

AI Index: PRE01/208/2012  
18 April 2012

## **European ministers must protect the integrity and authority of the European Court of Human Rights**

It's time for European governments to strengthen the European Court of Human Rights and give it the resources it needs to do its work, Amnesty International said, urging ministers of the 47 member states of the Council of Europe to refrain from interfering in its independence.

"The European Court of Human Rights is fundamental to the protection of human rights in Europe," said Michael Bochenek, Director of Law and Policy at Amnesty International, as the ministers are gathering for a conference in English seaside resort of Brighton.

"It is one of the world's most developed human rights protection mechanisms; and it remains the last resort for many people who seek justice for violations of their human rights.

"The Court represents an extraordinary achievement, one that has informed and enriched the protection of human rights, not just in Europe, but globally.

"As such, member states bear an enormous responsibility, reaching even beyond the more than 800 million people living in the Council of Europe region."

The Court was set up in 1959 and supervises Council of Europe member states in respect of their obligations under the European Convention on Human Rights.

Its judgments are binding on those states and must be implemented by them. Every year the Court receives thousands of cases, including of torture, extra-judicial killings, unfair trials, illegal detention, and other serious human rights abuses.

Given the enormous number of cases and its scarce resources, the Court faces major challenges. Measures to secure its long-term effectiveness are therefore required.

"Reforms of the Court must not undermine its integrity and authority or unduly curtail individuals' access to bring cases," Bochenek said as ministers are set to start discussions in the English seaside resort of Brighton.

"The Brighton Conference provides an opportunity for all Council of Europe Member States to strengthen their commitment for the protection of human rights and for effective national implementation of the Convention.

"Instead, in the name of reform, proposals have been made which would restrict both the Court's independence and peoples' ability to bring cases to the Court."

There are fears the Brighton Conference will create pressure on the Court in relation to the way it

interprets the Convention.

“Up until now the Court has developed methods of interpretation of the Convention according to evolving circumstances and societal changes; and the Court should be able to continue to do so without outside pressure.”

For individuals to be able to have the Court look into their case, certain admissibility requirements already mentioned in the Convention must be fulfilled.

“However, parallel attempts to tell the Court how it should interpret and apply these requirements is yet another attack on the Court’s independence.”

“Respect for the rule of law includes an understanding that it’s the job of the courts alone to interpret the law,” Michael Bochenek said. “Rather than putting pressure on the Court, member states should demonstrate their respect for a strong and independent Court; and they should ensure the protection of Convention rights at home.”

### **Background**

The High Level Conference on the Future of the European Court of Human Rights will be held in Brighton from 18-20 April. The Conference is being organized by the British government in the context of its Chairmanship of the Council of Europe’s Committee of Ministers, the organization’s main decision-making body. Towards the end of the Conference, Ministers of Council of Europe countries will adopt the “Brighton Declaration” which will seek to pave the way for further reforms of the Court.

### **For further information see:**

[\*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

[\*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

[\*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,