Logo: Do the Human Right Thing - Keep the Human Rights Act

human rights acT

1. **Keeping elderly couples together:**

A couple were both hurt in a fall. The husband could no longer care for his wife, who had Alzheimer’s, because of his injuries. Social Services threatened to move her into a care home that was too far for him to reach. With help, he argued Social Services had an obligation to consider the couple’s right to family life and this convinced them to keep her close to him.

In a similar case, a husband and wife had lived together for over 65 years. He was unable to walk unaided and relied on his wife to help him move around. She was blind and used her husband as her eyes. They were separated after he fell ill and was moved into a residential care home. She asked to come with him but was told by the local authority that she did not fit the criteria. After relying on their family rights, the authority agreed to reverse its decision and offered the wife a subsidised place so that she could join her husband in the care home.

**b. Stopping blanket Do Not Resuscitate (DNR) Orders**

An elderly man with dementia went into hospital. When his advocate saw a DNR Order on his file she was told everyone on the ward got one automatically. She successfully challenged this policy using the right to life and the right not to be discriminated against.

**c. Young learning disabled girl denied school transport**

A local authority had a policy of providing school transport for children with special educational needs living more than 3 miles from their school. A young learning disabled girl lived 2.8 miles from the special school she attended. Despite being unable to travel independently, she was advised by the authority that she should instead take two buses to and from school each day. The mother approached the head teacher of the school and explained that the decision was a disproportionate interference with her daughter’s right to respect for private life, given the failure to consider her specific circumstances. The head teacher took the issue to the local authority, and the decision was reversed. Thereafter the young girl was provided with transport to and from school.

**d. Removing children from a mother living in poverty and temporary accommodation**

A woman living in poverty left her partner after discovering that he had been abusing their children. She and the children were placed in temporary bed and breakfast accommodation but were regularly moved. Over a period of six months, the family was accommodated in three different London boroughs. Eventually, the woman was informed by social workers that the children would be removed from her and taken into care. They claimed that she was an ‘unfit’ parent because she was unable to provide stability for her children and was having difficulty getting them to school. Relying on her and the children’s right to respect for private and family life, and the children’s right to education, she asked the authority to prove, on the basis of its track record, that it was better placed than her to secure these rights for her children. After being challenged in this way, the department decided not to remove the children, although they remained on the ‘children at risk’ register. Within three weeks, stable accommodation was found for the family and they were assisted to purchase the furniture and other goods required to set up a home together.

**e. Learning disabled couple challenge the use of CCTV cameras in their bedroom at night**

A learning disabled couple were living in a residential assessment centre so their parenting skills could be assessed by the local social services department. CCTV cameras were installed, including in their bedroom. Social workers explained that the cameras were there to observe them performing their parental duties and for the protection of their baby. The couple were especially distressed by use of the CCTV cameras in their bedroom during the night. They successfully invoked their right to respect for private life. They explained that they did not want their intimacy to be monitored, and that, besides, the baby slept in a separate nursery. As a result, the social services team agreed to switch off the cameras during the night so that the couple could enjoy their evenings together in privacy.

**f. Protecting trafficking victims**

Four girls were trafficked to the UK from Nigeria when they were 11 to 15 years old. They were forced to work as unpaid servants for families in London and subjected to serious physical and emotional abuse. The police did not investigate their abuse claims. The Court found that the police had a duty to investigate credible allegations of ongoing or past slavery and that the failure to conduct an investigation was a breach of the girls’ human rights to be free from torture, inhuman and degrading treatment (article 3 of the Convention) as well as a breach of their human rights to be free from slavery (article 4 of the Convention). The police eventually agreed to undertake an investigation into the girls' abuse. This led to the conviction of the woman responsible.