

What is the Human Rights Act?

2 Page Briefing

The European Convention on Human Rights (ECHR) gives individuals certain rights and freedoms. ECHR rights were then brought into UK law by the Human Rights Act (HRA) 1998. The HRA requires public authorities, including local government, public services and agencies, to act in line with the ECHR.

UK courts need to take into account the judgements, decisions, declarations and advisory opinions of the ECHR, as well as opinions and decisions of the Council of Europe and Committee of Ministers, when they are making decisions.

The HRA also means that individuals can take cases to UK courts about any breach of their rights as set out in the HRA. If they then do not win their case in UK courts, individuals can take human rights complaints to the European Court of Human Rights in Strasbourg.

Convention rights included in the HRA are:

* The right to life (Article 2)
* The right not to be subjected to torture, inhuman or degrading treatment or punishment (Article 3)
* The right to be free from slavery and forced labour (Article 4)
* The right to liberty (Article 5)
* The right to a fair and public trial or hearing (Article 6)
* The right not to be subject to arbitrary or retrospective criminal penalties (Article 7)
* The right to respect for private and family life, home and correspondence (Article 8)
* The right to freedom of thought, conscience and religion (Article 9)
* The right to freedom of expression and to receive and impart information (Article 10)
* The right to assembly and to associate with others, including in organisations like trade unions (Article 11)
* The right to marry and start a family (Article 12)
* The right not to be discriminated against (Article 14)
* The right to peaceful enjoyment of possessions and property (Protocol 1, Article 1)
* The right to education, including respect for the religious and philosophical convictions of parents (Protocol 1, Article 2)
* The requirement to hold free and fair elections (Protocol 1, Article 3)
* Abolition of the death penalty (Protocol 6, Article 1)