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Warning over European Court of Human Rights reforms

European leaders must protect the independence and integrity of the European Court of Human Rights, Amnesty International said today after an inter-governmental conference examining proposed reforms to the Court.

"The European Court of Human Rights – though challenged by an increasing backload of cases – remains the jewel in the crown of the human rights protection system in Europe," said Avner Gidron, Senior Policy Advisor at Amnesty International.

"States must not allow the ongoing process of reforming the Court to be used to address grievances against particular aspects of the Court's rulings."

Government representatives of the 47 member states of the Council of Europe gathered in Izmir, Turkey this week to discuss the future of the Court, including potentially damaging changes such as imposing fees on applicants and additional admissibility criteria.

"Individuals' access to the Court must be maintained, not curtailed by forcing applicants to pay to have their human rights cases heard or adding new admissibility criteria," said Avner Gidron.

Restricting individuals' access to the Court would be unprecedented, ill-advised and risk undermining the protection of human rights in Europe. Fees would impose an additional barrier to justice which would be insurmountable to some, potentially leaving them without remedy for grievous violations."

Amnesty International is among some 270 NGOs across Europe that have signed a petition opposing the imposition of fees.

"Measures to secure the long-term effectiveness of the Court are required. But it would be wrong to treat the right of individuals to apply directly to the Court as the cause of the problems faced by the Court when this is the very reason for its existence." said Avner Gidron.

The Court was set up in 1959 to enforce – through binding judgments – the European Convention on Human Rights, which all of the 47 member states of the Council of Europe are obliged to respect.

Since its establishment, the Court has delivered more than 11,000 judgments ruling that states have failed to honour their obligations under the Convention.

Background

The right of some 800 million people to turn to the Court – after they have exhausted available remedies at the national level – claiming that their rights under the European Convention have been violated, lies at the heart of the system of the protection of human rights in Europe.

While reaffirming the attachment to the right of individual petition as a cornerstone of the Convention,

the Izmir Declaration and Follow-up Plan, adopted at the end of the Izmir Conference, worryingly invites the Council of Europe's highest decision making body, the Committee of Ministers, to continue examining a proposal to charge fees to people who apply to the Court as well as other procedural rules and admissibility criteria.

Amnesty International is urging states to review and improve measures to ensure enhanced implementation of the Convention, full and timely compliance with the Court's judgments and effective remedies at the national level.

Such action would mean better respect for human rights and that individuals will have less need to apply to the Court to seek redress.

Together with NGO partners Amnesty International had called on member states in advance of the Izmir Conference to respect the integrity and authority of the Court, to protect the right of individual application, to enhance national implementation of the Convention and to ensure adequate financial resources for the Court..

For further information see:

□ [Joint statement for the High Level Conference on the future of the European Court of Human Rights, Izmir, Turkey \(26-27 April 2011\)](#), 19 April 2011

□ [European Court of Human Rights: Civil society petition Fees: a barrier to justice](#) (with list of signatories as of 19 April 2011)