

Chapter 3: Human rights law

Human Rights: the protections offered by the ECHR and the Human Rights Act 1998

This lecture covers half of the content of chapter 3 – the half that covers human rights. It is a fairly pedestrian account of the ECHR and the Human Rights Act 1998 which introduces the workings of Human Rights in the UK. The lecture is given a contemporary twist at the end by raising the question of human rights during (and subsequently to) Covid-19.

It is useful to start the lecture by checking what students know about human rights, and how it impacts upon their practice. Those in placements should know about human rights implications. All of the students are likely to be aware of notorious cases and hopefully will have something to add.

The lecture is designed to provide some context for the HRA 1998, look at the key mechanisms, look at the work of the Joint Parliamentary Committee on Human Rights, before describing articles that are key to social work practice.

Slide 4 and 5 consider origins of the current legal mechanisms . Slide 6 provides a judicial view of the Act which is augmented by slide 7. Perhaps here it is worth stressing the importance of protecting the rights of minorities. Some students (and politicians) find this difficult to grasp, why the views of the majority or of the elected government should not always prevail. Opportunities to expand, and to canvass opinion would be useful here.

Slides 8 – 10 provide a necessarily simplified explanation of how the Act works. It may be worth spending some time on the concept of margin of appreciation as it appears that is going to be a key focus of the current government's review of the Act – i.e. the margin of appreciation needs to be expanded for the UK.

Slide 11 covers key concepts. Each is worth expanding upon, in particular positive obligations which may become critical in the fall-out from Covid.

Slides 12 and 13 look at remedies. Worth stressing that damages are very limited, and really the purpose is to constrain illegal actions by the state.

Slides 14 – 16 look at the work of the Joint Committee on Human Rights – something that crops up again in the context of Covid-19.

Slides 17 – 20 explain key human rights. This can all be pulled together in a discussion about Covid -19 and human rights which may provoke some interesting discussion. Whose rights to life have been put at risk? What are the implications for those in prison, or other forms of detention? Virtual trials and school closures may also provoke some thought.

Slide 21 provides some resources. Slide 22 provides links to some ongoing work on human rights and Covid-19.