

## Gove threatens to scrap our Human Rights Act

# 15 reasons he must not succeed

By Hugh Mann-Wrights

1. Military police officer **Anne-Marie Ellement** reported she had been raped by two colleagues in 2009. The claim was investigated by other military police officers – no charges were brought. Anne-Marie later committed suicide after suffering horrendous bullying. Last year the Human Rights Act (HRA) secured a fresh, independent investigation into the allegations of rape.

2. **Melanie Rabone** was voluntarily admitted to hospital in 2005 after becoming suicidal. She was allowed to leave and took her own life. The Supreme Court's landmark judgment saw little difference between detained and voluntary



**Michael Gove: The UK's new Justice Secretary**

(Image: Paul Clarke)

patients, and hospitals must now safeguard the right to life whenever they ought to know there is a risk of suicide.

3. In *Financial Times v UK* the European Court found that the forced disclosure of journalistic sources

would have a serious chilling effect on press freedom and constituted a disproportionate interference with Article 10, the right to freedom of expression.

4. In 2014, Liberty used Articles 3 and 8 to prevent Dorset Police returning

photographs of his young victims to a paedophile. The perpetrator had requested the return of his computer, which contained the images, and police believed they were powerless not to. The HRA convinced them otherwise.

5. In 2010, the European Court ruled that Section 44 stop and search powers without suspicion were unlawful after a

journalist and a peaceful protester were subjected to lengthy searches and stopped from attending a demonstration. The Coalition Government then repealed the power.

6. Mary (name has been changed) was tortured and raped for hours on end by security forces in the DRC. When she sought asylum in the UK she was detained at an immigration removal centre, examined intimately and closely supervised by male security staff. Liberty is using the HRA to challenge Mary's detention and traumatising treatment.

7. **Joanna Michael** was brutally murdered in her home by her ex-partner in 2009, while her children were upstairs. That night, she called the police twice - but vital information wasn't passed on and her call was downgraded. Unable to sue police for negligence, the HRA is her family's only hope of justice.

8. **Gary McKinnon**, who has Asperger's syndrome, was charged with hacking into US Pentagon and NASA computer systems between 1999 and 2002. Liberty and his lawyers argued that - as the crime was committed on British soil - a British judge should decide if he should face justice here in the UK. The Home Secretary halted Gary's extradition on grounds that it would

be incompatible with Article 3.

9. **Patience Asuquo** was brought to the UK on a domestic worker visa and forced to work, without any time off, for almost three years. Her "employer" confiscated her passport, withheld pay, verbally and physically abused her. She escaped - but police refused to take her allegations seriously. Using Article 4 - no slavery or forced labour - Liberty forced police to investigate and her employer was eventually prosecuted.

10. In 2008, Poole Council received an anonymous tip-off that **Jenny Paton's** family was lying about living in a school catchment area. They had lived at the property in question for 10 years. The Investigatory Powers Tribunal held that putting the family under surveillance was a breach of their right to a private and family life.

11. In 2009, **Suzanne Breen**, editor of the *Sunday Tribune*, was ordered to hand over notes containing information on the Real IRA. She argued that this would endanger the lives of herself and her family, and compromise her sources. The High Court in Belfast ruled her sources were protected under Article 10 of our HRA.

12. **Naomi Bryant** was

killed by convicted sex offender Anthony Rice while he was on licence from prison in 2005. Acting for Naomi's mother, Liberty used Article 2, the right to life, to secure an inquest which found mother-of-one Naomi was unlawfully killed due to an astounding series of public authority failings. The jury found that errors by the prison, parole board, probation services and other agencies directly contributed to Naomi's death.

13. **Private Cheryl James** died from a gunshot wound at Deepcut Barracks in 1995. Her death was investigated by the Army, evidence was ignored and the inquest was deeply flawed. Last year Liberty used the HRA to secure documents about

Cheryl's death and a fresh inquest has been ordered.

14. HL, an autistic man, was admitted to a psychiatric hospital for four months against his carers' wishes. In 2004, the European Court held he had been deprived of his Liberty. Deprivation of liberty safeguards were then introduced, aimed at ensuring people are not unnecessarily denied their freedom.

15. The European Court of Human Rights ruled in 2009 that the police's refusal to delete DNA samples and profiles and fingerprints of innocent children and adults was a breach of Article 8. The Government then introduced the Protection of Freedoms Act 2013 - and more than one million samples and profiles were deleted.

### Clarifications and Corrections

AN ARTICLE of 11 May, published in the *Daily Mail*, entitled 'Gove's first big job: 15 reasons he must not fail', contained a number of major inaccuracies. For the full, accurate story, visit [www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk).

