

# Legal Case Filed Against 5G for Breaches in Human Rights and National Health Service Acts, Public Sector Equality Duty, etc. (UK)

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by [B.N. Frank](#), *Activist Post*

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Opposition to 5G is worldwide due to economic, environmental, health, and safety risks. Cities AND entire countries have taken action to [ban, delay, halt, and limit 5G installation](#) AS WELL AS issue moratoriums.

Since 2017, doctors and scientists have asked for 5G moratoriums on Earth and in space (see [1](#), [2](#)). Since 2018 there have been reports of people and animals experiencing symptoms and illnesses after 5G was installed (see [1](#), [2](#), [3](#), [4](#)). The [majority of scientists](#) worldwide oppose deployment. Doctors, scientists, and telecom whistleblowers have also endorsed a [boycott on 5G phones](#). Lawsuits have been filed and continue to be filed against deployment. Recently another one was filed in the UK.

From [Environmental Health Trust](#):

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## **UK: Legal Case Filed Against 5G in Court**

**UK : Legal Action Against 5G led by Michael Mansfield QC have lodged their case against the government**

[More at https://actionagainst5g.org/](https://actionagainst5g.org/)

### **JUDICIAL REVIEW PROCEEDINGS LODGED IN THE HIGH COURT**

The Defendants are

- THE SECRETARY OF STATE FOR HEALTH AND SOCIAL CARE: First Defendant
- THE SECRETARY OF STATE FOR THE ENVIRONMENT, FOOD AND RURAL AFFAIRS: Second Defendant
- THE SECRETARY OF STATE FOR DIGITAL CULTURE MEDIA AND SPORT: Third Defendant

The Claimants are represented by Michael Mansfield QC, Philip Rule and Lorna Hackett of Hackett & Dabbs LLP

The case concerns an important issue of public safety. It raises the risk to which members of the public, including particular vulnerable individuals, and children, are being exposed without having consented to or agreed to expose themselves to that risk; and without an adequate and proper consideration undertaken by the relevant safeguarding authorities of the creation of those man-made public health risks.

We provided documents containing evidence from a multitude of respected and eminent experts concerning the health effects of the technology used by 5G, and the attendant risks to the public and individuals, upon which the Defendants declined to act.

The Defendants cannot lawfully continue to ignore or overlook the evidence that indicates the existence of a risk that has not been quantified. To date there has been a failure to engage with this body of evidence, and an inappropriate

attempt to delegate any assessment of risk to an external body – a body against which membership legitimate criticism of industry finance and conflict of interest is leveled.

**The issues include:**

1. the absence of due investigation of the nature and extent of the risks to the safety of individuals, and human health by the relevant United Kingdom authorities;
2. the absence of appropriate measures, systems and safeguarding steps to address the identified risks or potential risks; and
3. a failure to adopt and apply a precautionary principle, or informed foresight, to the exposure of non-consenting children and adults to a risk of harm.
4. The law provides a framework that demonstrates the unlawfulness of the inaction and errors of the executive bodies we have challenged.
5. Holding to account the executive or legislative authorities to comply with the law and legal duties is undoubtedly a proper and essential function for the Court, especially in the context of protection of individuals from harm that includes loss of life or serious injury.

**The grounds are:**

The Defendants are in breach of section 6 of the Human Rights Act 1998 resulting from omissions and failings in violation of the positive obligations required to be met by Articles 2, 3 and/or 8 of the European Convention on Human Rights.

The Defendants have failed to consider the best interests of children when considering formulating, updating or reviewing the appropriate approach to 5G policy and risk assessment for exposed children. In the alternative, they have failed to make this a primary consideration.

The Defendants are in breach of the Public Sector Equality

Duty ("PSED") (s149 EA 2010). There has been no equality assessment, within the meaning and terms of the PSED, to properly inform and be considered in decisions as to the risk posed by RFR and affecting for example approval of 5G generally and/or of permissible locations of 5G and/or of the policy to adopt ICNIRP guidelines.

The SSHSC is in breach of his statutory duty under s2A of the National Health Service Act 2006, either resulting from (a) unlawful delegation or abdication of the statutory function to an external private organisation; and/or (b) irrationally failing to take appropriate steps under this power and/or failing to exercise a discretion in accordance with the statutory purpose.

The Defendants have failed to take into account as a relevant consideration, and give due and proper consideration to, all the evidence, information and concerns which we have raised with them.

The Defendants have failed to provide adequate and sufficient reasons for the decision not to establish a process to investigate and establish the adverse health effects and risks of adverse health effects from 5G technology and/or for discounting the risks presented by the evidence available.

## **THIS IS A LANDMARK CASE**

The Claimants wish to thank all the many members of the public who have supported them including those that have written messages of encouragement, some of which have been heart wrenching, on the Crowd Justice site; who watch our updates on progress and the thousands who have given donations in support of this legal action. It is for those who have written letters, signed petitions and campaigned, the scientists, doctors and engineers that have put their names to appeals and all the many who have supported our work. It is for those who remain puzzled or uninformed but feel unwell or develop any of the many symptoms that are associated with or worsened by

radiation. And it is for our shared environment that does not have a say but for which we, as responsible citizens, are custodians.

Meanwhile our work continues in earnest, and we wish to thank all of you for your continuing support. We will issue further information as this matter progresses.

Further information can be found at <https://actionagainst5g.org/> and please continue to support our legal team at <https://www.crowdjustice.com/case/legalactionagainst5g/>.

## WORLDWIDE POLICY

# 5G & CELL TOWERS



### RESOLUTIONS TO HALT 5G



- 600 Municipalities in Italy
- Numerous European cities including Trafford, UK, Lille, France, Ormidia, Cyprus, Balchik, Bulgaria.
- US Cities include Hawaii County HI, Farragut TN, Coconut Creek FL and Easton CT.

### SWITZERLAND



- Parliament refused to weaken restrictions on radio frequency radiation (RFR) after 5G Report.

### FRANCE



- 60 mayors/officials petition to halt 5G.
- Federal health agency investigating 5G
- Every resident can request RFR measurements.

### CANADA



- City of Toronto "Prudent Avoidance Policy" for Cell Towers.

### ISRAEL



- Cell tower setback 100m from schools and homes.

### NETHERLANDS



- Health Council recommends against 26 GHz for 5G due to lack of safety data.

### UNITED STATES



- Numerous cities restrict cell antennas near homes including: Los Altos, Petaluma, Mill Valley, Malibu and San Diego County CA, Bedford NH and more.
- New Hampshire 5G Commission 15 Recommendations include to increase transparency, reduce public exposure, research health effects and increase government accountability.
- Oregon Bill to study health effects of wireless.
- Los Angeles CA Public Schools: RFR Limit policy 10,000x less than FCC.
- Palo Alto, Los Angeles Schools Greenbelt MD: No school cell towers.
- Bar Harbor, Maine: 1,500 feet setback for cell towers near schools and daycares.



### LITHUANIA



- Cell antennas prohibited on kindergartens and hospitals.

### CHILE



- Cell antennas prohibited in "sensitive areas" -kindergartens, hospitals and nursing homes.

### INDIA



- RFR limit tightened to 1/10 of CNIRP limits after Inter-Ministerial Report on impacts to wildlife.
- Mumbai: Cell towers prohibited/removed within 100m of schools, colleges, orphanages and old age homes.
- Brihanmumbai Municipal: Cell towers banned at parks and playgrounds.
- Zilla Parishad & Karnataka: Towers banned 50m of schools.
- State of Rajasthan: Supreme Court of India upheld removal of cell towers from the vicinity of schools, hospitals and playgrounds because they were "hazardous to life."

### BANGLADESH



- No cell towers on homes, schools, colleges, playing fields, populated areas and heritage areas.

### CYPRUS



- Cyprus National Committee on Environment and Child Health 5G Position Paper calls for 5G free zones.

### AUSTRALIA



- New South Wales Dept. of Education policy objects to towers on/near schools.

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