

REPORTING HUMAN RIGHTS

**A PRACTICAL GUIDE
FOR JOURNALISTS**

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REPORTING HUMAN RIGHTS

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A practical guide for journalists

CONTENTS

FOREWORD	JON SNOW	5	CHAPTER 4	MAKING CONNECTIONS	57
INTRODUCTION	BOB SATCHWELL	6		Older people	62
CHAPTER 1	THE FACTS	8		People with disabilities	67
	What are human rights?	10		People in poor health	73
	Who has human rights?	12		Young people	77
	Different types of rights	13		Carers	80
	Principles protecting human rights	15		The environment	83
	Rights protected under the Human Rights Act	18	CHAPTER 5	RESOURCES AND CONTACTS	87
	How does the Human Rights Act protect us?	20		Reporting standards and codes of conduct	87
	A British Bill of Rights	21		Contacts in the media	89
	Scotland, Wales and Northern Ireland	21		Official and statutory bodies	92
	Statutory bodies dealing with human rights	22		Organisations with a rights-based approach	95
	Why do human rights matter?	24	APPENDIX	NOTES ABOUT THE AUTHORS	103
	10 key things about human rights	26		References	104
CHAPTER 2	THE MYTHS	28			
	Eight myths about human rights	30			
	Why have these myths taken hold?	32			
CHAPTER 3	REPORTING HUMAN RIGHTS	36			
	The importance of accuracy	37			
	Accurate reporting	38			
	Inaccurate reporting	41			
	When journalists lack information	42			
	Reporting inaccuracies	44			
	Getting the balance right	44			
	Politicising human rights	47			
	The importance of language	50			
	The power of images	53			
	How can reporting be improved?	55			



FOREWORD BY JON SNOW

NEWSCASTER CHANNEL 4 NEWS

At last, a guide to the Human Rights Act that is both accessible and plain speaking.

It would be hard to exaggerate the depth of the media's ignorance over just about everything to do with the Act. This is a complex and in some ways confusing piece of legislation, which of course had the added aspect of having become part of UK law via its origins in the European Convention on Human Rights (despite the reality that Britain has been signed up to the Convention for fifty years and UK lawyers helped draft it).

Consequently, many of the Act's legal ramifications have become entwined with the political debate. It was in part to address both the complexity and mythology that had grown up around the Human Rights Act that the Society of Editors has supported the writing of this guide.

This is not a book that many journalists are likely to read from cover to cover. The intention – through the use of headings, subheadings, and a comprehensive contents section – is to use this guide as a ready reference resource.

The Act is put into its historical perspective – born of the dying embers of the Second World War – many of the standard myths surrounding it are posed and dispelled. The fundamental principles of human rights are set out.

There's an excellent section identifying specific examples of accurate and inaccurate reporting on human rights.

For myself, I believe the true value of the Act is only now becoming more widely understood and supported in the population at large. I'm convinced that assisting journalists to understand the Act really will serve to consolidate the Human Rights Act at the very heart of our democracy.

INTRODUCTION

BY BOB SATCHWELL

SOCIETY OF EDITORS EXECUTIVE DIRECTOR

Human rights are fundamental freedoms to which all people are entitled. They are about being treated with dignity and respect. They are especially important to vulnerable or less powerful people – children, those in ill health or in care. But they apply to all and this guide is designed to help journalists explain just what they are.

Human rights law grew out of a desire to prevent repetition of the behaviour of totalitarian regimes and the horrors of the Second World War. The aim was to protect citizens from oppression by the state. That led to the adoption of the Universal Declaration of Human Rights in 1948 and the European Convention on Human Rights, an international agreement of the Council of Europe – not the European Union – which came into force in 1953.

British lawyers, politicians and civil servants contributed significantly to the development, which meant that they incorporated rights and freedoms won over centuries and which were already part of British Common law.

It is hard to believe that any journalist would be opposed to “human rights” but that does not mean that we should not question legislation or even suggest it should be repealed or amended. What is important is that journalists and our readers, listeners and viewers come to conclusions about the issues based on the facts. We are entitled to ask why lawyers with a vested interest make such a legal minefield of those issues, or why bureaucrats, jobsworths, or those who should know better, misuse the law.

The rights in the European Convention were encapsulated in the Human Rights Act in 1998. This requires all public authorities in the UK to uphold and act in accordance with the basic 15 human rights found in the Act that lay down the principles by which

all decisions in public life should be made. They also provide a framework for interpreting other laws while preserving the sovereignty of Parliament.

But the Human Rights Act was never meant to be just a legal tool. Its values – fairness, respect, equality, dignity and autonomy – say something fundamental about how we should treat one another and provide a value system that should underpin the way our public services are developed and delivered.

The Human Rights Act has frequently been misunderstood. Myths have grown up which become entrenched. Balance is supposed to be inbuilt. Most individual rights can be limited or qualified to take account of public safety and the wider rights of everyone. In the case of the media there is on-going debate about the balance that has to be struck between freedom of expression and privacy.

How we treat those who behave badly is one test of a mature, free society but not at the expense of the majority. Human rights affect how our children are treated at school, and what standard of care we receive in hospital or in a nursing home. They are particularly important for those whose dignity and autonomy are most at risk. There is nothing in human rights that should prioritise the criminal over the victim, the terrorist over the law-abiding public or the immigrant over the citizen. Journalists have an important role to play in helping to debunk the myths and in challenging those who undermine human rights by using a well-intentioned Act to justify inappropriate political correctness.

CHAPTER ONE THE FACTS

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**Responsible
human rights
reporting means
having the facts
right...it's not to
say we should
never criticise** ||

Martin Bentham, Home Affairs Editor, Evening Standard



WHAT ARE HUMAN RIGHTS?

Human rights are a series of rights and freedoms that all human beings are entitled to. They are about being treated with dignity and respect.

Although some of our rights date back to Magna Carta and the 1689 Bill of Rights, modern human rights developed in response to the atrocities of the Second World War. To try to avoid such atrocities happening again, the values that underlie human dignity and equal worth were clearly set out by states in declarations and international agreements.

The Universal Declaration of Human Rights (UDHR)

The UDHR – the best known human rights charter – was drafted in 1948. It sets out a broad range of civil, political, economic, social and cultural rights and it has inspired all subsequent human rights treaties.

The European Convention on Human Rights (ECHR)

British lawyers, civil servants and politicians had a big hand in drafting this document. Sir David Maxwell Fyfe, British Conservative Party politician, a lawyer and a judge who was Solicitor General, Attorney General and Lord Chancellor at various times during his career, was Chair of the Committee which drafted the ECHR. The ECHR was agreed in 1950 and came into force in 1953. The ECHR is a binding international agreement that the UK has been obliged to comply with for over half a century.

The ECHR is a treaty of the Council of Europe (not, as is often thought, of the European Union). The Council of Europe, which is made up of 47 member countries, was founded in 1949 and seeks to develop democratic principles based on the ECHR, throughout Europe.

The ECHR contains fundamental civil and political rights, but for many years it was not fully part of UK law. Until 2000, to make a complaint about a breach of a human right under the ECHR usually meant taking a case to the European Court of Human Rights, based in Strasbourg, France. The Court is made up of 47 judges, one for every state that has signed up to the ECHR. This process could be very slow, time-consuming and expensive.

The European Court of Human Rights has said that the ECHR should be a 'living instrument' – it should be interpreted in the light of changes in societies and in values. So the fact that a case has failed in the past does not mean it will necessarily fail in the future.

Example: A transsexual woman successfully argued that her convention rights were breached by the UK government's failure to provide legal recognition of her change of sex. The Court found that traditional arguments used by the UK government were no longer sustainable.

The Human Rights Act (HRA)

Although it was passed in 1998, the HRA did not come fully into effect until 2 October 2000. From then, it enabled our own courts to deal with human rights issues. It means people don't necessarily have to go to the European Court of Human Rights to have their case heard, they can get it heard 'at home', which is why the HRA was often referred to as 'bringing rights home'.

But the HRA is not only a legal tool. Its values – fairness, respect, equality, dignity and autonomy – inform the way society operates and say something fundamental about how we should treat one another.

WHO HAS HUMAN RIGHTS?

Human rights are basic standards that apply to all individuals, irrespective of who they are.

They are particularly important to some of the more vulnerable or less powerful people in our society, such as children, disabled people or those in care. But they apply to all.

DIFFERENT TYPES OF RIGHTS

Civil, political, economic, social and cultural rights

The rights in the European Convention on Human Rights (ECHR), and protected by the Human Rights Act (HRA), are civil and political rights. These are rights like the right to life, the right to liberty and the right to free association (see the following section for a full list).

Other international human rights treaties protect not just civil and political rights but also rights that protect economic, social or cultural interests – such as the right to adequate food, the right to the highest attainable standard of physical and mental health, and the right to work. But these rights are not incorporated into UK law.

Even when talking about civil and political rights it is important to understand they are not all the same. Some are absolute, some are limited and some are qualified, as explained below.

Absolute rights

Very few rights, such as the right not to be tortured and the prohibition of slavery, are *absolute*. States cannot opt out of such rights under any circumstances, not even during war or a public emergency. Also, there can be no justification for interfering with such rights. However, the threshold for an absolute right is high and only very serious ill-treatment amounts to a breach of an absolute right.

Limited rights

Many more rights are *limited*. One of these is the right to liberty, which sets out situations in which a person can lawfully be deprived of their liberty, such as when arrested or convicted of a crime. States may opt out of these rights in times of war or public emergency.

PRINCIPLES PROTECTING HUMAN RIGHTS

Qualified rights

Many other rights are *qualified*. These rights can be restricted to protect the rights of other individuals or the public interest. This is an important concept as it enables us to balance rights against other interests, using the notion of proportionality. States may opt out of these rights in times of war or public emergency.

Qualified rights include:

- the right to respect for private and family life, home and correspondence
- freedom to manifest religious belief
- freedom of expression
- freedom of assembly and to associate with others.

These rights can be restricted for reasons such as:

- national security
- public safety
- economic welfare of the country
- public health
- prevention of disorder or crime
- to protect the rights of other people.

The list of reasons is slightly different for each right and can be found in the text of the relevant Article which defines the right.

To illustrate how these rights work, parents may have the right to live with their children (as part of their right to respect for family life, one of the rights in the ECHR), but this may be restricted to protect the rights of children, if their health and well-being are at risk.

However even if there is a good reason to restrict a qualified right, any action taken must be proportionate to the end being sought (see the section on proportionality immediately opposite).

Some important general principles are applied to how human rights are interpreted in practice.

Proportionality

Proportionality comes to bear when protecting human rights. Even if there is a legitimate reason for restricting a qualified right (such as preventing a crime or protecting the rights of others), the means used to achieve this must not be *excessive in the circumstances*. If the means are excessive, the right will have been breached. An easy way to understand proportionality is – not to use a sledgehammer to crack a nut.

Example: A blanket policy allowed prison officers to search prisoners' letters in their absence for security reasons. The prisoners did not object to the searches per se, but wanted them to take place in their presence. The court held that this blanket policy was disproportionate and interfered with the right to respect for privacy and correspondence as a less restrictive but equally effective alternative was possible – to exclude prisoners only if it was felt they would intimidate staff or disrupt the search.

Negative obligations

Human rights are primarily about regulating state rather than individual action. Human rights require the state *not to interfere* with a person's human rights. This is known as a *negative obligation*. For example, the state must not torture or seriously mistreat those within their care, nor must the state arbitrarily deprive people of their liberty. Such actions would breach the state's negative human rights obligations.



Example: Locking up a 'difficult' patient on a hospital ward by securing the ward door so the patient cannot leave will be a breach of the right to liberty. This is unless one of the exceptions to the right to liberty applies – such as someone being formally detained under the Mental Health Act.

Positive obligations

Some human rights require the state to *take active steps* to ensure the right is upheld. This is known as a *positive obligation*.

A positive obligation might include:

- protecting the right to respect for family life by giving a parent who has learning difficulties extra support to keep the family together
- protecting a prisoner from the violent actions of another prisoner and thereby safeguarding their right to life
- responding where a right has been breached with a thorough investigation.

Example: A local authority failed to remove four children from their mother even though it was clear that the children were being subjected to an unacceptable level of abuse and neglect. This meant that the local authority had violated its positive obligation to prevent the children being subjected to inhuman or degrading treatment.

RIGHTS PROTECTED BY THE HUMAN RIGHTS ACT 1998

The right to life

The state must take steps to protect your life in certain circumstances. It must investigate suspicious deaths and deaths in custody.

The prohibition of torture and inhuman or degrading treatment or punishment

Torture and inhuman or degrading treatment cannot be justified in *any* situation.

Protection against slavery and forced labour

No one can be treated like a slave or subjected to forced labour.

The right to liberty and security

People have a right to be free. The state can only detain someone with good reason – for example, if a person is convicted of a crime or can be shown to have a serious mental health problem. All those deprived of their liberty must be able to challenge this.

The right to a fair trial

This contains a number of rights that attach to fair hearings of criminal and civil matters. If accused of a crime, you have the right to hear the evidence against you in court. You are innocent until proven guilty.

No punishment without law

A person can only be punished for something that was against the law at the time they did it.

Respect for private and family life, home and correspondence

This protects the ability to live and function as a family. It also protects against unnecessary intrusions into a person's private sphere – how to live, which relationships to form and how to engage with the community. This is a qualified right, which can be restricted in certain circumstances.

Freedom of thought, religion and belief

A person can believe what they like and practise their religion or beliefs. However, practising religion or belief is a qualified right, which can be restricted in certain circumstances.

Freedom of expression

People can speak freely. This is a qualified right, which can be restricted in certain circumstances.

Freedom of assembly and association

People can join with others peacefully to hold meetings, marches and demonstrations. This is a qualified right, which can be restricted in certain circumstances.

The right to marry

People have the right to marry and have a family.

No discrimination in how rights are enjoyed

Everyone's rights are equal. People should not be treated unfairly because, for example, of their gender, race, sexuality, religion or age.

Protection of property

This protects against state interference with a person's possessions. This right can be restricted in the public interest as long as this is set out in law.

The right to an education

No child can be denied an education.

The right to free elections

Elections must be free and fair.

HOW DOES THE HUMAN RIGHTS ACT PROTECT US?

The duty on public authorities

The Human Rights Act (HRA) requires all public authorities to uphold the rights in the European Convention on Human Rights (ECHR) that have been incorporated into the HRA.

If a public authority fails to do this then a victim (or potential victim) can bring a case against that authority in the UK courts. What is meant by a public authority is not set out in the HRA and there have been a number of court cases trying to get the definition clear. It certainly includes all public sector organisations like central and local government agencies, courts and tribunals, prisons, the police, health authorities and the UK Border Agency. However, also included are some private and charitable organisations when carrying out a public function.

Human rights are more accessible than they were before the HRA was introduced. However, a complaint can still be taken to the European Court of Human Rights if the complainant does not agree with the outcome of the case in the UK courts.

The effect on Parliament

The HRA requires that all laws should be interpreted by the courts to take into account rights set out in the HRA wherever possible. This makes the HRA a sort of 'higher law'. However Parliament is still the supreme law maker and courts cannot overrule its legislation. If primary legislation cannot be interpreted in line with a human right, senior courts can make a 'declaration of incompatibility.' A Minister can then make a 'remedial order' to make the law comply with human rights. But Ministers do not need to listen to the court, and they can choose not to amend legislation.

Since the HRA came into force, Ministers introducing new Bills to Parliament have had to sign a certificate confirming whether the Bill is compatible with the HRA. A Parliamentary Committee, the Joint Committee on Human Rights, scrutinises legislation as it passes through Parliament, to identify any human rights issues they think might need attention. Both of these measures prompt extra debate about human rights in Parliament.

A BRITISH BILL OF RIGHTS

Recently there has been debate about introducing a British Bill of Rights and Responsibilities, despite the fact that the Human Rights Act (HRA) – also a bill of rights – was only passed relatively recently. It is yet to be seen whether this would be a vehicle for repealing the HRA, as some fear, or whether it would weaken or strengthen the protection it provides.

SCOTLAND, WALES AND NORTHERN IRELAND

Although passed in 1998, the Human Rights Act (HRA) did not come into force until 2 October 2000. However, before then the HRA was in force for *devolved* administrations in the UK i.e. for the Scottish Parliament and Executive, the Welsh Assembly and Executive and the Northern Ireland Assembly and Executive.

None of the devolved Executives have the power to act contrary to the rights contained in the European Convention on Human Rights (ECHR). If they do so, such legislation can be struck down by the courts.

A Bill of Rights for Northern Ireland was promised in the Belfast (Good Friday) Agreement, 1998. The Good Friday Agreement stated that the Bill should contain rights that reflect the particular circumstances of Northern Ireland and are supplementary to the rights in the ECHR. On 10 December 2008, the Northern Ireland Human Rights Commission presented advice to the government on a Bill of Rights for Northern Ireland.

STATUTORY BODIES DEALING WITH HUMAN RIGHTS

The Equality and Human Rights Commission (EHRC) is a non-departmental public body established by the Equality Act 2006, which was launched on 1 October 2007. The EHRC brings together the work of the three previous equality commissions – the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.

It also has responsibility for issues of age, sexual orientation and religion or belief. The EHRC has a particular duty to promote and protect human rights. It works in England, Wales and Scotland. However, in Scotland it shares responsibility with the Scottish Human Rights Commission.

The Scottish Human Rights Commission was created by the Scottish Commission for Human Rights Act 2006, and was formed in 2008. It identifies and advocates best practice within public authorities, monitors law and policy in Scotland, and, where necessary, recommends changes.

The Northern Ireland Human Rights Commission is an independent, statutory body set up in 1999. It was created by the Northern Ireland Act 1998, in compliance with a commitment made by the UK government in the Belfast (Good Friday) Agreement. Its role is to promote awareness of the importance of human rights in Northern Ireland, to review existing law and practice and to advise government on how to fully protect human rights in Northern Ireland. It is specifically charged with drafting a Bill of Rights to supplement the European Convention on Human Rights.



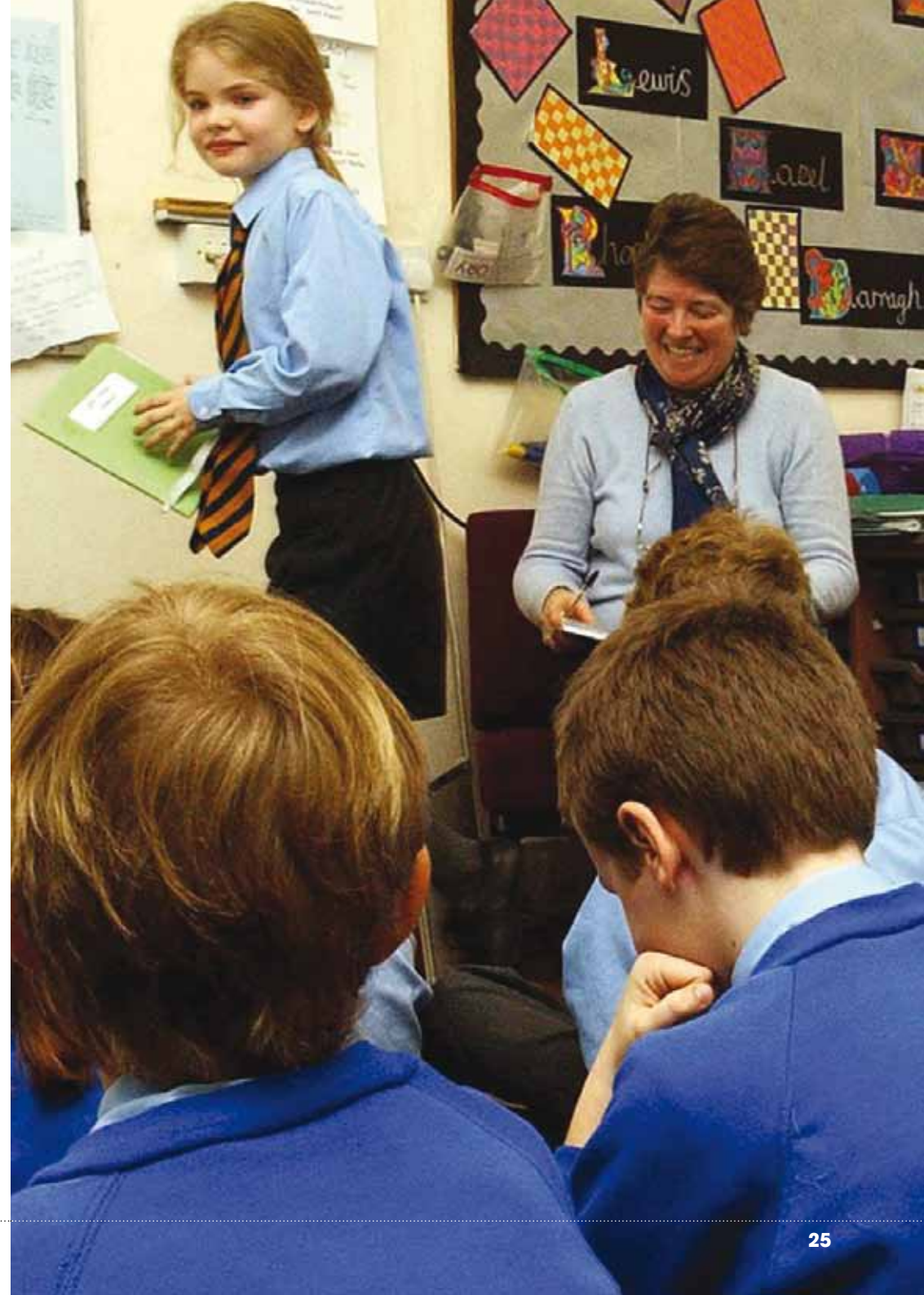
WHY DO HUMAN RIGHTS MATTER?

Human rights lay down the principles by which all decisions in public life should be made. They also provide a framework for interpreting other laws. Many people are not aware of how they are protected by human rights.

The rights in the European Convention on Human Rights and the Human Rights Act can ensure that people are treated with dignity and respect in their dealings with public services. They enable people to choose who they want to associate with, how to express belief or whether to accept or reject a particular medical treatment.

And importantly, human rights also take account of the fact that in a democratic society the rights of individuals must be balanced against the wider needs of the community or the rights of others.

Human rights are relevant to all of us at some point in our lives. They affect how our children are treated at school and what standard of care we receive when in hospital or in a nursing home. Human rights are particularly important for those who are vulnerable, whose dignity and autonomy are most at risk.



10 KEY THINGS ABOUT HUMAN RIGHTS

- every human being has human rights
- human rights are based on principles of freedom, equality, dignity, respect and autonomy
- human rights were first defined by the international community after the atrocities of the Second World War, although their roots go back much further
- the first human rights document agreed by the international community in 1948 was the Universal Declaration on Human Rights
- since the Universal Declaration on Human Rights (1948), states have drawn up many different human rights agreements including the European Convention on Human Rights (ECHR)
- the ECHR was adopted by the states of the Council of Europe, was drafted in part by British lawyers, politicians and civil servants and the UK has been obliged to uphold its provisions for more than 50 years
- human rights are primarily about how the state must treat you
- human rights prohibit states from doing certain things, like locking you up for no reason (negative obligations)
- human rights can compel the state to act, like taking steps to protect your life (positive obligations)
- not all human rights operate in the same way. A few must never be broken, some can be limited in certain circumstances and others require a balance to be struck between the right of an individual and the wider public interest or rights of others.



CHAPTER TWO THE MYTHS

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Many people see the Human Rights Act as being used by people ‘who aren’t like them’. We need to challenge that as much as we can - human rights are about everyone. It’s going to be tough but we need to get there ||

Kamal Ahmed, Director of Communications,
Equality and Human Rights Commission (EHRC)

The Human Rights Act (HRA) has been widely misunderstood ever since it became part of UK law.

Most bills of rights come about in more dramatic ways than the HRA – for instance if a state gains independence or an old regime is toppled – something that impinges significantly on the public consciousness. This was not the case when the HRA came into being.

Also, when the HRA came onto the statute book there was no public information campaign about it or about human rights more generally. So people knew little and felt no pride in or ownership of it. This is in sharp contrast to other countries, like the USA, where people cherish their Bill of Rights. They might not always like what is decided under its authority, but they do not deride it or attempt to get rid of it.

Since the HRA became law, many myths about it have been allowed to evolve. Mostly, this is because people have misinterpreted the HRA or quoted it when in fact it did not apply. These have been reinforced by repetition. After 9/11, security concerns provided a fertile ground in which some of these myths took root in the public consciousness.



EIGHT MYTHS ABOUT HUMAN RIGHTS

Myth: human rights help wrongdoers, especially criminals and terrorists

Fact: human rights belong to everyone. For example, they are especially important to people in care, young children, people with learning difficulties, and people facing serious ill health.

Myth: human rights put the safety and well-being of ordinary people at risk

Fact: most rights are limited or qualified precisely in order to take account of public safety. Public safety concerns are built into human rights standards. For example, the right to respect for private and family life, freedom to manifest religion or belief, freedom of expression and freedom of assembly and association, can be, and frequently are, restricted in the interests of national security and/or public safety. Human rights allow for an appropriate balance to be reached between protecting rights and the interests of the wider community, including safety concerns. The fact that the law allows for this balance to be struck is often forgotten.

Myth: the HRA was imported from Europe, it's not relevant here

Fact: the European Convention on Human Rights (ECHR) was drafted in the aftermath of the Second World War under the auspices of the Council of Europe (not the EU as is often thought), with significant input from British lawyers, politicians and civil servants. It is therefore, in large part, home grown. The UK has been signed up to it for well over 50 years.

Myth: human rights are part of a left-ist agenda

Fact: human rights have had, since the Second World War, support from people across the political spectrum including Winston Churchill. Human rights are about setting very basic minimum standards which people can expect from the state – so that the dignity, self-worth and potential of every individual is respected.

Myth: human rights are not relevant to our everyday lives

Fact: the real power of human rights is in prevention not cure. Human rights provide a value system that can drive up standards of public service and make a difference to the lives of ordinary people.

Myth: human rights have no legal basis

Fact: human rights have a solid basis in both international and domestic law, which has grown up over the last 60 years based on rights won over centuries. They are about creating very basic standards which the state should respect. For example, the state should ensure that children they know to be at risk are not subjected to treatment that might harm them or even result in their death. That is the state's positive obligation – to protect life and to protect against inhuman treatment.

Myth: the HRA will bring in a right to privacy via the back door

Fact: the HRA has introduced a statutory right to free expression via Article 10 of the ECHR. This states that a court must take into account the importance of this right in any action against the media. This is supposed to strengthen the presumption in favour of free expression. Although there is a right to respect for private life, it is a qualified right, and its application should be balanced against other rights such as the right to free expression and the needs of the wider community and state i.e. the public interest. This is an area of much debate in media circles.

Myth: the HRA gives the courts too much power over elected politicians

Fact: the HRA requires courts to interpret legislation in a way that is compatible with it. If this is not possible, the courts can issue a declaration of incompatibility. It is then up to Parliament to decide whether to change the law. The courts cannot override primary legislation on human rights grounds.

WHY HAVE THESE MYTHS TAKEN HOLD?

These myths have taken root for a number of reasons:

1. When the final outcome of a case is not reported

The public do not always hear about the failure of a human rights claim – they only hear that the case was launched. This leaves the impression that a wide range of human rights claims are successful when often they have been dismissed at an early stage by the courts.

Example: *“Serial killer, Dennis Nilsen, 60, received hardcore gay porn in jail thanks to human rights laws”*

The Sun, 13 May 2006

Nilsen, who was sentenced to life in prison in 1983 for multiple murders, tried to use human rights arguments to challenge the decision of a prison governor to deny him access to a mainstream top-shelf gay magazine. However his application was refused by a single judge at an early stage. He failed to establish that there was any arguable case that his human rights had been breached and he did not get any greater access to materials.

This case had failed at an early stage. On the contrary it has been used, quite inaccurately, time and again as an example of a bad decision made under the HRA, including by leading politicians.

2. On some occasions, authoritative figures make statements about what is ‘permitted’ or ‘banned’ under the HRA which are completely untrue. These comments are then reported.

Example 1: It has been wrongly suggested that the HRA prevents the filming of school nativity plays. It does not. *“Mr Jobson, the director of education, later told the Scotsman that the ban [on nativity photos] was required by law under the HRA”*

The Scotsman, 17 December 2002

Example 2: A spokeswoman for Gloucestershire Police said that a man in a rooftop protest received food, drink and cigarettes because of his human rights.

“A suspected car thief who bombarded police with bricks and tiles during a rooftop siege was given a Kentucky Fried Chicken takeaway meal by officers to ensure his well-being and human rights”

The Telegraph, 8 June 2006

The man had no human right to receive food. He was given food as part of a negotiating strategy aimed at coaxing him down from the roof. However, this was widely reported as another example of a perverse outcome of the HRA.

Example 3: When Gordon Stewart died, buried in the rubbish that piled up in his house, environmental health officers blamed the HRA, saying they cannot intervene if someone is unable to look after themselves. This is untrue. Indeed the state has a positive duty to protect people they know to be at risk from serious harm.

"[Two environmental health officers] talk about how their work has changed since the Human Rights Act became law in 1998. Before that, if individuals were deemed incapable of looking after themselves, the council could intervene. Now, so long as they are not causing a public nuisance, they can live how they like."

The Guardian, 28 March 2009

3. When human rights are blamed for poor practice or decision-making

Example: Anthony Rice, who had been released on probation, killed Naomi Bryant in August 2005.

"Lawyers won Anthony Rice's freedom on human rights grounds – then got release terms relaxed with the same tactic."

The Sun, 11 May 2006

In fact Rice was released as a result of a series of errors and misjudgments by the agencies involved which had misunderstood the Human Rights Act.



The Human Rights Act has become the whipping boy, a bit like Health and Safety



Alan Travis, Home Affairs Editor, The Guardian

CHAPTER THREE REPORTING HUMAN RIGHTS

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**Responsible
human rights
reporting has
to be fair and
accurate – it's
the same with
all journalism** ||

Conor Hanna, Deputy Editor, Daily Mirror

THE IMPORTANCE OF ACCURACY

Accuracy is essential in all types of reporting, including the reporting of human rights. The code of practice for the British newspaper and magazine industry deals with the question of accuracy in its first paragraph.

(See Reporting Standards and codes of conduct)

There are many examples of good, accurate reporting. This is not surprising. The media has often championed the rights of individuals, particularly against the perceived excesses of the state and its bureaucracy. However it is not usually clear that these stories have anything to do with human rights, even though human rights might be at their very heart.

ACCURATE REPORTING

Example 1: The Sun, in 2006, ran a number of stories under headlines like “Stop Abuse of the Elderly” and “Duty of Care” – reporting the mistreatment of some older people in care homes.

Under human rights law, the state has a positive duty to protect people from serious ill-treatment. Although these reports did not mention human rights, they did refer to the need for people to be treated with dignity, without making any connection to human rights.



In other accurate reports, human rights are explicitly mentioned.

Example 2: “Nearly a million innocent citizens could see their profiles deleted from the DNA database following a landmark court ruling. European judges said it was unlawful for police to store swabs and fingerprints from suspects later cleared of wrongdoing.

In a damning verdict, the 17-strong panel said keeping the records ‘could not be regarded as necessary in a democracy’.

Home Secretary Jacqui Smith said she was disappointed by the decision.

But some campaigners said the future of other government databases, including the national ID register, was in doubt.

Before 2001, the police had to destroy DNA samples of individuals acquitted or not charged. But a rule change has allowed them to keep profiles of everyone arrested for a recordable offence in England, Wales and Northern Ireland.

The details of about 4.5 million people are held on the database yet one in five – including 40,000 children – has never been charged with an offence.

The Home Office says the register has proved a key intelligence tool in solving 3,500 cases - including high-profile rapes and murders.

Yesterday however the European Court of Human Rights ruled against police in a case brought by two British men.

Their profiles were stored by South Yorkshire Police despite neither being convicted of an offence.

The Strasbourg court found the force had violated article 8 of the European Convention on Human Rights - the right to respect for private and family life.

In a strongly-worded attack, it condemned the ‘blanket and indiscriminate nature’ of the powers.”

The Daily Mail, 5 December 2008

INACCURATE REPORTING

Example 3: Law Lords leave elderly out in cold

A ruling leaves elderly and vulnerable people in private care homes with no protection from eviction or ill-treatment, writes Jon Robins.

"Families with relatives in care suffered a blow this week when the House of Lords ruled that human rights legislation did not protect the elderly or vulnerable placed by local authorities in private care homes from eviction or neglect.

It is believed that as many as 300,000 residents of private care homes are funded by local authorities, and more than one in 10 homes are in the hands of the private or voluntary sector. But whereas residents who are in state-run homes are protected by human rights legislation, those in private care homes are not, even if their care is funded by their local authority.

Campaigners were stunned by the decision of five Law Lords, who ruled three to two against extending the 1998 Human Rights Act in favour of an 84-year-old woman suffering from Alzheimer's disease. 'We're horrified by the judgment, which seems to imply that people in care homes don't have the same rights to protection under the law as other vulnerable groups of people,' says Andrew Chidgey, head of policy and campaigns at the Alzheimer's Society."

The Observer, 23 June 2007

However inaccuracies do occur for reasons previously stated – people in positions of authority sometimes make inaccurate statements about human rights law, and the Human Rights Act has sometimes been blamed for poor practice or decision-making. Also, clear, accessible information about legal judgements is not always readily available to busy journalists.

Example: "A murder victim's elderly mother is to drag the entire criminal justice system into the dock at a landmark inquest. Verna Bryant's daughter Naomi was killed by a rapist who had been freed from a life sentence because his human rights were placed ahead of protecting the public."

Daily Mail, 17 November 2008

However, the HM Inspector of Probation stated that its report on this case had made no comment about the Human Rights Act and that it was a distortion of their findings in that report to say that the murderer (Rice) was released because of his human rights. The Joint Committee on Human Rights found no concrete evidence in the Chief Probation Officer's report that any decision concerning Rice was affected by human rights considerations being given precedence over public protection.

WHEN JOURNALISTS LACK INFORMATION

Some journalists have said that the reason some reports about human rights are inaccurate is because of the difficulty of accessing accurate information in time.

Example: In August 2007 a number of newspapers reported that Learco Chindamo, who stabbed to death the London head teacher Philip Lawrence, could not be deported to his native Italy on his release because of his human rights. In fact it was mainly EU law that was considered in court – human rights arguments were supplementary. However this was not the impression given by many reports. Some journalists said this was because they could not get access to the legal judgment.



The main argument for Chindamo to stay in Britain was European legislation – his claim to stay under the Human Rights Act, while upheld by the judge, was secondary.

However, the Office for Judicial Communications, which is responsible for issuing court judgements, initially refused to release the Chindamo judgement.

This meant that when the story broke journalists were denied the opportunity to read the judge's full legal reasoning and were forced to rely instead on the limited information that was available, which suggested that the case was principally about human rights legislation.

This was extremely frustrating and is a good illustration of how official obstruction can hinder journalists in their attempt to present an accurate picture of the subject they are covering.



Martin Bentham, Home Affairs Editor, Evening Standard

REPORTING INACCURACIES

Sometimes inaccurate statements are repeated, perhaps because the person who made the statement is considered important.

Example: In January 2007 Derbyshire Police said that before releasing photographs of escaped prisoners, the Chief Constable had to take account of ‘the Human Rights Act and the Data Protection Act’. These comments by the police were then reported. However there is nothing in the HRA that would prevent such photographs being published. After strenuous efforts by media organisations, the reports were strongly rebutted by the Lord Chancellor – and this rebuttal was widely reported to stop police misusing the HRA.

GETTING THE BALANCE RIGHT

There are many examples of balanced reporting, even in newspapers which editorially have raised questions about the Human Rights Act.

While it is acceptable for newspapers to be partisan about human rights or any other issue, publishing reports that completely distort the facts breaches the Editors’ Code of Practice that is policed by the Press Complaints Commission.

Example : “Dozens of councils may be in breach of the Human Rights Act by forcing elderly married couples to live apart. Help the Aged said it was “not unusual” for authorities to separate couples by ruling that one was eligible for a subsidised place in a care home while the other was not.

But this constituted a potential breach of Article 8 of the Act, which gives everyone the right to “respect for his private and family life, his home and his correspondence”. The British Institute of Human Rights added that councils could face huge legal costs if they were challenged in the courts for contravening the Act – costs that would ultimately be borne by council tax payers.

An estimated one in 10 people in care homes are still married, often in marriages that have lasted 50 years or more. Campaigners for the elderly say that separation is “devastating”, even where the couple has agreed to be apart. The situation was highlighted this week by the case of Richard and Beryl Driscoll, both 89, who spent seven months separated because Mr Driscoll was ruled eligible for a care home place but his wife was not. Social services chiefs at Gloucestershire county council eventually decided that Mrs Driscoll’s health was also poor enough for her to qualify for a subsidised place in the home, Bredon View, in Cheltenham, as soon as space became available.

In November 2002 an elderly couple in Oxfordshire were placed in two different homes. Gordon and Nora Watts, from Banbury, who had been married for more than 60 years, spent three months apart in nursing homes because social services said it was too expensive for them to live together. Mrs Watts, 83, was placed in a nursing home in Woodstock while her 88-year-old husband was placed in a home 20 miles away in Culworth, Northants. When the couple were eventually reunited at the Northamptonshire home, Mrs Watts said: “He’s always been in my thoughts.”

In August 2003 a Portsmouth couple, George and Mary Lipsham, who had been married for 61 years, were placed in homes five miles apart because they had different needs. They agreed to be separated on condition that an adapted taxi would be supplied five days a week to enable Mr Lipsham to spend the day with his wife but the arrangements broke down when money became tight. The devoted couple had not seen each other for four days when Mrs Lipsham died at her nursing home.

The Telegraph, 4 February 2006



POLITICISING HUMAN RIGHTS



The current political environment definitely affects human rights reporting. The political debate is very narrowly focused on prejudices about the Human Rights Act. The debate needs to open up



Alan Travis, Home Affairs Editor, The Guardian

There is nothing in human rights that prioritises the criminal over the victim, the terrorist over the law-abiding public or the immigrant over the citizen. They allow vulnerable people – whoever they are – to challenge the Government for failure to protect their most basic rights.

Some examples:

- bereaved relatives have the right to an independent public investigation into the circumstances surrounding the death of their loved ones and the right to be involved in the investigation.
- human rights protect the housebound, sick, elderly, or learning disabled from thoughtless, bureaucratic action – such as separating couples who have lived together for many years, because one qualifies for residential care and the other does not (see section on Making Connections).
- in most cases human rights do not stop people who threaten national security from being deported. They only prevent deportations to countries where they will face torture – a practice which successive governments have agreed to outlaw. Even before the Human Rights Act (HRA), the UK was obliged not to deport people to countries where they may be tortured.

There is nothing in the HRA which gives the courts the power to overturn the will of Parliament. Judges cannot overturn Acts of Parliament even if they are found to contravene the HRA. However the HRA does give the courts the ability to protect basic human rights against abuse by the government and other public bodies.

The government, which itself introduced the HRA, has often failed to come to its defence. This is seen most starkly when it disagrees with the outcome of a case involving human rights. From 2006 onwards, there have been some attempts to rebut false stories about human rights by the Ministry of Justice, although some ministers have continued to undermine the Act.

All sides...are turning the debate [about human rights] into a political argument and distorting reality

Stephen Mitchell, Deputy Director and Head of Programmes, BBC News

THE IMPORTANCE OF LANGUAGE



To many people – sadly – the term ‘human rights’ has stopped being understood as a moral claim and has seemed to be more and more about political correctness



Professor Conor Gearty, Director, Centre for the Study of Human Rights,
London School of Economics

The term ‘human rights’ has been used, inaccurately, to suggest that people have a so-called ‘human right’ to just about anything. The Human Rights Act (HRA) does not protect an endless catalogue of rights. It protects 15 well-established fundamental rights and freedoms. Many countries protect a much broader range of rights. It does not contain a right to housing, a right to live in the UK, a right to work, or the right to receive benefits.

Human rights are about protecting our basic humanity and dignity. That is very far from political correctness and yet that is often how human rights are perceived. Some editorials have used the issue of human rights to fuel hostility to something else. For example by suggesting that the Human Rights Act is an undesirable law foisted upon this country by ‘Europe’.

“Rights law is wrong: British history is the story of a tolerant nation. For centuries, our forefathers cherished liberty and religious freedom. That’s why the Appeal Court ruling letting a Muslim teenager ditch school uniform in favour of Islamic dress is deeply worrying. Quite simply it’s divisive. In the past, people from all sorts of faiths and backgrounds settled here. We all muddled along together by integrating and playing by the rules. But that was until the Human Rights Act came along. This meddling law from Strasbourg is overriding our natural decency and commonsense. And it could split our society. It’s time to roll back the tide of political correctness. Before it’s too late.”

Daily Star, 4 March 2005



THE POWER OF IMAGES

Pictures inevitably help to tell a story. However, illustrating human rights stories can be especially problematic.

First, human rights is a concept which can be hard to depict. In cases where people have had their human rights denied, or where people have not been treated with dignity, for example in stories about abuse of the elderly, people are often depicted as victims.

Care should be taken about the use of pictures of what are generally regarded as 'undeserving beneficiaries' to create an unbalanced view about human rights, giving the impression that they only protect unpopular groups.

Because the subject of human rights is highly politicised, pictures of politicians or prominent people in the field are often used to illustrate stories, rather than ordinary people.



HOW CAN REPORTING BE IMPROVED?

Get the facts

This guide is designed to help journalists to be sure of their facts and put them in context. The first sections of this guide provide basic facts and accurate information about human rights which we hope will be useful.

Go to the right people

The resources section provides a list of official and statutory bodies and a list of organisations with a rights-based approach. These organisations may offer further information and help with case studies and interviewees.

Balanced reports

Including quotes only from people who are opposed to human rights produces unbalanced reports. Mention human rights in stories where they have had a positive effect.

Separate fact and opinion

While it is perfectly acceptable for newspapers to be editorially opposed to human rights legislation, news reports must be factual.

More access to legal judgements

Improved, timely access to legal judgments is necessary for journalists to be able to report cases accurately.



CHAPTER FOUR MAKING CONNECTIONS

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One of the best
ways to judge a
civilised society
is the way it treats
people who
behave badly ||

Bob Satchwell, Society of Editors



Everyone has human rights – men and women, young and old, healthy and sick, carers and people in care, those who are disabled and able-bodied.

In this section we will show how we can make connections between different issues or groups of people and human rights. However first we want to say a word about those seen as 'undeserving', who are more usually reported in the press.

Those often portrayed as unpopular or undeserving also have human rights – they do not lose them all by virtue of their misdeeds. Because they preserve our basic dignity and humanity, human rights are not conditional on 'good behaviour'. Not all human rights are the same, however, and the whole system of rights protection has proportionality and balance inbuilt.

Absolute rights apply, including the right not to be tortured or to be exposed to inhuman or degrading treatment. Prisoners are protected by this right despite their imprisonment, because we live in a society which does not tolerate torture or other forms of ill-treatment. Successive governments have agreed to uphold this standard in all circumstances.

Other human rights can be limited, such as the right to liberty, or they can be qualified, such as the right to family life, in certain situations. These rights are necessarily limited and qualified where people are imprisoned.

So human rights are 'smart' standards. They can be applied in different situations in a way that is balanced and transparent, taking into account the rights of others, the needs of the wider community and public safety.

It is often the rights of those considered 'undeserving' that the media highlights. But everyone gets old, and any of us could become disabled or vulnerable at some point in our lives. Human rights can also be used to protect the environment which affects us all.

Human rights can underpin values that shape the services we receive from the state. The real value of human rights is in prevention not cure – and litigation, whatever the outcome, is rarely a cure.



OLDER PEOPLE



We now need to build on the solid foundations of The Human Rights Act through the Equality Bill, which gives Government the opportunity to extend older people's legal rights and further tackle the ingrained ageist attitudes and practices that still affect many older people's lives



Michelle Mitchell, Charity Director,
Age Concern and Help the Aged

There are plenty of stories about older people in the media. These may be about abuse or neglect by carers or in residential care homes, about overuse of sedatives, or about care homes being closed at short notice without regard to the needs or wishes of the residents. All these situations involve human rights that are found in the European Convention on Human Rights (ECHR) and are now part of UK domestic law via the Human Rights Act (HRA).

Practices that could breach the human right to be protected from inhuman or degrading treatment include:

- leaving people in soiled sheets or incontinence pads for a long period
- failure to turn someone confined to bed, leading to bed sores and other harmful conditions
- leaving trays of food for people who are too frail to feed themselves
- washing, dressing or undressing people in front of others and without regard for their dignity.

What amounts to inhuman or degrading treatment depends on the circumstances and the vulnerability of the person concerned. It could result from one incident or from the cumulative effect of poor practice.

Ill-treatment might also breach the right to respect for private life. However this right can be qualified in certain circumstances, for example when there is a need to protect the rights of others or public safety.

This right means more than just 'privacy' and includes:

- living your personal life as you choose
- establishing relationships as you wish
- making choices and decisions about your life
- physical and mental well-being
- having access to information about you held by others
- keeping personal information confidential
- participating in community life

The right to respect for family life can be especially relevant to older people. It is a qualified right and can be restricted in certain circumstances. It includes the right to be able to live with people you consider to be family, or to maintain contact with them. Therefore, local authorities forcing older couples to live in separate residential homes could be breaching this right.

The right to life is also relevant to older people. Overuse of drugs leading to death, or placing 'Do not resuscitate' notices on an older person's medical records without their consent can raise issues under the right to life.

Example: Dignity nurse for elderly in revamp of care system

"Dignity nurse for elderly in Care Revamp Hospitals and care homes have been failing the elderly, Ministers have admitted for the first time. They say a 'negative culture' in the care system strips older people of their dignity and deprives them of their respect.

A Government report's findings confirm the problems highlighted for four years by the Daily Mail's Dignity for the Elderly campaign. But it produced a five-year plan designed to improve patient care - including a senior nurse in every hospital dedicated to ensuring dignity for the elderly and help from the new equality superquango."

Daily Mail, 20 April 2006

Daily Mail, Thursday, April 20, 2006

Dignity nurse for elderly in revamp of the care system

By Steve Doughty
Social Affairs Correspondent

Daily Mail
CAMPAIGN
DIGNITY
FOR THE
ELDERLY

HOSPITALS and care homes have been failing the elderly, Ministers admitted for the first time yesterday.

They say a 'negative culture' in the care system strips older people of their dignity and deprives them of their respect.

A Government report's findings confirm the problems highlighted for four years by the Daily Mail's Dignity for the Elderly campaign.

But it produced a five-year plan designed to improve patient care - including a senior nurse in every hospital dedicated to ensuring dignity for the elderly and help from the new equality superquango.

Also among its ten promises, the Department of Health document, *A New Ambition for Old Age*, pledged:

- To end prejudice against the elderly that means many get substandard treatment for strokes or after falls;
- To ensure those in hospitals or care homes are no longer malnourished through neglect by nurses and carers;
- To cut through indifference to old people's views to ensure complaints are heard and abuse ends in criminal prosecution.

But the document does nothing to remove the scandal of mixed-sex wards or to scrap the means test system which involves those with savings paying heavily for care home places or losing their house.

The report conceded that 'the experience of many ... remains unacceptable' and that £200 billion a year is needed to guarantee civilised standards of care.

Recent surveys by headline watchdogs have exposed 'negative attitudes' to older people among medical staff and social workers, neglect of their needs and callous treatment such as removing meals from hospital patients before they can eat them.

Yesterday Care Services Minister Liam Byrne said: 'Older people should be treated with respect for their dignity and human rights in all care settings, whether at home, in a hospital or in a care home. We cannot say this applies everywhere in the care system.'

He promised change to 'the often negative culture of attitudes towards older people so they are valued and respected'.

He added: 'We need zero tolerance of these views and a target that in five years no older person or their carers

KEY POINTS OF NEW DEAL

- Patients will get help with eating and drinking to avoid malnutrition.
- Inspection regimes to be tightened and problems taken seriously.
- Senior hospital nurses to take individual responsibility for dignity of elderly patients.
- Those getting help at home from social services encouraged to complain.
- Criminal prosecutions for assault to be taken where elder abuse is serious enough.
- More attention paid to help and comfort dying.
- New superquango, the Commission for Equalities and Human Rights, to act for them.
- Elderly no longer to be left in queue for treatment for strokes and falls.
- Sick elderly to be treated same as others in casualty departments. Greater consideration of whether they need to be admitted to hospital.
- More attention to elderly suffering from mental health problems and 'complex needs'.
- New efforts to promote health and fitness among elderly.

will be treated with anything other than dignity.'

The Daily Mail's campaign has pressed for better standards in hospitals and care homes and revealed the sufferings of hundreds of thousands of families affected by harsh means-testing.

The document promises a wide range of improvements.

But, to the dismay of MPs and pressure groups, there is no pledge of new money.

The admission of failure in the way elderly people are treated comes five years after the Government launched a 'national service framework for elderly people'.

Ministers say this has meant nearly 50,000 extra cataract operations and more than 10,000 extra hip replacements among over-65s and a five-fold



PEOPLE WITH DISABILITIES



Enshrining human rights values such as fairness, dignity and autonomy in society can help ensure that disabled people are recognised as equal citizens who are entitled to the same rights as everyone else. This can be highly influential in social and cultural terms and help change negative attitudes



Jon Sparkes,
Chief Executive, Scope

Human rights help those with physical disabilities, with learning disabilities or with mental health issues. Indeed there is a specific international United Nations treaty dealing with the rights of disabled people (Convention on the Rights of Persons with Disabilities). The Convention aims to ensure that people with disabilities enjoy human rights on an equal basis with others. The UK Government has signed but not ratified the Convention. It is not incorporated into domestic law.

Rights relating to older people which are found in the ECHR are also relevant to those with disabilities.

The right not to be subjected to inhuman or degrading treatment and the right to respect for private life are particularly relevant to disabled people. These rights have the principles of dignity and respect at their core.

Example 1: Two disabled sisters, who needed assistance in order to move around, lived with their parents in a specially adapted house. A local authority policy imposed a complete ban on all manual lifting of people. This ban was challenged in the courts. The courts concluded that such a ban was unlikely to be lawful because it did not consider the individual circumstances of each person affected. Inhuman or degrading treatment might occur if the women were left in their own bodily waste or stuck on the lavatory for hours. A breach of the right to respect for private life might occur as the women could not take part in some of the only activities available to them such as shopping and swimming thereby impacting on their ability to participate in community life.

The right to respect for private life covers a broad range of interests including being able to make decisions and choices about your life and being able to participate in the community. This right is therefore a helpful tool in the promotion of independent living for disabled people.

The right to respect for family life is also important for disabled people and might require the state to take active steps to protect and facilitate it.



Example 2: A local authority in London provided a property to a family that didn't meet their needs. The father was looking after his six children and his disabled wife. His wife was incontinent and could not access the bathroom or bedrooms which were situated on the first floor. Although social services recommended specially adapted accommodation, the family heard nothing for a year. The Court held that the local authority had breached their right to respect for family life.

Example 3: Kevin Mason and Joanne Proctor lived in a home for people with learning disabilities but staff did not allow them to spend time together.

"It may not seem like a violation of human rights to most people, but according to Andrew Lee, director of People First, a self-advocacy group for people with learning disabilities, that's exactly what it is. 'It's about power and control,' says Lee. 'People with learning disabilities are often in very vulnerable positions and their rights are easily abused.' Often such 'abuse' is not malicious: it just arises out of broad assumptions among social services, carers, even parents, about the ability of people like Mason and Proctor to make decisions for themselves".

The Guardian, Society, 7 February 2001





PEOPLE IN POOR HEALTH

The rights most relevant to those in poor health are the right to life, the right not to be subjected to inhuman or degrading treatment, and the right to respect for private life.

Situations that could raise a human rights issue include:

- how a person is treated in hospital, for example being left on a trolley in A & E to the detriment of their health and/or dignity
- lack of cleanliness, leading to hospital acquired infections
- being refused life saving treatment
- postcode lottery in relation to medical treatments.

Example 1: “Hundreds of women may get Herceptin after legal victory

Ann Marie Rogers, 54, who has three children, burst into tears after three judges yesterday overturned an earlier High Court ruling that Swindon Primary Care Trust had been within its rights to decide not to fund the £20,000 cost of treating her with the drug.

... After Mrs Rogers ...was told by Swindon PCT that she was not eligible under its prescribing policy, she took out loans to fund the treatment herself.

But after running out of money, she took her fight to the High Court, claiming that the decision to refuse her treatment was in breach of her human rights .

Sir Anthony Clarke, the Master of the Rolls, along with two other appeal judges, ruled yesterday that the PCT's prescribing policy was 'irrational and so unlawful', although they stopped short of ordering the trust to specifically provide Mrs Rogers with Herceptin.”

The Independent, 13 April 2006

Example 2: “Cancer victim denied life-saving drugs in postcode lottery given fresh hope by judge

Jean Murphy, 62, was diagnosed with kidney cancer last year and her consultant recommended a course of Sunitinib to extend her life by around six months.

But she became a ‘postcode lottery’ victim when her NHS Primary Care Trust refused to prescribe her the £3,500-a-month drug, although it is routinely given to patients by neighbouring trusts....

Professor Conor Gearty, a human rights expert representing Mrs Murphy, claimed the decision to deny the drug breached Article Two of the 1998 Human Rights Act, which protects ‘the right to life’.

He added that Mrs Murphy is the main carer of her husband Michael, who has Crohn's disease, psoriasis and diabetes.”

The Daily Mail, 5 July 2008



YOUNG PEOPLE



The NSPCC believes the media can play a vital role in protecting and promoting children's human rights as set out in the Convention on the Rights of the Child. We believe every journalist has a duty to ensure these rights are upheld in their work including respect for the child's right to privacy. Sufficient time and space must also be devoted to children's rights and children's issues in the media



Andrew Flanagan, Chief Executive, NSPCC

Children are protected by all the rights found in the ECHR. However, there is a much more comprehensive set of rights protecting children in the UN Convention on the Rights of the Child, such as:

- the right to an adequate standard of living
- the right to the best possible health care
- the right to play
- the right to have their views given due weight in all matters affecting them
- the right to protection from all forms of violence
- the right to maintain contact with both parents (unless this is not in the child's best interests).

However none of these rights are yet part of UK law so children have to rely on their rights under the ECHR incorporated into the HRA.

Nearly all the rights in the HRA are relevant to children. Most relevant to horrific abuse of children such as Baby Peter and Victoria Climbié, is the positive duty on the state to protect children's lives and protect children from serious ill treatment (inhuman or degrading treatment).

Example: Four children from the UK who had been abused by their mother took a case to the European Court of Human Rights against a social services team. It was only after four and a half years that the local authority sought an emergency protection order. The European Court of Human Rights found that the local authority had failed in its positive duty to protect the children from inhuman and degrading treatment and had failed to protect the children.

The right to respect to family life – which enables families to live together – will always be overridden when the health and well being of children is at stake. This qualified right can be restricted to protect the rights of others. Indeed it must be when an absolute right of a child is at risk, like the right to life or the right not to be subjected to serious ill treatment.



CARERS



Carers give so much to the people they care for, and to our society as a whole, yet too often they are forced to give up work and find themselves suffering ill-health and excluded from society. Carers tell us time and time again that they feel their human rights are being infringed when they are not given a choice about caring. They find that when support is not right or insufficient, it is impossible to maintain even a basic quality of life

Imelda Redmond, Chief Executive, Carers UK



The human rights of carers can sometimes come a poor second to those they are caring for. Some human rights are particularly relevant to carers:

- the right to life, where carers receive delayed emergency medical treatment because of their caring responsibilities, which could put their life at risk
- the right not to be subjected to inhuman or degrading treatment or punishment, where there is a failure to take account of risks to the carer's physical or mental health even when social care or health staff know there is a problem
- the right to respect for private and family life, where carers are unable to work or to form or maintain relationships with others.

There are a fair number of stories in the press about overworked and exhausted carers but the link between human rights and carers is very rarely made.



THE ENVIRONMENT



The right to protect the environment through the right to campaign, to organise, to free assembly is under threat everywhere including in the UK. The right to information, to access to justice and to participate in environmental decision-making is critical in any democratic society. The Human Rights Act should be recognised and supported for the role it plays in creating a civilised society and a fairer, better world for the benefit of all citizens



John Sauven,
Executive Director, Greenpeace

There are significant connections between human rights and protection of the environment. There have been a number of cases in the European Court of Human Rights in which the right to respect for private life and the home have encompassed the right not to be exposed to pollution.

The Court has also said that where a state engages in hazardous activities, or allows private organisations to do so, individuals must be able to access relevant information.

However, the right to respect for private life is qualified and can be restricted for the 'economic well being of the country' as the example of reporting opposite illustrates.

Example: "Heathrow's neighbours lose fight for a quiet night"

People living around Britain's busiest airport lost their legal challenge against night flights yesterday when judges in Strasbourg ruled that aircraft noise did not violate their human rights.

The European Court of Human Rights said the economic impact of halting night services at Heathrow far outweighed the rights of those suffering disrupted sleep. Eight members of the Heathrow Area Campaign Against Noise, Hacan ClearSkies, had won their case in Strasbourg last year. The Government appealed, arguing that an end to night flights would cause severe disruption to British airlines and give rival European airlines an unfair advantage.

But yesterday the European court offered some hope to the campaigners by ruling that the eight residents had been denied the right to an effective remedy because the British courts had not considered the individuals' rights under the Convention on Human Rights, which at the time had not been incorporated into domestic legislation. This, they said, constituted a "violation" of the convention and justified the court awarding them £35,000 for costs and expenses. The focus of the campaign is expected to switch from banning flights to pushing for tougher controls on aircraft noise and emissions..."

The Independent, 9 July 2003



CHAPTER 5: RESOURCES AND CONTACTS

REPORTING STANDARDS AND CODES OF CONDUCT

The Press Complaints Commission's code of practice www.pcc.org.uk/cop/practice.html is the most significant code for journalists. It does not specifically refer to human rights but its first condition is relevant:

1. Accuracy

- i) the Press must take care not to publish inaccurate, misleading or distorted information, including pictures
- ii) a significant inaccuracy, misleading statement or distortion once recognized must be corrected, promptly and with due prominence, and – where appropriate – an apology published
- iii) the Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact
- iv) a publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

Similarly the National Union of Journalists' Code of Conduct www.nuj.org.uk/innerPagenuj.html?docid=74 requires members to:

"ensure that information disseminated is honestly conveyed, accurate and fair...and differentiates between fact and opinion..."



CONTACTS IN THE MEDIA

Below are details of organisations which have a direct interest in standards of reporting and broadcasting.

BBC Its Editorial Guidelines are a source of advice to broadcasters on dealing with sensitive issues.
www.bbc.co.uk/guidelines/editorialguidelines

Chartered Institute of Journalists campaigns for press freedom and acts as a trade union for its members in journalism and public relations.
www.ioj.co.uk
020 7252 1187
memberservices@ioj.co.uk

Media Trust works in partnership with the media industry to help the voluntary sector build effective communications.
www.mediatrust.org
020 7874 7603
info@mediatrust.org

Mediawise is a charity concerned with ethical journalism. Provides advice and its own guidelines.
www.mediawise.org.uk
0117 941 5889
info@mediawise.org.uk

National Union of Journalists represents thousands of journalists in the UK. It encourages its members to work according to its code of conduct.
www.nuj.org.uk
020 7278 7916
info@nuj.org.uk



Office for Communications (Ofcom) regulates all broadcasting in the UK. Broadcasters are required by law to follow its code.

www.ofcom.org.uk

020 7981 3040

contact@ofcom.org.uk

Press Complaints Commission (PCC) All newspapers and magazines voluntarily submit to the PCC's jurisdiction. Its code is written into newspaper journalists' contracts.

www.pcc.org.uk

020 7583 1248

complaints@pcc.org.uk

Society of Editors campaigns for media freedom, self-regulation, the public's right to know and the maintenance of standards in journalism.

www.societyofeditors.org

01223 304080

info@societyofeditors.org

OFFICIAL & STATUTORY BODIES

11 Million – Children's Commissioner for England

champions children's interests and concerns.

www.11million.org.uk

Media Centre 0551 143 7834/0551 143 7863/0551 143 7831

Out of hours 07920 765 454

Info.request@11million.org.uk

Children's Commissioner for Wales champions children's interests in Wales.

www.childcom.org.uk

01792 765600

Council of Europe promotes democratic principles throughout Europe, based on the European Convention on Human Rights.
www.coe.int

Equality and Human Rights Commission came into being in October 2007. It has offices in England, Wales and Scotland.
www.equalityhumanrights.com

EU Agency for Fundamental Rights provides rights advice to the EU and its member states. It does not examine complaints from individuals.
www.fra.europa.eu/frawebsite/home/home_en.htm

European Court of Human Rights hears cases brought by individuals under the European Convention on Human Rights. Its website has free, online access to case law of the ECHR, the European Commission of Human Rights (before its abolition) and the Committee of Ministers.
www.echr.coe.int/ECHR/homepage_en

European High Commissioner for Human Rights

is an independent institution within the Council of Europe, mandated to promote awareness and respect for human rights in its 47 states.

www.coe.int/t/commissioner

+33 (0) 3 88 41 34 21 (for queries and questions)

Joint Parliamentary Committee for Human Rights considers human rights issues in the UK (not individual cases). Scrutinises all government Bills and action to deal with judgments of the UK courts and the European Court of Human Rights involving breaches of human rights.
www.parliament.uk/parliamentary_committees/joint_committee_on_human_rights.cfm

Ministry of Justice has resources, publications and guidance notes including various guides to the Human Rights Act 1998.
www.justice.gov.uk/guidance/humanrights.htm

NHS Centre for Equalities and Human Rights (Wales) a national, strategic resource for NHS Wales to ensure that patients and staff are treated fairly and in accordance with their needs.
www.wales.nhs.uk/equality
01443 233450

Older People's Commissioner for Wales safeguards the interests of people in Wales aged 60 or more.
www.olderpeoplewales.com
08442 640670
Urgent press enquiries 02920 344 888
ask@olderpeoplewales.com

United Nations Portal has links to

- UN High Commissioner for Human Rights
- Human Rights Council
- International Criminal Tribunal for the Former Yugoslavia
- International Criminal Tribunal for Rwanda
- UN Treaty Collections, including all UN human rights treaties

www.un.org/rights

Women's National Commission is an official, independent, national, advisory body that brings the voice of women to government, especially underrepresented women.

www.thewnc.org.uk

020 7944 0585

wnc@communities.gsi.gov.uk

ORGANISATIONS WITH A RIGHTS-BASED APPROACH

Blink was set up to protect and pioneer the interests of Britain's black communities.

www.blink.org.uk

Action on Elder Abuse works to prevent the abuse of vulnerable older adults. It runs helplines and trains care staff and others.

www.elderabuse.org.uk

020 8765 7000

enquiries@elderabuse.org.uk

Age Concern/Help the Aged (merged) aims to promote the well-being of all older people. It provides day care and information, and campaigns on issues affecting older people.

www.ageconcern.org.uk

www.helptheaged.org.uk

Press Office 020 7239 1942. Out of hours 07730 912524

press@helptheaged.org.uk

Amnesty International UK campaigns on issues related to justice, fairness, freedom and truth in the UK and elsewhere.

www.amnesty.org.uk

Press and media enquiries (on UK generally): 020 7033 1548

Out of hours 07721 398 984

Press and media enquiries (Wales): 029 2078 6415

The British Institute of Human Rights provides information, briefings and toolkits, training and consultancy and undertakes research and policy analysis.

www.bihhr.org.uk

Media Centre: 020 7848 1839

info@bihhr.org.uk

Carers UK campaigns for recognition for carers and for them to have practical, financial and emotional support.
www.carersuk.org
Press enquiries: 020 7378 4936/5. Out of hours 07505 184262
info@carersuk.org

Centre for Crime and Justice Studies is an independent charity at King's College London that informs and educates about all aspects of crime and the criminal justice system.
www.crimeandjustice.org.uk
Press enquiries: 020 7848 1688
info@crimeandjustice.org.uk

Children's Rights Alliance for England provides free legal information and advice, raises awareness of children's human rights, and undertakes research about children's access to their rights.
www.crae.org.uk
020 7278 8222. Out of hours 07949 434 787
info@crae.org.uk

Disability Awareness in Action is an information network on disability and human rights.
www.daa.org.uk
info@daa.org.uk

Equality and Diversity Forum is a network of national organisations committed to equal opportunities, social justice, good community relations, respect for human rights and an end to discrimination.
www.edf.org.uk
020 7843 1597
info@edf.org.uk

The Fawcett Society campaigns for equality between men and women in the UK on pay, pensions, poverty, justice and politics.
www.fawcettsociety.org.uk
020 7253 2598

Inquest provides a free advice service to bereaved people on contentious deaths with a particular focus on deaths in custody.
www.inquest.gn.apc.org
020 7263 1111
Press enquiries: communications@inquest.org.uk

International Centre for Prison Studies assists governments and other relevant agencies to develop appropriate policies on prisons and the use of imprisonment.
www.kcl.ac.uk/schools/law/research/icps
020 7848 1922
icps@kcl.ac.uk

Justice is an independent legal human rights organisation which seeks to influence law and practice, promote human rights and improve the system of justice.
www.justice.org.uk
Press and media enquiries: 020 7762 6412
admin@justice.org.uk

The King's Fund is dedicated to improving the health system in England. Publishes policy and research on health.
www.kingsfund.org.uk
Press and Public Affairs: 020 7307 2585.
Out of hours: 07831 554927 or 07774 218439
mediaoffice@kingsfund.org.uk

Liberty undertakes campaigning, test case litigation, parliamentary lobbying, policy analysis and provides free advice and information.

www.liberty-human-rights.org.uk

Press Office: 020 7378 3656 or 07973 831 128

The Medical Foundation for the Care of Victims of Torture

is a charity dedicated to the treatment of torture survivors.

www.torturecare.org.uk

Press office: 0207 697 7783, 0207 697 7811

Mencap is a UK charity for people with a learning disability and their families.

www.mencap.org.uk

Press and media: 020 7696 5414. Out of hours 07770 656659

press.office@mencap.org.uk

Mind is a mental health charity working in England and Wales.

It provides services across England and Wales through a network of local Mind associations.

www.mind.org.uk

Press in England 020 8522 1743. Out of hours 07850 788514

Press in Wales 029 2039 5123/029 2034 6575

press@mind.org.uk

National Centre for Independent Living aims to enable disabled people to be equal citizens and promotes independent living.

www.ncil.org.uk

0207 587 1663

info@ncil.org.uk

Operation Black Vote focuses on the black democratic deficit in the UK.

www.obv.org.uk

020 8983 5430/5431

info@obv.org.uk

Prison Reform Trust works to ensure UK prisons are just, humane and effective.

www.prisonreformtrust.org.uk

020 7251 5070

prt@prisonreformtrust.org.uk

Race on the Agenda is a social policy think-tank focusing on issues that affect black, Asian and minority ethnic communities.

www.rota.org.uk

020 7902 1177

rota@rota.org.uk

RADAR is a national network of disability organisations and disabled people campaigning to promote equality for all.

www.radar.org.uk

020 7250 3222

radar@radar.org.uk

Refugee Action is an independent national charity that works with refugees to build new lives in the UK.

www.refugee-action.org.uk

0161 233 1956 /07771 748159/07831 093423

media@refugee-action.org.uk

Refugee Council gives asylum seekers and refugees help and support and works to ensure their needs and concerns are addressed.

www.refugeecouncil.org.uk

For all national and local media enquiries (except Yorkshire and Humberside) contact: 020 7346 1213 Out of hours: 0870 0555500 and ask for pager 865169

For media enquiries covering Yorkshire and Humberside, contact: 0113 386 2235

Rethink is a national mental health membership charity working to help everyone affected by severe mental illness.

www.rethink.org

Media Team: 020 7840 3138/020 7840 3146. Out of hours 0777 558 5178

info@rethink.org

Sane works to improve the quality of life for people affected by mental illness.

www.sane.org.uk

020 7375 1002

info@sane.org.uk

Southall Black Sisters challenges domestic and gender violence, and provides support services to enable women and their children to escape violent relationships.

www.southallblacksisters.org.uk

020 8571 9595 (Mon-Fri 10am – 5pm closed Weds)

southallblacksisters@btconnect.com

Stonewall works to achieve equality and justice for lesbians, gay men and bisexual people.

www.stonewall.org.uk

Media enquiries: 020 7593 1857 (Mon-Weds) 020 7593 1857 (Weds-Fri) 020 7593 1856 Out of hours 07985 439 660

info@stonewall.org.uk

Together supports individuals and communities to achieve mental wellbeing and realise their potential.

www.together-uk.org

020 7780 7300

contactus@together-uk.org

Unlock Democracy campaigns for democracy, rights and freedoms and for fair, open and honest elections, a written constitution, stronger parliament and accountable government.

www.unlockdemocracy.org.uk

General enquiries: 020 7278 4443

Press and media enquiries: ext 108

info@unlockdemocracy.org.uk

Values into Action is a UK-wide campaign that promotes the right of people with learning difficulties to be treated with the same respect as all citizens.

www.viauk.org

020 7729 5436

general@viauk.org

The Women's Resource Centre supports women's organisations to be more effective and sustainable.

www.wrc.org.uk

020 7324 3030



APPENDIX

Notes about the authors

Sarah Cooke OBE: Writer

Sarah is a qualified lawyer who has specialised in human rights and equality matters throughout her career. She was Director of the British Institute of Human Rights for seven years, working to ensure public services are delivered in a way that is underpinned by respect for human rights. She has worked as a freelance consultant on a wide range of projects for the public and voluntary sectors.

Carolina Gottardo: Research Assistant

Carolina has worked for many years on human rights issues both at domestic and international levels in a number of roles including as National Policy Director at the Refugee Council of Australia and as Training Manager at the British Institute of Human Rights. Carolina was awarded the Peter Duffy Human Rights Award in 2004 for advancing human rights.

Alison Whyte: Editor

Alison has written extensively about health, education and social issues for national newspapers and magazines for many years. She has also worked as a freelance communications consultant and has written and edited numerous reports for charities, trade unions and voluntary organisations.

Joanna Inskip: Managing Editor

Joanna is a qualified member of the Chartered Institute of Public Relations and has worked in PR and journalism for 20 years. She joined Media Trust in December 2006 to manage Community Newswire, a free news service to help charities and voluntary organisations gain valuable media coverage.

Photos supplied courtesy of Press Association photos

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REFERENCES

The following publications were used and drawn upon in drafting this guide:

Watson and Woolf, *Human Rights Act Toolkit*, Legal Action Group, 2nd edition (February 2008)

British Institute of Human Rights, *Your Human Rights, A guide for disabled people and A guide for Older People*, (2006). All guides in the series are available on line at www.bihhr.org.uk/resources/guides

British Institute of Human Rights, *The Human Rights Act – Changing Lives*, (2nd edition). This is available online at www.bihhr.org.uk/resources/useful-resources

Department for Constitutional Affairs, *Review of the Implementation of the Human Rights Act* (July 2006). This is available online at www.justice.gov.uk/guidance/docs/full_review.pdf

The Equality and Human Rights Commission, *Ours to own: understanding human rights*, (2008). This is available on line at www.equalityhumanrights.com/en/publicationsandresources/Pages/Ourstown.aspx?sort=atoz&fl=O

Reference was also made to Liberty's website, in particular <http://www.liberty-human-rights.org.uk/issues/human-rights-act/index.shtml>



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