



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

**Statement of 15 April 2012
concerning the Brighton Declaration
on the Reform of the European Court of Human Rights**

The Conference of International Non Governmental Organisations (INGOs) of the Council of Europe, represented by its President,

Recalls the inherent dignity of every human being and the signatory governments' "profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend" (cf. Preamble of the European Convention on Human Rights);

Is determined to maintain the outstanding mechanism for the protection of human rights by the European Court of Human Rights which ensures effective compliance with the European Convention on Human Rights and is accessible to all persons under the jurisdiction of one of the 47 member States of the Council of Europe;

Recognises that, in keeping with the principle of subsidiarity, primary responsibility for implementation of the Convention rights and freedoms lies with the States Parties, and therefore

Welcomes the reiterated commitment of the States Parties' to fully implement the Convention and to develop well-designed measures and procedures for all branches of the State to improve the implementation at national, regional and local level;

Suggests ensuring civil participation for the elaboration and conduct of policies and practices to be taken to improve the implementation of the Convention, and offers its contribution to that end;

Welcomes the decision to abandon proposals which we opposed, like fees for applicants, compulsory legal representation, sanctions in futile cases and sunset clauses;

Is deeply concerned by proposals of measures which would undermine the Court's independence, authority and supervisory role or restrict the right of individual application which is at the heart of the European human rights protection system and must remain its cornerstone, and therefore

Strongly urges the contracting parties to refrain from the following measures:

- additional admissibility requirements like the criterion declaring inadmissible applications that are substantially the same as a matter already examined by a national court taking into account the Convention,

- reducing the existing 6 month time limit for making an application as it would not let sufficient time for comprehensive preparation and therefore be counterproductive to the Court's effectiveness and would discriminate against the socially vulnerable or isolated and the economically weak,

- the incorporation of the principles of subsidiarity and margin of appreciation into the Convention as this would in fact signify a restriction of the Convention rights and also be in flagrant contradiction to the spirit and the Preamble of the Convention which, precisely, recognises that "a common understanding and observance of the human rights" is needed.