



Rights Enshrined

Right to privacy: Hatton & others

John:

They were woken up virtually every night at about 4:30 in the morning, when the first flight started to land at Heathrow.

And it meant that they went through their entire day tired, sometimes stressed out, and a number of them said that they weren't able to function at work in the way they would like to.

Narrator:

John Stuart chose HACAN, which represents people living under the Heathrow flight paths. The group fought a long battle with the British government over night flights, and in 2001 went all the way to the European Court of Human Rights. The case was in the name of Ruth Hatton and seven other local residents, all of whom claimed their lives were being severely disrupted by night flights.

John:

We were relying on Article 8 of the Convention on Human Rights, which said that people were entitled to the peaceful enjoyment of their own home. And we were arguing that night flights were taking away people's right to the peaceful enjoyment of their own home.

The government argued that the economic benefits of night flights would outweigh any impact on the human rights of people living under the flight paths.

A number of us went out to Strasbourg to support and be with the eight people who were fronting up the case. I've got to say there was a huge amount of excitement as we went out there and big excitement, I think, when a few weeks later we found that the court had ruled in our favour. Although they acknowledged there were some economic benefits to night flights, they said that fundamentally Article 8 of the Human Rights Convention had been breached, that night flights were an infringement of people's human rights and, in their view, that was paramount over any other considerations.

Shortly after that the government announced that it would appeal the decision of the European Court. It meant we had to, effectively, start the fight all over again. We had to raise yet more money; we had to plan for another court appearance.

The appeal was heard in what's called the Grand Chamber of the European Court of Human Rights in front of 17 judges from around Europe. They found by a majority in favour of the government. Their finding was significant in that they didn't exactly rule against the earlier court's finding that night flights could be an infringement of people's human rights, but said, in this particular case, other factors such as the importance of night flights to the economy overrode and outweighed that particular fact.

John:

Well, it's very disappointing but then I'm not surprised because, you know, one of the things that upsets ordinary people like me is the way in which governments seem to back big business rather than the rights of ordinary individuals.

Narrator:

In my view, the decision of the appeal court could well have been a political decision. The court had no new evidence from the earlier hearing but I think it maybe did strike the 17 judges from across Europe that, if they had found in our favour, not only would night flights come to an end at Heathrow but night flights would almost certainly have come to an end at most major airports in Europe. Many of them probably were under some political pressure to make sure that that didn't happen.

The European Court did talk a lot about local decision-making and my understanding is that this has come up from a number of cases right across the board at Europe. It's very difficult, this, because we went to the European Court of Human Rights because we believed that local decision-making under UK courts had failed. And it was disappointing, therefore, for the European Court of Human Rights to put the emphasis it did once again on local decision-making.

I think there's a very grey area here which has not yet been resolved as to what is local and what is European, and what the European Court of Human Rights' remit really is.