



Resolution 2055 (2015)¹

The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the initiative taken by the authorities of the United Kingdom in organising the High-Level Conference on the Future of the European Court of Human Rights, held in Brighton on 19 and 20 April 2012, and the adoption, at the Conference, of the Brighton Declaration. It acknowledges the contribution of the Brighton Conference to maintaining the impetus of the reform process initiated by the Interlaken Conference in 2010 and the Izmir Conference in 2011.
2. The Assembly welcomes the renewed commitment by member States, in the Brighton Declaration, to ensure the long-term effectiveness of what is the most advanced regional human rights protection mechanism in the world, and the States' recognition of their responsibility, shared with the European Court of Human Rights ("the Court"), for the effective implementation of the European Convention on Human Rights (ETS No. 5, "the Convention").
3. The Assembly underscores the extraordinary contribution made by the Court to the protection of human rights in Europe for half a century. It congratulates the Court on the progress it has made in decreasing the backlog of pending applications and increasing its efficiency.
4. At the same time, the Assembly deplores the fact that this progress has not been accompanied by corresponding positive developments in the States Parties to the Convention. It notes with concern that the main challenges facing the Court, most notably the high number of repetitive applications and persistent human rights violations of a particularly serious nature, reveal a failure by certain High Contracting Parties to discharge their obligations under the Convention.
5. The Assembly therefore reiterates its call to member States to reinforce the principle of subsidiarity, by more effectively embedding Convention standards into their domestic legal order and enhancing the authority of the Court's case law.
6. In this regard, the Assembly urges national parliaments to use their potential to oversee the implementation of Convention standards, including by supervising the execution of the Court's judgments at the national level. It reiterates its previous calls, made in [Resolution 1516 \(2006\)](#) on the implementation of judgments of the European Court of Human Rights, [Resolution 1726 \(2010\)](#) on the effective implementation of the European Convention on Human Rights: the Interlaken process, and [Resolution 1823 \(2011\)](#) on national parliaments: guarantors of human rights in Europe, that those member States which have not yet done so should devise dedicated mechanisms and procedures for examining whether legislation is compatible with Convention standards, and for ensuring effective oversight of the implementation of the Court's judgments.

1. *Assembly debate* on 24 April 2015 (18th Sitting) (see [Doc. 13719](#) and [addendum](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Yves Pozzo di Borgo). *Text adopted by the Assembly* on 24 April 2015 (18th Sitting).

See also [Recommendation 2070 \(2015\)](#).



7. The Assembly encourages those member States that have not yet done so to sign and ratify amending Protocol No. 15 to the Convention (CETS No. 213), while confirming its position, expressed in [Opinion 283 \(2013\)](#) on the draft Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms, that the reference to the margin of appreciation doctrine must be understood to be consistent with the doctrine developed by the Court in its case law.

8. The Assembly also invites member States to sign and ratify additional Protocol No. 16 to the Convention (CETS No. 214), which will strengthen the link between the European Court of Human Rights and the States' highest courts by creating a platform for judicial dialogue, thereby facilitating the application of the Court's case law by national courts.

9. The Assembly regrets that the Committee of Ministers has to date failed to respond to its call, last made in [Recommendation 1991 \(2012\)](#) on guaranteeing the authority and effectiveness of the European Convention on Human Rights, for the Council of Europe's difficult budgetary situation to be tackled at the highest political level. It calls on the Secretary General to take all possible action in this respect.

10. The Assembly fully supports the conclusions of the Brighton Declaration, in which member States confirmed their commitment to uphold the right of individual application to the Court and to comply with their obligation to abide by its judgments. It resolves to continue to monitor closely steps taken and progress made in guaranteeing the long-term viability of the Convention system.