

JUSTICE PRESS RELEASE

JUSTICE
59 Carter Lane
London
EC4V 5AQ
(020) 7329 5100
www.justice.org.uk

FOR IMMEDIATE RELEASE: TUESDAY 6 MARCH 2012

JUSTICE criticises UK shopping list of reforms for the European Court of Human Rights

This week, as diplomats gather in Strasbourg to begin negotiations on the future of the European Convention on Human Rights, JUSTICE – together with other leading international NGOs – publishes its critical response to the Draft Brighton Declaration.

While we welcome the call in the leaked Draft for individual States to do more to secure the protection of human rights at home, we regret that marginalising the European Court of Human Rights is at the heart of the UK's proposals.

The UK – chairing the negotiations - wants to bar all individual cases from the Court except where domestic courts have “clearly erred”. This proposal is designed to create a twin-track approach to the protection of human rights in Europe which cannot work in practice.

- The Strasbourg Court has played a major role in advancing civil liberties and human rights at home and in Europe over the past 50 years.
- Opening its doors to 47 different States, the Court has been a victim of its own success. New mechanisms for improving filtering of cases and increasing efficiency are working well, and faster than expected.
- The Court will have cleared its backlog by 2015 and is processing cases faster than ever. Yet, its budget has not increased in real terms since 2009.
- The real burden on the Court is the failure of some countries to take their obligations under the Convention seriously by protecting rights effectively at home.
- The changes to the Court proposed in the Draft are unnecessary and detract from the need to encourage individual States to improve domestic mechanisms to ensure people do not need to ask Strasbourg for a remedy.

Angela Patrick, JUSTICE's Director of Human Rights Policy said:

The UK shopping list of proposals tells the world that our Government believes in an unworkable and divisive “us and them” approach to rights.

Trying to reshape the Strasbourg Court to fit the domestic political agenda in the UK undermines our commitment to the international rule of law. We urge everyone at the negotiating table to exercise caution.

For further comment, please contact Angela Patrick, JUSTICE's Human Rights Policy Director, on 020 7762 6415 (direct line) or apatrick@justice.org.uk.

Notes for editors

1. The Joint NGO submission is available here: <http://www.justice.org.uk/news.php/73/justice-and-other-leading-ngos-criticise-uk-proposals-for-strasbourg-reform>. The organisations which have signed up to the joint response include: JUSTICE, Amnesty International, Interrights, EHRAC and Liberty.
2. Meetings on the negotiations for the draft Brighton Declaration began on 5 March 2012. Preparations for a second draft continue during this week, with the second round of negotiations on 15 March 2012.
3. Roger Smith, Director of Justice wrote to The Times, on Monday 5 March 2012, urging diplomatic leaders to exercise caution over the proposed reforms, in light of the possible long-term impact of the proposed changes on the rule of law and the commitment to the protection of universal human rights standards in Europe and beyond. He said

“The UK, as a major European power, has a real interest in promoting the rule of law and the respect for human rights from Portugal in the west to Russia in the east. The UK’s proposals, however, seek to rip the heart out of the court, essentially changing its role from enforcer to adviser.”

A copy of this letter is available on the JUSTICE website, here:

<http://www.justice.org.uk/news.php/74/justice-calls-for-caution-on-the-uk-proposals-for-strasbourg-reform-letter-to-the-times>.

4. A copy of the Draft Brighton Declaration has been leaked and published online: <http://www.guardian.co.uk/law/interactive/2012/feb/28/echr-reform-uk-draft>. The text has been presented as an official Committee of Ministers document. This and subsequent drafts will only be made publicly available if agreed, either this morning, or at a later meeting in the negotiation process.

Chairman of Council **Baroness Kennedy of The Shaws QC** *Director* **Roger Smith OBE**

JUSTICE Registered Charity No 1058580

A company limited by guarantee and registered in England No 3216897 Registered office as above

British Section of the International Commission of Jurists