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# Making Safeguarding Personal Toolkit

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## Practice Tool 8:

Providing information about  
the Human Rights Act



**The Human Rights Act (1998) sets out your human rights in a series of 'Articles', taken from the European Convention on Human Rights, each article dealing with a different right:**

- > Article 2: Right to life
- > Article 3: Freedom from torture and inhuman or degrading treatment
- > Article 4: Freedom from slavery and forced labour
- > Article 5: Right to liberty and security
- > Article 6: Right to a fair trial
- > Article 7: No punishment without law
- > Article 8: Respect for your private and family life, home and correspondence
- > Article 9: Freedom of thought, belief and religion
- > Article 10: Freedom of expression
- > Article 11: Freedom of assembly and association
- > Article 12: Right to marry and start a family
- > Article 14: Protection from discrimination in respect of these rights and freedoms
- > Protocol 1, Article 1: Right to peaceful enjoyment of your property
- > Protocol 1, Article 2: Right to education
- > Protocol 1, Article 3: Right to participate in free elections
- > Protocol 13, Article 1: Abolition of the death penalty

Some rights, called **Absolute rights**, can never be restricted. This includes Articles 3, 4 and 7.

**Restricted rights** are those which may have to be restricted, usually to protect the rights of others.

**Your rights** can only be restricted if this is lawful **AND** for a legitimate aim **AND** proportionate. For example, the right to **hold** particular beliefs cannot be restricted but the right to **manifest** these beliefs may be restricted (Article 9).

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**Restricted** rights may be either **Limited** or **Qualified**

**Limited** rights, such as the right to liberty (Article 5), may be restricted only in explicit and finite circumstances, for example when someone commits a crime. Another example might be the right to life (Article 2) being limited by the right of the state to use force, no more than absolutely necessary, to protect people from unlawful violence.

**Qualified rights** are those requiring a balance between the rights of the individual and the needs of another, or of the wider community, for example, when your right to free speech may have to be restricted to protect someone else's right to privacy. This includes Articles 8, 9,10, 11.

## **When can a public authority interfere with a qualified right?**

A public authority must show that it has a specific reason for interfering with your rights, called a **legitimate aim**, including:

- > protection of other people's rights
- > national security
- > public safety
- > prevention of crime
- > protection of health

**The interference must be no more than is absolutely necessary** to achieve one of the aims of the Act.

This tool is adapted from the Ripfa Leaders' Briefing (2017) Embedding human rights in adult social care [give link](#)