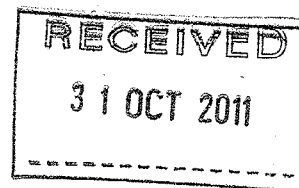




Foreign &
Commonwealth
Office

27 October 2011

Dr Hywel Francis MP
Chairman
Joint Committee on Human Rights
House of Commons
SW1A 2AH



King Charles Street
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Minister for Europe

Dear Hywel

UK CHAIRMANSHIP OF THE COUNCIL OF EUROPE

In my written statement of 26 October I outlined how the Government intends to approach the UK's Chairmanship of the Council of Europe, which begins on 7 November.

You will be aware of the importance which the Foreign Secretary and the Justice Secretary attach to the reform of the European Court of Human Rights. My statement highlighted this, and the other areas where we believe there is important work which we can take forward.

In particular, we will:

- actively support the Secretary General's programme of reforms to the organisation;
- promote freedom of expression on the internet;
- work to combat discrimination on the grounds of sexual orientation and gender identity;
- work towards more an effective and efficient role for the Council of Europe in supporting local and regional democracy;
- support the strengthening on the rule of law in member states.

Further detail can be found in my written statement and our priorities document, which are enclosed.

I would be very happy to offer further briefing in person to Committee, if members would find it helpful.

RT HON DAVID LIDINGTON MP

Council of Europe (UK Chairmanship)

The Minister for Europe (Mr David Lidington): On 7 November, the UK takes over from Ukraine the chairmanship of the Committee of Ministers of the Council of Europe. The chairmanship is a rare opportunity for the UK to play a leading role in the vital work of the Council of Europe in promoting rights, democracy and rule of law across the continent.

The Council of Europe is dedicated to the protection and promotion of human rights, the rule of law and democracy across 47 countries and 800 million citizens. The UK was a founder member in 1949, and the first country to ratify the European convention on human rights (ECHR), the Council of Europe's best-known

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instrument, two years later. The ECHR was developed in post-war Europe to try to offer people basic protections from tyranny—such as the right to life, freedom from torture and freedom of speech. These rights are still fundamentally important today.

Yesterday I met Thorbjørn Jagland, Secretary-General of the Council of Europe, to discuss the UK's chairmanship priorities. I am pleased to say that he supports fully our proposals. Each incoming chairmanship issues a priorities document shortly before their tenure begins. I have now done so and have placed a copy in the Library of the House.

The overarching theme of our chairmanship will be the protection and promotion of human rights. The Government have repeatedly made it clear that human rights are central to their foreign policy. We aim to be an example of a society that upholds human rights and democracy, and we are committed to strengthening the rules-based international system.

First and foremost, we will drive forwards the ongoing programme of reform of the European Court of Human Rights. The Court is an essential part of the system for protecting human rights across Europe. But it is struggling with its huge, growing backlog of applications—now over 155,000. At times it has been too ready to substitute its own judgment for that of national courts and Parliaments. This situation undermines the Court's authority and effectiveness.

Concrete measures to improve the Court's efficiency are urgently required. Moreover, it should be focusing on areas where the convention is not being properly applied or there is a need at European level for authoritative guidance on the correct interpretation of the convention. Where member states are applying the convention effectively, the Court should intervene less.

With the joint leadership of my right hon. Friend the Secretary of State for Justice, under our chairmanship we will seek agreement to a package of reforms which would: help deal with the Court's backlog; support better implementation of the convention at national level; introduce new rules or procedures to help ensure that the Court plays a subsidiary role where member states are fulfilling their obligations under the convention; and help to ensure the best possible procedures for selecting judges to the Court and promote consistency of judgments.

Reform requires the agreement of all 47 member states. We will accord the highest political priority to securing consensus to the necessary reforms by means of a political declaration at the end of our chairmanship. This declaration will set out the agreements we have reached on the reforms to be implemented, including—where necessary—by amendments to the procedural sections of the convention.

In addition, I have assured the Secretary-General that the UK will actively support his programme of reforms of the Council of Europe. We will work towards implementation of measures which will help to deliver more focused, streamlined and effective organisation and a more efficient budget.

The UK chairmanship will also give priority to a range of initiatives where we believe the Council of Europe can help to advance the UK's foreign policy objectives:

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we will promote an open internet, not only in terms of access and content but also freedom of expression. This is an important policy priority for the UK and one of the issues being addressed at the cyber conference being hosted in London by the Foreign Secretary on 1 November. We will support the adoption of the draft Council of Europe strategy on internet governance, and the implementation of the principles it has adopted to uphold freedom of expression on the internet, to ensure that all member states live up to their international obligations in this area;

we will work to combat discrimination on grounds of sexual orientation or gender identity across Europe. The Government are committed to using their relationship with other countries to push for unequivocal support for the rights of lesbian, gay, bisexual and transgender people, including advocating for changes to discriminatory practices and laws that criminalise homosexuality in other countries. The Council of Europe has adopted recommendations on this issue and conducted a study on the situation in member states. We will work with the secretariat and our partners in the Committee of Ministers to improve all member states' performance in this area;

we will work towards a more effective and efficient role for the Council of Europe in supporting local and regional democracy. The Council of Europe has a significant programme of activities in this area, including monitoring and sharing of expertise, which the UK supports but wants to see streamlined and more carefully targeted;

we will support the strengthening of the rule of law in the member states. We will work towards practical recommendations in this area, in co-operation with our partners in the Committee of Ministers, the secretariat and the Council of Europe's advisory body on constitutional matters the European Commission for Democracy through Law (the Venice Commission).