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16 April 2008

Human Rights and the Family Division in England and Wales

Motion for a resolution¹

tabled by Mr Paul ROWEN and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Parliamentary Assembly recognises that human rights are part of the Council of Europe's key values. It recognises that systems are needed for the protection of children when they are at risk. The Assembly believes, however, that those who are tasked with protecting children need to be accountable for their actions and need to operate in a way which protects the human rights of those people they are dealing with.

The Assembly notes that there is substantial concern that the secrecy of the family division of courts in England and Wales has caused the development of an environment in which practitioners are not properly accountable. It notes that a number of people have emigrated from England because they feel persecuted by the authorities tasked with child protection.

The Assembly particularly notes the use of Section

54.4 of the 1999 Access to Justice Act by the Court of Appeal in England which is preventing cases being considered by the Supreme Court in England and the way in which this acts to undermine the rule of law allowing the family division of courts to operate in isolation from the wider body of law.

The Assembly recognises that questions have been raised as to whether the judicial proceedings in England's family courts are compliant with Article 6 of the European Convention on Human Rights (the Right to a Fair Trial).

The Assembly also recognises that questions have been raised as to whether the system is also systematically uncompliant with Articles 3, 8, 10, 11 and 12.

The Assembly suggests that the relevant committee of the Assembly starts an examination of the system to which concerned parties can submit evidence of human rights abuses in England and Wales.

Signed (see overleaf)

1. Referred to the Committee on Legal Affairs and Human Rights, for information: Reference No. 3449 (Standing Committee, 29 May 2008).



Signed²:

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2. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
SOC: Socialist Group