



PUTTING RIGHTS INTO PUBLIC SERVICE

THE HUMAN RIGHTS ACT 1998

AN INTRODUCTION FOR PUBLIC AUTHORITIES



No 10 Downing Street



Dear Colleague

The Human Rights Act comes into effect on 2 October 2000.

The Act gives every citizen a clear statement of rights and responsibilities. And it requires all of us in public service to respect human rights in everything we do.

When we think of human rights, we often think of repressive regimes and political prisoners in other countries. But basic rights like freedom of expression, or the right to a fair trial, are vital to us all in our daily lives.

All kinds of rules, procedures, and contracts can have human rights implications. And 'public service' can cover private companies doing government work, and bodies such as the NHS, as well as central and local government.

The United Kingdom helped draft the European Convention on Human Rights in 1950. The 1998 Act makes this Convention a part of UK law. This means that, instead of having to go to Strasbourg, people can use the UK courts to enforce their rights.

This reform is part of the modernisation of our constitution, making government more responsive to the people. It will ensure that rights become an everyday part of UK law and public service.

Tony Blair

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PUTTING RIGHTS INTO PUBLIC SERVICE

Putting rights into public service means respecting and fostering the rights set out in the European Convention on Human Rights (ECHR) in everything a public authority does.

WHAT ARE THESE RIGHTS?

The relevant Convention rights are set out in full on the centre pages of this leaflet.

AREN'T WE ALREADY SIGNED UP TO THOSE?

The ECHR has been an international obligation for many years. The UK signed up in 1951 and has sought to comply ever since. But our citizens had to go to Strasbourg for a ruling – which took a lot of time and money. And the rights could not be enforced against public authorities in British courts.

WHAT DOES THE HUMAN RIGHTS ACT DO?

For public authorities, the Act makes it a legal duty to act compatibly with the Convention rights. If a person's rights are harmed, he or she can take the public authority to court in this country. And Convention points can come up in all kinds of cases, criminal and civil.

WHEN IS THE ACT COMING INTO FORCE?

The Act will come fully into force on 2 October 2000. All public authorities should be starting to get ready now. They need to find out how the Act could affect them and what changes they should make.

WHAT IS A PUBLIC AUTHORITY?

The Act doesn't give a precise definition. But "public authority" covers all central and local government bodies, the courts, the police, all Government agencies, NDPBs and the like. It also covers private bodies whose work includes government-type functions. Wherever you work, if you are carrying out some public service on behalf of the State the chances are that you are covered by the Human Rights Act, for at least some of your work.

WHAT HAS HUMAN RIGHTS GOT TO DO WITH ME - I DON'T TORTURE OR KILL?

Many everyday acts by public authorities touch Convention rights in one way or another. Article 6 rights about a fair trial could apply to a hearing under your internal system or tribunal - or to the removal of someone's licence. Article 8 rights to respect for private and family life might be harmed by the disclosure of personal information. A ban on wearing certain types of clothes might interfere with

someone's religious belief, as set out in Article 9. And restrictions on "whistle blowing" might breach the right of expression in Article 10. The Convention rights are interpreted widely – and in the light of modern standards of social policy.

ARE THERE ANY LIMITS ON THESE RIGHTS?

Under the Convention, interference with some rights is allowed, but only if the public authority can show that it met strict tests. For example, the interference must be proportionate – you must not use a sledgehammer to crack a nut – and fair. And it must be lawful. Your legal adviser will help check if what you are doing is compatible with the Convention rights.

WHAT ABOUT EXISTING LAW GOVERNING MY PUBLIC AUTHORITY?

The Act says that the courts must strive to interpret the law so that it is compatible with the Convention rights. If that can't be done and your legislation is secondary - rules and regulations - it will be quashed or ignored. Convention law will come above any existing rule of law or established case. If incompatible behaviour is required by an Act of Parliament a higher court can formally declare the law out of line - triggering a fast track option for the Government to change the law.

SHOULD I BE WORRIED ABOUT ALL THIS?

The UK already seeks to comply with the Convention rights. But interpretation of the Convention develops over time and there is always scope for legal challenge. There could be quite a lot of that when the new Act comes in. No one should be complacent. Prepare carefully, checking in advance that your arrangements are compatible with the Human Rights Act. And even if you are satisfied about compliance, think about what you can do to foster human rights in your workplace.

HOW CAN I FIND OUT MORE?

Your management may have chosen someone as a contact point for Human Rights enquiries, training etc. If not, ask your manager or legal adviser, or the HelpDesk at the Home Office (0171 273 2166). Or access the Human Rights pages on the Home Office Website at <http://www.homeoffice.gov.uk>

