



# The Human Rights Act in practice

A helpful guide when speaking about the positive impact of our Human Rights Act

The British Institute of **Human Rights**

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At the British Institute of Human Rights (BIHR), we see the value of the Human Rights Act (HRA) every day in our work with people accessing services, community and advocacy groups and staff working in public services. The HRA is, in its current form, an incredibly powerful tool which has the power to create a culture of respect for human rights in the UK. Without the Human Rights Act, and with the Rights Removal Bill in its place, we would see the reduction of everyday human rights protections, taking the UK backwards and putting people at risk of serious harm.

Drawing on BIHR's work, this briefing provides practical examples of how the Human Rights Act benefits people across the UK to live with dignity and respect. Please use these examples when speaking up to protect our Human Rights Act. If you are looking for a specific example linked to a particular consequence of the Rights Removal Bill please do not hesitate to get in touch with our Head of Policy, Carlyn Miller on [cmiller@bihr.org.uk](mailto:cmiller@bihr.org.uk). We have many more everyday examples ready to share and would welcome a discussion.

At BIHR, we hear real stories of people, groups and frontline workers using the Human Rights Act every day. Click below for a wealth of perspectives on why the Human Rights Act matters...



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[For ending violence against women and girls](#)



[To a mental health nurse](#)



[To members of the armed forces and their loved ones](#)



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[To Dates-n-Mates members \(learning disability relationships group\)](#)



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[To a parent of a child with a disability](#)

## Our Human Rights Act makes sure that public bodies apply other UK laws in a way that respects our Human Rights



Kirsten's story of using our HRA to challenge inhuman and degrading treatment of her son in a mental health hospital: Kirsten is a single parent of an autistic son who, from the ages of 14-18, was held in mental health hospitals under the Mental Health Act. He was subjected to restrictive practices, including mechanical restraint, such as handcuffs, leg belts, and being transported in a cage, and long periods in seclusion



"The Mental Health Act gave legal powers to put my child in a seclusion cell for weeks at a time. It gave powers to put my child in metal handcuffs, leg belts and other forms of mechanical restraints. It gave powers to transport him in a cage from one hospital to another. My child was not a criminal, he was in distress, frightened and alone..."

As a parent, the Human Rights Act gave me the legal framework to challenge decisions. This was so important for me as a parent facing the weight of professionals who seemed to have so much power over mine and my son's lives. I used the Human Rights Act to make timely and meaningful change to my own son's care and treatment."

Under the Government's Rights Removal Bill, section 3 of the HRA will be erased from the law books. This means that where staff apply other laws, like the Mental Health Act, there will be no legal duty for human rights to be respected in its implementation. This would have removed any power Kirsten had to challenge staff and secure dignified treatment for her child.

[Read about the removal of section 3 HRA and its impact in BIHR's Need to Know guide.](#)



## Our Human Rights Act ensures authorities step in and protect people's rights, including from serious harm or loss of life (positive obligations)



**Bryn's story of treatment being withheld due to discriminatory attitudes about learning disability and quality of life:** Bryn was 60 years old and lived in supported living. He had learning disabilities, epilepsy, was non-communicative and blind. Staff at the home became concerned that Bryn had a heart condition and called a doctor from the local NHS surgery who came to visit. Bryn had an Independent Mental Capacity Advocate who was supporting him.

The advocate attended a multiple disciplinary meeting to represent Bryn. At this meeting the GP stated that he would not be arranging a heart scan for Bryn as 'he has a learning disability and no quality of life'. Bryn's advocate challenged this by raising Bryn's right to life (protected by Article 2 in the Human Rights Act) and his right to be free from discrimination (protected by Article 14 in the Human Rights Act). The advocate asked the doctor if he would arrange a heart scan if anyone else in the room was in this situation, and the GP said yes, he would and agreed to arrange a scan. Sadly, Bryn passed away as a result of his heart condition before any treatment could take place.

**Under the Government's Rights Removal Bill all positive obligations on public bodies and Government to take proactive action to protect people's rights are at risk (this is the foundation for safeguarding). This change will lead to more human rights breaches, risking people's lives and safety.**

[Read about the changes to positive obligations in BIHR Need to Know guide.](#)



## Our Human Rights Act helps staff in public bodies to positively support people

Our Human Rights Act supports public officials to ensure that they treat people with equal dignity and respect even when making difficult decisions



Sarah an NHS worker: "In short, the Human Rights Act has given us a legal, objective, decision making framework, provided by no other law or policy, to ensure rights are protected and people and staff are safe ... In its current form, the law is powerful and a framework for positive change for people and families accessing Trust services."



**A not-for-profit organisation's work to reduce violent incidences in residential support for people with complex mental health needs:** Following an incident in one of their housing units where a staff member was assaulted, the organisation used human rights to review internal policies and practices on dealing with violent behaviour.

They are now recording incidences of aggression more closely, assessing people to ensure they are getting the mental health support they need, working more closely with the police and talking about this with residents and neighbours as a positive step to create a safe environment for well-being and recovery. As a result, violent incidences have been reduced by 50% and evictions are also down.



The operations manager: "Using a human rights approach has helped change the character of the service and was a wonderful way to bring us back to focusing on human beings."



**NHS staff challenging poor practice:** A nursing home was using 'tilt-back' chairs to stop residents trying to get up and falling. This meant many people who could walk had to wait for staff to get them out of the chairs so they could, for example, go to the toilet. Residents could no longer make choices about their day and were starting to find walking very difficult.

Laura, a visiting consultant, was concerned that by not allowing the residents who could walk the freedom to do so, their dignity and autonomy, protected by the right to private life (Article 8) was at risk. Laura raised her concerns with staff using human rights language and they recognised that it was not appropriate to treat all residents in the same way to protect the few who needed the chairs.

**Public bodies use the legal duties they have under our HRA every day to navigate the complex maze of other laws they must follow. The Rights Removal Bill will reduce the duty on public authorities to act compatibly with our human rights. This will ultimately result in more breaches of individuals' human rights by public bodies.**

## The right to private and family life, home and correspondence (Article 8, HRA): the everyday impact beyond immigration and asylum

Every day, Article 8 plays a key role in many decisions that public bodies make from NHS staff and social workers to local councils and the police. For example, it was through talking about Article 8 that Alfie, a gay disabled man, was able to be accompanied by social workers to a gay pub, in the same way heterosexual service users were able to attend pubs of their choice. And, it was Article 8 that meant an older woman would not be moved to a care home too far away for her husband and children to visit.



**Protecting the right to private life of a couple with learning disabilities:** Tim and Sylvia, each of whom have learning disabilities, were living in a residential assessment centre so their parenting skills could be assessed by the local social services department. CCTV cameras were installed, including in their bedroom at night.

Tim and Sylvia challenged this by talking to social services about their right to respect for private life. They did not want their intimacy to be monitored, and the baby slept in a separate nursery in any case. As a result, the social services team realised the cameras were not justified and agreed to switch them off during the night.



**Helping a family fleeing domestic violence stay together:** Yolande and her children were fleeing domestic violence, and her husband's attempts to track them down. When they arrived in London, social workers told Yolande that the constant moving of her children meant she was an unfit parent, that she had made the family intentionally homeless, and that the children would be placed in foster care.

With a support worker's help, Yolande raised the need to respect her and her children's right to respect for family life. Social services reconsidered the issue. They all agreed that the family would remain together, and that social services would cover some of the costs of securing rented accommodation. This was an essential step for Yolande and her children to rebuild a new life in safety.

Under the Rights Removal Bill Clause 8 seeks to curtail the protections provided by the right to private and family life (Article 8), under the guise of restricting immigration. Aside from the legally highly questionable nature of these restrictions (especially in relation to international refugee law), this fails to recognise that our human rights are there to protect everyone – no matter who you are. Restricting this right for one group of people, weakens it for everyone, every day.

[Read about the changes to Article 8 in our BIHR briefing](#)



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