

Using Human Rights

as a tool for advocacy



Created in collaboration:



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About this Guide

This guide explains how human rights law works in the UK and how you can use it to stand up for your own or someone else's rights.

It was co-designed by the British Institute of Human Rights (BIHR) and Room to Heal as part of BIHR's "Co-design a human rights solution" programme.



BIHR is a UK-wide charity working with people, communities and public bodies to make positive change through human rights.



Room to Heal is a grassroots therapeutic charity for refugees and asylum seekers who have survived torture and human rights abuse.

The "Co-design a human rights solution" programme seeks to support community and voluntary groups to find human rights "solutions" to everyday issues. You can read more about this programme [here](#).



As part of the design process, we also consulted charities and community groups from across the UK. This includes groups specialising in legal advice, LGBT and HIV support, honour-based violence and immigration detention.

Who is this guide for?

This guide is designed for people seeking asylum and those supporting them. It was created in collaboration with mental-health professionals and caseworkers. It may be a useful tool for any advocates or self-advocates interacting with public bodies, such as housing associations or medical professionals.



What is the Human Rights Act and how does it work?

The Human Rights Act

Human rights are the rule book for how we can be expected to be treated by the government, including public services and their staff. Human rights are more than values, upholding human rights is the law. In the UK this law is called the Human Rights Act. You can find more information on the Human Rights Act and how it works [here](#).

Asking for human rights to be respected is not asking for special treatment. It's asking for the law to be upheld.

Who has rights under the Human Rights Act?

Everyone who is living in the UK has human rights. They are 'universal' which means they belong to everyone – no matter who you are. It doesn't matter where you were born; if you are in the UK, your human rights are protected the Human Rights Act. It doesn't matter what your immigration status is.

When can we use the Human Rights Act?

The Human Rights Act applies to public authorities, and to bodies performing a public function. This means that if a private company is performing a public function, they have duties under the Human Rights Act. It applies to staff working on all levels of these bodies. This is why we often call the Human Rights Act the "rule book" for public authorities.

Section 6 of the Human Rights Act puts a legal duty on all public authorities, and the staff that work in them. They must act compatibility with human rights, in all of their work every day. **This means that the Human Rights Act puts a legal duty on public authorities to respect, protect and fulfil human rights across their actions, decisions, policies and services.**

The Duty on Public Bodies

The duty to respect means that public authorities should not take away your rights, although some rights can be limited. The duty to protect is also known as safeguarding. It means that public authorities should step in to protect you if they know that your rights are at risk. The duty to fulfil means that the state has to investigate when something has gone wrong with your human rights.

Section 3 of the Human Rights Act says that all staff working in public authorities must apply all laws, policy and guidance, in a way that respects human rights (as far as possible).

These duties are really important in everyday situations because it means that you can:



Speak up because everyone has human rights which should be respected and protected.



Talk to services about whether they are meeting their legal duty to respect and protect human rights.



Work with services to find better solutions without the need to go to court or use a lawyer.



We can use the Human Rights Act any time we interact with public services or services performing a public function. For example, in letters to the Home Office, NHS, local authorities or when challenging the decision of a public service.

What rights are in the Human Rights Act?

There are 16 rights in the Human Rights Act. Some of these rights are what we call, absolute rights; this means they can never be lawfully restricted. Others are non-absolute; this means there are certain circumstances in which a public official may be allowed to restrict a person's human rights. These situations are specific and will usually have to follow the lawful, legitimate and proportionate tests:



LAWFUL (there is a law that allows the measure)



LEGITIMATE (the measure falls within a reason allowed in the text of the right)



PROPORTIONATE (the measure is the least restrictive option available)

You can read more about proportionality [here](#).

If a public official or body cannot meet these 3 tests then the restriction on human rights they want to put in place will not be lawful.

You can find out more information about each of the 16 rights [here](#).

Absolute & Non-Absolute Rights

Absolute

Right to Life
(Article 2)

Right to Be Free from
Torture and Inhuman
and Degrading
Treatment (Article 3)

Right to Be Free from
Slavery and Forced
Labour (Article 4)

Right to a Fair
Trial (Article 6)

Right not to be punished
for something that wasn't
against the law when you
did it (Article 7)

Right to Freedom of
Thought, Conscience
and Religion (Article 9)

Right to Education
(Protocol 1, Article 2)

Abolition of the Death
Penalty (Protocol 13,
Article 1)

Non-Absolute

Right to Liberty
(Article 5)

Right to Freedom of
Thought, Conscience
and Religion (Article 9)

Right to Freedom of
Assembly and
Association
(Article 11)

Right to be Free from
Discrimination
(Article 14)

Right to Education
(Protocol 1, Article 2)

Right to Private and
Family Life, Home and
Correspondence
(Article 8)

Right to Freedom
of Expression
(Article 10)

Right to Marry and
Found a Family
(Article 12)

Right to Peaceful
Enjoyment of
Possessions
(Protocol 1, Article 1)

Right to Free
Elections
(Protocol 1, Article 3)

*Some rights are both absolute and non-absolute. That means they contain a part which can never be restricted but they also contain a part which can be restricted in limited circumstances.

Article 3: The Right to Be Free from Inhuman and Degrading Treatment

The right to be free from inhuman and degrading treatment under Article 3 protects people from being treated in a way which causes them serious mental or physical harm or humiliates them. This is treatment which:



makes you very frightened or worried



causes you a lot of pain



makes you feel worthless or hopeless

To use the Human Rights Act to protect you against inhuman or degrading treatment, the treatment must be very serious.

This right is absolute. This means it is never lawful for someone to be treated in an inhuman and degrading way by a public authority (or body performing a “public function”) - whether intentional or not.



Case study: Lola's story

Lola was a pregnant woman who had just been refused asylum. She was living in government-arranged accommodation and was issued a ‘termination of support’ notice while she was giving birth in hospital. She was a lone parent, and this was her second child.

The notice period expired while she was still in hospital and on returning home, she and her children would have to leave their flat. Lola got some support from a local charity who said to the housing provider that evicting the family in these circumstances might breach their right not to be treated in an inhuman and degrading way (Article 3). The charity wrote to the housing provider explaining their duty under the Human Rights Act and asking for the notice period to be extended to give Lola more time to find appropriate housing and her family.

The provider decided to amend the status of the notice, giving Lola and the charity time to apply for (Section 4) support for the family. The application was successful and housing for the family was secured.

[You can find out more about this right here.](#)

Article 8: The Right to Private and Family Life, Home and Correspondence

The right to private and family life, home and correspondence is protected by Article 8 of the Human Rights Act. Each part of this right protects many different things.

The right to private life protects:



well-being (mental or physical health)



autonomy (involving people in decisions over their own body and life)



participation in the community



relationships with others



confidentiality

The right to family life protects:



development of ordinary family relations



ongoing contact if split up

The right to home protects:



enjoyment of your current home. This is not a right to housing but protects the enjoyment of the home you currently have. For example, this right protects against the police, or another public service, coming into your home without your permission

The right to correspondence protects:



having uncensored communication with others



letters and modern communications (texts, emails, phone calls)

This right is non-absolute, which means that any restriction of this right must meet the lawful, legitimate and proportionate test.



Lawful: there is a law which allows public officials to take that action or decision.



Legitimate: there is a good reason (for example public safety or protecting the rights of other people).



Proportionate: they have thought about other things they could do, but there is no other way to protect the person concerned or other people. It must be the least restrictive option.

Case study: Homa's story

Homa lived in South London. Having fled to the UK following persecution in his home country, he was in the process of seeking asylum. The harm Homa escaped left him with post-traumatic stress disorder, and to get to his medical appointments and other support services he had to travel to North London. Homa was very anxious about his pending asylum application, and the possibility that he could be removed to his home country, where he would face persecution and ill-treatment.

Because of his post-traumatic stress disorder, Homa experienced panic attacks whenever he was on a bus for more than 10 minutes. He would have to get off the bus, calm himself down, and then wait for the next bus. Sometimes it would take him several hours to get to where he needed to be in North London, and it was using up most of the limited funds he was granted because he'd often have to pay for multiple bus journeys. Homa's caseworker, Lin, recognised that the long journey, coupled with his existing mental health condition, was having a significant impact on his wellbeing.

Lin wrote to the local council who were responsible for providing bus passes to people in particular need, and raised Homa's right to respect for private life (Article 8), and specifically how that protects people's right to psychological integrity. The local council agreed that the extreme impact of the situation on Homa's wellbeing was interfering with his right to respect for private life, and that they had a duty to take proportionate action to reduce this impact. Homa was issued a bus pass so that he could travel to his appointments at his own pace and access the medical treatment he needed.

[You can find out more about this right here.](#)

Article 14: The Right to Be Free From Discrimination

This is not a stand-alone right to be free from discrimination. It is a right not to be discriminated against when you are relying on your other rights in the Human Rights Act. The right to be free from discrimination is sometimes called a 'piggy-back' right. This means that when one of your other rights is at risk, you can also raise your right to non-discrimination if you think that it is an issue.



The Human Rights Act & The Equality Act

The Human Rights Act, unlike other discriminations laws such as the Equality Act, is open-ended. This means it can apply to a wider range of circumstances than other laws. The Equality Act prohibits discrimination on only 9 grounds, called protected characteristics. These are: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

The Human Rights Act makes it illegal to discriminate against you, setting out a list of reasons which includes sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property or birth. It is open-ended because it then says "or other status", which courts have decided includes age, gender identity, sexual orientation, health and disability, parental and marital status and immigration status. This can also include experiencing discrimination for combined reasons – such as being a young, black, disabled person. The Human Rights Act puts a legal duty on public bodies to respect and protect this right, whereas the Equality Act applies to public and private bodies, including shops and restaurants.

This right means when you are using the Human Rights Act, you should be treated the same as everyone else. This means:



not being treated worse than other people in the same situation because of your race, age, religion, gender identity, immigration status etc.



not being treated differently when you are in a very different situation to others, for example not providing a translator when you really need it.

Case study: Celine's story

Celine lived in Essex and received refugee status. She had to go to hospital for a couple of weeks.

Celine had been learning English for a while, but was still not very comfortable using English, especially with doctors using complicated medical terms. A doctor came to give her the results of several tests she has had. Celine didn't really understand what he told her. She asked for a translator but was told that her English was good enough and she didn't need one.

Celine's friend visited her in hospital and told her that she can use her human rights. They told the hospital staff that this was impacting Celine's right to wellbeing and autonomy (part of the right to private and family life) as she could not properly understand and talk about her treatment without a translator and that this was discrimination. The staff stated that they were following hospital policy, which said they should only use translators if absolutely necessary because it costs the hospital a lot of money.

Celine's friend helped her write a letter to the hospital's Patient Advice and Liaison Service explaining that this policy did not meet the hospital's duty under Article 8 of the Human Rights Act and could result in people with English as a second language being unfairly discriminated against under Article 14.

The hospital agreed and changed its policy so that a translator is always offered to people who do not have English as a first language.

[You can find out more about this right here.](#)

Human Rights in Advocacy: Letter Writing

If you have raised an issue using the language of human rights with the relevant public authority and are unable to resolve the matter informally, you may want to consider writing a letter.

This has many advantages, particularly since the organisation should write you a letter in response. A letter provides a way for you to explain the situation, identify the desired outcome and keep a record of the situation.

Tips for writing a letter



Set out the facts. You need to give enough detail to explain the situation but not so much that you confuse the people that you are writing to. Try to keep it to no more than 1 page.



Be specific about which right they are failing to protect or respect. Tell them why you think so.



Explain what you think they should have done, and what you think they should do now.



Be clear, polite, and indicate that you expect an answer.



Have someone else read it over to make sure that it makes sense to someone who is not familiar with your case.

1) Caseworker's Example Letter/Email

A. Caseworker
Room to Heal
London
Contact email/number

Local Authority Housing Team
25 Brown Street

Dear Mrs Bloggs,

↪ Explain who you are and your relationship to the person concerned.

I am a caseworker/ therapist/ support worker supporting Ms. X. I am writing concerning the ongoing issue with the lighting outside Ms. X's flat door. The lighting has been broken for 3 months now, meaning that Ms. X must walk along the landing to her door and open her door in darkness. This has been causing considerable distress to Ms. X and she is afraid to leave, or return to, her home after dark. This is having a big impact on her life, especially during winter months. Ms. X has raised this issue multiple times with her housing officer and has disclosed the impact this is having on her mental health, including causing panic attacks. Ms X has also explained that the impact on her has been particularly profound as she is a survivor of torture. However, the lighting has still not been fixed.

↪ Explain the background and what has happened. Introduce the impact it is having on the person concerned.

As a local authority housing department, you have a legal duty under the Human Rights Act to respect and protect Ms. X's rights. The issue with the light has been ongoing for a number of months and is having a significant impact on her mental health, including leading to panic attacks. This could potentially reach the level of inhuman and degrading treatment for Ms. X (Article 3 in the Human Rights Act), especially when we consider that she is a survivor of torture. The lack of action on this issue is interfering with her physical and mental wellbeing which is protected by her right to respect for private and family life (Article 8).

↪ Explain that they have a duty under the Human Rights Act.

↪ Explain which right(s) you think have been impacted and why. Back this up with your own therapeutic expertise, if appropriate. First focus on absolute rights, then non-absolute.

The Human Rights Act means that any restriction of an absolute right, such as the right to be free from inhuman and degrading treatment is never lawful. Therefore, action should be taken straight away to fix the lighting, ensuring that Ms. X feels, safe when returning home and is no longer at risk of inhuman and degrading treatment. Any restriction of a non-absolute right such as the right to wellbeing under private and family life, must be lawful, legitimate and proportionate. I am concerned that the decision to not fix the lighting outside Ms. X's apartment is not legitimate; there is not a good reason for restricting this right, such as public safety or protecting the rights of other people. Given the impact this situation is having on Ms. X and her rights, it is also not proportionate for her to be waiting more than 3 months for her lighting to be fixed. Therefore, I would ask that the lighting outside Ms. X's building is fixed as a matter of urgency.

↪ Explain what you would like to be done to resolve this issue.

I would be grateful if you could please respond to my letter within the next two weeks of the date above, I am sure that we can resolve this issue amicably, working with Ms. X to protect her rights.

↪ Set out a suitable time frame for next steps.

Yours sincerely,
A. Caseworker

2) Caseworker's Example Letter/Email

A. Caseworker
Room to Heal
London
Contact email/number

Asylum Housing Team
25 Brown Street

Dear Mrs Smith,

Explain who you are and your relationship to the person concerned.

I am a caseworker/ therapist/ support worker supporting Ms. Y, who lives in asylum accommodation. I am writing concerning a letter recently received by Ms. Y stating she is going to be moved on 17th March 2022 and that her new address could be anywhere in the country. This has caused considerable distress to Ms. Y, who has lived in her current city for 2 years, having arrived in the UK as an asylum-seeker fleeing persecution on the basis of her sexual orientation. Ms. Y has built an extensive support network here that is essential to her mental and emotional wellbeing, including being an active member of a local LGBT support group. Ms. Y is also receiving specialist medical care that would be interrupted if she were moved out of the area.

Explain the background and what has happened. Introduce the impact it is having on the person concerned.

I understand your policy is that accommodation is generally offered on a no-choice basis unless there are exceptional circumstances. The Home Office Allocation of accommodation policy requires you to consider each request on a case-by-case basis and, "if it is decided not to agree to arrange accommodation in a particular location, reasons should be given and the decision must be compatible with the Home Office's obligations under Human Rights legislation" (p5).

Where possible, reference policy or laws that support your case. Point out that laws should be interpreted in ways that support human rights whenever possible.

As a housing provider contracted by the Home Office, you must comply with the legal duty under the Human Rights Act to respect and protect Ms. Y's rights.

Explain that they have a duty under the Human Rights Act. Even though the Housing Association might be a private company, the Human Rights Act duty still applies because they are contracted by the Home Office (a public body).

Interrupting Ms. Y's medical care would have a significant impact on her physical and mental health, which could potentially reach the level of inhuman and degrading treatment (prohibited by Article 3 in the Human Rights Act), especially when we consider the specialist nature of her care. Her physical, mental and emotional wellbeing is also protected by her right to private and family life (Article 8). Moving Ms Y away from her support system and her LGBT community group is also likely to interfere with her right to private life, particularly as she has previously faced persecution on the basis of her sexual orientation.

Explain which right(s) you think have been impacted and why. Back this up with your own therapeutic expertise, if appropriate/provide evidence from other professionals, such as health workers, school staff or support staff. First focus on absolute rights, then non-absolute. The Human Rights Act means that any restriction of an absolute right, such as the right to be free from inhuman and degrading treatment, is never lawful. Therefore, Ms. Y should not be moved to a new area where this will interrupt or prevent her receiving proper medical care. Any restriction of a non-absolute right, such as the right to private and family life, must be lawful, legitimate and proportionate. I am concerned that the decision to move Ms. Y out of her current area is not legitimate, as there is no compelling reason to move her. I also do not believe it is proportionate, as you have not shown you have considered alternative options. Therefore, I would ask that the plans to relocate Ms. Y are cancelled as a matter of urgency.

Explain what you would like to be done to resolve this issue.

Given the move is scheduled imminently, I would be grateful if you could please respond to my letter by 4pm on 15th March 2022. I am sure that we can resolve this issue amicably, working with Ms. Y to protect her rights.

Set out a suitable time frame for next steps.

Yours sincerely,
A. Caseworker

1) Individual's Example Letter/Email

Your Name
25 Example Street
L17UX
Contact email/number

Local Authority Housing Team
25 Brown Street

Dear Mrs Bloggs,

Explain who you are and your connection to the council so they know why you are writing to them.

My name is Ms X and I live at 25 Example Street, L17UX, a Local Authority property. I am writing concerning the ongoing issue with the lighting outside my flat door. The lighting has been broken for 3 months now, meaning I must walk along the landing to my door and open my door in darkness. This has been causing me considerable distress and I feel afraid to leave, or return to, my home after dark. This is having a big impact to my life, especially during winter months. I have raised this issue multiple times with my housing officer and have disclosed the impact this is having on my mental health, including causing panic attacks. I have also explained that the impact has been particularly profound as I am a survivor of torture. However, the lighting has still not been fixed.

Explain the background and what has happened. Introduce the impact it is having on you.

As a local authority housing department, you have a legal duty under the Human Rights Act to respect and protect my rights. As the issue with the light has been ongoing for a number of months and is having a significant impact on my mental health, including leading to panic attacks, this could potentially reach the level of inhuman and degrading treatment (Article 3 in the Human Rights Act), especially considering that I am a survivor of torture. The lack of action on this issue is interfering with my physical and mental wellbeing, which is protected by my right to respect for private and family life (Article 8) I have attached a letter from my counsellor, Dr Jacobs, explaining the impact on my mental health.

Explain that they have a duty under the Human Rights Act.

Explain which right(s) you think have been impacted and why. First focus on absolute rights, then non-absolute. You can add personal details that you feel comfortable disclosing to show the impact this is having on you in particular. This could be to do with your mental health, your previous experiences or your family situation, for example. You can also provide any evidence you have that supports your case, such as letters from doctors or support workers.

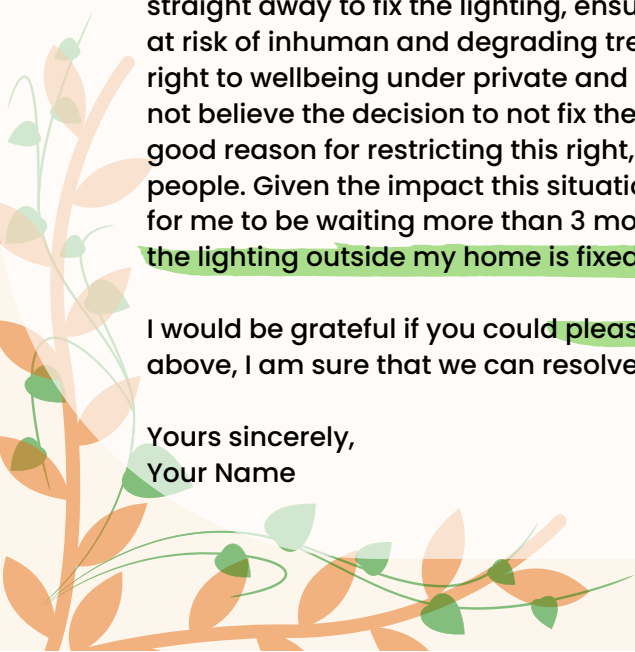
The Human Rights Act means that any restriction of an absolute right, such as the right to be free from inhuman and degrading treatment is never lawful. Therefore, action should be taken straight away to fix the lighting, ensuring that I feel, safe when returning home and am no longer at risk of inhuman and degrading treatment. Any restriction of a non-absolute right such as the right to wellbeing under private and family life, must be lawful, legitimate and proportionate. I do not believe the decision to not fix the lighting outside my home to be legitimate; there is a not a good reason for restricting this right, such as public safety or protecting the rights of other people. Given the impact this situation is having on me and my rights, it is also not proportionate for me to be waiting more than 3 months for my lighting to be fixed. Therefore, I would ask that the lighting outside my home is fixed as a matter of urgency.

Explain what you would like to be done to resolve this issue.

I would be grateful if you could please respond to my letter within the next two weeks of the date above, I am sure that we can resolve this issue amicably.

Set out a suitable time frame for next steps.

Yours sincerely,
Your Name



2) Individual's Example Letter/Email

Your Name
25 Example Street
L17UX
Contact email/number

Asylum Housing Team
25 Brown Street

Dear Mrs Smith,

Explain who you are and your connection to the housing team so they know why you are writing to them.

My name is Ms. Y and I live in asylum accommodation at 25 Example Street, L17UX. I am writing concerning a letter I recently received stating I am going to be moved on 17th March 2022 and that my new address could be anywhere in the country. This has caused me considerable distress. I have lived in my current city for 2 years, having arrived in the UK as an asylum-seeker fleeing persecution on the basis of my sexual orientation. I have built an extensive support network here that is essential to my mental and emotional wellbeing, including being an active member of a local LGBT support group. I am also receiving specialist medical care that would be interrupted if I were moved out of the area.

Explain the background and what has happened. Introduce the impact it is having on you.

I understand your policy is that accommodation is generally offered on a no-choice basis unless there are exceptional circumstances. The Home Office Allocation of accommodation policy requires you to consider each request on a case-by-case basis and, "if it is decided not to agree to arrange accommodation in a particular location, reasons should be given and the decision must be compatible with the Home Office's obligations under Human Rights legislation" (p5).

Where possible, reference policy or laws that support your case. Point out that laws should be interpreted in ways that support human rights whenever possible.

As a housing provider contracted by the Home Office, you must comply with the legal duty under the Human Rights Act to respect and protect my rights.

Explain that they have a duty under the Human Rights Act. Even though the Housing Association might be a private company, the Human Rights Act duty still applies because they are contracted by the Home Office (a public body).

Interrupting my medical care would have a significant impact on my physical and mental health, which could potentially reach the level of inhuman and degrading treatment (prohibited by Article 3 in the Human Rights Act), especially when we consider the specialist nature of my care. My physical, mental and emotional wellbeing is also protected by my right to private and family life (Article 8). Moving me away from my support system and my LGBT community group will interfere with my right to private life, particularly as I have previously faced persecution on the basis of my sexual orientation. I have attached a letter from the leader of the community group explaining the support they have provided me with.

Explain which right(s) you think have been impacted and why. First focus on absolute rights, then non-absolute. You can add personal details that you feel comfortable disclosing to show the impact this is having on you in particular. This could be to do with your mental health, your previous experiences or your family situation, for example. You can also provide any evidence you have that supports your case, such as letters from doctors or support workers..

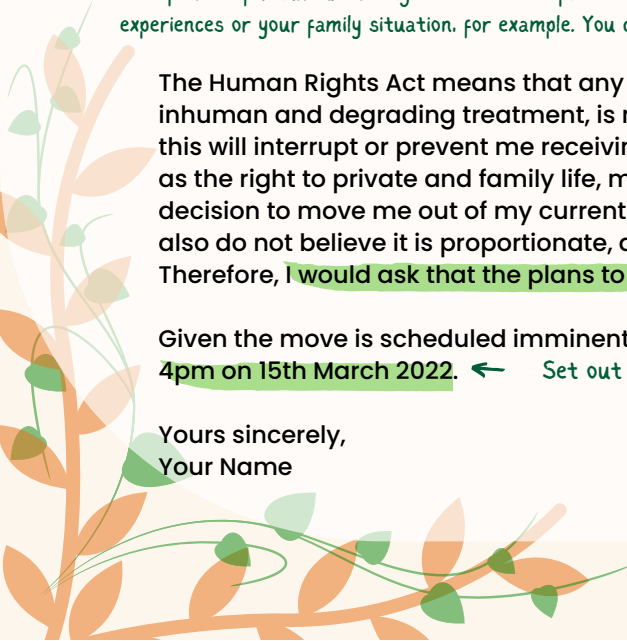
The Human Rights Act means that any restriction of an absolute right, such as the right to be free from inhuman and degrading treatment, is never lawful. Therefore, I should not be moved to a new area where this will interrupt or prevent me receiving proper medical care. Any restriction of a non-absolute right, such as the right to private and family life, must be lawful, legitimate and proportionate. I do not believe the decision to move me out of my current area is legitimate, as there is no compelling reason to move me. I also do not believe it is proportionate, as you have not shown that you have considered alternative options. Therefore, I would ask that the plans to relocate me are cancelled as a matter of urgency.

Explain what you would like to be done to resolve this issue.

Given the move is scheduled imminently, I would be grateful if you could please respond to my letter by 4pm on 15th March 2022.

Set out a suitable time frame for next steps.

Yours sincerely,
Your Name



What to do next if you receive a response

If the response is helpful and the public authority wishes to discuss with you how to help resolve the situation then ask to meet with them and discuss the matter further. This meeting does not necessarily need to be in person, it could also be a phone call:

- ✓ *Remember to take good notes of the meetings, including anything they say they will do.*
- ✓ *Ask for a timescale and make a note of this.*
- ✓ *If they fail to make the corrections you have asked for; or if they do not do so in the agreed timescale, ask to meet with them again. Tell them you will escalate your complaint if it is not addressed quickly.*
- ✓ *If you are not happy and they refuse to take your complaint seriously or continue to ignore your rights, then you should make another request, citing the date and content of the original request.*

What to do next if you don't receive a response

Depending on the severity and urgency of your issue, if you receive no response within a reasonable period of time you should follow your letter up with a phone call to check that it has been received.



If the letter has not been received:

- *Re-send it and make a firm request for a response within a given period of time.*
- *Tell them you would like an acknowledgement of receipt as soon as the letter arrives*



If the letter has been received but the individual concerned is vague about when you can expect a response, or does not appear to take the issue seriously:

- *Resend a copy of your letter to the management of the public authority (for example the chief executive or head of a service within a council).*
- *Be specific about your previous letter and include the date it was sent and who it was addressed to.*
- *Tell the manager/chief executive/head of service that you received no response to your first letter.*
- *You could also send a further letter to the person who received the first letter to tell them about the action you have taken. This might encourage them to act more quickly.*

Human Rights in Advocacy: Stepping Up Your Response

Stepping up your intervention may take a number of forms:



Strengthening the human rights arguments in a follow-up letter.



Asking for an immediate meeting to discuss the response



Warning them that you will be forced to take more serious action if the issue is not resolved.



Writing directly to the next level management.



If you do not get a response and have complained to the public authorities without the situation being resolved, you may be able to go to an ombudsman. This is an independent person who can look at your situation. There are different ombudsmen depending on the service you are complaining about. You can read more about ombudsmen [here](#).



If the situation does not get resolved, you may need to seek legal advice. Some legal advice can be provided for free. You can find out if you are eligible for free legal advice [here](#).



A solicitor may help you to write a pre-action protocol letter. This is to help resolve a dispute before court proceedings are started. Usually, if no response is received within a specified time, court proceedings will be started. It is therefore useful to get legal advice before sending the pre-action protocol letter, in case it needs to go to court.

The approach you take will probably depend on the urgency of the case and on whether you are anxious not to alienate the school / local authority / hospital or other body where the concern has arisen. If you believe that a relatively non-confrontational approach may lead to a resolution and the public authority appears to be making efforts to respond to your concerns, it may be worth requesting a (further) meeting to talk to the individuals directly.

Requesting an explanation of their decision

Any follow-up letter or meeting should also ask the authority to explain how they came to the decision which has led to your concern. By asking them this you will often force them to reconsider the issue in light of the law. This can often lead them towards a more satisfactory response.

It is also useful to have their full reasoning before taking further action, as it makes it easier to seek assistance from support groups or advisors to challenge the decision.

Strengthening the human rights arguments

Provide more detail

Outline in more detail why you think human rights are an issue. This will probably involve describing in more detail the extent of suffering on the part of the individual and referring to the content of relevant articles.

Address proportionality

The authority may admit that there has been some restriction of human rights, but believes that their approach was a proportionate response given the other demands they have to satisfy.

Ask them how they came to this decision and describe in more detail why you think it was not proportionate – for example, by suggesting another approach or by describing the extent of suffering of the individual concerned.

Violation of absolute rights

If you believe the violation is serious enough to constitute inhuman and degrading treatment, or a threat to life, a response of 'proportionality' will not be satisfactory. Tell the authority why you believe an absolute right has been violated. Remind them that such rights do not allow for any exceptions and the authority should act immediately to prevent further harm and to remedy the situation.

Human Rights in Advocacy: Keeping Records

Here is a table you can use to record your interactions with the public authority. This may be important if you need to take further steps. The first line has been filled in as an example.

Date	Who did you speak to?	How did you speak to them?	What did they say?
08/04/2022	John Smith, Housing Manager	phone	He will send someone to fix the leak tomorrow

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