights of each person affected. It will have the effect of imposing restrictions in circumstances where they are not really needed.

Look at the objectives you identified at paragraph 1 of this section, and box 1 of the flowchart, and ask yourself whether the objectives can be achieved only by
the policy/decision you are proposing. Ask yourself if there is any other less restrictive way of achieving the desired outcome.

If there is another less restrictive way of achieving the desired outcome, but you decide not to adopt it, you will need to be prepared to say why you have made that choice. Your reasons will have to be good ones.

**Exiting the flowchart**

Even if you conclude that the policy/decision does not infringe one of the other Articles of the Convention, you will need to consider whether it discriminates against anyone in relation to the exercise of their Convention rights, contrary to Article 14. See page 53 for further details of the issues to be considered in relation to Article 14. You should think about the diversity of customers, staff and service users that your organisation works with. You must consider whether the restriction applies only to a particular group or class of people defined by one of the statuses discussed in relation to Article 14 (see page 53). Any differential impact should be noted, even if it is unintentional. Indirect impact also needs to be considered, for example where the restriction applies in principle to everyone but would have a particularly heavy impact on a particular group or class who would find it harder to comply.

If you decide that your restriction does apply unequally in the way a Convention right is enjoyed or protected, you will need to decide whether or not the differential treatment is justified. The approach here is rather similar to that applied in relation to the qualified rights (see above). It is necessary to consider:

- whether the differential treatment is in pursuit of a legitimate aim?
- whether the differential treatment is proportionate to that aim (i.e. is there no less discriminatory way of achieving the aim)?

If the answer to both these questions is ‘yes’, then it is likely that differential treatment will be justified.

The case studies in the relevant section of Part 2 will help you when working through this.

**Points to remember**

It will be useful to bear in mind the following points when reading this guide and also when applying human rights in the workplace:

- Whilst some rights conferred by the Convention are absolute (for example the right not to be subjected to torture or inhuman or degrading treatment or punishment), in general the rights of one person cannot be used to ‘trump’ the right of the general public to be kept safe from a real risk of serious injury or loss of life.
- More than one right may be relevant to a given situation.
- Always be aware of other existing guidance that may be relevant to the decision or policy that you are developing, and consider how it fits in.
- If you are unsure, or a matter is particularly complex, consider seeking legal advice if necessary. You should always take legal advice if you are proposing to interfere with Convention rights in a way which is restrictive, or if you have any concern that complying with human rights is putting other important policy goals such as public safety at risk.
Balancing one person’s rights against those of the community

The fact that a policy/decision restricts a Convention right does not necessarily mean that it will be incompatible with the Convention. It is a fundamental responsibility of the state – arising from Article 2 of the Convention itself – to take appropriate steps to protect the safety of its citizens. The state also needs to take into account other general interests of the community. So while some rights conferred by the Convention are absolute (for example the right not to be subjected to torture or inhuman or degrading treatment or punishment), others are either limited or qualified in the way described in this guide. In particular, the rights in Articles 8 to 11 can be restricted where it is necessary and proportionate to do so in order to achieve a legitimate aim. Provided a restriction of such a right has a legitimate aim, such as public safety, and the restriction itself does not go any further than necessary to protect this aim, then it is likely that it will be compatible with the Convention. In this way the Convention recognises that there are certain situations where a state is allowed to restrict individual rights in the best interests of the wider community.

Three types of rights

Not all the Convention rights operate in the same way. Some are 'absolute' while others are 'limited' or 'qualified' in nature.

**Absolute rights:** States cannot opt out of these rights under any circumstances – not even during war or public emergency. There is no possible justification for interference with them and they cannot be balanced against any public interest.

Examples of absolute rights are the prohibition of torture and inhuman or degrading treatment in Article 3, and the prohibition of slavery in Article 4(1).

**Limited rights:** These are rights that are not balanced against the rights of others, but which are limited under explicit and finite circumstances. An example is the right to liberty and security in Article 5.

**Qualified rights:** These are rights that can be interfered with in order to protect the rights of other people or the public interest.

An interference with qualified rights may only be justified where the state can show that the restriction:

- is lawful – this means that it is in accordance with the law, which must be established, accessible and sufficiently clear
- has a legitimate aim – the restriction must pursue a permissible aim as set out in the relevant Article. Public authorities may only rely on the expressly stated legitimate aim when restricting the right in question. Some of the protected interests are: national security; the protection of health and morals; the prevention of crime; and the protection of the rights of others
- is necessary in a democratic society – the restriction must fulfil a pressing social need and must be proportionate to that need.

**Proportionality**

The principle of proportionality is at the heart of how the qualified rights are interpreted, although the word itself does not appear anywhere in the text of the Convention.
The principle can perhaps most easily be understood by the saying ‘Don’t use a sledgehammer to crack a nut’. When taking decisions that may affect any of the qualified rights, a public authority must interfere with the right as little as possible, only going as far as is necessary to achieve the desired aim.

It may prove useful to ask the following questions to determine whether a restrictive act is proportionate or not:

- What is the problem that is being addressed by the restriction?
- Will the restriction in fact lead to a reduction in that problem?
- Does a less restrictive alternative exist, and has it been tried?
- Does the restriction involve a blanket policy or does it allow for different cases to be treated differently?
- Has sufficient regard been paid to the rights and interests of those affected?
- Do safeguards exist against error or abuse?
- Does the restriction in question destroy the very essence of the Convention right at issue?

The following case study, based on the case of *R (A, B, X and Y) v East Sussex County Council* (2003), illustrates these principles.

**Case study:**

A local authority had a policy requiring care staff to use hoist equipment in certain situations, on the basis that manual lifting posed a health and safety threat to its employees. For two severely disabled sisters, living in a specially adapted house, the policy restricted their ability to move about their home or to pursue activities outside it. The parties did not dispute that the local authority’s policy was lawful, but the court set out the legal principles to be followed by the local authority when applying the policy to the sisters. It considered the extent to which the local authority had an obligation to allow manual handling in order to protect the rights of service users under Article 8 of the Convention (the right to respect for private and family life), while not exposing their employees to unacceptable risk. This required a balancing exercise, looking at the needs and rights of service users and the needs and rights of care workers. There will be situations where manual lifting, even though it carries a real risk of injury to the care worker, is necessary to provide appropriate care which respects the dignity of service users.

The European Court of Human Rights has also accepted that there are areas in which national authorities are better placed than the Court to decide what is best for those within their jurisdiction, and so to apply the Convention rights in their own way. This is particularly so where circumstances require rights to be balanced against national security, or wider economic and social needs, for example.
Positive obligations

Most of the Convention is concerned with things that the state must not do, and puts states under an obligation to refrain from interfering with a right. However, the Court has decided that in order to make the Convention effective, a number of rights also place positive obligations on states. These require the state to take action to prevent the breach of a right. For example, Article 2 can create a positive obligation to take steps to protect members of the public, for example where a public authority is aware of a real and imminent threat to someone’s life, or where a person is under the care of a public authority. Because of the Human Rights Act, public authorities may have responsibility for positive human rights obligations in some circumstances. For example, a local authority may have a positive obligation to prevent human rights breaches of care home residents whose care it has commissioned from the private sector.
Frequently asked questions

What does the Human Rights Act do?

It makes the human rights contained in the European Convention on Human Rights enforceable in UK law. It does this by making it unlawful for a public authority to act in a way that is incompatible with a Convention right. A person who believes that one or more of their human rights has been breached by a public authority can raise that issue in the appropriate court or tribunal. If the person is unhappy with the court’s decision and has pursued the matter as far as it can go in the UK court system, they may take their complaint to the European Court of Human Rights, an institution set up by the Council of Europe and based in Strasbourg, France.

Do judges now have more power than elected politicians?

The simple answer is ‘no’. Judges must interpret legislation as far as possible in a way that is compatible with the Convention rights. If this is not possible courts can strike down incompatible secondary legislation, or can make a declaration of incompatibility in relation to primary legislation. They cannot strike down primary legislation.

What difference does the Human Rights Act make?

The principal effect of the Human Rights Act is to enable people to enforce their human rights in the domestic courts against public authorities. The introduction of the Human Rights Act should also mean that people across society are treated with respect for their human rights, promoting values such as dignity, fairness, equality and respect.

Are human rights relevant to every decision I make?

The short answer to this is ‘no’. Many everyday decisions taken in the workplace are not affected by human rights. However, by understanding human rights properly you are more likely to know when human rights are relevant and when they are not. This should help you to make decisions more confidently, and ensure that your decisions are sound and fair.

What is a public authority?

The Human Rights Act covers public authorities (that is, public sector bodies), which include:

- central government
- courts and tribunals
- local government
- planning inspectorates
- executive agencies
- police, prison and immigration services
- statutory regulatory bodies
- NHS Trusts.

This list is not exhaustive. If you are unsure whether or not you work in a public authority you should check with your line manager. In any event, following human rights standards, even in matters not strictly covered by the ambit of the Human Rights Act, will be good practice.
The Human Rights Act also says that other organisations carrying out functions of a public nature will fall within the definition of a public authority. The courts are still deciding exactly what ‘functions of a public nature’ means. For example, in *R (Weaver) v London & Quadrant Housing Trust (2009)*, the court found that a registered social landlord was performing public functions when allocating and managing social housing.

**Do all new laws have to be compatible with the Human Rights Act?**

When a Minister introduces a Bill to Parliament they are required to confirm in writing that, in their view, the Bill is compatible with Convention rights, or that they are unable to say that it is compatible but that they wish to proceed with the Bill anyway.

**Are all Convention rights guaranteed, whatever the circumstances?**

Not all Convention rights are formulated in the same way. While some rights are protected absolutely, such as the right to be free from torture, others are limited in certain defined situations, or qualified so as to take account of the rights of others or the interests of wider society.

**Who can bring a case under the Human Rights Act?**

Any ‘victim’ of a human rights breach can do so. It is not necessary to be a UK citizen. Anyone bringing proceedings must be directly affected by an act or omission of a public authority. However, the Equality and Human Rights Commission has a special power that allows it to take proceedings on behalf of victims although not a victim itself.

**Is any other guidance on the Human Rights Act available?**

For further information about human rights and the Act, we recommend:


The Equality and Human Rights Commission website also contains a collection of practical guidance designed as a resource to help you easily find the guidance you need to meet your human rights obligations and to implement good practice in your sector. The resource currently contains reviews of 39 pieces of guidance. We have drawn together a range of good practice and learning material on human rights, both generic and from across the public sector – education, children’s services, policing and criminal justice, health and social care – together with material on supporting the human rights of particular groups, such as older and disabled people and refugees and asylum seekers.

At page 76 we have listed some useful contacts and organisations for further advice and guidance.
Jargon buster

Human Rights Act:

The Convention:

Articles:
The Convention is divided up into Articles. Article 1 is introductory whilst each of the Articles from 2 to 12 and Article 14 detail a different human right or freedom. Most other Articles of the Convention deal with procedural issues. Each of the Protocols is also divided up into Articles.

Protocol:
These are additions or amendments to the original Convention. They may be signed and ratified by parties to the Convention and are effective as if they were part of the original Convention. The UK has not signed all of the Protocols.

Legitimate aim:
Any interference with a qualified right for the relevant purpose of safeguarding an interest set out in the Article pursues a legitimate aim.

Proportionality:
This is best defined as not using a sledgehammer to crack a nut. Any restriction must go no further than is necessary in a democratic society to achieve the legitimate aim.

Margin of appreciation:
This is the degree of discretion allowed to the state by the European Court of Human Rights when interpreting and applying Convention rights.

Public authority:
This includes all government departments and other ‘core’ public authorities such as:

- central government
- courts and tribunals
- local government
- planning inspectorates
- executive agencies
- police, prison and immigration services
- statutory regulatory bodies
- NHS Trusts.

Outside this, private organisations whose functions are of a public nature are included in relation to those public functions.

Ratify:
Ratification is the process by which a member state adopts and agrees to be bound by an international treaty.

Victim:
A victim is someone who is or would be directly affected by an act or an omission of a public body.
Useful websites


British Institute of Human Rights: www.bihr.org/

European Court of Human Rights: www.echr.coe.int/echr/
Here you can use the HUDOC database to search for case law from this court.


Liberty: www.liberty-human-rights.org.uk/

Justice: www.justice.org.uk/

Ministry of Justice: www.justice.gov.uk/human-rights

NHS Litigation Authority: www.nhsla.com/HumanRights/
For a series of case sheets highlighting key cases in healthcare law.

Northern Ireland Human Rights Commission: www.nihrc.org/

Scottish Human Rights Commission: www.scottishhumanrights.com/

UK Human Rights blog: www.ukhumanrightsblog.com/