

Human Rights Act

There are three types of rights:

Absolute

Has there been an interference with the individual's convention right?
Absolute rights include the prohibition on slavery and torture and inhuman and degrading treatment.

Limited

Does the interference fall within one of the lawful exceptions within the article?
Each limited article contains an exhaustive list of exceptions to the right - if the exception is not on the list there is a breach.

Qualified

There are three questions:

Is the interference prescribed by clear and accessible UK Law?
(eg the Bail Act)

Does it pursue one of the legitimate aims set out in the article?
(e.g. Article 8 can be interfered with if it is in the interests of national security, public safety, the economic well being of the country, the prevention of disorder or crime, the protection of health and morals or for the protection of the rights and freedoms of other.

Is it no more than is necessary to secure that legitimate aim?
Don't use a sledgehammer to crack a nut.

LIST OF CONVENTION ARTICLES

Article 2	Right to life (limited)	Article 13	Right to an Effective Remedy (not incorporated in HRA)
Article 3	Prohibition of Torture (absolute)	Article 14	Prohibition of discrimination (qualified)
Article 4	Prohibition of Slavers (absolute) and Forced Labour (limited)	Article 15	Derogation in times of Emergency
Article 5	Right to liberty and security (limited)	Article 16	Restrictions on the Political Activity of Aliens
Article 6	Right to a fair trial (part absolute, part limited)	Article 17	Prohibition of Abuse of Rights
Article 7	No punishment without Lawful Authority (absolute)	Article 18	Limitation on use of restriction of rights
Article 8	Right to respect for private and family life (qualified)	1 st Protocol - Article	Protection of Property
Article 9	Freedom of Thought and Conscience & Religion (qualified)	1 st Protocol - Article 1	Right to Education (UK reservation)
Article 10	Freedom of expression (qualified)	1 st Protocol - Article 3	Free Elections
Article 11	Freedom of assembly and Association (qualified)	6 th Protocol - Article 1	Abolition of the Death Penalty
Article 12	Right to Marry (limited)	6 th Protocol - Article 2	Death Penalty in time of war