

JUSTICE PRESS RELEASE

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Strasbourg does focus on fundamental human rights: torture is no small claim.

In the light of the prime minister's widely trailed speech on the European Court of Human Rights this afternoon, JUSTICE notes:

- We agree with the Prime Minister and the Deputy Prime Minister that a strong European Court is essential and the Strasbourg Court has played a major role in advancing civil liberties and human rights at home and in Europe.
- The Court has been a victim of its own success. Everyone agrees that the court needs a better filtering system to reduce numbers and workload – one has just been introduced and it seems to be working. Of around 950 applications against the UK in the last year; only 8 cases led to a judgment, the rest having been filtered out by the existing system.
- The real burden on the Court is the failure of some countries to take their obligations under the Convention seriously by protecting rights effectively at home.
- The idea of a 'twin track' approach which would overtly privilege some jurisdictions would undermine the work of the Court and seems unworkable.
- Very few UK cases actually go before the European Court relative to many other jurisdictions. In those that do, the Court offers a high degree of respect for the decision making of UK courts. One of the most recent cases – *Abu Qatada* – has led to much unfounded criticism. The Court upheld the findings of our domestic courts, bar the single issue of trial on the basis of torture-evidence.
- The UK courts do sometimes get it wrong. On the rights of bereaved families to participate in inquests; journalists to protect their sources and preventing the Government from keeping innocent people's DNA unnecessarily, the European Court has disagreed with the assessment of our courts. On each of these issues, Strasbourg decisions have prompted better protection of our rights in practice.
- Acceptance of the court in the UK would be greatly assisted if politicians were realistic about its role. The UK should use its short opportunity in the Chair to promote better national implementation of fundamental human rights standards at home by each of our international partners.

Angela Patrick, Director of Human Rights Policy said:

"Some of the cases the Government doesn't like deal with issues that are far from small; involving at their heart a fundamental commitment to an absolute bar on torture.

Comparing the Strasbourg Court to a small claims court damages our public commitment to the international rule of law."

For further comment, please contact Angela Patrick, JUSTICE's Human Rights Policy Director, on 020 7762 6415 (direct line) or apatrick@justice.org.uk.

Notes for editors

1. JUSTICE's response to the Court's judgment in the case of Abu Qatada is available here: <http://www.justice.org.uk/news.php/68/justice-reacts-to-othman-v-uk-abu-qatada>. JUSTICE intervened in this case to argue that the UK should not return individuals to states where torture was in evidence under diplomatic assurances or memoranda of understanding.
2. JUSTICE's latest submission to the process of the reform of the Court, compiled with Amnesty International, the International Commission of Jurists and other human rights organisations is also available online: <http://www.justice.org.uk/news.php/67/uk-proposals-for-reform-of-the-european-court-of-human-rights-would-fundamentally-undermine-the-prot>
3. On 24 January 2012, Sir Nicholas Bratza, the UK judge and president of the UK Court published an article where he outlined that only 8 cases had been decided against the UK in the last year, despite 955 applications: <http://www.independent.co.uk/opinion/commentators/nicolas-bratza-britain-should-be-defending-european-justice-not-attacking-it-6293689.html>

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