

## THE HUMAN RIGHTS ACT OUTSIDE OF THE UK

### *Character Role*

You are a UK soldier serving in the British Army. It is 2005 and you are currently on duty in a foreign country as part of a UK military operation.

One evening, while on patrol in a military vehicle provided for this purpose, your vehicle is hit by an enemy explosive device.

The military vehicle is only lightly armoured and is not designed to provide any significant protection against these type of explosives. Your colleague is killed immediately, while you are seriously injured by the attack. Had you been travelling in a more expensive military vehicle which offered better protection against these type of explosives, it is likely that you would not have been injured to the same extent and your colleague is unlikely to have been killed. However, due to budget constraints the Ministry of Defence argues that it did not have enough money to provide these more expensive vehicles in your area.

### **Questions:**

1. Are you entitled to human rights protection? On what basis?
2. Which human right may have been breached?
3. How can the UK Government ensure that your rights are not violated?

## THE HUMAN RIGHTS ACT AND PRIVATE COMPANIES

### *Character Role*

You are an elderly and frail woman in a care home. You find it difficult to walk unassisted and you need assistance in most of your day-to-day activities.

The care home is run by ABC Homes. ABC Homes is a private company. However, your place in the care home is funded by your local authority, Tweedlesdale Council, after ABC Homes won the council's contract to provide their care services. The Council is required by law to provide care services in Tweedlesdale and chooses to do so by paying for spaces in ABC Homes private care home. It believes that ABC Homes have the expertise and staff to run the service more efficiently than it would.

One of the care workers who helps you to carry out your daily activities has been treating you very poorly. On occasion, the care worker has thrown over your walking frame causing you to fall and injure yourself. Furthermore, the care worker has threatened to slap you on a number of occasions when you moved too slowly for their liking, although they have not actually done so. Last week the care worker refused to help you visit the bathroom for hours, leaving you with no way to access the toilet.

### **Questions:**

1. Are you entitled to human rights protection? On what basis?
2. Which human right(s) may have been breached?
3. Should you be entitled to human rights protection? How can the public authority ensure that your rights are not violated?

## THE HUMAN RIGHTS ACT AND PRIVATE COMPANIES

### *Scenario Sheet*

Neave Campbell is a famous actress who is currently appearing in one of the summer's biggest blockbuster film releases 'Godzilla'. She has recently married her co-star, John Clooney, who is also a very famous actor. During the promotion of the film, both Neave and John have spoken at length about how 'Godzilla' brought them together and led them to find true love. 'Hiya' magazine bought the exclusive rights to their wedding for £5 million and has recently published the photos of the wedding. As part of the exclusive rights package, Neave and John also provided an interview to Hiya magazine in their new home together, along with photos of them relaxing in their newly purchased mansion.

Alongside her movie star commitments, Neave is also leading an anti-drugs campaign on behalf of a national charity. She has appeared in adverts for them and has also given interviews publicising the campaign.

A photographer receives a tip from a nurse at a drugs rehabilitation clinic that Neave has been attending the clinic as she has issues with drugs. Following the nurse's tip, the photographer photographs Neave leaving the clinic by the back door, following a session at the clinic. The Moon Newspaper publishes the photograph taken by the photographer on its website, along with a story about Neave's drug habit. The article includes details about the treatment Neave has been receiving.

Neave is distraught and takes her case to court. She believes that the photo should not have been published as it breached her Article 8 right to privacy. However, the editor of the Moon believes the story was in the public interest and its decision to publish the photograph was protected by the right to freedom of expression in Article 10.

**As your client's lawyer, the court asks you to put forward your case on:**

1. Whether there has been an interference with Neave's privacy
2. And if so, whether that interference is justified