

The Committee of Ministers,

Having regard to Article 54 (art. 54) of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the convention");

Having regard to the judgment of the European Court of Human Rights in the "Golder" case, delivered on 21 February 1975 and transmitted the same day to the Committee of Ministers;

Recalling that the case had its origin in an application against the United Kingdom lodged with the European Commission of Human Rights under Article 25 (art. 25) of the convention by a United Kingdom citizen, Mr Sidney Elmer Golder;

Recalling that the case had been brought on 27 September 1973 before the Court by the Government of the United Kingdom in pursuance of Article 48 (art. 48) of the convention;

Whereas in its judgment, the Court held by nine votes to three that there had been a breach of Article 6, paragraph 1 (art. 6-1) of the convention, unanimously that there had been a breach of Article 8 (art. 8) of the convention and unanimously that the preceding findings amounted in themselves to adequate just satisfaction under Article 50 (art. 50) of the convention;

Having regard to the "Rules concerning the application of Article 54 (art. 54) of the convention";

Having invited the Government of the United Kingdom to inform it of the measures which it had taken in consequence of the judgment, having regard to its obligation under Article 53 (art. 53) of the convention to abide by the judgment;

Whereas during the examination of this case by the Committee of Ministers the Government of the United Kingdom informed the Committee of certain measures taken in consequence of the judgment, which information is summarised in the appendix to this resolution,

Declares, after having taken note of the information supplied by the Government of the United Kingdom, that it has exercised its functions under Article 54 (art. 54) of the convention in this case.

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Summary of information provided by the Government of the United Kingdom during the examination of the "Golder" case before the Committee of Ministers

1. In an announcement in parliament on 5 August 1975, the Home Secretary said that in England and Wales immediate effect would be given to the judgment by administrative action and that amendments to the Prison Rules 1964 in force in England and Wales would be laid before parliament. On 6 August 1975 instructions were given for the immediate introduction of new procedures in all prison department establishments in England and Wales. Henceforth where an inmate applied in writing to the Governor for facilities to consult a solicitor, to obtain advice about the institution of civil proceedings or, having obtained such advice, to institute such proceedings, he would be granted such facilities; provided that where the proposed proceedings were against the Home Office (or any Minister or servant of the Home Office) and arose out of or were connected with the inmate's imprisonment, facilities would not be granted until the inmate had ventilated his complaint through the normal internal channels (e.g. by petition to the Home Secretary or by application to the Board of Visitors or to a visiting officer of the Secretary of State).

This was to enable the prison management to provide an immediate remedy. It would only postpone the granting of facilities; the inmate would still have a right to those facilities after the internal investigation had been completed.

2. Similar instructions were issued to all Scottish establishments on 10 November 1975. No amendments to the Statutory Rules in Scotland would be necessary. The Northern Ireland Office would issue shortly similar instructions to establishments in Northern Ireland. No amendments to their Statutory Rules would be necessary.

3. The effect of these new instructions was to abolish the previous requirement that an inmate must petition the appropriate Secretary of State for leave to consult a solicitor about instituting civil proceedings or to institute such proceedings, and to substitute a simple application which would always be granted. Governors had been given the text of a notice to inform inmates of the new arrangements.