

# Human Rights

The effect of the Human Rights Act 1998 has been pervasive and few areas of law involving Government or other public authorities remain untouched by it. Acting as it does for the major Departments of State, and other public bodies, TSol has unrivalled experience in dealing with alleged violations of Human Rights and incidental issues arising under the Human Rights Act, in diverse legal areas.

## Our experience

Some significant cases in which we have acted include:

- *Pretty -vs- DPP*, in which the court had to consider the nature of right to life of a terminally ill patient intent on suicide;
- *Q -vs- Secretary of State for the Home Department (SSHD)*, in which the court had to consider whether restrictions on the provision of support to asylum seekers amounted to inhumane or degrading treatment;
- *Anderson -vs- SSHD*, in which the court had to consider the incompatibility of SSHD's tariff setting powers with the right to a fair hearing of mandatory lifers;
- *Robertson -vs- Electoral Registration Officer*, in which the question arose as to whether the sale of the Electoral Register violated the right to respect for private and family life;
- *R -vs- Shayler*, in which the court had to consider the compatibility of the Official Secrets Act 1989 with the right to freedom of expression;
- *Abbasi -vs- Secretary of State for Foreign and Commonwealth Affairs* in which the court had to consider whether the Human Rights Act has extra territorial application;
- *Heather -vs- Leonard Cheshire Foundation*, in which the nature of a "public authority" was considered;
- *AX & Y -vs- SSHD*, in which the court had to consider the justification of derogation by the UK from Article 5(1) of the Convention;
- *Ghaidan v Godin-Mendoza* where the House of Lords ruled on the nature of the interpretative obligation under s3 HRA;
- *Amin v SSHD* in which the House of Lords dealt with the procedural obligation under Article 2 to carry out a public enquiry following a death in custody
- *R (oao Marper) v CC South Yorkshire Police* where the House of Lords considered whether retention of fingerprints and DNA samples taken from subsequently acquitted suspects violated the right to privacy
- *R (oao Gillan) v Commissioner of Police* in which the House of Lords considered whether the exercise of stop and search powers under the Terrorism Act 2000 amounted to a violation of the right to liberty of the person.

## How we add value

TSol is a member of the cross-Government ECHR Lawyers Co-ordination Team. As such we are actively involved in:

- the dissemination of information relating to developments in human rights law and practice;
- the co-ordination of responses to cross-cutting issues and threatened Declarations of Incompatibility;
- the development of "Lines to Take" on important topical questions;
- the organisation of ad hoc meetings to discuss particular issues of wide concern.

While we are involved in developing awareness of human rights issues across Government, we deliberately do not treat this subject as a specialist practice area. All of our lawyers are expected to be familiar with the application and effect of the Human Rights Act to their particular field.

## Our clients

Human rights permeates almost all areas of our work, and we advise and act in this matter on behalf of all our clients across Government.

## Contacts



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