

HACAN ClearSkies Night Flights Court Case – Initial Summary

This short summary has been written the day after the announcement of the Court. The full judgement is obtainable from the Web Site of the European Court of Human Rights (<http://www.echr.coe.int/>).

The Court found in favour of the residents. They had argued that a good night's sleep was a human right. The Court agreed with them. At the court hearing in May 2000 in Strasbourg the Court had asked the British Government to produce evidence to justify waking people up. It said the only evidence it would accept was that the 16 night flights landing at Heathrow between 11.30pm and 6am were of such importance to the British economy that it justified waking people up ie depriving them of their human right to a good night's sleep. The court's decision announced yesterday made clear that the Government had failed to convince the Court on this point.

The case was taken by 8 residents living under the Heathrow flight path. It was supported by HACAN ClearSkies. It went through the British courts first and then to Europe. (Now that the European Convention on Human Rights has been incorporated into British Law, the process would probably be easier). HACAN ClearSkies' members raised £80,000 to employ a top legal team at Strasbourg. Sympathetic local authorities gave about £20,000. The Mayor of London also helped. In total, the case cost over £100,00. In its judgement the court awarded us £70,000 in damages and each of the 8 residents £4,000.

The Court ruled that night flights breached two articles of the European Convention on Human Rights: Article 8, which guarantees "respect for private and family life"; and Article 13, which provides for "an effective remedy before a national authority."

The court's ruling is not binding on Britain, but the British Government has a good record on implementing the Court's decisions and is expected to go along with this decision. It has the right to appeal within the next 3 months. If the Government does implement the decision, it is thought night flights could end at Heathrow within 18 months.

The ruling leaves the way for other residents' around the UK and the European Union to challenge night flights at their airport. Each case, though, would need to be argued on its merits. But the principle that entitlement to a good night's sleep is a human right remains. It is unclear the extent the court took into account the huge number of people - tens of thousands - affected by night flights at Heathrow.

John Stewart
Chair, HACAN ClearSkies