



SAVE OUR HUMAN RIGHTS ACT

**FLAT
PACK
CAMPAIGN
GUIDE**

ARTICLE 2:

Right to life

ARTICLE 3:

Right not to be tortured or treated in an inhuman or degrading way

ARTICLE 4:

Right to be free from slavery or forced labour

ARTICLE 5:

Right to liberty

ARTICLE 6:

Right to a fair trial

ARTICLE 7:

Right not to be punished for something which wasn't against the law

ARTICLE 8:

Right to respect for private and family life, home and correspondence

ARTICLE 9:

Right to freedom of thought, conscience and religion

ARTICLE 10:

Right to freedom of expression

ARTICLE 11:

Right to freedom of assembly and association

ARTICLE 12:

Right to marry and found a family

ARTICLE 14:

Right not to be discriminated against in relation to any of the rights contained in the European Convention

ARTICLE 1, PROTOCOL 1:

Right to peaceful enjoyment of possessions

ARTICLE 2, PROTOCOL 1:

Right to education

ARTICLE 3, PROTOCOL 1:

Right to free elections

ARTICLE 1, PROTOCOL 13:

Abolition of the death penalty



Green Party
for the common good

INTRODUCTION FROM CHARLEY PATTISON

Dear All,

The law might not always be popular, but in most circumstances it is designed to protect people. The Human Rights Act is the ultimate legal protection. It affords protection to all of us, including those who are most vulnerable to attacks on their freedoms and limits being imposed on their civil liberties. These could be people suffering with mental health problems, the elderly, or trafficked people. It could be me - it could even be you. The Human Rights Act protects all of us, all of the time. It is there to ensure our government, our employers, and our courts can't infringe the rights we have.

As a barrister I've seen the Human Rights Act relied upon in housing cases, criminal matters and employment law. The right to a fair trial, for example, is fundamental and, if infringed, could see innocent people being convicted of crimes they did not commit and potentially serving a custodial prison sentence. The government may not be too concerned about this, but I am.

If the Human Rights Act were to be replaced with a British Bill of Rights, as Michael Gove is planning, the vital protection it offers would be, at best, watered down, and, at worst, removed completely. The erosion of fairness and equality must stop.

I ask you as Green Party members to join me in this campaign and help to stop this contemptible corrosion of our rights. People power can protect the HRA if all of us apply pressure on MPs and government ministers. As Green Party members you must organise around this in your communities, lobby your representatives and **together we will win this campaign.**

CHARLEY PATTISON

Justice Spokesperson



CONTENTS

PURPOSE OF THIS CAMPAIGN	4
WHAT IS THE HUMAN RIGHTS ACT AND WHY IS IT IMPORTANT?	5
HOW TO USE THESE TOOLS	8
COUNCIL MOTION:	
SUCCESS STORY	9
MOTION TO COUNCIL	10
SUBMITTING YOUR MOTION	11
DRAFT PRESS RELEASE	13
DRAFT LETTER TO THE EDITOR	14
EXAMPLES OF WHEN THE HRA HAS BEEN USED	15
DRAFT PRESS RELEASE - WHEN YOU PASS THE MOTION	16
EMAIL TO SUPPORTERS	17
A4 POSTER	18
POSTCARD	19
SHARE GRAPHICS	20
RESPONDING TO CONCERNS	21
ALLIES AND SOURCES OF INFORMATION	24

PURPOSE OF THIS CAMPAIGN

The Human Rights Act (HRA) is under threat from the Conservative government, and we must fight to keep it - we **cannot** let the Tories degrade our human rights.

- The Conservative government has committed to repealing the Human Rights Act and replacing it with a British Bill of Rights (BBR).¹
- Long awaited, the BBR was not – in the end – introduced in the May 2015 Queen’s Speech. This was down to the huge public pressure put on MPs and government ministers in support of the HRA - a great **win for people power**.²
- But the commitment to removing the HRA remains and the government has stated it will “bring forward proposals for a British Bill of Rights”. We need to keep up the pressure to stop this from happening.

This campaign aims to build support for human rights in communities across the UK, and to put pressure on MPs and ministers, the people who will make the decision on whether the UK will the abolish the Human Rights Act and introduce a weaker BBR.

We need Green parties across the country to be talking about and standing up for this important Act. We need you to pressure your council into passing a motion to support the HRA, so MPs know their local area supports it, and when you’ve done that to make sure everyone knows you’ve succeeded in it.

We need Green parties across the country to be lobbying their representatives to tell them to fight for our Human Rights Act. MPs and Ministers read Twitter, they feel the pressure of their post bag and public opinion, let’s pile it on to them.

The message that the Human Rights Act is for all of us – for people and communities – and is there as means of ensuring our rights are protected from abuse, must be heard and repeated; enhanced and endorsed. MPs and Ministers need to hear our voices and be in no doubt that we do not want them to touch the Human Rights Act.

People power works - this is a campaign that we can win with YOUR help.

1 <http://www.theguardian.com/politics/interactive/2014/oct/03/conservatives-human-rights-act-full-document>

2 <http://www.independent.co.uk/news/uk/politics/queens-speech-2015-plan-for-british-bill-of-rights-put-on-the-back-burner-10279717.html>

WHAT IS THE HUMAN RIGHTS ACT AND WHY IS IT IMPORTANT?*

WHAT IS THE HUMAN RIGHTS ACT?

The Human Rights Act was passed into UK law in 1998. The Act incorporates into law the rights contained in the European Convention on Human Rights (ECHR). It requires all public bodies, such as the government, the police, the NHS and local councils, to abide by the ECHR and treat everyone equally, with fairness and dignity. This means that if a right from the ECHR is breached, it can be tried in a UK court without the need to go to the European Court of Human Rights (ECtHR) in Strasbourg.

WHY SHOULD WE KEEP THE HUMAN RIGHTS ACT?

The Human Rights Act (HRA) brings human rights home. It protects individuals from abuse by the state. If you are lucky, you might never be directly aware of the protection it gives you, which means it is doing its job and your rights have been protected.

Human rights must be defended and the HRA must be protected. Being able to hold the powerful to account is one of the pillars of a democratic society. The rights protected by the Human Rights Act are the minimum standards of treatment that every member of society is owed simply by virtue of being human. The European Convention on Human Rights protects just a handful of rights, but they are fundamental ones and it is the HRA which makes them legal entitlements. The Tory government is telling us that these basic, timeless rights are going to be removed or reduced, yet it has not been made clear which rights will go. The proposed changes to the HRA have not come as a result of public demand; rather, it is the government itself which is proposing to limit the power individuals have to protect themselves against those in power. This is a very worrying development.

HOW DOES THE HUMAN RIGHTS ACT WORK?

The Human Rights Act builds on a strong tradition of human rights protections in UK law – reaching back to Magna Carta – and brings rights home, by allowing people in the UK to exercise their European Convention (ECHR) rights under UK law and in UK courts. Those ECHR rights were largely inspired by the experiences of World War Two and a desire to ensure that never again could a government strip anyone of their basic rights. The Act is simple, effective and has a constant invisible effect in improving human rights standards in everyday life in the UK.

It works in two ways. First, it affects the way laws are made. Second, it affects the way decisions are taken by public authorities. The following sections of the Act are critical to ensuring that human rights are respected and protected in the UK:

- **The key law-making functions - Sections 3 and 19** of the Act are carefully designed to preserve parliamentary sovereignty, while striving to ensure all UK law is compatible with the 16 fundamental ECHR rights incorporated by the Act. Before new primary legislation is passed, the relevant minister is required to make a statement explaining how the new law is compatible with those rights, which informs parliamentary debate.
- **The public authority decision-making function - Section 6** of the Act states that all those bodies carrying out public functions, from the government to the police, hospitals and schools, are placed under a duty not to violate the protected rights of individuals. That duty encourages a human rights-based decision-making culture, influencing both decisions about one person's situation as well as general policies affecting thousands. The aim is to ensure that there are fewer inadvertent rights abuses, and thus less need for litigation, creating a process of progressive improvement in human rights standards in all areas of UK life.
- **Court action** - The vast majority of HRA cases don't go to court – public authorities and individuals are normally able to come to a joint decision/compromise. However if the authority gets it wrong, **Section 7** allows for them to be challenged in the UK courts. When considering how to interpret or apply the protected rights, the UK Courts must also 'take into account' – although are not bound by – relevant rulings of the European Court of Human Rights. This is important in ensuring consistency and universal minimum standards of protection across member states.

The cases most often quoted as justification for repealing the HRA ignore the millions of ordinary people who have successfully used the Act to ensure better protection and justice, such as rape survivors, older couples wishing to stay together, disabled people who should be treated with dignity, or mothers fleeing domestic violence. Moreover those “negative” cases are often misunderstood, misrepresented and deployed disproportionately to create negativity towards the Act.

WHO DOES THE HUMAN RIGHTS ACT WORK FOR?

Everyone! Many ordinary people in the UK use the HRA every year to make sure their rights are protected against the state. Not only does the HRA affect individual cases, it also leads to positive policy changes which affects thousands of people.

For example the HRA has been used to ensure:

- dignity for older people and others receiving care at home;
- support for a young girl with learning disabilities to get to and from school;
- improved procedures to avoid disabled individuals falling into a gap between social services and housing departments;
- people who have been victims of trafficking are protected;
- an end to blanket Do Not Resuscitate orders in hospitals.

WHAT DOES THE GREEN PARTY MANIFESTO SAY?

“The Green Party will retain the principle that human rights are the common property of the whole world by keeping the Human Rights Act and retaining the UK’s membership of the European Convention on Human Rights and the Council of Europe.”

(Green Party Manifesto 2015, p.58).

* With thanks to Amnesty International

HOW TO USE THESE TOOLS LOCALLY

The ultimate aim of this campaign is to protect our rights by saving the Human Rights Act.

One of the main objectives is to build local support for the Human Rights Act so that MPs feel the pressure from their constituents. We need to pressure MPs as these are the people who will be making the decision to keep or scrap the HRA.

One way to put pressure on them is to pass a motion at your local council, as outlined in this section. Before you get to the council chamber it is crucial that you build up support for the Human Rights Act and the motion in your area; there are a number of ways to do this:

- Emailing your supporters and members, asking them to contact their councillors from other parties. The more people who contact councillors telling them to support the motion, the more pressure the councillors are going to be under to do just that.
- Get a letter published in your local paper.
- Put out a press release to local journalists.
- You may be able to think of other ways – let us know if you come up with a great creative action!

When you pass your motion it is essential you get as much coverage for it as possible by:

- sending press releases to journalists (see page 13)
- posting graphics on social media (see page 20)
- telling everyone how you succeeded, and how they can keep the pressure up

For more advice on campaign strategy visit the Campaigns Hub on the Members' Website: <https://my.greenparty.org.uk/content/campaigns-hub>

SUCCESS STORY



Caroline Russell is the sole opposition councillor on Islington’s Labour-dominated council.

In June 2015, Caroline successfully introduced and passed a motion to retain and protect the Human Rights Act.

Caroline’s motion called on Islington Council to resolve:

‘To call on the government to retain the Human Rights Act, the protections within it, and the UK’s international obligations under the European Convention on Human Rights.’

Caroline said: “This was the first time that I have managed to pass a motion since being elected in 2014. I did not need a seconder as our former Green councillor had managed to get our constitution changed to allow sole councillors to propose a motion un-seconded.

“Inevitably a Labour amendment was submitted shortly before the meeting. It left the guts of my motion the same, but included a few sentences of praise for Labour action on Human Rights. After a quick consultation with Islington Greens, I decided to thank Labour for supporting the Green Party position on Human Rights and put on record my gratitude to the Labour Party for its support on this vital issue. I pointed out that it was a Labour government, under Tony Blair, that introduced the HRA and said I was glad that the Labour Party in Islington supported its retention and was taking positive steps to ensure our residents benefit from its provisions. I abstained on the amendment and voted in favour of the amended motion.

“Being a sole opposition councillor up against 47 Labour colleagues means that passing a motion unamended is extremely unlikely. In this case their amendment was unnecessary “puff” for Labour, but I think the gracious Green acceptance of their amendment took the wind out of their sails and meant that Islington has issued a statement of support for the retention of the HRA.”

CAROLINE RUSSELL

Web <http://www.caroline-russell.london>

Twitter @highburyonfoot

When you pass your motion, you need to use it as a springboard for local press work and promotion to make sure your local MP feels the pressure.

MOTION TO COUNCIL

This is a template motion for you to get your council to pass. Passing the motion creates space to do media work in your local area and, if councils across the country pass a similar motion, MPs and ministers will feel the pressure of the UK-wide support for the HRA.

Local councils are particularly important to the success of this campaign. As public authorities they are bound by and assisted by the Human Rights Act. Councils and councillors have committed to public service and the improvement of people's lives. They can and do use the Human Rights Act to promote best practice and ensure individuals in their communities are able to access the most appropriate and effective care and support.

Green Party Motion to _____ Council

Proposed by _____, Seconded by _____.

This Council notes:

The Government's commitment to replace the Human Rights Act with a British Bill of Rights;

The unnecessary nature of this replacement, as the existing Act is effective in its aim to protect human rights;

The importance of maintaining the minimum standard of Human Rights as currently set out in the Act.

This Council believes:

That we should support the Human Rights Act and the positive impact it has had on protecting the rights of individuals in the UK;

We must welcome the guidance the Human Rights Act provides for public authorities in ensuring policies are developed in line with international human rights standards.

This Council resolves:

To call on the government to retain the Human Rights Act, the protections within it, and the UK's international obligations under the European Convention on Human Rights.

To write to the Secretary of State for Justice, Michael Gove, to express xxx council's support for the Human Rights Act.

To write to [local MPs] to express xxx council's support for the Human Rights Act.



SUBMITTING YOUR MOTION

Your local circumstances will determine how best to approach this campaign. This is some advice to take into account when considering tactically how to get a motion to your local council, depending on the status of your local party.

NO GREEN PARTY COUNCILLORS

If you have no Green Party councillors then you could write to the leader of the council or the elected mayor requesting that they present the motion for consideration to the council with the required proposer/seconded. This could be an open letter to the council submitted with your press release. Your target ward candidate could be the front person for this campaign. You could also highlight the campaign by attending the full council meeting and asking a question, such as: “Will the council back the Green Party’s campaign to protect our Human Rights by informing the government that we want to retain the Human Rights Act?”

LONE GREEN PARTY COUNCILLOR

If you only have one Green Party councillor then s/he could write to other councillors seeking a seconded. If you receive a seconded that is a positive, but if you do not receive a seconded that can be used to demonstrate the need for more Green councillors to introduce progressive policies at the local level.

GREEN PARTY COUNCILLOR GROUP

If you have Green Party councillors on your council then they can propose and second the motion.

GREEN PARTY COUNCILLORS WORKING WITH OTHER POLITICAL PARTIES (AND INDEPENDENTS)

Some Green councillors may have influence either through good relations with other parties or because they have the balance of power or are part of a shared administration. In these circumstances it is preferable to let another party’s councillor second the motion to build a majority to deliver the policy.

NEGOTIATION TACTICS

Building a majority / cross-party consensus

Aim to gain the support of Conservative members of the council where possible. It is important to remember that many Conservative Party members are equally dismayed at the government's proposal to repeal the Human Rights Act and many have threatened to vote against any attempts to do so.

In councils where this motion has been passed, Labour councillors were keen to mention the fact that the Human Rights Act was enshrined into law under a Labour government. It may be worth reminding Labour colleagues of this fact.

DRAFT PRESS RELEASE

Greens call for _____ Council to protect our Human Rights

[Local] Green Party has called on xxxxxx Council to demand that the government protect the Human Rights Act and the UK’s international obligations under the European Convention on Human Rights.

Since the election of a Conservative majority government in May, Justice Secretary Michael Gove has been tasked with the long-running Conservative project of replacing the Human Rights Act with a watered down British Bill of Rights.¹ The government plan has received widespread condemnation from organisations such as Liberty and Amnesty International.²

Green Party councillor/spokesperson [Local Person] condemned attempts by Michael Gove to remove our fundamental human rights. He/she/they said:

“The Human Rights Act is the best tool we have for standing up to those who try to take away our rights. The Act has repeatedly secured justice for the most vulnerable individuals in our society. It is incredibly concerning that any government would want to take away or limit its citizens’ rights to liberty, security, freedom of speech and freedom from slavery and torture. Limiting any of these fundamental rights will only make the individual less powerful and less able to stand up to governments, employers, courts and landlords.”

[If possible, put a local example of where the HRA has protected an individual against the state. Take a look at the links on page 15 for examples].

ENDS.

Contact Name: _____

Contact Number: _____

References:

- 1 <http://www.theguardian.com/politics/interactive/2014/oct/03/conservatives-human-rights-act-full-document>
- 2 [Amnesty International: http://www.amnesty.org.uk/press-releases/proposals-british-bill-rights-queens-speech-are-very-worrying](http://www.amnesty.org.uk/press-releases/proposals-british-bill-rights-queens-speech-are-very-worrying)

DRAFT LETTER TO THE EDITOR

Letters to the editor are a good way to reach a wide local audience. This is a draft, so please do make it relevant to your local area.

Dear Madam/Sir,

The Human Rights Act is a crucial piece of legislation that safeguards our basic freedoms and protects some of the most vulnerable in society. It has previously been used to... [Pick two examples from the list that are preferably local to you - or find good local examples] ^{1,2}

In May 2015 David Cameron announced the government's continued commitment to abolishing the Human Rights Act and replacing it with a British Bill of Rights. It was recently confirmed to the House of Commons that this Bill will begin its journey through Parliament in Autumn 2015 - this could happen at any point now.³ The Government's proposal has received widespread condemnation both nationally and internationally from human rights organisations such as Liberty and Amnesty International.⁴

Councillors from all parties in _____ Council must stand up against the scrapping of the Human Rights Act to ensure that fundamental rights and freedoms are protected. We hope people from across _____ will join our campaign and write to their MP to ask them to fight against the degradation of our human rights.

Yours sincerely,

[Local Party Person]

References:

- 1 [Reference your local stories](#)
- 2 [Reference your local stories](#)
- 3 http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150908/debtext/150908-0001.htm#150908-0001.htm_spm1
- 4 <http://www.amnesty.org.uk/press-releases/proposals-british-bill-rights-queens-speech-are-very-worrying>

EXAMPLES OF WHEN THE HRA HAS BEEN USED



Hospital patients get a full public inquiry into shocking standards of care at a hospital
<http://www.leighday.co.uk/Asserting-your-rights/Human-rights/Mid-Staffordshire-Inquiry/Judicial-reviews-and-the-Mid-Staffordshire-inquiri>

Mentally disabled people get the same protection as everyone else
<http://rightsinfo.org/stories/a-gilded-cage-is-still-a-cage/>

Families of soldiers killed in combat to sue the government for substandard equipment
<http://rightsinfo.org/cases/families-of-soldiers-killed-in-combat-can-sue-the-government/>

Victims of rape have their complaints listened to by the police
<http://rightsinfo.org/stories/the-black-cab-rapist/>

Trafficked children to not be treated as criminals
<http://rightsinfo.org/stories/trafficked-children-are-victims-not-criminals/>

People detained under mental health laws to be given regular opportunities to be released
<http://rightsinfo.org/stories/prove-it-or-let-me-go/>

Children whose parents face deportation to be listened to
<http://rightsinfo.org/stories/listen-to-me/>

Parents whose child died as a result of poor care get compensation
<http://rightsinfo.org/stories/she-jumped-in-front-of-a-train-the-hospital-could-have-done-more/>

An autistic man to be reunited with his father and finally be listened to
<http://rightsinfo.org/stories/we-are-family-give-me-back-my-son/>

Rights of families of hospital patients to be consulted about use of do not resuscitate notices
<http://www.bbc.co.uk/news/health-27886265>

DRAFT PRESS RELEASE - WHEN YOU PASS THE MOTION



When you pass your motion you need to make a song and dance about it. Michael Gove and his friends need to hear that your area won't stand for them trying to degrade our human rights! This press release will help you promote your success to local journalists.

_____ Greens pass motion at _____ Council in Support of the Human Rights Act

[Local] Green Party has passed a motion in _____ Council to demand the government protects the Human Rights Act and the UK's international obligations under the European Convention on Human Rights.

The motion demonstrates _____ Council's commitment to fight for the Human Rights Act, and is part of the Green Party's campaign to stand up for our Human Rights.

Since the election of a Conservative-majority government in May, Secretary of State Michael Gove has been tasked with the long-running Conservative project of replacing the Human Rights Act with a weaker British Bill of Rights. It was recently confirmed to the House of Commons that this Bill will begin its journey through Parliament this Autumn.¹ The government plan has received widespread condemnation both nationally, from organisations such as Liberty and Amnesty International.²

Green Party councillor/spokesperson [Local Person] condemned attempts by the leaders of the Conservative government to remove our fundamental human rights. He/she/they said:

"This is an important local victory in the battle to save our human rights. I am proud that _____ council has sent this important signal to the government, and hope that they listen to the people across the country telling them that our Human Rights are not up for debate."

[If possible, put a local example of where the HRA has protected an individual against the state. Take a look at the links on page 15 for examples].

ENDS.

Contact Name: _____

Contact Number: _____

References:

Reference recent news that is relevant

1 http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150908/debtext/150908-0001.htm#150908-0001.htm_spm1

2 <http://www.amnesty.org.uk/press-releases/proposals-british-bill-rights-queens-speech-are-very-worrying>

EMAIL TO SUPPORTERS

A great way to build up support for your campaign is an email to your local members and supporters. Not only does this help build support for the campaign and increase knowledge of the issue, but it also helps keep momentum for your local party working towards elections.

Dear <first name>,

The Human Rights Act is under threat from the Conservative government, and we must fight to keep it. We **can't** let the Tories degrade our human rights.

- The Conservative government has committed to repealing the Human Rights Act and replacing it with a British Bill of Rights (BBR).
- Long awaited, the BBR was not – in the end – introduced in the May 2015 Queen's Speech. This was down to the huge public pressure put on MPs and Ministers in support of the HRA - a great **win for people power**.
- But the commitment to removing the HRA remains and the government has stated it will "bring forward proposals for a British Bill of Rights". We need to keep up the pressure to stop this from happening.

People power works - this is a campaign that we can win with YOUR help.

The Human Rights Act is a crucial piece of legislation that safeguards our basic freedoms and protects some of the most vulnerable in society. It has previously been used to... [Pick two examples from the list that are preferably local to you - or find good local examples]

_____ Green Party will be campaigning to protect the Human Rights Act from the government. Will you stand with us on this campaign? Please:

- Put up the attached poster in your window
- Share one of the attached graphics on Facebook or Twitter
- Contact your local councillor and MP and tell them that the Human Rights Act must be protected*

Regards,

<Local Party Person>

*Make it easier for your supporters and members to email their councillor and MP – include a hyperlink to www.writetothem.com

Attach the A4 poster and share graphics.

A4 POSTER



COLOUR



BLACK AND WHITE

POSTCARDS

- Get these postcards printed locally using the artwork files.
- Get people across your constituency to sign these postcards to your local MP.
- Collect them all back in so you can bulk deliver them, and also add the people to your supporter database. Remind people that they need to include their details so the MP knows they are a constituent.
- You could hand in the big batch at the MP's surgery and make this into a press stunt, putting greater pressure on your local MP.



FRONT

Dear _____ MP

Our human rights should not be toyed with as part of a political agenda.

The Human Rights Act is an essential piece of legislation which ensures protection for people across the country and in your constituency. It must not be replaced by a watered-down version as Michael Gove is attempting with his 'British Bill of Rights'.

As your constituent, I call on you to stand up for the Human Rights Act in Parliament, and to write to Michael Gove to let him know that the people of _____ will not let him downgrade our Rights.

Respectfully,
 Name: _____
 Email: _____
 Address: _____
 (use postcodes): _____

The Green Party may use the information you provide to contact you about issues you may find of interest. You can opt out of some or all methods at any time by emailing us.

**HOUSE OF COMMONS
 ST MARGARETS STREET
 LONDON SW1A 0AA**

Green Party
 For the common good

BACK

SHARE GRAPHICS

Suggested tweet:

Dear <YourLocalMP>: Please stand up for our Human Rights. Don't let #MichaelGove tamper with them! #SaveOurHRA <Attach picture>



Facebook graphics shown, Twitter graphics also available. Download these at <https://my.greenparty.org.uk/content/flat-pack-local-campaigns>

RESPONDING TO CONCERNS*

Below are many of the frequently voiced concerns about the Human Rights Act, along with answers to debunk the myths surrounding the Act.

WHY AM I TOLD EUROPE IS DICTATING TO US?

Section 2 of the HRA says the UK Courts have to ‘take into account’ relevant decisions from the European Court of Human Rights (ECtHR) in Strasbourg. That is because the HRA incorporates the rights of the ECHR and the ECHR is the overall overseer of the Convention. This makes sense, and for the most part works uncontroversially, given that the ECHR decides what the meaning of the Convention rights are; and as the HRA incorporates the Convention rights, they have to mean the same thing at their core in the UK as everywhere else.

However, the Human Rights Act allows people to pursue justice in the UK courts. It is a fallacy that having human rights protections in the UK sends power to Europe and that Europe makes us do things we don’t want to. Critics of the HRA should be honest - if we scrapped the HRA, then instead of cases being heard in UK courts, people would have to go to European courts in Strasbourg to challenge a decision. This is what happened before the HRA existed. This is because without the HRA the UK would still be a signatory of the European Convention on Human Rights, which provides the same rights to people across Europe. Without proper human rights protection at home, people would be forced to apply to the European Court of Human Rights for protection. Far from bringing power home, repealing the HRA would further outsource decision-making.

To say ‘Europe’ is dictating to us is inaccurate because:

- The ECHR rulings are nothing to do with the EU – the Convention is not an EU law – it is a regional treaty overseen by a regional court made up of independent judges from all member states, including the UK;
- Sometimes UK courts will go further than the ECtHR and provide higher protection to its citizens than is required;
- On rare occasions, with good reason, the UK will take into account but decide not to follow clear and consistent guidance from the ECtHR. This can sometimes lead to a positive dialogue with the ECHR where the two courts affect each other and improve each other’s rulings.

SO IS THE ECHR CONSTANTLY RULING AGAINST THE UK COURTS?

No.

Only 1.5% of cases pending at the Strasbourg court as of 27 August 2014 were against the UK. Most are against Italy, Ukraine, Russia and Turkey (60% between them). Of the cases which are brought against the UK, only a tiny number pass the first hurdle and get looked into in detail. The vast majority of cases lodged against the UK are ruled inadmissible or struck out, without the need for a full court judgment. In 2014, 99% of cases lodged against the UK were declared inadmissible or struck out.

When the Strasbourg court does look at UK cases in detail, the court does not always rule against the UK. Of those cases brought against the UK which are admissible, Strasbourg often will find there has been no violation. In 2013, 19 full cases against the UK were considered, and only 11 decided against it. Overall, in 2012, only 0.6% of cases lodged against the UK led to a judgment that there had been a violation, and just 1% in 2011.

Notably, it is particularly unusual for the Strasbourg court to stop people being expelled from the UK. Of applications to Strasbourg seeking to stop expulsions from the UK (on human rights grounds) in 2013, 252 were found inadmissible, 112 struck out and only four actually received a full judgment. Of those four, only one found a violation. Therefore, just 0.3% of applications made on this basis were successful.

WHAT ABOUT ABU QATADA AND PRISONER VOTING?

Critics of the HRA often use the rarest and more controversial cases as evidence that Europe is dictating to us and that the Human Rights Act must go.

We have to remember that the human rights cases seen as controversial, either here in the UK or at the ECHR, are the tiny minority. The cases that are likely to make the news are the ones that the government has challenged, which by definition are likely to involve less clear cut violations and/or particularly unpopular people or causes.

What we don't hear about are the many ordinary people who use the HRA in the UK, such as people who use it to make sure they are not separated from their children if they are fleeing an abusive relationship, or people who use it to make sure elderly relatives are treated with dignity.

Even the specifics of the controversial cases are often misrepresented. On prisoner voting, it was reported that European judges ruled that the rights of UK prisoners were breached when they were prevented from voting in a general election. The ECHR said that a blanket ban on all prisoners being able to cast a vote was unfair and the UK parliament should revisit the policy. Parliament would be able to rule that only people convicted of driving offences could vote, or just people in custody for less than a month or some other more nuanced approach without violating human rights law. It is up to the UK parliament to decide what the voting rights should look like.

When it comes to the deportation of criminals such as Abu Qatada, the bottom line is that human rights are for everybody, including those we may dislike. The ECHR ruled that Qatada couldn't be deported to a country where he wouldn't be able to receive a fair trial and that evidence obtained through torture might be used against him. The right to a fair trial and the absolute prohibition against torture are both long-standing British principles.

Importantly, even without the Human Rights Act, the more controversial ECHR rulings on Abu Qatada and prisoner voting, for example, would likely remain the same. Since the UK would still be a signatory to the European Convention on Human Rights, Qatada would, like every individual, still be able to seek a judgment there for violations of the European Convention itself by the UK. So unless the UK left the European Convention altogether, which would be an unprecedented move for a democratic country, the rulings would remain the same.

DOESN'T THE HUMAN RIGHTS ACT ENTITLE PEOPLE TO RIDICULOUS THINGS?

Contrary to some untrue press stories, the Human Rights Act has never been used to force police to give criminal suspects KFC during a siege, or to provide prisoners with access to hard-core pornography in prison. None of those things are sensible interpretations of what rights are meant to protect, and the courts have never said differently, here or in Strasbourg.

ALLIES AND SOURCES OF INFORMATION

LIBERTY

<https://www.liberty-human-rights.org.uk/human-rights>

AMNESTY

<http://www.amnesty.org.uk/issues/Human-Rights-Act>

THE BRITISH INSTITUTE OF HUMAN RIGHTS

<https://www.bihhr.org.uk/thehumanrightsact>

EQUALLY OURS

A great collection of info and some touching real life stories:

<http://www.equally-ours.org.uk/>

OUR MANIFESTO

https://www.greenparty.org.uk/assets/files/manifesto/Green_Party_2015_General_Election_Manifesto_Searchable.pdf

THE HUMAN RIGHTS ACT

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

* With thanks to Amnesty International



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