

## Human Rights Act: Background paper for teachers

### 1. What is the Human Rights Act?

The Human Rights Act (HRA) incorporated the European Convention on Human Rights (ECHR) into British law, and meant that the rights set out in the ECHR could be used by judges in all UK courts. These include the right to life, to be free from torture, to fair trial, to private and family life, to freedom of expression and religion and to education.

The HRA was passed into law by parliament in 1998 and came into force in 2000. It was passed by the Labour Government with support from the Conservative and Liberal Democrat parties.

All laws have to be compatible with the HRA. If necessary the higher courts can issue a 'declaration of incompatibility' asking parliament to bring a certain law in line with the HRA. The Act also requires all public authorities – the police, schools, hospitals – to comply with the Act. This means they have a duty to prevent an individual having their rights violated.

### 2. What has the HRA got to do with Europe?

Before 2000 if someone wanted to claim that their rights had been breached under the ECHR they had to take their claim all the way to the European Court of Human Rights (ECtHR) in Strasbourg. This could take a number of years and was expensive. The passing of the Human Rights Act was described as 'bringing rights home'.

The ECtHR comes under the Council of Europe. This institution is not related to the European Union. Brexit will not mean the UK coming out of the ECHR.

### 3. Calls for change

Ever since it came into force media and political discourse about the Human Rights Act has been very critical. The Act is seen as preventing foreign terrorists being deported or giving criminals more rights. The stories of ordinary people benefitting from the Act (as in the film *The boy who changed the law*) are seldom told.

### 4. What does this change look like?

At the 2015 general election the Conservatives pledged to repeal (scrap) the HRA and replace it with a Bill of Rights. This is expected to be similar to the Human Rights Act but it allows for this and future governments to make changes to the Bill of Rights. For example, provisions could be added such as limiting human rights protections for (suspected) criminals and terrorists or preventing British military abroad being charged under the HRA. The government probably didn't expect to have to go through with this as they expected a coalition. However Theresa May has always spoken out against the Human Rights Act and in late 2016 spoke of an even wider manifesto promise for the election in 2020 - taking the UK out of the European Convention on Human Rights.

### 5. What are the positive stories?

As well as the case in the film, there are many cases of ordinary people benefitting from the Human Rights Act. Many are available on the Equally Ours website which has a category for stories involving children and young people.

<http://www.equally-ours.org.uk/stories/>

<http://www.equally-ours.org.uk/category/children/>

### 6. What is being done?

In the Jewish community, René Cassin are working hard to raise awareness of the importance of human rights legislation. Lots of different organisations are working together to ensure that MPs and Ministers support human rights laws both domestically and internationally.