

# Why our Human Rights Act Matters... in Advocacy

The British Institute of **Human Rights**

bihr.org.uk



#WhyOurHumanRightsActMatters  
#AAW22  
#HumanRightsAvocacy

Subtitles are available – request them with the “CC” button on Zoom.



# What do BIHR do?



**PEOPLE:** with information on human rights to change own lives. Knowledge is power!



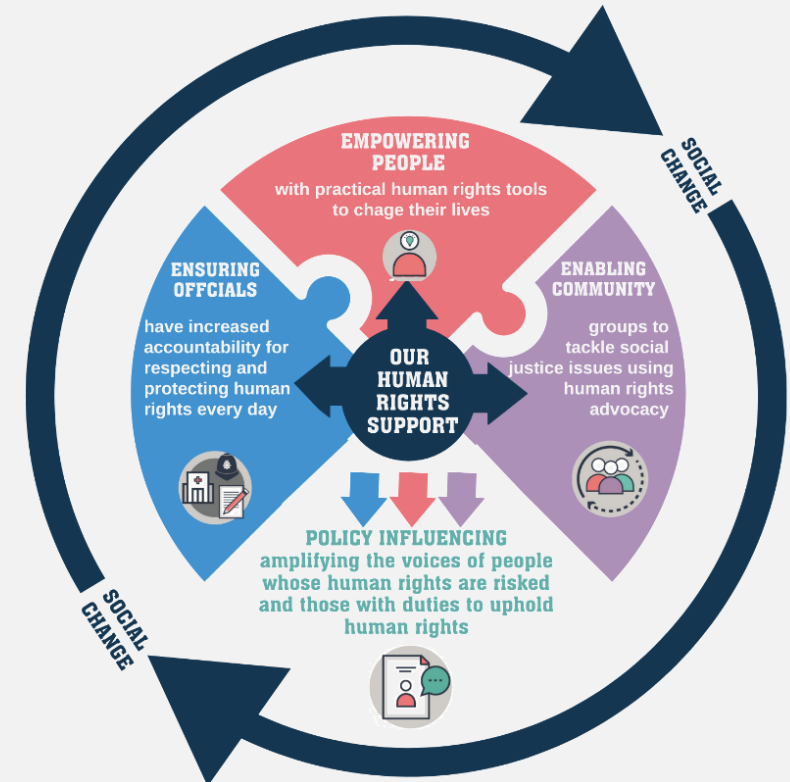
**COMMUNITIES:** to address social justice issues using human rights.



**SYSTEMS:** to increase the accountability of public bodies to respect and protect human rights in everything they do, every day.



**POLICY:** sharing the stories of people whose rights are risked to help change policy that affects them and their families.



# Why are we here?

- ✓ It is more important than ever to know why our Human Rights Act Matters.
- ✓ It is Advocacy Awareness week!
- ✓ Find out how it works and how you can use it in advocacy.



**OUR**  
HUMAN **RIGHTS** ACT  
**MATTERS**

## Today:

- ✓ Why does the HRA matter in advocacy?
- ✓ A simple action to show  
#WhyOurHumanRightsActMatters
- ✓ Q&A

A stylized icon of a scroll with a blue border and red ends. The text "Human Rights Act" is written in a bold, blue, sans-serif font on the scroll.

Human  
Rights  
Act

# What is the Human Right Act?

# The UK's Human Rights Act 1998

Two key aims when introduced;

1. Make the human rights in the ECHR enforceable here at home through the UK courts.
2. Help create a culture of respect for human rights across the UK ...



# A culture of respect for human rights...



“A human rights culture is one that fosters basic respect for human rights and creates a climate in which such respect becomes an **integral part of our way of life and a reference point for our dealing with public authorities** ... in which all our institutional policies and practices are influenced by these ideas ... The building of a human rights culture ...[depends] not just on courts awarding remedies for violations of individuals' rights, but on **decision-makers in all public services internalising the requirements of human rights law, integrating those standards into their policy and decision-making processes, and ensuring that the delivery of public services in all fields is fully informed by human rights considerations.**”



**Parliament's Joint Committee of Human Rights**

# 3 ways our Human Rights Act works



1. The Human Rights Act puts a legal duty on public authorities to **respect, protect and fulfil** human rights across their actions, decisions, policies, services, etc. It also applies to those performing “public functions”



2. Other laws should be applied in a way that respects our human rights, as far as possible



3. If 1 and 2 are not complied with people can now bring legal cases in the UK courts

# Why does our **Human Rights Act Matter in Advocacy?**



- The Human Rights Act give advocates a practical framework for managing difficult situations.
- Talking about legally protected human rights can help steer discussions away from people’s own “moral compass” and help clarify the issues and find ways to resolve them.
- Having a legal backing can build confidence and rebalance power.





# What rights do I have?

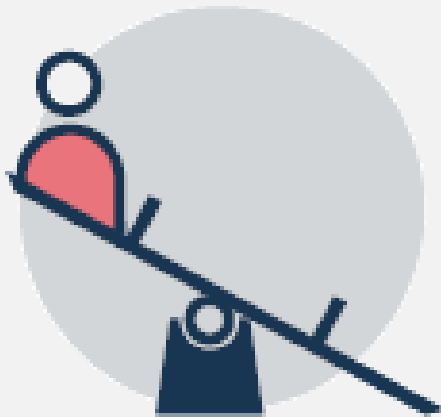
 Right to life (Article 2)	 Right not to be tortured or treated in an inhuman or degrading way (Article 3)	 Right to be free from slavery or forced labour (Article 4)	 Right to liberty (Article 5)	 Right to a fair trial (Article 6)	 Right not to be punished for something which wasn't against the law when you did it (Article 7)
 Right to respect for private and family life, home and correspondence (Article 8)	 Right to freedom of thought, conscience and religion (Article 9)	 Right to freedom of expression (Article 10)	 Right to freedom of assembly and association (Article 11)	 Right to marry and found a family (Article 12)	 Right not to be discriminated against in relation to any of the human rights listed here (Article 14)
 Right to peaceful enjoyment of possessions (Article 1, Protocol 1)	 Right to education (Article 2, Protocol 1)	 Right to free elections (Article 3, Protocol 1)	 Abolition of the death penalty (Article 1, Protocol 13)		



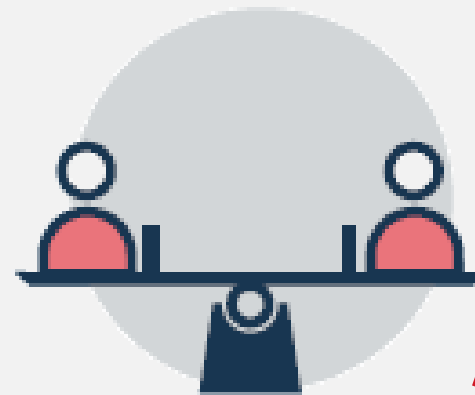
[www.bihhr.org.uk/what-rights-do-i-have](http://www.bihhr.org.uk/what-rights-do-i-have)

# Human rights: absolute and non-absolute

Absolute rights: Can never be restricted!



Non-absolute rights: 3 stage test



**Lawful**



**Legitimate**



**Proportionate**

# The human rights legal duty means we can



**Speak up for ourselves and the people we support** because we all have human rights which the law says should be respected and protected.



**Talk to services** about whether they are meeting their legal duty to respect and protect the people we support's human rights.



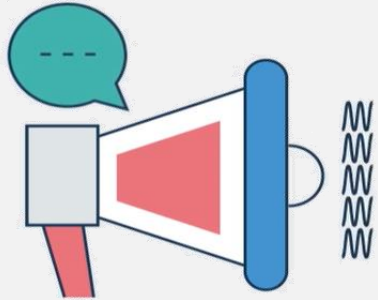
**Work with services** to find better solutions for the people we support without the need to go to court or use a lawyer.

# Have you used the HRA in your work as an advocate or in your life?

**Answer in the chat bar!**



# What advocates say about human rights



“Human rights – rights for humans, seems simple, but sometimes the concept can feel distant. Something far away, about another place, something legal and technical. But actually, with the right support universal human rights become a tool for securing the things that matter to us most. Human rights can be the language, the toolkit, the safety-net, that makes sure we have dignity in our most vulnerable moments...For advocates, being able to understand and use human rights, helps change (often difficult!) conversations about what is “fair” or “the policy” into a more constructive discussion about the duties of public services and how to best respect and protect people’s rights.”

Sophie Radcliffe, Advocacy Manager, Alzheimer’s Society

# The difference advocates make using our HRA

## Robert's Story



A local authority was providing support for disabled people to participate in social activities. Robert asked if a support worker could accompany him to a gay pub.

His request was denied even though other (heterosexual) people had similar support.

Robert's advocate discussed his right to respect for private life and to non-discrimination. Robert was then given the same support as others to participate in the community.



# The difference advocates make using our HRA

## Jenny's Story

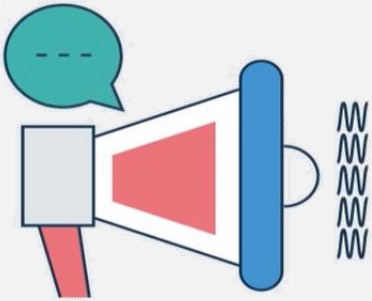


Jenny wanted to leave a mental health hospital to visit a café but staff said she couldn't, as it wouldn't be in her best interests.

Actually Jenny was not formally detained and could leave at any time. Refusing to let Jenny leave meant informally detaining her without any safeguards.

Advocates raised Jenny's right to liberty with staff and arranged for Jenny to leave to get lunch in the cafe. This reassured staff about her safety. Respecting Jenny's right to liberty helped her gain control over her life.

# How advocates can raise a human rights issue



1. Use your human rights knowledge to decide which rights are involved. Are they absolute or non-absolute?
2. If they are absolute rights raise this immediately with the public service using human rights language.
3. If they are non-absolute, is the restriction **lawful, legitimate and proportionate?**



4. You could raise the issue formally: write a letter. Explain that you know there is a legal duty which is not being met.
5. Step up the intervention (e.g. make a complaint, contact a regulator, contact a lawyer)



# Top tips for advocates:

The British Institute of **Human Rights**

bihr.org.uk



- ✓ Record the impact that the decision is having on your or the person you support.
- ✓ Think about the response you might get and plan ahead, can you suggest an alternative?
- ✓ If compromise possible- what's your minimum?
- ✓ Use human rights language.
- ✓ Remember, if the situation is urgent, raise the issue immediately!
- ✓ Have a look at our advocacy guide [here](#).



# A tool for advocates

- F** Facts- Establish the facts, what is the situation? How long has it been going on for? What is the impact on the individual
  - A** Analysis of the rights at stake- After discussions with the person, discern what rights are potentially at stake, are these absolute or non-absolute? If absolute, move to “I”. If non-absolute, work through Lawful? Legitimate? Proportionate?
  - I** Identify changes necessary and who is responsible for making these. Think of all the people and services with a HRA legal duty that are involved.
  - R** Record and review.
- \*Scottish Human Rights’ Commission’s model



# What advocates need to know

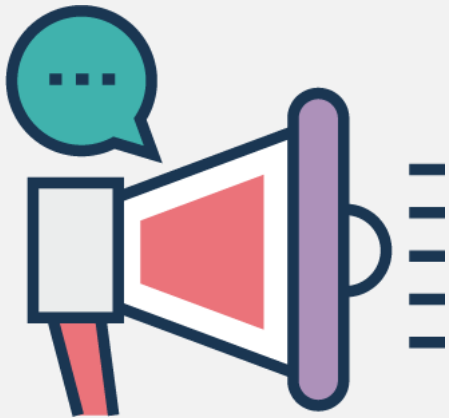
The UK Conservative Government are planning to replace our Human Rights Act with a dangerous and discriminatory 'Bill of Rights'. We're calling it what it is, a Rights Removal Bill.

The Bill:

- Does not create new rights or strengthen existing protections; rather removes access to and weakens the ones we already have.
- Replaces universal rights with those gifted by UK Government to those they deem deserving.
- Weakens accountability of the state and limits access to justice.
- Our independent judges decide whether the Government has acted fairly when it restricts our rights. The UK Government wants to set the rules about how judges make that decision.



# What advocates can do to protect our HRA:



Got 1 minute? Tweet #WhyOurHumanRightsActMatters to you and tag @BIHRHumanRights

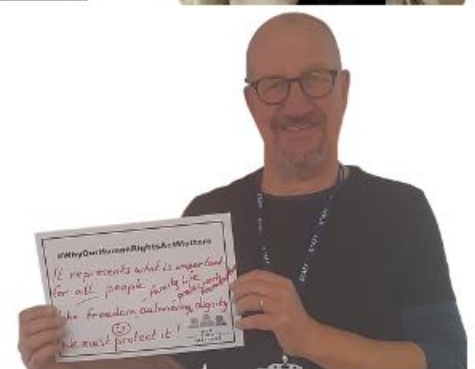
Got 2 minutes? Write to your MP and tell them what the HRA means to you: [Use our "Write to your MP" Template Letters](#)

Got a couple of hours?: Write BIHR a blog on why our HRA matters to you and send it to [hwalden@bihr.org.uk](mailto:hwalden@bihr.org.uk)

Got an hour or more a month? Join BIHR's RITES Committee, contact [kmcentee@bihr.org.uk](mailto:kmcentee@bihr.org.uk)

#WhyOurHumanRightsActMatters  
#AAW22  
#HumanRightsAvocacy





# OUR HUMAN RIGHTS ACT MATTERS



**slido**



**Why do you think our Human Rights Act Matters in advocacy?**

① Start presenting to display the poll results on this slide.

# Useful resources for advocates

- Human Rights and Advocacy: A Short-guide – [download here](#)
- Find out more about the HRA and how it works on our [Human Right Act Hub](#)
- Our online advocacy tool: [Know Your Human Rights](#)
- Find out more about our human rights training and support- [click here](#)

# Any questions?





# A final thought



**Eleanor Roosevelt,  
First Chairperson of  
the United Nations  
Commission on Human  
Rights**

“ Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world.

Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

”



**Thank you!**