



The United Kingdom

Ratified the European Convention on Human Rights in 1951

National Judge: Paul Mahoney

[Judges' CVs](#) are available on the ECtHR Internet site

Previous Judges: Sir Nicolas Bratza (1998-2012); Sir John Freeland (1991-1998); Sir Vincent Evans (1980-1990); Sir Gerald Fitzmaurice (1974-1980); Sir Humphrey Waldock (1966-1974); Lord (Arnold Duncan) McNair (1959-1966)

The Court dealt with 1,561 applications concerning the United Kingdom in 2015, of which 533 were declared inadmissible or struck out. It delivered 13 judgments (concerning 1,028 applications), 4 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2013	2014	2015
Applications allocated to a judicial formation	908	720	575
Communicated to the Government	35	1075	38
Applications decided:	1652	1997	1561
- Declared inadmissible or struck out (Single Judge)	1586	1796	515
- Declared inadmissible or struck out (Committee)	8	16	5
- Declared inadmissible or struck out (Chamber)	39	158	13
- Decided by judgment	19	27	1028
Interim measures:	549	744	308
- Granted	3	4	0
- Refused (including out of scope)	546	740	308

For information about the Court's judicial formations and procedure, see [the ECtHR internet site](#).

Applications pending before the court on 01/01/2016	
Total pending Applications	617
Applications pending before a judicial formation:	252
Single Judge	26
Committee (3 Judges)	107
Chamber (7 Judges)	113
Grand Chamber (17 Judges)	6

*including applications for which completed application forms have not yet been received

The United Kingdom and ...

Its contribution to the Court's budget

For 2016 the ECtHR's budget amounted to approximately 71 million euros. That budget was financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2016 contribution of the United Kingdom to the Council of Europe's (EUR 326 million) budget was **EUR 32,151,875**.

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **679** Registry staff members of whom **44** are British.

Press and media

Animal Defenders International v. the UK

22.04.2013

The case concerned the complaint by a non-governmental organisation that it had been denied the possibility to advertise on TV or radio.

No violation of Article 10 (freedom of expression)

Overall, the Court found that the reasons given to justify the ban on paid political advertising were convincing and that it did not therefore go too far in restricting the right to participate in public debate.

Mosley v. the UK

10.05.2011

Concerned the publication of articles, images and video footage in the News of the World newspaper and on its website which disclosed details of the applicant's sexual activities. Mr Mosley complained about the authorities' failure to impose a legal duty on the newspaper to notify him in advance of further publication of the material so that he could seek an interim injunction

No violation of Article 8 (right to respect for private and family life) - media are not required to give prior notice of intended publications to those who feature in them

MGN Limited v. the UK

18.01.2011

Mgn Limited, publisher of the Daily Mirror, complained about the UK courts finding that it had breached Naomi Campbell's privacy by publishing articles and pictures about her drug-addiction treatment and about the requirement to pay excessive success fees agreed between Ms Campbell and her lawyers

No violation of Article 10 (freedom of expression) as regards private life complaint

Violation of Article 10 as regards the success fees

Mackay & BBC Scotland v. the UK

07.12.2010

Concerned complaint by a retired journalist and the BBC about not being able to challenge a court order prohibiting reporting on a criminal trial

Violation of Article 13 (right to an effective remedy) in conjunction with Article 10 (freedom of expression)

Financial Times Ltd and Others v. the UK

15.12.2009

Five news organisations complained about a court order requiring them to deliver up documents which could have led to the identification of a journalistic source.

Violation of Article 10 (freedom of expression)

Times Newspapers Ltd v. the UK (nos. 1 & 2)

10.03.2009

Complaint about a rule under UK law whereby each time an article is accessed in electronic archives, a new cause of action in defamation arises.

No violation of Article 10 (freedom of expression)

Goodwin v. the UK

27.03.1996

Complaint by a journalist ordered to disclose the source of information he had received regarding a company's confidential corporate plan and fined for contempt of court for refusing to do so.

Violation of Article 10 (freedom of expression)

Observer and Guardian v. the UK

26.11.1991

Complaint about an injunction imposed on two newspapers regarding the publication of details of the book 'Spycatcher' and information obtained from its author, a former a senior member of the British Security Service.

Violation of Article 10 (freedom of expression)

Sunday Times (No. 1) v. the UK

26.04.1979

An injunction was imposed on the Sunday Times preventing publication of an article dealing with thalidomide children and the settlement of their compensation claims.

Violation of Article 10 (freedom of expression)

Freedom of religion

[Eweida and Others v. the UK](#)

15.01.2013

The case concerned four practising Christians. Ms Eweida, a British Airways employee, and Ms Chaplin, a geriatrics nurse, complained that their employers placed restrictions on their visibly wearing Christian crosses around their necks while at work. Ms Ladele, a Registrar of Births, Deaths and Marriages, and Mr McFarlane, a Relate counsellor complained about their dismissal for refusing to carry out certain of their duties which they considered would condone homosexuality.

[Violation of Article 9 \(freedom of religion\) as concerned Ms Eweida](#)

[No violation of Article 9, taken alone or in conjunction with Article 14 \(prohibition of discrimination\), as concerned Ms Chaplin and Mr McFarlane](#)

[No violation of Article 14 taken in conjunction with Article 9 as concerned Ms Ladele](#)

British armed forces in Iraq

[Hassan v. the UK](#)

16.09.2014

The case concerned the capture of an Iraqi national, Tarek Hassan, by the British armed forces and his detention at Camp Bucca in southeastern Iraq during the hostilities in 2003. His brother claims that Tarek was under the control of British forces, and that his dead body was subsequently found bearing marks of torture and execution.

[The Court held that Tarek Hassan had been within the jurisdiction of the United Kingdom between the time of his arrest by British troops, in April 2003, until his release from the bus that had taken him from Camp Bucca under military escort to a drop-off point, in May 2003 but that there had been no violation of Article 5 §§ 1, 2, 3 or 4 \(right to liberty and security\) as concerned the actual capture and detention of Tarek Hassan.](#)

[The Court further declared inadmissible for lack of evidence the complaints under Article 2 \(right to life\) and 3 \(prohibition of inhuman or degrading treatment\) concerning the alleged ill-treatment and death of Tarek Hassan.](#)

[Pritchard v. the UK](#)

18.03.2014

Concerned the death during an ambush of a UK soldier serving in Iraq and the questions whether the Convention applied and whether there should have been a full investigation into the circumstances of the death.

[Case struck out of the Court's list of cases following a friendly settlement decision.](#)

[Al-Skeini and Others v. the UK](#)

07.07.2011 (Grand Chamber judgment)

Concerned the killing of Iraqi civilians by the UK armed forces in Southern Iraq and raised issues of extra-territorial jurisdiction. The Court found that the UK had jurisdiction under [Article 1 \(obligation to respect human rights\)](#), in the exceptional circumstances deriving from its assumption of authority for the maintenance of security in South East Iraq, in respect of civilians killed during security operations carried out by UK soldiers in Basrah and that there had been a violation of [Article 2 \(right to life\)](#) concerning the failure to carry out an effective investigation into the deaths of five of the six applicants' relatives

[Al-Jedda v. the UK](#)

07.07.2011 (Grand Chamber judgment)

Concerned the internment of an Iraqi civilian for over three years in a United Kingdom detention centre in Basrah.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

[Al-Saadoon and Mufdhi v. the UK](#)

02.03.2010

The case concerned the complaint by the applicants, accused of involvement in the murder of two British soldiers shortly after the invasion of Iraq in 2003, that their transfer by the British authorities into Iraqi custody put them at real risk of execution by hanging.

[Violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

[Violation of Articles 13 \(right to an effective remedy\) and 34 \(right to individual petition\)](#)

Pensions, taxation, benefits

Fazia Ali v. the UK

20.10.2015

The case concerned the legislative scheme in the United Kingdom under which local authorities have a duty to provide housing to the homeless.

No violation of Article 6 § 1 (right to a fair hearing/access to court)

S.S. v. the UK and F.A. and Others v. the UK (nos. 40356/10 and 54460/10)

21.04.2015

The case concerned five convicted prisoners' entitlement to social security benefits whilst serving criminal sentences in psychiatric hospitals. New regulations were introduced in 2006 to ensure that prisoners in psychiatric hospitals did not receive social security benefits, available to other patients, until the date they would be entitled to release from prison. Relying on Article 14 (prohibition of discrimination) of the Convention, the applicants notably complained that denying them the social security benefits paid to all other patients in psychiatric hospitals had amounted to unjustified discrimination.

Applications declared inadmissible

McDonald v. the UK

20.05.2014

The case concerned a lady with severely limited mobility who complained about a reduction by a local authority of the amount allocated for her weekly care. The reduction was based on the local authority's decision that her night-time toileting needs could be met by the provision of incontinence pads and absorbent sheets instead of a night-time carer to assist her in using a commode.

The ECtHR held, *unanimously*, that:

-the decision to reduce the amount allocated for Ms McDonald's care interfered with her right to respect for her family and private life, insofar as it required her to use incontinence pads when she was not actually incontinent;

-there had been a violation of Article 8 (right to respect for private and family life) in respect of the period between 21 November 2008 and 4 November 2009 because the interference with her rights had not been in accordance with domestic law during this period; but

-the complaint concerning the period after 4 November 2009 was inadmissible as manifestly ill-founded because the State had considerable discretion when it came to decisions concerning the allocation of scarce resources and, as such, the interference with Ms McDonald's rights had been "necessary in a democratic society".

Bah v. the UK

27.09.2011

Concerned a complaint by a national of Sierra Leone that her 13-year-old son, who had been granted leave to join her in the UK on the condition that he did not have recourse to public funds, could not be taken into account when assessing whether she was in priority need for council housing

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for family life)

Carson and Others v. the UK

16.03.2010 (Grand Chamber judgment)

Concerned failure of UK authorities to index-link pensions of former British residents who had moved to countries which had not signed a bi-lateral agreement with UK.

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property)

Burden v. the UK

29.04.2008 (Grand Chamber judgment)

Concerned unmarried co-habiting sisters' complaint that, when one of them dies, the survivor would face heavy inheritance tax bill, unlike the survivor of a marriage or a civil partnership.

No violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 1 of Protocol No. 1 (protection of property)

Asylum/Immigration

Pending cases

The Court currently has a number of pending applications concerning the length of detention pending deportation:

[V.M. v. the UK](#) (no. 49734/12)

[S.M.M. v. the UK](#) (no. 77450/12)

[J.N. v. the UK](#) (no. 37289/12)

[Ahmed v. the UK](#) (no. 59727/13)

[Draga v. the UK](#) (no. 33341/13)
[J.M.O. v. the UK](#) (no. 54318/14)
The applicants rely in particular on Article 5 (right to liberty and security).

I.A.A. v. the United Kingdom (no. 25960/13)

The applicants are six young Somali nationals currently resident in Addis Ababa (Ethiopia). They complain under Article 8 (right to family life) about the refusal of their application for permission to join their mother in the United Kingdom.

Case [communicated](#) to the Government on 13.01.2014

H. and B. v. the UK (nos. 70073/10 and 44539/11)

09.04.2013

The case concerned two Afghan nationals' allegation that, if removed to their country of origin, they would be at risk of ill-treatment from the Taliban in reprisal for their past work for the United Nations as a driver and the United States forces as an interpreter, respectively.

No violation of Article 3 (prohibition of inhuman and degrading treatment) if either Mr H. or Mr B., failed asylum seekers, were removed to Afghanistan

S.H.H. v. the UK (no. 60367/10)

29.01.2013

Concerned allegation by failed asylum seeker that his removal to Afghanistan would amount to ill-treatment, especially due to his vulnerability as a disabled amputee

There would be no violation of Article 3 (prohibition of inhuman or degrading treatment) if Mr S.H.H. were removed to Afghanistan

The Court noted in particular that Article 3 did not oblige a Contracting State to provide all immigrants with free and unlimited health care. It held that the responsibility of Contracting States under Article 3 could only be engaged in very exceptional cases of general violence where the humanitarian grounds against removal were compelling, which the applicant had failed to prove in his case.

Hode & Abdi v. the UK

08.11.2012

Concerned the refusal to grant a refugee's wife leave to enter the United Kingdom. Although Mr Hode was a refugee, the applicants did not qualify for "family reunion" under the Immigration Rules because the marriage had taken place after he left Somalia. Moreover, as Mr Hode had only been granted five years' Leave to Remain, Mrs Abdi could not join him as the spouse of a person present and settled in the United Kingdom.

Violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life)

Sufi and Elmi v. the UK

28.06.2011

Concerned the involuntary removal of two Somali nationals to Mogadishu. On arrival in Mogadishu they would have had to travel to their home areas through regions under the control of al-Shabaab, where an extreme version of Sharia law was being enforced. In addition, there was a real risk that they would end up living in overcrowded refugee or IDP camps.

Violation of Article 3 (prohibition of torture and ill treatment)

O'Donoghue and Others v. the UK

14.12.2010

Requirement that immigrants wishing to marry outside Church of England obtain the permission of the Home Secretary

Violation of Article 14 (prohibition of discrimination) read together with Articles 9 (freedom of religion) and 12 (right to marry)

N. v. the UK (no. 26565/05)

27.05.2008 (Grand Chamber judgment)

Concerned failed asylum seeker suffering from HIV who was to be returned to Uganda where she would not receive same standard of medical treatment as in UK.

No violation of Article 3 (prohibition of torture and/or inhuman and degrading treatment)

Saadi v. the UK

29.01.2008 (Grand Chamber judgment)

Detention of asylum-seeker while his asylum claim was considered

No violation of Article 5 § 1 (right to liberty and security)

[Violation of Article 5 § 2 \(right to be informed of reasons for detention\)](#)

Terrorism and national security

Pending cases

Malik v. the UK (no. 32968/11)

Concerns the complaint by a British citizen of Asian origin and Muslim faith about his detention, questioning and search at London Heathrow airport under anti-terrorism legislation.

[Mr Malik relies on Articles 5 § 1 \(right to liberty and security\) and 8 \(right to private life\).](#)

Case [communicated](#) to the Government on 27.08.2012

[Decision](#) on the admissibility on 28.05.2013

Amin and Ahmed v. the UK (nos. 6610/09 and 326/12)

The applicants were arrested and detained in Pakistan in 2004 before being deported to the United Kingdom, where they were tried and convicted of involvement in terrorism. The applicants complain that the Pakistani authorities tortured them in detention and that British agents were complicit in these acts, knowing that the applicants were being tortured. They also complain about the unfairness of the subsequent criminal proceedings in the United Kingdom as at the trial certain materials were withheld from the defence on ground of public interest immunity.

[They rely on Article 3 \(prohibition of torture, of inhuman or degrading treatment and lack of effective investigation\) and Article 6 § 1 \(right to a fair trial\).](#)

Case [communicated](#) to the Government on 10.07.2012

Gulamhussein and Tariq (nos. 46538/11 and 3960/12)

The applicants were dismissed from their jobs at the Home Office on the grounds of their close association with individuals suspected of involvement in plans to mount terrorist attacks. During the applicants' challenges to their dismissals, only limited disclosure took place and a special advocate procedure was applied before the Employment Tribunal in the case of Mr Tariq.

[Before the Court, both applicants complain under Article 6 § 1 of a violation of the](#)

[principle of equality of arms, of the right to an adversarial hearing, and of the right to a reasoned judgment.](#)

Case [communicated](#) to the Government on 07.03.2012

[A. and Others v. the UK \(no. 3455/05\)](#)

19.02.2009 (Grand Chamber judgment)

Concerned detention of foreign nationals suspected of terrorism who could not be deported due to risk of ill-treatment in their countries of origin.

[No violation of Article 3 \(prohibition of torture and/or inhuman and degrading treatment\)](#)

[Violation of Article 5 §§ 1, 4 and 5 \(right to liberty and security\)](#)

Terrorism and defence rights

Pending case

Ibrahim and Others v. the UK (nos. 50541/08, 50571/08, 50573/08 and 40351/09)

Concerning the temporary delay in providing access to a lawyer during the police questioning of the 21 July 2005 London bombers and an accomplice and the alleged prejudice to their ensuing trials.

[The applicants rely on Article 6 §§ 1 and 3 \(c\) \(right to a fair trial and right to legal assistance\).](#)

In its Chamber [judgment](#) of 16 December 2014, the Court, held, by six votes to one, that there had been no violation of Article 6 § 1 and 3 (c) (right to a fair trial and right to legal assistance).

Case [referred](#) to the Grand Chamber on 01.06.2015

Grand Chamber [hearing](#) on 25.11.2015

[Sher and Others v. the UK](#)

20.10.2015

The case concerned the arrest and detention of three Pakistani nationals, the applicants, in the context of a counterterrorism operation.

[No violation of Article 5 § 4 \(right to take proceedings to challenge lawfulness of detention\)](#)

[No violation of Article 8 \(right to respect for private and family life\)](#)

[Abdulla Ali v. the UK](#)

30.06.2015

The case concerned Mr Ali's complaint that, because of extensive adverse media coverage, the criminal proceedings against him for conspiring in a terrorist plot to cause explosions on aircraft using liquid bombs had been unfair.

[No violation of Article 6 § 1 \(right to a fair trial\)](#)

Extradition

[Aswat v. the UK \(no. 62176/14\)](#)

29.01.2015

The case dealt with a further application by Mr Aswat, who complained about the inadequacy of the assurances provided by the Government of the United States with regard to his extradition from the United Kingdom to the United States.

[In light of the specific assurances and additional information received from the United States' government, and the careful examination of the case by the High Court in the United Kingdom, the ECtHR found that it could not be said that there was a real risk that Mr Aswat would be subjected to treatment contrary to Article 3 if extradited.](#)

[The Court therefore declared the application inadmissible.](#)

[Aswat v. the UK \(no. 17299/12\)](#)

16.04.2013

The case concerned the complaint by Mr Aswat, a terrorist suspect who was detained in the United Kingdom, that his extradition to the United States of America would amount to ill-treatment, in particular because the detention conditions (a potentially long period of pre-trial detention and his possible placement in a "supermax" prison) were likely to exacerbate his condition of paranoid schizophrenia.

[While the Court held that Mr Aswat's extradition to the USA would be in violation of Article 3 \(prohibition of inhuman and degrading treatment\), it was solely on account of the severity of his mental illness and not as a result of the length of his possible detention there.](#)

[Babar Ahmad and Others v. the UK](#)

06.04.2012

Concerned six alleged international terrorists – Babar Ahmad, Haroon Rashid

Aswat, Syed Tahla Ahsan, Mustafa Kamal Mustafa (known more commonly as Abu Hamza), Adel Abdul Bary and Khaled Al-Fawwaz – who have been detained in the United Kingdom pending extradition to the United States of America.

- [No violation of Article 3](#) (prohibition of inhuman and degrading treatment) as a result of [conditions of detention](#) at ADX Florence (a "supermax" prison in the United States) – if Mr Ahmad, Mr Ahsan, Mr Abu Hamza, Mr Bary and Mr Al-Fawwaz were extradited to the USA

- [No violation of Article 3](#) as a result of the [length of their possible sentences](#) if Mr Ahmad, Mr Ahsan, Abu Hamza, Mr Bary and Mr Al-Fawwaz were extradited.

- Examination of [Mr Aswat's application adjourned](#) as further submissions required from the parties, on the relevance of his schizophrenia and detention at Broadmoor Hospital to his complaint concerning detention at ADX. See [Aswat v. the UK](#) above.

[Omar Othman v. the UK](#)

17.01.2012

The applicant, Omar Othman (also known as Abu Qatada), challenged his removal to Jordan where he had been convicted in his absence on various terrorism charges.

The Court found that the diplomatic assurances obtained by the UK Government from the Jordanian Government were sufficient to protect Mr Othman and that there would therefore be no risk of ill-treatment, and [no violation of Article 3](#) (prohibition of inhuman and degrading treatment), if Mr Othman were deported to Jordan. The Court found, however, that [there would be a violation of Article 6 \(right to a fair trial\)](#), given the real risk of the admission of evidence obtained by torture at his retrial. It was the **first time that the Court found that an expulsion would be in violation of Article 6**, which reflected the international consensus that the use of evidence obtained through torture made a fair trial impossible.

Life sentences

Pending cases

Hutchinson v. the UK (no. 57592/08)

Concerning the complaint by a man serving a whole life sentence for murder that his

sentence amounts to inhuman and degrading treatment as he has no hope of release.

[He relies on Article 3 \(prohibition of inhuman or degrading treatment\).](#)

In its Chamber [judgment](#) of 3 February 2015, the Court held, by six votes to one, that there had been no violation of Article 3.

Case [referred](#) to the Grand Chamber on 01.06.2015

Grand Chamber [hearing](#) on 21.10.2015

Harkins v. the UK (no. 71537/14)

Concerning an extradition order for the applicant to face trial for a first-degree murder in the United States of America.

[The applicant complains that his extradition to the United States would violate Articles 3 \(inhuman or degrading treatment\) and 6 \(right to a fair trial\),](#) because a first-degree murder conviction in the United States carries a mandatory sentence of life in prison without parole.

Case [communicated](#) to the Government on 31.03.2015

[Vinter and Others v. the UK](#)

09.07.2013 (Grand Chamber judgment)

The case concerned three applicants' complaint that their imprisonment for life amounted to inhuman and degrading treatment as they had no hope of release.

[Violation of Article 3 \(prohibition of inhuman and degrading treatment\)](#)

The Court found in particular that, for a life sentence to remain compatible with Article 3, there had to be both a possibility of release and a possibility of review. It noted that there was clear support in European and international law and practice for those principles, with the large majority of Convention States not actually imposing life sentences at all or, if they did, providing for a review of life sentences after a set period (usually 25 years' imprisonment).

[Harkins and Edwards v. the UK](#)

17.01.2012

Concerned the complaint of two men facing murder charges in the USA that, if the United Kingdom were to extradite them, they risked the death penalty or sentences of life imprisonment without parole.

[No violation of Article 3 \(prohibition of inhuman and degrading treatment\)](#)

Criminal justice

[Gough v. the UK](#)

28.10.2014

The case concerned in particular Mr Gough's complaint about his repeated arrest, prosecution, conviction and imprisonment in Scotland for breach of the peace because of his nudity in public places.

[No violation of Article 8 \(right to respect for private life\)](#)

[No violation of Article 10 \(freedom of expression\)](#)

[Allen v. the UK](#)

12.07.2013 (Grand Chamber judgment)

Refusal to grant compensation to a mother acquitted of the manslaughter of her four-month old son, following the quashing of her conviction.

[No violation of Article 6 § 2 \(presumption of innocence\)](#)

[Betteridge v. the UK](#)

29.01.2013

Concerned delays in a case being heard by the Parole Board.

[Violation of Article 5 § 4 \(right to have lawfulness of detention decided speedily by a court\)](#)

[James, Wells and Lee v. the UK](#)

18.09.2012

The applicants, prisoners sentenced to indeterminate sentences for the public protection (IPP sentences), complained about the failure of the Secretary of State to ensure the availability of courses in prison aimed at allowing them to address their offending behaviour

[Violation of Article 5 § 1 \(right to liberty and security\) concerning the applicants' detention following the expiry of their tariff periods and until steps had been taken to progress them through the prison system with a view to their access to appropriate rehabilitative courses](#)

[No violation of Article 5 § 4 \(right to have lawfulness of detention decided speedily by a court\) concerning Mr Wells' and Mr Lee's complaint about the possibility of their release](#)

Mustafa (Abu Hamza) v. the UK (no. 1)

18.01.2011

Applicant's conviction for inciting racial hatred: alleged bias of jury owing to adverse pre-trial publicity

[No violation of Article 6 \(right to a fair trial\)](#)

Edwards and Lewis v. the UK

27.10.2004 (Grand Chamber judgment)

The applicants complained about a lack of disclosure by the prosecution in criminal proceedings.

[Violation of Article 6 \(right to a fair trial\)](#)

Stafford v. the UK

28.05.2002 (Grand Chamber judgment)

The applicant, formerly sentenced to a life sentence, was released on parole. He was recalled to prison following charges of counterfeiting and the Secretary of State later ordered his continued detention pursuant to the original life sentence.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

Rowe and Davis v. the UK

16.02.2000 (Grand Chamber judgment)

The applicants complained about a lack of disclosure by the prosecution in criminal proceedings.

[Violation of Article 6 \(right to a fair trial\)](#)

Jasper v. the UK

16.02.2000 (Grand Chamber judgment)

The applicant complained about a lack of disclosure by the prosecution in criminal proceedings.

[No violation of Article 6 \(right to a fair trial\)](#)

John Murray v. the UK

08.02.1996

In criminal proceedings, inferences were drawn by the trial judge from the applicant's silence when first arrested and interrogated by the police.

[No violation of Article 6 \(right to a fair trial\)](#)

Fox, Campbell and Hartley v. the UK

30.08.1990

The applicants, residents of Northern Ireland, were arrested and detained by the police under anti-terrorism legislation. They argued that the Government had failed to show that there was a "reasonable suspicion" that they had committed terrorist offences.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

Hearsay evidence

Pending case

McKevitt and Campbell v. the UK (nos. 62780/12 and 61474/12)

Concerns proceedings brought against the applicants, two members of the IRA, finding them liable to the victims of a terrorist bomb attack in Northern Ireland in 1998 (the Omagh bombing).

The applicants complain about the use of hearsay evidence in the civil proceedings against them.

[They rely on Article 6 §§ 1 and 3 \(d\) \(right to a fair trial\).](#)

Case [communicated](#) to the Government on 04.03.2014

Horncastle and Others v. the UK

16.12.2014

The case concerned four applicants' complaints that in admitting victims' written statements as evidence against them at their criminal trials the domestic courts had violated their right to have examined witnesses who gave sole or decisive evidence against them.

[No violation of Article 6 §§ 1 and 3 \(d\) \(right to a fair trial and right to obtain attendance and examination of witnesses\)](#)

Al Khawaja and Tahery v. the UK

15.12.2011 (Grand Chamber judgment)

Concerned use of hearsay evidence at trial. The applicants complained that their convictions had been based on statements from witnesses who could not be cross examined in court and that they had therefore been denied a fair trial.

The ECtHR agreed with the domestic courts and found that a conviction based solely or decisively on the statement of an absent witness would not automatically result in a breach of Article 6 § 1. However, counterbalancing factors had to be in place, including strong procedural safeguards, to compensate for the difficulties caused to the defence.

[No violation of Article 6 § 1 read in conjunction with Article 6 § 3 \(d\) \(right to obtain attendance and examination of witnesses\) in respect of Mr Al-Khawaja](#)

[Violation of Article 6 § 1 read in conjunction with Article 6 § 3 \(d\) in respect of Mr Tahery](#)

Similar case, declared inadmissible on 10.04.2012: [Ellis and Simms and Martin v. the UK](#)

Confiscation

Pending cases

Briggs-Price v. the UK (no. 59494/09)

Concerning a confiscation order following conviction for a drug trafficking offence, namely conspiracy to import heroin.

The applicant complains in particular that a confiscation order for around 2.5 million British pounds was made against him based on an estimate of his proceeds from cannabis trafficking, although he had not been charged with this offence; evidence of his involvement in cannabis trafficking had only been used at trial to support the heroin trafficking charges.

[The applicant relies on Article 6 §§ 1 and 2 \(right to a fair trial/presumption of innocence\).](#)

Case [communicated](#) to the Government on 09.07.2013

A number of other confiscation cases have been communicated which raise complaints under both Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property) in respect of both criminal and civil confiscation proceedings:

[Leslie and Mooney v. the UK](#) (nos. 60105/10 and 60113/10)

[Sharma v. the UK](#) (no. 51757/12)

[Bagnall v. the UK](#) (no. 54241/12)

[Koli v. the UK](#) (no. 58671/12)

[Gale v. the UK](#) (no. 25092/12)

Paulet v. the UK

13.05.2014

The case concerned the confiscation of Mr Paulet's wages following his conviction for obtaining employment using a false passport. Mr Paulet complained that the confiscation order against him had been disproportionate as it amounted to the confiscation of his entire savings over nearly four years of genuine work.

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

The Court found that the national law, as it stood at the time, did not allow the British courts to look into the proportionality aspect of the decision to confiscate

Mr Paulet's wages and there was therefore a violation of Article 1 of Protocol No. 1 on procedural grounds.

Children

R.P. and Others v. the UK (no. 38245/08)

09.10.2012

RP, who has a significant learning disability, complained about the decision to take her daughter into local authority care and to subsequently place her for adoption.

[No violation of Article 6 § 1 \(right of access to court\)](#)

Ali v. the UK

11.01.2011

Concerned the temporary exclusion from secondary school of a student suspected of having started a fire in a classroom.

[No violation of Article 2 of Protocol No. 1 \(right to education\)](#)

P.F. and E.F. v. the UK (no. 28326/09)

23.11.2010

Concerned the steps which police officers were required to take to protect Catholic schoolchildren in Northern Ireland from the risks posed by Loyalist protestors.

[Complaints under Articles 3 \(prohibition of ill-treatment\), 8 \(right to respect for family and private life\), 13 \(right to an effective remedy\) and 14 \(prohibition of discrimination\) declared inadmissible.](#)

Z and Others v. the UK (no. 29392/95)

10.05.2001 (Grand Chamber judgment)

Concerned the failure of the local authority to protect four siblings from serious physical and sexual abuse by their parents, of which social workers knew or ought to have had knowledge.

[Violation of Article 3 \(prohibition of torture and ill-treatment\) read alone and together with Article 13 \(right to an effective remedy\)](#)

[No violation of Article 6 \(right to a fair trial\)](#)

T. v. the UK (no. 24724/94)

V. v. the UK (no. 24888/94)

16.12.1999 (Grand Chamber judgments)

The applicants were 11-year-old boys charged with murder who complained about their trial in public in an adult Crown Court and the fact that the length of their

detention was decided by the Home Secretary and not an independent judge.

[Violations of Article 6 \(right to a fair trial\) and Article 5 § 4 \(right to liberty and security\); no violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

[A. v. the UK \(no. 25599/94\)](#)

23.09.1998

Concerned a minor who was hit hard and repeatedly with a wooden cane by his stepfather. The stepfather was charged with assault occasioning actual bodily harm but was acquitted by a jury which accepted his defence of “reasonable chastisement”.

[Violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

[Campbell and Cosans v. the UK](#)

25.02.1982

Concerned parents’ complaint about use of corporal punishment as a disciplinary measure in State schools in Scotland attended by their children.

[No violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

[Violations of Article 2 of Protocol No. 1 \(right to education\)](#)

Voting rights

[McHugh and Others v. the UK](#)

10.02.2015

The case concerned 1,015 prisoners who, as an automatic consequence of their convictions and detention pursuant to sentences of imprisonment, were unable to vote in elections.

[The Court concluded that there had been a violation of Article 3 of Protocol No. 1 \(right to free elections\) because the case was identical to other prisoner voting cases in which a breach of the right to vote had been found and the relevant legislation had not yet been amended. It rejected the applicants’ claim for compensation and legal costs.](#)

[Firth and Others v. the UK](#)

12.08.2014

The case concerned ten prisoners who, as an automatic consequence of their convictions and detention pursuant to sentences of imprisonment, were unable to vote in elections to the European Parliament on 4 June 2009.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

The Court concluded that there had been a violation of Article 3 of Protocol No. 1 because the case was identical to another prisoner voting case ([Greens and M.T. v. the UK](#), see below) in which a breach of the right to vote had been found and the relevant legislation had not yet been amended. It rejected the applicants’ claim for compensation and legal costs.

[Dunn and others v. the UK](#)

13.05.2014

In these applications, the applicants had complained about “forthcoming” elections. Assuming that they had articulated sufficiently clear complaints as regards any potential exclusion from those elections, the Court found that they had failed to adduce the necessary facts to substantiate their complaints since they had not subsequently confirmed that they were in post-conviction detention on the date of the elections in question.

[Applications declared inadmissible](#)

[McLean and Cole v. the UK](#)

11.06.2013

Relying on Article 3 of Protocol No. 1 (right to free elections), the applicants complained that they had been subject to a blanket ban on voting in elections and had been, or would be, prevented from voting in further elections.

[The Court found the applicants’ complaints inadmissible because they were filed too late or prematurely or because they were about elections not covered by the European Convention.](#)

[Shindler v. the UK](#)

07.05.2013

The case concerned whether the right to vote of a British national not resident in the United Kingdom since 1982 had been violated by election laws preventing those resident outside of the United Kingdom for more than 15 years from voting.

[No violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

The Court, taking into account the room for manoeuvre (‘margin of appreciation’) to be left to the UK Government in regulating its parliamentary elections, decided that the election law in question had not gone too far in restricting the right to Mr Shindler’s right to free elections

[Greens and M.T. v. the UK](#)
[\(nos. 60041/08 and 60054/08\)](#)

23.11.2010

Concerned the continued failure to amend the legislation imposing a blanket ban on voting in national and European elections for convicted prisoners in detention in the UK.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

The Court found that the violation was due to the UK's failure to implement the Court's Grand Chamber judgment in [Hirst v. the UK \(no. 2\)](#) of 06.10.2005, in which it had also found a violation of Article 3 of Protocol No. 1 on account of the automatic and indiscriminate restriction on Mr Hirst's right to vote due to his status as a convicted prisoner.

The Government published a draft bill in November 2012 and invited a joint committee of Parliament to scrutinise the bill and make proposals for the content of future legislation. The committee reported in December 2013.

For current state of play concerning [Hirst no. 2](#) and [Greens and M.T.](#), see website of the Department for the Execution of Judgments of the ECtHR, [pending cases](#).

LGBT rights¹

[J. M. v. the UK](#) (no. 37060/06)

28.09.2010

Concerned rules on child maintenance which prior to the introduction of the Civil Partnership Act discriminated against those in same-sex relationships.

[Violation of Article 14 of the Convention \(prohibition of discrimination\) in conjunction with Article 1 of Protocol No. 1 \(protection of property\)](#)

[B.B. v. the UK](#) (no. 53760/00)

10.02.2004

Concerned the prosecution of an adult male for engaging in "buggery" with a 16-year-old male. At the time it was a criminal offence to engage in homosexual activities with men under 18 years of age whereas the age of consent for heterosexual activities was fixed at 16.

[Violation of Article 14 of the Convention read together with Article 8 \(right to respect for family and private life\).](#)

[Christine Goodwin v. the UK](#)

11.07.2002 (Grand Chamber judgment)

Concerned the lack of legal recognition of the post-operative sex of a male to female transsexual. In particular, it concerned her treatment in relation to employment, social security and pensions and her inability to marry.

[Violations of Article 8 \(right to respect for private and family life\) and Article 12 \(right to marry and to found a family\); no violation of Article 13 \(right to an effective remedy\)](#)

[A.D.T. v. the UK](#) (no. 35765/97)

31.07.2000

Concerned the prosecution of an adult male for gross indecency after he was found to have engaged in sexual activity in his home in the presence of more than two other men.

[Violation of Article 8 \(right to respect for family and private life\)](#)

[Smith and Grady v. the UK](#)

27.12.1999

Concerned the discharge of British nationals from the armed forces on account of their sexual orientation. Prior to their discharge they were interviewed by interrogators who asked them detailed questions about their sexuality and sexual history.

[Violation of Article 8 \(right to respect for family and private life and Article 13 \(right to an effective remedy\)](#)

[X, Y and Z v. the UK](#) (no. 21830/93)

22.04.1997

Concerned the refusal to register a female to male transsexual as the father of a child. [No violation of Article 8 \(right to respect for family and private life\), read alone or together with Article 14 \(prohibition on discrimination\)](#)

[Dudgeon v. the UK](#)

22.10.1981

Concerned the continued criminalisation of certain homosexual acts (including committing and attempting to commit buggery) between consenting males in Northern Ireland.

[Violation of Article 8 \(right to respect for private and family life\)](#)

¹ Lesbian, gay, bisexual and transgender

Police powers, surveillance and data protection

Pending cases

Bureau of Investigative Journalism and Alice Ross v. UK (no. 62322/14)

The applicants are the Bureau of Investigative Journalism and Alice Ross, an investigative reporter who has worked for the Bureau.

The case concerns the applicants' allegations regarding the interception of both internet and telephone communications by government agencies in the United Kingdom, and, in particular, by the Government Communication Headquarters (GCHQ), as revealed by Edward Snowden, a former systems administrator with the United States National Security Agency (the NSA).

The applicants mainly complain under Articles 8 (right to respect for correspondence) and 10 (freedom of expression) that the blanket interception, storage and exploitation of communication amount to disproportionate interference with journalistic freedom of expression.

Case [communicated](#) to the Government on 05.01.2015

See also the case of 10 Human Rights Organisations v. the United Kingdom (no. 24960/15), which was [communicated](#) to the Government on 24.11.2015

Big Brother Watch and Others v. the UK (no. 58170/13)

The applicants, three NGOs and one academic working internationally in the fields of privacy and freedom of expression, allege they are likely to have been the subjects of surveillance by the United Kingdom intelligence services. Their concerns have been triggered by media coverage following the revelations by Edward Snowden, a former systems administrator with the United States National Security Agency (the NSA).

The applicants rely on Article 8 (right to respect for private life).

Case [communicated](#) to the Government on 07.01.2014

R.E. v. the United Kingdom (no. 62498/11)

27.10.2015

Concerned the regime for covert surveillance of consultations between detainees and their lawyers and between vulnerable detainees² and "appropriate adults"³.

Violation of Article 8 (right to respect for private and family life, home and correspondence) as concerned the covert surveillance of legal consultations

No violation of Article 8 as concerned the covert surveillance of consultations between detainees and their "appropriate adults"

Austin and Others v. the UK

15.03.2012 (Grand Chamber judgment)

Concerned a complaint by a demonstrator and some passers-by that they were not allowed to exit a police cordon for almost seven hours during a protest against globalisation in London.

No violation of Article 5 (right to liberty and security)

The Court notably found that the people within the cordon had not been deprived of their liberty within the meaning of the Convention. In particular, the police had imposed the cordon to isolate and contain a large crowd in dangerous and volatile conditions. This had been the least intrusive and most effective means to protect the public from violence.

Kennedy v. the UK

18.05.2010

Concerned system for interception of communications under the Regulation of Investigatory Powers Act 2000.

No violation of Article 8 (right to respect for private life)

Gillan and Quinton v. the UK

12.01.2010

Concerned the power under sections 44-47 of the Terrorism Act 2000 to stop and search individuals without reasonable suspicion of wrongdoing.

² A juvenile or person who is mentally disordered or otherwise mentally vulnerable.

³ An "appropriate adult" could be a relative or guardian, or a person experienced in dealing with mentally disordered or mentally vulnerable people.

Violation of Article 8 (right to respect for private life)

S. and Marper v. the UK
(nos. 30562/04 and 30566/04)

04.12.2008 (Grand Chamber judgment)
Concerned storage of DNA on a police database following acquittal/release without charge.

Violation of Article 8 (right to respect for private life)

Liberty and Other Organisations v. the UK

01.07.2008
Concerned system for interception of external communications under the Interception of Communications Act 1985, and particularly system of safeguards against abuse.

Violation of Article 8 (right to respect for private life)

Malone v. the UK

02.08.1984
Concerned police powers to intercept telephone calls and the lack of any legislation to regulate this in the UK

Violation of Article 8 (right to respect for private life)

Bio-ethics and euthanasia

Nicklinson and Lamb v. the UK

16.07.2015
The case concerned the compatibility of the ban on assisted suicide and voluntary euthanasia in the United Kingdom with Article 8 (right to respect for private and family life) of the Convention.

Application of Mrs Nicklinson declared inadmissible as manifestly ill-founded.

Application of Mr Lamb declared inadmissible for non-exhaustion of domestic remedies.

Evans v. the UK

10.04.2007 (Grand Chamber judgment)
Concerned the applicant's complaint that domestic law permitted her former partner to withdraw his consent to storage and use by her of embryos created jointly by them, preventing her from ever having a child to whom she would be genetically related.

No violation of Articles 2 (right to life), 8 (right to respect for private and family life) or 14 (prohibition of discrimination)

Pretty v. the UK

29.04.2002
Dying of motor neurone disease, Ms Pretty argued that it was for the individual to choose whether to live and that the right to die was the corollary of the right to live and also protected. She also sought an undertaking that her husband would not be prosecuted if he assisted her to commit suicide.

No violation of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life), 9 (freedom of thought) or 14 (prohibition of discrimination)

Freedom of information

Pending case

Times Newspapers Limited and Kennedy v. the UK (no. 64367/14)

The case concerns the complaint by a newspaper and one of its journalists about the refusal of a request, under freedom of information legislation, for information from the Charity Commission for England and Wales about a charity set up by a Member of Parliament.

The applicants rely on Article 10 (freedom of expression).

Case [communicated](#) to the Government on 17.03.2015

Roche v. the UK

19.10.2005 (Grand Chamber judgment)
Concerned a complaint by a former soldier that he was used for the testing of chemical weapons at the Chemical and Biological Defence Establishment at Porton Down between 1962-1963 and was denied access to medical records held by the Ministry of Defence

Violation of Article 8 (right to respect for private life)

Gaskin v. the UK

07.07.1989
Concerned a complaint by an adult taken into care as a baby and ill-treated by foster parents that he had no right of access to local authority records concerning his care history

Violation of Article 8 (right to respect for private life)

Freedom of association

[Redfearn v. the UK](#)

06.11.2012

Concerned a complaint by a member of the British National Party (“the BNP”) – a far-right political party which, at the time, restricted membership to white nationals – that he had been dismissed from his job as a driver transporting disabled persons, who were mostly Asian.

[Violation of 11 \(freedom of association\)](#)

Discrimination

Pending cases

British Gurkha Welfare Society and Others v. the United Kingdom (no. 44818/11)

The applicants complain that the significantly lower pension entitlement of Gurkha soldiers compared to non-Gurkha soldiers and Gurkha soldiers who retired or served before 1 July 1997 amounts to differential treatment on the basis of nationality, race and age. They complain that the difference in treatment cannot be justified and, as such, violates Article 14 (prohibition of discrimination) of the Convention, read together with Article 1 (protection of property) of Protocol No. 1 to the Convention.

Case [communicated](#) to the Government on 16.01.2013

Brough v. the United Kingdom (no. 52962/11)

The applicant complains that the absence of legal protection against the blacklisting of trade union members both now and retrospectively violates Article 11 (freedom of association), taken alone and/or in conjunction with Article 14 (prohibition of discrimination) of the Convention.

In particular, the applicant contends that the lack of protection, remedy or penalty represents an inhibition on the exercise of trade union rights under Article 11. He further contends that he has been treated differently from other, non-union workers on the basis of his activity within his trade union.

Case [communicated](#) to the Government on 16.01.2013

Trade Unions

[R.M.T. v. the UK \(no. no. 31045/10\)](#)

08.04.2014

Concerned a trade union’s complaints about statutory restrictions on the right to strike and, in particular, the ban on secondary industrial action (strike action against a different employer aimed at exerting indirect pressure on the employer involved in the industrial dispute).

[No violation of Article 11 \(freedom of association\)](#)

[Wilson and the National Union of Journalists and Others v. the UK](#)

02.07.2002

Complaint by Daily Mail journalists and others that UK law did not prevent their employers from offering more pay to employees prepared to renounce union rights

[Violation of Article 11 \(freedom of assembly\)](#)

[Young, James and Webster v. the UK](#)

13.08.1981

Complaint about a “closed shop” agreement at British Rail which caused the applicants to lose their jobs because they refused to join one of the unions within the agreement

[Violation of Article 11 \(freedom of assembly\)](#)

The right to life

Pending case

[Armani da Silva v. the UK](#)

(no. 5878/08)

Concerns the shooting of a Brazilian national, misidentified as a suicide bomber, by the police in the London underground in the aftermath of the bombings in London of July 2005.

[Ms Armani Da Silva relies on Article 2 \(right to life – investigation\).](#)

The Chamber relinquished jurisdiction in favour of the Grand Chamber on 09.12.2014

Grand Chamber [hearing](#) on 10.06.2015

[Harrison and Others v. the UK](#)

25.03.2014

The applications concerned the applicants’ complaint that the British authorities had not effectively investigated the deaths of

the 96 football supporters who were killed in a crush at a football stadium in 1989. The applicants, relatives of the supporters who died in the disaster, complained under Article 2 of the Convention that the original inquest had been inadequate and, that although new inquests had been ordered, they had to wait for over 24 years for a fresh investigation which complied with Article 2 of the Convention.

[Applications declared inadmissible.](#)

[McCaughey and Others v. the UK](#)
[Collette and Michael Hemsworth v. the UK](#)

16.07.2013

Both cases concerned the death of the applicants' relatives at the hands of security forces in Northern Ireland.

The Court **declared most of the applicants' complaints inadmissible** as premature and/or on the ground of a failure to exhaust domestic remedies because the investigations were still pending and domestic law required, since 2011, that those investigations be conducted in accordance with Article 2 of the Convention. The admissible complaints concerned the procedural aspect of Article 2 namely, the length of the investigations which had lasted for 23 years in the McCaughey case and 13 years in the Hemsworth case.

[The Court held that there had been a violation of Article 2 \(procedural investigation obligations\) in both cases on account of the excessive investigative delays.](#)

The Court further noted that the investigations, notably the holding of "legacy inquests", into killings by the security forces in Northern Ireland had been marked by major delays and that such delays remained a serious and extensive problem.

See also McDonnell v UK, judgment of 09/12/2014.

[Van Colle v. the UK](#)

13.11.2012

Concerned the murder of the applicants' son in 2000 by his former employee, who was the accused in criminal proceedings for theft in which their son had been a witness. The applicants alleged that the police had failed in their duty to protect their son as

they had been aware that his former employee had been threatening him.

[No violation of Article 2 \(right to life\)](#)

[No violation of Article 8 \(right to respect for private and family life\)](#)

[Reynolds v. the UK](#)

13.03.2012

Concerned the death of the applicant's son, a psychiatric patient diagnosed with schizophrenia, in 2005 following his fall from the sixth floor of a public care unit. Ms Reynolds complained that no effective mechanism had been available to her whereby civil liability could be determined for the alleged negligent care of her son and by which she could have obtained compensation for her loss.

[Violation of Article 13 \(right to an effective remedy\) in conjunction with Article 2 \(right to life\)](#)

[Alder v. the UK](#)

22.11.2011

Concerned the death of a man of Nigerian origin with visible injuries and in visible physical distress while on the floor of a police custody unit in the presence of police officers.

The UK Government accepted that there had been a lack of an effective investigation into Mr Alder's death, in violation of Articles 2 (right to life) and 3 (prohibition of inhuman and degrading treatment), and that he had been subjected to ill-treatment in police custody, in violation of Article 3 in conjunction with Article 14 (prohibition of discrimination). Given those admissions as well as the amount of compensation proposed, the Court considered that it was no longer justified to continue the examination of the case and decided to [strike it out of its list of cases.](#)

[Finucane v. the UK](#)

01.07.2003

[Shanaghan v. the UK](#)

04.05.2001

Concerned the murder of each applicant by loyalist paramilitaries, alleged collusion by the security forces and the lack of an effective investigation

[Violation of Article 2 \(right to life\)](#)

McKerr v. the UK and Hugh Jordan v. the UK

04.05.2001

Concerned the fatal shooting of each applicant by RUC officers in 1982 and 1992 respectively, the alleged "shoot to kill" policy applied by the RUC and the failure to conduct a full and public investigation

Violation of Article 2 (right to life)

Keenan v. UK

03.04.2001

Concerned a complaint by the mother of a 28 year-old man who hung himself in prison, that the prison authorities should have known of the risk and done more to avert it and that, as the deceased's mother, she could not bring negligence proceedings in the UK courts

No violation of Article 2 (right to life); violation of Article 3 (right not to be subjected to inhuman or degrading treatment)

Violation of Article 13 (right to an effective remedy)

Osman v. the UK

28.10.1998

Concerned the murder and wounding of a father and son by the son's teacher, who had been stalking and threatening him, and the extent to which the police should have acted to protect the family

No violation of Article 2 (right to life)

Violation of Article 6 (right to a fair trial)

McCann and Others v. the UK

27.09.1995

Concerned complaints about the planning of a security operation which led to the fatal shooting of three members of the IRA during a terrorist operation in Gibraltar and the subsequent investigation into the incident.

Violation of Article 2 (right to life)

Trafficking and domestic servitude

F.A. v. the UK (no. 20658/11)

10.09.2013

The applicant alleged that she had been trafficked to the United Kingdom and forced into prostitution. She complained in particular that her removal to Ghana would put her at risk of falling into the hands of her former traffickers or into the hands of

new traffickers. She further alleged that, as she had contracted HIV in the United Kingdom as a direct result of trafficking and sexual exploitation, the State was under a positive obligation to allow her to remain in the United Kingdom to access the necessary medical treatment.

Application declared inadmissible

Kawogo v. the UK

03.09.2013

A Tanzanian national complained under Articles 4 (prohibition of slavery and forced labour) and 13 (right to an effective remedy) that she had been kept in domestic servitude in the United Kingdom and that domestic law had not provided her with any remedy in respect of this.

Application declared inadmissible

C.N. v. the UK (no. 4239/08)

13.11.2012

The case concerned allegations of domestic servitude by a Ugandan woman who complained that she had been forced into working as a live-in carer.

Violation of Article 4 (prohibition of slavery and forced labour)

The Court found that the legislative provisions in force in the United Kingdom at the relevant time had been inadequate to afford practical and effective protection against treatment contrary to Article 4. Due to this absence of specific legislation criminalising domestic servitude, the investigation into the applicant's allegations of domestic servitude had been ineffective.

Civil immunity for torture

Jones and Others v. the UK (nos. 34356/06 and no. 40528/06)

14.01.2014

The case concerned four British nationals who alleged that they had been tortured in Saudi Arabia by Saudi State officials. The applicants complained about the UK courts' subsequent dismissal for reasons of State immunity of their civil claims for compensation against Saudi Arabia and its officials.

No violation of Article 6 § 1 (right of access to a court) either as concerned Mr Jones' claim against the Kingdom of Saudi Arabia or as concerned all four applicants' claims against named Saudi Arabian officials.

The ECtHR upheld the House of Lords' decision that State immunity applied in civil cases involving torture of UK nationals by Saudi Arabian officials abroad but said that the matter had to be kept under review.

Noteworthy cases, decisions delivered

Chagos Islanders v. the UK

11.12.2012

Concerned the expulsion of the Chagos islanders from their homes from 1967 to 1973 in order to set up an American military base.

The applicants complained about their removal from the islands (the

decision-making process behind it as well as the manner in which it was carried out), the reception conditions on their arrival in Mauritius and the Seychelles, the prohibition on their return, the refusal to facilitate return once the prohibition had been lifted and the refusal to compensate them. They relied on Articles 3 (prohibition on inhuman and degrading treatment), 6 (right to a fair trial / right of access to court), 8 (right to respect for private life, family and home), 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property).

[Application declared inadmissible](#)

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