

CILIP Briefing

The Human Rights Act (1998)

The Human Rights Act sets out the fundamental rights and freedoms that individuals in the UK have access to.

The Act came into force in 2000. It incorporates into UK law the rights contained in the European Convention on Human Rights (ECHR), drafted by the Council of Europe in 1950.

All UK law must be interpreted, so far as possible, in a way that is compatible with the rights and freedoms listed in the Human Rights Act [Section 3]. It is unlawful for a public authority, including the Secretary of State for Culture and local authorities, to act in a way which is incompatible with a convention right. [Section 6].

This will influence how the Secretary of State for Culture should exercise his duties under Section 1 of the Public Libraries and Museums Act “...to *superintend, and promote the improvement of the public library service provided by local authorities in England*” and local authorities their responsibilities under Section 7 of the same Act, “*it shall be the duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof...*”¹

The Articles or “*rights and freedoms*” are listed in Schedule 1 of The Human Rights Act.

A lack of guidance as to what constitutes a comprehensive and efficient library service has caused uncertainty about what local authorities should provide. This gives rise to a risk of arbitrary cuts by local authorities to library services. In these circumstances Articles 8, 10 and 14 are of particular significance to public library services

Article 8: Right to respect for private and family life. Everyone has the right to respect for their private and family life, home and correspondence

What this means for public libraries:

If a person’s private life extends to their enjoyment of a public service it follows that their ability to consult and borrow books and other materials from a public library is also relevant. Arbitrary cuts affecting the provision of library services are an interference with the rights of library users.

Article 10: Right to freedom of expression and information. This right includes the freedom to hold opinions, and to receive and impart information and ideas

¹ See the briefing on the Public Libraries and Museums Act 1964

What this means for public libraries:

Implicit in this right is the freedom to access information. In order to hold opinions, and to receive and impart information and ideas, a person needs to have access to a comprehensive resource “sufficient in number range and quality” and information across different formats and digital platforms. Arbitrary cuts to library services are likely to interfere with the rights of library users.

Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms shall be secured 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.

What this means for public libraries:

Any cuts in library services are likely to have a disproportionate impact on minority groups, and could be seen as discrimination on grounds of sex, race, colour, language etc. This reinforces the requirements of the Equality Act (2010) making it unlawful to discriminate, harass or victimise any person because of a protected characteristic².

Legislation

- [The Human Rights Act 1998](#)
- [Public Libraries and Museums Act 1964](#)
- [European Convention on Human Rights](#)

² See the briefings on Public Libraries & Museums Act 1964 and the Equality Act 2010