What are my human rights?

A guide for young people

featuring Easy Read links

Co-produced with

The British Institute of Human Rights

Contents

1 **ABOUT THIS GUIDE** 1

2 **WHAT ARE HUMAN RIGHTS?** 2

i. Who has human rights? 2
ii. Who has duties under the Human Rights Act? 3
iii. What duties to public officials have? 4
iv. Which rights can and can't be restricted? 4

3 **THE RIGHT TO FAMILY AND PRIVATE LIFE, HOME AND CORRESPONDENCE** 7

4 **THE RIGHT TO BE FREE FROM DISCRIMINATION** 13

5 **HOW TO PROTECT YOUR HUMAN RIGHTS** 16

Easy Read Contents

What are human Rights?

The Right to Private Life, Home and Correspondence

The Right to be Free From Discrimination

About this guide

This guide has been created in collaboration with ATD Fourth World and the British Institute of Human Rights. The guide is for young people to understand their human rights in the UK, and what they can do to make sure that their rights are respected.

The guide will give an overview of how the UK Human Rights Act 1998 works, what duties it gives public officials, and what rights you have. It will then look at a few of the human rights in the Act and how you can use them.

Using this guide

Each section in this guide also has an Easy Read version to go along with it. This means the information will be available in a shorter, accessible version. If you see a QR code next to a heading, it means there is an Easy Read version available. Just point your phone camera at the QR code and it will take you to the Easy Read version. There will also be links to these at the end of this guide.

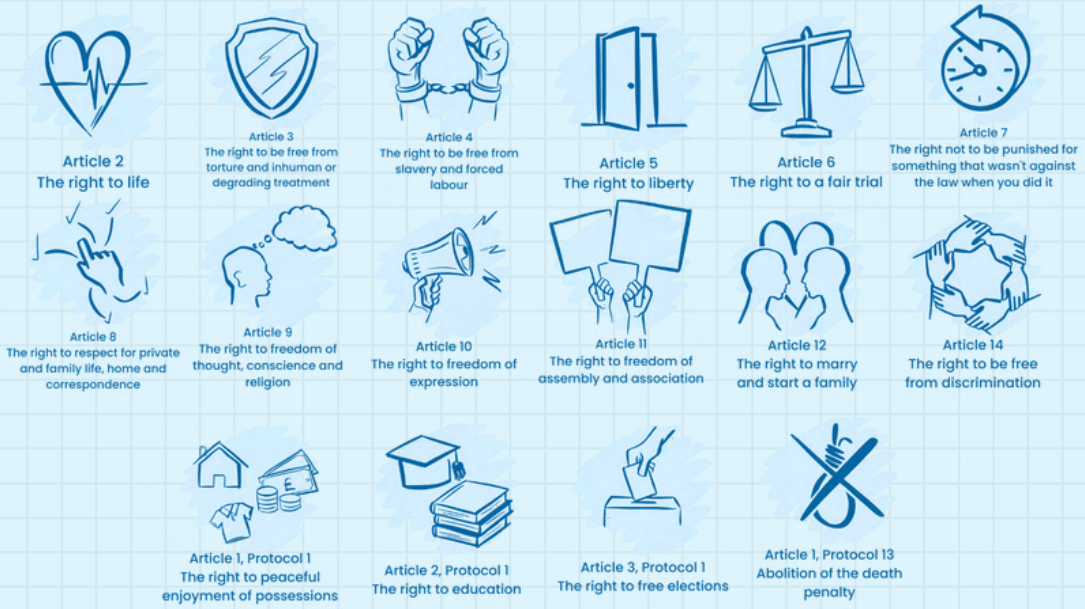
Trigger warning: Some of the content in this resource, including the easy read materials, mentions social service intervention and domestic abuse.

This guide is for information purposes only. It is not intended, and should not be used, as legal advice or guidance. The law referred to in this guide may have changed since it was published.

What are human rights?

Human rights are the rule book for how we should be treated by the government, including public services and their staff. Human rights aren't just values or nice ideas, they are the law. In the UK, this law is called the Human Rights Act.

There are 16 rights in the Human Rights Act:



Who has human rights?

Human Rights are **universal** which means they belong to everyone – no matter who you are. If you are in the UK, your human rights are protected under the Human Rights Act. This includes young people and children; you have human rights no matter your age, race, ethnicity, sex, criminal record, or citizenship.

Who has duties under the Human Rights Act?

The Human Rights Act applies to public officials, and to bodies performing a public function. A public function is something that serves the public, for example, policing, hospitals, and schools. It is usually a service that is paid for by the government and performed on behalf of the government and for the public.

The Human Rights Act says that anybody delivering a public function must respect, protect, and fulfil human rights. This means that if a private company is performing a public function, they have duties under the Human Rights Act.

Examples of people that are and aren't public officials:

✓ OFFICIALS	✓ OTHERS WHO PROVIDE SERVICES	✗ NOT OFFICIALS
Doctors, nurses, health workers, hospital and GP staff	Staff at companies and charities who the local authority has asked to support you, for example:	Shopworkers and managers
Social workers	Paid carers at a service authorities have arranged to support you	Parents
Teachers	Benefits assessors	Friends
DWP staff (benefits)	Temporary housing services	

In all their work every day, public officials must apply all laws, policy, and guidance in a way that respects human rights as much as possible.

Those who are not public officials do not have a legal obligation to respect, protect and fulfil your human rights.

What duties do public officials have?

The duty to **RESPECT**	This duty means that public officials must not do anything to unlawfully limit our human rights.
The duty to **PROTECT**	This duty means that public officials should step in to protect you if they know that your rights are at risk. This is also known as safeguarding.
The duty to **FULFIL**	This duty means that public officials must investigate when something has gone wrong with your human rights to try and stop this from happening again.

Which rights can and can't be restricted?

Some of the rights in the Human Rights Act can be restricted, this means public officials can legally limit these rights in certain situations. These are called non-absolute rights. However, some of the rights can never lawfully be restricted, these are called absolute rights.

ABSOLUTE RIGHTS
Absolute rights are rights that cannot be restricted, limited, or interfered with for any reason. There is never any good reason or justification for interfering with absolute rights. If a decision or situation is affecting someone's absolute rights, this is unlawful, and action needs to be taken immediately to stop this from continuing.

EXAMPLES OF ABSOLUTE RIGHTS

Article 2 The right to life	Article 3 The right to be free from torture and inhuman or degrading treatment	Article 6 The right to a fair trial

NON-ABSOLUTE RIGHTS

Non-absolute rights are rights that can be limited in some situations. However, for them to be limited in a way that respects human rights they must pass this three-stage test:

Is it...
LAWFUL?

There must be a law which allows public officials to take that action, for example the Mental Health Act.

Is it...
LEGITIMATE?

There must be a good reason for limiting someone's rights, such as the protection of a person or others from harm. The list of permissible legitimate aims are found in the Human Rights Act itself. Public officials cannot use other reasons.

Is it...
PROPORTIONATE?

The decision taken must be the least restrictive option available. Public officials must have thought about other things they can do but there is no other way to protect the person concerned or other people.

The decision to limit a non-absolute right must pass all three parts of this test for it to be considered lawful. Here's an example to see how this three-stage test works in action:

Yolande's Story

Yolande and her children were fleeing domestic violence, and her husband's attempts to track them down as they moved from town to town across the UK. Time and again the family would be uprooted, having to move on every time he discovered their whereabouts.

Eventually, they arrived in London, and were referred to social services in their borough. However, what could have been the family's first good news after months of uncertainty and fear turned into another ordeal.

Social workers told Yolande that the constant moving of her children meant she was an unfit parent and that she had made the family intentionally homeless. They said that they had no choice but to place her children in foster care.

A support worker helped Yolande to challenge social services' decision as it failed to respect her and her children's right to family life. Social services reconsidered the issue, taking the family's human rights into account. They agreed that the family would remain together, and that social services would help cover some of the essential costs of securing private rented accommodation.

Is it...
LAWFUL?

It may be lawful for social services to place children in foster care under the Children Act 1989, however this can only be done when it is absolutely necessary.

Is it...
LEGITIMATE?

There may be a good reason for social services to remove a child from their home, such as for their own safety. In this situation, social services think they are protecting the children by placing them in foster care.

Is it...
PROPORTIONATE?

In this story, it is clear that the action taken by social services is not the least restrictive measure available. There are other steps they could have taken that respect the rights of Yolande and her children which can still achieve the aim of protecting their safety. Putting Yolande's children in foster care would not be proportionate, therefore this would be an unlawful restriction of her rights.

EXAMPLES OF NON- ABSOLUTE RIGHTS

Article 5 The right to liberty	Article 8 The right to respect for private and family life, home and correspondence	Article 10 The right to freedom of expression

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 parts of our daily lives.

The different elements of Article 8 are broken down in the tables below:

PRIVATE LIFE

- **Wellbeing** – this means your mental and physical health
- **Community** – this can mean different things to different people, but it can include your friends, neighbours, clubs, or organisations you are part of.
- **Relationships** – this means being able to have relationships with others, like your friends.
- **Autonomy** - this is the freedom to make decisions for and about yourself.
- **Confidentiality** – this means no one should share your private information without your permission.

FAMILY LIFE

- **Developing ordinary relationships** – this means having a normal family life, this can include parents, siblings, and children, but it can also mean friends, foster families, carers, and loved ones. This means that family isn't limited to your immediate relatives, it can also include your friends and loved ones.
- **Ongoing contact with family** – this means being able to see or speak to your family and loved ones and having a public official take active steps to help you to see and speak to your family if this is not easy.
- **Receiving support for your family to work together and have your needs met through services** – this means being able to involve your family in conversations around how you are cared for.

HOME

- **Not a right to housing** – the right to home does not mean you have a right to be provided with a place to live.
- **About your right to enjoy the home you are living in, free from interruption and intrusion without your permission** – this means the place where you are living and the way you enjoy it should be respected as much as possible.
- **Includes temporary accommodation** – this means your home isn't just a place you own, rent, or live permanently, it includes anywhere where you are staying for an extended period of time.

CORRESPONDENCE

- **Right to uncensored communication with others** – this means you can speak to people either in person or through texts and letters without it being watched or censored by others.
- **Through a variety of mediums including letters and modern communication** – this means you have a right to communicate with people through things like texts, emails, and social media as well as in person.

Lived experience testimony

"Doctors referred our family to social services. And so, in my head that means I just I can't trust them, which is really not great because now I won't go to the doctor of my own choice. And no doctor ever explained what happened. I was only explained really anything by my own family. Doctors just act as if it never happened, which makes it even more stressful."

This scenario is relevant to Article 8. Here's why:

AUTONOMY

A key part of article 8 is the right to make choices, be involved in care planning and routines, and positive risk taking.

It doesn't matter who you are, or how old you are, this right applies to all of us.

The fact that the person in this scenario was not given important information by the doctor regarding their decision, and the fact that the person was referred to social services without being informed about this is a restriction on their autonomy.

WELLBEING

The treatment of the person in this scenario caused them a great deal of distress. This could mean that their right to a private life is being restricted as this right includes your wellbeing and having your mental and physical health needs met.

By not communicating what was happening to the person in this scenario, the doctor has failed to consider their wellbeing.

Involving the person in conversations around their rights early on may have prevented distress and would be more respecting of their rights.

CONFIDENTIALITY

Another part of the right to private life is confidentiality. To enjoy the right to a private life, it is important that our confidential information is not shared.

However, there may be instances where it is lawful and necessary to share confidential information where it could protect your safety and wellbeing.

If your right to a private life must be restricted to share confidential information, you should be informed of this in advance and given the opportunity to have a say in how it is shared.

Lived experience testimony

1. "A child will understand everything. But for some reason if you're under 9 apparently social workers think you don't understand. They underestimate. A 3-year-old is sat there going 'I know something's going on. And I can tell it's big, but you're not telling me anything'. My dad remembers social workers walking in and out of our house all the time when I was 2. Almost every time, I would refuse to speak. I am just like that, I can go willy nilly on people. But they were like: 'Oh, you might be abusing her because she's not speaking to us no matter what we try'. And my dad was like: 'It's cause you don't explain anything to her and you're a complete stranger who just walked into our house. What do you want from a 2-year-old?'"

2. "It wasn't like I had bad carers, but it was just like, about the word identity; it was hard to kind of find who I was." "Family life gives us access to our identity — being in care can rob us of that." "Growing up in care, it was difficult to develop a sense of who we are because we needed to please so many people, and different people wanted different things from us."

3. "Not having enough information about ourselves and our stories can make it difficult to know who we are — but getting new information can disrupt our sense of identity too. I feel they just try and shelter you from a lot, but they don't actually realise, they're sheltering you from you at the end of the day. I've been trying to build myself up, based on what I know. And then out of nowhere, when you feel like a person's old enough, then you want to say, well actually, this, this, this, this and that happened."

These scenarios are relevant to Article 8. Here's why:

AUTONOMY

Not receiving relevant or important information about your care and treatment means that you cannot make informed decisions about your life, identity, and care.

It doesn't matter who you are, or how old you are, you have a right to information regarding your care, and it needs to be communicated in a way that you understand.

Being a child or young person does not remove your right to receive important information that may be relevant to your care, and it certainly does not remove your right to have a say over your care and treatment.

A big part of your right to a private life involves having a say over your identity, and for public officials to not restrict this right if it is not lawful, legitimate, and proportionate to do so. This scenario shows that holding back on information has affected the individuals' chance to explore their identity.

FAMILY LIFE

Being removed from your family is, of course, a big restriction on your right to family life. As the right is non-absolute, there are times where it may be necessary to restrict this right, however it should be the least restrictive measure possible, and public bodies still need to respect this right as much as possible.

For example, if you are taken into care, public services may need to assist you to be able to continue having some form of contact with your family if you wish to and if it is safe to do so.

Article 14:

The right to be free from discrimination

This right protects you from being discriminated against when you are using one of the other rights in the Human Rights Act. This means that, no matter who we are, we should all enjoy the same human rights and have equal access to them.

This right is called a 'piggy-back' right. his means it is used by joining it onto another right in the Human Rights Act, rather than on its own. For example, your right to life (Article 2) or your right to family and private life (Article 8) cannot be restricted because of your age, race, ethnicity, or disability.

SOME EXAMPLES OF WHEN THIS RIGHT MIGHT BE AT RISK:

- A doctor decides not to treat your physical health problem because you have mental health issues or a learning disability.
- You are being bullied due to one or more of your characteristics.
- If a social worker or public body decides you should live somewhere, like a foster home, care home or a mental health unit, just because of your age, social status, property status, or disability.
- If you are not listened to or believed about issues you are having due to your age or another characteristic.
- If you are restrained or secluded due to your age, disability, race, ethnicity, or another characteristic.

What duties do public officials have to respect this right?

Important to know: If a public official treats you worse than others because you or your family have a low income, you are receiving benefits, or due to your social background, this is discrimination under the Human Rights Act. If the public official cannot show that treating you differently is right and fair, the differential treatment may be unlawful.

While discrimination is always unlawful, not all differential treatment (or failure to treat people differently when they're in different situations) will be classed as discrimination. Public officials may treat us differently where it is right and fair for everyone.

For example, a young person that comes from a low-income family may need to be provided with free meals by their school. Whilst they are being treated differently from other young people, this is right and fair as it means young people from low-income families can eat.

Important to know: If you or someone you know has been treated differently by a public official, you can ask them about why they have done this. You can ask them to tell you how this was right and fair for everyone. If you think changes could be made or that you or someone you know has been individually discriminated against, then you can tell staff in a public body.

Recap:

- Public officials can only treat you differently if they can show that this differential treatment is right and fair for everyone.
- If a public official is aware or should be aware that you are being discriminated against, they should step in to protect your right.
- If you are discriminated against, public officials need to investigate this and take steps to stop it from happening again.

Lived experience testimony

"It's a default for some types of family as well. This links back to poverty, because if a family looks one particular way, I think that is a default. If a family looks another particular way — like a middle class family — I think the removal of their child is probably very unlikely to happen, however much harm is going on within that family. An important thing for people to know is that all of these policies and processes are not objective truths. They exist within structures, which are built on inequalities and unfairness. They're built to promote the benefit of some people and keep other people in their place."

This scenario is relevant to Article 14. Here's why:

- The right to be free from discrimination protects you from being treated worse because of your social and economic status. This means that if a public official does not respect your rights because you are in poverty, this may be unlawful.
- The right to be free from discrimination also protects us from being treated differently by public officials because they think you may be in poverty.
- If a public official removes a child from their family, this is already a limitation on the right to family and private life, home, and correspondence (see pages 7 - 10). Therefore, we can consider the right to be free from discrimination as a 'piggy-back' on top of this right.
- If a child was removed because the family 'looked a particular way', it is possible that this is discrimination, and therefore unlawful.
- For this differential treatment to be lawful, a public official would need to demonstrate that the differential treatment was justified. For example, for the child's protection.

Important to know: Whilst this story does show a limitation of someone's right to family and private life, home, and correspondence, that doesn't mean it is automatically unlawful. It is sometimes necessary to remove children from their homes if it is for their own protection.

Lived experience testimony

"The nursery was made aware that my son's place was being funded. But the ones that were there on the funding were treated differently than the ones whose parents paid for them. The ones that were paying to be there had whatever they wanted when they wanted. Whereas the funded ones were likely put to one side and made to wait till after the ones that have paid. If they had juice, the ones paying to go there were given the juice first and whatever was left was for the funded kids. My son thought that was the way it was supposed to be. That's the mentality." - a member of All Together in Dignity

Using your human rights

This section includes:

- a flowchart that can help you to raise a human rights issue with a public official, and what to do if a public official does not listen to you.
- a letter template that you can use to ask public officials to consider your rights.
- If you need help with any of these steps, you could also ask an advocate to assist you.

1

IDENTIFY THE ISSUE

- What is the issue or decision?
- What happened, when and where?
- Who is affected and what is the impact on them?
- Has a public official made a decision or are they involved in the situation?

2

IDENTIFY WHICH HUMAN RIGHTS ARE AT RISK

- There may be more than one right.
- Is it an absolute or non-absolute right? Can the right be limited lawfully?
- If the right is absolute, action must be taken as this right can never be lawfully limited.
- If it is non-absolute, think about whether the limitation is lawful, for a good reason, and if it is the least restrictive option available.

3

IS IT URGENT?

- If yes, take immediate action such as contacting emergency services by calling 999.
- If it is not urgent, continue to the next step.

4

RAISE THE ISSUE WITH THE PUBLIC OFFICIAL

It can be helpful to raise the issue by speaking to the public official who has made the decision, such as a social worker, to let them know they are not considering your rights.

5

WRITE A LETTER

If you are still unable to resolve the issue after speaking to a public official, you can write a follow-up letter either to the same official or to someone higher up, like a manager. You can say that you might have to take more serious action.

6

TAKE MORE SERIOUS ACTION

- See if you can make a complaint to the organisation.
- Contact the Ombudsman.
- Contact the Care Quality Commission or Ofsted.
- See if someone can help you to get legal advice.

What is an ombudsman?

An ombudsman is someone who investigates complaints about organisations. For example, if your complaint is about how you have been treated by a social worker, there will be someone who will look at this complaint and decide what to do. It is free to go to an ombudsman, but you will need to complain directly to the organisation first.

Examples of different ombudsman include the Local Government and Social Care Ombudsman which investigates complaints that relate to local council and local public service providers, this may be relevant where you are not receiving good enough care or treatment from a local authority. The Housing Ombudsman can investigate complaints if you have a dispute with a social landlord. The Public Services Ombudsman for Wales looks at complaints about public services in Wales.

What is a regulator?

A regulator is an independent organisation that makes sure that certain professions are doing their job in the right way, making sure that the people who work there have the right qualifications and experience to be in that profession.

A relevant example is the Care Quality Commission which is the regulator for healthcare in the UK. They make sure healthcare in the UK is safe and effective, and of a high quality. They have powers to take action if they find an area of healthcare that is not working properly.

Dear [insert name of public official],

My name is [insert your name] and I live at 25 Example Street, L17UX, a Local Authority property. I am writing concerning the ongoing issue with [discuss the issue you are having and how it is affecting you] I have raised this issue multiple times with [insert public official, i.e. social worker, or your doctor] and have disclosed the impact this is having on me. However, the [issue] has still not been addressed.

This section is for you to tell them who you are, what the email is about, and what the issue is.

As a public body, you have a legal duty under the Human Rights Act to respect and protect my rights. As [the issue] has been ongoing for [write the amount of time it has been going on for] and is having a significant impact on my [mental and or physical health], I believe this issue is affecting my [insert right or rights you think are being affected, for example, inhuman and degrading treatment (Article 3 in the Human Rights Act), my right to respect for private and family life (Article 8), explain why you think this is affecting said rights].

This section is to tell the public official what their human rights duties are and what impact the issue is having on your life.

If the issue is limiting an absolute right:
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 address [the issue], ensuring my [insert right/rights] are no longer at risk of being unlawfully limited.

You only need to include this paragraph if the right affected is absolute (that means it can never be lawfully limited).

If the issue is limiting a non-absolute right:
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 address [the issue] 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. Therefore, I would ask that [the issue] is addressed as a matter of urgency.

You only need to include this section if the right affected is a non-absolute right (that means it can be restricted if it meets the three-stage test of lawful, legitimate, and proportionate)

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.

Yours sincerely,
[Your Name]

Resources

Contact information

Local Government and Social Care Ombudsman - www.lgo.org.uk

The Housing Ombudsman - www.housing-ombudsman.org.uk

Care Quality Commission - www.cqc.org.uk/contact-us/

Ofsted - www.gov.uk/government/organisations/ofsted

Citizens Advice - www.citizensadvice.org.uk/law-and-courts/

Easy Read guides

Easy Read Guide to the Human Rights Act:
www.bihr.org.uk/media/blajmbdx/easyreadhra.pdf

Article 8 – The Right to Family and Private Life, Home and Correspondence:
www.bihr.org.uk/media/44kmv2mh/article-8-right-to-private-and-family-life.pdf

Article 14 – The Right to be Free from Discrimination:
www.bihr.org.uk/media/xsbebruo/article-14.pdf

© 2024 The British Institute of Human Rights. This publication and its content can be used and distributed by individuals and groups for information and advocacy purposes. It cannot be used for commercial purposes. Any non-commercial copying of the materials must be unadapted, attributed to the British Institute of Human Rights, and with the notification to us on info@bihr.org.uk

The British Institute of Human Rights is a registered charity (1101575) and registered company (4978121).Registered address (not open to visitors): BIHR, c/o Nordens Farringdon Ltd., 8 Coldbath Square, London, EC1R 5HL. Find us at bihr.org.uk or @BIHRHumanRights and contact us on info@bihr.org.uk. BIHR does not provide individual or legal advice. For suggestions on where to get further support please visit www.bihr.org.uk/help

The British Institute of Human Rights

Published February 2024