

Human Rights Act 1998

Came in to force in 2000

- Act has its roots in second world war
- Reason: to prevent such atrocities as the holocaust happening again,

1950

- Britain signed European
- convention on
- human rights



1959 Euro court on human rights set up in Strasbourg

- ECHR
 - Each country of EU is entitled to one judge
- Any matter relating to EU Law can be
appealed to ECHR



Convention has 18 articles & 6 protocols

- E.g.'s of differences it has made so far:
- Killers of James Bulger did not get fair trial
- Also when released were allowed right to privacy
- UK system of courts martial ruled illegal
- Sacking of non-heterosexuals from armed forces illegal

Convention rights

- Right to life:
- No-one shall be deprived of his life intentionally except in sentence for a crime which this penalty is provided by law-



Exceptions

- In defence of unlawful violence
- To effect a lawful arrest or prevent an escape from lawful detention
- In a lawful action in preventing or quelling a riot



Prohibition of torture

- No-one shall be:
- subjected to torture
- Inhuman treatment
- degrading treatment/punishment



Prohibition of slavery & forced labour

- Exceptions:
- Work done when in lawful detention
- Military service
- In event of an emergency or calamity
- Work part of normal civic obligations



Right to Liberty & Security

- No-one shall be
- Deprived of his liberty

Except:

Lawful arrest



Right to Liberty & Security

Except:

- Lawful detention
Following a court
sentence



Right to Liberty & Security

- Lawful arrest for non-compliance with a court order or to secure a legal obligation



Right to Liberty & Security

- Lawful arrest or detention to bring the person to court after having committed an offence
- OR
- Prevent him from committing an offence or fleeing after having done so.



"I don't appreciate you questioning my integrity. Especially since I've skipped town and can't be there to defend it."

Right to Liberty & Security

- Detention of a minor
- For purposes of educational supervision or to bring him before a court



Right to Liberty & Security

- Lawful detention for prevention of spreading infectious diseases
- Persons of unsound mind
- Vagrants or alcoholics



Right to Liberty & Security

- Lawful arrest of persons affecting unlawful entry in to the country or against someone who is being legally deported or extradited



On arrest

- Should be informed promptly and in a language that person understand the reasons for arrest and the charge



Everyone arrested or detained

- Should be brought before a judge, or similar, and shall be entitled to a trial within a reasonable time
- Or
- "bail" pending trial



Everyone deprived of liberty by arrest or detention

- Shall be entitled to take proceedings to determine the lawfulness of his detention
- If a victim of unlawful arrest or detention
- They shall have an enforceable right to compensation



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Right to a Fair Trial

- Everyone is entitled to a fair and public hearing
- Within a reasonable time
- By an impartial legal tribunal
- Judgement shall be pronounced publicly



Exceptions to public hearing

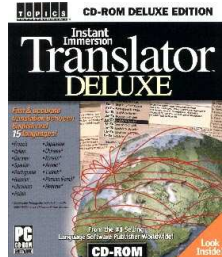
Public excluded:

- In interest of morals or public order
- Protection of juveniles
- Where publicity might prejudice the case



Everyone shall be presumed innocent until proven guilty

- If charged with a criminal offence
- Shall be informed
- Promptly and in a language they understand
- The nature & cause of the accusation against him



Must have adequate time for preparation of defence

- Can defend themselves
- Or through legal assistance
- If have no means to pay
- Shall be provided it free



Defendant has the right

- To examine witnesses against him
- Obtain attendance of witnesses on his behalf
- Have free assistance of interpreter if he cannot understand the language



No punishment without law

- No one shall be held guilty of a criminal offence which does not constitute a criminal offence under National or international law at time it was committed
- Nor shall a heavier penalty be imposed than one that was applicable
- This does not prejudice the trial & punishment of any person for a criminal act contravening general principles of law recognised by civilised nations

Right to respect for private & family life

- Everyone has right to respect for private & family life
- Home & family
- There shall be no interference by a public authority except as is necessary for national security and public safety

<http://www.bbc.co.uk/news/uk-northern-ireland-12068737>



Further exemptions

- Economic well being of the country
- Prevention of disorder or crime
- Protection of health or morals
- Protection of rights and freedoms of others



Freedom of thought conscience & Religion

- This includes:
- Freedom to change religion or belief
- To worship, teach practice or observe such religion or belief alone or with others



Exemptions from freedoms

- If prescribed by law
- Necessary to protect:
- Public safety
- Public order
- Health or morals
- The rights & freedoms of others



Freedom of expression

- Includes freedom to hold opinions
- Receive & impart information & ideas alone or with others
- This shall not prevent the state from licensing of broadcasting
- Exemptions almost same as those above



Freedom of assembly & associations

- Everyone has the right to peaceful assembly & to associate with others
- Including right to join trade unions
- Exemptions as above except can restrict police, & armed forces or state administration e.g GCHQ



Right to marry

- Men & women of marriageable age have right to marry & found a family



Prohibition of discrimination

- The enjoyment of the rights & freedoms of this convention shall be secured without discrimination on any grounds, such as
- Sex, race, colour,
- Language,
- Religion, Political or other opinion or status

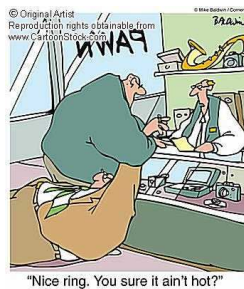


Prohibition of abuse of rights

- Nothing in this convention may be interpreted as destroying any of the rights and freedoms laid down in the convention or limit them to any extent unless stated.
- No limits shall be applied other than those stated

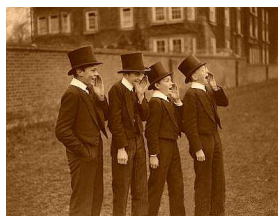
The first protocol

- Everyone is entitled to peaceful enjoyment of his possessions.
- No-one shall be deprived of his possessions except subject to conditions provided by law



Right to education

- No-one shall be denied the right to education
- The state shall respect the rights of parents to choose in conformity with their own religious and philosophical beliefs



Right to free elections

- The high contracting parties (governments)
- Undertake to hold free elections at reasonable intervals by secret ballot
- Which will ensure free expression of the opinion of the people



Abolition of death penalty

- The death penalty shall be abolished.
- No one shall be condemned to such penalty or executed.



Any questions?