

Acute Training Solutions

Human Rights Act 1998

The right to life

Protecting older and disabled people from arbitrary use of “do not resuscitate” orders, without speaking to them. This could potentially mean not receiving life-saving treatment.

The right to be free from torture, inhuman and degrading treatment

Making sure people in custody are not left in cruel conditions, and recognising this right touches on broader everyday issues. This right has been instrumental in helping families hold our health services to account for poor quality care which leaves people in deplorable situations, sometimes leading to avoidable deaths. And it's the Human Rights Act that helped get the investigation into what happened.

The right to be free from slavery and forced labour

This helped get justice when police failed to investigate credible allegations of women who had been trafficked and were abused and forced to work as unpaid servants in people's homes.

The right to liberty

This isn't only about when we are detained in prison, but also covers situations like when a young man with autism and learning disabilities was kept away from his dad in a unit for over a year, without a proper process or listening to the family's wishes.

The right to a fair trial

This isn't only about criminal trials, it has also made sure that disciplinary hearings against employees are fair, making sure they know the case against them, they can answer allegations which may bar them from working, and that decisions are timely.

The right not to be punished for something which was not unlawful when done

This means people who have been convicted of historic criminal offences will be sentenced according to the penalty at the time, not what it is now.

The right to respect for private and family life, home and correspondence

Which covers more (and less!) than you might think. Private life includes “physical and mental wellbeing” and being included in decisions that affect you. It has meant children being able to keep in contact with parents who are in hospital, addressing bullying and helping people access transport services. The home part isn't a right to housing, but it does mean there should be respect for the home you have, whether that is a house, a care home, bricks and mortar or a caravan.

The right to religion or belief

This recognises that people can believe what they want, but when they manifest this it has to respect other people's rights. This has made sure people can manifest their religious freedom at work place when there is no justifiable reason to restrict it. Being vegetarian is also protected!

The right to freedom of expression

This includes people being able to express themselves and protecting our media, so they can publish stories without revealing their sources when it is in the public interest.

The right to assembly, including peaceful protest and joining trade unions

This meant people could challenge the police when their coach was stopped on the way to a protest, not because police thought a breach of the peace was imminent, but because they thought it might happen at the demo.

The right to marry and found a family

This has included challenging a poorly worded law which was supposed to prevent sham marriages but actually meant all people from particular groups were not allowed to marry regardless of whether they were marriages of convenience or not.

Right to peaceful enjoyment of possessions

This has enabled a child to argue that withdrawing his Disability Living Allowance because he was in hospital for an extended period of time was a discriminatory interference with his right to enjoy the benefits.

Right to education

This has made sure that children with special needs have access to the right facilities within schools, which is something local authorities must respect. It also protects children from arbitrary exclusions and ensures proper processes are followed.

Right to free elections

Disabled people have used this to say they should be able to access polling stations on election days.

Abolition of the death penalty

In line with the introduction of the Human Rights Act in 1998, the UK passed legislation which abolished the death penalty in all circumstances.