

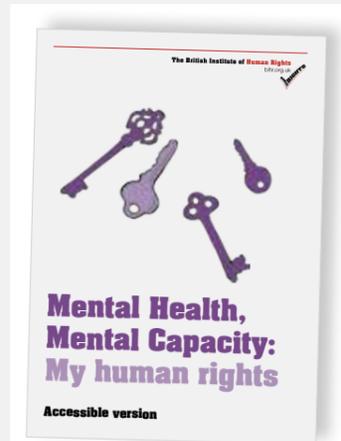
Mental Health, Mental Capacity: How are my human rights protected?

Accessible mini guide

Finding your way around our mini guides

This factsheet is one of ten mini guides about your human rights.

- 1 Mental Health, Mental Capacity: What are human rights?
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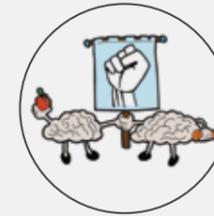
The information in these factsheets is taken from a booklet called 'Mental Health, Mental Capacity: My human rights.'

You can get a copy of the booklet by contacting BIHR or visiting our website: www.bihhr.org.uk/health

info@bihhr.org.uk
0207 882 5850

This factsheet is to help you understand your rights. It is not legal advice.

What is this mini guide?



This mini guide is about mental health, mental capacity and human rights.



This mini guide aims to give you information about how human rights can help you to have **more control over your own life** and be **treated with dignity and respect**.



This mini guide explains your human rights when you are receiving **health and care services**, e.g. at your GP, in hospital, community care, care homes etc.

This information can also help you with



education



housing



and dealing with the police.

How are my rights protected?



The Human Rights Act is the main way your human rights are protected in the UK.

The Human Rights Act contains a list of 16 rights (called 'Articles'). These rights are listed on the back page of this mini guide.

Three things you need to know about how the Human Rights Act works:



one

The Human Rights Act puts a legal duty on public authorities and officials to respect and protect your rights in everything that they do.



You don't need a lawyer to use the Human Rights Act. You can raise issues about your care or treatment directly with service providers. We explain this in more detail in the mini guide 'Mental Health, Mental Capacity: Who has duties to uphold my human rights?'



two

All other laws should respect your human rights

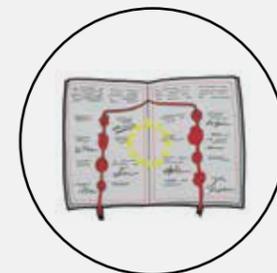
For example, if you are worried about how a part of the Mental Health Act is affecting your human rights, you can ask a court to look at this.



In real life: Sally is in a long-term relationship with another woman. She was diagnosed with paranoid schizophrenia and depression. Sally didn't get on with her mother and didn't see her.



Sally's local authority made her mother her "nearest relative", not her partner. Sally challenged this in court and it was decided that the word "relative" under the Mental Health Act should include same sex partners (R (SG) v Liverpool City Council, 2002. We made up the name).



three

The rights in the Human Rights Act are taken from the European Convention on Human Rights.

The UK helped write the Convention.

Before we had the Human Rights Act in the UK, you had to go to the European Court of Human Rights (in France) to help. This is far away and it can take years to get your case heard.



So the Human Rights Act brought these rights closer to home.



This means you can now ask your local court or tribunal to help you with your rights.

What rights do I have?



There are 16 rights in the Human Rights Act – a full list is on the back page of this mini guide.
The rights in the Human Rights Act are called ‘Articles’.

These are the most important human rights to do with your mental capacity and mental health care and treatment:



Right to life



Right to be free from inhuman and degrading treatment



Right to liberty



Right to respect for private and family life, home and correspondence



Right not to be discriminated against when relying on your other rights in the Human Rights Act

The rights protected by our Human Rights Act:



Right to life
(Article 2)



Right not to be tortured or treated in an inhuman or degrading way
(Article 3)



Right to be free from slavery or forced labour
(Article 4)



Right to liberty
(Article 5)



Right to a fair trial
(Article 6)



Right not to be punished for something which wasn't against the law when you did it
(Article 7)



Right to respect for private and family life, home and correspondence
(Article 8)



Right to freedom of thought, conscience and religion
(Article 9)



Right to freedom of expression
(Article 10)



Right to freedom of assembly and association
(Article 11)



Right to marry and found a family
(Article 12)



Right not to be discriminated against in relation to any of the human rights listed here
(Article 14)



Right to peaceful enjoyment of possessions
(Article 1, Protocol 1)



Right to education
(Article 2, Protocol 1)



Right to free elections
(Article 3, Protocol 1)



Abolition of the death penalty
(Article 1, Protocol 13)