

RIGHT TO AN EFFECTIVE REMEDY



WHAT DOES THE RIGHT SAY?

“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”



WHERE DOES IT COME FROM?

- Has its origins in the Roman Law principle “ubi jus ibi remedium”: where there is a right, there must be a remedy.
- This principle has run through our legal system for centuries; it forms the basis of ‘equity’, that justice is about fairness.



WHAT DOES IT MEAN IN PLAIN ENGLISH?

- If any of our human rights have been breached by the state, there should be a way to take action.
- The action is usually for a judge to stop the breach.
- It may also involve repairing the damage caused, for example by financial compensation.
- The government must make it possible for us to take such action in the first place.



THREE KEY THINGS THAT IT DOES FOR US

Landmark court cases:

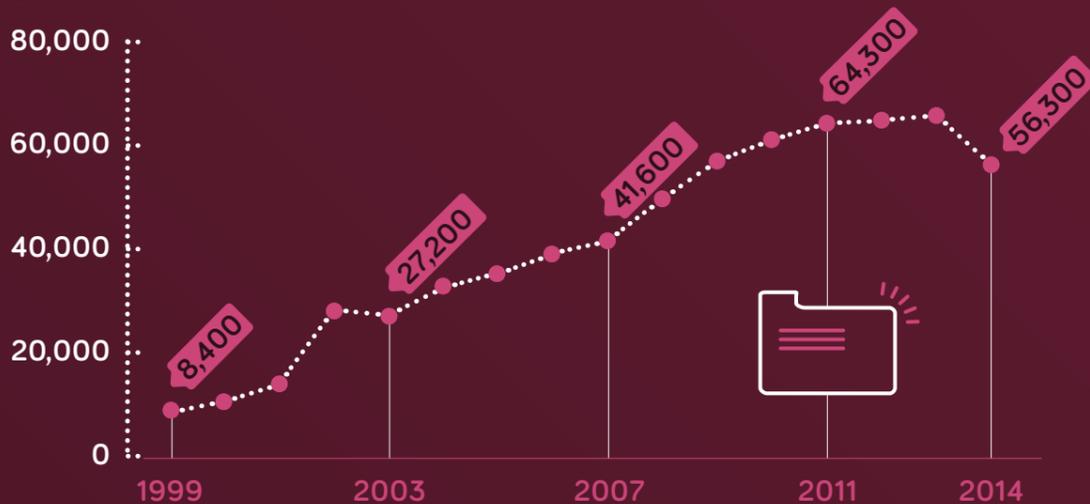
- 2000** We have the right to complain that a criminal case is taking too long – Kulda, Europe
A man was imprisoned awaiting his criminal trial for seven years because of delays, with no way to complain about them.
- 2002** The state needs to effectively investigate deaths and mistreatment – Z v UK, Europe
Four children were abused. Their social workers had failed them. They were allowed to sue them.
- 2007** We must have access to an effective remedy for rights violations – Isayev, Europe
Chechen victims of disappearances, extra-judicial executions and illegal occupation didn't have access to a remedy for breaches of their rights.



WHY IS IT NEEDED NOW?

HUMAN RIGHTS APPLICATIONS ARE ON THE INCREASE

Applications to the European Court of Human Rights allocated to a judicial formation, 1999-2014



The majority of these cases are struck out, but a small number will be subject to

MANY COUNTRIES LACK AN EFFECTIVE HUMAN RIGHTS POLICY

Countries found to violate Article 13 most often in European Court of Human Rights, 1959-2014

