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Do you know your rights about ...

The Human Rights Act 1998 ?



The Human Rights Act 1998

The Human Rights Act 1998 came into force in Northern Ireland on 2 October, 2000. This means that rights under The European Convention On Human Rights are now part of our law in Northern Ireland.

Our local courts will now have to take the rights set out below into account when deciding cases.

The Northern Ireland Assembly has to make sure the laws it makes respect human rights.

Public Authorities like Trusts or Education and Library Boards, when making decisions must do so in a way, which respects human rights.

The Human Rights Commission has been set up under The Belfast (Good Friday) Agreement to promote human rights and advise the Secretary Of State and the Assembly about human rights.

What are my Human Rights ?

Remember young people have these rights as well as adults, but sometimes they will change according to your age and understanding.

Recently, some cases have been taken to The European Court Of Human Rights on behalf of children and young people about their rights. If you would like information about these cases you can contact our freephone number 0808 808 5678. The relevant articles of The European Convention On Human Rights (ECHR) are set out below.

Article 2

The Right to Life

Everyone's right to life shall be protected by law. This means that you have the right to live and that the government has to protect your right to live.

Article 3

Freedom from Torture, Inhuman and Degrading Treatment

This protects children and young people from serious harm. Solicitors for a young boy who was repeatedly caned by his stepfather recently argued successfully that this treatment was inhuman and degrading treatment and that the UK Government had failed to protect him by not having laws to prevent this happening.

Article 4

This article says that no one should be held in slavery or be forced into working when they have not agreed to it.

Article 5

Liberty and Security of the Person

This means that there are only certain circumstances when your freedom can be restricted or when you can be held in custody.

Article 6

The Right to a Fair Hearing

This means that if decisions are being made about your civil rights, which include issues about your family, then you have the right to a fair hearing.

Also if you are charged with a criminal offence you are entitled to a fair hearing. Under this article you have the right to an interpreter and the right to be informed in a language, which you understand, of the charges against you.

A recent case states that children and young people have the right to be able to understand and participate in legal proceedings affecting them. Always ask questions if you are not sure about decisions being made about you.

Article 8

The Right to Family Life

Everyone has the right to respect for his family and private life, his home and his correspondence. This is a very important article for children and young people who might be separated from their parents and brothers and sisters or who are in care or custody. You have a right to family life with people you are close to, as long as this will not cause you any harm. Under this article you also have a right to privacy.

Article 9

Freedom of Thought, Conscience and Religion

Everyone has the right to freedom of thought, conscience and religion. This right includes the right to change your religious beliefs, to worship, to teach and to attend religious ceremonies. This right must be balanced against the rights of other people, eg it would not be acceptable to say something which was very intolerant of another religion or caused a lot of distress to other people.

Article 10

Freedom of Expression

Everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and give information and ideas without interference by public authorities. This right has to be balanced against other people's rights. The restrictions are set out in the Convention.

Article 11

Freedom of Assembly and Association

Everyone has the right to freedom of peaceful assembly and to freedom of association with others. This right does not prevent the armed forces or the police from taking action to prevent disorder and crime or to protect the rights and freedoms of other people.

Article 12

Right to Marry

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

Article 14

Prohibition of Discrimination

Everyone is entitled to enjoy the Convention rights 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. This right can only be argued with one of the other rights, it cannot be used on its own, eg someone could argue that they had been discriminated against in relation to their right to family life on grounds of their religion.

Protocol One, Article 2

The Right to Education

A Protocol is simply something which is "added on". The right to education is added on to the Convention, but it still gives you the same rights.

The ECHR says:

No person shall be denied the right to education. It also says that the religious and philosophical beliefs of parents must be respected in schools. Children and young people have a right to an effective education. This is a very relevant article for children and young people who are excluded from school or who have special educational needs at school.

If you would like further information about your human rights, you can contact the Children's Law Centre. Our details are on the back of this leaflet.