

The Human Rights Act - What does it mean for us?

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Human Rights in Law



- The UK signed the European Convention on Human Rights in 1951.
- Since then, it is breaking international law if it does not respect the rights within this.
- The UK Human Rights Act (2000) was intended to bring these rights into UK law by placing a duty on public authorities to protect human rights.

Who is responsible?

- Public authorities include:
 - All central and local government agencies
 - The NHS
 - Social Services
 - Any person or agency who's 'functions are of a public nature' (which includes companies and charities when they are carrying out a 'public' function ... e.g. a private hospital hospital that is detaining someone under the Mental Health Act)
- If your human rights are infringed, you have the right to bring a case against the public authority concerned in the UK court system.
- If you are unhappy with the outcome, you have the right to take it to the European Court of Human Rights.
- This applies to anyone within the UK, irrespective of nationality

ECHR Articles

- 2: Right to life
- 3: Prohibition of torture
- 4: Prohibition of slavery and forced labour
- 5: Right to liberty and security
- 6: Right to a fair trial
- 7: No punishment without law
- 8: Right to respect for private and family life
- 9: Freedom of thought, conscience and religion
- 10: Freedom of expression
- 11: Freedom of assembly and association
- 12: Right to marry
- 13: Right to an effective remedy
- 14: Prohibition of discrimination

But ... violations are commonplace in 'mental health', for example ...



- Compulsory admission (article 5)
- Beliefs regarded as 'delusions' that lead to compulsory admission and/or treatment (article 9, 5 & 3)
- Behaviour regarded as 'symptomatic of illness' (article 10)
- Effects of psychiatric drugs (article 3 & potentially 2)
- Community Treatment Orders (most of them!)

How can this happen?



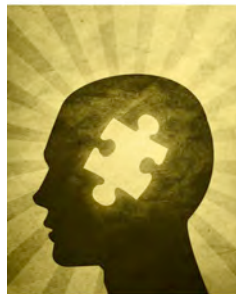
- All Human Rights legislation comes with caveats where many rights can be limited or restricted in certain circumstances.
- These rights are seen as 'limited' or 'qualified' rights.
- If restrictions are deemed 'medically necessary' and are protected by 'proper procedures' they are seen as OK by these conventions / acts.

What are the exceptions ...



- **Right to life** – intentionality, necessary force
- **Right to liberty** – ‘the lawful detention of persons of unsound mind’
- **Right to respect for private and family life, freedom of expression, freedom of assembly and association** – ‘in accordance with the law and necessary
 - in the interests of public **safety**
 - for the protection of **health and morals**
 - For the **protection** of the rights and freedoms of others

The fundamental issue



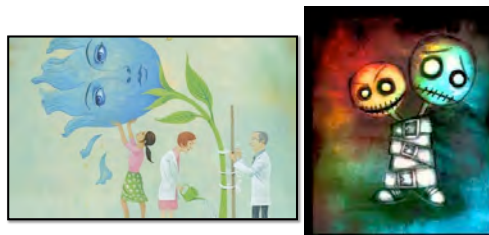
- The medicalisation of emotional distress and ‘mental health issues’ is problematic.
- Someone with a dx mental health problem can be viewed as being ‘not of sound mind’
- This allows society to restrict human rights in our ‘best interests’.

Society’s changing role



- When someone is seen as ‘OK’, the onus is on society to include and support people’s active participation

Society’s changing role



- During a crisis, when the person is seen as ‘acutely unwell’, society’s role shifts to one of protection

Notable by their absence



- Whilst it’s easy to concentrate on obvious and explicit HR violations in services, its hard to get HR campaigners involved in the more common ones.
- As long as human distress is seen as an illness, it will be hard to address some of these fundamental violations.
- We need to change this.

Lets find a way forward

