



Brussels, 04 April 2012
Our Ref: B1187

Dear Members of the European Parliament,

EUROPEAN COURT OF HUMAN RIGHTS REFORM MUST MAINTAIN COURT'S INTEGRITY AND AUTHORITY

I am writing in the context of current negotiations on the draft Brighton Declaration for the future of the European Court of Human Rights. As you know, the British chairmanship of the Council of Europe's Committee of Ministers will be holding a high-level conference on the Court's future in Brighton (18-20 April). This conference will aim to adopt a political declaration containing various proposals for reforming the Court. We endorse many of the proposals under discussion, particularly those designed to improve national implementation of the European Convention on Human Rights, which includes the proper execution of the Court's judgments, and enhancing its effectiveness. For the Convention system to be sustainable, such measures are fundamental.

However, we are concerned that several proposals under discussion might seriously undermine the Court's authority and integrity and its ability to ensure effective protection for human rights in Europe. We are therefore urging European governments to oppose such proposals robustly. We hope you will join us and help us raise the issue with the other EU institutions and at national level.

On 19 April, at its plenary session, the European Parliament will debate EU accession to the European Convention of Human Rights. The European Commission and Council are expected to deliver statements on the state of negotiations, which we hope will be concluded soon for the sake of greater human rights protection in Europe. In this context, concerns about the future of the Court and the Convention system, in accordance with the reform proposals under discussion, should also be raised at this forum.

We are particularly concerned about proposals to introduce additional admissibility criteria in the Convention and to codify the principles of subsidiarity and margin of appreciation therein. We strongly oppose adoption of a new admissibility criterion which would unduly restrict the Court's substantive jurisdiction by preventing an assessment on the merits of the states parties' observance of their engagements under the Convention. We also firmly oppose inclusion in the Convention of principles of judicial interpretation, such as the doctrine of the margin of appreciation. . We believe the Court should be free to continue developing and adapting such principles to evolving circumstances and societal change. If adopted, such proposals could seriously undermine the Court's integrity and authority, notably by curtailing its jurisdiction or limiting its interpretative role.

We and our partners have recently sent all Permanent Representatives to the Council of Europe our views on the main issues being discussed. Please find enclosed our two joint submissions. We regret that, contrary to the practice established by the Swiss and Turkish chairmanships, the British chairmanship refuses to share drafts of the text with civil society organisations, preventing its effective contribution to the declaration's preparation.

For the sake of a sustainable Convention system with a strong Court, we invite your support, at national level and with the EU institutions, to ensure that adverse proposals such as those highlighted above and in the enclosed documents will not be allowed into the declaration adopted in Brighton and compromise its otherwise promising content.

Yours sincerely,

Nicolas Beger

Encl.:

- *Joint NGO input to the ongoing negotiations on the draft Brighton Declaration on the Future of the European Court of Human Rights, 20 March 2012, also available at <http://www.amnesty.org/en/library/info/IOR61/005/2012/en>*
- *Joint NGO preliminary comments on the first draft of the Brighton Declaration on the Future of the European Court of Human Rights, 5 March 2012, also available at <http://www.amnesty.org/en/library/info/IOR61/003/2012/en>*