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Mythbuster: the Human Rights Act

Separating fact from fiction

What does the Human Rights Act do for me? It isn't for the ordinary man in the street.

The Human Rights Act protects everyone's human rights; young and old, rich and poor, yours and mine. Anybody's privacy could be breached by the prying eyes of the state, anybody can be wrongly accused of a crime, and anybody could fall foul of careless and insensitive decision-making by public authorities. Hopefully this won't happen to you but, if it did, you might find you need to rely on the Human Rights Act to help you.

Thankfully we don't live in a totalitarian state where torture is rife and the press are gagged but we should not take our basic rights and freedoms for granted.

The Human Rights Act doesn't protect the victims of crime – just terrorists and criminals.

Human rights law has actually played an important part in protecting the rights of victims. For example, it has given bereaved relatives the right to an independent public investigation into the circumstances surrounding the death of their loved ones and the right to be involved in the investigation.

Human rights laws don't give criminals an easy ride. The Act specifically says those suspected of or convicted of crimes can be deprived of their liberty. The Human Rights Act also requires serious offences like murder, terrorism and rape to be investigated by the police and requires the state to take practical steps to protect people whose rights are threatened by others.

Human rights laws might have been needed 60 years ago, after the horrors of the Second World War, but they now need to change to meet the requirements of the modern world. People now have a 'human right' to anything.

Human rights are just as important today as they were 60 years ago. The people who experienced the horrors of the Second World War realised that protecting everyone's human rights was the best way of making sure that such atrocities never happen again. Thankfully, countries like the UK that have remained committed to protecting human rights have not seen repeats of the horrors of the Second World War. Sadly, war and civil unrest is still rife in countries where human rights violations remain a tragic reality. We cannot call for an end to rights abuses elsewhere in the world unless we show a commitment to protecting rights at home as well.

The Human Rights Act doesn't protect an endless catalogue of rights. Indeed, it only protects 15 well-established fundamental rights and freedoms, like the right to life and free speech. Many other democracies protect a far broader range of rights. Our human rights laws do not, for example, create general rights to a home, to live in the UK or to receive benefits.

The Human Rights Act has made us all less safe. It needs amending so that the courts are required to balance our rights to safety and security.

The Human Rights Act already requires the courts to balance human rights against the interests of public safety. For example, the Act allows the right to freedom, speech, protest and privacy to be restricted where this is necessary to protect public safety or national security. Human rights law also requires the state to protect our safety and security.

Why shouldn't we be able to deport foreigners who pose a threat to our national security?

In the vast majority of cases human rights law does not stop people who threaten our national security from being deported. It does stop us deporting people to countries where they will face torture because in civilised societies like ours, we abhor the use of such barbaric treatment. In fact, even before the Human Rights Act, the law made it clear that countries that respect human rights should not deport people to face torture elsewhere in the world.

Deporting dangerous terrorists doesn't make security sense either. Surely, rather than exporting the risk from terrorism, we would be safer if we prosecuted dangerous terrorists in the UK and, if they are found guilty, put them behind bars?

The Human Rights Act has cost the British taxpayer millions of pounds and has been a goldmine for lawyers. It has taken power away from the people we elected and given it to the judges.

One of the main reasons for the Act was the cost and delay caused by the fact that people could only enforce their human rights by taking cases to a court in Strasbourg. People's rights can now be protected by British courts, which is far more efficient and cost-effective. But the Human Rights Act is not just about lawyers and courts. It has helped thousands of people protect their human rights without the need for costly court cases. Local authorities have reviewed their policies to

make sure they treat the vulnerable with dignity and respect and users of a wide range of public services have used the Act as a tool to argue for better and fairer services.

Our elected politicians passed the Human Rights Act; it wasn't invented by the judges. Neither did the Act transfer huge law-making powers to the courts. Even if a judge thinks that a law made by Parliament breaches our human rights they cannot overturn it. Our MPs still have the final say. What the Act did was to give the courts the tools to protect our human rights against abuse by the Government and powerful public bodies.

The Human Rights Act has been imposed on us by Europe.

No one forced the Human Rights Act upon us, the British public voted for it. Before the 1997 general election the Labour Party promised that, if we voted for them, they would give people the power to enforce their human rights in UK courts. When they won by a landslide majority they delivered this promise by passing the Human Rights Act. Also the Act is based on the European Convention on Human Rights which has nothing to do with Brussels or the EU – in fact the British played a major role in drawing up the Convention which includes many rights and freedoms that we have enjoyed for centuries in this country.

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