

You be the Judge: Teacher information sheet

These seven cases are all based on real situations.

Case 1: Racist comments on Twitter

The rights which might be considered include article 10 (freedom of speech) and article 14 (freedom from discrimination).

This is based on a real case where a 21 year-old student posted racist comments on Twitter about the black footballer Fabrice Muamba. The student made further racist tweets in response to those who criticised him. He was sentenced to 56 days in prison under the Racially Aggravated s4A Public Order Act 1986.

The key point here is that though we have a right to freedom of speech this may be limited if we abuse that right to incite hatred.

Case 2: Voting rights for prisoners

The relevant right here is article 3 protocol 1, about the right to vote in free and fair elections.

This case is based on a recent and controversial application of the Human Rights Act. In the UK, no prisoners can vote in parliamentary or local elections. This is a blanket ban, without regard to the length of the sentence or the nature of the offence. The European Court of Human Rights has ruled that a blanket ban is unlawful. However, it accepts that the government should be allowed to remove voting rights from prisoners in certain circumstances, depending mainly on the length of the sentence.

The key point here is that rights do not only apply to 'good' people, but also to those who may have done wrong or committed crimes.

Case 3: A hotel that refuses gay couples

The relevant rights here are article 9 (freedom of belief) and article 14 (freedom from discrimination).

This case is based on a real example where Michael Black and John Morgan, an unmarried gay couple, were refused a room at a bed and breakfast. They had reserved the room and paid a deposit but upon arrival the owner of the B&B refused to allow them to stay because she said it was 'against her convictions'. The B&B owners were Christians who only allowed married couples to share a room. The owners argued that they could turn guests away as an expression of their religious beliefs; however, a court ruled that they had acted unlawfully and the couple should have been allowed to stay.

The key point here is that, though we have a right to freedom of belief, this may be limited where it results in discrimination towards others.

Case 4: Detention without trial

Rights that might be considered are article 5 (right to liberty) and article 6 (right to a fair trial).

This case is based on the contentious issue of detention without charge for terrorist suspects. In 2006, the government attempted to pass a law allowing the police to detain terrorist suspects for up to 90 days without charge. This law was not passed, nor was a subsequent attempt at passing a law for 42 days' detention. The current period of detention without charge for terrorist suspects is 14 days.

The key point here is that, in exceptional circumstances, police may detain an individual without charge. However, they may do so only for a very limited time.

Case 5: Protesters at RAF Fairford

The relevant right here is article 11 (the right to protest).

This case is based on a real case in 2003, where coachloads of anti-war protesters travelling to RAF Fairford in Gloucestershire were stopped by police. They were driven back to London with a police escort and prevented from stopping for the entire journey. The police argued that some of the protesters were planning to break into the base, where planes were taking off for Iraq. A court ruled that freedom of expression is 'an essential foundation of democratic society' and that the police had acted unlawfully.

The key point here is that we all have a right to peaceful protest which should not be interfered with by the police or others.

Case 6: Use of torture

The relevant right here is article 3 (the right not to be tortured).

This case relates to the treatment of terrorist suspects in Northern Ireland in the 1970s. Interrogation techniques used included: forcing detainees to remain standing 'spread eagled' in stress positions for hours on end; hooding detainees' heads; subjecting detainees to loud and continuous hissing noises; sleep deprivation; and food and drink deprivation. The European Court of Human Rights ruled that these techniques were unlawful.

The key point here is that the right not to be tortured (unlike some other rights) is absolute: there are no circumstances in which torture is permitted.

Case 7: Stop and search

Several rights may be relevant here, including article 14 (protection from discrimination). However, when this case was brought to the Court of Human Rights the key right was article 8 (right to respect for private life).

Pennie Quinton was a journalist reporting on a protest against an arms fair in east London in 2003. She was stopped and searched by police under section 44 of the Terrorism Act (2000).

Under this law, police could stop and search anyone within a given area without having a reason to suspect them of a crime. It emerged that the whole of Greater London had been designated for stop and search without suspicion on a rolling basis since 2001. In 2010, the court ruled that this violated the right to respect for private life.

However, police still have substantial powers to stop and search under other laws, which remain highly controversial – not least because of the disproportionate number of searches on black and Asian men.

The key point here is that human rights can help us stop those with power, such as the police, from abusing their power.