

Recommendation 1087 (1988)¹

Improvement of the procedures of the European Convention on Human Rights

Parliamentary Assembly

The Assembly,

1. Welcoming the great strides made by the European Convention on Human Rights, in particular through the extension of the rights guaranteed by it and the acceptance of the right of individual petition by all Council of Europe member states, as well as through the growing awareness of the convention among the public and lawyers ;
2. Paying tribute to the exceptional part played by the European Court and Commission of Human Rights in the protection of human rights in Europe ;
3. Considering that, particularly as a result of the disturbing overburdening of the Commission and Court, the length of proceedings in cases brought by individuals has become excessively long ;
4. Being anxious to preserve and reinforce the judicial nature of the protection afforded by the organs of the convention, and to improve such protection in cases brought by individuals ;
5. Stressing that the procedural safeguards and rights granted to the applicants under the convention, as they now stand, should not be weakened by any attempt to improve the efficiency of the proceedings ;
6. Recalling Protocol No. 8 and the need for member states to ratify it as soon as possible ;
7. Wishing to bring to a political level the discussions on the proceedings of the 2nd Seminar on International and European Law on the merger of the European Court and Commission of Human Rights held at Neuchâtel on 14 and 15 March 1986, and of the parliamentary hearing held by its Legal Affairs Committee in Strasbourg on 30 May 1988 ;
8. Convinced that practical measures are urgently needed to improve the functioning of the organs of the convention ;
9. Believing that studies should be made to further amending the convention in regard to the protection of human rights, and in particular to the powers and functioning of its organs ;
10. Convinced that it is particularly important to consider the possibility of replacing the Commission and Court by a single court with full-time judges resident in Strasbourg, while weighing carefully the arguments for and against ;
11. Recalling its Recommendations 970 (1983) on cases brought under the European Convention on Human Rights, and 1020 (1985) on the desirability of empowering the European Court of Human Rights to give preliminary rulings at the request of a national court,

1. Assembly debate on 7 October 1988 (15th Sitting) (see [Doc. 5946](#), report of the Legal Affairs Committee, Rapporteur : Mr Linster). Text adopted by the Assembly on 7 October 1988 (15th Sitting).



12. Recommends that the Committee of Ministers hasten the application of such measures as may be taken in the short and medium term without amending the convention to expedite the work of the convention organs, and in particular to take as soon as possible such institutional and budgetary decisions as will enable the European Commission of Human Rights to sit semi-permanently, and to study the consequences which this measure will have for the functioning of the Court ;
13. Recommends that the Committee of Ministers speed up work to recognise the right of individual petitioners to bring cases before the European Court of Human Rights ;
14. Recommends that the Committee of Ministers consider the possibility of merging the European Court and Commission of Human Rights, while weighing carefully the arguments for and against, and consult the European Commission and Court of Human Rights and the Assembly on the reform envisaged.