



18 November 2013

## **LONGER-TERM FUTURE OF THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND THE EUROPEAN COURT OF HUMAN RIGHTS**

Open call for information, proposals and views

### **Context and purpose**

The Council of Europe's Committee of experts on the reform of the European Court of Human Rights is holding an open call for information, proposals and views on the issue of the longer-term reform of the system of the European Convention on Human Rights and the European Court of Human Rights.

This process follows on from the [Brighton Declaration](#), adopted at a High-level conference in April 2012, and is intended to respond to the following invitations to the member States (which should be read and understood in the context of the Declaration as a whole):

- consider the future of the Convention system, this consideration encompassing future challenges to the enjoyment of the rights and freedoms guaranteed by the Convention and the way in which the Court can best fulfil its twin role of acting as a safeguard for individuals whose rights and freedoms are not secured at the national level and authoritatively interpreting the Convention;
- carry out a comprehensive analysis of potential options for the future role and function of the Court, including analysis of how the Convention system in essentially its current form could be preserved, and consideration of more profound changes to how applications are resolved by the Convention system with the aim of reducing the number of cases that have to be addressed by the Court;
- initiate comprehensive examination of:
  - the procedure for the supervision of the execution of judgments of the Court, and the role of the Committee of Ministers in this process; and
  - the affording of just satisfaction to applicants under Article 41 of the Convention;
- secure the participation and advice of external experts in order to provide a wide range of expertise and to facilitate the fullest possible analysis of the issues and possible solutions.

The process is therefore deliberately intended to be **open and inclusive**, allowing questions to be raised and examined concerning all aspects of the Convention system and the Court.

Information, proposals and views received through this process, along with other material, will initially be examined by a group composed of national experts, appointed by governments of Council of Europe member States, and 'external' experts. The results of this work will eventually be included in a report of the Steering Committee for Human Rights (CDDH), to be submitted by 15 April 2015 to the Council of Europe Committee of Ministers.



## Procedure

The consultation process is **open to everyone**, subject to certain basic procedural requirements:

- Contributions should be submitted in **English or French**, the official languages of the Council of Europe. Contributions in other languages will not be taken into account.
- Contributions should be submitted on the **form attached** to this document and provide **all requested information**.
- Contributions should be accompanied by a **brief summary** (200 words maximum) of the main points raised.
- Where possible, contributors should indicate, from amongst the suggested list, the **topic(s)** to which their contribution seems most relevant.
- Contributors may **presume technical expertise** on the part of their audience and need not give explanations of common concepts.
- Contributions should address questions of **general policy**. Contributions that relate to individual Court cases, past or present, will not be taken into account.
- Contributions should be **as short as possible**. They need not include details of the contributor's experience, expertise or qualifications; this information may be provided on the form. For any given content, the more concise the contribution, the greater will be its likely impact.
- Contributions should be **self-contained** and not include additional material in appendices or attachments; if submitted, these will not be taken into account.
- Contributions should be presented in **Word format**, in a single document with the attached form, and submitted by email to this [address](#).

In principle, all contributions received will be **published** on the website [www.coe.int/reformechr](http://www.coe.int/reformechr). Please indicate on the form if you do not wish your contribution to be published.

The group of experts may invite persons whose contributions it finds particularly interesting to **participate** further in its work, either through follow-up questions or by way of attendance at a day's meeting (probably in Strasbourg, France). Please indicate on the form whether or not you would be willing to participate further in response to follow-up questions or an invitation to attend a meeting.

**The deadline for submitting contributions is mid-day (12 p.m., French local time) on Monday 27 January 2014.** Contributions received after that will not be taken into account.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**LONGER-TERM FUTURE OF  
THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND  
THE EUROPEAN COURT OF HUMAN RIGHTS**

Open call for information, proposals and views: **submission form**

<b>Name (surname, forename):</b>	Anstead, Alan
<b>E-mail address:</b>	alan@ukren.org
<b>Nationality/ country of residence:</b>	United Kingdom
<b>Relevant qualifications/ experience:</b>	Co-ordinator of the UK Race and Europe Network (UKREN), former legal adviser at the European Roma Rights Centre
<b>Please indicate whether you are acting in an individual capacity or on behalf of an organisation; if the latter, please indicate which:</b>	On behalf of UK Race and Europe Network (UKREN), a network of 160 local and national organisations across Great Britain and Northern Ireland that works to combat race discrimination within a European context.
<b>Check this box if you do not wish your contribution to be published by the Council of Europe:</b>	
<b>Check this box if you do not agree to receiving follow-up questions concerning your contribution:</b>	
<b>Check this box if you would not be willing, if invited, to attend a meeting to discuss your contribution further:</b>	
<b>Summary of the main points (200 words maximum):</b>	The European Convention on Human Rights and the European Court of Human Rights provides an important human rights standard that is applicable to the work of NGOs helping individuals fight discrimination on the grounds of race, ethnicity, religion and faith.



<b>Check the box(es) of the topic(s) that correspond most closely to the content of your contribution:</b>	Future challenges to the Convention system	X
	Subsidiarity	
	Implementation of the Convention at national level	X
	Execution of Court judgments	X
	Council of Europe technical support and assistance to States	
	Mechanisms required at the European level to ensure effective protection of individual rights and authoritative interpretation of the Convention	
	Margin of appreciation	
	Interaction between the Court and national judicial systems	
	Role of the Court in interpreting the Convention	X
	Right of individual application to the Court/ right to a judicial decision	X
	Admissibility criteria	
	Clearly inadmissible applications	
	Repetitive applications	
	Alternative dispute resolution	
	Restoring the position of the victim of a violation (including the award of just satisfaction (compensation) by the Court)	
	Rules of Court	
	Internal organisation of the Court (including the case-management system)	
	Status and judicial composition of the Court	
	Supervision of the execution of Court judgments: role of the Committee of Ministers	
	Supervision of the execution of Court judgments: powers and procedure	
Other issues/ none of the above	X	

**CONTRIBUTION:**



## **Longer-term future of the system of the European Convention on Human Rights and the European Court of Human Rights**

The UK Race and Europe Network (UKREN) is a network of 160 local and national organisations across Great Britain and Northern Ireland that works to combat race discrimination within a European context.

Our members value the European Convention on Human Rights and the European Court of Human Rights. As our members primary concern is the impact of race discrimination our comments on this call for information and views relate primarily to the race equality provisions and also to those concerning discrimination on grounds of religion or belief.

The European Convention on Human Rights and the European Court of Human Rights provides a recognised and understood set of human rights principles and a mechanism for remedy when national legal systems fail, for individuals that our member NGOs support in their anti-racial discrimination work.

UKREN considers that the Court's significant results in its 60 years of existence, 10,000 judgements, provides ample evidence that its role is necessary. These cases have led to many positive and beneficial changes in law and policy across Europe. We believe that it is not just the human rights of individuals that would be at stake should the role of the Convention and Court be diminished, but also the functioning of democratic institutions and the rule of law in Council of Europe member state countries.

UKREN finds that 70,000 submissions to the Court every year is a significant number and we believe that the Court should consider greater prioritisation of cases in relation to the significance and urgency of the alleged human rights violation, and increased use of existing well-established case law to judge common complaints to the Court, such as national courts taking so long that this results in a right to fair trial submission to the European Court of Human Rights. The Council of Ministers meetings at the Council of Europe may be a mechanism in which greater diplomatic pressure could be brought to bear on Russia, Turkey, Italy, Ukraine, Romania, Poland and Bulgaria to change domestic legislation so that human rights are afforded greater protection. The vast number of cases submitted from applicants from these countries might then be reduced.

UKREN recalls that Britain had a proud role in the drafting of the Convention, and finds that the rhetoric from some political parties in the UK about withdrawing from the Convention to be vote-catching political posturing in a situation before elections (European Parliament in 2014 and national elections in 2015) in which no party commands a lead in support and all suffer from perceived lack of trust from the electorate.

For UKREN's 160 member organisations that are working to combat discrimination on the grounds of race and ethnicity and religion or faith, the Convention provides a supremely important international human rights standard that is directly applicable to their work.