



Grand Chamber hearing concerning prohibition of paid political advertising on TV in the UK

The European Court of Human Rights is holding a Grand Chamber¹ hearing today **Wednesday 7 March 2012 at 9.15 a.m.** in the case of **Animal Defenders International v. the United Kingdom** (application no. 48876/08).

The case concerns the complaint by a non-governmental organisation that it has been denied the possibility to advertise on TV or radio.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant is a non-governmental organisation, Animal Defenders International ("ADI"), based in the United Kingdom. Its aims include protecting animals from suffering. ADI campaigns against the use of animals in commerce, science and leisure, seeking to achieve changes in law and public policy and to influence public and parliamentary opinion towards that end. Given the organisation's campaigning objectives, it is not eligible for registration as a charity.

In 2005, ADI began a campaign directed against the keeping and exhibition of primates in zoos and circuses and their use in television advertising. As part of the campaign, it wished to screen a TV advertisement, which it submitted to the responsible body, the Broadcast Advertising Clearance Centre ("the BACC"), for a review of its compliance with relevant laws and codes. The BACC declined to clear the advert, drawing attention to the political nature of ADI as reflected in its non-charitable status. That decision was upheld by the High Court in December 2006 and by the House of Lords in March 2008. The House of Lords' judgment held, in particular, that the prohibition on political advertising under UK law was justified by the aim of preventing policies from being decided by the highest spenders and that, as applied in ADI's case, it was not incompatible with Article 10 of the European Convention on Human Rights (freedom of expression).

Relying on Article 10, ADI complains that it has been unjustifiably denied the opportunity to advertise on television or radio.

Procedure

The application was lodged with the European Court of Human Rights on 11 September 2008. On 29 November 2011, the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects. "

Françoise **Tulkens** (Belgium), *President*,
 Nicolas **Bratza** (the United Kingdom),
 Josep **Casadevall** (Andorra),
 Nina **Vajić** (Croatia),
 Dean **Spielmann** (Luxembourg),
 Lech **Garlicki** (Poland),
 Elisabeth **Steiner** (Austria)
 Ineta **Ziemele** (Latvia),
 Päivi **Hirvelä** (Finland),
 George **Nicolaou** (Cyprus),
 András **Sajó** (Hungary),
 Zdravka **Kalaydjieva** (Bulgaria),
 Nebojša **Vučinić** (Montenegro),
 Kristina **Pardalos** (San Marino),
 Vincent A. **de Gaetano** (Malta),
 Julia **Laffranque** (Estonia),
 Helen **Keller** (Switzerland), *judges*,
 Mihai **Poalelungi** (Moldova),
 Linos-Alexandre **Sicilianos** (Greece),
 Dragoljub **Popović** (Serbia), *substitute judges*,
 and also Michael **O’Boyle**, *Deputy Registrar*.

Representatives of the parties

Government

Ms Ahila Sornarajah, *Agent*,
 Mr Martin Chamberlain, *Counsel*,
 Ms Victoria Kaye
 Ms Eleanor Van Heyningen
 Mr Simon White, *Advisers*;

Applicant

Mr Hugh Tomlinson Q.C.
 Mr Aidan O’Neill Q.C., *Counsel*,
 Ms Tamsin Allen, *Adviser*,
 Ms Jan Creamer

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.