

IS YOUR CHILD NEXT?

CORRUPTION IN THE U.K FAMILY COURTS

“No oppression is so heavy or lasting as that which is inflicted by the perversion and exorbitance of legal authority”

-Joseph Addison

The child safeguarding laws in the U.K. has been used as an instrument for taking away children from their natural parents, and forcefully put them up for adoption. Former British Member of Parliament John Hemming is a long-standing and vocal critic of the system and estimates that “1000” out of 1,360 adoptions were done without the parents’ consent, and may have been done wrongly.¹

Section 31 of the Children Act 1989 requires that children can only be removed from their parents if they have suffered or are at risk of suffering, significant harm. Julie Haines, of the pressure group justice for families stated in 2012 that “Parliament has given courts free rein to define the term ‘significant harm’ within Case Law, Authorities and has not deemed it necessary to provide a definitive meaning within the Children Act 1989. There is no checklist of harm, no clues as to what the courts should be looking for.”² As a result of this freedom, Social Services use the flimsiest reasons to initiate care proceedings against parents. Beverley Beech, a spokeswoman for the association for improvements in the maternity services (AIMS) a body which advises new mothers insisted “babies are being removed from their mothers by Social

¹ https://en.m.wikipedia.org/wiki/Forced_adoption_in_the_United_Kingdom

² https://en.m.wikipedia.org/wiki/Forced_adoption_in_the_United_Kingdom

Workers using any excuse.... I know of Social Workers making up stories about innocent mothers simply to ensure their babies are put up for adoption”.³ Their most common reason usually being the parent is likely to abuse the child in the future. They say the basis for their actions is the protection of the child’s best interest; however, in reality, it is anything but that. Statistics from the department for education shows 67,000 children are in care in England alone,⁴ and yet so many are unhappy that some 10,000 go missing a year.⁵ The opinion of the child is hardly ever considered during the court proceedings and in most cases the children tend to be in a worst condition in state care than in the care of their parents.

They show a total disregard for the rules of natural justice, as evidence that will help prove the parent’s innocence is barely regarded, while a minimal investigation is made into the credibility of the evidence used to obtain a care order (an order saying a child should be put in care by the court). Even when there are adequate reasons to doubt the credibility of said evidence, the court always seems hell-bent on giving a care order. According to The Sunday Guardian, UK judicial statistics show only 1 in 400 care orders are rejected.⁶ This evidence is often made up of false statements (mostly hearsay), falsified medical reports, and other false documents while also showing a complete disregard for laid down procedures whenever it suits their agenda. This process results in the making of a void order by the court, which is always enforced by the Police even if they know the order is void.

³ <https://www.dailymail.co.uk/news/article-511609/How-social-services-paid-bonuses-snatch-babies-adoption.html>

⁴ <https://www.bbc.com/news/education-19761037>

⁵ <https://www.telegraph.co.uk/politics/2018/04/20/10000-children-care-went-missing-last-year-amid-concerns-exploited/>

⁶ <https://www.sundayguardianlive.com/lifestyle/12668-uk-forced-adoptions-are-backed-big-money>

The family court has jurisdiction to hear care proceedings and which are held behind closed doors to protect the identity of the minors involved; in other words, these proceedings are not open to public scrutiny. Parents are often given gag orders, which prevents them from discussing the details of their case with anyone. Violating the order can result in imprisonment of the parent. This secrecy is the reason for the bias against parents and why Social Services often get away with this injustice. From the moment a parent is accused of being incapable of being a parent, a decision often made by a Social Worker or Doctor, the system is pitted against them. From the above, it is apparent that other than Social Services, other institutions such as the Court, the Police, and the medical industry all play a role in the injustice that is forced adoption.

THE MEDICAL COMMUNITY

“Moral authority comes from following universal and timeless principles like honesty, integrity, treating people with respect”
-Steven Covey

The medical community has a considerable part to play, seeing as the contents of a medical report is one of the things the court puts into consideration before giving an order. Social Services often initiate care proceedings based on these medical reports as well, the Doctor giving the report will notify them that a child is in need or that a parent is not qualified to raise a child. If there were any honesty and credibility to a lot of these reports, there would not be a problem. However, a lot of these medical evaluations are falsified. Ian Joseph, a legal practitioner, in his article for the Sunday Guardian gives an account of a pregnant Italian woman who was put in a mental home for months, simple because she had a violent argument with her hotel clerk. She was deemed very unstable and therefore unable to care for the child she was going to have. However, when he communicated with her, he was surprised when he found she was “very calm, collected and quite docile” and did not fit the description in the medical report written about her.⁷

Some Doctors are in the profession of writing false medical reports and falsifying medical examinations to put a child or mother in a position where the child will be considered as a child in need and taken away from their mother.

Based on research done by Reid Sue, this is a reoccurring theme as there have been increasing cases of victims lamenting that the medical evaluation done by these so-called Doctors are anything but authentic. There have been cases of reports written by psychiatrists and

⁷ <https://www.sundayguardianlive.com/lifestyle/12668-uk-forced-adoptions-are-backed-big-money>

psychologists who had not even met the mother in question but wrote on their report, “this woman is unfit to be a mother because she has a borderline personality disorder,” simply because they were told to by the Social Workers.⁸ A Pete Middleton documentary on forced adoption called traffic did an investigation into psychiatrists that usually conduct medical evaluations for Social Services, and it was quite shocking when his investigation revealed that a lot of these so-called psychiatrists are not even qualified. There is a whole industry of these quack Doctors who give bogus medical reports, and are used by Social Workers to secure adoption orders. These fake Doctors and Psychiatrists are called “hired guns.”⁹

The documentary went further to state how some of these reports are even wholly unoriginal. An interview with a retired court Social Worker gave even more shocking revelations of how these hired guns sometimes use templates gotten off the internet or prepared by Social Workers, and they just fill in the name of the parties involved in the case, then call it a day. A former court staff also gave an account of a case where a psychiatrist wrote a medical report for a male child, while the child in question was female! The medical report was still used in securing a care order, despite apparent irregularities.

These fake Doctors are only a small part of a vast scheme designed to put up kids for forced adoption, they notify Social Services, based on their fake evaluation, that a child is in need. This will result in a care proceeding to be instituted against the parents, which would land them in the center stage of the injustice; The Family Court.

⁸ <https://www.dailymail.co.uk/news/article-2377084/SUE-REID-For-years-I-fought-secret-courts-breaking-families-At-theres-hope.html>

⁹ Pete Middleton Documentary

THE FAMILY COURT

“The glaring injustice is there for all who are not blinded by prejudice to see.”

-Bram Fischer

The Family court is a place where showing love is classified as being emotionally unstable, contacting our children is classed as harassment, false allegations are encouraged and accepted, and the truth is ignored. It is a special court where care proceedings are held, and this is the stage for the injustice where draconian orders are given without regard any regard to the parents' wishes. Like seen in the case covered in the BREITBART by Dr. Susan Berry, where a judge ordered a young lady to abort her child, without regard to the wishes of the lady or her grandmother.¹⁰ A place where innocent parents are guilty until proven innocent, where adequate court process is not followed, and the rules of natural justice are broken.

The family court is notorious for being biased and failing to be fair in any sense of the word. Two essential factors must be present before a care plan is approved, which the family court fails to satisfy. The first is that there must be proper evidence, which must include a proper analysis for and against care order. The second is an adequately reasoned judgment.¹¹

This must include a proper balancing exercise and a proportionality analysis. The courts have a linear way of analyzing cases, which is to outline why all of the alternative options are inappropriate and then conclude that therefore adoption is the only option. Alternatively, they disregard any evidence that may prove the parent's innocence and are quick to admit evidence

¹⁰ https://www.breitbart.com/europe/2019/06/22/british-judge-orders-forced-abortion-against-wishes-of-mother-grandmother/amp/?_twitter_impression=true

¹¹ Department for Education: Statutory guidance on court orders and pre-proceedings for Local Authorities. April, 2014

suggesting parent guilt. Judges in the family court rubber-stamp the demands of special workers that these children be adopted or permanently fostered by strangers.¹²

Even the lawyers and legal aid in the care system have a poor reputation, especially among low income families. Parents often complain that lawyers usually advise them to do what the court and Social Services say, or the lawyers tell the parents they will handle everything, then proceed to promptly agree with Social Services in court. With that, it is evident that fair representation is often lacking in the family courts. Private lawyers who can be afforded by some families all attest to the fact that their clients often complain about their legal representation.¹³ In some cases, parents often do away with legal representation because of how poorly the lawyers handle their case, they (parents) take the responsibility of legal representation upon themselves.

How does this kind of injustice and abuse of court process go unchallenged? It is because the family court is shrouded in secrecy and is not open to public scrutiny because the identity of the minors involved must be protected. To ensure this secrecy, parents are given gag orders by the court and threaten them with imprisonment if they discuss the details of their hearing to a third party.¹⁴ A former UK home secretary (Harriet Harman) released the only statistics we have on this matter when she said over 200 parents a year were being jailed for speaking out.¹⁵ However, Social Services do not seem to have a problem putting the children's identity on the newspaper, and on posters and on the back of public buses, advertising them to the public to draw potential adopters. What happened to protecting the child's identity?

¹² <https://childprotectionresource.online/forced-adoption/>

¹³ <https://childprotectionresource.online/forced-adoption/>

¹⁴ <https://childprotectionresource.online/forced-adoption/>

¹⁵ <https://www.sundayguardianlive.com/lifestyle/12668-uk-forced-adoptions-are-backed-big-money>

This culture of secrecy threatens the right to a fair hearing and also means if a Social Worker lies or fabricates notes or a medical expert makes a ‘mistake’ when giving evidence, no one finds out, and there is no redemption.

Anyone can go inside criminal courts and see what is happening there, but once you enter the family court (assuming you are even allowed in there), you cannot report what is happening. Over the past 30 years, we have a completely different world going up inside the family courts, where the standard rules of British justice are thrown out of the window. Only the workings of the homeland security service, MI5, are guarded more closely than those of the family courts. As a result of this obsessive secrecy of the family courts, the public only gets an inkling of this human tragedy occasionally. High court judge Mr. Justice Munby told MPs last year: “it seems quite indefensible that there should be no access by the media, and no access by the public, to what is going on in courts where judges are, by the day, taking people’s children away”.¹⁶ He (Sir James Munby) went further to state that it is vitally important, if the administration of justice is to be promoted and the public confidence in the courts maintained, that justice be administered in public- or at least in a manner which enables its workings to be properly scrutinized- so that the judges and other participants in the process remain visible and amenable to comment and criticism. He went further to note that this is particularly the case in relation to adoption. In that same case it was emphasized that: such cases, by definition, involve interference, intrusion, by the state, by Local Authorities and by the court into family life. In this context the arguments in favor of publicity- in favor of openness, public scrutiny and public accountability- are

¹⁶ TRANSPARENCY IN THE FAMILY COURTS, PUBLICATION OF JUDGMENTS PRACTICE GUIDANCE issued on 16 January 2014 by SIR JAMES MUNBY, PRESIDENT OF THE FAMILY DIVISION

particularly compelling. The public generally, and not just the professional readers of law reports or similar publications, have a legitimate, indeed a compelling, interest in knowing how the family courts exercise their jurisdiction.

SOCIAL SERVICES

“Law is not law, if it violates the principles of eternal justice.”

-Lydia Maria Child

The Social Services department of the Local Authority is responsible for triggering Care Proceedings when they are concerned that a child is either being harmed, or in a position where indications are that the child is being placed at risk of suffering significant harm. They can come to this conclusion from their investigation, or by information provided by other sources, like a medical practitioner. They usually proceed to obtain a “care order,” which means they will have Parental Responsibility for the child and can determine where the child can live. This order can be interim, meaning it is only temporary (usually for eight weeks), while a more permanent solution is being sorted.¹⁷ Injustice is often perpetrated by the Social Service because there is no clear definition of what would amount to as a child is at risk of suffering significant harm.

Social Services have been known to come up with the most absurd of reasons why a parent is not fit to take care of a child, for example, the case of *Chiwar and Gloria Musa v Haringey Council*, which was covered 12 times by Christopher Booker for the telegraph and Ian Joseph publishing forced adoption consider it to be one of the worst cases he has ever heard.¹⁸ In that case Gloria Musa was alleged to be a prostitute, and her 6 children belonged to different fathers who subjected the children to different forms of abuse. That allegation was their basis for initiating the care order, however these allegations were proven to be untrue by evidence that showed the mother (Gloria) was not a prostitute, and a DNA test showed that Chiwar Musa was indeed the father of all the children. When their initial allegations were eventually debunked they (Haringey

¹⁷ <https://www.gov.uk/if-your-child-is-taken-into-care/care-proceedings#:~:text=At%20the%20start%20of%20care,to%208%20weeks%20at%20first.>

¹⁸ <https://gloriamusa.wordpress.com/about/>

Council) brought up new ones, claiming the children have been suffering from all sorts of abuse under the parents and also accused them of drugging their baby. Even though reports showed the children were happy and doing well before the intervention of the state.

In a daily mail article written by Reid Sue, she covered the story of a Welsh man who said his granddaughter's baby was taken away by Social Workers even though her family relatives offered to take the child in their care. Their reason was the mother had a mild learning disorder and she might develop post-natal depression and just might neglect her baby. Another story in the same article follows a young Worcestershire woman who recounts how her daughter's baby was snatched by three Police Officers and two Social Workers, their reason? She was too young to cope. However, she was allowed to keep a child she had a year later in the same home and with the same partner.¹⁹

There are also instances of Social Services going out of their way in ensuring children are forcefully adopted and taken away from their natural parents by abusing court process and delaying procedures and results that may help the parents cause. This may come in form of delay in getting medical results such as DNA tests, like in the Musa's case.

They also obtain falsified documents that they include in their reports, such as false witness statements and false medical evaluations.

Why are they so corrupt? Is there a reason why they are always so eager to separate children from their parents? Some sort of motivation that does not include protecting the child's best interest? The rate at which children are taken away from their parents has been on the rise over the years, based on the figures of the Department of Education. At 31st March 2018, there were

¹⁹ <https://www.dailymail.co.uk/news/article-2377084/SUE-REID-For-years-I-fought-secret-courts-breaking-families-At-theres-hope.html>

75,420 such children in England, being cared for by paid foster-parents, in council care-homes or placed for adoption by Local Authority Social Services. This is a rise of 4% compared to 31st march 2017. The number adopted in 2014 stood at just over 5,000 a rise of 63% on 2011. According to the adoption register for April 2016 to March 2017, 72% of the children waiting to be adopted were two years or older and around 64% were in sibling groups of two or more, and over half (56%) were boys.²⁰

The answer is the government encourages the adoption of children by the incentive it offers to local councils which is based on how many children they successfully put up for adoption, and also a lot of money is made in the forced adoption scheme. According to an article written by Ian Joseph for the Sunday Guardian, thousands of officials make a good living, some making literally thousands of pounds, out of this rotten system. Local Authorities advertise with posters on local buses offering 590 pounds per week for child foster carers (some take on two or three). The agencies supplying the foster families and adoptive parents get around 2000 pounds per week per child. One agency (the national fostering and adoption agency) founded by two Social Workers more than 18 years ago worked its profits up to more than 10 million pounds per year and sold out about 5 years ago to a commercial firm called Graphite for more than 130 million pounds. Special schools for “difficult children” (children who miss their parents!) charge 3000 – 4000 pounds per week per child housing them mostly in rundown terraced houses.²¹ Their charges are more than three times what it cost when Prince Harry went to Eton.

With such substantial monetary incentives, it becomes quite apparent why Social Services go out of their way to secure the adoption of children from perfectly good homes. This is why Social

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757922/Children_looked_after_in_England_2018_Text_revised.pdf

²¹ <https://www.sundayguardianlive.com/lifestyle/12668-uk-forced-adoptions-are-backed-big-money>

Services do not merely wait for the business to come to them; they seek it out by talking to Teachers, Doctors, or anybody else they believe will have information for them. They even collaborate with CAFCASS (the Children and Family Court Advisory and Support Service), a body tasked with protecting the child's interest in making adverse reports that frame parent's guilt.

They no longer serve the interest of the children but their own. As we know these children are not in the vast majority of cases orphans. They have parents alive, and sometime other relatives who could look after them. Yet children in so-called care get very poor care indeed, as Harriet Sargeant's 'handle with care' report for the center for studies documented back in 2006.²² Her research revealed a rotten adoption system which no longer serves the interest of the children, just those of the Social Workers. The situation remains the same till today.

Sir Justice Wall stated that many Social Workers were "arrogant and enthusiastic removers of children from their parents into an unsatisfactory care system- trampling on the rights of the parents and children in the process". He further stated that "I am very conscious of the criticism that Social Workers are damned if they do and damned if they do not." But he added that at the same time their duties in care proceedings under the Children Act were plain and their aim "should be to unite families rather than to separate them".²³

²² Harriet Sargeant: Handle with Care- An investigation into the care system. September 2006

²³ <https://forced-adoption.com/>

CAFCASS

“The ultimate tragedy is not the oppression and cruelty by the bad people but the silence over that by the good people.”

-Martin Luther King, Jr.

When Care Proceedings are initiated, the court will appoint a guardian for the child from an agency called CAFCASS (the children and family court advisory and support service). This guardian will be charged with the responsibility of looking after the child’s interest (not take over their care). CAFCASS is independent of Social Services, and Social Services will not pay the guardian. The guardian will choose and give instructions to the lawyer representing the child, about what is best for them, and what the child wants. They also have the responsibility of compiling a report on the family, both the parents and children, which carries a great deal of weight with the family court.²⁴ In short, they have a great deal of power in these proceedings, power which they use to perpetuate injustice.

CAFCASS writes in its report inaccurate information that usually affirms that a child should be adopted. The basis of their report can be hearsay evidence. They claim to act in the child’s best interest, but in reality, they only seem to focus on making the parents look bad.

CAFCASS has also received its fair share of criticism from the public as more and more people suffer injustice as a result of their actions. These criticisms border on CAFCASS’s approach to care proceedings, such as; case records often did not show how CAFCASS had come to its

²⁴ <https://www.theguardian.com/society/2020/jul/28/twisted-priorities-mean-cafcass-has-failed-to-protect-children-from-abusive-parents>

conclusions about children, which also emphasizes how there is no evidence of a consistent assessment model used by staff. They seem to be more interested in scrutinizing the parents more than anything else, and this is why they have failed to identify abusive foster parents in the past.

The case of *A & S vs Lancashire County Council [2012] EWHC 1689* is also a prime example of so-called independent officers fail to affirm the well-being of the children. In that case, the failure of the independent officer to ensure the well-being of A & S, twins who spent more than 14 years each in state care and were moved from one foster home to another, left them wide open to several forms of abuse.²⁵ Another example of CAFCASS failing to investigate abusive behavior by foster parents is the infamous case of Baby P, where CAFCASS was manipulated into giving a child to an abusive couple.²⁶

When parents also have complaints, CAFCASS responses to these complaints are usually poorly handled, making the service users feel like complaining is a waste of time.

²⁵ [https://www.familylawweek.co.uk/site.aspx?i=ed98855#:~:text=Judgments%20%3E%202012%20archive-,A%20and%20S%20v%20Lancs%20CC%20%5B2012%5D%20EWHC%201689%20,\(under%20Arts%208%20and%206.](https://www.familylawweek.co.uk/site.aspx?i=ed98855#:~:text=Judgments%20%3E%202012%20archive-,A%20and%20S%20v%20Lancs%20CC%20%5B2012%5D%20EWHC%201689%20,(under%20Arts%208%20and%206.)

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[https://en.wikipedia.org/wiki/Death_of_Baby_P#:~:text=Peter%20Connelly%20\(also%20known%20as,and%20National%20Health%20Service%20\(NHS\)](https://en.wikipedia.org/wiki/Death_of_Baby_P#:~:text=Peter%20Connelly%20(also%20known%20as,and%20National%20Health%20Service%20(NHS))

THE POLICE

“I’m not against the police; I’m just afraid of them”

-Alfred Hitchcock

The Police are another piece of the puzzle in the forced adoption scheme. They blindly enforce void court orders and refuse to investigate the Social Workers when there are reasonable grounds to do so. They simply say they cannot investigate because it is a “family/civil matter,” when in fact, these are criminal matters.

If a falsified Witness Statement is used against to obtain a court order against a parent, the Professional(s) responsible for creating this false instrument would be guilty of an offence of forgery (falsifying documents is a Public Order offence contrary to section 1 of the Forgery and Counterfeiting Act 1981)²⁷. This is a criminal matter, but the Police refuse to investigate.

The Police also fail to provide any help that may help parents and do whatever they can to be an obstacle. They fail to conduct investigation when it is necessary, for example a case in Leicester covered on forced-adoption.com where a young boy reported abuse done to him by a Social Worker to the Police who failed to act.²⁸ There have been cases of missing documents, and Police are looking for excuses not to perform their duty. For example, the Police must conduct a Welfare Check on children when concerns are raised; however, the Police sometimes ignore parents’ requests for to have a Welfare Check done on their children who are in foster care.

²⁷ <https://www.cps.gov.uk/legal-guidance/forgery-and-counterfeiting#:~:text=Definitions-False%20instrument,or%20any%20other%20person's%20prejudice.%E2%80%9D>

²⁸ <https://forced-adoption.com/>

This was the situation in a case covered in the documentary film, traffic, mentioned above, the Police Officers were being recorded by the husband as the whole ordeal occurred. In the video, the Police were first denied entry by the couples who were skeptical of their behavior, they put the couples at ease claiming they were only there on a welfare check which made them allow the most senior officer enter their home. Upon entry, the officer said the wife was pregnant and had an intention to conceal the pregnancy seeing as it would make the parents unable to care for the baby they already had, he then went ahead to bring out a care order signed by a judge. At this point three other officers forced their way into the home, and forcefully took their child away from them.²⁹

Do not fear your enemies. The worst they can do is kill you. Do not fear friends. At worst, they may betray you. Fear those who do not care; they neither kill nor betray, but betrayal and murder exist because of their silent consent.

Bruno Jasienski

The Police also blindly follow void court orders, either they are ignorant that these orders are void or they just do not care. They adopt an attitude of believing anything Social Services say and finding nothing wrong with what they do. They allow themselves to be an instrument for corrupt Social Workers and Judicial Office holders to use in oppressing and enforcing *ultra vires* acts.

The care system is a failure, and it has been turned into an instrument of injustice by the Social Services and every institution involved in it. It is a machine that is hard to escape from once caught in it, according to official judicial statistics, when Local Authorities apply for a care order

²⁹ A Documentary titled "Traffic"

in the family courts only 1 in 400 is refused.³⁰ Often the poor children who are caught in the middle of this suffer psychologically and sometimes physically, as there have been cases of children dying in the hands of “state care.” The secrecy of it all and the gag orders allow this system to violate the human rights of the children and also the parents, rights which are supposed to be protected by the state.

³⁰ <https://www.sundayguardianlive.com/lifestyle/12668-uk-forced-adoptions-are-backed-big-money>

THE CARE SYSTEM AND THE VIOLATION OF HUMAN RIGHTS

“We declare that human rights are for all of us, all the time: whoever we are and wherever we are from; no matter our class, our opinions, our sexual orientation” -Ban Ki-Moon

During care proceedings, both the parent and children suffer infringements on their human rights; the right to private and family life particularly. For example, when children are in state or foster care, there have been reports of them being subjected to degrading conditions, which are clear violations of their human rights. The case of *A & S v. Lancashire County Council [2012] EWHC 1689* is one of such cases.³¹ Also, parents routinely have their right to a fair trial violated during these proceedings, for example, when they are not allowed to have adequate legal representation or how they are hardly allowed to defend themselves. All these amounts to a violation of their right to a fair trial.

The children can also be said to have had their right to freedom from degrading and inhumane treatment violated by Social Services. These rights are protected and guaranteed by the European Convention on Human Rights [ECHR], which the U.K is a party to and is obligated to protect those rights.³² Of all the rights, the three principal rights that are usually violated during care proceedings are; the right to a fair trial (Article 6 ECHR), the right to freedom from degrading and inhumane treatment (Article 3) and the right to private and family life (Article 8).

Article 6 provides a detailed right to a fair trial, including the right to a public hearing before an independent and impartial tribunal within a reasonable time, the presumption of innocence, and

³¹ [https://www.familylawweek.co.uk/site.aspx?i=ed98855#:~:text=Judgments%20%3E%202012%20archive-,A%20and%20S%20v%20Lancs%20CC%20%5B2012%5D%20EWHC%201689%20\(,under%20Arts%208%20and%206.](https://www.familylawweek.co.uk/site.aspx?i=ed98855#:~:text=Judgments%20%3E%202012%20archive-,A%20and%20S%20v%20Lancs%20CC%20%5B2012%5D%20EWHC%201689%20(,under%20Arts%208%20and%206.)

³² European Convention on Human Rights

other minimum rights for those charged with a criminal offence (adequate time and facilities to prepare their defense, access to legal representation, right to examine witnesses against them or have them examined, right to the free assistance of an interpreter).

It should also be noted that when children are in state care, they tend to suffer abuse of different kinds; this is because Social Services are more focused on obtaining a care order rather than the welfare of the child. The independent officers and CAFCASS too often omit to keep tabs on the welfare of the children and conduct welfare checks on the children as required by law.³³ This omission often leaves the children susceptible to physical and psychological abuse resulting in the violation of their right to freedom from degrading and inhumane treatment guaranteed under Article 3 of the ECHR.

Social Services are not fulfilling the role of ensuring the welfare and safety of the children within their care. Based on the statistics released by the department for education mentioned earlier above, which shows that in England alone, 67,000 children are in care and some 10,000 a year go missing.³⁴ In Leicester, not too long ago, a 93-minute Police video of a 14-year old boy describing how, after being taken by Social Workers into care, was subjected by a care worker to sexual abuse so horrendous that he repeatedly pleaded for help from other members of staff. When his pleas were ignored, he finally went to the Police who shot the video, but did nothing. Shortly afterwards the boy hanged himself with a curtain cord. Only when his “carer” was charged with 10 offences did the prosecution produce in evidence the video on which the Police had failed to act.³⁵

³³ <https://forced-adoption.com/>

³⁴ <https://www.telegraph.co.uk/news/health/children/10149479/What-our-judges-forget-when-they-send-children-into-care.html>

³⁵ <https://forced-adoption.com/statistics/>

Children in care often get their right under Article 3 of the ECHR violated. When families are broken by Social Services and children are taken away from their parents for no crime committed by the parents, and sometimes through false information, it amounts to a violation of this right. Another case exhibiting this violation of the right to private and family life is a story of a pregnant Italian lady covered on the Sunday guardian live, who came over from Italy to take a test for a job with an airline. She passed the test and was supposed to travel back to Italy the next day, but she ended up in a violent dispute on the bill with the hotel clerk, which led to her arrest and detention in a mental home where she was drugged for months. She was told her baby would be taken from her because she was unfit to take care of a child. However, when the Sunday guardian live correspondent spoke to her, he found her to be “very calm and lucid.”³⁶ She was unable to get legal representation because no one wanted to represent someone from a mental home, so when she gave birth, the child was taken from her, and she was deported out of the country and never saw her child again. Her right to a fair trial, freedom from degrading and inhumane treatment and right to private and family life was violated.

Another instance is the case of *A & S vs Lancashire County Council [2012]*.³⁷ In that case, the high court held that a series of failures by a Local Authority constituted the breach of two young boys’ right to protection from inhuman and degrading treatment, right to a fair trial and right to family and private life, all guaranteed by the European Convention on Human rights (ECHR); Articles 3, 6 and 8 respectively. Social Workers took them at a young age, and a freeing order was obtained, from there the boys were passed around between different foster careers and homes, many which were abusive. The experience left the boys, A & S, with difficulties in

³⁶ <https://www.sundayguardianlive.com/lifestyle/12668-uk-forced-adoptions-are-backed-big-money>

³⁷ [https://www.familylawweek.co.uk/site.aspx?i=ed98855#:~:text=Judgments%20%3E%202012%20archive-.A%20and%20S%20v%20Lancs%20CC%20%5B2012%5D%20EWHC%201689%20\(,under%20Arts%208%20and%206.](https://www.familylawweek.co.uk/site.aspx?i=ed98855#:~:text=Judgments%20%3E%202012%20archive-.A%20and%20S%20v%20Lancs%20CC%20%5B2012%5D%20EWHC%201689%20(,under%20Arts%208%20and%206.)

intellectual development and communication, forming relationships and regulating their emotions.

The court declared that the Local Authority violated the provisions of the ECHR in a number of ways: They violated the provisions of Article 3 and Articles 8, their rights from inhumane treatment and right to private family life, by allowing A & S to be subjected to degrading treatment and physical assault and failed adequately to protect their physical and sexual safety and their psychological health.

This applies to all children who are part of a care proceeding. Local Authorities place more concern on obtaining a care order that they fail to pay proper attention to the child in question's wellbeing. Clear signs that the child might be suffering some sort of abuse under foster care is ignored because they want to sell the narrative that the child is better off in their care than with their parents, who might harm them in the future. So they take away children from loving homes, from parents who usually have committed no harm to the child, therefore, violating their right to private family life, and they allow these children to be susceptible to abuse and degrading conditions. The rights to private and family life are also violated when children are separated from their parents for the most absurd reasons, a lot of times immediately after childbirth.

They failed to provide accurate information concerning A & S's legal status to the independent review officer (IRO) as required. The IRO is tasked with keeping tabs on the wellbeing of the children and tasked with doing routine checks on the children in their foster home or a state facility. Like this case, children are always isolated from their families, who have no idea what is going on with their children or what condition they are in.

They also failed to promote the rights of A & S to independent legal advice, therefore violating their right to a fair trial guaranteed under article 6 ECHR. Their right to a fair trial can be violated in several ways, for example, the gag order on children and parents alike excludes children from giving evidence in court, or even having an opinion in their matter. Care proceedings often conclude without putting the opinions of the children into consideration. Parents also have their right to a fair trial violated, the case of *Melissa Laird v Barnet London Borough Council* is an excellent example of this.³⁸ In that case, Melissa suffered not only from not getting legal aid for a family lawyer but also from outright denial of legal representation from a judge who decided that the “welfare of the child requires dispensing with the mother’s consent to adoption.”

Still, on the right to a fair trial, the way care proceedings are held is anything but fair, especially how the judges place more weight on the hearsay evidence of Social Services (the maker of the statement is rarely in court) over real evidence used by the parents. The gag orders placed by the court also stops parents from calling witnesses to testify on their behalf to defend statements made against them in court, there are also restrictions on the parents from getting independent medical evaluations, those of the so-called “experts” employed by Social Services is always followed. The parents are barely given any chance to defend their selves in court; the case of *The Musas v Haringey Council* is a prime example.³⁹ Gloria and Chiwar Musa had their children taken away by Social Services on the grounds that Gloria Musa was a sex worker and her children had multiple fathers who abuse the children, this and that the children are subjected to multiple forms of abuse. There was no real evidence to back these claims, just hearsay, and information given by one Alexandra Constantinou, but as always, this was accepted by the court.

³⁸ <https://melissalaird.wordpress.com/>

³⁹ <https://gloriamusa.wordpress.com/about/>

The claims in the Social Services report about Gloria being a sex worker and the children having multiple fathers has long been debunked; however, the court did not reverse its decision. Instead, new charges were brought against the Musas; the couples were charged on counts of having abused and neglected their five older children and having attempted to poison their 6th, despite the fact that reports from outside sources show that the children had been happy, healthy and doing well in school prior to the intervention of the Haringey Council. This case also illustrates the violation of the right to a fair trial, the violation of the right to freedom from degrading and inhumane treatment, and a violation of the right to private family life, which is all meant to be protected by the government.

Forced adoption is, and the care system is unfair and evil. Even criminal proceedings serve more natural justice than care proceedings, parents should not be punished without committing any crime, and unlawfully have their children taken away from them. They also have a right to be informed about the wellbeing of their children, not completely cut away from them without ever hearing from them again. Parents should not be gagged and jailed for talking about their grievances, and there should be transparency in the family courts. Full transparency would prove the injustices in the family courts within minutes, not hours or days, but minutes. It will reveal the continued violation of the rules of natural justice parents are made to suffer at the hands of the court and Social Services.

This needs to stop, our children are being taken away at alarming rate of 90 per day! And no one is doing anything about it. There is a need for people to criticize and condemn this immoral, corrupt, and evil system which is only good for filling the pockets of those involved. Children in care suffer untold abuse and statistics released by the department of Education show children are often better off with their parents who were wrongfully separated from them. These statistics

show that 23 per cent of the adult prison population were in care. Around a quarter of those living on the streets have a care background. Care leavers are four or five times more likely to commit suicide in adulthood. A quarter of care leavers were pregnant or young parents within a year of leaving care⁴⁰. Does that sound like a system that works? Does it sound like a system that protects the best interest of the children?

Parents have been jailed and treated horribly, even some criminals get better treatment. Innocent parents do not deserve this, they do not deserve to be helpless before an oppressive system that leaves them and their children traumatized for life.

Pressure should be put on M.P.s to do something about it. It is a system that has sullied the image of the U.K. even on the international scene as it has received criticism from foreign governments in Europe, Africa, and even Asia as foreigners are not spared this evil. It needs to stop, and it needs to stop now!

⁴⁰ <https://www.theguardian.com/society/2019/nov/15/i-grew-up-in-care-i-wanted-to-break-the-cycle-and-be-the-good-parent-i-didnt-have>