European Court of Human Rights: Cases of B. and P. v. the United Kingdom

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In the cases of B. and P. v. the United Kingdom, the applicants complained that they had been barred from divulging information about the proceedings on custody rights over their children. The judge dealing with the case had ordered that no documents used in the proceedings should be disclosed outside the court. B. had also been warned by the judge that any publication of information obtained in the context of the proceedings would amount to contempt of court. As the case was not heard in public and the judgments were not publicly pronounced, B. and P. complained in Strasbourg that these restricting measures on the publicity of their court case ought to have been considered to be in breach of Article 6 § 1 (right to a fair hearing) and Article10 (freedom of expression) of the European Convention on Human Rights.

In a judgment of 24 April 2001, the European Court of Human Rights (Third Section) noted that the proceedings in question concerned the residence of each man's son following the parents' divorce or separation, which were prime examples of cases where the exclusion of the press and public might be justified to protect the privacy of the child and parties and to avoid prejudicing the interests of justice. Concerning the publication of the judgments in question, the Court observed that anyone who could establish an interest was able to consult and obtain a copy of the full text of the judgments in child residence cases, while some of these judgments were routinely published, thus enabling the public to study the manner in which the courts generally approach such cases and the principles applied in deciding them. Under these circumstances, the Court reached the conclusion that there had been no violation of Article 6 § 1, either regarding the applicants' complaints about the public hearing or the public pronouncement of the judgments. Finally, the Court held that it was not necessary to examine separately the applicants' complaint under Article 10 of the Convention, thereby implying that the Court did not find a violation of Article 10 of the Convention either.

Judgment by the European Court of Human Rights (Third Section), Cases of B. and P. v. the United Kingdom, Application nos. 36337/97 and 35974/97 of 24 April 2001

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