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## Examples of people who have used the Human Rights Act

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### Winning an inquiry into the Hillsborough football disaster

The first inquest into the Hillsborough disaster, which ultimately killed 97 people, blamed what happened on the behaviour of the fans. However, the families of those who were killed refused to accept this version of events.

After 27 years of striving for justice, a second inquest was announced in 2012 and the victims' families were able to use the Human Rights Act – notably, the right to life (Article 2) – to ensure the inquest had the power and scope to uncover the truth. The jury concluded that those who lost their lives were unlawfully killed, and that mistakes made by the police, ambulance services and those who designed and managed the stadium had contributed to their deaths. Crucially, it also found that the fans were not to blame for the disaster.

### Allowing older couples to stay together

Mr and Mrs Driscoll had lived together for over 65 years. Unable to walk unaided, Mr Driscoll relied on his wife to help him move around. She was blind and herself relied on her husband for support.

When Mr Driscoll was moved into a residential care home, Mrs Driscoll wanted to move with him but was told she didn't meet the criteria. This denial was a clear breach of Article 8 under the Human Rights Act – the right to respect for private and family life. Following a campaign, Mrs Driscoll's needs were reassessed, and the couple were reunited, setting an example to cite for older couples who want to remain together in a care home.

### Justice for a murdered mother

Maria Stubbings was murdered by her violent ex-partner, despite repeatedly asking the police for help.

Her daughter Celia used the Human Rights Act to hold the police to account for their catalogue of failings to protect Maria and in investigating her death. After Maria's killer was convicted, the coroner initially refused to continue an inquest. However, Celia was able to use the Human Rights Act, and Article 2 which protects the right to life, to legally challenge that decision. Following a full inquest, the jury concluded that Essex Police failed in almost every part of its investigation.

*"I never thought the Human Rights Act was relevant to me or my life, but what's happened has opened my eyes – domestic violence is a human rights issue. Mum was denied her right to be protected" – Celia Peachey*

You can read more about Maria's tragic story and the work to secure justice in a [blog written by Celia](#).

### John Worboys' victims challenge police failure to investigate

Two victims of serial sex offender John Worboys challenged the police of their failure to properly investigate him. The Supreme Court ruled that the police had failed to meet their positive obligations under the Human Rights Act to carry out an effective investigation into Worboys – who went on to attack at least 105 women – breaching the victims' rights under Article 3, the right not to be subject to torture, inhuman or degrading treatment. The claim was brought by two of Worboys' victims, who reported the attacks to the police in 2003 and 2007, after which there were many further attacks. Due to what the Court said were serious failures, officers failed to charge Worboys at an earlier stage. The use of

the Human Rights Act in this case was a major breakthrough for victims' rights, as the common law does impose a duty of care on the police to individuals in relation to the conduct of their investigations.

### **Equal rights for unmarried couples**

Siobhan McLaughlin had four children with her partner John Adams, but despite living with him for two decades was denied a £2,000 lump-sum bereavement payment when he died in 2014. Her application for a Widowed Parent Allowance, which could have meant up to £118 a week, was also refused.

Siobhan challenged this using the Human Rights Act, [with the Supreme Court ruling](#) that denying her of any widow bereavement benefits was in breach of Article 14 (protection from discrimination) and Article 8.

### **Protecting serving soldiers**

#### ***- Proper equipment for soldiers serving in the army***

Snatch Land Rovers were developed to transport troops in Northern Ireland but were later used in the Afghanistan and Iraq conflicts. They were so unsuited and unsafe for this role that they were nicknamed "mobile coffins".

Families of some of the 37 military personnel who died in Snatch Land Rovers used the Human Rights Act to challenge the Government. In 2013, [the Supreme Court ruled](#) that soldiers don't lose their rights when fighting overseas, prompting an apology from the Ministry of Defence and a commitment to no longer use them.

#### ***- Establishing a complaints ombudsman***

In 2011, Anne-Marie Ellement was a military police officer who tragically took her own life as a result of bullying and 'work-related despair'. An inquest failed to investigate the circumstances of her death.

Years later, using the Human Rights Act, Anne-Marie's sisters secured a fresh inquest relying on the right to life, and a rape investigation under Article 3 – the right not to be subject to torture and inhuman or degrading treatment. As a result, a trial took place in which two former soldiers were acquitted, but the Ministry of Defence announced it would establish a complaints ombudsman to investigate complaints made by troops.

#### ***- Tackling serious sexual offences***

In 2020, an independent judge-led review into the military justice system made recommendations to improve the investigation and prosecution of serious sexual offences within the armed forces. However, the Government refused to implement the main recommendation of taking such cases out of the military justice system and passing them to civilian authorities.

Three servicewomen who had been victims of sexual assault by servicemen in the UK used the Human Rights Act to launch a judicial review of the Ministry of Defence's refusal. This resulted in a clause being added to the Armed Forces Act 2021 which placed the policy on concurrent jurisdiction between the military and civilian authorities on a statutory footing. It also led the Ministry of Defence to agree to a review all its internal policies and protocols governing the handling of sexual offences, and to issue a new Defence Instruction Notice (DIN) that would require all service personnel to be informed of their right to report any matter to the civilian police.

### **Right to marry regardless of religious beliefs**

In 2005, Karen Watts and Martin Reijns became the [first couple in Britain to have a legally recognised humanist wedding](#). Until then, couples who chose a humanist ceremony had to hold a second, civil ceremony to give their marriages legal status.

Under the Human Rights Act, the Registrar General ruled that refusing to recognise their weddings amounted to discriminating against them because of their beliefs.

### **Challenging racist violence in prisons**

Zahid Mubarek was sentenced to 90 days' detention for theft and in prison was described as a "model prisoner". In March 2000, five hours before he was due to be released, Zahid was beaten to death by Robert Stewart, a racist with a history of violence with whom he was made to share a cell.

Using the Human Rights Act, the Mubarek family fought for an independent public inquiry under Article 2, to investigate deaths where the state might be implicated. A court found in the family's favour and agreed that the investigations surrounding Zahid's death were not sufficient to meet the standard required by the right to life.

### **Helping ensure funerals accord with beliefs**

Under Jewish and Islamic law, bodies must be buried on the day of death or as soon as possible afterwards. However, a Senior Coroner whose jurisdiction is home to large communities of orthodox Jews and Muslims was operating a policy that barred religious reasons from being taken into consideration when deciding whether or not to expedite a case. On the basis of the Human Rights Act, in 2018 [the High Court ruled](#) that this was discriminatory and contrary to Jewish and Muslim people's right to freedom of religion (Article 9). The coroner must take all relevant considerations into account, including religious reasons, when prioritising cases.

### **Proper responsibility for the Spycops Scandal**

In September 2021, the Investigatory Powers Tribunal ruled that a female activist who had been deceived into a long-term sexual relationship with an undercover male police officer, had been subjected to inhuman and degrading treatment, sex discrimination and violations of her rights to private and family life, freedom of expression and freedom of assembly and association.

Under the Human Rights Act, [the Tribunal ruled](#) that this was "not just a case about a renegade police officer who took advantage of his undercover deployment to indulge his sexual proclivities", as police leadership had argued, but rather that the police leadership were responsible for a "formidable list" of severe human rights violations as a result of institutional failings by senior officers in their authorising and supervising of the undercover operation.

### **Challenging modern-day slavery and trafficking**

Patience Asuquo was brought to the UK as a domestic worker and nanny, where for two and a half years she was physically and mentally abused. She was never paid, and her employer withheld her passport. Patience eventually managed to escape – only to be met with police disinterest.

Following a challenge using the Human Rights Act, the police reopened the case and Patience's employer was finally prosecuted on the basis that her right not to be subject to slavery and forced labour (Article 4) had been breached.

### **Ensuring proper care from the NHS**

Following reports which estimated that as many as 1,200 people had died unnecessarily at Stafford Hospital between 2005 and 2008 due to the "appalling" standards of care provided, the affected families were able to launch 119 legal claims against the Mid-Staffordshire NHS Trust using the Human Rights Act, arguing that their Article 2 rights had been breached. One of these families were Frank and Janet Robinson – who's son John died after doctors at the Hospital failed to diagnose a ruptured spleen.

This forced the Government to hold a thorough public inquiry into what went wrong, which made numerous recommendations to prevent anything similar happening elsewhere.

## **Abortion rights in Northern Ireland**

Litigation using the Human Rights Act was an integral part of the movement towards finally overturning Northern Ireland's near total abortion ban, decriminalisation and securing lawful access to the healthcare. A case taken by the Northern Ireland Human Rights Commission, in which Amnesty International UK and Sarah Ewart were key intervenors, reached the UK Supreme Court in 2018 and a further case in 2019 taken in the Northern Ireland High Court by Sarah Ewart proved critical. Sarah had been refused an abortion in Northern Ireland despite her pregnancy being diagnosed with a fatal foetal impairment. The case established that Northern Ireland abortion law as it stood at the time was incompatible with Article 8, the right to respect for private life.

## **Winning dignified care provision**

Jan Sutton had multiple sclerosis. For years, Jan's local council only paid for carers to make a limited number of short 30-minute visits to her home. They would help Jan wash, dress and use the toilet, but the rest of the time she was confined to bed. It was degrading and left her with a desperately difficult life.

Jan took legal action under the Human Rights Act to secure better care from the council and won. She was able to enjoy a better quality of life because of the case and became a committed campaigner for human rights and the Act.

## **Protecting a person with Asperger syndrome from extradition**

Gary McKinnon is a British man with Asperger syndrome, who was accused in 2002 of hacking into NASA and Pentagon computer systems while searching for information on UFOs. Instead of allowing him to be tried in the UK, the US Government attempted to have Gary extradited to the USA, where if convicted, he could have faced 60 years in jail.

Gary was spared extradition by the Human Rights Act as in 2012, the then Home Secretary announced that the threat to Gary's health was so high that sending him to trial in the USA would be incompatible with the UK's responsibility to protect his human rights.

## **Protecting privacy of innocent people**

When a 12-year-old boy and a middle-aged woman were arrested but then had all charges against them dropped, the police refused to destroy the DNA samples and fingerprint records they'd taken.

In both cases, the Human Rights Act helped them challenge that as the court found that their privacy had been breached and that police policy was disproportionate.

## **Helping parents care for their children**

When five-year old Cameron Mathieson was in hospital with a life-threatening condition, his parents needed to temporarily give up work to care for him. The Department for Work and Pensions, however, refused to provide Disability Living Allowance for any more than 84 days. His parents challenged this in the Supreme Court, using the Human Rights Act to successfully argue that the policy was unjustifiably discriminatory. Following the Supreme Court judgment, the 84 day policy was changed, which means that other families who would otherwise be unable to afford to visit and support their children, are now able to do so.

## **Winning equal housing rights for same-sex couples**

Juan Godin-Mendoza is a gay man who proved that he had as much right to take over a protected tenancy after the death of his partner as the survivor of a married or cohabiting heterosexual couple.

The Supreme Court ruled that the Human Rights Act required courts to read the phrase “surviving spouse” in the Rent Act as including the surviving partner of a same-sex couple, well before equal marriage was legal.