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## **UK Human Rights appeal expects new funding help from Canada**

As Britain struggles to understand the impact of its own 'first-ever' Human Rights Act, the importance of an appeal just filed by a frozen pensioner in an early case is expected to attract new funding support from Canada and more interest from similar organizations in Britain.

In a London judgment last month, Mr Justice Stanley Burnton denied a claim by a South African resident UK pensioner, Annette Carson, that the UK practice of freezing the state retirement pensions paid to about half of its expatriate pensioners breaches the new Human Rights Act and discriminates against her and half a million others who suffer financially from the policy. Additionally, in what was widely viewed as a brutal and inappropriate ruling, at the request of the UK Government counsel, Justice Burnton ordered the lone pensioner to pay not only her own costs of the action, but also those of the Government's legal team.

At the same time, suggesting he may have been unsure of the validity of his ruling, he granted leave to appeal his judgment to a higher court, and to his punishing costs award. Mrs Carson's solicitors have now filed their Appeal. A hearing is anticipated before the end of this year.

The ruling in the case before the High Court has also been widely criticized by highly respected pensioner organizations and human rights activists in the United Kingdom, many of which are expressing particular interest in the case. Left unchallenged, it could adversely affect numerous rulings expected to be sought by many of these groups under the new Human Rights Act.

Pensioners' groups claim the judgment takes a totally opposing interpretation of the Human Rights Act to that envisaged by the present government. In his introduction to the Home Office Guide to the Human Rights Act 1998, the then Home Secretary (Jack Straw) wrote: "*The Human Rights Act marks a change in the constitutional relationship between citizens and the state....makes rights from the European Convention on Human Rights (ECHR) into a form of higher law in the United Kingdom .....now all state bodies, including the courts....must act in accordance with the Convention rights when making decisions which affect you.*" They feel the Burnton judgment makes a mockery of Straw's assertion.

The Government of Canada has now agreed to compensate its two UK pensioner groups for a total of almost £50,000 (Cnd\$111,000) they have contributed to assist Annette Carson pursue her claim through the UK courts. The Canadian Alliance of British Pensioners has also funded other legal initiatives in recent years.

"We have always been grateful for the strong political support the Canadian Government and Parliament have provided to our campaign over many years. Now, as our legal expenses are escalating substantially, we and our colleagues welcome and appreciate this financial assistance provided by our Government. Canada is just one of the countries which has been left to deal with a portion of the social and health costs for

these financially-strapped pensioners who are clearly the responsibility of the UK Government. The costly battle for benefit parity for all UK state pensioners will continue until the British Government ends its shameful and discriminatory policy of freezing the pensions of some of their pensioners,” commented Douglas Ross of the Canadian Alliance of British Pensioners. “This policy is financially devastating for most affected pensioners. Their deprivation increases with each passing year. The British Government continues to display a coldly indifferent attitude to those elderly UK citizens it is cheating in this disgraceful manner.”

The claim to the Canadian authorities was jointly filed by the Canadian Alliance of British Pensioners and the British Pensioners Association of Western Canada. The financial assistance from the Canadian Government will enable these organizations to join with the South African Alliance of British Pensioners, the British Australia Pensioners Association and the British Pensioners Association of New Zealand in finding ways of providing additional assistance to Mrs Carson in the pursuit of her costly appeal.

He continued: “We urge concerned soon-to-be and current British pensioners in the UK and in every country around the world to help end pension freezing by contacting us right away and supporting our costly campaign to pursue redress through the courts and in parliament. We need their strong support right now and continuing until this issue is satisfactorily resolved.”

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