Recommendation 1194 (1992)[1]

Reform of the control mechanism of the European Convention on Human Rights

Parliamentary Assembly

1. The Assembly recalls its Recommendation 1087 (1988) on the improvement of the procedures of the European Convention on Human Rights.

2. It notes that the number of Council of Europe member states has risen to twenty-seven and will continue to rise in the next few years and that a considerable increase in the number of applications submitted to the Commission and to the Court is thus to be expected.

3. It expects that the number of individual applications will increase disproportionately to the population of the new member states as, contrary to older member states, the Council of Europe's system for the protection of human rights constitutes for them an important element for the building-up of fundamental rights, democracy and the rule of law.

4. It maintains that the real test for its system for the protection of human rights is still to come and that the reform of the control mechanism of the Convention is therefore of the utmost importance for the Council of Europe.

5. In this respect it may be useful to take into account Assembly Recommendation 1183 (1992) on access by European non-member states to institutions operating under certain Council of Europe conventions relating to human rights.

6. The Assembly also takes into account the report of its Committee on Legal Affairs and Human Rights (Doc. 6659) and the results of the hearing which the committee organised on 15 June 1992 in Strasbourg.

7. The Assembly now expresses its conviction that the reform of the control mechanism of the European Convention on Human Rights can no longer be postponed.

8. The Assembly therefore recommends that the Committee of Ministers :

   8.1. take the necessary steps to reform the control mechanism of the European Convention on Human Rights without delay ;

   8.2. in doing so, give clear preference to the proposal to create a single court as a full-time body in place of the existing Commission and Court ;

   8.3. refrain from opting for a temporary solution that would further delay the necessary reform.

1. Assembly debate on 6 October 1992 (18th Sitting) (see Doc. 6659, report of the Committee on Legal Affairs and Human Rights, Rapporteur : Mr Vogel). Text adopted by the Assembly on 6 October 1992 (18th Sitting).