

## United Kingdom



### UK - Human Rights Act 1998

This Act is based on the European Convention of Human Rights. For this reason, many of the pointers that could have been included in the review of the European Convention are covered here instead.

Human rights are required to be part of all UK policy making (DCA 2006). This Act is one of the most important statutes ever passed in the UK (Hoffman & Rowe 2010).

#### Article 2 - Right to life

1. *“Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.”*

Right to Life: All EU States agree that the human embryo/fetus belongs to the human race (Hoffman & Rowe 2010). As research indicates that some RF/microwave regimes (at levels lower than current limits) may raise risk of infertility, miscarriage, and cause damage to both animal and human offspring (Cherry 2000); claims might be brought that increasing involuntary exposures to such regimes may be against individuals’ right to life.

As shown in the case of LM & R v Switzerland (LMRS 1996), Article 2 is relevant in situations where health may be put at risk, and is not restricted to risk of death or actual death. *Refer also to Appendix 3.*

When authorities are aware (or should be aware) of real risk to life they are under obligation to take appropriate mitigative action to protect those at risk (Hoffman & Rowe 2010).

Taking into account the health effects reported abroad from wireless Smart Meters (KCRA 2011), it appears that some systems may be a cause of real risk to life if installed in the UK.

Environmental Pollution: Incidents of environmental pollution can also be regarded as being in violation of Article 2 (LMRS 1996). The case of *Guerra v Italy* (GI 1998) demonstrates that Article 2 can apply to situations where environmental quality may be at risk.

Anecdotal evidence already exists indicating that RF/microwave emissions from Smart Meters may seriously damage the environment (OTLB 2011). Refer also to section on ‘*Environmental Concerns*’.

### **Article 3 - Prohibition of torture**

*“No one shall be subjected to torture or to inhuman or degrading treatment or punishment”* (HRA 1998).

Article 3 embodies a fundamental human right. *“... the right to freedom from bodily harm is second only to the right to life, and is equally based on the right which all people have a level of basic respect and dignity as human beings,”* (Hoffman & Rowe 2010).

The European Court defines ‘degrading treatment’ as *“... such as to arouse ... feelings of fear, anguish and inferiority, capable of humiliating and debasing... and possibly breaking... physical or moral resistance,”* (IUK 1980). These appear very similar to descriptions provided by some electrohypersensitive (EHS) individuals describing how their condition makes them feel.

It appears from NTSM (2002) that Article 3 also covers living conditions, and that when/if violations are proved, the inconvenience and cost of rectifying matters is placed on the State.

Adverse effects created by exposure to some types of Smart Meters – *if proven true* - may prove very expensive to the UK economy (if such types of unit are widely adopted).

### **Article 5 - Right to liberty and security**

1. “Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law. ...” (HRA 1998).

Under Article 5, the rights of vulnerable individuals may be violated if emissions from Smart Meters and other forms of electronic technology prevent them from being able to go where they wish (even in their own homes and gardens) unhindered by man-made electromagnetic field regimes detrimental to their well-being.

## **Article 8 - Right to respect for private and family life**

1. “Everyone has the right to respect for his private and family life, his home and his correspondence.” (HRA 1998).

- Privacy. The UK government presently wishes access to all UK metering information, with gas and electricity meter readings to be taken from every UK household every half hour. However, this is inconsistent with EU privacy law and, as mentioned previously, has already been successfully contested in the Netherlands (Anderson & Fuloria 2010).

- It is recognised that the enjoyment and quality of domestic life may be damaged by particular types of interference, such as various forms of environmental pollution - *electromagnetic pollution may be in this category.*

It appears that claims that “*economic benefits outweigh the rights of those affected*” could be disputed related to:

- health matters (*as noted elsewhere within this publication*).
- the right for individuals to be able to enjoy their property in the manner to which they have become accustomed. It is already documented that wireless Smart Meters prevent some individuals using parts of their homes in order to avoid/reduce adverse health effects (EMFSN 2011, Havas 2011).

*“Respect for home and home life means more than just providing some form of dwelling or shelter: it extends to maintaining the situation to which a person has become accustomed, and the very permanence of which gives comfort,”* (Hoffman & Rowe 2010).

Some may claim that the installation of wireless Smart Meters and/or wireless smart technology is an actionable nuisance, the radiation from which interferes with their right to peacefully enjoy their possessions (including parts of their homes and their gardens).

They may also claim that the unwarranted introduction of such pollution may reduce the capital value of their homes (*some individuals in the USA are already being forced to relocate in an attempt to escape such exposures*).

With *Guerra v Italy* (1998), the European Court found the state guilty of failing to take ‘positive steps’ to provide essential information pertaining to matters in hand as related to environmental pollution.

The Court also determined that environmental pollution may “*affect individuals’ well-being and prevent them from enjoying their homes in such a way as to affect their private and family life adversely, even without seriously damaging their health,*” (Hoffman & Rowe 2010).

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,*” (HRA 1998).

It may be claimed by some that Article 8 may be violated through the potential weakening of “*national security, public safety or the economic well-being of the country*” unless certain precautions are undertaken – Refer to sections on ‘*Security of Supply*’ and ‘*Health Matters*’ in this present document.

#### **Article 12 - 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,*” (HRA 1998).

Claims may be brought if the emissions from technology being employed in some Smart Meters and related technology are proven to reduce human fertility and increase risk of miscarriage thereby hindering individuals’ right to found a family.

#### **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,*” (HRA 1998).

It may be contested by some, particularly those with EHS, that the widespread introduction of some types of RF/microwave emitting Smart Meters (and related wireless emitting technology) may be discriminatory, as it would interfere with their basic rights and freedoms.

It appears important to ensure that the technologies used for the Smart Meter rollouts in the UK, and elsewhere, do not adversely discriminate against those with conditions that may be exacerbated by exposures to inappropriate electromagnetic field regimes.

## The First Protocol

### Article 1: Protection of property

*“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law,”* (HRA 1998).

*“The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest ...”*

The “*peaceful enjoyment of ... possessions*”, and the right for individuals to be able to enjoy their property in the manner they have become accustomed to (*such as having access to rooms in their homes and their gardens without feeling unwell*), may be compromised through some Smart Meter and smart technology regimes.

Refer also to: [Smart Meter Health Impacts Testimonials](#).

*There may also be claims that individuals’ “peaceful enjoyment” may be disturbed over privacy issues, including: data hijacking from Smart Meters that may allow thieves to determine the types of electronic equipment they possess (as a result of their unique electronic signatures) and when they are not in occupancy.*

Under English Law, the term ‘property’ includes buildings, land and animals owned by individuals (Hoffman & Rowe 2010).

Some Smart Meter regimes may cause individuals to be deprived of other possessions, including plants (through creating inappropriate field regimes that may instigate their die-off) – Refer to section on ‘*Environmental Concerns*’.

The possible effects of exposures on other animals too have to be considered, along with any claims of violation of human rights that may be made as a result of these.

The Council of Europe (CE 2011) draft resolution has already recorded concerns over “*the potentially [emphasis by present author] pathogenic effects observed in livestock – calves, cows, horses, geese, etc. ... [and] unaccountable deformities of new-born calves, cataracts, fertility problems,*” that may be caused by RF/microwave radiation from mobile phone base stations. Possible effects emissions from wireless Smart Meters and powerline communications (PLC) have yet to be undertaken.

The effects on individuals' livelihoods of proposed metering schemes should also be seriously taken into consideration so that optimum solutions can be obtained "*in accordance with the general interest ...*"

**"Human rights must be part of all policy making,"  
UK Department for Constitutional Affairs (DCA 2006).**

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