

AS03-01 - REACTIONS AND CONSEQUENCES FOLLOWING JUDGEMENTS BY THE EUROPEAN COURT OF HUMAN RIGHTS IN THE UK

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The Convention for the Protection of Human Rights and Fundamental Freedoms first came into force in 1953. The European Court of Human Rights was set up in 1959. In the UK, the Human Rights Act 1998 came into force in 2000 bringing the rights set out in the Convention into domestic law. Some commentators at that time feared that this would lead to an increase in cases brought by patients alleging violations of their fundamental rights, however, this did not occur. There have been a number of cases brought to the European Court of Human Rights, both prior to the Human Rights Act and subsequently after the UK courts had been exhausted. Recent relevant cases relate to voting rights for prisoners, indeterminate sentences and the sex offender register. In all these cases UK policy has been found to be incompatible with the Convention, however, subsequent change in national policy has been slow despite these rulings. In the UK, the concept of human rights has been met with increasing criticism and politicians have openly discussed the possibility of abandoning the Human Rights Act or even leaving the Convention for the Protection of Human Rights. There is, worryingly, a view that the protection of human rights, particularly of offenders, interferes with UK policy development and that certain groups of individuals should not have the privilege of such protection.