BRIGHTON DECLARATION

23.02.12 AND 20.04.12 VERSIONS

|  |  |
| --- | --- |
| **First UK version (23.02.12)** | **Final version (20.04.12)** |
| 45 paras | 39 paras |
| Section B: Council of Europe support for national implementation of the Convention (paras 13-14) | Deleted. Text in technical assistance provisions. |
| Preamble (paras 1-8): paras 5-8 on Interlaken/Izmir | Paras 1-6. Para 3 adds point on sovereign equality. Para 4 adds national human rights institutions. Para 5 combines Interlaken & Izmir. Para 6 foregrounds protocol no. 14. |
| Section A: Implementation of the Convention at national level (paras 9-12): paras 9-11 on national implementation | Paras 7-9. Para 7 combines 3 paras. Para 8 is new: role COE in national implementation (technical assistance). Para 9 is expanded: subparas (e)-(i). Para 9(c)(i) deletes Paris Principles. Para 12(e) adds technical assistance. Para 12(f) & (g) adds cttee of ministers & secretary general |
| Section C: Interaction between the Court and national authorities (paras 15-19) | Paras 10-12. Para 11 on margin of appreciation, subsidiarity, supervision & review. Para 12(b): subsidiarity & MOA in preamble end 2013. Para 12(d): advisory opinions. |
| Section D: Applications to the Court (paras 20-23) | Para 13-15. Para 14: court decides on admissibility. Para 15(a): time limit 4 months by end 2013. |
| Section E: Processing of applications (paras 24 to 28) | Paras 16-20. Para 20(g)-(j) added. Para 20(e) is temporary additional judges. |
| Section F: Judges and jurisprudence of the Court (paras 29-33) | Paras 21-25. Material rearranged largely. |
| Section G: Implementation of judgments of the Court (paras 34-36) | Paras 26-29. Para 28 on increased COM workload added. Para 29(a) on states parties added. |
| Section H: Longer-term future of the Convention system and the Court (paras 37-42 | Paras 30-35. Para 35(c) deletes commission on future convention. |
| Section I: General and final provisions (paras 43-45) | Paras 36-39. Para 37 on simplified amendment added. |

Conclusions:

1. No sign drafting amendments from other states parties.
2. Suspect drafting came from committee of ministers, which could include ECtHR inputs.
3. Losses not as great as watered-down allegation: mainly, no commission on future convention.
4. Gains are strategic (the idea of the need for reform) and tactical (subsidiarity, margin of appreciation, supervision & review).