

WHAT IS THE HUMAN RIGHTS ACT?

What is the Human Rights Act 1998?

The Human Rights Act protects the human rights of everyone in the UK.

The Act brings the rights outlined in the European Convention of Human Rights directly into UK law and obliges public authorities to conduct themselves in a way that is compatible with the convention. Public organisations - including the Government, police and local councils - must follow the act and if these organisations fall short or discriminate, it enables people to hold them to account.

We all stand to gain from the protections of the Act. It's an invisible safety net for all of us, working quietly to ensure our rights are respected. New laws and policies developed by public authorities must be compatible with human rights laws. And it is your legal backstop if something goes wrong.

If you're lucky you won't ever need to use the Act. But it's protecting you all the same, and is a crucial means of defence for people in vulnerable situations.

What rights does the UK Human Rights Act protect?

The UK Human Rights Act takes the rights set out in the European Convention on Human Rights and puts them into UK law. There are 16 rights protected by the Human Rights Act. They are:

- The right to life
- The right to freedom from torture and inhumane or degrading treatment
- Protection against slavery and forced labour
- The right to liberty and freedom except in particular circumstances, e.g. if you have committed a crime
- The right to a fair trial
- The right not to be punished for something that wasn't illegal when you did it
- The right to privacy and family life and freedom from surveillance
- The right to marry
- Freedom of thought, religion and belief
- Freedom of expression
- Freedom of assembly and association
- No discrimination on the basis of religion, race, gender or other characteristics
- Protection of property
- The right to an education
- The right to free elections
- Abolition of the death penalty

Who can use the Human Rights Act?

No matter who you are in the UK, the Human Rights Act is there to protect you.

Anyone living in the UK can use the Human Rights Act. It doesn't matter whether you are a British citizen or not, everyone is protected by it. If a public authority breaches any of your rights protected by the Act you can take them to court. The court can tell the public authority to stop interfering with your right or to take action to protect your right.

UK laws can also be challenged under the ECHR. A court may find a law is incompatible with the ECHR and therefore a breach of interferes with human rights. This would put pressure on Parliament to change or scrap the law.

Who must follow the Human Rights Act?

The Act applies to public authorities. These public sector organisations include everything from hospitals, government departments and schools to the police and the courts. Private organisations that perform public functions are also covered - such as private prisons, charities, private schools.

All these organisations must respect and protect your human rights, including when they plan services, set policies, and make decisions about individuals.

Challenges to the Human Rights Act

From helping survivors of domestic abuse, to protecting confidential communications between lawyers and their clients – the Human Rights Act helps us fight injustice and hold those in power to account.

It's been used by neglected or mistreated people in care homes, by children subject to abuse and harm, by hospital patients facing homelessness after discharge, by migrants and people seeking asylum to ensure they are treated with fairness and respect during immigration cases, and by disabled people whose right to dignity has been violated.

Each one of us will know someone whose rights have been upheld by the Act – whether directly or by association.

But right now this vital protection is at risk. Attacked by some politicians, misreported by parts of the press and misunderstood by many, there is a risk that the protections in the Human Rights Act will be watered down or scrapped altogether by those who want more power and less accountability.

This would hurt us all, but it's people in the most vulnerable who would suffer most. We cannot stay silent and let this happen. At Amnesty we believe in a world where human rights are valued and adopted. Together with our supporters, we will continue to speak up to ensure that our human rights in the UK stay protected.