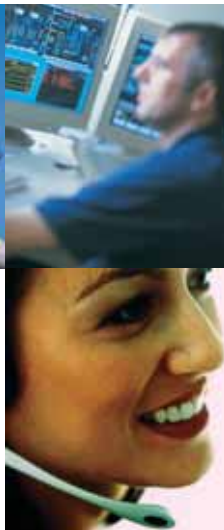


Human Rights in the workplace



Amicus guide
for members





Human Rights in the workplace

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■ INTRODUCTION

The Human Rights Act 1998 (the 'Act') came into force on the 2 October 2000. It effectively incorporates into UK law most of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the 'Convention'). The Convention was ratified by the Council of Europe on the 4 November 1950 in the aftermath of World War II.

The convention came into force on the 3 September 1953. In 1966 the UK took a major step and gave UK citizens a right to present individual complaints to the European Court of Human Rights ('ECHR'), (which is based in Strasbourg), provided that domestic remedies had been exhausted. This option was however, both time-consuming and expensive for most litigants, and the incorporation of the Convention's provisions into domestic law was a solution to this problem. The introduction of the Human Rights Act 1998 put the UK in the same position as many of its counterparts in The Council of Europe by allowing its citizens to raise Convention rights in domestic courts and tribunals.

When the Act first came into force newspapers and a variety of organisations had asserted that the Act would be used to take away every form of restriction on personal rights. However, the approach of the Human Rights Court at Strasbourg has been conservative. Nevertheless, the Act is a big step forward in re-enforcing claims for family-friendly working hours, greater rights to freedom from unnecessary surveillance and invasion of privacy at work. Amicus believes the Act has helped and continues to help develop a stronger human rights culture in the UK, both at work and outside the context of employment.

■ HOW THE ACT WORKS

The Act has three main effects:

- It makes it unlawful for a public authority to violate the Convention rights, unless an Act of Parliament leaves no choice. This means that while everyone is covered by the Act, it has much bigger implications for employees of the state, for instance NHS staff or teachers.
- It will allow claims based on breach of the European Convention on Human Rights to be made in UK courts and tribunals. UK citizens will no longer have to take them to the European Court in Strasbourg;
- It states that all UK legislation must be given a meaning that fits with the Convention rights, if that is possible. If a court says that it is not possible, it will be up to Parliament to decide what course of action to take. When introducing legislation, Government and Ministers will have to make a statement about the compatibility of the Bill with human rights.

Most legal commentators and campaigners agree that the Act has had a radical and positive impact on UK laws and political culture. However there are many limitations to the Act. More detail on each of the rights enshrined in the Act is given below.

This guide deals only with the ways in which the Act has an impact on employment law. For more general information on the Act you can contact the Research Department or one of the organisations listed in the ‘further information’ section at the end of this guide.

■ THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The Convention, which is incorporated by the Human Rights Act, guarantees a range of political rights and freedoms of the individual against interference by the state. Signatory states to the Convention may not violate the right to life of their citizens, subject them to torture, inhuman or degrading treatment, press them into enforced labour, deprive them of their liberty without due process and compensation, deprive them of access to justice or a fair trial or introduce laws that impose retrospective criminal liability for acts that were innocent at the time they were committed. Individual's rights to privacy, freedom of religion, expression, association and assembly, to marry and found a family, may not be infringed without proper justification. The rights guaranteed by the Convention must be guaranteed to each individual irrespective of sex or race and a range of other grounds.

Before the incorporation of the Convention, individuals in the United Kingdom could only complain of unlawful interference with their Convention rights by lodging a petition with the European Commission of Human Rights in Strasbourg, who itself only referred the case to the European Court for a full hearing if it considered that the complainant had exhausted all his or her local remedies and that a range of other admissibility criteria had been satisfied. This process took on average five years, from the lodging of a petition to the publication of the Court's judgment. Although this delay was reduced by the merging of the Commission and the Court (this took place in November 1998) the requirement of prior exhaustion of domestic remedies had made the process of litigating rights in Strasbourg an extremely protracted and uncertain business.

The European Convention of Human Rights ('ECHR') has emphasised that the Convention is a 'living instrument' which should be interpreted according to present day conditions. The Convention 'cannot be interpreted solely in accordance with the intentions of their authors as expressed more than 40 years ago... at a time when a minority of the present contracting parties adopted the Convention.' The ECHR has stressed that the Convention should guarantee rights that are 'practical and effective'.

■ THE RIGHTS IN THE ACT

The list below shows the rights and freedoms which the Human Rights Act incorporates from the European Convention. Some of them are absolute, i.e. they cannot be interfered with or derogated from, and some are qualified, i.e. more flexible in certain circumstances. They are:

- the right to life
- freedom from torture or inhuman or degrading treatment or punishment
- freedom from slavery, servitude, enforced or compulsory labour
- liberty and security of the person
- the right to a fair trial
- right to no punishment without breach of the law
- respect for private and family life, for correspondence and for home
- freedom of thought, conscience and religion
- freedom of expression
- freedom of assembly and association
- right to marry and found a family
- protection of property
- the right to education
- the right to free elections
- the abolition of the death penalty
- freedom from unfair discrimination in the enjoyment of these rights.

The extent of each qualification depends upon the wording of the Convention provisions and of any UK reservations or derogations. For instance article 8, the right to respect for private and family life, has been amended to give the state a wide scope for interference with the basic right to privacy and family life where this is necessary for the economic well-being of the country.

■ THE BASIC PRINCIPLES

- Individuals are able to bring a claim based on the Act if they can show that they are a 'victim' of the breach of a convention right. i.e. if their rights have been violated or there is a risk of their rights being violated.
- They can only bring a claim against a public authority (see below)
- All legislation must be interpreted (so far as it is possible to do so) in a way which is compatible with Convention rights. The High Court can make a declaration of incompatibility if they find that primary legislation is in breach of the Convention, which may lead to a fast track process to amend it.
- All courts and tribunals in determining questions which arise in connection with a Convention right must take into account judgments of the European Court of Human Rights where they are relevant.

■ TRADE UNIONS AND THE HUMAN RIGHTS ACT

The Human Rights Act presents many possibilities for trade unions but also possible pitfalls. The TUC has suggested the following questions for unions to bear in mind when looking at how they could use the Act to further rights in the workplace:

- Which types of legal cases should be regarded as a strategic priority for the trade union movement?
- How can union legal casework and collective bargaining make best use of the Act?
- What are the opportunities for unions in using the Act in campaigning and publicity work, and organising and recruitment activities?

Amicus believes that any cases brought by the unions must be well-directed and well-researched. Otherwise badly judged challenges under the Act which fail could help set bad precedents in case law for others wishing to use the Act to assert their rights.

■ PUBLIC OR PRIVATE EMPLOYER?

As stated above, the Act makes it unlawful for a 'public authority' (including a Court or Tribunal) to act in a way that is incompatible with a Convention right. This means the Convention will be directly enforceable against public authorities or other organisations exercising public functions. Public authorities are defined as a court, tribunal or 'any person certain of whose functions are functions of a public nature'. Public authorities are likely to include local and central government, the police and prison services and other key public bodies. However the definition is not clear and will ultimately be for the courts to decide whether an organisation counts as a public authority or not.

The regional electricity companies, for example, which are privately owned but have public functions and duties, count as a public authority or a 'hybrid' authority, i.e. with mixed public and private functions. It may therefore be possible for an employee to present a direct challenge to the company under the Human Rights Act. Other examples of bodies that have 'mixed' functions are a private security firm exercising public functions when managing a contracted out prison, but not when acting privately by guarding commercial premises or doctors in general practice would be public authorities in relation to their NHS functions but not in relation to their private patients.

The Human Rights Act is not directly enforceable against the vast majority of private companies. The Convention will however, be relevant in an indirect way that Courts and Tribunals are bound to apply domestic law in a manner that is compatible with the Convention unless provided otherwise. Courts and Tribunals also have a direct responsibility under the Act to act in a manner which is compatible with Convention rights.

■ QUALIFIED RIGHTS

Certain rights under the Human Rights Act are 'absolute'. Others are 'qualified' and allow a public authority to restrict certain rights, provided that there is a legitimate basis for doing so in accordance with the law. There must also be a legitimate aim justifying imposing the restriction and the restriction must be necessary in a democratic society, i.e. there must be a pressing social need. Any measures taken to restrict Convention rights must be 'proportionate' to the aim that they are seeking to achieve. For example, a person has no right to shout 'fire!' in a crowded theatre where there is no fire. Similarly, a person's right to sell their land is well established, but might properly be restricted where the purpose of the sale is to defraud creditors, and thereby interfere with their rights.

■ KEY AREAS IN EMPLOYMENT LAW

The Human Rights Act is designed to affect the way Public Authorities behave, and to ensure they pay attention to people's rights. Whilst it does not introduce new rights, it does make the process of claiming the rights easier as such claims can now be heard by a Court or Tribunal in the UK. The Act is described as a 'higher law' which sets out basic values aimed at changing the way authorities and individuals think and act, including the development of policies.

The rights in the Act are not limitless, and they are written in a way to ensure that the claiming of human rights by one individual does not ride roughshod over the rights of another, or those of the local community or society more broadly. Public Authorities providing services need to ensure that they address issues of balancing rights and responsibilities.

■ 'THE RIGHT TO PRIVATE AND FAMILY LIFE'

Article eight of the Convention lays down that everyone has the right to respect for his private and family life, home and correspondence. There should be no interference with this right by a public authority, except in a number of cases such as national security, public safety or the protection of other's rights and freedoms.

This is a qualified right and has been held by the ECHR to include

- the right to personal identity
- the right not to have personal information collected by a Public Authority
- the right to personal sexuality
- the right to a sexual identity
- the right to physical and moral integrity
- the right to choose one's mode of dress and appearance
- the right of respect for the home.

■ SURVEILLANCE

The high-profile case of *Halford v. UK* 1997 involved the tapping of the Assistant Chief Constable of Merseyside Alison Halford's telephone at work to tape personal telephone calls with her advisers about her sex discrimination case. The European Court held that Article 8 of the Convention had been breached as they considered Ms Halford had a 'reasonable expectation of privacy for such calls.' By the same reasoning this could be extended to other forms of surveillance such as close circuit television and monitoring of other forms of communication such as emails.

In the *Halford* case it was clear that this was an extreme case of invasion of privacy in which the employer had 'bugged' her phone to obtain evidence to use in the tribunal case, having assured her that she could use the telephone line in question in private. Where an employer warns employees that they are under surveillance or otherwise obtains their consent, a breach of Article 8 would be less likely.

For example, in a recent case, an employee was suspected of falsifying timesheets in relation to call-outs in periods when it was necessary for him to attend the Water Treatment Plant at which he worked. His employer employed a firm of Private Investigators to sit opposite the employee's home and film his comings and goings. Videos were produced as evidence against him during a disciplinary hearing and subsequently the employee was dismissed. The employee claimed that he had been unfairly dismissed as his rights to respect for his private and family life under Article 8(1) had been breached. The EAT found that since the aim of the surveillance was to quantify the number of times the employee left his house to go to the Process Plant to obtain evidence, which would bear upon the accuracy or otherwise of his timesheets, as this went to the heart of the investigation that the employer was bound to carry out to protect its assets, the surveillance was not disproportionate and therefore Article 8(1) had not been breached.

■ COMPILING AND MAINTAINING STAFF RECORDS

There is a right to keep personal information to yourself in principle. This right too can be overridden if an employer is merely collecting information that it reasonably requires to run its business or to comply with some statutory duties. Unnecessarily intrusive questions could amount to a breach of this right. The disclosure of information to a third party without authority, especially information of a medical nature, could well be in breach of Article 8.

However the huge growth in surveillance at work means that there are likely to be more cases brought under Article 8. The Act may well strengthen the protection given under the recently amended Data Protection Act 1998. The kinds of surveillance that could possibly come under the scope of this Article include:

- The secret monitoring of employees' working time, or secret filming of employees absent from work for use in personal injury cases for example
- Surveillance of emails or internet use without the consent or knowledge of the employee.

Amicus has published a guide to the Data Protection Act, available from the Despatch Department, which provides further information on surveillance and data at work.

■ FREEDOM OF EXPRESSION AT WORK

The right to freedom of expression in Article 10 of the Convention deals with all forms of expression, whether they are verbal, written or otherwise. The Convention right allows states to impose restrictions, such as the right to prevent the dissemination of propaganda or opinions upholding racial supremacy or hatred.

There are a number of ways in which this right may be relevant to the workplace. There have been some cases under Article 10 of the Convention that deal with dress codes, and that the Human Rights Act has been used to challenge dress codes at work and the right to wear religious clothing instead of school uniform. There have also been cases on this subject in British law, where as Christopher Baker explains, 'English law acknowledges an employee's right to freedom of expression, but it will always attempt to achieve a balance with competing interests, in this case the need of the employer to determine what is best for the business.'

Another area where the Act may be relevant is whistle-blowing. For example, whether the right to freedom of information overrides a contractual clause restricting the dissemination of information by an employee, the substance of the allegations, the seniority of the employee or whether the whistleblower is justified by a pressing need to protect the employers' business interests, customers or other employees. A whistleblower, however, is now protected under the Employment Rights Act 1996 against victimisation.

■ FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

The Act includes the right to freedom of thought, conscience and religion as well as expression. Religious freedom and freedom of conscience under Article 9 could strengthen arguments for time off for religious purposes, although an employee would now make a claim under the new Employment Equality (Religion or Belief) Regulations 2003, which came into force on 2 December 2003.

■ THE RIGHT TO A FAIR TRIAL

Article 6 of the Convention asserts that 'in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.' This Article deals with proceedings determining civil rights and obligations. Certain rights have been held by the ECHR to be civil rights, so giving rise to the protection of Article 6(1), for example:

- the right to own and keep real property
- the right to obtain consents or licenses for the sale of liquor or for the development of land
- the right to hold personal property
- the right to engage in commercial activity.

It may not necessarily apply to ordinary disciplinary procedures unless the employee is in danger of losing the right to work in a certain profession or the proceedings may result in the loss of pay or status. This Article helps unions to assert the new rights in the Employment Relations Act to be accompanied by a trade union official at disciplinary procedures. This Article also provides the right to free provision of interpreters for people unable to speak English, or are visually or hearing impaired. Until recently there was no provision in Employment Tribunals for this facility.

■ WAIVER OF CONVENTION RIGHTS

It has been established in case law from the Strasbourg courts that it is possible for Convention rights to be waived, as long as this is done in clear and unequivocal terms.

■ COLLECTIVE AND TRADE UNION RIGHTS

Although the right to join a trade union was already enshrined in British law, Amicus welcomed the rights introduced under Article 11, freedom of assembly and association. This is the right to assemble with others in a peaceful way, to peacefully protest, for example, or to form trade unions.

■ FREEDOM FROM DISCRIMINATION

Article 14(5) gives the right not to be treated differently because of race, religion, sex, political views or any other status.

At first sight this looks like a wide ranging improvement on existing UK anti discrimination law, but this is deceptive. The rights in this Article are in relation to the enjoyment of the other Convention rights, and do not give rise to new rights that can on their own be relied upon against Public Authorities or in private claims. However, Article 14 has been crucial to Amicus in developing and securing improved anti discrimination legislation in respect of terms relating to parental leave, racial discrimination and religious discrimination and discrimination on grounds of sexuality. However, at present, in Britain there is no general right to equality and people can only complain of discrimination in certain defined situations covered by existing discrimination legislation. By 2006 the Government will have to implement legislation protecting against discrimination on grounds of age.

■ REMEDIES FOR A BREACH

Section 8 of the Act provides that Courts and Tribunals are able to grant remedies and make orders that they consider 'just and appropriate'. The Court or Tribunal may award damages or grant injunctions if this is within their normal jurisdiction. When assessing the damages that should be awarded in a successful claim, the Court or Tribunal must take account of the principles applied by the ECHR in relation to the award of compensation under Article 41 of the Convention. That Article requires that the injured party should receive 'just satisfaction'.

Courts at the High Court level or above can make a 'declaration of incompatibility' if they feel that UK law does not comply with the Convention rights. A 'declaration of incompatibility' will not affect the validity of the offending piece of legislation, but it should encourage the Government to change law under a fast track procedure under the Act. There is however no obligation on the Government to make any changes.

■ WHERE DO WE GO FROM HERE?

Even though the Human Rights Act has been in force for a number of years, it is still unclear what effect the Act has on UK law, particularly in relation to the workplace. However the Act is an exciting step forward in strengthening the protection of human rights in the UK and Amicus believes that it is a positive step towards a human rights culture.

Amicus representatives should contact their full time official if they think that the Human Rights Act may be relevant to a situation in their workplace. Appendix 2 gives other ways in which you can get more information on the Act. You should also consider the effects of other recent legislation such as the Employment Relations Act or the Data Protection Act as the rights in the Human Rights Act overlap with many of the provisions of existing legislation.

■ APPENDIX 1

■ The Articles of the Convention

Reproduced below are the articles of the Convention which have been incorporated into the Human Rights Act, as they appear in the Act. Not all of them are implemented fully – some are qualified by any UK reservations or derogations.

Article 2

■ Right to Life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
 - (a) in defence of any person from unlawful violence;
 - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3

■ Prohibition of Torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 4

■ Prohibition of Slavery and Forced Labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this Article the term 'forced or compulsory labour' shall not include:
 - (a) any work required to be done in the ordinary course of detention

- imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
- (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - (d) any work or service which forms part of normal civic obligations.

Article 5

■ Right To Liberty And Security

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - (a) the lawful detention of a person after conviction by a competent court;
 - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfillment of any obligation prescribed by law;
 - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - (f) if the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
3. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

Article 6

■ Right To A Fair Trial

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7

■ No Punishment Without Law

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilized nations.

Article 8

■ Right To Respect For Private And Family Life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 9

■ Freedom of Thought, Conscience And Religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10

■ Freedom of Expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11

■ Freedom of Assembly and Association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 12

■ Right to Marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 14

■ **Prohibition of Discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 16

■ **Restrictions on Political Activity of Aliens**

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17

■ **Prohibition of Abuse of Rights**

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18

■ **Limitation on use of Restrictions on Rights**

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

■ PART II - THE FIRST PROTOCOL

Article 1

■ Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 2

■ Right to Education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 3

■ Right to Free Elections

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

■ PART III THE SIXTH PROTOCOL

Article 1

■ Abolition of the Death Penalty

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2

■ Death Penalty in Time of War

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law.

■ APPENDIX 2

■ Getting further information

If you would like more information on the contents of this guide you can contact the Legal Department at Hayes Court (email: legal@amicustheunion.org)

A special unit at the Home Office has been set up with the aim of ensuring the successful implementation of the Act and developing the UK's position under various Human Rights Treaties.

The Human Rights Unit

Helpdesk number: 020 7210 1437

Department of Constitutional Affairs

Justice, Rights and Democracy
General Departmental Enquiries
Selborne House
54 Victoria Street
London SW1E 6QW

DX 117000 Selborne House

Telephone: 020 7210 8614
0870 0001585

There is some useful information on their website at: www.dca.gov.uk/hract/studyguide/index.htm and you can email them at: humanrights@dca/gsi/gov.uk

You can find the text of the declaration, up-to-date case law and pending cases on the website of the European Court of Human Rights at Strasbourg at: <http://www.echr.coe.int>

■ Other useful websites:

www.hms0.gov.uk/acts/acts1998.htm

www.yourrights.org.uk

■ Other organisations which may be able to help:

Liberty

21 Tabard Street

London SE1 4LA

Telephone: 020 7403 3888

Scottish Human Rights Centre

534 Sauchiehall Street

Glasgow G2 3LX

Telephone: 0141 332 5960

www.scottishhumanrightscentre.org.uk

Northern Ireland Human Rights Commission

39 North Street

Temple Court

Belfast BT1 1 NA

Telephone: 028 9024 3987

Email: info@nihrc.org

www.nihrc.org

TUC

Lucy Anderson,

Employment Rights Officer

Congress House

Great Russell Street

London WC1B 3LS

Telephone: 020 7636 4030

www.tuc.org.uk



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