

**Question for oral answer O-000036/2012
to the Council**

Rule 115

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on behalf of the ALDE Group

Subject: EU accession to the ECHR and ECtHR reform

The European Convention on Human Rights (ECHR) was created from the ashes of the Second World War in order to safeguard democracy, the rule of law, human rights and fundamental freedoms in Europe. It enables individuals to bring governments responsible for violations of fundamental rights to account before a European court.

The EU has always accorded the greatest importance to the ECHR, as demonstrated by the fact that a state must become a member of the Council of Europe and sign up to the ECHR as a precondition to EU accession. Furthermore, the EU has long sought to join the ECHR, which it is now obliged to do under Article 6 TEU (which states that 'the Union shall accede to the ECHR'). The EU has also established the EU Charter of Fundamental Rights, which is applicable to EU institutions and Member States when implementing EU law.

The European Commission has been negotiating with the Council of Europe on the EU's accession to the ECHR. A draft agreement was reached, but this is now being contested by some European governments, with the result that the whole process of accession is being put at risk.

At the same time, the UK Government, currently holding the Presidency of the Council of Europe, has announced that it will focus on further reforms of the European Court of Human Rights (ECtHR)¹. The President of the ECtHR stressed the responsibility of state parties to ensure that judgments are enforced², while the Parliamentary Assembly of the Council of Europe added that states should address structural/systemic problems and strengthen the ECtHR to ensure its efficacy³.

- Can the Council provide information on the state of play of negotiations on EU accession to the ECHR and the contents of the draft agreement, as well as information on the proposals put forward, discussions taking place and positions adopted in the Council?
- What is the planned timeline for EU accession to the ECHR?
- What are the proposals and positions of the EU and of its Member States within – and in relation to – the Council of Europe bodies on the accession and reform of the ECtHR? Are Member States taking a common EU line on the basis of Articles 2 and 6 of the TEU?
- What actions will it take to strengthen the ECHR system and to encourage Member States to execute ECtHR judgments, including by reviewing structural/systemic problems?

Tabled: 15.2.2012

¹ The reform process launched years ago led to the adoption of Protocol 14, the Interlaken and Izmir declarations; it led to concrete reforms of the ECtHRs, such as giving priority to fundamental cases and strengthening procedures to identify unfounded applications. Speech at: <http://www.number10.gov.uk/news/european-court-of-human-rights/>.

² <http://www.independent.co.uk/opinion/commentators/nicolas-bratza-britain-should-be-defending-european-justice-not-attacking-it-6293689.html>.

³ <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc12/EDOC12811.htm>,
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta12/ERES1856.htm>,
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta12/EREC1991.htm>.

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