ECHR PROTOCOL NO. 15

LORDS QUESTION

Lord Lexden Website:

[http://www.alistairlexden.org.uk](http://www.alistairlexden.org.uk/)

**From:** Written Parliamentary Questions and Answers <no\_reply.hl.qasystem@parliament.uk>
**Sent:** 21 December 2020 16:28
**To:** LEXDEN, Lord <lexdena@parliament.uk>
**Subject:** Written answer to your QWA HL11145 received from Lord Ahmad of Wimbledon

Lord Ahmad of Wimbledon, the Foreign, Commonwealth and Development Office, has provided the following answer to your written parliamentary question (HL11145):

**Question:**
To ask Her Majesty's Government which countries have yet to ratify Protocol 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms; and what reasons any such countries have given for the delay. (HL11145)

Tabled on: 07 December 2020

**Answer:**
**Lord Ahmad of Wimbledon**:

Of the 47 Member States of the Council of Europe, 46 have signed and ratified Protocol 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms. Italy is the only Member State that has signed but not yet ratified the protocol. I understand that the Government of Italy has assured the Council of Europe that the parliamentary procedures required for ratification are currently in progress, and that a date for discussion of Protocol 15 at the plenary of the Senate will be decided in due course.

Date and time of answer: 21 Dec 2020 at 16:27.

**From:** Jeffrey Dudgeon
**Sent:** 04 December 2020 21:24
**To:** lexdena@parliament.uk <lexdena@parliament.uk>
**Subject:** Protocol 15 to the ECHR is still unratified - PQ suggestion

Dear Alistair,

I wonder if you would ask a PQ about the European Convention on Human Rights and Protocol 15?

This is the protocol that Ken Clarke organised some years ago in Brighton.

Every country bar one has ratified it so it still cannot come into effect.

That country is Italy.

I don't know the reason why but it probably has nothing to do with the protocol itself (list of signing and ratification dates below also description etc).

As you know we are trying to narrow the Strasbourg jurisprudence on legacy matters (another email coming shortly on their December resolution). This protocol should help, certainly in any future cases.

The UK delegation has a new chef de mission, Neil Holland, who was deputy ambassador in Dublin. Any line of communication opened to him would be useful.

As the Malone House Group, we have sent him our recent submissions to the Committee of Ministers on the McKerr group of cases that includes Finucane but received no reply.

The question could be on the lines "To ask HMG which countries have not ratified Protocol 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms; are they aware of the reasons for any non-ratifications and will they make representations to any countries involved to bring about the necessary ratification urgently?"

Best wishes

Jeff

List of dates etc:<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/213/signatures?p_auth=hhGUQ6B3>

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| [Full list - Treaty Office](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/213/signatures?p_auth=hhGUQ6B3)Title: Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms: Reference: CETS No.213: Opening of the treatywww.coe.int |

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|  | Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms: |

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|  | To maintain the effectiveness of the European Court of Human Rights, this Protocol makes the following changes to the Convention:Adding a reference to the principle of subsidiarity and the doctrine of the margin of appreciation to the Preamble of the Convention;Shortening from six to four months the time limit within which an application must be made to the Court;Amending the ‘significant disadvantage’ admissibility criterion to remove the second safeguard preventing rejection of an application that has not been duly considered by a domestic tribunal;Removing the right of the parties to a case to object to relinquishment of jurisdiction over it by a Chamber in favour of the Grand Chamber;Replacing the upper age limit for judges by 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. |
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Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms - Strasbourg link:<https://www.echr.coe.int/Documents/Protocol_15_ENG.pdf>

UK background link:<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?showreport=yes&docid=1166864D-0B7E-4F7B-928D-A8BFA92198DB>