

HUMAN RIGHTS ACT (1989)

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.



What does the Act do?

The Act has three main effects:

1. You can seek justice in a British court

It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. This means that if your human rights have been breached, you can take your case to a British court rather than having to seek justice from the European Court of Human Rights in Strasbourg, France.

2. Public bodies must respect your rights

It requires all public bodies (like courts, police, local authorities, hospitals and publicly funded schools) and other bodies carrying out public functions to respect and protect your human rights.

3. New laws are compatible with Convention rights

In practice it means that Parliament will nearly always make sure that new laws are compatible with the rights set out in the European Convention on Human Rights (although ultimately Parliament is sovereign and can pass laws which are incompatible). The courts will also, where possible, interpret laws in a way which is compatible with Convention rights.

Article 2: Right to life

Article 3: Freedom from torture and inhuman or degrading treatment

Article 4: Freedom from slavery and forced labour

Article 5: Right to liberty and security

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

Article 12: Right to marry and start a family

Article 14: Protection from discrimination in respect of these rights and freedoms

Article 6: Right to a fair trial

Article 7: No punishment without law

Article 8: Respect for your private and family life, home and correspondence

Article 9: Freedom of thought, belief and religion

Protocol 1, Article 1: Right to peaceful enjoyment of your property

Protocol 1, Article 2: Right to education

Protocol 1, Article 3: Right to participate in free elections

Protocol 13, Article 1: Abolition of the death

Articles 1 and 13

Articles 1 and 13 of the ECHR do not feature in the Act. This is because, by creating the Human Rights Act, the UK has fulfilled these rights.

For example, Article 1 says that states must secure the rights of the Convention in their own jurisdiction. The Human Rights Act is the main way of doing this for the UK.

Article 13 makes sure that if people's rights are violated they are able to access effective remedy. This means they can take their case to court to seek a judgment. The Human Rights Act is designed to make sure this happens.

