



# Human Rights Legislation - an introduction

A right delayed is a right denied

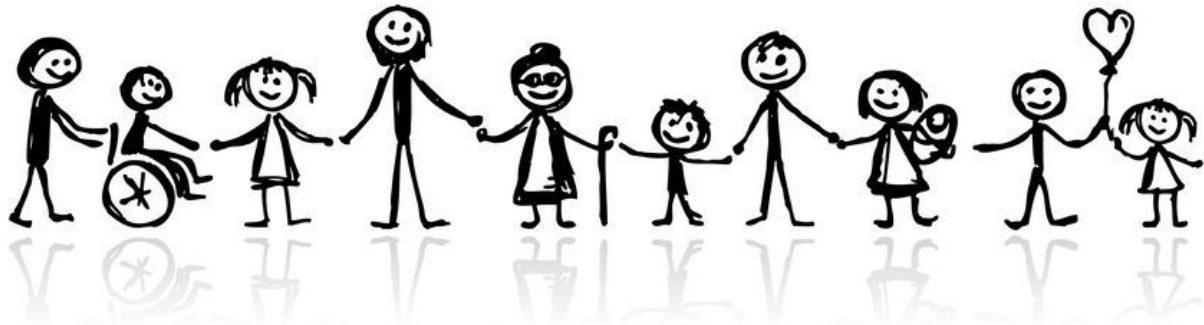
Martin Luther King

# Introduction

Human rights is a lynchpin of advocacy. It brings together underpinning principles with our core activities - being person centred, social justice and equality.

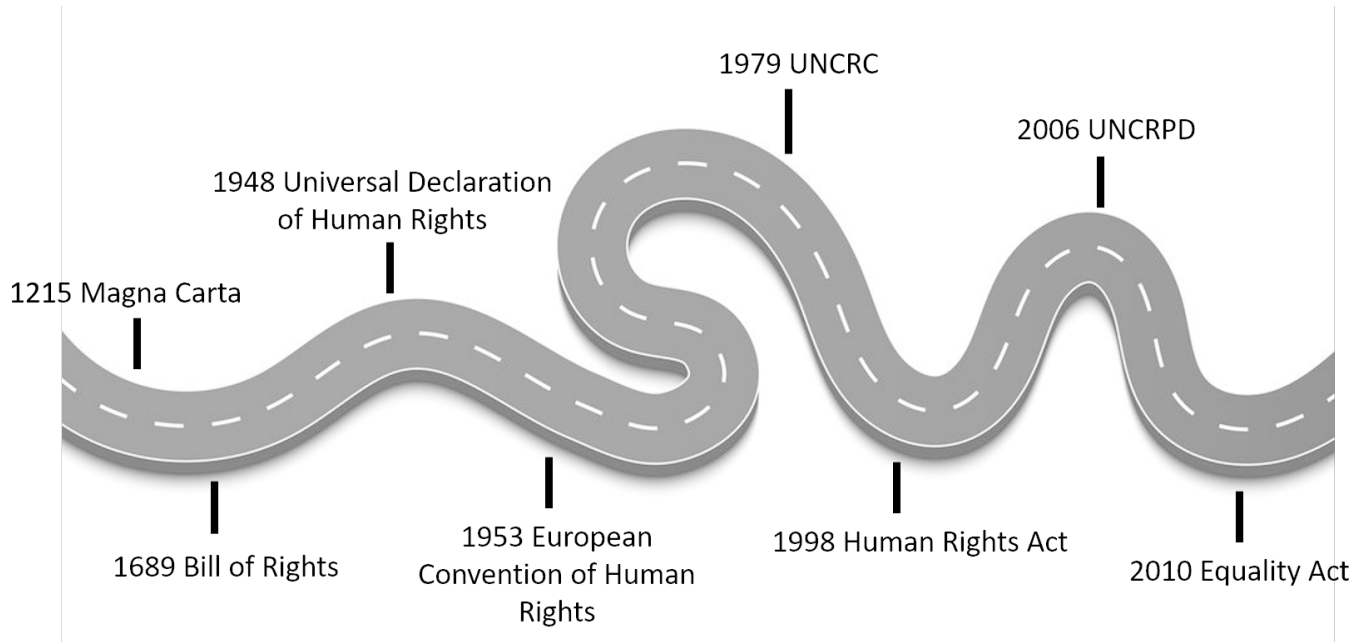
A great advocate will be confident in using the law where appropriate to defend people's rights, secure justice for wrongs and access entitlements.

This pack is an introduction into the legislative frameworks which impact all people in the UK. It is a very brief overview of important developments - we will look at specific Acts of Parliament in later information books.



# Lets take a historical tour

Human rights are not new.... over the next few pages you will see how human rights have evolved.



# The Magna Carta (1215)

One of the most famous and important documents across the world: the Magna Carta was never actually originally intended to be a charter for human rights. In 1215, King John was forced to meet with the Barons who were demanding that he obey the law. They met at Runnymede and the resulting negotiation was written up as the Magna Carta,

Although the primary aim was to enshrine the principle that the King (and his Government) were not above the law, it has become an universal symbol of liberty.

The most famous clause, which is still law today, is that everybody has a right 'to justice and a fair trial'. You can see its impact and how it lives on today through the American Declaration of Independent and the Universal Declaration of Human Rights.

# Bill of Rights (1689)

During the 17th Century there was a renewed interest in civil laws that protected rights. After the English Civil War much debate was given to how the four countries should be governed and the role of the monarchy and Parliament. In 1689, England signed the Bill of Rights which sets out 'certain ancient rights and liberties' by declaring that:

- introducing or suspending laws without consent of Parliament is illegal
- collecting taxes without the consent of Parliament is illegal
- people have the right to petition the king (and prosecutions for petitioning are illegal)
- keeping a standing army in time of peace, is illegal (unless Parliament agrees)
- election of members of Parliament have to be free elections
- people have freedom of speech
- excessive fines, or cruel and unusual punishments are not allowed

# Universal Declaration of Human Rights (1948)

The then 50 members of the United Nations supported the formation of the Declaration which was drawn up with the guidance of Eleanor Roosevelt. A list was compiled of all the human rights that everybody in the world should enjoy. The Declaration was announced in December 1948 listing 30 rights and freedom for all people across the globe.

The 30 rights and freedoms set out in the Declaration include the right to asylum, the right to freedom from torture, the right to free speech and the right to education. It includes civil and political rights, like the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, like the right to social security, health and education.

# European Convention of Human Rights (1953)

The ECHR protects the human rights of people who are citizens of the member states of Council of Europe. Formed in 1949 as a response to the impact of World War II, the Council of Europe (not to be confused with European Union) and its 47 members signed the ECHR.

Originally proposed by Winston Churchill and heavily inputted by British lawyers, the Convention was based on the Universal Declaration of Human Rights and was signed in Rome in 1950 and came into effect in 1953. The ECHR was intended to be a simple and flexible summary of universal rights that could grow and adapt to society's changing needs over time. Not only were ordinary people to be protected from abuse by the state, but duties were to be placed on those stated to protect individuals. The ECHR has been very important in raising standards and increasing awareness across the Council of Europe's member states and has set an example to other countries in the world.



# UN Convention on the Rights of the Child (1979)

The Convention on the Rights of the Child is an international treaty which sets out 54 articles that cover all aspects of a child's life. Every child has rights, whatever their ethnicity, gender, religion, language, abilities or any other status.

The 54 articles are sometimes described as introducing the three 'p's' of human rights: rights that enshrine participation, protection and provision:

- Participation rights include the critically important Article 12 which enshrines the rights for 'respect for the child's views'.
- Protection rights offer children protection from harm and abuse - and support when they have experienced trauma. This includes Article 8 which affords children 'protection and preservation of identity'.
- Provision rights include the right to access services like education, care and health. Article 24 for example gives all children the right to 'health and health services'

# Human Rights Act 2000

The **Human Rights Act** came into effect in October 2000. The Act ensures that all public authorities act without breaching human rights. Before the Human Rights Act 1998, the only way that UK citizens could bring a legal challenge relating to their rights was through the ECtHR.

The Human Rights Act (HRA) sets out human rights in a series of 'Articles'. Each Article deals with a different right - they are all taken from the ECHR and are commonly known as the Convention Rights.

The Human Rights Act is a UK piece of legislation.

# UN Convention on the Rights of Persons with Disabilities (2006)

The CRPD is an international human rights treaty created in 2006. The UK agreed to follow it in 2009.

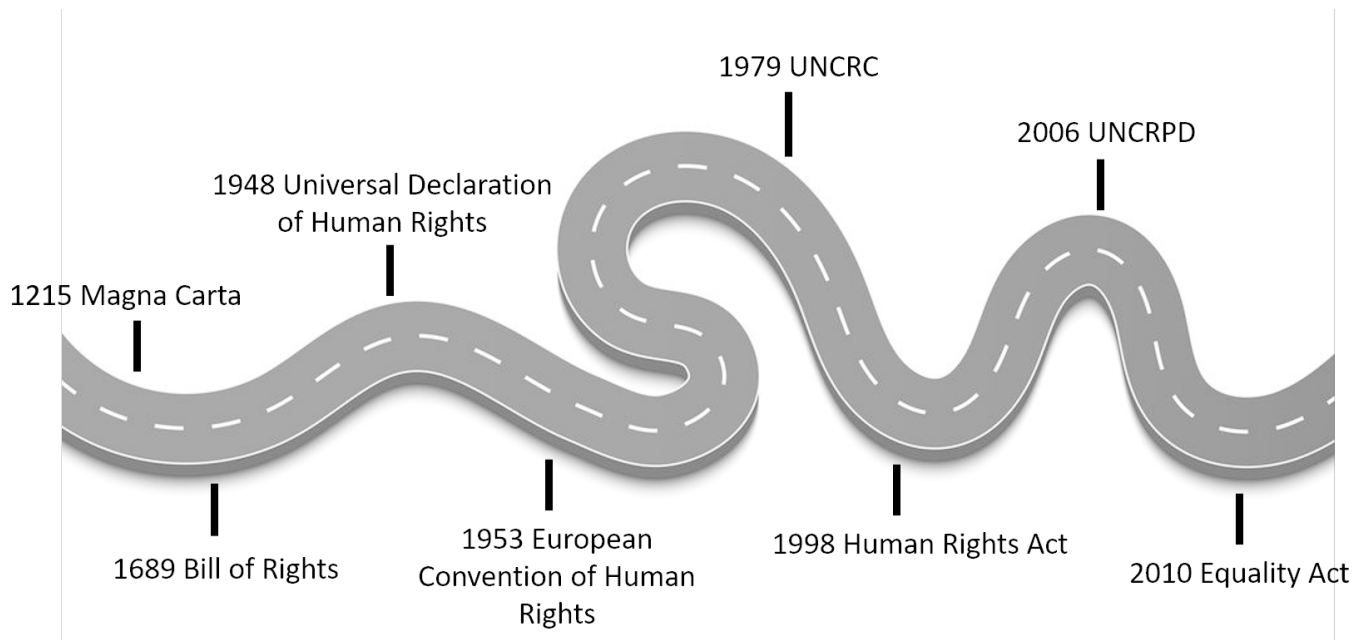
By following CRPD, the UK agrees to protect and promote the human rights of disabled people, including:

- eliminating disability discrimination
- enabling disabled people to live independently in the community
- ensuring an inclusive education system
- ensuring disabled people are protected from all forms of exploitation, violence and abuse

The purpose of the UNCRPD (article 1) 'is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity'.

The **Equality Act 2010** came into force in October 2010. It brought together a number of pieces of legislation under a single Act and provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It provides UK with a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society and sets out the different ways in which it's unlawful to treat someone.



# Before you go....

...we want you to think about what you have just read.

The UK has some of the strongest and most well developed human rights legislation in the world - and yet people still face discrimination, injustice, inequalities, poor quality of services and social exclusion.

Think for a moment about where the opportunities lay for you as an advocate to use human rights in your work.

Thank you for reading.  
Please return to the  
e-learning for the next  
section of learning

