



General consensus on the 'Brussels Declaration'

Yesterday and today, a European conference at ministerial level with the title "The implementation of the European Convention on Human Rights, our shared responsibility" was organized under the Belgian presidency in Brussels. The 47 member states of the Council of Europe have approved the "Declaration of Brussels". It is unique that 47 countries have reached a consensus to include a positive declaration of commitment concerning a theme such as human rights.

On behalf of the Belgian Presidency of the Council of Europe, the minister of Justice, Koen Geens, was able to announce during the conference that, by means of decisions that had been taken during previous conferences, great progress had been made in reducing the backlog of the judgments of the European Court of Human Rights (ECHR). A number of measures, such as the possibility for one judge or a committee of three judges to render judgment on relatively simple cases, have indeed reduced the backlog from 150,000 files in 2011 to less than 70,000 files on 1 January 2015.

This session was the fourth in a series of conferences at ministerial level that reflect on the best way in which Europe can realize a swift and effective execution of the European judgments on human rights. Within the ECHR and the committee of ministers of the Council of Europe, important new agreements have been made concerning the working methods for the execution of the judgments.

This declaration of Brussels should make the following improvements possible:

- **avoiding repetitive judgments:** the ECHR still has too much work with cases for which the outcome is fixed, because it has already rendered judgment in similar cases.

Practical example: more than 20 cases concerning confinement against Belgium;

- **shifting part of the responsibility to the member states:** it is necessary to pay more attention to the follow-up of the member states during the execution of the judgments. The role of the parliaments will be expanded. The competent minister of the member state that is involved in a judgment will submit an action plan for the execution of the judgment to the parliament. In that way, the parliament can apply the parliamentary control and ensure the follow-up.

It can be compared to the interaction between parliament and government for the judgments of the constitutional court;

- **establishing a national institute for human rights:** the minister has been able to reveal the work for the establishment of a national independent human rights mechanism as agreed upon in the governmental agreement. The ambition of the government is somewhat becoming a European ambition. The 47 countries present all have committed themselves to considering the establishment of an independent national human rights institution;

- **increasing the credibility of the ECHR for the citizens** by requesting a stronger motivation when it makes decisions. From 1 January 2016 onwards, it is expected that the ECHR gives a brief motivation for a decision of inadmissibility. A motivation is also expected when the ECHR refuses a request to refer the judgment of the ECHR to the Grand Chamber (similar to lodging an appeal). Upon refusal, the ECHR should give a motivation. That is currently not the case.

Practical example: The referral of the case Trabelsi to the Grand Chamber has been refused without any explanation to the Belgian state. That decision is final.