Recommendation 970 (1983)[1]

Cases brought under the European Convention on Human Rights

Parliamentary Assembly

The Assembly,

1. Recalling the fundamental importance of the European Convention on Human Rights ;

2. Considering that the convention provides, in Article 25, the possibility for any person and for groups of individuals to make applications to the European Commission of Human Rights, and that this provision has become the cornerstone of the protection of human rights in Europe ;

3. Recalling that, in their Declaration on Human Rights of 27 April 1978, the member states of the Council of Europe expressed their belief that "it is of paramount importance that the institutions established by the European Convention on Human Rights remain an effective instrument for ensuring the observance of the engagements which result from it" ;

4. Noting that the number of individual applications registered with the Commission has risen considerably in recent years and continues to rise ;

5. Noting that the Committee of Ministers, in its reply to Written Question No. 240, admits that, "for a large proportion of applications declared admissible by the European Commission of Human Rights, the total duration of proceedings ... is more than three years" ;

6. Fearing that these delays are bringing the convention and its procedures into disrepute ;

7. Believing that the existing structures of the Commission, which were established some thirty years ago, need to be reviewed with a view to coping adequately with the present workload ;

8. Considering that such a review should include the desirability of dividing the Commission into two or three chambers and the need for an increase of the Secretariat's staff and improvement in its working methods ;

9. Considering that some member states do not give adequate priority to carrying out the tasks associated with applications registered with the Commission ;

10. Considering also that it is important for members of the Commission to participate fully in the Commission's work ;

11. Noting that the Steering Committee for Human Rights and a committee of experts are currently examining ways of improving the procedure under the European Convention on Human Rights,

12. Recommends that the Committee of Ministers :

12.1. give high priority to the work on the improvement of procedure under the European convention and to the efficiency of the Secretariat, in particular by :

a. considering the desirability of taking the advice of a management consultant,

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1. Assembly debate on 28 September 1983 (13th Sitting) (see Doc. 5102, report of the Legal Affairs Committee). Text adopted by the Assembly on 28 September 1983 (13th Sitting).

b. increasing the staff serving the Commission and improving the possibilities for promotion,

c. making the capacity of the translation and printing services commensurate with demand ;

12.2. more particularly as regards the European Commission, envisage the drawing up of an amending protocol to the convention stipulating, inter alia, that :

a. the Commission shall be divided into two or three chambers for the examination of applications submitted under Article 25 of the convention,

b. members of the Commission shall not hold any office which could hinder their full participation in the Commission's work or which is incompatible with the principle of the separation of powers,

c. they should have sufficient time to devote to the duties that membership of the Commission implies ;

12.3. urge member states to respect scrupulously the time-limits laid down for the submission of information, observations or evidence on applications pending before the Commission.