

Table of Contents

UK

Child's rights: Scores of families have had their lives destroyed by unfounded accusations

Make a donation



See some of our activities below

Editor-in-Chief: Willy Fautre

Website: <http://www.hrwf.net>

<http://www.willyfautre.org>

Email: international.secretariat.brussels@hrwf.net



UK

Child's rights: Scores of families have had their lives destroyed by unfounded accusations

These loving parents were branded abusers - yet the courts won't let them clear their names: SUE REID on a chilling case that raises profound new questions about justice and Britain's culture of secrecy

- Parents cleared of wrongdoing but barred from proclaiming innocence
- Accused of causing broken bones in three young children
- But injuries were caused by inherited disorders

By [Sue Reid](#)

Mail Online (23.05.2013) - Playing in their large garden, this family look happy and content.



A pair of twins, a brother and sister aged two, reach out to cuddle their parents who, in turn, cling tightly to their youngest child, a boy of one who keeps crawling off at a fast pace towards the flower-beds.

The children are blissfully unaware that if doctors, police officers and social workers had had their way, this scene would not be taking place at all. By law, in many cases such as theirs involving family courts, it is not possible to name those involved or identify where they live.

But we can reveal that nearly two years ago, the parents were wrongly accused of the most horrific crime: shaking their children, injuring their brains and breaking their bones. At one stage, a police officer told the family: 'This is the worst case of child abuse I have ever come across in my 16-year career.'

During 19 months of investigations, the parents were barred from being alone with the children. Therefore the twins' maternal grandparents (both in their late-70s) had to care for them at night while the parents slept in a separate part of the family's home, the connecting door locked on the orders of social workers.

Astonishingly, a bell on the electric gate at the garden entrance was also disconnected by social workers.

They said it was so they could make unannounced visits to check the parents were not attacking their children.

When the mother gave birth to her third child, by Caesarean, social workers claimed there was a risk that she would hurt him. They threatened to take the baby away (even though he was being breast-fed) until the mother could be supervised round the clock in her hospital bed.

But a little over two weeks ago, a High Court judge decided that the parents had not harmed their children. Mr Justice Baker said the couple were 'besotted' about them and should not face 'one scintilla' of criticism.

He refused to allow the youngsters to be taken into care by Devon Council and, in all probability, be put up for adoption.

The judge said the couple suffered from complex medical ailments which may have been inherited by the children and which made their bones and skulls fragile.

He concluded there was a 'real possibility' that - rather than being the result of abuse - the twin girl's elbow was broken when her arm was pinned down by two doctors as they tried to insert a tube for blood tests.

A fracture of her brother's rib was also 'likely' to have occurred at the hospital during a medical examination.

As the mother says now: 'It has been a nightmare. So many mistakes were made. We have lived for months under this massive terror that council social workers would take our children away. I was made to feel an evil woman by social workers. They treated me like a liar. We were accused of being child abusers by the police.

'Now we learn that some of our children's injuries may have been caused at the hospital where doctors were accusing us.'

It is, indeed, a disturbing story. But as this family get on with their life, there is another worrying aspect to this case.

It concerns the judge's decision that the family cannot be identified and that their whereabouts must be kept secret until the children are grown up - even though they have done nothing wrong.

The ruling, by Mr Justice Baker at the High Court in Exeter, means that if this family allow the media to use their real names, they will be in contempt of court and risk being sent to prison.

They are frightened even to speak about their ordeal to neighbours or friends because in doing so they could identify themselves and the children as having been participants in the family court case.

The couple feel they have no choice but to comply with the ruling. However, they have agreed to brief the Mail anonymously about their plight.

These gagging orders have become normal in such family court cases where parents are eventually found innocent of any wrongdoing. Last week, Bill Bache, the family's lawyer and an expert on family courts, said: 'This ruling impinges on this family's freedom of speech. This is very troubling.'

And John Hemming, the Lib Dem MP campaigning against court secrecy, added: 'These rulings stop innocent families talking openly about their experiences and they protect the doctors, social workers and police who wrongly pointed the finger of blame at them.'

His views are endorsed by Alison Stevens, who runs the charity Parents Against Injustice. She said: 'Most innocent parents who win their children back face a gagging order from the family courts. It means the mistakes made by social workers, doctors and the family courts are concealed.'

So how did this travesty occur?

The couple - she a 39-year-old teacher and he a former hotel manager of 31, whom we will call Elizabeth and William - met five years ago.

They began to live together nearly three years ago - owning a bungalow in Devon - and were delighted when, after IVF treatment, Elizabeth became pregnant and gave birth in February 2011 to the twins.

Both babies were a good weight, appeared healthy, and were taken home from hospital

five days later. But their daughter had trouble feeding. She lost weight and was prescribed a special high-calorie bottled milk.

She soon put on weight, and a health visitor who saw her at home when she was four months old, wrote in the child's medical records: 'Much better weight gain. Looks healthy and happy. Feeding improved greatly.'

Yet, three hours after that visit the baby collapsed. She stopped breathing and was taken by air ambulance to Devon and Exeter Hospital. There, doctors held down her right arm as two tubes were inserted into her hand.

'This is probably when the fracture to her elbow happened,' says her mother - a view endorsed by Mr Justice Baker in his published judgment on the case.

The baby recovered and went home. But three days later she was taken back to hospital with suspected meningitis.

The child was given an MRI scan which detected bleeding inside her skull. Doctors gave her a lumbar puncture (a spinal fluid test which cleared her of the disease), holding her so firmly by the legs during the procedure that her blood vessels ruptured, causing red marks.

Meanwhile, her twin brother was coming under medical scrutiny, too.

The hospital's consultant paediatrician Dr James Hart, who was treating the girl, asked for the boy to be given a MRI scan. This revealed inter-cranial bleeding and a number of rib fractures.

An X-ray on the girl also exposed a single rib fracture and - tellingly - a fracture of her right elbow.

The hospital immediately alerted police and social services. Dr Hart said he thought the children had been shaken by either of her parents.

An official investigation was launched and it was only because the grandparents offered to care for the children that the authorities were persuaded not to remove them from the family.

'The consultant paediatrician continued to insist we had shaken the children and caused the injuries,' says Elizabeth today.

As a result, she says that she and the children's father had to be 'locked' in a separate flat all night and were told they couldn't be left alone with their children at any time.

The police also visited the home and as part of their investigation searched through the children's toys.

Things became worse, when the mother became pregnant again last summer and gave birth.

When the little boy was three weeks old, he fell out of his Moses' basket on to a wooden floor, a distance of between 18in and 24in. Despite the low height of the fall, a subsequent medical examination revealed that he had suffered skull fractures and bleeding in the brain.

This was enough for Devon Council social workers to again apply to the family court - unsuccessfully - to take all three children into care.

Crucially, the family's medical history was not investigated by the hospital.

It was left to Elizabeth to try to see if there was a link. After hours researching on the internet, she realised that her own medical problems - she suffers from easy bruising and

painful joints - could have been passed on to the children.

She therefore went to a rheumatologist who diagnosed a tissue disorder known as Ehlers-Danlos syndrome, which can cause bone fragility and bleeding within the skull.

Her partner, it turned out, also had health problems: chronic kidney stones which are associated with a calcium imbalance and reduced bone density.

When Elizabeth told the court what she had discovered, it sent the couple for an independent medical examination by one of the world's top geneticists (and an expert on Ehlers-Danlos syndrome) in London.

He said the children were likely to have inherited disorders from their parents which 'had an impact on their bone fragility'.

'It was a turning point for us,' says Elizabeth now. 'I believe my three-week-old baby's injuries from the fall also pointed to his genetic disposition to fragile bones.

'I believe many other parents with similar genetic disorders are being wrongly accused of shaking their babies and child abuse. They should be told what happened to us.'

So how did this scandal happen?

Shaken baby syndrome (SBS) came to public attention in Britain in 1997 when British au pair Louise Woodward was convicted in the U.S. - she was found guilty of involuntary manslaughter - of shaking a baby to death.

SBS was said to show that any brain-bleeds or fractures of children's bones were sure signs of deliberate abuse of babies by parents or carers.

Among the most ardent supporters of the SBS theory was Sir Roy Meadow. Trusted by the family courts, where he regularly appeared for councils accusing parents as an expert witness, Meadow was finally barred from medicine after giving evidence at the trial of Sally Clark, a solicitor whose two children had died suddenly.

He wrongly claimed there was a 73 million to one chance of a middle-class mother, like Sally, losing two children to cot death. Clark was subsequently convicted.

He has since successfully appealed and retired. As for Sally, she was imprisoned for three years before being freed on appeal, and has since died.

Rioch Edwards-Brown, a campaigner for accused parents, says: 'Scores of families have had their lives destroyed by false accusations that they hurt or killed their babies by violently shaking them. They have been convicted on what is medics and social workers' opinion and dogma rather than fact.'

After Sally's conviction was overturned, it was found that ailments such as vitamin D deficiency which causes rickets, birth trauma (even in some Caesarean deliveries), and hereditary diseases could mimic the physical signs of the syndrome.

The Court of Appeal ruled that due to the growing confusion surrounding SBS, a conviction should never be made when there are conflicting medical opinions given in a trial. There has to be real evidence of an assault.

However, in the family courts - where guilt is decided on a 'balance of probabilities' - hundreds of parents every year are still being accused of shaking their babies and have had them removed into care and adopted.

Worse, these judgments are always made behind closed doors. Even if the parents have not hurt their child, secrecy rulings obstruct them from identifying themselves and openly proclaiming their innocence after the case is over.

That is just what is happening to Elizabeth and William.

Mr Justice Baker's ruling also means that only the one doctor actually named in his final judgment, when he cleared the parents, can be identified publicly.

As a frightening result, the identities of the social workers, the police officers and nearly all the hospital medics who provoked this family's nightmare are now hidden behind a cloak of secrecy.

Is that justice? When the judge was shown happy, smiling photographs of the family together he said they illustrated the 'manifest devotion' of both Elizabeth and William to their two boys and girl.

He added: 'They are significant evidence of how much these parents love their children.' So why, one might ask, is this couple not allowed to say who they are - and shout publicly from the rooftops that they are innocent?

HRWF Footnote

For more information about this and similar issues, see

<http://www.fathers-4-justice.org/our-campaign/missing-children-wall/>
<http://www.s-c-o-t-uk.com/photogallery/>

Some activities in 2013

Fact-finding mission in Bucharest about social hostility towards yoga groups (8-16 May 2013)

Co-organizing a conference about "Unprecedented Repression against Religious Minorities and NGOs in Russia" at the United Nations in Geneva (28 April 2013)

Organizing a conference at the European Parliament to launch two reports: "Freedom of Religion or Belief World Report" and "Freedom of Religion or Belief Prisoners List in the World" (23 April 2013)

Author "La Fecris, la liberté de religion et les droits de l'homme" in "Réveil du Religieux, Eveil de la société", edited by Dominique Kounkou & published by L'Harmattan, Paris, pp 107-113 (2013)

Fact-finding mission in Israel (9-14 April 2013)

Author of "Die Geschichte von Jehovahs Zeugen in Belgien" (History of Jehovah's Witnesses in Belgium), pp 19-52, published in Jehovah's Zeugen in Europa, Geschichte und Gegenwart, Band 1, 736 p, edited by Gerhard Besier/ Katarzyna Stoklosa, LIT VERLAG W. Hopf, Berlin, 2013

Presentation of a paper at the hearing of the European Parliament Intergroup on Minority Languages about bilingual education in Greek kindergartens held in Strasbourg (14 March 2013)

Collecting testimonies of North Korean defectors in Seoul by one of HRWF experts on North Korea, Dr Aaron Rhodes (3-5 March 2013)

Submission to the UN Universal Periodic Review of China on the forced repatriation of North Korean defectors (4 March 2013)

Publication of an article entitled "EU-China Relations: Constructive Engagement" in The Parliament Magazine, Issue 363, p 38 (18 February 2013)

Electronic Newsletters

Democracy, Rule of Law and Human Rights in China
Democracy, Rule of Law and Human Rights in North Korea
Democracy, Rule of Law and Human Rights in the World
Trafficking in Human Beings
Religious Discrimination and Intolerance
EU News

Human Rights Without Frontiers
Avenue d'Auderghem 61/16
1040 Brussels, Belgium
Phone: +32 2 3456145
Fax: +32 2 3437491
Website: <http://www.hrwf.net>
E-mail: international.secretariat.brussels@hrwf.net