Report on the United Kingdom

Section 1

Decisions of violation of Article 5 and 6 of the European Convention on Human Rights (ECHR) by the United Kingdom since July 2015, as determined by the European Court of Human Rights (ECtHR)

The following sets out the number of violation decisions the ECtHR has made against the United Kingdom in criminal proceedings under Articles 5 and 6, in the 9 months up to the date of this country report. Cases are ordered reverse-chronologically and web-links to decisions are provided.

Overview of ECtHR violation findings: During the nine month period, the United Kingdom has been held in violation of Article 5 ECHR in 0 decided cases and in violation of Article 6 in 1 decided cases (all being cases involving criminal charges or proceedings and (in the case of Article 5) relating to pre-charge, pre-trial, or pre-sentence detention).

(a) Article 5:

- Right not to be deprived of liberty save in specific circumstances [Article 5 (1)] – no breaches
- Right to be informed in a language that he understands [Article 5 (2)] – no breaches
- Rights to be informed promptly of the reasons for arrest and any charge [Article 5 (2)] – no breaches
- If arrested, right to be brought promptly before a judge or other officer authorised by law to exercise judicial power [Article 5 (3)] – no breaches
- If arrested, right to trial within a reasonable time or to release pending trial [Article 5 (3)] – no breaches
- If arrested, right to take proceedings to challenge the lawfulness of detention, for this to be decided speedily by a court and his release if the detention is not lawful [Article 5 (4)] – no breaches
- Right to an enforceable right to compensation if arrested in contravention of the provisions of Article 5 [Article 5 (5)] – no breaches

(b) Article 6:

- Right to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law [Article 6 (1)] - the United Kingdom held in violation in 1 case:
Hammerton v The United Kingdom [decided 2016] – App. No. 6287/10

- Right to be presumed innocent until proven guilty [Article 6 (2)] – no breaches

- Right to be informed in a language that he understands [Article 6 (3) (a)] – no breaches

- Right to be informed promptly of the nature and cause of the accusation [Article 6 (3) (a)] – no breaches

- Right to have adequate time and facilities for the preparation of a defence [Article 6 (3) (b)] – no breaches

- Right to defend yourself through legal assistance of your own choosing [Article 6 (3) (c)] – the United Kingdom held in violation in 1 case: Hammerton v The United Kingdom [decided 2016] – App. No. 6287/10

- Right to legal aid if the defendant does not have sufficient means to pay for legal assistance [Article 6 (3) (c)] – no breaches

- Right to examine witnesses against you [Article 6 (3) (d)] – no breaches

- Right to have attendance and examination of witnesses on your behalf [Article 6 (3) (d)] – no breaches

- Right to have the free assistance of an interpreter if he cannot understand or speak the language [Article 6 (3) (e)] – no breaches