COUNCIL OF EUROPE SECRETARIAT ANALYSIS ON PAGE 7

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| **MINISTERS’ DEPUTIES** | Notes on the Agenda | **CM/Notes/1369/H46-37** | 5 March 2020 |

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| **1369th meeting, 3-5 March 2020 (DH)** |

Human rights**H46-37 McKerr group v. the United Kingdom (Application No. 28883/95)**Supervision of the execution of the European Court’s judgmentsReference documents[DH-DD(2019)164](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2019)164), [DH-DD(2019)945](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2019)945), [CM/Del/Dec(2019)1355/H46-29](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Del/Dec(2019)1355/H46-29) |
|  **Application** | **Case** | **Judgment of** | **Final on** | **Indicator for the classification** |
| 28883/95 | MCKERR | 04/05/2001 | 04/08/2001 | Structural and/or complex problems |
| 37715/97 | SHANAGHAN | 04/05/2001 | 04/08/2001 |
| 24746/94 | HUGH JORDAN | 04/05/2001 | 04/08/2001 |
| 30054/96 | KELLY AND OTHERS | 04/05/2001 | 04/08/2001 |
| 43290/98 | MCSHANE | 28/05/2002 | 28/08/2002 |
| 29178/95 | FINUCANE | 01/07/2003 | 01/10/2003 |
| 43098/09 | McCAUGHEY AND OTHERS | 16/07/2013 | 16/10/2013 |
| 58559/09 | COLLETTE AND MICHAEL HEMSWORTH | 16/07/2013 | 16/10/2013 |

**Case description**

These cases concern investigations into the deaths of the applicants’ next-of-kin in Northern Ireland in the 1980s and 1990s, either during security force operations or in circumstances giving rise to suspicion of collusion with those forces.

*McKerr group*: the European Court found various combinations of the following shortcomings in the **investigations** into the deaths: lack of independence of investigating police officers; lack of public scrutiny or information to victims' families about the reasons for decisions not to prosecute; defects in the police investigations; limitations on the role and scope of the inquest procedure; absence of legal aid for the representation of the victims’ families; and delays in inquest proceedings (procedural violations of Article 2). The *McShane* case also concerns a failure by the State to comply with its obligations under Article 34.

*McCaughey and Others* and *Hemsworth*: the European Court found that there had been excessive delay in the **inquest proceedings** which had concluded in 2012 and 2011 respectively (procedural violations of Article 2), caused variously by periods of inactivity; the quality and timeliness of the disclosure of material; and legal procedures necessary to clarify coronial law and practice. Under Article 46 of the Convention, the Court indicated that the authorities had to take, as a matter of priority, all necessary and appropriate measures to ensure, in similar cases of killings by the security forces in Northern Ireland where inquests were pending, that the procedural requirements of Article 2 would be complied with expeditiously.

**Status of execution**

At the time of drafting these notes, no new information had been submitted by the United Kingdom authorities in response to the Committee’s last decision in this group of cases, adopted at its 1355th meeting (DH) (September 2019).

*Individual measures:*

The individual measures have taken the form of either one or a combination of three types of investigation: inquests, Police Ombudsman reports and/or Historical Enquiries Team (“HET”) reports.

Investigations in four cases[[1]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn1) in this group are still outstanding (see [DH-DD(2019)164](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2019)164) for details) due to problems examined under the general measures, mainly delays in the inquest procedure and/or the work of the Police Ombudsman (see information document [CM/Inf/DH(2014)16-rev](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Inf/DH(2014)16-rev) for more details). These investigations are affected by the implementation of the Stormont House Agreement and, in particular, the proposed establishment of the Historical Investigations Unit (HIU) and the measures taken to improve the legacy inquest procedure (see general measures).

*The Finucane case:*

i)              Background, past CM examinations and domestic developments

The *Finucane* case concerns the investigation into the involvement of state agents in the murder of Patrick Finucane, a human rights lawyer, who was shot by gunmen from the loyalist paramilitary group, the Ulster Defence Association (UDA), at his home with his family in Belfast in 1989. In 2003, the European Court found that the proceedings following the death of Mr Finucane had failed to provide a prompt and effective investigation into allegations of collusion by security personnel in his murder. In 2004, a UDA member pleaded guilty and was convicted for his involvement in Mr Finucane’s murder.

The Committee closed its supervision of the individual measures in 2009[[2]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn2) as the investigation into collusion by security personnel had been completed in 2007; the Director of Public Prosecutions for Northern Ireland (DPPNI) had taken a reasoned decision not to prosecute anyone else in light of the material from subsequent investigations;[[3]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn3) that decision was made public; and the applicant (Mr Finucane’s widow) had the opportunity to bring a legal challenge against it which she had not used. At the same time, the Committee strongly encouraged the United Kingdom authorities to continue discussions with the applicant on the terms of a possible statutory inquiry (public inquiry) into Mr Finucane’s death.

No public inquiry was held due in part to a failure to reach agreement with the Finucane family on the legislative basis for it. Instead, in 2011, after a change of government, the authorities appointed Sir Desmond de Silva QC (a former United Nations war crimes prosecutor) to conduct an independent review into any state involvement in Mr Finucane’s murder. He was given access to all documents and was free to meet anyone whom he felt could help with his inquiry, but had no power to compel witnesses. In December 2012, his review, which had access to “new and significant” information, concluded, *inter alia,* that “a series of positive actions by employees of the state actively furthered and facilitated [Mr Finucane’s] murder and that, in the aftermath of the murder, there was a relentless attempt to defeat the ends of justice.” De Silva was left in “significant doubt as to whether Patrick Finucane would have been murdered by the UDA in February 1989 had it not been for the different strands of involvement by elements of the state”.[[4]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn4) Neither this review nor any earlier investigation had uncovered the identity of the members of the security forces involved or the precise nature of any assistance given. In response to that review, the then Prime Minister apologised in 2012 on behalf of the government and the country for the collusion which had occurred.[[5]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn5)

In June 2015 the review’s findings were examined by the High Court as the applicant challenged the decision not to hold a public inquiry, despite the clear assurances that had been given to her by the government, but to establish the de Silva review instead. The High Court found that an Article 2-compliant investigation into Mr Finucane’s death had not yet taken place, as there was new evidence from the de Silva review which had not been considered by the Police Service of Northern Ireland (PSNI) and DPPNI, but did not agree that compliance with Article 2 necessarily required a public inquiry. Both parties appealed against this judgment.

At the 1243rd meeting (December 2015) (DH), the Committee noted those developments as well as the applicant’s request to reopen the individual measures[[6]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn6) and decided to resume consideration of the reopening of the individual measures once the domestic proceedings had concluded.

ii)             Further police enquiries

The Police Service of Northern Ireland (PSNI) examined the new and significant material identified by Sir Desmond de Silva in his December 2012 report to determine whether it created any credible opportunities for further investigation (see [DH-DD(2018)788](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2018)788) for further details). It submitted two reports to the Public Prosecution Service of Northern Ireland (PPSNI) to obtain independent prosecutorial advice. Taking into account the advice of the PPSNI and independent senior counsel, the PSNI concluded that there were no opportunities to pursue any criminal investigations and communicated that decision to the applicant’s representatives on 24 May 2018. They did not respond.

iii)            Supreme Court judgment of 27 February 2019

The Supreme Court delivered judgment on 27 February 2019.[[7]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn7) The Supreme Court accepted that Mrs Finucane had a legitimate expectation that a public inquiry into her husband’s murder would be held, but found that the government’s decision not to hold such an inquiry had not been shown to have been made in bad faith or not to have been based on genuine policy grounds.

The Supreme Court nevertheless made a declaration that there has not been an Article 2-compliant inquiry. In particular, it found that the inquiry by Sir Desmond de Silva could not comply with Article 2 because of its limitations: he had lacked the power to compel the attendance of witnesses, those who met him were not subject to testing as to the veracity and accuracy of their evidence and a potentially critical witness was excused attendance. The review, even when taken together with earlier inquiries, could therefore not be sufficient to fulfil Article 2.

The Supreme Court also considered that the Committee of Ministers’ closure of the individual measures in the case in 2009 did not affect those findings, because the most significant inquiry into Mr Finucane’s death had taken place subsequently and had brought to light new information, making it clear that many important questions remain unanswered. The Committee’s decision to close had also been taken in a different context, on the basis that the government was actively working on proposals for establishing a public inquiry. The Supreme Court considered that it would be wrong not to acknowledge the significant change in circumstances since the Committee had considered the issue. It also noted that there was no warrant for concluding that the Committee, if faced with those changes of circumstance today, would reach the same conclusion as it did then (see §§141-147).

The Supreme Court concluded that “it does not follow that a public inquiry of the type which the appellant seeks must be ordered. It is for the state to decide, in light of the incapacity of Sir Desmond de Silva’s review and the inquiries which preceded it to meet the procedural requirement of Article 2, what form of investigation, if indeed any is now feasible, is required in order to meet that requirement” (§153).

iv)            Applicant’s request for reopening and United Kingdom’s response to the Supreme Court judgment

In March 2019, the applicant’s representative reiterated the request to reopen the individual measures, given the findings of the Supreme Court.

On 24 June 2019, the United Kingdom authorities submitted information and a detailed history of the *Finucane* case (see [DH-DD(2019)712](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2019)712)). They considered that, pending further consideration of the steps that could be taken to respond to the Supreme Court’s judgment, and in particular the extent to which it is feasible to rectify in practice the technical shortcomings found in previous investigations, it was too soon to draw any conclusions for the supervision of the execution of the *Finucane* case.

They indicated that they were undertaking a review to enable a decision to be taken as to what form of investigation is required and would provide further information to the Committee later in 2019. At the time of drafting, they have not yet provided an update to the Committee on the outcome of that review.

In a letter dated 6 August 2019, the applicant set out the steps she has taken over the last 30 years to hold the United Kingdom Government accountable for her husband’s death as well as the impact of her husband’s murder upon her family. She regrets that the United Kingdom Government have not yet provided a substantive response to the Supreme Court judgment and reiterates her request that the Committee reopen its supervision over the case. She considers that this is necessary to ensure that an effective investigation is finally carried out (see [DH-DD(2019)876](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2019)876)).

In a further letter of 7 August 2019 (see [DH-DD(2019)951](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2019)951)), received by the Committee on 6 September 2019, the applicant’s representative also set out concerns about the delay in the United Kingdom Government’s response to the Supreme Court judgment. Five months of correspondence with the United Kingdom authorities had failed to result in a decision or transparency about the review process. Their view is that the only possible mechanism available to the government which would fully respond to the Supreme Court’s judgment would be the establishment of a public inquiry into Mr Finucane’s murder. They ask that the Committee request detailed information about the review process underway and a firm deadline for its conclusion with a decision on the next steps.

*General measures*:

Many general measures have already been adopted in the *McKerr* group of cases and the Committee has closed its supervision of the majority. However, questions are still outstanding regarding the functioning of the Office of the Police Ombudsman of Northern Ireland (OPONI) and the inquest system (the HET was closed in December 2014: for more information, see information document [CM/Inf/DH(2014)16-rev](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Inf/DH(2014)16-rev)).

*Stormont House Agreement*

On 23 December 2014, the Governments of the United Kingdom and Ireland published the Stormont House Agreement (see [DH-DD(2015)81](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2015)81)), which was welcomed by the Committee.[[8]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn8) The Agreement relates to a number of issues, but most significantly for the execution of this group of cases, it announced the establishment by legislation of four new institutions to deal with the past, including a single independent investigative body, the *Historical Investigations Unit* (HIU), to take over the investigation of legacy cases from both the Police Ombudsman and the HET. There are approximately 1,700 such cases outstanding. It also announced that appropriate steps would be taken to improve the way *legacy inquests* function, to reduce delay. The United Kingdom Government had indicated that an additional £150 million will be available for this purpose.

i)              Historical Investigations Unit

The HIU and the other legacy institutions have not yet been established because of a failure to reach agreement on the details of the institutions and thus the legislation required, complicated further by the absence of a devolved power sharing government in Northern Ireland from January 2017 to January 2020.

The lack of progress in establishing the HIU has been a matter of serious concern for the Committee, which has repeatedly underlined that, notwithstanding the complexity of the broader political picture, it is imperative that the authorities ensure that effective Convention-compliant investigations can be conducted, particularly in light of the length of time that has already passed since these judgments became final, and since the Stormont House Agreement providing for the HIU and other legacy institutions was concluded in 2014.

At its last examination of the cases at the 1355th meeting (DH) (September 2019), the Committee noted with interest the publication of a summary of the responses from multiple stakeholders, including victims’ groups and civil society organisations, to a public consultation on the draft legislation required to establish the legacy institutions. It further noted with satisfaction the authorities’ indication that they remain fully committed to the establishment of those institutions and the implementation of the Stormont House Agreement and that the approach must be consistent with the rule of law and international legal obligations.

The Committee noted with regret however that there was no clear indication of the next steps envisaged. It strongly encouraged the authorities to provide an estimated timetable for the introduction of amended legislation to Parliament and to ensure that it will guarantee the HIU’s independence in both law and practice and enable it to conduct effective investigations which are sufficiently accessible to the victims’ families in full compliance with Article 2 of the Convention.

On 13 January 2020, following political talks with the Governments of the United Kingdom and Ireland, the Northern Ireland political parties accepted a deal, entitled New Decade, New Approach[[9]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0" \l "_ftn9" \o ") as the basis for re-forming devolved government and restoring other institutions in Northern Ireland. As part of that deal the United Kingdom Government made a number of commitments including to “within 100 days, publish and introduce legislation in the UK Parliament to implement the Stormont House Agreement, to address Northern Ireland legacy issues.” It further committed to provide funding to support the implementation of the Stormont House Agreement proposals on legacy.

ii)             Legacy inquests

On 1 November 2015, the Lord Chief Justice of Northern Ireland (LCJNI) became President of the coroners’ courts, which was noted with satisfaction by the Committee. He reinforced key personnel in the Coroner’s Service and took a number of important steps to review the pending legacy cases and establish a strategy for the future.[[10]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn10) In February 2016, he proposed that it should be possible to complete the existing legacy inquest caseload within five years, subject to the support of a properly resourced Legacy Inquest Unit, co‑operation from the relevant justice bodies (the PSNI and the Ministry of Defence) and the required resources being made available. The Committee considered that such a constructive approach, developed in consultation with the international human rights community, including the Council of Europe Commissioner for Human Rights and a United Nations Special Rapporteur, had the potential to make significant progress.[[11]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn11)

At its last examination of the cases, the Committee strongly encouraged the authorities to ensure that the funding that had been announced by the Northern Ireland Department of Justice in February 2019 was released rapidly to ensure the reform of the legacy inquest system, including the establishment and full operation of the Legacy Inquest Unit.

It also invited the authorities to submit information on the measures taken to ensure that all statutory agencies, including in particular the Police Service of Northern Ireland and the Ministry of Defence, comply with their legal obligation to disclose relevant information to the Coroners’ Service to ensure inquests can proceed promptly.

iii)            The Office of Police Ombudsman of Northern Ireland

At its last examination of the cases, the Committee recalled that, pending the establishment of the HIU, the Office of the Police Ombudsman for Northern Ireland continues to play a vital role in investigating historical cases and giving answers to families. It strongly encouraged the authorities to take all necessary measures, including the provision of resources, to ensure that the Police Ombudsman can effectively conduct legacy investigations in a timely manner in compliance with Article 2. It also invited in this context the authorities to provide more details as to the ongoing independent review by the Criminal Justice Inspection Northern Ireland into the methods used by the Police Service of Northern Ireland to disclose information in respect of historic cases to the Police Ombudsman and looked forward to the outcome of this review.

*Latest submissions from NGOs:*

A large number of submissions have been received during the Committee’s examination of these cases, highlighting the ongoing problems as regards prompt and effective investigations into the deaths of the applicants’ relatives during the Troubles. A summary of these submissions and the authorities’ response were set out most recently in the [Notes](https://dm.coe.int/dg1/execution/documents_execution/1355th%20meeting%20%28September%202019%29%20-%20H46-29%20McKerr%20group%20v.%20the%20United%20Kingdom%20%28Application%20No.%2028883/95%29) for the 1355th meeting.[[12]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftn12)

Most recently in a submission received on 7 February 2020, the Committee on the Administration of Justice raised a number of concerns regarding both the individual and general measures (see [DH-DD(2020)152](https://search.coe.int/cm/Pages/result_details.aspx?Reference=DH-DD(2020)152) for full details).

They are particularly concerned about the serious delay in the establishment of the HIU. They note that the “intensive process” to obtain consensus on the HIU legislation and introduce it to Parliament by April 2020, as set out in the New Decade New Approach agreement, has not yet started; that the UK has not yet clarified what changes, if any, they intend to make to the draft legislation in light of the public consultation which ended in 2019; and that there are mixed messages as to whether or not the Government intends to take measures to prevent investigations into the actions of the armed forces during the Troubles (either by amending the Human Rights Act or by introducing a *de facto* amnesty). They consider that assurances are required that amendments will not be made to the HIU legislation that would preclude the conduct of effective Article 2-compliant investigations.

They also indicate that clarification is still needed on what steps are being taken to ensure that all agencies (in particular the PSNI and the Minister of Defence) are complying with their legal obligations to disclose relevant information to legacy inquests given the excessive delays experienced to date. They underline that the Office of the Police Ombudsman of Northern Ireland remains chronically underfunded which continues to lead to excessive delays in its work.

They set out that the applicant in the *Finucane* case has been forced to litigate again before the domestic courts and, on 31 January 2020, was granted leave to judicially review the UK authorities’ delay in deciding on how to respond to the Supreme Court judgment.

**Analysis by the Secretariat**

*Individual measures:*

It remains a matter of deep concern that the investigations and related litigation in the cases of *McKerr, Shanaghan, Jordan, Kelly and Others* and *McCaughey and Others* have still not been completed.

*The Finucane case:*

There have been significant domestic developments since the Committee’s closure in 2009 of the individual measures in this case, in particular the De Silva review of December 2012 and the Supreme Court’s judgment of 27 February 2019. As noted above, the Supreme Court held that there has not been an Article 2-compliant inquiry into Mr Finucane’s killing but left it to the government to decide “what form of investigation, if indeed any is now feasible, is required in order to meet [the procedural requirement under Article 2]”.

In its decisions on this case taken from December 2015 onwards, the Committee has decided “to resume consideration of the reopening of individual measures once the domestic litigation has concluded.” After the litigation concluded in early 2019, the applicant contacted the Committee asking it to reopen the individual measures. The United Kingdom authorities considered in June 2019 that it was premature to draw any conclusions for the supervision of the execution of the case. The Committee therefore called on them to submit concrete information by 1 December 2019 on how they intend to conduct an Article 2-compliant investigation into Mr Finucane’s death and decided to examine the applicant’s request for reopening, in light of that information, at the present meeting.

The United Kingdom authorities have not, at the time of drafting the present notes, submitted any information. It is hoped that information will be presented shortly before or during the meeting.

*General measures:*

As both the United Kingdom authorities and the Committee have reiterated since 2014, the existing mechanisms for conducting investigations into legacy cases required to implement the present judgments are not working effectively and a new approach is required. The current system is not delivering for victims, their families and the wider society.

i)              Historical Investigations Unit

It therefore remains a matter of serious concern that the HIU and other legacy institutions have still not been established more than five years after the Stormont House Agreement of December 2014.

It is positive that the recently adopted New Decade, New Approach deal for Northern Ireland includes a commitment that the United Kingdom Government will, within 100 days, publish and introduce legislation in the United Kingdom Parliament to implement the Stormont House Agreement and address Northern Ireland legacy issues. The Government will now start an intensive process to maintain a broad-based consensus on these issues.

Bearing in mind the length of time the families have already been waiting for answers, a way forward must now be found rapidly so that the HIU can be established and become operational without further delay, which would risk undermining the confidence of victims and the wider community.

Given the range of responses to the consultation on the draft legislation, including recommendations from victims’ groups, which could improve the proposed institutions, it remains important that the legislation ultimately introduced to Parliament guarantees the HIU’s independence in both law and practice and enables it to conduct effective investigations which are sufficiently accessible to the victims’ families in full compliance with Article 2 of the Convention.

ii)             Legacy inquests

It is important for the authorities to confirm that the funding announced by the Northern Ireland Department of Justice in February 2019 has been released to ensure the reform of the legacy inquest system, including the establishment and full operation of the Legacy Inquest Unit, in accordance with the Lord Chief Justice of Northern Ireland’s proposals.

The reformed system was due to be fully operational by April 2020 and updated information in this respect is expected as this should help enable legacy inquests, including those pending for the individual applicants in these cases, to be concluded without further delay.

Information is still awaited about the measures taken to ensure that all statutory agencies, including in particular the PSNI and the Ministry of Defence, are complying with their legal obligation to disclosure relevant information promptly to the Coroners’ Service to ensure inquests can proceed promptly.

iii)            Office of the Police Ombudsman of Northern Ireland

It remains crucial that the authorities take all necessary measures to ensure that the Office has the capacity both in terms of resources and access to relevant documentation from the PSNI, to be able to effectively conduct legacy investigations in a timely manner in compliance with Article 2. More details are awaited as to the ongoing independent review by the Criminal Justice Inspection Northern Ireland into the methods used by the PSNI to disclose information in respect of historic cases to the OPONI.

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| Financing assured: YES |

[[1]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref1) *McKerr*, *Shanaghan*, *Kelly and Others*, and *Hugh Jordan.*

[[2]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref2) [CM/ResDH(2009)44](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/ResDH(2009)44).

[[3]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref3) The Stevens III investigation and the Cory Collusion Inquiry Report of 2004.

[[4]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref4) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/246867/0802.pdf>

[[5]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref5) <https://www.gov.uk/government/speeches/prime-minister-david-cameron-statement-on-patrick-finucane--2>

[[6]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref6) See the Notes and decision for the 1243rd meeting (December 2015) for further information.

[[7]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref7) For the full judgment see <https://www.supremecourt.uk/cases/docs/uksc-2017-0058-judgment.pdf>.

[[8]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref8)  See the decision at the 1222nd meeting (March 2015).

[[9]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref9) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf> .

[[10]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref10) A full summary of the steps taken is set out in the Notes for the 1259th meeting (June 2016).

[[11]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref11) See the decision at the 1259th meeting.

[[12]](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016809c89c0#_ftnref12) 1355th meeting (September 2019) - H46-29 *McKerr group* v. the United Kingdom (Application No. 28883/95).