

European Convention on Human Rights protocol comes into force

News story

Protocol no. 15 to the European Convention on Human Rights will come into force today (1 August 2021), following its ratification by all 47 State Parties.



Protocol no. 15 is an international legal agreement which makes a series of changes to the Convention, and whose development was led by the UK.

Its coming into force will conclude the last major reform from the Brighton Declaration, adopted under the UK's chairmanship of the Council of Europe's Committee of Ministers. The Brighton Declaration was an agreement made at the Council of Europe High-Level Conference of April 2012, where the UK Government announced plans to reform the European Court of Human Rights (ECtHR).

The changes introduced by Protocol No. 15 aim to address inefficiencies in the ECtHR. Under certain conditions, the ECtHR reviews applications from people claiming their rights under the Convention have been violated by a State Party. In particular, the Protocol will contribute to helping the Court manage the high number of applications it receives.

Protocol No. 15 recognises that the primary responsibility for protecting human rights under the European Convention on Human Rights falls to each individual State Party. It will also improve the efficiency of the ECtHR by shortening the time limit for applications and ensuring that all applications have been properly considered by domestic courts. Additionally, it will modify rules regarding the appointment and retirement of judges of the Court, to enable them to serve for a full nine-year term and provide continuity.

It also demonstrates the extent to which the UK's pragmatic leadership on the reform of the ECtHR has delivered results, and will enable, along with other measures agreed by Convention State Parties over the last decade, this unique

international system of human rights protection to remain effective and continue to respond to new challenges.

Noting this progress and the important achievement that the entry into force of Protocol No. 15 represents, the UK Government will keep supporting the continued improvement of the ECtHR and the system of the European Convention on Human Rights.

Notes:

The changes introduced by Protocol No. 15 are as follows:

- Inclusion of a reference to the principle of subsidiarity (according to which the primary responsibility for protecting human rights under the European Convention on Human Rights falls to each individual State Party) and the doctrine of the margin of appreciation (the “space for manoeuvre” that State Parties are given in fulfilling their obligations under the Convention) to the Preamble to the Convention
- Shortening from six to four months of the time limit within which an application must be made to the ECtHR (this is from the date on which the final decision was taken at the national level, when all domestic remedies have been exhausted)
- Removal of the rule preventing rejection of an application that has not been duly considered by a domestic tribunal where the applicant has not suffered a “significant disadvantage”
- Removal of the right of the parties to a case before the ECtHR to object to the decision by a Chamber of the Court to relinquish its jurisdiction over the case in favour of the Grand Chamber
- Replacement of the upper age limit for ECtHR judges (currently the age of 70) with a requirement that candidates for the post of judge be less than 65 years of age at the date by which the list of candidates has been requested by the Parliamentary Assembly of the Council of Europe. This intended to enable all judges to sit for a full nine-year term.

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