



A Guide to the Human Rights Act

A booklet for People with Learning Disabilities



Ministry of
JUSTICE

Illustrations by CHANGE
Picture Bank



What's inside

This booklet,	1
Some new words	1
Using the Human Rights Act	3
What does the Act mean for you?	3
Can any of your rights be interfered with?	4
Your rights	4
Right to life	5
Stopping torture	5
Stopping slavery and forced labour	6
Right to freedom and security	6
Right to a fair trial	7
No punishment without law	7
Respect for private and family life	8
Freedom of thought, belief and religion	8
Freedom of expression	9
Freedom of assembly and association	9
Right to marry	10

the booklet?

Stopping discrimination	10
Protection of property	11
Right to go to school or college	11
Right to free elections	12
Getting rid of the death penalty	12
Does the Human Rights Act change my rights?	13
Does the Act change how public organisations behave?	13
Can I use the Act against someone else?	14
Does the Act really change anything?	15
What does the Act mean for democracy?	15
Can the Human Rights Act please everyone?	15
What does the Act mean for our courts?	16
Can the courts change Parliament's decisions?	16
What about Scotland, Wales and Northern Ireland?	16
How can I find out more?	17
The Community Legal Service	18
The Equality and Human Rights Commission	18

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



A right is something you are **allowed** to do. The Government and all your public services must respect your rights.

Some rights, like the right to life, can never be taken away. 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)



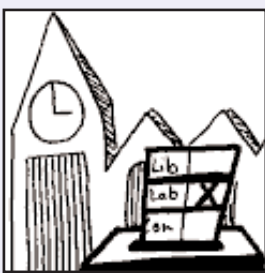
This is an agreement passed by the Council of Europe. This is a group of countries, which came together after the Second World War to stop such terrible acts happening again.

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

Government

A government is the ruling power in a country. It has power to make laws, to tax people, and to make other decisions that affect people.

Democracy



This is a type of government where **elections** are held and people and parties try to get **votes** to win power so they can make decisions. The people who are voted in to parliament in Britain are called **Members of Parliament** (MP's). They then make decisions about things like taxes, schools, hospitals and other things in that country.

Using the Human Rights Act

This booklet tells you about 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, there is something you can do about it.

What does the Act mean for you?



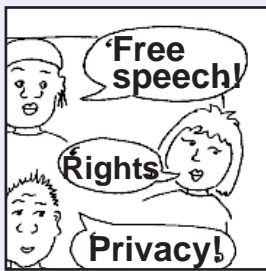
1 It is **against the law** for a public organisation (like a government department, council or the police) to ignore your rights, unless there is a law which means that it **couldn't** act differently.

2 Rights cases can now be dealt within 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.



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 damaging 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.

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

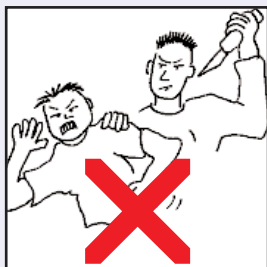


There are **16** rights in the Human Rights Act. Each one is called an **Article**. They are all taken from the European Convention on Human Rights. They affect big issues. Things to do with life and death.

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 times 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 not to worry that the government or police might take your life away.

And, if you have a family member who dies while locked up, the State must have an inquiry into what went wrong.

ARTICLE 3

Stopping torture

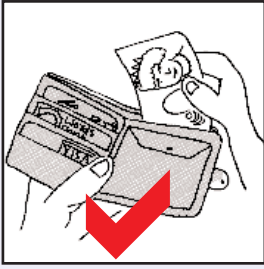


You have the **right** not to be tortured or hurt in cruel ways.

Nobody should hit or hurt you - 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 free. 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.

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. It has to be in public. It has to be heard fairly and quickly.

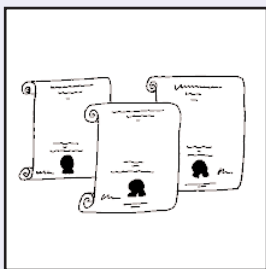
This is true for criminal cases too.

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

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

ARTICLE 7

No punishment without law

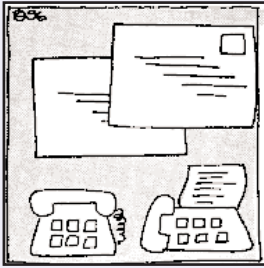


Normally, you **can't** be found guilty of a crime for something you did which was not against the law when you did it. You can't be made to stay longer in jail just because the punishment for your crime is made longer when you are in prison.

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 good reason, for example, to stop a crime.

ARTICLE 9

Freedom of thought, religion and belief

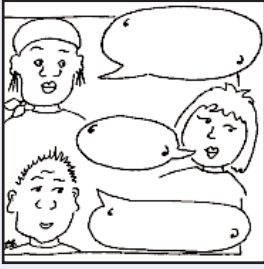


You are **free** to believe what you like. Other people should not tell you what to believe. These beliefs may be part of your religion.

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 - like to protect the rights of others.

ARTICLE 10 Freedom of expression



You have the right to hold ideas 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.

This right must be balanced against other peoples' rights and may be changed for reasons like 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 stop crime or for the protection of the rights and freedoms of others. But this can only be done if it is really needed. 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

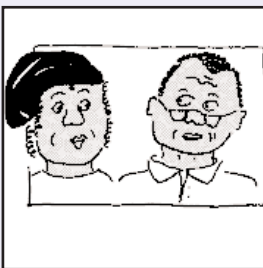
Stopping discrimination



Everyone must have equal rights.

You should **not** be treated unfairly because of your:

- Race
- Religion
- Sex
- Age
- Political views
- Disability
- Or anything else



Nobody should treat you badly because of being a woman or man, black or white, young or old, disabled or not, or a Sikh, Muslim, Hindu, Jew or Christian. You have the right to be treated fairly - 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

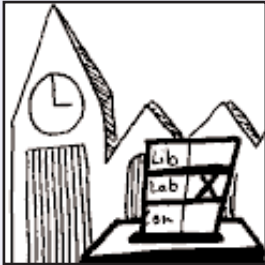


You have the **right** to use schools and colleges.

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 Parliament must be free and fair. They must be secret ballots - 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 the way they want you to. You can do this in private and don't need to tell anyone how you voted.

ARTICLE 1 OF PROTOCOL 13

Getting rid of the death penalty

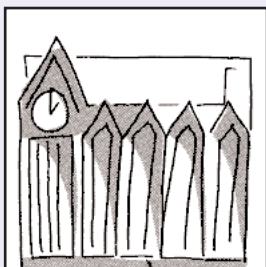
You can't be sentenced to death for any crime.

Does the Human Rights Act change your rights?



No, but it makes standing up for your rights easier. You can now bring a case in a court in the United Kingdom. If someone has taken you to court, 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 do things that affect you.

Public bodies might be:

- the Government
- civil servants
- your 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 wants to bring in 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**. You cannot sue, or be sued by, another person for breaking the Convention rights.

But 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.

Does the Act really change anything?

It does. This law affects all other laws. Proper respect for these rights should help change the way people think and what they do.

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.

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 things are talked about properly 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.

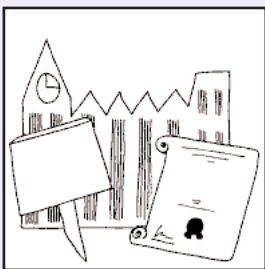
For example, there is a right to assembly and a right to meet others. If the police are thinking of banning a march, they must have good reasons for doing that. These reasons could be to protect other people and their rights, but the police should try to balance the rights of the people wanting to meet, 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 agrees with.

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 go to this website: www.justice.gov.uk

Or write to:

Human Rights Division, 6th Floor, Ministry of Justice, 54 Victoria Street, London SW1E 6QW



In Northern Ireland write to:

The Equality 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:

Strategic Equality & Diversity Unit, Welsh Assembly Government, 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 345 4 345**.

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 6.30 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.clsdirect.org.uk.

The Equality and Human Rights Commission



The Equality and Human Rights Commission wants to stop inequality, remove discrimination, strengthen good relations between people, and promote and protect human rights.

The Commission has taken over the work of the Disability Rights Commission. It will carry on with the work of the Disability Rights Commission 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 Commission

is to call its helpline.



The helpline number is **08457 622 633**.

You can call them between 9am and 5pm Monday to Friday, and between 8am and 8pm on a Wednesday.

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 them 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. They can tell you if this has happened.

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

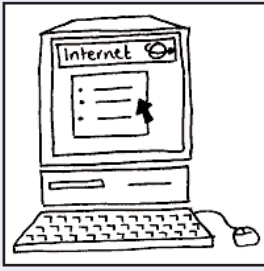
You can also send an e-mail to **info@equalityhumanrights.com**

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

The textphone number is **08457 622 644**

The fax number is **08457 778 878**

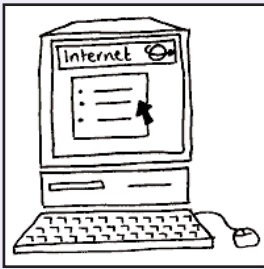
If you would like a copy of this leaflet on CD or in Braille, please call **0207 210 1437**.



This document can be found on the internet at www.justice.gov.uk/docs/human-rights-act-learning-disabilities.pdf

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

Arabic, Bengali, Cantonese, English, French, Gujarati, Polish, Punjabi, Urdu, Somali, Tamil, Welsh.



It can be found at:

www.direct.gov.uk/en/RightsandResponsibilities/Citizensandgovernment/DG_4002951

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