

**IN THE INTERNATIONAL
COURT OF JUSTICE**

**COMPLAINT AND
JURY DEMAND:**

PROPOSED CLASS ACTION

BETWEEN:

FREEDOM ADVOCACY AND LAW

**For and behalf the collective plaintiff(s) of the
UNITED KINGDOM, encompassing ENGLAND,
WALES, SCOTLAND and NORTHERN IRELAND
(Plaintiff(s))**

Against

**THE FAMILY COURT(S) of
the UNITED KINGDOM, encompassing ENGLAND,
WALES, SCOTLAND and NORTHERN IRELAND
(1st Defendant)**

And

**THE LOCAL AUTHORITIES,
encompassing PARISH, DISTRICT, BOROUGH
CITY and COUNTY COUNCILS operating in
the UNITED KINGDOM, encompassing ENGLAND,
WALES, SCOTLAND and NORTHERN IRELAND
(2nd Defendant)**

- 1) This action arises from the unlawful joint actions of both the FAMILY COURT(S) of the UNITED KINGDOM, encompassing ENGLAND, WALES, SCOTLAND and NORTHERN IRELAND, and THE LOCAL AUTHORITIES of the UNITED KINGDOM, encompassing PARISH, DISTRICT, BOROUGH, CITY and COUNTY COUNCIL(S) operating in the UNITED KINGDOM, encompassing ENGLAND, WALES, SCOTLAND and NORTHERN IRELAND, as below named defendants (refer **Special Exhibits B. & C.**).
- 2) The plaintiff(s) (refer **Special Exhibit A.**) are individuals who have suffered injustice, duress, stress, emotional loss or damage or financial loss, resulting from the questionable actions of the FAMILY COURTS (**B.**), and the LOCAL AUTHORITIES (**C.**). This does not include additional family members affected to the same measure of the plaintiff(s), but equally affected in their own right, and must be equally treated as plaintiff(s).
- 3) The collective plaintiff(s) (**A.**) bring this class action against the defendant(s) for constant denial of human rights and fundamental freedoms (section) resulting from the continual abuse of power pre, during and post proceedings in relation to the FAMILY COURT(S) (**B.**), and the unjust, predetermined actions of the LOCAL AUTHORITY(S)(**C.**).
- 4) The collective plaintiff(s) (**A.**) bring this class action against the defendant(s) for the *tortious, contingent, accomplice, remedial, and vicarious* liabilities (section) of both the FAMILY COURT(S) or the LOCAL AUTHORITY(S) (**B.** and **C.**).
- 5) The plaintiff(s) (**A.**) request immunity to seek “safe haven” through all available legal channels, including political asylum and protection from malicious incarceration of political prisoners, for sane under international treaties. This will include safe passage and non-persecution by either the FAMILY COURT(S) or the LOCAL AUTHORITY(S) (**B.** and **C.**), or any other agencies, 3rd parties, for and behalf of the FAMILY COURT(S) or the LOCAL AUTHORITY(S) (**B.** and **C.**).

- 6) The plaintiff(s) are seeking a collective “Writ of Certiorari” against the FAMILY COURT(S) (B.), whereby, the writ will allow the release of information regarding all legal process, documentation and Orders so as to be fully explored and investigated in detail, for all irregularities, administrative error and judicial process. The plaintiff(s) (A.) believe that the FAMILY COURT(S) (B.) have acted with a complicit nature, to incorporate detrimental, fabricated and manipulated evidence from the LOCAL AUTHORITY(S) (C.), and assist them in the systematic and unjustified removal of offspring from the plaintiff(s) (A.), resulting in the intentional infliction of emotional abuse, obstruction of justice and misfeasance, against both the plaintiff(s) and the extended family members of the plaintiff(s).
- 7) The plaintiff(s) make claim against the maladministration and vicarious liability of the LOCAL AUTHORITY(S) (C.), this has directly affected the plaintiff(s) (A.) as the following complaint;
- a) **Maladministration** on the part of the staff directly involved in the relative actions against the individual plaintiff(s) (A.), identifiable as allocated services providers directly responsible for all direct “1st point contact”. The plaintiff(s) (A.) request a full and thorough audit of stored data, reports, files, mirror files, inter-office correspondences, personal notes and other multi-agencies communications.
 - b) **Vicarious Liability**¹ of the corporate body responsible for the management, training and administering of duty, to those mentioned in (i.)
- 8) The plaintiff(s) (A.) lay claim to serious infringements of the listed United Kingdom Statutes and Laws, European Convention on Human Rights and Fundamental Freedoms and many conventions, as laid down by the United Nations. These infringements have been from direct intervention and involvement from the FAMILY COURT(S) and the LOCAL AUTHORITY(S) (B. and C.) with no regard for the plaintiff(s), or the extended family of the plaintiff(s) (A.) who in their own right should equally be treated as plaintiffs.

¹ Thus far we know of no person who has successfully sued under the Crown Proceedings Act 1947, pt 1, § 2, over Maladministration/Vicarious Liability in the Family Proceeding Court.

A. The Human Rights Act 1998 (c.42)

1. Article 2 – Right to Life.

“Everyone’s right to life shall be protected by law”

The plaintiff(s) (A.) lay claim to serious infringement of their right to life and to the rights of their offspring, claiming that “Law” has failed to “Protect”. Instead, the plaintiff(s) (A.) believe that the “Law” has been used as a catalyst by the LOCAL AUTHORITY(S) (C.) to maximise effect as a complicit act with the FAMILY COURT(S) (B.), and minimise effective remedy and “protection” of the “Law”.

2. Article 3 – Prohibition of Torture.

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment”

Actions by the LOCAL AUTHORITY(S) (C.) before, during and after proceedings involving FAMILY COURT(S) (B.) have had the effect of severe mental anguish and physical manifestations of physical and emotional stress inflicted on the plaintiff(s) (A.) and the extended family of the plaintiff(s), who in their own right should be equally treated as plaintiffs. These effects are ongoing and persistent.

3. Article 5 – Right to Liberty and Security.

“Everyone has the right to liberty and security of person”

The actions of both the FAMILY COURT(S) and the LOCAL AUTHORITY(S) (B. and C.) have violated the security of the plaintiff(s) (A.) and the extended family of the plaintiff(s)

(A.) as a family unit, and has deprived the siblings of the plaintiff(s) (A.) and the extended family of their liberty.

4. Article 6 – Right to a Fair Trial.

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”

- i. When plaintiff(s) (A.) commence hearings with the FAMILY COURT(S) and the LOCAL AUTHORITY(S) (B. and C.) they are commenced *in camera* with no consideration given by the FAMILY COURT(S) or the LOCAL AUTHORITY(S) (B. and C.) to evidence offered in rebuttal to claims made by the LOCAL AUTHORITY(S) (C.).
- ii. In criminal proceedings, the plaintiff(s) (A.) would be entitled to challenge allegation made by the LOCAL AUTHORITY(S) (C.) and appointed “expert” witnesses or other multi-agency witnesses. (*see § 3, (d) “to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him”*). But in civil proceedings (Family/Child) the plaintiff(s) (A.) is left with no opportunity of such facility. Many plaintiff(s) (A.) have migrated inter-state, only to be pursued by the LOCAL AUTHORITY(S) (C.) in the form of fabricated information being sent to the plaintiff(s) (A.) new state of residence.

5. Article 7 – No Punishment without Crime.

- i. (*see § 1*) “No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed”.

- ii. *(see § 2) “This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations”.*

The plaintiff(s) (A.) were at no point charged with any crime in connection with proceedings. The plaintiff(s) (A.) were at no time arrested, or interviewed under caution, yet they and their extended families, their offspring and their peers are all being punished to varying degrees.

Indeed, if in any proceedings, plaintiff(s) (A.) had been arrested, interviewed under caution, bailed or charged, the norm would be that the charges were dropped after the end of proceedings or the charges “held” as a catalyst to the proceedings involving the FAMILY COURT(S) and the LOCAL AUTHORITY(S) (B. and C.), to assist their systematic removal of the offspring.

6. Article 8 – Right to Respect for Private and Family Life.

- i. *(see § 1) “Everyone has the right to respect for his private and family life, his home and his correspondence”.*
- ii. *(see § 2) “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.*

The rights of the plaintiff(s) (A.) to private life were and continue to be violated by the FAMILY COURT(S) (B.) at the behest of the LOCAL AUTHORITY(S) (C.) with no due process of Law and on the basis of unqualified opinion, fabrications and hearsay.

7. Article 9 – Freedom of Thought, Conscience and Religion.

- i.** *(see § 1) “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance”.*
- ii.** *(see § 2) “Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others”.*

The rights of the plaintiff(s) (A.) to freedom of thought as to their own wellbeing were and continue to be infringed by the LOCAL AUTHORITY(S) (C.) by their insistence (and evident in numerous documents to which the plaintiff(s) (A.) are privy) that the plaintiff(s) (A.) and the extended family of the plaintiff(s) (A.) wishes and feelings and mental and physical wellbeing are secondary to that of all others.

8. Article 10 – Freedom of Expression.

- i.** *(see § 1) “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises”.*
- ii.** *(see § 2) “The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial*

integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary”.

The plaintiff(s) (A.) rights to freedom of expression are continually violated by the LOCAL AUTHORITY(S) (C.) in such forms as threatening letters and electronic mail intended to force unnatural behaviours between the plaintiff(s) (A.), the plaintiff(s) (A.) offspring and the extended family of the plaintiff(s) (A.), thus effecting interaction in society.

9. Article 11 – Freedom of Assembly and Association

- i.** *(see § 1) “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests”.*
- ii.** *(see § 2) “No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State”.*

The plaintiff(s) (A.) are prevented from association with parents in similar situations by the FAMILY COURT(S) (B.) and the LOCAL AUTHORITY(S) (C.), further they are prevented by unlawful “gag” from discussing their circumstances and that of their offspring with the extended family.

10. Article 12 – The Right to Marry

“Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right”

In extreme cases, plaintiff(s) (A.) have been “prevented” from marriage by the LOCAL AUTHORITY(S) (C.), showing complicity to “divide and conquer” what would be a strong foundation unity and sound base for a family. In many proceedings, the plaintiff(s) (A.) have been advised, with false hope from the LOCAL AUTHORITY(S) (C.) that separation and ultimately destruction of the marriage would ensure the offspring would be returned to one of the parents, only to be denied this by the FAMILY COURT(S) (B.) and the LOCAL AUTHORITY(S) (C.) in the final proceedings, with the use of “insecurity” being the reason for the systematic removal of the offspring, from the plaintiff(s) (A.).

11. Article 14 – Prohibition of Discrimination.

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

Given the unqualified claim by the LOCAL AUTHORITY(S) (C.) and the “Expert Witness” that the plaintiff(s) (A.) are in most cases, mentally ill (notwithstanding the fact that the plaintiff(s) (A.) neither are or have ever been sectioned under the *Mental Health Act 2007* (c.12) during proceedings in the FAMILY COURT(S) (B.), the proceedings in the FAMILY COURT(S) (B.) can then be shown to be in violation of the *Disability Discrimination Act 2005* (c.13) as mental incapacity is recognised in that same Act as a disability.

12. Article 17 – Prohibition of Abuse of Rights.

“Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention”.

Therefore, it can be shown that the FAMILY COURTS and the LOCAL AUTHORITY(S) (**B.** and **C.**) acting themselves and through other parties, have acted to persistently violate the rights of every plaintiff(s) (**A.**) and their offspring, and that of the extended families of the plaintiff(s) (**A.**).

B. The European Convention on Human Rights and Fundamental Freedoms

Rome, 4.XI.1950, as codified by the Eighth Protocol (ETS No. 118) of 19 March 1985

- i.** Request is made by the plaintiff(s) (A.) that reference is made to the violation mentioned in § 8, A.

C. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

New York 10 December 1984.

*i. **Article 1** – “For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”*

- 1.** Under Article 1, no lawful sanctions were imposed.
- 2.** Pain and all suffering were inflicted by or at the instigation of or with the consent or acquiescence of the defendant(s) **(B. and C.)**.
- 3.** Torture was inflicted with intended end result being the removal of the plaintiff(s) **(A.)** offspring.

ii. Article 2 –

- §1.** *Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”.*
- §2.** *No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture”.*

§3. *An order from a superior officer or a public authority may not be invoked as a justification of torture”.*

1. Notwithstanding national legislation in place to protect citizens or subjects from torture, the defendants (B. and C.) opted instead to ignore same legislation in order to pursue the endgame, being the removal of minors from their rightful homes.
2. Further, that the defendants (C.) attempted to justify their actions of removing minors from their rightful homes with the unlawful and oftentimes invalid Court Orders issued by defendants (B.).
3. Further, that the defendants (C.) attempted to justify their continuing torture of plaintiff(s) (A.) and their families by way of same said Court Orders and with further threats of legal action intended to silence the plaintiff(s) (A.) in order to carry out further kidnappings and torturous actions against other family units.

iii. **Article 3** –

§1. *“No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”*

§2. *“For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”*

1. The defendant(s) (B. and C.) make no regard for this Article, casting spurious and unfounded allegation to goad interstate extraction of the plaintiff(s) (A.) and/or their offspring, to face systematic persecution from their home state, as stated in previous statement points (*see § 8, A. –*

B.).

iv. **Article 4** –

§1. *“Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture”*

§2. *“Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature”.*

1. *A public official or person acting in an official capacity, whatever his nationality commits the offence of torture if in the United Kingdom or elsewhere he intentionally inflicts severe pain or suffering on another in the performance or purported performance of his official duties.*

2. *A person not falling within subsection (1) above commits the offence of torture, whatever his nationality, if—*

i. *in the United Kingdom or elsewhere he intentionally inflicts severe pain or suffering on another at the instigation or with the consent or acquiescence—*

a) *of a public official; or*

b) *of a person acting in an official capacity; and*

ii. *the official or other person is performing or purporting to perform his official duties when he instigates the commission of the offence or consents to or acquiesces in it.*

3. *It is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or an omission.*
4. *It shall be a defence for a person charged with an offence under this section in respect of any conduct of his to prove that he had lawful authority, justification or excuse for that conduct.*
5. *For the purposes of this section “lawful authority, justification or excuse” means—*
 - i. *in relation to pain or suffering inflicted in the United Kingdom, lawful authority, justification or excuse under the law of the part of the United Kingdom where it was inflicted;*
 - ii. *in relation to pain or suffering inflicted outside the United Kingdom—*
 - a) *if it was inflicted by a United Kingdom official acting under the law of the United Kingdom or by a person acting in an official capacity under that law, lawful authority, justification or excuse under that law;*
 - b) *if it was inflicted by a United Kingdom official acting under the law of any part of the United Kingdom or by a person acting in an official capacity under such law, lawful authority, justification or excuse under the law of the part of the United Kingdom under whose law he was acting; and*

- c) *in any other case, lawful authority, justification or excuse under the law of the place where it was inflicted*
- 6. *A person who commits the offence of torture shall be liable on conviction on indictment to imprisonment for life.*

Considering the seriousness of the crime of torture and the fact that the UK legislature has created and enacted the above Statute, it can be demonstrated that this is but a wistful gesture at best, yet still over thirty years late, and in the case where it is the LOCAL AUTHORITY(S) (C.) and vicariously the COURT(S) (B.) committing the crime, their actions are covered by local Statute (*Police And Criminal Evidence Act 1984* and subsequent amendments, among others), immunising them against any public or private prosecution whatsoever. Therefore, it can also be demonstrated that this Act is useless on its own merit.

v. **Article 5 -**

§1. *“Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:”*

- i. *When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;*
- ii. *When the alleged offender is a national of that State;*
- iii. *When the victim is a national of that State if that State considers it appropriate.*

- §2. *“Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article”*
- §3. *“This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law”*

For the sake of clarity, jurisdiction in all aspects of this Class Action shall fall within mainland UK encompassing ENGLAND, SCOTLAND, WALES and NORTHERN IRELAND and outlying territories falling within UK Statutory jurisdiction.

vi. **Article 6** –

- §1. *“Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted”*
- §2. *“Such State shall immediately make a preliminary inquiry into the facts”*
- §3. *“Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides”*
- §4. *“When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is*

in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction”

Consider that due to the clauses present in § 71 of the *Serious Organised Crime and Police Act 2005*, neither of the defendants, the FAMILY COURT(S) or the LOCAL AUTHORITY(S) (**B.** and **C.**) have ever been prosecuted under UK Statute for torture against a private citizen.

vii. Article 10 –

- §1.** *“Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment”*
- §2.** *“Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person”*

It is not argued that the information is not there for training purposes, because it is. The plaintiff's representative bundle (**Special Exhibit D**) shows how such knowledge is used to enforce unnatural behaviours through such techniques as neurolinguistic programming, attachment therapy, rebirthing, pin down, and others.

viii. **Article 12** –

“Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”.

The UNITED KINGDOM has no independent (therefore competent) Authority to investigate allegations of torture made against LOCAL AUTHORITY(S) (C.), including the POLICE.

ix. **Article 13** –

“Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given”.

Loopholes present in UK legislation mean that it is impossible to bring a prosecution against a LOCAL AUTHORITY(S) (C.) or the FAMILY COURT(S) (B.) system for crimes against citizens.

x. **Article 14** –

§1. *“Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation”.*

§2. *“Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law”*

As per **(ix. Article 13)**.

Freedom Advocacy & Law

D. The United Nations Convention on the Rights of a Child

2nd September 1990.

“ ...

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

“ ...

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,”

PART 1

i. Article 1 –

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

ii. Article 2 –

§1. *“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”*

Such rights of the Plaintiff(s) (A.) and their families were and continue to be infringed upon, as described by §8.A.

§2. *“States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members”*

Such protections for the offspring were summarily ignored by the LOCAL AUTHORITY(S) (C.) and vicariously, by the FAMILY COURT(S) (B.) *in arbitrio judicis*. Such decisions and subsequent orders were themselves made in violation of several other Statutes, Conventions and International Treaties as discussed elsewhere in this and attached documents.

iii. **Article 3 –**

§1. *“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”*

As shown in individual evidence bundles and overall in the spirit of this Class Action, the “best interests” of the minors involved were most certainly not at any point taken into consideration by the defendants (B. and C.). Indeed, it can be shown that the actions of the LOCAL AUTHORITY(S) (C.) themselves and vicariously through the FAMILY COURT(S) (B.) were intended and did indeed act entirely *against* the best interests of the children.

§2. *“States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures”*

LOCAL AUTHORITY(S) (C.) show to be negligent in their Statutory duty of care to ensure the best interests of the minors are taken into account before, throughout FAMILY COURT(S) (B.) proceedings, and subsequent to those proceedings. This is evident in the continual disruption of the family unit in each case by the LOCAL AUTHORITY(S) (C.) to the point of destruction and reflected in the records kept by the LOCAL AUTHORITY(S) (C.) during the prosecution of each case.

§3. *“States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision”*

The mere existence of this Class Action with the number of signatories to it as plaintiffs (A.) should be seen as evidence of the incompetence and non-conformist methods employed by the defendants (B. and C.) in their treatment of those who, essentially, employ them as public servants and expect of them their efficient execution of the Statutory duty of care entrusted to them to act on behalf of and in the best interests of, not *their* children because they are most certainly **not** the State's children; rather they are Human Beings in their own right with wishes and feelings and rights that **should** take precedence over matters financial and legal but do not; this is a feature, intentional or otherwise, of such proceedings under the *Children Act 1989*.

iv. **Article 4** –

*“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation”.*²

v. **Article 5** –

*“States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”.*³

vi. **Article 6** –⁴

§1. *“States Parties recognize that every child has the inherent right to life”*

§2. *“States Parties shall ensure to the maximum extent possible the survival and development of the child”*

² Refer Special Exhibit D, Document #2 "Procedures and Protocols."

³ Refer Special Exhibit D, Document #4 “Children Act 1989 (c.41), pt 3”

⁴ Refer Special Exhibit D, Document #4 “Children Act 1989 (c.41),pt 5 ”

vii. **Article 7** –

- §1. *“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”*
- §2. *“States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless”*

viii. **Article 8** –

- §1. *“States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference”⁵*
- §2. *“Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity”⁶*

⁵ Refer Special Exhibit D, Document #4 “Children Act 1989 (c.41), pt 4 & 5.

⁶ Refer Special Exhibit D, Document #4 “Children Act 1989 (c.41), pt 5.

ix. **Article 9** –

- §1. *“States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence”*
- §2. *“In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known”*
- §3. *“States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests”*
- §4. *“Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned”*

Each and every clause in this Article is summarily ignored in Children Act proceedings.

x. **Article 10** –

§1. *“In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family”*

The fact that this Class Action should represent evidence enough, that this is not the case.

§2. *“A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention”*

see §1.

xi. **Article 11-**

- §1. *“States Parties shall take measures to combat the illicit transfer and non-return of children abroad”*
- §2. *“To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements”*

Historical documentation retrievable on request.

xii. **Article 12 –**

- §1. *“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”*
- §2. *“For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law”*

The views of the child/ren are routinely ignored during proceedings, the Court preferring instead to appoint its own legal representatives to "represent" the child/ren.

xiii. **Article 13 –**

§1. *“The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice”*

Children are routinely denied access to communications.

§2. *“The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

a. *For respect of the rights or reputations of others; or*

b. *For the protection of national security or of public order (ordre public), or of public health or morals.*

There is no justification for such restrictions in a Family Proceedings Court (**B.**).

xiv. **Article 14** –

- §1. *“States Parties shall respect the right of the child to freedom of thought, conscience and religion”⁷*
- §2. *“States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child”*

Historical documentation on request (plaintiff(s) will be referring to their own case notes).

- §3. *“Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others”⁸*

xv. **Article 15** –⁹

- §1. *“States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly”*
- §2. *“No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”*

⁷ Refer Article 13, § 1.

⁸ Refer Article 13, § 1.

⁹ Refer Article 13, § 1.

xvi. **Article 16** –¹⁰

1. *No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.*
2. *The child has the right to the protection of the law against such interference or attacks.*

xvii. **Article 17** –¹¹

“States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health”.

To this end, States Parties shall:

- a. *Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;*
- b. *Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;*
- c. *Encourage the production and dissemination of children's books;*

¹⁰ Refer Article 13, § 1.

¹¹ Refer to plaintiff(s) documents.

- d. *Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a group or who is indigenous;*
- e. *Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.*

xviii. **Article 18** –

1. *States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.¹²*
2. *For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.*

The purpose of this Class Action in part, is because of systematic and flagrant disregard of all assistance to parent(s) and legal guardian(s).

3. *States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.*

¹² Refer to plaintiff(s) documents.

xix. Article 19 –

- 1.** *States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*

- 2.** *Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.*

Part of the purpose of the Class Action is to demonstrate that such procedures and protocols are being abused, by the defendants.¹³

¹³ Refer Special Exhibit D, Document #2.

xx. **Article 20 –**

1. *A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.*

Questions should be asked to the varsity of Threshold Criteria documentation and procedures used in the primary extraction of the offspring, in the first instance.¹⁴

2. *States Parties shall in accordance with their national laws ensure alternative care for such a child.*

The plaintiff(s) have been offered little or no option, than for adoption of their offspring, as per requisite of the defendant(s).¹⁵

3. *Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.*

The fact remains that any Care or Adoption Order is entirely destructive to continuity.

¹⁴ Refer Special Exhibit D, Document #5 “Human Rights & Family Law (Coram Chambers).

¹⁵ Refer Special Exhibit D, Document #5 “Human Rights & Family Law (Coram Chambers). Re G [2003] 2 FLR 42. Mumby J.

xxi. Article 21 –

- 1.** *States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall;*
 - a.** *Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;¹⁶*
 - b.** *Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;*
 - c.** *Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;*
 - d.** *Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;*

Upon determination of inter-country adoptions based on unlawful or invalid Orders, then it can therefore be shown that the defendant(s) are complicit and active, in trafficking of human beings

¹⁶ Refer plaintiff(s) Documents.

- e. *Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.*

In reference to this Class Action, the plaintiff(s) believe through the complicit acts and systematic removal of offspring, accompanied with the *tortuous* actions as corporate entities, there can be no competent authorities or organs, except through that of title.

xxii. **Article 22** –

1. *States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.*
2. *For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.*

Articles in the public domain, regarding children separated and held at *Yarl's Wood Immigration Removal Centre* and similar immigration detentions centres.¹⁷

¹⁷ Source - http://news.bbc.co.uk/2/hi/uk_news/politics/8019667.stm

xxiii. Article 23 – ¹⁸

1. *States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.*
2. *States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.*
3. *Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.*
4. *States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.*

¹⁸ Refer plaintiff(s) Documents

xxiv. Article 24 –¹⁹

1. *States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*

2. *States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures;*
 - a. *To diminish infant and child mortality;*

 - b. *To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;*

 - c. *To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;*

 - d. *To ensure appropriate pre-natal and post-natal health care for mothers;*

 - e. *To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of*

¹⁹ Refer plaintiff(s) Documents

accidents;

- f. *To develop preventive health care, guidance for parents and family planning education and services.*
3. *States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.*
4. *States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realisation of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.*

xxv. **Article 25** – ²⁰

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

xxvi. **Article 26** – ²¹

1. *States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realisation of this right in accordance with their national law.*
2. *The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made*

²⁰ Refer plaintiff(s) Documents

²¹ Refer plaintiff(s) Documents (Removal of requisite criteria for applicable benefits)

by or on behalf of the child.

xxv. Article 27 –²²

1. *States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.*
2. *The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.*
3. *States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.*
4. *States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.*

²² Refer plaintiff(s) Documents

xxvi. **Article 28** –²³

1. *States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*
 - a. *Make primary education compulsory and available free to all;*
 - b. *Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;*
 - c. *Make higher education accessible to all on the basis of capacity by every appropriate means;*
 - d. *Make educational and vocational information and guidance available and accessible to all children;*
 - e. *Take measures to encourage regular attendance at schools and the reduction of drop-out rates.*
2. *States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.*
3. *States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken*

²³ Refer to plaintiff(s) Documents and public domain statistics.

of the needs of developing countries.

xxvii. Article 29 –²⁴

- 1.** *States Parties agree that the education of the child shall be directed to:*
 - a.** *The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
 - b.** *The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
 - c.** *The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
 - d.** *The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
 - e.** *The development of respect for the natural environment.*
- 2.** *No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

²⁴ Refer to plaintiff(s) Documents and public domain statistics.

xxviii. Article 30 –²⁵

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

xxix. Article 31 –²⁶

- 1.** *States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*
- 2.** *States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.*

²⁵ Refer to public domain documents that refer to cultural genocide.
(http://sociologyindex.com/cultural_genocide.htm)

²⁶ Refer plaintiff(s) Documents.

xxx. **Article 32** –

1. *States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*

The defendant(s) activities exploit the offspring for financial gain, at the expense of their normal development.

2. *States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:*
 - a. *Provide for a minimum age or minimum ages for admission to employment;*
 - b. *Provide for appropriate regulation of the hours and conditions of employment;*
 - c. *Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.*

xxxii. **Article 33** –²⁷

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

xxxiii. **Article 34** –²⁸

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a. *The inducement or coercion of a child to engage in any unlawful sexual activity;*
- b. *The exploitative use of children in prostitution or other unlawful sexual practices;*
- c. *The exploitative use of children in pornographic performances and materials.*

xxxiiii. **Article 35** –²⁹

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

²⁷ Refer Special Exhibit D, Document #1 and public domain reports on the effects of Tamiflu.

²⁸ Refer plaintiff(s) Documents and other public domain documents

²⁹ Refer to Article 21, § 1 (d)

xxxiv. **Article 36** – ³⁰

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

xxxv. **Article 37** – ³¹

States Parties shall ensure that:

- a. *No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;*
- b. *No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;*
- c. *Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;*

³⁰ Refer to Article 21, § 1 (d)

³¹ Refer to plaintiff Documents and this document (C, The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

- d. *Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.*

xxxvi. **Article 38** –

1. *States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.*
2. *States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.*
3. *States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.*
4. *In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.*

xxxvii. Article 39 – ³²

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

xxxviii. Article 40 – ³³

- 1.** *States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*
- 2.** *To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:*
 - a.** *No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;*

³² Refer plaintiff(s) Documents

³³ Refer plaintiff(s) Documents

- b.** *Every child alleged as or accused of having infringed the penal law has at least the following guarantees:*
- i.** *To be presumed innocent until proven guilty according to law;*
 - ii.** *To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;*
 - iii.** *To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;*
 - iv.** *Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;*
 - v.** *If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;*

- vi. To have the free assistance of an interpreter if the child cannot understand or speak the language used;*
- vii. To have his or her privacy fully respected at all stages of the proceedings.*

3. *States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:*

- a.** *The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;*
- b.** *Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.*

xxxix. Article 41 –

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- a.** *The law of a State party; or*
- b.** *International law in force for that State.*

PART 2

xl. Article 42.

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

E. Case Law: The use and abuse of Human Rights.

1. Overview to Section

This section represents a primer on sidestepping Human Rights law, as written in the document "Human Rights Act and Family Law" by Deirdre Fottrell, Coram Chambers

2. Relevant Provisions of the European Convention on Human Rights

Article 8 (1)

- Right to 'respect' for family and private life
- Any interference constitutes a violation of Article 8 (1)
- Implies both positive obligations on the State and a negative obligation
- Applies to the family unit and the individual members, including parents and children.

Article 8(2)

- Onus is on the state to demonstrate that the interference was justified – **4 steps**
 - a.** In accordance with the law
 - b.** Necessary in a democratic society
 - c.** In pursuance of a legitimate aim – i.e. protection of national security, public safety, economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, for the protection of rights and freedoms. (Note the list of 'aims' is exhaustive)

- d. Measures taken are proportionate to the pursuance of that aim.
- Subject at the ECHR level to the ‘margin of appreciation’ – not relevant in domestic case law – but there may be an measure of discretion given to public authorities

 - Convention does not define who or what is a ‘family - includes the non marital family and protects a relationships between parents and children, siblings, children and grandparents and blood relatives generally - Limited recognition of same sex partnerships – fit under ‘private life’

 - **Marck v Belgium (1979) 2 EHRR 30** – extends the concept of the family to include the non marital family – Court refers to the Convention as a ‘living instrument’ which requires a dynamic interpretation of its provisions – also recognises the positive obligation of the State vis a vis respect for ‘family life’.

 - **Johnson v Ireland (1986) 9 EHRR 203**, importance of the blood tie – requires the State to provide de jure and de facto protection for the family relationship.
 - Significant weight is attached to the ‘blood tie’ - **Keegan v Ireland [1994] 3FCR 165**– ‘family life’ exists between parents and biological children from the moment of birth – exclusion of parents from the life of the child can only be justified in exceptional circumstances.

 - **Berrehab and Koster v Netherlands [1988] 11EHRR 322**– family life is not extinguished if the parents and children no longer live together.

 - **Johansen v Norway [1996] 23 EHRR 33** – obligation to work towards reunification – as swiftly as is possible while at the same time protecting the best interests of the child. “In carrying out this balancing exercise, the Court will attach particular importance to the best interests of the child, which, depending on their nature and seriousness, may override those of the parent”

 - **K and T v Finland [2001] 2FLR 707** – removal of the child from the parents must not be done in such a way as to destroy the natural bond – the State must consider the long term prospects – there should not be a presumption in favour of permanent separation – particularly important for very young children to maintain the family tie

- **P, C and S v UK [2002] 3 FCR 1** – removal of a child at birth required exceptional justification – must be an immediate risk to the child and if removal is not supported by relevant and sufficient reasons will breach Art 8. Note the procedural issues in this decision also.
- **X, Y and Z v UK [1997] 3FCR 341**– existence of family life is dependant on the facts – can exist between non biological parents and children – has particular relevance to adoption, foster families.

Article 6

- Right to fair trial in the determination of ‘civil rights or obligations’ – must be real and effective not theoretical and illusory – see **Airey v Ireland (1979) 2 EHRR**
- Article 6 (1) requires that decisions be made by a fair and impartial tribunal
- Decision making must be transparent, parents must be involved there must be disclosure to parents of all relevant documents
- Includes judicial and administrative stages of the proceedings
- There are procedural guarantees in Article 8 which can give rise to separate convention breaches – court has found due process to be implied under Article 8 given the importance of what is at stake

Article 12

- Right to marry and found a family
- Does not include the right to dissolve marriage – see Johnston v Ireland
- Does not include same sex partnerships but may extend to the right to same sex couples to adopt

Article 14

- Prohibition of discrimination in relation to the substantive rights in the Convention – a parasitic rather than freestanding provision.
- List of protected categories – includes race, sex, religion etc
- Non exhaustive list

3. General approach to the HRA and Family Law in the UK

Payne v Payne [2001] 1 FLR 1052 per Butler Sloss

- *The HRA requires some revision of the judicial approach to safeguard the parent's rights under the ECHR, it required no re-evaluation of the judge's primary task which was to evaluate and uphold the welfare of the child as the paramount consideration despite its inevitable conflict with adult rights.*

Re B (a Minor) (Respondent) [2001] UKHL 70 Per Lord Nicholls of Birkenhead

- *...”There is no need to have recourse to section 3 of the Human Rights Act 1998...the balancing exercise required by Article 8 does not differ in substance from the like balancing exercise undertaken by a court when deciding whether, in the conventional phraseology of English law, an adoption would be in the best interests of the child. The like considerations fall to be taken into account. Although the phraseology is different, the criteria to be applied in deciding whether an adoption order is justified under article 8(2) lead to the same result as conventional tests applies by English law”*

Re F (Care: Termination of Contact) [2000] 2 FCR 481

- Per Wall J – s.34 (4) of CA is HRA compliant – noted obiter “*I would be disappointed if the European Convention on Human Rights were to be routinely paraded in cases of this nature as make weight grounds of appeal, or if there were in every case to be extensive citation of authorities from the European Court of Human Rights...*”
- General perception that the HRA has limited relevance to Children Act proceedings in particular
- “*In the period preceding implementation, however clear signs of judicial opposition to any such watering down of the welfare principle began to emerge. That opposition now marks post-implementation jurisprudence, rendering it, in the view of the authors, disappointingly cautious and weak*”
See Bonner, Fenwick and Harris-Short, ‘**Judicial Approaches to the Human Rights Act**’ **ICLO July 2003 at 549**

4. **When and Where to use HRA in Family Proceedings**

Re V (A Child)(Care Proceedings: Human Rights Claims) CA [2004] 1 FCR 338

- Q of the manner in which issues regarding potential breaches of Articles 8 and 6 should be addressed during the care proceedings or whether the appropriate route was a freestanding claim under s.7 of the HRA
- CA found that any allegation pursuant to s.6 (1) HRA that the LA has acted contrary to ECHR arts 6 or 8 can and should be dealt with during those proceedings
- Applications to transfer the matter up to a higher court are to be strongly discouraged

Re M (Care Proceedings; Judicial Review) [2003] 2FLR 171

- Save in wholly exceptional circumstances it was not appropriate to bring a judicial review action to prevent LA commencing emergency protection or care proceedings – JR an action of last resort which should not be used where there was another remedy available – even if there were relevant HRA arguments.

Re L (Care Proceedings: Human Rights Claims) [2004] 1FCR per Munby J

- Para 22 “*the substantive and procedural guarantees afforded to parents by Art 8 of the European Convention applies at all stages of child protection....not merely when the care proceedings are on foot but also after the care proceedings have come to an end...where the care proceedings have come to an end – the appropriate remedy may well be a freestanding application under s7 (1)(a) of the HRA 1998, the application should be heard in the Family division if possible by a judge with experience of sitting in the Administrative Court*”

Re V (Care: Pre Birth Actions) CA [2005] 21 FLR 627

- Findings of a breach of Articles 6 and 8 should not automatically result in an award of damages – proceedings must be considered as a whole.

**5. Is the HRA ‘value added’ in family proceedings
HRA in Public Law Proceedings**

- Impact of the Act has been largely confined to procedural matters, focusing on parental involvement in decision making, disclosure

RE M (Care: Challenging Decisions by Local Authority [2001] 2 FLR 1300

- **Holman J** -LA decision quashed because parents were not sufficiently involved – LA decided to change a care plan after the care order was made – to place the children for adoption rather than rehabilitate them to parents – decision was made at a meeting which the parents were not invited to attend – amounted to an unlawful action under Article 8
- Possible to take a freestanding action under s6 and s7 of the HRA – and the court was empowered to grant relief if appropriate under s.8
- *“This case has emphasised to me what a heavy responsibility and wide discretion the Human Rights Act 1998 has placed upon this court in considering, after the event, the lawfulness of a decision making process”*

Re G (Care: Challenge to Local Authority’s Decision) [2003] 2FLR 42 per Munby J

- Article 8(1) guarantees substantive rights to parents involved in care proceedings but also afforded procedural guarantees.
- *“The procedural protection offered by Article 8 was not confined to the trial process but extended to all stages of the decision making process in child protection process in child protection proceedings”*
- Munby J at 44 para 2 – *“the facts reveal what I can only call a ‘mindset’ and a ‘culture’ so seemingly oblivious to the imperative requirements of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (the ECHR) and so unwittingly careless of the need to treat parents with fairness, that I cannot let the matter pass without some comment.*
- *“Whilst Article 8 contains no explicit procedural requirements, the decision making process leading to measures of interference must be fair and such as to afford due respect to the interests safeguarded by Art 8”*

- *“This is it seems to me is a classic example of the kind of case where, whatever may have been the case previously, the Human Rights Act 1998 gives parents treated as badly as the parents in this case appear to have been. ...Effective remedies for the breach by a local authority of either the substantive or procedural requirement of Article 8”.*

Re L (Care: Assessment: Fair Trial) [2002] 2 FLR 730

- Article 6 rights extend to all stages of the proceedings – which is potentially important – whereas Art 8 rights are inherently qualified – parent’s right to fair trial under article 6 is absolute – and cannot be qualified by reference to or balanced against any rights under Article 8
- Raised concern that the level of disclosure and parental involvement in proceedings – fell short of well-established principles of domestic law and the standards of article 8 and article 6
- Para 30 – Article 8 imposes positive obligations of disclosure on the local authority
- Article 8 guarantees fairness in the decision making process at all stages of the proceedings – see para 88
- Where the LA acts in a way which is unlawful or incompatible with the human rights act can bring a freestanding application under s7 (1)(a)

Removal of Children

Re H (A child) (Interim Care Order) [2002] 1 FCR 350 at 39 per Thorpe LJ –

- ...”*The Arts 6 and 8 rights of parents required the judge to abstain from premature determination of their case for the future beyond the final fixture, unless the welfare of the child demanded it.*”

Re B (Care: Interference with Family Life) [2003] EWCA 2 FLR 813 – per Thorpe LJ

- “*Where the application is for a care order empowering the local authority to remove a child or children from the family, the judge in modern times may not make such an order without considering the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, Article 8 rights of the adult members of the family and of the children of the family. Accordingly he must not sanction such an interference with family life unless he is satisfied that that is both necessary and proportionate and that no other less radical form of order would achieve the essential end of promoting the welfare of the children.*”

X Council V B [2005] 1FLR 341 Munby J

- When dealing with emergency measures – the imminent danger should be actually established – if it is still possible to hear the parents of the children and to discuss the measures with them – there should be no room for emergency action
- Imminent danger must be actually established – an EPO is draconian and an extremely harsh measure – must be necessary and proportionate and court must be satisfied that no less radical measure will achieve the end of safeguarding the welfare of the child
- Evidential burden on the LA is very heavy ...”*it is important that both the local authority and the FPC approach every application for an EPO with an anxious awareness of the extreme gravity of the relief being sought and a scrupulous regard for the European Convention Rights of both the child and the parents*

Hasse v Germany [2004] 2 FLR 39 at 90-95 –

- The taking of a newborn baby into public care at the moment of its birth is an extremely harsh measure. There must be extraordinarily compelling reasons before a baby can be physically removed from its mother...
- a stricter scrutiny is called for in respect of any further limitations by the authorities, for example on restrictions of parental rights and access
- At para 101 *“it is incumbent on the competent national authorities to examine whether some less intrusive interference into family life at such a critical point in the lives of the parents and the child is not possible”*
- See Munby in X Council v B – at 362 – *“failure to comply with this requirement may expose the local authority to claims it has acted unlawfully notwithstanding the EPO”*

Venema v Netherlands [2003] application for an EPO made without any notification to the parents and without any discussion with the parents breached Article 8 – parents were presented with a *fait accompli* without any sufficient justification

Assessments

Re G (Interim care order: Residential Assessment) [2004] 1 FLR 876

HRA in Private Law Proceedings

- Primary issue is enforcement
- **Johansen** – at para 88 – *there is a need to exercise exceptional diligence in view of the risk that the passage of time may result in a de facto determination of the matter*
- **Hokkanen v Finland [1996] 1 FLR 289 at para 55** – ‘*right of a parent to have measures taken with a view to his or her being reunited with the child and an obligation for the national authorities to take such action*’
- **Ignaccolo-Zenide v Romania [22001] 31 EHRR** – rights are illusory if the contracting state allows a final binding judgement to remain inoperative to the detriment of one party – decisive that national authorities taken all the necessary steps to facilitate execution
- **See RE D (Intractable contact dispute: publicity) [2004] 1FLR 1226.**

F. Summery and Requests for Resolution

1. Interim Measures

- i.** The plaintiff(s) (A.) request that if no charges have ever or will ever be filed in connection with the hearings held in any family proceedings court, that it is acknowledged that there never has been a case to answer and that our offspring are released from their bondage immediately and returned to the custody of their natural parents as they were prior to proceedings.
- ii.** Freedom Advocacy & Law request that the Court allows a “rolling list” of plaintiff(s) (A.) to be allowed. This will allow ample time for the maximum number of plaintiff names to be included in this action.³⁴
- iii.** The plaintiff(s) (A.) request immunity to seek “safe haven” through all available legal channels, including political asylum and protection from malicious incarceration of political prisoners, for sane under international treaties. This will include safe passage and non-persecution by either the FAMILY COURT(S) or the LOCAL AUTHORITY(S) (B. and C.), or any other agencies, 3rd parties, for and behalf of the FAMILY COURT(S) or the LOCAL AUTHORITY(S) (B. and C.).
- iv.** The plaintiff(s) (A.) request that an immediate review of the UNITED KINGDOM Social Security/Benefit system is made, to encompass plaintiff(s) currently involved in the FAMILY COURT(S) (B.) with proceedings relating to Public Care or Private Law matters involving their offspring.

³⁴ Cut-off for the list of plaintiff(s) will be 1 week prior to hearing.

- v. The plaintiff(s) (A.) request that compulsory Judicial Review is made by this Court, regarding all procedures and protocols of the FAMILY COURT(S) (B.) and that findings are made public record, with recommendation made available to the MINISTRY OF JUSTICE, the HOUSE OF COMMONS and the HOUSE OF LORDS for open discussion, regarding review of the FAMILY COURT(S) (B.) current Statutes, Laws and Procedures³⁵.
- vi. The plaintiff(s) (A.) request that all information held by the LOCAL AUTHORITY(S) (C.) in regard to the individual plaintiff(s), be made available immediately to both the plaintiff(s) and the Court, in an un-redacted format. Many of the plaintiff(s) (A.) have been denied this personal information by the LOCAL AUTHORITY(S) (C.) after making “subject access” requests, following procedures and guidelines in the *Data Protection Act 1998*³⁶.

³⁵ Refer Children Act 2004 (c.31) , Adoption and Children Act 2002 (c.38) , Children Act 1989 (c.41) , Civil Procedure Rule 1998 , The Family Procedures Rule 1991 , Crown Proceeding Act 1947

³⁶ Refer Data Protection Act 1998 (c.29) § 7.

G. CASE SUMMARY:

APPLICATION BEFORE THE WORLD COURT OF JUSTICE

CLASS PLAINTIFFS

- V -

**FAMILY COURTS
AND
LOCAL AUTHORITIES
OF THE UNITED KINGDOM**

The UK Government have had nineteen years to sort out the mess that is the Family Law system, since the *Children Act 1989 (c. 41)* came into force on 14 October 1991.

Each and every Government has not only systematically failed to do this, they have continued in their conspiracy of silence in covering up the crimes against Humanity that have been sanctioned by the Family Proceedings Court.

What is their motive for this?

One can reduce it to two commonly and intimately intertwined possibilities: money, and the Marxist dream of the corporate State parent coupled with the destruction of the natural family unit.

IT IS ASSERTED THAT:

- 1.** The Defendants (**B.** and **C.**) did with malice and determination for financial gain, and for the purpose of cultural genocide;
 - a.** Conspire and act to remove offspring from their lawful right of family and residence;
 - b.** Conspire and act to cause physical and mental harm to parents and offspring and extended family alike through their actions;

- c.** Conspire and act to cause physical and mental harm to parents and offspring and extended family alike through their actions through Third Parties as agents or employees, both individually and as corporate personalities;

- d.** Conspire and act to deny parents and offspring alike their inalienable rights as Human Beings to:
 - i.** Fair trial;
 - ii.** Due process of Law;
 - iii.** Statutory duty of care as Public Servants to protect life, liberty and morals

- e.** Conspire and act through Statutory Instruments, to maintain a cloak of enforced silence regarding Family Proceedings in Public Civil Law, to enable the establishment of techniques designed to be entirely destructive to family relationships hence to facilitate removal of offspring. Such techniques encompass:
 - i.** Unlawful procedures in Family Proceedings;
 - ii.** Entrapment;
 - iii.** “Hoop-jumping”;
 - iv.** Threats of incarceration upon summary conviction of misdemeanours;
 - v.** Parental Alienation;
 - vi.** Malicious denial of Statutory services by other agencies;
 - vii.** Intimidatory communications;
 - viii.** Coercive methods;
 - ix.** Propaganda;

