



Ministry of
JUSTICE

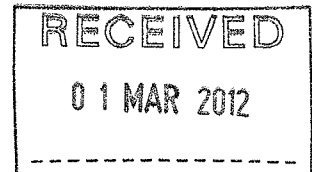
**The Right Honourable
Kenneth Clarke QC MP**
Lord Chancellor and
Secretary of State for Justice
102 Petty France
London
SW1H 9AJ

T 020 3334 3555
F 020 3334 3669
E general.queries@justice.gsi.gov.uk

www.justice.gov.uk

Dr Hywel Francis MP
Chair, Joint Committee on Human Rights
House of Commons
London
SW1A 0AA

23 February 2012



Dear Aynud,

Draft Declaration on Reform of the European Court of Human Rights

You will be aware that the United Kingdom is over halfway through its six-month Chairmanship of the Council of Europe. We have now tabled the first draft of a Declaration in Strasbourg. This outlines a package of proposals for reform of the European Court of Human Rights – our top priority for the Chairmanship. Underpinning the entire programme is the UK's absolute commitment to the right of individual petition and to the Convention itself.

As the Prime Minister explained in his speech to the Parliamentary Assembly of the Council of Europe last month, leading the Council of Europe gives us a rare opportunity to deliver much needed reform of an important institution. The European Court of Human Rights is an essential part of the system for protecting human rights across Europe and we must ensure that it is able to continue to fulfil this role. This has become increasingly challenging as the Court is being compelled to do too much.

In accordance with the priorities set out by the Prime Minister in Strasbourg, we will be seeking agreement on proposals in the following areas:

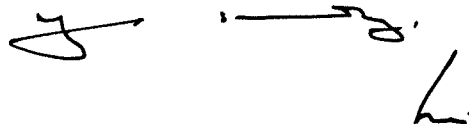
- Improving national implementation of the Convention to reduce the number of cases reaching the Court and enhancing the support and guidance provided by the Council of Europe.
- Providing clarity in the respective roles and relationship between the Court and national authorities.
- Giving the Court new tools to deal with the cases it receives which will allow it to focus on the most important cases and issues, in accordance with the principle of subsidiarity.
- Supporting the Court in its continued efforts to improve efficiency in its handling of cases.

- Ensuring that the best possible processes are in place for nominating judges to the Court, and that the Court's case law is clear and consistent.
- Improving member states' implementation of judgments of the Court and strengthening the role of the Committee of Ministers in supervising the execution of judgments.
- Looking to the longer term future of the Court to ensure that it is ready to meet the challenges it will face in the coming years.

The aim of our Declaration will be to deliver a balanced package of reform. Central to this is the principle that national governments themselves should take greater responsibility for safeguarding their citizens' rights. Where they do, the Court should not normally need to intervene. At the same time, we want to improve the operation of the Court, equipping it with the tools to manage its workload more effectively, building on progress it has already made. Key to this is our proposal to amend the Convention to refine the Court's admissibility criteria to ensure that it is able to focus on the most serious violations of human rights.

Negotiations on the Declaration text by Ambassadors will commence in March with formal adoption sought at a ministerial conference in Brighton on 18-20 April. The draft Declaration text is reserved for negotiation in the Council of Europe and as such is a confidential document of the Committee of Ministers.

Reform requires the agreement of all 47 Council of Europe member states and, as Chair, our role is to deliver a package of reforms which is acceptable to all. We are fully aware of the challenge that faces us in reaching consensus. We will be accorded the highest priority to the forthcoming negotiations and are confident that agreement can be reached on a package of measures that will help to improve the working of the Court.

A handwritten signature in black ink, appearing to be 'K. Clarke', written in a cursive style.

KENNETH CLARKE