

Bringing service to life



Human Rights

Speaker Notes for Slide 1

There will be questions in the test ,
I will let you know what's needed at the time.

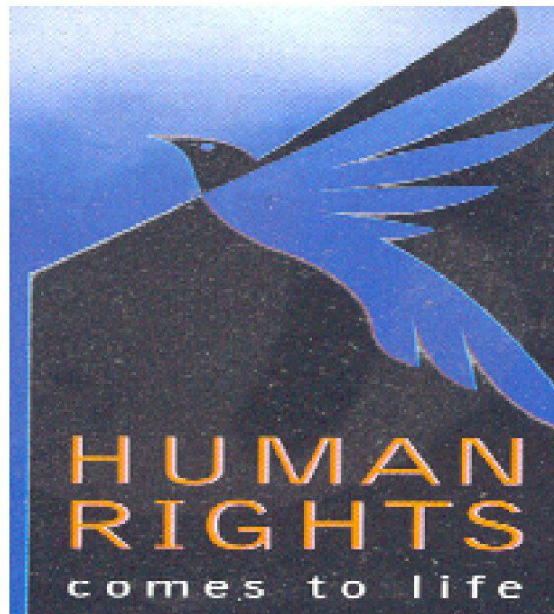
Talk about the importance of this session: DCO have been dismissed and other have gone to prison.

You must be very wary of what you say,
Not only at work but outside of work as well,
Remember walls have ears
You never know who is listening
It will reflect on you and the company

Human rights is not new- every country has laws,
We are part of the European union

AIMS

To introduce staff to the Human Rights Act and consider the effects of the Act in relation to the work in a Detention Centre environment and the Immigration estate.



Bringing service to life

serco

Speaker Notes for Slide 2

We cannot put the world right, but we can help those in detention.
As DCO's we are responsible for this
Remember white shirts have power to the people in detention,
They may have bad experiences of power in the past or back home
Some people may have been in prison , its not for us to judge.
Our job is to look after the
Empathy
We must never give false hope
Don't lie to them.

Objectives

By the end of the session participants will be able to:

- State the date that the Act came into force.
- Distinguish between absolute and limited rights.
- Define what is meant by 'a public authority'
- Identify the importance of implementing the Act within the detention centre environment.

Speaker Notes for Slide 3

We can not cherry pick the law it has to be carried out.

Once the law has been laid down, it has to be upheld.

Its easy to get drown in, if you are at the pub ect don't talk about your job, people will always ask questions.

What is the Human Rights Act?

- Pervasive new law
- Will affect all public bodies
- Not just for lawyers

Speaker Notes for Slide 4

Display

Pervasive - spread through, permeate

Humanitarian law can be traced back to 1864 whereby under the Geneva Convention there was a requirement that wounded combatants, to whatever nation they may belong, shall be collected and cared for.

The prohibition of slavery was recognised as a rule of customary international law in the 19th century

Similar rules were introduced to outlaw the international trafficking in women and children

Also in extreme circumstances a state could intervene to prevent another state persecuting its own nationals. Humanitarian Intervention and invoked by Britain, Russia and France in the 18th and 19th centuries.

Most significantly The League of Nations was set up in 1919

In the aftermath of the second world war the need to prevent future abuses of individuals rights was high on the international agenda. In the same year that the UN Convention relating to refugees was drafted, the Council of Europe was drafting a list of Human Rights (The European Convention on Human Rights)

Human Rights Act - History

1948 - United Nations Declaration on Human Rights adopted

1950 - European Convention on Human Rights

1951 - Ratified by United Nations

1966 - UK citizens given right to make individual petitions European Court
In Strasbourg

2000 - The Human Rights Act 1998, comes into force 02 October

Speaker Notes for Slide 5

In 1953 it was signed by the UK but not incorporated into UK law

In 1966 UK individuals were given the right to take alleged breaches to the European Court in Strasbourg

Very few people did this due to the cost involved and the length of time it took to hear their case (5 years on average)
Average cost of a court case in Strasbourg is £30,000

With the inclusion of the Human Rights Act into UK law individuals can now have their cases heard in UK courts

The Government have put by £39 million earmarked for legal aid for Human Rights cases

2000- the human rights act 1998 comes into force 2nd October 2000- need to know for test.

The Convention's Rights

Article 2

Right to life

Article 3

Freedom from torture and inhuman treatment or punishment

Article 4

Freedom from slavery and forced or compulsory labour

Article 5

Right to liberty and security of person

Speaker Notes for Slide 6

Article 2; a state might provide protection either directly or by imposing duties on others.

For example French law imposes a duty on passers by to rescue those who are in danger of death, whereby English law does not.

Civilians can still face the death penalty for treason or arson in Her Majesty's Dockyards

Members of the armed forces remain subject to the death penalty for certain offences committed in time of war

Article 3; torture – deliberate inhuman treatment causing very serious and cruel suffering

inhuman treatment – treatment that causes intense physical and mental suffering

degrading treatment – treatment that arouses in the victim a feeling of fear, anguish and inferiority

capable of humiliating and debasing the victim and possibly breaking his/her moral

resistance

Example – electronic tagging

We have rule in place so that we don't break these rules,

What do we have in place in the centre,

TC- temporary confinement

RFA- removal from association

VIR-Anti bullying/ violence reduction

The Convention's Rights

Article 6

Right to fair and public trial within a reasonable time

Article 7

Freedom from retrospective criminal law and no punishment without law

Article 8

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

Article 9

Freedom of thought, conscience and religion

The Convention's Rights

Article 10

Freedom of expression

Article 11

Freedom of assembly and association

Article 12

Right to marry and found a family

Article 14

Prohibition of discrimination in the enjoyment of the convention's rights

The Convention's Rights

Article 1 of protocol 1

Right to peaceful enjoyment of possessions and protection of property

Article 2 of protocol 1

Right to education

Article 3 of Protocol 1

Right to free elections

Article 1&2 of Protocol 6

Right not to be subjected to the death penalty

And it's purpose?

The protection of human rights and fundamental freedoms
and the maintenance and promotions of the ideals & values
of a democratic society

What does the HRA do?

- Gives statutory force to the presumption that all legislation is compatible with the convention
- Requires courts to interpret all law to conform with the convention
- Enables individuals to seek redress in UK courts
- Requires all public authorities to act in compliance

Speaker Notes for Slide 11

It makes it unlawful for a public authority like a government department, local authority or the police to breach the convention rights. Unless an act of parliament meant it could not have acted differently

The Human Rights Act says that all public authorities must pay proper attention to your rights when they are making decisions that effect you.

Serco is committed to the implementation of the Human Rights Act 1998 in its entirety. We will comply with every article of the act and will ensure that all those who visit, work or are detained at the centre are treated with humanity, equality and respect in accordance with the wording and spirit of the act. All complaints received referring to a contravention of the act will be thoroughly investigated and, where necessary, appropriate action will be taken.

Public Authority

Three types:

1. Ministers, Government departments or agencies, local government bodies, the armed forces
2. Courts & Tribunals
3. Any person certain of whose functions are of a public nature

Convention Principles

Three basic types of Article:

- **ABSOLUTE** - such as the right to protection from torture and inhuman and degrading treatment (Article 3). The state can never withhold or take away these rights.
- **LIMITED** - such as the right to liberty (Article 5). These rights may be limited under explicit and finite circumstances. If in doubt, seek legal advice.
- **QUALIFIED** - rights which require a balance between the rights of the individual and the needs of the wider community or state interest.

Qualified

- These include: the right to respect for private and family life (Article 8); the right to manifest one's religion or beliefs (Article 9); freedom of expression (Article 10); freedom of assembly and association (Article 11); the right to peaceful enjoyment of property (Protocol 1, Article 1); and, to some extent, the right to education (Protocol 1, Article 2). 3

Interference with qualified rights is permissible only if:

- there is a clear legal basis for the interference with the qualified right that people can find out about and understand, and

Qualified cont.

- the action/interference seeks to achieve a legitimate aim. Legitimate aims are set out in each article containing a qualified right and they vary from article to article. They include, for example, the interests of national security, the prevention of disorder or crime, and public safety, and
- the action is necessary in a democratic society. This means that the action or interference must be in response to 'a pressing social need', and must be no greater than that necessary to address the social need.

In Accordance with the Law

- Existing domestic law must allow the interference
- Law must be clear, accessible & foreseeable

Human Rights

Questions? / Discussion