



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

**Recommendation adopted on 27 January 2012
CONF/PLE(2012)REC1**

The Reform of the European Court of Human Rights

The Conference of International Non Governmental Organisations (INGOs) of the Council of Europe, meeting in Strasbourg on 27 January 2012

Being 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;

Taking into account the work carried out by the Steering Committee for Human Rights (CDDH) and the Committee of Experts on the Reform of the Court (DH-GDR);

Bearing in mind the Ministerial Conference on the reform of the Court to be held in Brighton in April 2012;

Recognising that, in keeping with the principle of subsidiarity, primary responsibility for implementation of the fundamental rights and freedoms enshrined in the European Convention on Human Rights lies with the States, and that it is up to the Court to ensure respect by States of their obligations under the Convention;

Adopts the following positions:

- welcomes the principle of establishing a mechanism empowering the Court to give advisory opinions;
- reiterates its strong opposition to the proposal to impose fees on applicants to the Court as previously expressed in its recommendation of 27 January 2011;
- rejects the proposal requiring compulsory legal representation from the beginning of an application even in the event of a decision to grant legal aid to persons who do not have sufficient income;
- deplores the proposal to apply sanctions in futile or abusive cases because it would discriminate against the economically weak and could deter would-be applicants who are genuinely victims of a violation;
- considers that the proposal to introduce a new admissibility criterion declaring inadmissible applications that are substantially the same as a case already examined by the national jurisdiction applying the Convention would be an unacceptable restriction of the right of individual petition to the Court;
- strongly opposes the proposal that an application should be automatically struck off the Court's list of cases after a certain period of time, unless during that period the

Court has invited the State concerned to submit observations, because this would be arbitrary and incompatible with the very foundations of any jurisdiction as well as detrimental to the right of individual petition and the authority of the Court.

The Conference of INGOs consequently,

calls on the Committee of Ministers of the Council of Europe and the April 2012 Ministerial Conference on reform of the Court to take fully into account the positions expressed above;

urges INGOs enjoying participatory status with the Council of Europe to alert all those responsible for the protection of Human Rights in their respective countries, where appropriate through their national sections, about the contents of this Recommendation and the vital issues which are at stake.

Recommendation proposed by the Human Rights
Committee of the Conference of INGOs