

Human Rights Act

The Human Rights Act incorporates provisions from the European Convention on Human Rights into UK law. It came into effect on 2nd October 2000. This means that all legislation must be interpreted in line with the Convention rights ie people's human rights supersede all other law.

This has led directly to some legislation designed, in particular, to protect the rights of the most vulnerable groups in our society.

Article 2: Right to life. This is an absolute right. Issues such as DNR orders would be covered by this article. Emergency planning (to ensure that people were safe in emergencies such as the floods of 2007) and child and adult protection would be covered by this right.

Article 3: Prohibition on torture – *“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”*

This is an absolute right. Adult and child protection are part of this right, as are the rights of immigrants and asylum seekers and those held under the mental health act. Inhuman or degrading treatment does not have to be inflicted deliberately.

Article 4: Prohibition on slavery and forced labour. This is an absolute right. Employment legislation for NHS staff would be covered by this right.

Article 5: Right to liberty and security. This is a limited right. This means that you can be deprived of your liberty under certain circumstances – for instance if you are a risk to self or others. The Deprivation of Liberty legislation and the Mental Capacity Act legislation are part of this right.

Article 6: Right to a fair trial. This is an absolute right and is part of the Human Resources department's policies on disciplinary, competency, harassment and bullying proceedings.

Article 7: Right to liberty and security – “no punishment without the law.” This is an absolute right. This would cover employment rights in cases of dismissal.

Article 8: Right to respect for private and family life. This is a qualified right. This covers such things as the refusal of medical treatment, restraint, sexual behaviour, gender reassignment and recognition of new gender identity, and data protection. Mixed gender wards might breach someone's right to privacy.

Article 9: Freedom of thought, conscience and religion. This is a qualified right. Although the holding of beliefs is an absolute right, the practising/teaching/observation of beliefs is a qualified right.

Article 10: Right to freedom of expression. This is a qualified right.

Article 11: Freedom of assembly and association. This is a qualified right. Trades unions would be covered by this article.

Article 12: Right to marry and found a family. This is an absolute right but must be within the laws of the country. Currently, access to medical interventions to conceive is not covered by this right.

Article 14: Prohibition on discrimination. This means that you cannot be discriminated against in your enjoyment of the other rights because of your race, age, gender etc. For example, if a patient could not access medical services because there was no interpreter present then that would be a breach of their rights.