



HUMAN RIGHTS IN EUROPE

DECISION TIME ON THE EUROPEAN COURT OF HUMAN RIGHTS

The system for the protection of human rights in Europe is under scrutiny. States are examining the European Court of Human Rights. At a Conference in February 2010 they will take decisions which could bring welcome reform to relieve the Court's backlog of cases. Conversely, the decisions taken could undermine a body that has provided redress for the victims of human rights violations in Europe for 50 years.

People in Europe (future applicants to the Court) have an interest at least equal to that of the states in ensuring the long-term effectiveness of the Court. States should therefore inform the public about the debates and consult civil society in the lead-up to the Conference and throughout the reform process which follows it.

47 states in Europe have agreed to be bound by the European Convention on Human Rights. States' respect for the Convention rights of some 800 million people is monitored primarily by the European Court of Human Rights, based in Strasbourg. The Court makes binding judgments in cases where individuals claim that their Convention rights have been violated and that the state has not granted redress. The implementation of the Court's judgments is supervised by the Committee of Ministers, representing all 47 Council of Europe states.

WHAT WE WANT

Enhanced respect for human rights by the 47 Council of Europe member states must remain the priority -- in more than 80 per cent of its judgments, the Court has ruled that the European Convention on Human Rights had been violated. If states complied with their clearly established obligations under the Convention, the number of applications to the Court would be significantly reduced.

The Court faces difficult challenges in light of its resources, as a result of the enormous number of individual applications being lodged (nearly 50,000 application forms in 2008), coupled with the backlog of cases pending before it (more than 110,000).

The European Court of Human Rights must be a strong Court, accessible to individuals claiming violations of their Convention rights when they have had no effective redress domestically. It should be a Court which will give a reasoned decision on whether a case is admissible, or a reasoned judgment on the merits of a case, without undue delay. The Court should be given the resources by states to function properly, and not at the expense of other Council of Europe human rights mechanisms.

WHAT CHANGES ARE NEEDED?

National Human Rights Protection

States must take concerted action to ensure greater respect for human rights and must provide effective domestic remedies when rights are violated.

Better implementation of the Convention at national level would mean greater respect for human rights throughout Europe and would reduce the need for individuals to apply to the Court for redress. Fewer cases would be sent to the Court if states implemented the Court's judgments by providing effective remedy and reparation and by taking steps aimed at ensuring the violation is not repeated, and if states implemented not only judgments against them, but also standards developed in all relevant judgments against other states. There would also be fewer cases brought about issues on which the Court has already clarified how the Convention should be applied (half of the Court's judgments in the past 50 years are on "repetitive" cases).

Reform of the Court

Any reforms to the European Court of Human Rights should ensure that:

- the fundamental right of individual petition is preserved and not further curtailed;
- there is an efficient, fair, consistent, transparent and effective screening of applications received, to weed out the very high proportion (around 90 per cent) of applications that are inadmissible under the current criteria;
- judgments are given within a reasonable time, particularly in cases where time is of the essence, or that raise repetitive issues where the Court's case law is clear and those that arise from systemic problems;
- the Court is given adequate financial and human resources, without adversely impacting the budgets of other Council of Europe human rights mechanisms and bodies;
- solutions to the problems faced by the Court, including the varied reasons for inadmissible applications, are devised on the basis of informed analysis, transparent evaluation of both the root of the problems and recent and future reforms.

The Committee of Ministers

The role of the Committee of Ministers in supervising states' implementation of the Court's judgments needs to be strengthened, not weakened. Its methods should be further developed and, when needed, the political pressure of the Committee must be brought to bear. The Department of Execution of Judgments, which assists with this task, urgently needs reinforcement.

What is needed is political will. Political will by the 47 Council of Europe states to respect the European Convention on Human Rights, to ensure effective domestic remedies for violations of Convention rights, to implement and ensure the implementation of the Court's judgments and to adequately resource the European Court of Human Rights and the Department of Execution of Judgments. We note the recent Opinion by the Committee of Ministers' Steering Committee for Human Rights, the reflections of the Court's President and earlier proposals by the Group of Wise Persons and Lord Woolf.

We support proposals:

- to help potential applicants to the Court to be better informed about admissibility criteria;
- aimed at ensuring better implementation of the European Convention on Human Rights by states, such as improving domestic remedies or establishing effective ones where none exist; ensuring translation and dissemination of the Court's case law and the screening of legislation for compliance with the Convention; and involvement of both national Parliaments and human rights institutions in this endeavour;
- guaranteeing a high standard of expertise and independence of the Court's judges, selected in inclusive, comprehensive and transparent processes;
- to address the case backlog effectively through short-term measures;
- to enhance resources and methods related to the Committee of Ministers supervision of implementation of judgments

We oppose proposals:

- that would undermine the accessibility of the Court such as charging applicants fees, or adding new, more restrictive admissibility criteria. Lack of funds should never be an obstacle for bringing an application before the Court;
- that would give the Court discretion to decide on which admissible cases it renders judgment;
- that would lessen the powers of the Committee of Ministers and the Department of Execution of Judgments to supervise the implementation of Court judgments.

Further reflection is needed to address concerns about proposals:

- to permit national courts to request Advisory Opinions from the European Court of Human Rights;
- to simplify the procedures for amending Convention provisions relating to the Court's operating rules and procedures.

List of signatories to Joint NGO Appeal (as of 16 February 2010)
Liste des signataires de l'Appel des ONG (en date du 16 février 2010)

Human rights in Europe: Decision time on the European Court of Human Rights, 11 December 2009, AI Index: IOR 61/009/2009, <http://www.amnesty.org/en/library/info/IO61/009/2009/en>.

Les droits humains en Europe: un tournant décisif pour la Cour européenne des droits de l'homme, 11 décembre 2009, Index AI: IOR 61/009/2009, <http://www.amnesty.org/fr/library/info/IO61/009/2009/fr>.

Document issued by / Document publié par

Amnesty International, the AIRE Centre, the European Human Rights Advocacy Centre (EHRAC), Human Rights Watch, Interights, the International Commission of Jurists (ICJ), Justice, Liberty and REDRESS.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. ACAT-Suisse (Action des chrétiens pour l'abolition de la torture), Berne, Switzerland 2. ACCEPT Association, Bucharest, Romania 3. Access Info Europe, Madrid, Spain 4. Access to Information Programme, Sofia, Bulgaria 5. ACEP - Associação Para a Cooperação Entre os Povos, Lisbon, Portugal 6. Advokater utan Gränser, Stockholm, Sweden 7. AG Globale Verantwortung, Vienna, Austria 8. Aim for Human Rights, Utrecht, Netherlands 9. Albanian Helsinki Committee, Tirana, Albania 10. ArciLesbica Nazionale, Bologna, Italy 11. Art.1 – Dutch national association against discrimination (Art.1 - voorkomt en bestrijdt discriminatie), Rotterdam, Netherlands 12. Article 19: Global Campaign for Free Expression, London, United Kingdom 13. Associação Portuguesa de Apoio à Vítima / Portuguese Association for Victim Support (APAV), Lisbon, Portugal 14. Association Européenne pour la Défense des Droits de l'Homme, Brussels, Belgium 15. Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH), Bucharest, Romania 16. Association for the Prevention of Torture (APT), Geneva, Switzerland 17. Avocats Européens Démocrates / European Democratic Lawyers (AED – EDL), France 18. Bar Human Rights Committee of England and Wales (BHRC), London, United Kingdom 19. British Irish Rights Watch, London, United Kingdom 20. Bulgarian Helsinki Committee, Sofia, Bulgaria 21. Caritas Europe, Brussels, Belgium 22. Çavaria, Belgium 23. CEJI - A Jewish Contribution to an Inclusive Europe, Brussels, Belgium | <ol style="list-style-type: none"> 24. Center for Human Rights and Conflict Resolution, Skopje, Macedonia 25. Center for the Development of Democracy and Human Rights, Moscow, Russia 26. Centre Européen du Conseil International des Femmes / European Centre of the International Council of Women (CECIF/ECICW), Paris, France 27. Chance for Children Foundation (CFCF), Budapest, Hungary 28. Children's Rights Alliance for England (CRAE), London, United Kingdom 29. Citizen's Watch, St. Petersburg, Russia 30. Civil Rights Defenders (former Svenska Helsingforskommittén), Stockholm, Sweden 31. COC Netherlands, Amsterdam, Netherlands 32. COJEP International, Strasbourg, France 33. Comité exécutif de la Conférence des commissions Justice et Paix d'Europe, Paris, France 34. Committee for Human Rights, Leskovac, South Serbia 35. Committee on the Administration of Justice Ltd (CAJ), Belfast, Northern Ireland, United Kingdom 36. Domestic Abuse Intervention Centre Vienna (Wiener Interventionsstelle gegen Gewalt in der Familie), Austria 37. East European Development Institute, Kyiv, Ukraine 38. Eurasian Lawyers Association, Baku, Azerbaijan 39. Euro-Mediterranean Human Rights Network (EMHRN), Copenhagen, Denmark 40. European Criminal Bar Association, London, United Kingdom 41. European Humanist Federation, Brussels, Belgium 42. European Network Church on the Move / Réseau Européen Eglises et Libertés (EN/RE), Paris, France 43. European Prison Education Association (EPEA), Drammen, Norway |
|--|--|

44. European Roma Rights Centre, Budapest, Hungary
45. European Training and Research Centre for Human Rights and Democracy (ETC), Graz, Austria
46. Fair Trials International, London, United Kingdom
47. Fédération Européenne des Centres de Recherche (FECRIS), Marseille, France
48. FIACAT - Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture, Paris, France
49. FIAN Norway (Food First Information and Action Network), Oslo, Norway
50. Finnish League for Human Rights, Helsinki, Finland
51. FIZ - Fachstelle Frauenhandel und Frauenmigration, Zürich, Switzerland
52. FLAC - Free Legal Advice Centres, Dublin, Ireland
53. Forum Menschenrechte, Berlin, Germany
54. Georgian Young Lawyers Association, Tbilisi, Georgia
55. Gesellschaft für bedrohte Völker – Schweiz / Society for threatened peoples - Switzerland, Bern, Switzerland
56. Global Initiative to End All Corporal Punishment of Children, London, United Kingdom
57. Greek Helsinki Monitor, Glyka Nera, Greece
58. Hellenic League for Human Rights, Athens, Greece
59. Helsinki Committee for Human Rights in Serbia, Belgrade, Serbia
60. Homosexuelle Initiative (HOSI) Wien – 1. Lesben- und Schwulenverband Österreichs, Austria
61. Human Rights Action / Akcija za ljudska prava, Podgorica, Montenegro
62. Human Rights Center of Azerbaijan, Baku, Azerbaijan
63. Human Rights Centre, Tbilisi, Georgia
64. Human Rights Foundation of Turkey (HRFT) / Türkiye İnsan Hakları Vakfı (TIHV), Ankara, Turkey
65. Human Rights Monitoring Institute, Vilnius, Lithuania
66. Humanitarian Law Center, Belgrade, Serbia
67. Hungarian Civil Liberties Union (HCLU), Budapest, Hungary
68. Hungarian Helsinki Committee, Budapest, Hungary
69. ILGA-Europe, Brussels, Belgium
70. Independent Journalists' Association of Serbia, Belgrade, Serbia
71. Iniciativa Inakost, Trnava, Slovakia
72. International Caucasus Foundation on Minority Issues (ICFMI), Baku, Azerbaijan
73. International Federation of Human Rights (FIDH), Paris, France
74. International Partnership for Human Rights (IPHR), Brussels, Belgium
75. International Protection Centre, Russia
76. International Rehabilitation Council for Torture Victims (IRCT), Copenhagen, Denmark
77. International Society of City and Regional Planners (ISOCARP), The Hague, Netherlands
78. Internationale Frauenliga für Frieden und Freiheit/ Deutsche Sektion (Women's Internationale League for Peace and Freedom / German Section), Berlin, Germany
79. Internationale Gesellschaft für Menschenrechte (IGFM), Frankfurt am Main, Germany
80. Interregional Association of Human Rights Organisations "AGORA", Russia
81. Interregional NGO "Committee Against Torture", Nizhny Novgorod, Russia
82. Irish Centre for Human Rights (Faculty of Law, National University of Ireland), Galway, Ireland
83. Irish Council for Civil Liberties, Dublin, Ireland
84. JPL Monde - Association Justice Paix Liberte, Geneva, Switzerland
85. Justice and Peace Netherlands, The Hague, Netherlands
86. Kindernothilfe, Duisburg, Germany
87. Kurdish Human Rights Project, London, United Kingdom
88. La Strada International, Amsterdam, Netherlands
89. Latvian Centre for Human Rights, Riga, Latvia
90. Lawyers Committee for Human Rights (YUCOM), Belgrade, Serbia
91. Lawyers for Constitutional Rights and Freedoms (JURIX), Moscow, Russia
92. Legal Clinic for Refugees and Immigrants, Sofia, Bulgaria
93. Legal Defence Bureau for National and Ethnic Minorities (NEKI), Budapest, Hungary
94. Legal Information Centre for Human Rights, Tallinn, Estonia
95. Lesben- und Schwulenverband in Deutschland (LSVD), Köln, Germany
96. Ligue des Droits de l'Homme – Belgique (Belgian Human Rights League), Brussels, Belgium
97. Ludwig Boltzmann Institut für Menschenrechte – BIM, Vienna, Austria
98. Minority Rights Group International, London, United Kingdom
99. Mirovni Institut / Peace Institute, Ljubljana, Slovenia

100. Mouvement International d'Apostolat des Milieux Sociaux Indépendants (MIAMSI), Paris, France
101. Mozaika - Alliance of LGBT people and their friends, Riga, Latvia
102. Multikulturní centrum Praha / Multicultural Center Prague, Czech Republic
103. National AIDS Trust (NAT), London, United Kingdom
104. Netherlands Helsinki Committee (NHC), The Hague, Netherlands
105. NGO Article 42 of the Constitution, Tbilisi, Georgia
106. NGO Slovo 21, Prague, Czech Republic
107. NGO Sutyajnik, Yekaterinburg, Russia
108. Nord Sud XXI, Geneva, Switzerland
109. Norwegian Bar Association, Oslo, Norway
110. Norwegian Helsinki Committee, Oslo, Norway
111. Norwegian Human Rights House Foundation, Oslo, Norway
112. Norwegian P.E.N., Oslo, Norway
113. Novorossisk Committee for human rights, Novorossisk, Russia
114. Nürnberger Menschenrechtszentrum (NMRZ), Nürnberg, Germany
115. Ökumenische Netzwerk Initiative Kirche von unten (IKvu), Bonn, Germany
116. Oxfam Novib (Netherlands), The Hague, Netherlands
117. Ozersk City Social-Ecological Public Organisation, Planet of Hopes, Russia
118. Pax Romana - Mouvement International des Intellectuels Catholiques (MIIC), Geneva, Switzerland
119. Pink Cross, Bern, Switzerland
120. Policy Center for Roma and Minorities, Bucharest, Romania
121. Poradna pre občianske a ľudské práva (Center for Civil and Human Rights), Košice, Slovakia
122. Prisoners Abroad, London, United Kingdom
123. Public Association Lawyers for Human Rights, Chisinau, Moldova
124. Public Verdict Foundation, Moscow, Russia
125. Quaker Council for European Affairs, Brussels, Belgium
126. Rainbowhouse (vzw Regenbooghuis / Maison Arc-en-Ciel asbl), Brussels, Belgium
127. Reaching Out Romania (ROR), Pitesti, Romania
128. Regional Centre for Minorities, Belgrade, Serbia
129. Resource Center for Human Rights (CReDO), Chisinau, Moldova
130. Romani CRISS – Roma Centre for Social Interventions and Studies, Bucharest, Romania
131. Russian Justice Initiative, Moscow, Russia
132. Salzburger Rechtsanwaltskammer (Salzburg Bar Association), Salzburg, Austria
133. Samiska rättsförbundet (Sami Rights Association), Gänghester, Sweden
134. Sandzak Committee for Protection of Human Rights and Freedoms, Novi Pazar, Serbia
135. Society for International Development (SID), Rome, Italy
136. SOS Mitmensch, Vienna, Austria
137. Svenska FN-förbundet (United Nations Association of Sweden), Stockholm, Sweden
138. Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL), Stockholm, Sweden
139. The Equal Rights Trust (ERT), London, United Kingdom
140. TRIAL - Track Impunity Always, Geneva, Switzerland
141. Truth Now, Nicosia, Cyprus
142. Union Européenne Féminine / European Union of Women (EUW/EUW), Vienna, Austria
143. Unione degli Atei e degli Agnostici Razionalisti (UAAR), Rome, Italy
144. University Women of Europe (UWE/GEFUDU), Brasted Kent, United Kingdom
145. Verein Autonome Österreichische Frauenhäuser (AÖF), Vienna, Austria
146. Verein Humanrights.ch / MERS, Bern, Switzerland
147. Verein Projekt Integrationshaus, Vienna, Austria
148. Vereinte Evangelische Mission (VEM), Wuppertal, Germany
149. Women Against Violence Europe (WAVE), Austria
150. Women in Black, Belgrade, Serbia
151. Women's International League for Peace and Freedom -WILPF - Netherlands, Utrecht, Netherlands
152. World Organisation Against Torture (OMCT), Geneva, Switzerland
153. Youth Initiative for Human Rights (YIHR), Podgorica, Montenegro
154. YWCA Nederland, Utrecht, Netherlands
155. Zšvůle práva, Prague, Czech Republic
156. ZARA-Zivilcourage und Anti-Rassismus-Arbeit, Vienna, Austria