

# HUMAN RIGHTS ACT UNDER THREAT



UNIVERSITY OF DERBY MULTIFAITH CENTRE  
Kedleston Road, DE22 1GB  
11 10 2011; 7 00 for 7 30



## PROGRAM

7 00: Refreshments and sign-in

7 30: Opening: Katrina North (Amnesty International, Derby)  
and Sanchita Hosali (British Institute Human Rights)

7-35: Introduction: The Human Rights Act (1998):  
Jamie Grace, University of Derby Law School

8-05: Choose one from these six groups on the HRA and:



Privacy and family life: Age UK (Human Rights Group) and  
Sanchita Hosali, British Institute of Human Rights

Members of ethnic minority groups:  
Kirit Mistry, Race Equality Commission



Criminal defence for UK citizens: Mark Jones, St.  
Ives, Birmingham; Midlands HR Lawyers Group

The human rights of vulnerable asylum seekers:  
Deirdre Sheahan, Paragon Law, Nottingham

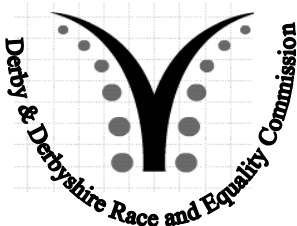
Deportation of foreign criminals - their rights and the  
rights of their pets: Mark Lilley-Tams, Paragon Law



Privacy, free speech & the Internet:  
Jamie Grace, University of Derby Law School

9.00: Plenary feedback from Groups

9-15: Action outcome and looking ahead: Letters to  
Ministers and MPs about the Human Rights Repeal Bill, 2<sup>nd</sup>  
reading: 16 12 2011.



More information and links: <http://www.amnesty-hra.org.uk>

Tel: 01629 822915; email: [hra.amnesty@btinternet.org.uk](mailto:hra.amnesty@btinternet.org.uk)

## **PRESENTERS:**

### **Jamie Grace: Lecturer in Public Law, University of Derby Law School**

The Human Rights Act is a key element of Public Law (the law relating to institutions of state), which Jamie teaches in the University of Derby Law School. The Law School has the rare accolade of not only teaching Human Rights law as an optional subject to final year and postgraduate students, but also as a required subject to all first year students. Jamie also researches in the IT department of the University, working on the compliance of state institutions' IT practices with the Human Rights Act, for example with Article 8, the Right to Privacy and Family Life.

Further, Jamie is an enthusiast for teaching the law to non-lawyers. With the 'phone hacking scandal still reverberating, Jamie's input to this meeting is clearly both relevant and timely.

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### **Ray Gumbley: Derby Manager, Age UK Derby and Derbyshire**

Qualified in social work and in counselling, Ray received human rights training with the British Institute of Human Rights, and finds the HRA's clear statements of basic rights an extremely useful structure when he is negotiating on behalf of vulnerable elderly people, with state agencies and other providers who are paid out of the public purse. For example, the Right to Family Life (European Convention Article 8) is relevant to the still frequent practice of separating elderly couples when they enter residential care.

On his Twitter site, Ray expresses the fear that is central to this evening's meeting: that in the process of replacing the Human Rights Act with a British Bill of Rights, the standards guaranteed by the Act will be eroded, leaving the vulnerable in our society less well protected.

Age UK Derby has established a Human Rights volunteer group, some of whom will join us this evening

<http://twitter.com/raygumbley> ; [raygumbley@ageikderby.org.uk](mailto:raygumbley@ageikderby.org.uk)

### **Sanchita Hosali**

Sanchita is a lawyer with a post-graduate qualification in Human Rights law. She is Acting Policy and Public Affairs Manager at the British Institute of Human Rights, a national NGO committed to campaigning for the Human Rights Act, and to HRA-related training for professionals and campaigners in health care, social care, the voluntary sector, etc. She has significant experience in Human Rights law, including in the UN Human Rights Commissioner's office in New York. Before this she was extensively involved in research, policy, and strategy development with a particular emphasis on women's, and black and ethnic minority people's rights.

In the Institute, Sanchita has most recently developed policy about the European Convention Article 8, the Right to Privacy and Family Life. Although it is used by many professionals and families to help vulnerable people such as the elderly and the disabled, there are others who regard this right as contentious, because it can be quoted in Court to help immigrant criminals with families in Britain avoid deportation. The Home Secretary declared at the Conservative Party Conference, that she would change the rules by which the UK Border Agency interprets Article 8, and the agency had already been consulting about such a change. The British Institute of Human Rights believes that this may be part of a process to limit the right to privacy and family life in many everyday situations, including involving older people, disabled people, children, health and social care, local government and policing. The Institute also found that the questions posed by the Border Agency / Home Office in the consultation are invalidly phrased, because they tend to elicit the answers the agency and the government want, and not the true feelings of the respondent.

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### **Mark A. Jones: St. Ives Chambers, Birmingham; Midlands Human Rights Lawyers Group**

Mark is a criminal defence barrister and head of Human Rights Law at St. Ives Chambers, a large Birmingham law company. Mark has defended clients, particularly members of minority groups, juveniles and the mentally ill, when charged with a wide range of the most serious offences, often at the High Court and at the European Court of Human Rights.

Mark's international human rights work includes consultancies in human rights law and the rule of law to the UN, the Council of Europe, and other international organisations, as well as NGOs. He has advised governments of fifteen post-soviet countries, providing assessments of their national human rights standards, training Supreme Court and Constitutional Court judges, police, etc. in new, democracy-compliant methods, and advising on human rights issues in proposed legislation. Mark is a member of many professional associations, and he recently founded the Midlands branch of the Human Rights Lawyers' Group. . We are fortunate to have his help this evening to discuss the Human Rights Act and criminal defence.

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### **Mark Lilley-Tams: Paragon Law, Nottingham**

Mark lives in Derbyshire and is associate solicitor with the highly successful law company, Paragon Law, Nottingham, which is an acknowledged international leader in immigration law. Paragon advises multinational companies and individuals on their responsibilities and rights under international treaties including human rights treaties, and they receive briefs for immigration and human rights casework from many countries, often through their offices in Ludhania and Shanghai.

Mark heads Paragon's Deportation and Detention department, dealing with often troubling appeals by convicted prisoners who have served their sentence and have family ties in the UK (European Convention Article 8). He has successfully represented clients before all forums from the Immigration and Asylum Tribunal to the Supreme Court and the European Court of Human Rights.

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[http://www.paragonlaw.co.uk/index.php/about/bio/mark\\_lilley/deportation\\_and\\_detention](http://www.paragonlaw.co.uk/index.php/about/bio/mark_lilley/deportation_and_detention)

### **Kirit Mistry: CEO, Derby and Derbyshire Race and Equality Commission; Chair, East Midlands Race Equality Consortium.**

Kirit has expertise in addressing inequality issues on local, regional, national, European and international levels. His early professional years were mainly devoted to youth work, including capacity building among minority young people in various European states. Then for many years when based in Leicester, he extended this remit to the care, mental health, and drugs sectors. Among other roles, he worked for the East Midlands Care Services Improvement Partnership on the important action plan: Delivering Race Equality in Mental Health; and also on the National Drugs Strategy, where he was Development Officer for Black and Asian Drug and Alcohol Professionals and Communities.

As CEO of the Race Equality Commission, Derby and Derbyshire, projects include racial hatred and abuse, and the drugs issue among minority young people. As well as the offices mentioned above, Kirit is also Vice-chair of the Derby City Minority Communities Diversity Forum, a newly formed body devoted to strengthening links between the various new communities in the city.

[Kiritmistry@derbyrec.org.uk](mailto:Kiritmistry@derbyrec.org.uk); <http://www.equalitiesem.org>

### **Deirdre Sheahan: Paragon Law, Nottingham**

Also associate solicitor at Paragon Law, Nottingham (see above), and head of the Asylum team, Deirdre has extensive experience in human rights cases involving politics (Freedom of speech and of association, ECHR Articles 10 and 11); religion (Freedom of belief, ECHR Article 9); ethnicity and social groups (various articles, especially 14). Her particular expertise relates to especially vulnerable clients, e.g. asylum seeking children, and victims of gender-based violence. She undertakes appeals for asylum from many countries, but is particularly interested in Eritrea, Sudan and Iran.

Deirdre was solicitor for HJ in the case of two gay men, HJ (Iran) and HT (Cameroon) v. Secretary of State for Home Affairs, when the UK Supreme Court rejected the Appeal Court's view that the men had no need of asylum because they would be able to conceal their sexualities if returned to their home countries. This was a landmark and truly humane judgment. Currently, the UK has a reputation for good human rights standards, and this ruling will influence similar cases around the world.

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**More information about our group discussion presenters on: <http://www.amnesty-hra.org.uk>**

## **European Convention on Human Rights**

Rome, 4 11 1950: Council of Europe Treaty series 05

- 1: Signatory states must secure these rights:
- 2: To life ... Protocol 6 (1983): abolition of the death penalty
- 3: To freedom from torture, inhuman or degrading treatment
- 4: To freedom from slavery and servitude
- 5: To liberty except according to the law
- 6: To a fair and public hearing by an independent tribunal  
... everyone shall be presumed innocent until proved guilty
- 7: No retroactive criminality
- 8: To respect for his private and family life
- 9: To freedom of thought, conscience and religion
- 10: To freedom of expression  
... this carries duties & responsibilities
- 11: To peaceful assembly and association
- 12: To marry and found a family ... if of marriageable age
- 13: To effective remedy if these rights are violated
- 14: All these rights shall be secured without discrimination
- 15: Opt-out in time of war or public emergency ...  
but not from 2 (except lawful deaths from the war) or 3, 4 or 7

### **Protocol 1 (1952):**

**Article 1: Right to peaceful enjoyment of property**

**Article 2: Right to education**

**Article 3: Right to vote in an election**

### **The Human Rights Act (1998)**

incorporated the Convention (except Art. 13) into UK domestic law, adding:

**HRA Section 3: Legislation must be interpreted so that it is compliant with the Convention rights**

**HRA Section 4: Senior courts must issue a Certificate of Incompatibility for non-compliant existing laws**

**HRA Section 6: Public authorities must conduct their work in compliance with the Convention**

Links to ECHR & HRA from <http://www.amnesty-hra.org.uk>