The British Institute of Human Rights
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Your Easy Read Guide to the Human Rights Act

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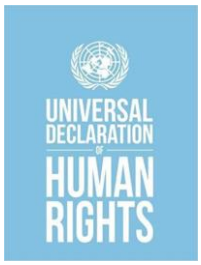
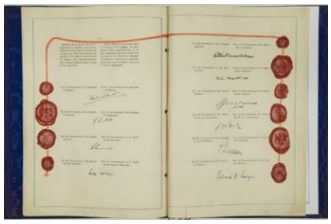
This Easy Read guide was checked by Kirklees Involvement Network.

<table>
<tr><td>
</td><td><h1>The Human Rights Act</h1>
The Human Rights Act is the law which protects our human rights in the UK. Human Rights are rules that protect people.</td></tr>
<tr><td colspan="2">Where does the Human Rights Act come from?</td></tr>
<tr><td> </td><td>During the Second World War terrible things happened to people and they were treated really badly.</td></tr>
<tr><td> 
</td><td>Because of this in 1948 governments came together to write and a set of rules to protect people and say how they should be treated.

These rules were called the Universal Declaration of Human Rights (the UDHR).</td></tr>
<tr><td>  </td><td>In 1950, these rules and lots of other ideas were written into the European Convention of Human Rights and made into law across Europe.</td></tr>
<tr><td> </td><td>The European Convention on Human Rights said that if you felt like your human rights were not being respected you could take your country to court. This Court is called the European Court of Human Rights. It is in a city called Strasbourg in France.</td></tr>
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</td><td>Anyone in Europe can take their human rights issues to the court in Strasbourg. This means that it takes a long time, often years, for your case to get to court.</td></tr>
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In 1998, the Human Rights Act became law in the UK. The Human Rights Act takes the 16 rights (also called "Articles") from the European Convention on Human Rights and makes them law in the UK.

How does the Human Rights Act work?

Everyone has human rights under the Human Rights Act.

You don't need to do anything to get your human rights, everybody has them.

Human rights are not gifts from the government or rewards. They are rules to protect you that belong to you.

The Human Rights Act works in 3 ways:

1. It is the law that staff in NHS services, local councils and services should respect and protect your human rights.

2. It is the law that all other laws and rules should always be used in way that respects and looks after your human rights.

3. If your human rights are not looked after, you can take a legal case to the courts.

The Human Rights Act Legal Duty

Under the Human Rights Act it is the law that staff in NHS services, local councils and services should support your human rights. They must do 3 things:

1. Respect your human rights. This means they should not stop you from having your rights except for very special reasons (for example, to protect you or others from serious harm).

2. Protect your human rights. This means they should do what needs to be done to protect you. This is sometimes called safeguarding.

3. Fulfil your human rights. This means they should look into why you are not getting your rights when things go wrong to stop it from happening again.

What does this legal duty mean for me?

This duty is really important in everyday situations because if you are treated badly by services you can:

1. Speak up because you have human rights which should be looked after. You can speak up when you feel they are not being met.

2. Talk to services about whether they are meeting their legal duty to look after and protect your human rights.

	3. Work with services to find better ways to sort out problems without the need to go to court or use a lawyer
The Rights in the Human Rights Act	
	The Human Rights Act has 16 rights in it. You can find out about these different rights by clicking here.
	There are two different types of rights in the Human Rights Act. 1. Absolute rights. These rights can never be taken away from you. 2. Non-absolute rights. These rights can never be taken away from you. But sometimes staff can limit one of these rights to protect you or others, but they must pass a test.
	Absolute rights (such as the right to life or the right to be free from serious harm) can never be take away from you. This means the law says a staff member cannot treat you in a way that affects one of these rights, or make a decision that impacts one of these rights.

Other rights are called **"non-absolute"** rights. These rights cannot be taken away from you but they can sometimes, be limited. If one of these rights is going to be limited, a 3-stage test needs to be passed:

1. **Lawful:** There must be a law which allows staff to limit this right.

2. **For a good reason:** There must be a good reason which is usually to protect you or other people.

3. **Thought about properly:** Staff must think about all the things they could do and pick the least restrictive one. You should be involved in these talks.