

Udenrigsminister Villy Søvndal
Udenrigsministeriet
Asiatisk Plads 2
1448 København

16 April 2012

**AMNESTY
INTERNATIONAL**



European Institutions Office

Our ref: B1128

Dear Minister,

**AMNESTY INTERNATIONAL'S DANISH PRESIDENCY RECOMMENDATIONS MID-TERM REVIEW:
FUTURE OF EUROPEAN COURT OF HUMAN RIGHTS**

We urged Denmark's EU presidency to remind EU countries of the importance of the European Court of Human Rights and not allow reforms to be used to limit the Court's mandate or bar access to individuals. At the presidency's half-way point, two immediate opportunities for action arise.

Reform of the Court

The British chairmanship of the Council of Europe's Committee of Ministers will hold a high-level conference on the Court's future in Brighton this week, (18-20 April) which will adopt a political declaration with proposals for reforming the Court. We have been engaged in discussions on the Court's reform as an observer to the Council of Europe Steering Committee for Human Rights (CDDH) and have produced several position papers with our NGO partners.

We support many of the proposals, particularly those designed to improve national implementation of the European Convention on Human Rights (ECHR), including proper execution of Court judgments. However, several proposals risk seriously undermining the Court's authority and integrity and its ability to ensure effective protection of human rights in Europe, notably by curtailing its jurisdiction or limiting its interpretative role. We and our partners are therefore asking all Council of Europe member states to refrain from seeking to amend the convention so as to codify, or seek to prioritise, the principles of subsidiarity and the margin of appreciation or to add new admissibility requirements. We are also calling for the preservation of the six-month time limit for applying to the Court. We enclose the joint statement we issued with partner NGOs and sent to all permanent representations to the Council of Europe on 13 April.

In addition to Protocol 14, the Interlaken and Izmir conferences have done much to improve the Court's effectiveness. Time must be allowed for these reforms to take full effect. We are not persuaded that codifying the margin of appreciation or subsidiarity in the convention or amending the current admissibility requirements are necessary or justified, or that they would help alleviate the real challenges facing the Court.

We urge you to remind EU countries of the Court's importance for human rights protection in Europe and beyond. For the sake of a sustainable convention system, we ask you to ensure that the Brighton Declaration properly focuses on the need for effective domestic implementation and that adverse proposals such as those highlighted above are not included in the final Brighton Declaration and compromise its otherwise promising content. We appreciate your sharing of the draft documents with NGOs, and hope that in future exercises on reforming the Court, the chair of the Committee of Ministers will meaningfully consult civil society and share the necessary drafts as the Swiss and Turkish chairmanships did.

EU accession to European Convention on Human Rights

We welcome your prioritisation of EU accession to the ECHR since negotiations on the accession agreement seem to be progressing among EU countries. But negotiations in Brussels are behind closed doors, without proper scrutiny. We ask you to keep the issue high on the agenda and guarantee that neither the ECHR's human rights protection system nor the rights of individual applicants are weakened in the final agreement. Meaningful consultation of the European Parliament, civil society and others must be ensured.

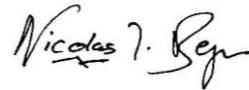
Given the strengthening of the major human rights protection mechanism in Europe, we hope for continued informed dialogue on the Court's future and EU accession to the ECHR.

Yours sincerely,



Lars Normann Jørgensen

Secretary General, Amnesty International
Denmark



Dr. Nicolas J Beger

Director, Amnesty International
European Institutions Office

Enclosed:

Joint NGO statement: The Brighton Declaration must strengthen human rights protection in Europe and preserve the integrity and authority of the European Court of Human Rights, 13 April 2012, AI Index: IOR 61/006/2012, <http://www.amnesty.org/en/library/info/IO61/006/2012/en>