

KNOW YOUR RIGHTS, OWN YOUR LIFE

Rights exist to protect and guide people. When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

Knowing our rights can change our lives. It gives us the tools to make decisions that define our future.

HUMAN RIGHTS ACT 1998

What You Need to Know and How It Can Help You

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OVERVIEW

The **Human Rights Act 1998** was enacted to give further effect in the United Kingdom to the rights and freedoms guaranteed under the **European Convention on Human Rights**. The Act allows individuals in the UK to rely on Convention rights in domestic courts rather than having to take cases to international courts.

The Act incorporates Convention rights into UK law and requires **public authorities to act compatibly with those rights**. Courts must also interpret legislation, so far as it is possible to do so, in a way which is compatible with the Convention rights.

The Act includes provisions concerning:

- The definition of **Convention rights**
- The **interpretation of legislation**
- The responsibilities of **public authorities**
- **Legal remedies** when rights are breached
- Safeguards for existing human rights
- Rights relating to **freedom of expression, thought, conscience and religion**
- The system for **derogations and reservations**

The Act also provides guidance on **judicial processes, the appointment of judges to the European Court of Human Rights, and remedial actions** where legislation conflicts with Convention rights.

Key Purpose of the Act

The Human Rights Act aims to:

- Protect the **fundamental rights and freedoms of individuals**
- Ensure **public authorities respect those rights**
- Provide **legal remedies where rights are violated**
- Allow courts to **interpret legislation consistently with human rights**
- Strengthen **accountability of public institutions**

Convention Rights

Within the Act, the term “**Convention rights**” refers to rights and fundamental freedoms set out in:

- The European Convention on Human Rights
- The First Protocol to the Convention
- The Sixth Protocol

These rights form the foundation of the protections available under the Act.

Core Rights Included

The Convention rights include fundamental protections such as:

- Right to life
- Prohibition of torture and inhuman or degrading treatment
- Prohibition of slavery and forced labour
- Right to liberty and security
- Right to a fair trial
- Right to respect for private and family life
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly and association
- Protection from discrimination in the enjoyment of rights

These rights ensure that individuals are treated **with dignity, fairness and equality under the law**.

GUIDANCE FOR CHILDREN, YOUNG PEOPLE, ADULTS AND THEIR FAMILIES

The Human Rights Act 1998 protects the fundamental rights and freedoms of everyone, including children, young people, adults and families who interact with public services. The Act makes it unlawful for a public authority to act in a way which is incompatible with Convention rights, meaning individuals must be treated with dignity, fairness and respect. These rights apply in many aspects of daily life, particularly where people rely on public institutions such as health services, schools, social services, courts and housing authorities.

For families and individuals, the Act provides a clear framework for understanding the standards of treatment they should expect from public bodies. It helps people recognise when decisions affecting their lives must be made lawfully, proportionately and fairly. By understanding these rights, individuals and families can better engage with services, participate in decisions that affect them and raise concerns if those rights are not respected.

Key protections relevant to individuals and families include:

- Protection of life and safety
- Protection from torture, inhuman or degrading treatment
- Protection of personal liberty and security
- The right to a fair and public hearing
- Respect for private and family life
- Freedom of thought, conscience and religion
- Freedom of expression and association
- Protection from discrimination in the enjoyment of rights

Understanding Your Rights

The Human Rights Act allows individuals to rely on Convention rights before courts and tribunals in the United Kingdom. Courts must take into account judgments and decisions of the European Court of Human Rights when determining questions connected with those rights. This ensures that individuals in the UK benefit from the protections established under the European Convention on Human Rights while disputes are resolved within the domestic legal system.

Understanding your rights means recognising that public authorities must consider these rights when making decisions that affect individuals or families. If a public authority makes a decision that interferes with a protected right, it must be able to justify that decision as lawful and necessary. Individuals, therefore, have the ability to question decisions and request that authorities explain how human rights have been taken into account.

Individuals should be aware that they can rely on the Act when interacting with services such as:

- Healthcare providers and hospitals
- Schools and educational authorities
- Local authority housing departments

- Social care services
- Police and justice systems
- Immigration and detention authorities

Knowing these rights can help individuals:

- Understand when treatment may be unfair or unlawful
- Ask for explanations when decisions affect their rights
- Raise concerns or complaints within services
- Seek legal advice or challenge decisions when necessary

How Rights Apply in Everyday Situations

Human rights protections apply to everyday situations where individuals interact with public authorities or publicly funded services. Many decisions made by public bodies, such as those related to **healthcare treatment, housing allocation, safeguarding, education, or detention,** must consider the impact on an individual's rights under the Human Rights Act. Public authorities must balance individual rights with wider public interests, ensuring that any interference with rights is lawful and proportionate.

In practical terms, this means that **people should be treated fairly and with dignity in all public services. Authorities must ensure that decisions do not unnecessarily interfere with an individual's private life, family relationships, liberty or ability to express their beliefs.** Where rights are limited, there must be a clear legal basis and justification for doing so.

Examples of how rights may apply in daily life include:

Healthcare and social care

- Being treated with dignity and respect
- Being protected from degrading treatment
- Being involved in decisions about care and support

Education

- Access to education and fair treatment in schools
- Respect for cultural identity and personal beliefs

Housing

- Consideration of family life when making housing decisions
- Protection from arbitrary eviction without due process

Justice and legal matters

- Access to an independent and impartial tribunal
- The right to a fair hearing within a reasonable time

Supporting Children and Young People

Children and young people are entitled to the same human rights protections as adults. Public authorities responsible for education, social care, safeguarding, and youth justice must ensure that decisions affecting children respect their rights and take into account their best interests. Children should be treated with dignity, protected from harm and given opportunities to express their views in matters affecting them.

The Act also reinforces the responsibility of authorities to safeguard children from abuse, neglect or degrading treatment. When authorities intervene in family life, such as through child protection measures, they must ensure that actions are lawful, proportionate and necessary. Decisions that separate children from their families must be carefully justified and subject to fair legal processes.

Important protections for children and young people include:

- Protection from **inhuman or degrading treatment**
- Respect for **family life and relationships**
- Access to **education**
- The right to **fair procedures in legal matters**
- Freedom to **express views and beliefs**
- Protection from **unlawful detention**

These protections ensure that children are supported not only as individuals with rights, but also within the context of their family relationships and development.

Role of Families and Carers

Families and carers play an essential role in supporting individuals in understanding and exercising their rights under the Human Rights Act. They may advocate on behalf of children, older adults or individuals who need assistance in communicating their wishes or challenging decisions made by authorities. The Act supports families in ensuring that services respect the dignity, safety and well-being of those they care for.

When public authorities make decisions affecting individuals who rely on family support, such as decisions about healthcare, social care, safeguarding or housing, they must consider the impact of those decisions on family life. Families therefore have the right to be involved, informed and consulted when decisions significantly affect their

Families and carers can help protect human rights by:

- Supporting individuals to **understand their rights**
- **Raising concerns when treatment may be unfair or degrading**
- Participating in **care planning or decision-making processes**
- Using **complaints procedures or legal routes when rights may be breached**
- **Advocating for dignity, safety and respect within services**

Through awareness and participation, families and carers can help ensure that human rights principles are respected in everyday services and that individuals receive the protection and fairness intended by the Human Rights Act.

This is how knowing our rights can change lives.

When families and young people understand the rights protected under the Human Rights Act, they are better equipped to speak up, ask the right questions, and ensure that decisions affecting their lives are made fairly and lawfully. Now, meet Kelly. After several placement breakdowns, she finally found the stability she needed through tailored support and a rights-based approach, which helped rebuild her confidence, reconnect with her family, and work towards her dream of becoming a nurse.

MORE



OBLIGATIONS AND DUTIES FOR COMMISSIONERS, PUBLIC BODIES AND LOCAL AUTHORITIES

The Human Rights Act 1998 establishes clear duties for public authorities and bodies performing public functions, requiring that **decisions, policies, and services provided by public institutions be compatible with Convention rights**. Public bodies must therefore **consider human rights at every stage of decision-making, ensuring that individuals are treated lawfully, fairly and with respect for their dignity and freedoms**.

This responsibility extends not only to the central government but also to organisations delivering publicly funded services. Authorities must ensure that their actions do not interfere with rights such as liberty, privacy, freedom of expression or the right to a fair trial unless the interference is lawful, necessary and proportionate.

Public bodies must therefore ensure:

- Policies and procedures comply with Convention rights
- Decisions are **lawful, necessary and proportionate**
- Individuals are **not treated in a discriminatory way** when exercising rights
- Human rights considerations are integrated into **service planning and delivery**
- Complaints and legal challenges relating to human rights are taken seriously

Duty of Public Authorities

Under the Human Rights Act, it is unlawful for a public authority to act in a way which is incompatible with a Convention right. This duty applies to a wide range of public authorities, including government departments, local councils, police services, courts, and publicly funded health or social care providers. The Act recognises that **some authorities may be required to act under primary legislation** that cannot be interpreted in a manner compatible with Convention rights, but otherwise authorities must ensure that their conduct respects those rights.

Public authorities must actively consider the impact of their decisions on individuals. **When rights are engaged, authorities must ensure that any limitation of those rights is justified and supported by law. Failure to do so may allow individuals to challenge the decision in legal**

Authorities must therefore:

- Ensure actions and decisions are compatible with Convention rights
- Review policies and procedures to identify potential rights impacts
- Provide staff with training and awareness on human rights responsibilities
- Ensure individuals can raise concerns and seek redress
- Consider the proportionality of decisions affecting individuals

Responsibilities for Commissioners

Commissioners responsible for funding or arranging services must ensure that the services they commission are delivered in ways that **comply with human rights obligations**. Because many services are delivered by independent providers on behalf of public authorities, commissioners must ensure that providers understand and apply the requirements of the Human Rights Act when delivering services.

Commissioners **must also consider human rights implications when designing service contracts, funding arrangements and monitoring frameworks**. This ensures that the individuals receiving services are protected and that publicly funded services are delivered lawfully and ethically.

Commissioners should therefore:

- Ensure contracted services operate **in compliance with Convention rights**
- Include **human rights expectations within service contracts**
- Monitor providers to ensure **respect for dignity, privacy and fairness**
- Consider human rights when **allocating resources and designing services**
- Ensure people receiving services can **raise concerns safely**

Responsibilities for Local Authorities

Local authorities have significant responsibilities under the Human Rights Act because **they make decisions that directly affect people's lives through housing, social care, safeguarding, education and community services**. When making decisions, local authorities must balance the rights of individuals with wider community interests while ensuring that actions remain lawful and proportionate.

In many cases, local authority decisions may affect the right to private and family life, liberty and security, or protection from degrading treatment. Authorities must therefore carefully assess the human rights impact of their actions and ensure that procedures are fair and transparent.

Local authorities must therefore ensure:

- Housing decisions **respect family life and private life**
- Social care services **uphold dignity and protection from degrading treatment**
- Safeguarding decisions follow **fair and lawful procedures**
- Individuals are given **access to fair hearings where required**
- Policies are reviewed to ensure **human rights compliance**

Interpretation of Legislation

The Human Rights Act requires courts and tribunals to interpret legislation, so far as is possible, in a way that is compatible with Convention rights. This requirement applies to both primary legislation (Acts of Parliament) and subordinate legislation. **It encourages courts to read and give effect to legislation in a way that preserves human rights wherever possible.**

Courts may also consider judgments, decisions, declarations and advisory opinions of the European Court of Human Rights when interpreting Convention rights. This ensures that the development of human rights law in the United Kingdom remains aligned with international human rights standards.

When interpreting legislation, courts must:

- Seek an **interpretation compatible with Convention rights**
- Consider **relevant judgments of the European Court of Human Rights**
- **Rights**
- **Ensure legal decisions reflect human rights protections**

Declaration of Incompatibility

If a court determines that it is not possible to interpret legislation in a way that is compatible with Convention rights, it may issue a declaration of incompatibility. This declaration indicates that the legislation is inconsistent with the rights protected by the Human Rights Act.

A declaration of incompatibility does not invalidate the legislation or affect its continued operation. Instead, it signals to Parliament that the law may require amendment in order to comply with human rights obligations.

Declarations of incompatibility:

- May be issued by **higher courts**
- **Do not invalidate the legislation**
- **Notify Parliament of a potential conflict with human rights**
- May lead to **legislative review or amendment**

Judicial Remedies

The Human Rights Act allows individuals who claim that a public authority has acted unlawfully to bring proceedings before a court or tribunal. Individuals may rely on Convention rights in existing legal proceedings or bring a claim directly against a public authority that has acted incompatibly with those rights.

Where a court finds that a public authority has acted unlawfully, it may grant such relief or remedy as it considers just and appropriate. Remedies may include damages where necessary to provide just satisfaction to the affected individual.

Courts may provide remedies such as:

- Declaring that a public authority has acted unlawfully
- Quashing unlawful decisions
- Ordering authorities to reconsider decisions
- Awarding damages where appropriate
- Providing other relief necessary to ensure justice

These remedies ensure that individuals have **effective means to challenge unlawful actions and secure protection for their rights.**

HOW INDIVIDUALS AND FAMILIES CAN TAKE PART AND BENEFIT FROM THE ACT

One of the most important aspects of the Human Rights Act is that it empowers individuals and families to understand and use their rights. People do not need to go to international courts to raise human rights concerns. They can raise them within the UK courts and public services.

As an individual or a family member, you can directly benefit from the Act by:

↳ **Understanding and using human rights**

You can start by learning about the rights protected under the Convention, recognising situations where rights may be affected and raising concerns when treatment is unfair or degrading. **Understanding rights allows you to advocate for yourself and others.**

↳ **Raising concerns**

If you believe their rights have been violated, you may **raise concerns directly with the organisation involved, use complaint procedures, seek legal advice, and bring a claim in court against a public authority.** The Act allows you to rely on Convention rights in legal proceedings.

↳ **Having an active participation and raising your voice**

The Act encourages you to **participate in decisions affecting your or your loved ones' lives, to participate in decisions affecting your lives, expressing your views and beliefs, challenge unfair treatment and request explanations for decisions affecting your rights.**

This strengthens democratic participation and accountability.

↳ **Empowerment through knowledge**

Knowledge of the Act helps you to **recognise when rights are respected or violated, understand the responsibilities of public authorities, advocate for fair treatment and support others whose rights may be affected.**

Families, carers and communities can also play an important role in ensuring that human rights principles are respected in everyday services.

Original Sources:

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

Introduced by:

Jack Straw, who was the Home Secretary in the government

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