Committee of Ministers: Copenhagen Declaration on reform of the European Convention on Human Rights system

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On 13 April 2018, the Copenhagen Declaration on the reform of the European Convention on Human Rights (ECHR) system was adopted following a High Level Conference in Copenhagen on 12 and 13 April 2018, under the Danish Chairmanship of the Committee of Ministers of the Council of Europe. The purpose of the Declaration is to address challenges facing the ECHR system and to find ways to improve the system.

The Declaration begins with the States Parties to the ECHR reaffirming their deep and abiding commitment to the ECHR. Importantly, the State Parties reaffirm their strong attachment to the right of individual application to the European Court of Human Rights (ECtHR) as a cornerstone of the system for protecting the rights and freedoms set forth in the ECHR. The ECHR system has made an extraordinary contribution to the protection and promotion of human rights and the rule of law in Europe. However, there is an ongoing reform process to ensure the system's viability, with State Parties underlining the need to secure an effective, focused and balanced ECHR system, where they effectively implement the ECHR at national level, and where the ECtHR can focus its efforts on identifying serious or widespread violations, systemic and structural problems, and important questions of interpretation and application of the ECHR.

Having regard to the reform process, the Declaration includes a number of recommendations on key issues facing the ECHR. First, the Declaration discusses the concept of "shared responsibility", which aims at achieving a balance between the national and European levels of the ECHR system. In this regard, the Declaration reiterates that strengthening the principle of subsidiarity is not intended to limit or weaken human rights protection, but to underline the responsibility of national authorities to guarantee the rights and freedoms set out in the ECHR. The second issue is that of the effective national implementation of the ECHR. The Declaration calls upon the States Parties to continue strengthening the implementation of the Convention at national level, including by checking, in a systematic manner and at an early stage of the process, the compatibility of draft legislation and administrative practice in the light of the ECtHR's jurisprudence.

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Thirdly, on the execution of judgments, the Declaration reiterates that the States Parties have undertaken to abide by the final judgments of the Court in any case to which they are party, and strongly encourages the Committee of Ministers to continue to use all the tools at its disposal when performing the important task of supervising the execution of judgments. Fourthly, the Declaration turns to the role of the ECtHR, and notably welcomes the further development of the principle of subsidiarity and the doctrine of the margin of appreciation by the ECtHR in its jurisprudence. The Declaration underlines that for a system of shared responsibility to be effective, there must be good interaction between the national and European level. In this regard, the Declaration includes a number of specific recommendations, including inviting the ECtHR to adapt its procedures to make it possible for other States Parties to indicate their support for the referral of a Chamber case to the Grand Chamber when relevant, and encourages the ECtHR to support increased third-party interventions. The Declaration also makes a number of further recommendations concerning the ECtHR's case load, the selection of judges, and on the accession of the European Union to the ECHR. On this latter point, the Conference calls upon the European Union institutions to take the necessary steps to allow the process foreseen by Article 6 section 2 of the Treaty of the European Union to be completed as soon as possible. Finally, the Conference invited the States Parties, the ECtHR, the Committee of Ministers, the Parliamentary Assembly and the Secretary General of the Council of Europe to give full effect to the Declaration

The High Level Conference meeting in Copenhagen on 12 and 13 April 2018 at the initiative of the Danish Chairmanship of the Committee of Ministers of the Council of Europe, "Copenhagen Declaration", 13 April 2018

https://rm.coe.int/copenhagen-declaration/16807b915c

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