

## Human Rights Act impact outside courts

- **Disabled married woman secures special double bed**

A disabled woman who was unable to leave bed needed a special bed which would allow carers to give her bed baths. Her authority refused her request to have a double bed so that she could continue to sleep next to her husband, even though she offered to pay the difference in cost between a single and double bed. After she invoked her right to respect for private and family life, the authority agreed to pay the whole cost of the double bed.<sup>1</sup>
- **Woman fleeing domestic violence prevents children being taken into care**

A woman fleeing her violent husband, who moved towns with her children whenever he tracked them down, eventually arrived in London and was referred to the local social services department. Social workers told the mother that she was an 'unfit' parent and that she had made the family intentionally homeless. An advice worker helped the mother challenge this claim using the right to respect for family life and prevented the children being placed in foster care. Instead the mother was offered help to secure accommodation.<sup>2</sup>
- **Learning disabled couple challenge use of CCTV in their bedroom at night**

A couple with learning disabilities were living in residential care with their child so that their parenting skills could be assessed by social services. CCTV cameras were installed to observe them performing parental duties, including in their bedroom, even though the baby slept in a separate nursery. The couple were distressed by the use of the cameras in the bedroom at night and successfully used their right to private life to get the cameras switched off during the night.<sup>3</sup>
- **Older couple reunited in nursing home**

In 2005, Mr and Mrs Driscoll, both 89, were separated for the first time in over 60 years of marriage when Mr Driscoll needed residential and nursing care. Mrs Driscoll was told that she didn't qualify for a subsidised place in the council-run home and went to live with her son. Human rights experts and older people's organisations pointed out that this was a breach of the couple's right to respect for their private and family life (Article 8). Following publicity and a campaign by the family, Mrs Driscoll's needs were reassessed and Gloucestershire County Council offered her a subsidised place in the same care home as her husband. The media campaign and publicity, fuelled by human rights arguments under Article 8, persuaded the local authority to reconsider.<sup>4</sup>
- **Deaf patient challenged lack of interpreter during operation**

Ms J, a profoundly deaf patient, was treated for a heart condition in Manchester in 2001. The hospital consultant refused to allow a British Sign Language interpreter into the operating theatre on health and safety grounds. This meant that during part of the procedure – carried out under local anaesthetic – Ms J was conscious but with no interpreter present was unable to communicate with medical personnel, which she found extremely frightening. She contacted RNID who reminded the hospital that qualified interpreters work to very high standards and follow a Code of Practice. The relevant human rights that the hospital should have considered included: freedom of expression (Article 10), prohibition of discrimination (Article 14), and prohibition of degrading treatment (Article 3). The hospital admitted its error and apologised to Ms J, and has agreed to provide an interpreter for future operations, ensuring the dignity and equal treatment of disabled patients.<sup>5</sup>

<sup>1</sup> 'The Human Rights Act – Changing Lives', Second Edition, British Institute of Human Rights, 2008.

<sup>2</sup> 'The Human Rights Act – Changing Lives', Second Edition, British Institute of Human Rights, 2008.

<sup>3</sup> 'The Human Rights Act – Changing Lives', Second Edition, British Institute of Human Rights, 2008.

<sup>4</sup> 'Human Rights and the Human Rights Act', Equality and Diversity Forum, June 2006.

<sup>5</sup> 'Human Rights and the Human Rights Act', Equality and Diversity Forum, June 2006.