

The AIRE Centre, Amnesty International, the International Commission of Jurists

JOINT PUBLIC STATEMENT

EU Court Opinion a major setback for human rights in Europe

(Brussels, 18 December 2014) Today's Opinion by the Court of Justice of the European Union (CJEU) in Luxembourg on the European Union's (EU) accession to the European Convention on Human Rights (ECHR) is a regrettable setback for human rights in Europe, said Amnesty International, the International Commission of Jurists (ICJ), and the AIRE Centre. This Opinion presents a serious challenge to the EU's commitment to the further realisation of human rights in Europe.

This Opinion will require reopening the accession negotiations between the EU and the Council of Europe which have already taken several years and which aimed to fill a significant gap in human rights protection in Europe. In particular, the accession was meant to ensure that the EU, including its institutions and bodies, would be bound by the ECHR.

The EU made a solemn commitment in the Treaty of Lisbon (Article 6 of the Treaty on European Union) to accede to the ECHR. This Opinion presents a significant obstacle to carrying through that commitment. The EU must now take responsibility for finding a way to meet its treaty obligation to accede to the ECHR.

The AIRE Centre, Amnesty International and the ICJ stress that the overriding principle in any new negotiations for accession must be that individuals have access to proper protection of their human rights in relation to the acts and omissions of the EU, and effective remedies where their rights are violated. The European Court of Human Rights in Strasbourg must be able to ensure the observance of the engagements undertaken by the EU when it accedes to the ECHR. The Opinion will make this task more challenging.

The position of Advocate General Juliane Kokott, the submissions of the member states, and the other EU institutions all concluded that the draft agreement was in essence compatible with the treaties. However, in its Opinion, the CJEU considers that EU law does not allow for EU accession, and the draft accession agreement to be incompatible with EU law on several points. The CJEU notably considers that the accession agreement would put into question the autonomy of EU law, in particular because it would allow for external control on human rights questions related to EU law.

Our organisations will continue to engage in any ongoing process designed to further human rights protection in Europe.