



Reform of the European Court of Human Rights: Open letter to all member states of the Council of Europe

Consideration of the drafts of the Brighton Declaration must include civil society

8 March 2012

To Permanent Representatives of all member states to the Council of Europe

Dear Ambassador,

Amnesty International, the AIRE Centre, the European Human Rights Advocacy Centre (EHRAC), Human Rights Watch, INTERIGHTS, the International Commission of Jurists (ICJ), JUSTICE and REDRESS are seriously concerned over the lack of transparency and the lack of involvement of civil society surrounding the circulation of the first draft of the Brighton Declaration on the Future of the European Court of Human Rights.

As negotiations are ongoing among the Council of Europe member states, we are writing to urge you to ensure that civil society organizations and other stakeholders are given full opportunity to give their views on any subsequent drafts of the *Brighton Declaration* which is to be adopted at the High Level Conference on the Future of the European Court of Human Rights from 18-20 April 2012.

Civil society organizations, those representing applicants before the Court and potential applicants themselves have an interest equal to that of states in ensuring the long-term effectiveness of the Court. To ensure that civil society organizations and other stakeholders can express their views and make a meaningful contribution to the discussions on the draft Declaration, it is essential that the successive drafts of the text are made available to them in a timely manner. The failure to share the drafts with civil society prevent it from making its essential and effective contributions to the discussions of this important document in the ongoing negotiations on the future of the European Court of Human Rights.

We note that the first draft of the Declaration, presented to member states on 23 February, was eventually leaked to the media on 28 February and thereby came into the public domain. However, civil society's participation in discussions on the reform of the Court should not be dependent on leaks to the media. Unlike the draft Brighton Declaration, the drafts of both the Interlaken and Izmir Declarations were circulated to civil society. Keeping the negotiations of the Brighton Declaration closed would be a retrogressive move. States must demonstrate a meaningful willingness to have a fully inclusive process.

We therefore urge the Committee of Ministers to ensure that all subsequent drafts of the Brighton Declaration are shared with civil society when they are circulated to member states, thereby ensuring a fair and transparent debate on the reform of the Court and the protection of human rights in the Council of Europe region.

Yours faithfully

Nuala Mole, Director, AIRE Centre

Michael Bochenek, Law and Policy Programme Director, Amnesty International

Philip Leach, Director, European Human Rights Advocacy Centre (EHRAC)

Benjamin Ward, Deputy Director, Europe and Central Asia Division, Human Rights Watch

Andrea Coomber, Legal Director, INTERIGHTS

Ian Seiderman, Legal and Policy Director, International Commission of Jurists (ICJ)

Roger Smith, OBE, Director, JUSTICE

Carla Ferstman, Director, REDRESS