



House of Lords
House of Commons
Joint Committee on Human
Rights

Protocol No. 14 to the European Convention on Human Rights

First Report of Session 2004–05

*Report, together with formal minutes and
appendices*

*Ordered by The House of Lords to be printed 1 December 2004
Ordered by The House of Commons to be printed 1 December
2004*

**HL Paper 8
HC 106**

Published on 8 December 2004 by authority of the House of Lords and
the House of Commons London:
The Stationery Office Limited
£8.50

Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

Current Membership

HOUSE OF LORDS

Lord Bowness
Lord Campbell of Alloway
Baroness Falkner of Margravine
Lord Judd
Lord Plant of Highfield
Baroness Stern

HOUSE OF COMMONS

Mr David Chidgey MP (Liberal Democrat, *Eastleigh*)
Jean Corston MP (Labour, *Bristol East*) (*Chairman*)
Mr Kevin McNamara MP (Labour, *Kingston upon Hull*)
Mr Richard Shepherd MP
(Conservative, *Aldridge-Brownhills*)
Mr Paul Stinchcombe (Labour, *Wellingborough*)
Mr Shaun Woodward MP (Labour, *St Helens South*)

Powers

The Committee has the power to require the submission of written evidence and documents, to examine witnesses, to meet at any time (except when Parliament is prorogued or dissolved), to adjourn from place to place, to appoint specialist advisers, and to make Reports to both Houses. The Lords Committee has power to agree with the Commons in the appointment of a Chairman.

Publications

The Reports and evidence of the Joint Committee are published by The Stationery Office by Order of the two Houses. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/commons/selcom/hrhome.htm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Current Staff

The current staff of the Committee are: Nick Walker (Commons Clerk), Ed Lock (Lords Clerk), Murray Hunt (Legal Adviser), Róisín Pillay (Committee Specialist), Duma Langton (Committee Assistant) and Pam Morris (Committee Secretary).

Contacts

All correspondence should be addressed to The Clerk of the Joint Committee on Human Rights, Committee Office, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general inquiries is: 020 7219 2467; the Committee's e-mail address is jchr@parliament.uk.

Contents

Report	<i>Page</i>
Summary	3
1 Introduction	5
2 Increasing Parliament’s involvement in the adoption of human rights treaties	6
3 Background to Protocol 14	7
4 The effect of Protocol 14	9
Filtering out unmeritorious cases	9
A new admissibility requirement	10
Measures for dealing with repetitive cases	11
Execution of judgments	11
Miscellaneous other reforms to the Convention machinery	11
5 Implications for Human Rights in the United Kingdom	13
The right of individual petition and access to remedies	13
National implementation measures	14
(1) <i>Recommendation on the verification of the Convention compatibility of draft laws, existing laws and administrative practice</i>	16
(2) <i>Recommendation on the improvement of domestic remedies</i>	17
(3) <i>Recommendation on the ECHR in university education and professional training</i>	18
Review of implementation of the Recommendations	19
Formal minutes	20
Appendices	21
Appendix 1: Letter from the Chair to Rt Hon Jack Straw MP, Secretary of State for Foreign & Commonwealth Affairs	21
Appendix 2: Letter from Rt Hon Jack Straw MP, Secretary of State for Foreign & Commonwealth Affairs	23

Summary

In this Report, the Committee considers Protocol No. 14 to the European Convention on Human Rights, amending the control system of the Convention, which was laid before Parliament on 15 November 2004 pursuant to the Ponsonby Rule, prior to its ratification by the Government. The Committee considers it desirable for Parliament to be more involved before the ratification by the Executive of treaties which incur human rights obligations on behalf of the UK. It has therefore decided to report to Parliament in future in relation to all human rights treaties where there is a need for Parliament to be fully informed about the background, content and implications of the treaty (paragraphs 5-7).

The Report sets out the background to the adoption of Protocol 14, describing the need for further reform to the Convention machinery, the process by which the Protocol was arrived at, and its principal aim, which is to guarantee the long-term effectiveness of the European Court of Human Rights (paragraphs 8-14). It describes the effect of the Protocol, including the main reforms intended to reduce the workload on the Court: changes to the process for filtering out unmeritorious cases; the introduction of a new admissibility criterion; new measures for dealing with repetitive cases; and new provisions to improve the execution of Court judgments (paragraphs 15-29).

The Committee broadly welcomes the contents of Protocol 14, which includes many positive aspects which should improve the functioning of the control system of the Convention. The introduction of a new requirement that an applicant to the European Court of Human Rights must have suffered a “significant disadvantage”, however, was very controversial because it restricts the right of individual petition. The Committee advises Parliament that this restriction on the right of individual petition places at a premium the various measures to improve implementation of the ECHR at the national level which are the subject of a number of Recommendations by the Committee of Ministers. It draws Parliament’s attention to the interdependence of Protocol 14 and the other measures required at national level (paragraphs 34-47).

The national measures of implementation required are aimed at preventing violations at national level, for example by better systems for verifying the Convention compatibility of draft laws, existing laws and administrative practice, and at providing proper redress at national level where a violation has taken place, for example by improving domestic remedies for Convention violations and by improving the implementation of judgments of the European Court of Human Rights (paragraphs 48-60). The Committee suggests ways in which the national measures required can be implemented and proposes to ensure that Parliament is fully involved in the process of implementation.

1 Introduction

1. Protocol No. 14 to the European Convention on Human Rights (“the ECHR”) was agreed by the member states of the Council of Europe on 13 May 2004. It was signed by the UK on 13 July 2004. Pursuant to the Ponsonby Rule, it was laid before Parliament on 15 November 2004.¹ An Explanatory Memorandum on the protocol was also laid by Lord Falconer, the Secretary of State for Constitutional Affairs. Our Chairman has tabled an Early Day Motion asking that the Protocol not be ratified until the Joint Committee on Human Rights (JCHR) has reported to Parliament.²

2. The Protocol is also accompanied by an Explanatory Report prepared by the Council of Europe. The principal purpose of Protocol 14 is to amend the control system of the Convention so as to guarantee the long term effectiveness of the European Court of Human Rights.

3. The purpose of this Report is to inform Parliament of the background to the adoption of Protocol 14, to summarise the effect of its main provisions, and to explain the implications of the Protocol for the protection of human rights in the UK. It also summarises the content of the various recommendations of the Committee of Ministers of the Council of Europe which accompany Protocol 14, and indicates ways in which the JCHR will seek to ensure that Parliament is properly involved in the implementation of those recommendations. We broadly welcome the contents of Protocol 14, which includes many positive aspects which should improve the functioning of the control system of the Convention. However, one of the provisions, which introduces a new admissibility criterion, proved particularly controversial and in our view it is particularly important that Parliament is fully informed about why this was controversial, and what is required at national level to compensate for the effect on the right of individual petition.

4. The Report draws on the useful discussions we had about the draft proposals with the President and Judges of the European Court of Human Rights and officials of Directorate General II of the Council of Europe during our visit to the Strasbourg institutions with responsibility for human rights protection on 17 and 18 March this year. We also exchanged correspondence with the Foreign Secretary about the proposals. Copies of the letters are appended to this Report.³

1 Cm 6370

2 No. 153 of Session 2004-05

3 Appendix 1 Letter from the Chair to the Secretary of State for Foreign and Commonwealth Affairs, Rt Hon Jack Straw MP, 4 May 2004;

Appendix 2 Letter from the Secretary of State for Foreign and Commonwealth Affairs, Rt Hon Jack Straw MP, to the Chair, 13 May 2004

2 Increasing Parliament's involvement in the adoption of human rights treaties

5. In keeping with a number of recent recommendations, we consider it desirable for Parliament to be more involved before the ratification by the Executive of treaties which incur human rights obligations on behalf of the UK.⁴ The purpose of the constitutional practice known as the Ponsonby Rule is to enable Parliament to be informed about a treaty that the Executive intends to ratify, and to give it an opportunity to debate it if it is controversial.⁵ In practice, however, there is no mechanism for reliably scrutinising treaties to establish whether they raise issues which merit debate or reconsideration before they are ratified.⁶

6. The problem of lack of effective parliamentary scrutiny is particularly pressing in relation to human rights treaties, because it is now well established that UK courts will have regard to such treaties in a wide range of circumstances,⁷ whether or not they are incorporated, and the Executive and administration also routinely have regard to such treaties in both policy-making and decision-making.

7. We have therefore decided to report to Parliament in future in relation to all human rights treaties, or amendments to such treaties, in respect of which there is a need to ensure that Parliament is fully informed about the background, content and implications of such treaties. This will enable parliamentarians to decide whether it is appropriate to call for a debate on the treaty concerned before it is ratified, and hopefully ensure that any such debate is properly informed. We consider that this will enhance the democratic legitimacy of human rights obligations incurred on behalf of the UK by the Executive pursuant to the prerogative power.

4 See e.g. Procedure Committee, Second Report of Session 1999-2000, *Parliamentary Scrutiny of Treaties*, HC 210; Royal Commission on the Reform of the House of Lords ("The Wakeham Commission"), *A House for the Future*, CM 4534, January 2000, at paras 8.37-8.42

5 See HC Deb, 1 April 1924, cols 2001-2004

6 See the Wakeham Commission Report, at para. 8.40

7 See Lord Bingham's maiden speech in the House of Lords detailing the various ways in which international human rights treaties may become relevant in legal proceedings even before they are incorporated into domestic law by statute.

3 Background to Protocol 14

8. Protocol 14 and the Committee of Ministers Recommendations accompanying it are the culmination of a lengthy process of consultation and deliberation aimed at guaranteeing the long-term effectiveness of the European Court of Human Rights in the face of concerns that, on present trends, it will soon be unable to cope with its rapidly expanding case-load.

9. The Convention's control mechanism was last radically reformed by Protocol 11, which was agreed by member states in 1994 and came into force on 1 November 1998. Those reforms were designed to simplify the Convention system in order to speed up proceedings and help the system to deal with the large rise in the number of individual applications.⁸ The reforms have greatly increased the productivity of the Court,⁹ but it rapidly became apparent that further reform of the Convention system was going to be necessary in order to deal with the continued increase in the Court's workload.

10. The main reason for the rise in the number of individual applications before the Court is the enlargement of the Council of Europe. It now has 46 member states, bringing to 800 million the total number of citizens with the right to make an application to the Court.¹⁰ Not surprisingly, the rapid expansion of the Council of Europe's membership has led to a dramatic increase in the number of new applications.¹¹ Despite the reforms introduced by Protocol 11, the current Convention system cannot cope with this level of caseload. The number of applications which can be disposed of is far exceeded by the number of new applications made, resulting in a growing backlog of cases: by the end of 2003, some 65,000 applications were pending before the Court.

11. In addition to the current backlog, it is envisaged that the number of applications will continue to grow. In addition to the obvious effect of enlargement, a number of other factors point to a likely increase in future: growing awareness of the Convention in the new member states;¹² the entry into force of Protocol 12 (containing the general non-discrimination provision); the ratification of additional protocols by States not currently parties to them; the Court's continuing development of the Convention as a "living instrument"; and eventually, possibly, the accession of the EU to the Convention system.

12. Against this background, the Council of Europe initiated a process of further reform of the Convention machinery in 2000, in order to preserve the long-term effectiveness of the Convention system. This involved a broad Europe-wide consultation of Non-Governmental Organisations. The European Ministerial Conference on Human Rights held in Rome in November 2000 thought that urgent measures were necessary to ensure

8 The main simplification was the creation of a single full-time Court and the abolition of both the European Commission of Human Rights and the quasi-judicial role played by the Committee of Ministers.

9 The new Court gave 61,633 judgments in the five years since 1998, compared to 38,389 judgments in the preceding forty-four years.

10 Thirteen new states parties have ratified the Convention since Protocol No. 11 was opened for signature, bringing some 240 million more individuals within the scope of the Convention's protection.

11 In 2003 39,000 new applications were lodged with the Court, compared to 18,164 in 1998 (the year in which the previous reforms were implemented). The increase has been dramatic: as recently as 1990, for example, only 5,279 applications were received.

12 The evidence also suggests that there continues to be a general increase in the number of applications brought against states which have been party to the ECHR for many years.

the effectiveness of the Court in light of the ever-increasing number of applications and called on the Committee of Ministers to initiate an in-depth reflection of the different possibilities and options. The Steering Committee for Human Rights established a Reflection Group on the Reinforcement of the Human Rights Protection Mechanism, and its report was taken into account by the Evaluation Group established by the Ministers' Deputies, which in turn reported in September 2001. In November 2001 the Committee of Ministers welcomed the Evaluation Group's Report and instructed the Steering Committee to submit proposals for amendments to the Convention on the basis of the Evaluation Group's report. In April 2003 the Steering Committee issued its report focusing on three main areas:

- Preventing violations at national level and improving domestic remedies
- Optimising the effectiveness of filtering and subsequent processing of applications
- Improving and accelerating the execution of the Court's judgments

13. It proposed both amendments to the Convention and the preparation of recommendations by the Committee of Ministers to the member states. In May 2003 the Committee of Ministers endorsed this approach. The Steering Committee was accordingly instructed to prepare not only a draft amending protocol but also three draft recommendations to member states covering other aspects of the reform package. The Steering Committee reported in April 2004. The Parliamentary Assembly of the Council of Europe produced an Opinion on the draft Protocol on 28 April 2004 which influenced the final shape of the Protocol.¹³ On 13 May 2004 the Committee of Ministers adopted a Declaration, "Ensuring the effectiveness of the implementation of the European Convention on Human Rights at national and European levels", the text of Protocol 14 and three Recommendations to Member States.

14. We deal first with the terms of the Protocol itself before considering separately the other measures required at national level. The account below focuses on the principal changes introduced by the new Protocol.

13 Parliamentary Assembly of the Council of Europe, *Opinion No. 251* (2004) (28 April 2004)

4 The effect of Protocol 14

15. The process described above identified two principal contributors to the Court's excessive caseload. First, the very large proportion of cases which are declared inadmissible (in 2003, 96% of applications considered were declared inadmissible). Second, the significant number of cases which concern repetitive violations following an earlier judgment in a pilot case (in 2003, some 60% of the 703 judgments given by the Court concerned such repetitive cases).

16. The procedural reforms contained in the Protocol are mainly designed to address the problem that a great deal of the Court's time is spent processing cases which are either inadmissible or repeat violations following pilot judgments. The purpose is to enable the Court to concentrate on the most important cases.

17. In drawing up the reforms contained in Protocol 14, certain features of the Convention system were seen as being essential to retain. First, the right of individual petition (the principle that any person claiming to be victim of a breach of Convention rights and freedoms can refer the matter to the Court), was regarded as sacrosanct. Second, the judicial character of European supervision was also seen as being non-negotiable. These therefore provide important standards according to which the reforms are to be judged.

18. In order to reduce the time spent by the Court on clearly inadmissible applications and repetitive applications, the reforms introduce amendments to the Convention machinery in four main areas:

- The process for filtering out unmeritorious cases
- A new admissibility criterion
- Measures for dealing with repetitive cases
- Execution of judgments.

Filtering out unmeritorious cases

19. The principal provision designed to increase the Court's filtering capacity is the introduction of a single-judge formation of the Court,¹⁴ competent to declare applications inadmissible, or strike them out of the Court's list of cases, "where such a decision can be taken without further examination."¹⁵ These words are intended to convey that the single judge will take such decisions only in clear-cut cases, where the inadmissibility of the application is manifest from the outset. The decision of the single judge is to be final.¹⁶ If the single judge does not declare an application inadmissible or strike it out, it is forwarded to a committee or chamber for further examination.¹⁷

14 New Article 26(1) ECHR, as amended by Article 6 of the amending protocol

15 New Article 27(1) ECHR, as amended by Article 7 of the amending protocol

16 New Article 27(2) ECHR

17 New Article 27(3) ECHR

20. When sitting as a single judge, a judge shall not examine applications against the state in respect of which he or she has been elected as a judge.¹⁸ Single judges will be assisted by non-judicial rapporteurs, who will form part of the Court's registry.¹⁹ This is intended to ensure that the increase in filtering capacity is achieved at the same time as preserving the judicial character of decision-making on admissibility.

A new admissibility requirement

21. Probably the most controversial reform, because of its potential impact on the right of individual petition, is the introduction of a new admissibility requirement. The Court shall declare an application inadmissible if it considers that:

“the applicant has not suffered a significant disadvantage, unless respect for human rights as defined in the Convention and the Protocols thereto requires an examination of the application on the merits and provided that no case may be rejected on this ground which has not been duly considered by a domestic tribunal.”²⁰

22. What is meant by a “significant disadvantage” is not elaborated by the Protocol. It is left for the Court to establish relevant criteria on a case-by-case basis.

23. The Protocol provides for three main safeguards designed to avoid rejection of cases warranting an examination on the merits. First, even where the individual applicant has not suffered a significant disadvantage, the application will not be declared inadmissible if respect for human rights as defined in the Convention requires an examination on the merits. This reflects the wording which circumscribes the Court's power to strike applications out of its list of cases.²¹

24. Second, the new admissibility requirement is subject to a condition that no application may be declared inadmissible on this ground if it has not been duly considered by a domestic tribunal. This safeguard was proposed by the Parliamentary Assembly.²²

25. Third, for two years following the entry into force of the Protocol, only Chambers and the Grand Chamber will be able to apply the new admissibility criterion.²³ Single judge formations and committees will not be apply it. This is to allow time for the development of clear guidance in the case-law as to how the requirement should be applied in different contexts, and avoid the danger of inconsistent application by different single judges or committees.

18 New Article 26(3) ECHR, as amended by Article 6 of the amending protocol

19 New Article 24(2) ECHR, as amended by Article 4 of the amending protocol

20 New Article 35(3)(b), as amended by Article 12 of the amending protocol

21 Article 37(1) ECHR

22 Parliamentary Assembly of the Council of Europe, *Opinion No. 251* (2004) (28 April 2004), para 14 (vi)

23 Article 20(2) of the amending protocol

Measures for dealing with repetitive cases

26. The main measure for dealing with repetitive cases is the powers of the competence of the three-judge committees to enable them, unanimously, to declare applications admissible and decide them on their merits, when the questions they raise concerning the interpretation or application of the Convention are covered by well-established case-law of the Court.²⁴ The state concerned may contest the application of the new power, for example by disputing the “well established” character of the case-law, or seeking to distinguish the issue in the case from such case-law. If the State agrees with the Committee’s position, however, the committee will give its judgment on all aspects of the case (admissibility, merits and just satisfaction) very rapidly.

Execution of judgments

27. The Protocol seeks to improve the process for the execution of the Court’s judgments by strengthening the means given to the Committee of Ministers.

28. First, it is to be empowered to ask the Court to interpret a final judgment, for the purpose of facilitating the supervision of its execution.²⁵

29. Second, it is given the power to bring a form of infringement proceedings before the Court. If it considers that a State is refusing to abide by a final judgment of the Court, it may refer to the Court the question whether that State has failed to fulfil its obligation under Article 46(1). If the Court finds a violation of that obligation, it shall refer it back to the Committee of Ministers for consideration of the measures to be taken.²⁶

Miscellaneous other reforms to the Convention machinery

30. In addition to the four main areas identified above, Protocol 14 introduces a number of other miscellaneous reforms to the Convention machinery, some of which are worthy of mention.

31. It provides that judges of the Court are to be elected for a single nine-year term, in order to reinforce their independence and impartiality.²⁷

32. It revises the system for the appointment of ad hoc judges in a Chamber or the Grand Chamber, where the judge elected in respect of the state concerned is entitled to sit as an ex officio member of the Chamber or Grand Chamber but that judge is unable to sit or there is no such judge. Under the previous system, the State concerned could choose an ad hoc judge after the beginning of proceedings. This was criticised, including by the Parliamentary Assembly, on the ground that it was not compatible with basic standards of judicial independence and impartiality. The new provision provides for the President to choose the ad hoc judge from a list submitted in advance by the state concerned.²⁸

24 New Article 28(1)(b) ECHR, as amended by Article 8 of the amending protocol

25 New Article 46(3) ECHR, as amended by Article 16 of the amending protocol

26 New Article 46(4) and (5) ECHR, as amended by Article 16 of the amending protocol

27 New Article 223(1) ECHR, as amended by Article 2 of the amending protocol

28 New Article 26(4) ECHR, as amended by Article 6 of the amending protocol

33. It also introduces an amendment with a view to the possible accession of the EU to the Convention.²⁹

²⁹ New Article 59(2) ECHR, as amended by Article 17 of the amending protocol

5 Implications for Human Rights in the United Kingdom

The right of individual petition and access to remedies

34. We have been concerned throughout the process leading up to the adoption of the Protocol that the introduction of a new admissibility requirement would amount to a restriction on the right of individual petition and therefore inhibit access to the European Court of Human Rights by individuals in the UK. Our concern has been that the effect of introducing a “significant disadvantage” requirement would be to restrict the remedies available to individuals in the UK who wish to complain about arguable violations of their Convention rights, and potentially leave violations of Convention rights unremedied.³⁰

35. We accordingly wrote to the Foreign Secretary on 4 May 2004 raising certain questions about the draft Protocol as it then was, including the proposed changes to the criteria for admissibility of individual applications.³¹ We pointed out that recourse to the European Court of Human Rights, although a last resort since the coming into force of the Human Rights Act 1998, retained a very important role in the overall scheme of providing effective protection for the rights of individuals in the UK.

36. Given the uncertain meanings of the terms “significant disadvantage” and “respect for human rights as defined in the Convention”, we asked for further information on the Government’s understanding of these terms; its understanding of how they will operate in practice, and of the type of cases which are currently admissible but which would be inadmissible under these proposals. We also asked whether or to what extent it believes that the new admissibility requirement would limit the right of individual petition to the ECtHR for individuals in the UK seeking redress for Convention violations.

37. The Foreign Secretary replied on 13 May 2004.³² He said that in the Government’s view the introduction of the new criterion “will not restrict the right of individual petition.” On the contrary, it was argued, the introduction of the new requirement was the only way to preserve a practically effective as opposed to illusory right of individual petition for the future: without the new criterion, the right of petition would become less and less valuable as the Court struggled to deal with the sheer volume of applications before the Court. The Foreign Secretary also pointed out that a further safeguard had been added to the relevant admissibility provision late in the day, requiring the Court to be satisfied, before declaring an application inadmissible, that the case had received due consideration before a domestic tribunal.

38. We do not accept the Government’s argument that the introduction of the new admissibility requirement will not restrict the right of individual petition. That it will have

30 Our concern was shared by the Parliamentary Assembly of the Council of Europe, *Opinion No. 251 (2004)* (28 April 2004) at para. 11 and by one third of the Judges on the Court, including the British Judge, Sir Nicolas Bratza. It was also shared by NGOs active in the field of human rights, as the Government’s Explanatory Memorandum acknowledges.

31 Appendix 1

32 Appendix 2

precisely this effect is explicitly acknowledged by the Council of Europe’s Explanatory Report to the Protocol, which states “The new criterion may lead to certain cases being declared inadmissible which might have resulted in a judgment without it.”³³ It argues, not that there is no restriction of the right of individual petition, but that some restriction is necessary in view of the ever-increasing case-load of the Court, and that the proportion of cases affected will be proportionately small, although numerically significant.

39. We accept that the addition of the safeguard that the Court be satisfied that the case has been duly considered by a domestic tribunal constitutes an improvement on the previous draft of the protocol which contained no such safeguard. The restriction of the right of individual petition places at a premium the various measures to improve implementation of the Convention at the national level in order to ensure that adequate remedies are available domestically and that recourse to the European Court of Human Rights is less likely to be required. Our advice to Parliament is that the undoubted restriction on the right of individual petition which this new requirement constitutes is acceptable only in light of the national implementation measures which are also required, to which we now turn.

National implementation measures

40. In light of the above, it is important that Parliament does not consider the provisions of Protocol 14 in isolation, but does so in the context of the other measures which member states are required to take at national level in order to ensure proper protection for Convention rights within the national legal system.

41. Protocol 14 is just one part of a package of measures which have been identified as necessary to ensure the long-term effectiveness of the Convention control system. The Declaration adopted by the Committee of Ministers on the occasion of the adoption of Protocol 14 states that it is

“indispensable that any reform of the Convention aimed at guaranteeing the long-term effectiveness of the European Court of Human Rights be accompanied by effective national measures by the legislature, the executive and the judiciary to ensure protection of Convention rights at the domestic level, in full conformity with the principle of subsidiarity and the obligations of Member States under Article 1 of the Convention.”³⁴

42. The interdependence of the measures required at European and national level has been stressed throughout the process leading to the adoption of Protocol 14. The Declaration of the European Ministerial Conference in Rome in 2000 reiterated the importance of the principle of subsidiarity in the Convention system. According to the principle of subsidiarity, the Convention system plays only a subsidiary role to the national system for the protection of Convention rights: those rights are to be protected first and foremost at

33 Explanatory Report, *op. cit.*, para. 79

34 *Ensuring the effectiveness of the implementation of the European Convention on Human Rights at national and European levels*, Declaration of the Committee of Ministers, adopted on 12th May 2004 at its 114th Session. The Declaration urges Member States to implement speedily and effectively the Recommendations accompanying the Protocol.

national level. The Ministerial Conference Declaration therefore emphasised that “it falls in the first place to the Member States to ensure that human rights are respected, in full implementation of their international commitments.”

43. The need for a better implementation of the Convention at national level has been found to be vital to the aim of guaranteeing the long-term effectiveness of the Convention system. The Explanatory Report on Protocol 14 states:

“Measures required to ensure the long-term effectiveness of the control system established by the Convention in the broad sense are not restricted to Protocol No. 14. Measures must also be taken to prevent violations at national level and to improve domestic remedies, and also to enhance and expedite execution of the Court’s judgments. Only a comprehensive set of interdependent measures tackling the problem from different angles will make it possible to overcome the Court’s present overload.”³⁵

44. The rationale behind the various recommendations of the Committee of Ministers is therefore to ensure that everything possible is done to pre-empt or deal with Convention violations at national level, so that the Court is not overloaded with cases which could be dealt with adequately at the national level, and is assisted, in those cases which do reach it after having gone through the national channels, by full and well-reasoned judgments having been delivered on the Convention questions at national level.

45. The importance of national implementation measures as part of the package of reforms of which Protocol 14 forms a part was also a recurring theme of our discussions with judges and officials during our visit to Strasbourg. The importance of effective national implementation measures, including education, monitoring and taking action to implement judgments of the Court, were repeatedly emphasised. It was impressed upon us that unless such national implementation measures were taken, the measures in Protocol 14 could not themselves reduce the burden on the overloaded Court.

46. The Government, in its response to our letter of 4 May 2004, agreed that national implementation measures play a crucial role in reducing the burden on the Court, and made clear that it fully supported the various recommendations of the Committee of Ministers: “we believe that it is essential that they be put into practice so that human rights can be safeguarded within national legal systems, without the need for recourse to the Strasbourg Court.”

47. We draw Parliament’s attention to the interdependence of Protocol 14 and the other measures required at national level. We agree with the Council of Europe that the ever-increasing number of applications to the Court jeopardises the long-term effectiveness of the Convention system and therefore calls for a strong reaction from member states. We aim to ensure that Parliament is properly informed about and involved in the implementation of the national measures which are required.

48. The national measures required are broadly of two kinds: those aimed at preventing violations at national level (including repeat violations where the Court has already found a

35 Explanatory Report, para. 14

violation of the Convention), and those aimed at providing proper redress at national level where a violation has taken place (including for individuals who have already established a violation in their case).

49. To this end, the Committee of Ministers adopted three Recommendations to Member States at the same time as it adopted Protocol 14.

(1) Recommendation on the verification of the Convention compatibility of draft laws, existing laws and administrative practice³⁶

50. The principal preventive measure, which it is hoped will reduce the flow of cases to the Court, is the Recommendation concerning the systematic verification of draft and existing laws and administrative practices for Convention compatibility. The Recommendation is an attempt to secure greater efforts by member states to give full effect to the Convention at national level by continuously adapting national standards in accordance with Convention standards in light of the Court's case-law.

51. The Committee of Ministers recommends that member states ensure that there are appropriate and effective mechanisms for such systematic verification of compatibility of all laws and administrative practice, including as expressed in regulations, orders and circulars, and also that they ensure the adaptation, as quickly as possible, of laws and administrative practice to prevent violations of the Convention. Not only should member states establish mechanisms for the systematic verification of Convention compatibility, they should also ensure that procedures exist which allow follow-up of the verification undertaken, for example by promptly taking the steps required to modify their laws and administrative practice in order to make them compatible with the Convention. This should include improving or setting up appropriate revision mechanisms which should systematically and promptly be used when a national provision is found to be incompatible.

52. The Appendix to this Recommendation contains examples of good practice, which member states are expected to take into account when reviewing the adequacy and effectiveness of their arrangements for systematic verification of Convention compatibility and adaptation of national standards in the light of such verification. Systematic scrutiny for Convention compatibility should take place both within the executive, when laws are being drafted, and at the parliamentary level, when they are being scrutinised. Competent and independent bodies, including national institutions for the promotion and protection of human rights and NGOs, should be consulted during this verification process.

53. We propose in due course to review the way in which the JCHR carries out its functions in light of this Recommendation. The Department for Constitutional Affairs is also conducting a strategic review of departmental procedures for ensuring Convention compatibility and we will also scrutinise the outcome of that review in light of this Recommendation. We anticipate that we will report further to Parliament on both matters in due course.

³⁶ Rec (2004) 5 (adopted by the Committee of Ministers on 12th May 2004 at its 114th Session).

(2) Recommendation on the improvement of domestic remedies³⁷

54. The Recommendation concerning the improvement of domestic remedies for Convention violations is concerned with both cure and prevention as ways of reducing the flow of cases to the European Court of Human Rights.

55. First, it seeks to elaborate on the obligation in Article 13 of the Convention to provide effective remedies for arguable violations of Convention rights, by recommending that member states ascertain, through constant review, in light of case-law of the court, that such remedies exist and that they are effective in that they can result in a decision on the merits of the complaint and adequate redress for any violation found. The Appendix to this Recommendation suggests that member states should not only carefully examine draft legislation to ensure the availability and effectiveness of domestic remedies, but should also commission experts to conduct a study of the effectiveness of existing domestic remedies with a view to identifying any improvements which may be necessary to ensure that effective remedies are available.

56. We already scrutinise all primary legislation which affects Convention rights to ensure that it provides effective remedies in respect of arguable Convention violations.³⁸ We propose to consider carefully the best way in which to implement the recommendation that the effectiveness of existing remedies for Convention violations be ascertained.

57. Second, this Recommendation seeks to remind states of their obligation, which is part of the obligation to abide by judgments of the Court in Article 46 ECHR, to solve the systemic problems which underlie a finding of a violation, by recommending that states review, following Court judgments which point to structural or general deficiencies in national law or practice, the effectiveness of the domestic remedies. The intention is that this will avoid repetitive cases being brought before the Court and thereby reduce the Court's workload.

58. The Appendix to this recommendation suggests that where the Court has delivered a pilot judgment pointing to a structural deficiency in national law or practice, and a large number of repetitive cases raising the same problem are likely to be lodged, the state concerned should not only ensure that the individuals who have established the violation are able to obtain redress domestically, but also ensure that other potential applicants have a rapid and effective remedy allowing them to apply to a competent national authority and able to obtain redress at national level, instead of having to apply to the European Court of Human Rights. It also suggests that such remedies at the national level should be open to people who have already been affected by the problem prior to its resolution, which may require giving new or existing remedies a certain retroactive effect.

59. During our visit to Council of Europe institutions in March of this year this was a question in which there was a great deal of interest in Strasbourg. It is also a question of some urgency in light of the decisions of the House of Lords in the cases of *R v Lyons* and

37 Rec (2004) 6

38 See e.g. our report on the Asylum (Treatment of Claimants) Bill, advising Parliament that the Bill did not provide adequate and effective remedies to avert arguable violations of Articles 2, 3 and 8 ECHR: Thirteenth Report of Session 2003-04, *Scrutiny of Bills: Sixth Progress Report*, HL Paper 102, HC 640, paras 1.63-1.102

R v McKerr, both of which raise the question of whether the mechanisms exist in UK law to give effect to certain judgments of the European Court of Human Rights.

60. We are currently considering ways of improving the implementation of judgments by the UK following a finding of violation by the European Court of Human Rights. We will be reporting to Parliament in due course and will give careful consideration to this Recommendation when doing so.

(3) Recommendation on the ECHR in university education and professional training³⁹

61. The third recommendation adopted by the Committee of Ministers has a longer term preventive aim. It is concerned with the preventive role played by education in the principles underlying the Convention, the standards that it contains, and the case-law deriving from them. In addition to the wide publication and dissemination of the Convention and the Court's case-law, which has been the subject of previous recommendations from the Committee of Ministers,⁴⁰ the effective implementation of the Convention at national level also requires measures in the field of education and training.

62. The Recommendation stresses in particular the importance of appropriate university and professional training programmes in order to ensure the effective application of the Convention and its case-law by public bodies. It recommends that member states:

- ascertain that adequate university education and professional training concerning the Convention and its case-law exist at national level and that such education and training are included as a core component of law and political and administrative science degrees, as part of the professional exams for access to the legal professions and the continuous training provided to judges, prosecutors and lawyers, and, in an appropriate form, in both the initial and continuous training offered to staff responsible for law enforcement and dealing with persons deprived of their liberty, such as members of the police and security forces, prison and hospital staff and the immigration services;
- enhance the effectiveness of such education and training by providing for it to be incorporated into stable structures (public and private) and given by people with a good knowledge of Convention concepts and case-law, and supporting initiatives aimed at training specialised teachers and trainers;
- encourage non-state initiatives for the promotion of awareness and knowledge of the Convention system.

63. We have considered the adequacy of the human rights training of public officials in previous reports, in particular in our report on the need for a Human Rights Commission.⁴¹ The findings of independent studies such as that of the Audit Commission

39 Rec (2004) 4

40 Rec (2002) 13 on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights (adopted by the Committee of Ministers on 18 December 2002 at the 822nd meeting of the Ministers' Deputies).

41 Sixth Report of Session 2002-03, *The Case for a Human Rights Commission*, HL Paper 67-I, HC 489-I

strongly suggest that there has been insufficient training of public decision-makers to bring about a cultural change in public decision-making. We welcome the fact that the Government has accepted that little progress is being made towards the culture of respect for human rights which it intended and that one of its responses has been to initiate a strategic review across central government of departmental arrangements for implementing the Human Rights Act 1998.

64. That review includes within its compass the delivery of basic human rights training to newly recruited and returning departmental staff, the availability of refresher training, the contents and objectives of such awareness training, and the arrangements in place to ensure appropriate awareness in subsidiary public authorities and other bodies for which the department bears some accountability. We will be corresponding with the DCA about this review, including about the arrangements for disseminating to government officials news about developments in the case-law of the Convention. We will also look closely at the outcome of the review.

65. We will give careful thought to the best way of implementing this Recommendation concerning education and training. We will consider the case for conducting further research into the extent to which education and training about the Convention and its case-law has been included in university and professional training, including the training of key public decision-makers, and ascertaining the effectiveness of such training. We will also consider whether this is a task for which the new Commission on Equality and Human Rights will be better suited when it comes into existence. We will also consider carefully the outcome of the DCA's strategic review of departmental arrangements for implementing the Human Rights Act.

Review of implementation of the Recommendations

66. The Declaration of the Committee of Ministers also calls on the Ministers' Deputies to undertake a regular and transparent review of the implementation of these recommendations. This process has now commenced. A report is due to be completed by April 2005. We propose to provide the Committee of Ministers with information of progress which has been made by our Committee in the implementation of the recommendations.

Formal minutes

Wednesday 1 December 2004

Members Present:

Jean Corston MP, in the Chair

Lord Bowness	Mr Kevin McNamara MP
Lord Campbell of Alloway	Mr Richard Shepherd MP
Baroness Falkner of Margravine	Mr Paul Stinchcombe MP
Lord Judd	Mr Shaun Woodward MP
Lord Plant of Highfield	
Baroness Stern	

The Committee deliberated.

Draft Report [Protocol No.14 to the European Convention on Human Rights], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 66 read and agreed to.

Resolved, That the Report be the First Report of the Committee to each House.

Ordered, That certain papers be appended to the Report.

Ordered, That the Chairman do make the Report to the House of Commons and that Baroness Stern do make the Report to the House of Lords.

[Adjourned till Wednesday 8 December at 4.15 pm.]

Appendices

Appendix 1: Letter from the Chair to Rt Hon Jack Straw MP, Secretary of State for Foreign & Commonwealth Affairs

The Joint Committee on Human Rights has been following with interest the development of proposals for reform of the European Court of Human Rights (ECtHR) with a view to their likely impact on the human rights redress available to individuals in the United Kingdom. On a recent visit to Strasbourg, the Committee held useful discussions about the proposals with, amongst others, the President and judges of the ECtHR, and officials of Directorate General II of the Council of Europe.

A Draft Protocol, Protocol No 14, containing the principal proposals for the reform of the Court, was approved earlier this month by the Committee of Ministers. The JCHR anticipates that it will report on the implications of UK ratification of the new protocol, for protection of the Convention rights in this jurisdiction, once the Protocol is finally agreed and is open for signature by Member States. For the present, I am writing to inquire further as to the government's position on two issues raised by Draft Protocol No 14.

A: Changes to the criteria for admissibility of applications to the ECtHR

Article 13 of the Draft Protocol would amend Article 35 ECHR to allow an application to be declared inadmissible if “the applicant has not suffered a significant disadvantage, unless respect for human rights as defined in the Convention and the protocols thereto requires an examination of the application on the merits.”

Concerns have been raised to the JCHR, that the proposed amendment of Article 35 could undermine the right of individual petition to the Court. We note that, in the CDDH's estimation, amendment of Article 35 would affect only about 5% of the Court's workload.

Since the coming into force of the Human Rights Act, recourse to the ECtHR is intended to be a measure of last resort for individuals in the UK who believe their Convention rights have been violated, and seek an authoritative finding to that effect. However as such it retains a very important role in the overall scheme of providing effective protection for the rights of individuals. In this regard the proposal under the Draft Protocol to allow applications to be declared inadmissible on the basis that there has been no "significant disadvantage" suffered - although there may nevertheless have been a breach of the applicant's Convention rights - is a matter of concern.

Given the uncertain meanings of the terms "significant disadvantage" and "respect for human rights as defined in the Convention", we would appreciate further information on the government's understanding of these terms; its understanding of how they will operate in practice, and of the type of cases which are currently admissible but which would be inadmissible under these proposals; and its reasons for believing that, in a system where admissibility decisions are to be made by a single judge, the new provisions can be made to operate consistently. We would also appreciate further explanation of the government's reasons for supporting Article 13 of the Draft Protocol, and whether or to what extent it

believes that Article 13 will limit the right of individual petition to the ECtHR for individuals in the UK seeking redress for Convention violations.

B: Filtering Mechanism

New Article 27, to be inserted by Article 8 of the Draft Protocol states that “A single judge may declare inadmissible or strike out of the Court's list of cases an application submitted under Article 34, where such a decision can be taken without further examination.”

We appreciate the importance of a more streamlined filtering mechanism in addressing the Court's backlog of applications. However, we are concerned that the present system, whereby reasons are not given for decisions of inadmissibility made by a three-judge panel, will be continued under the new system of admissibility decisions by a single judge, including in relation to decisions on the new "significant disadvantage" criterion. We understand from discussions with the ECtHR that present resource constraints prohibit reasoned decisions on admissibility. We would appreciate further detail from your department on how the government considers that the system proposed under Draft Protocol 14 would achieve consistency and avoid judicial error in admissibility decisions which cannot subsequently be corrected.

National Implementation Measures

Although the JCHR is concerned with certain elements of the Draft Protocol, we are mindful of the importance of the reform process. In particular we recognise the crucial role of national implementation measures in reducing the burden on the Court, and the importance of the proposals for enhanced national implementation measures, set out in a series of draft recommendations of the Committee of Ministers drawn up by the CDDH. These recommendations are particularly pertinent for the UK given the decision to establish a Commission for Equality and Human Rights. The JCHR intends to return to these issues in its future scrutiny of the new Protocol and related measures.

Resources

The Committee also hopes that, given the continuing strain on the resources of the Court, the government will seek an increase in contributions to the Council of Europe to ensure that the ECtHR has sufficient resources.

The Committee would appreciate a response to its queries by 12 May.

4 May 2004

Appendix 2: Letter from Rt Hon Jack Straw MP, Secretary of State for Foreign & Commonwealth Affairs

Thank you for your letter of 4 May 2004 on this subject.

We hope that Protocol 14 can be adopted, and opened for signature, at the Council of Europe Ministerial meeting on 12-13 May 2004. As you will be aware, the approval given to the draft Protocol at the Steering Committee for Human Rights (CCDH) was by an overwhelming vote. Nevertheless, in an attempt to reach complete consensus on all the provisions in that draft Protocol, negotiations have been continuing between delegations in Strasbourg to settle the remaining differences. As a result, a revised version of Protocol 14 has been produced, following a meeting of an open-ended working group, which I now enclose. It includes, in particular, amendments concerning the first point you raised, namely changes to the admissibility criteria for applications to the European Court of Human Rights (see in particular Articles 12 and 20 of the revised draft Protocol).

A. Changes to the Criteria for Admissibility of Applications to the ECtHR

The Government fully supports this draft provision (the latest text of which is at Article 12 of the draft Protocol), as do the overwhelming majority of other Council of Europe members. The reason for its introduction is the enormous and well-documented expansion in the number of applications which have been made to the Court in recent years. While draft Protocol 14 contains a number of measures intended to deal with this trend, including the new single procedure (your question B) and the new mechanism for dealing with the merits of repetitive cases by committees of three judges, we believe that the continuing increase in the number of applications to the Court will likely continue to a point where the other measures in the Protocol will prove insufficient.

Our view is that the introduction of this new criterion will not restrict the right of an individual petition. On the contrary, the intention is to preserve that very right for the future. Any person wishing to apply to the Court will remain free to do so; it will remain for the Court to determine whether the application meets the admissibility criteria in the Convention or not. We believe that, if the new criterion is not introduced, sooner or later the right of individual application will suffer dramatically because of the sheer volume of applications brought before the Court. Justice delayed is justice denied. The new criterion therefore aims at preserving the right of individual application, not just as an illusory right but as a right which is effective in practice.

We also believe that the terms used in this new criterion are capable of definition by the Court by way of judicial interpretation in its case law. The Court is well used to interpreting general wording in the Convention; many such terms in the Convention have been given a precise meaning in the jurisprudence of the Court, eg “necessary in a democratic society” or the right to a hearing “within a reasonable limit”. We believe this will also be true of the terms in the new criterion. I should emphasise that the tests in the new criterion are cumulative. Applications will not be declared inadmissible simply because there has been no “significant disadvantage”, the Court will also need to be satisfied that respect for human rights does not require an examination of the application on the merits and (as provided in the latest version of revised Article 35(5) ECHR) that the case received due consideration before a domestic tribunal.

As regards our understanding of these terms, the significant disadvantage element refers to the individual situation of the applicant. It may include situations in which, if the application were allowed to proceed to a judgment, the Court would make no award, or a nominal award, by way of just satisfaction. As regards the notion of “respect for human rights as defined in the Convention and the Protocols”, this is an expression which already appears in Article 37 (striking out applications). As the Court has pointed out in its February 2004 response to the CDDH proposals, the principle of respect of human rights is self-evidently one which pervades the Convention. Elements of this principle which have been identified in the context of striking out include: the nature of the complaint, any remedial measures or developments at the national level in the particular case, whether issues raised are comparable to issues already determined by the Court in previous cases, the nature and scope of any measures taken by the respondent State following such cases and the impact of these measures on the case at issue. It has also been made clear in the revised version of this provision that no case may be rejected on this ground which has not been duly considered by a domestic tribunal.

As regards the type of cases currently admissible but which would be inadmissible under these proposals, an assessment carried out by a study group of the Court’s Registry gave examples of cases concerning the length of civil proceedings involving less than €500; disputes between neighbours; and disputes about the place to which a pension should be sent. The application of this criterion to individual cases would, however, be a matter for the Court to decide.

The same study found that some 5% of currently admissible cases might be rejected under the new criterion. Bearing in mind that the number of admissible cases currently pending before the Chambers of the Court is over 16,000, the resulting saving of some 800 cases, more than the number of judgments given in 2003, is clearly significant.

B. Filtering Mechanism

The Government is of the view that the new admissibility criterion should be applied by the single judge as well as by Chambers and the Grand Chamber of the Court. We see no merit in distinguishing, for operational purposes, between the different admissibility criteria that will be set out in the Convention. The Government also believes that permitting the single judge to apply the new criterion will be the most effective way of contributing to reducing the backlog of cases before the Court. However, we have noted the view of a majority of the Court, as expressed in their February response, that the jurisdiction of the single judge should not cover applications falling under the new admissibility criterion until the Court has established clear case law principles for its operation in concrete contexts. We accept that, once the Protocol comes into force, it will take the Court a couple of years to develop consistent jurisprudence as to the meaning of the new criterion, so that it can be consistently applied by single judges. This point has not been included in the latest version on Article 20 of the draft Protocol.

You express concern that the present system under which reasons are not given for admissibility decisions of three judge committees will be continued under the new system of decisions by a single judge. We share your understanding that resource constraints prohibit reasons being given for such admissibility decisions. Given that more than 90% of

all applications are currently declared inadmissible, we see no prospect of this position changing.

We agree that in the new system proposed under draft Protocol 14 it will be important to achieve consistency and avoid judicial error, bearing in mind that admissibility decisions cannot subsequently be changed. For this reason, it is important that the single judge should be given sufficient support in taking these decisions. Consequently, new Article 24 (2) (now Article 4 of the Protocol) will provide that when sitting in a single judge formation, the Court shall be assisted by rapporteurs who shall function under the authority of the President of the Court. These rapporteurs will form part of the Court's Registry (and the usual appointment procedures and staff regulations will apply). It is understood that this new function should be conferred on persons with solid legal experience, expertise on the Convention and its case law, and a very good knowledge of at least one of the two official languages of the Council of Europe; in principle, the single judge should be assisted by a rapporteur with knowledge of the language and the legal system of the respondent party. While the decision taking function will rest with the single judge, it is expected that the new rapporteurs will combine existing rapporteur and registry case lawyer functions in the preparation of decisions. We hope that the creation of this new category of personnel, a decision which was agreed almost unanimously in the CDDH, should both provide the necessary support for the single judges and (through the rapporteurs' work with each other and with other members of the Registry) help to achieve consistency between the decisions taken.

National Implementation Measures

We agree that national implementation measures play a crucial role in reducing the burden on the Court. We fully support the important proposals contained in the various draft recommendations for the Committee of Ministers which have been approved by the CDDH, and believe that it is safeguarded within national legal systems, without the need for recourse to the Strasbourg Court.

Resources

We await the results of the review that will be carried out this year by the Council of Europe's Internal Auditor on the current three year programme for the Court before making a judgement on whether member states' contributions will need to be increased to ensure that the Court has sufficient resources.

Additional resources were found to fund this three year programme (2003-2005), which has seen the enhancement of the budget for the Court and other departments involved in the execution of judgements of the Court. However, we believe that all areas of the Organisation's activity should be constantly reviewed and prioritised within the discipline of zero real growth.

13 May 2004

Reports from the Joint Committee on Human Rights since 2001

The following reports have been produced

Session 2004-05

First Report	Protocol No.14 to the European Convention on Human Rights	HL Paper 8/HC 106
--------------	---	-------------------

Session 2003–04

First Report	Deaths in Custody: Interim Report	HL Paper 12/HC 134
--------------	-----------------------------------	--------------------

Second Report	The Government's Response to the Committee's Ninth Report of Session 2002-03 on the Case for a Children's Commissioner for England	HL Paper 13/HC 135
---------------	--	--------------------

Third Report	Scrutiny of Bills: Progress Report	HL Paper 23/HC 252
--------------	------------------------------------	--------------------

Fourth Report	Scrutiny of Bills: Second Progress Report	HL Paper 34/HC 303
---------------	---	--------------------

Fifth Report	Asylum and Immigration (Treatment of Claimants, etc.) Bill	HL Paper 35/HC 304
--------------	--	--------------------

Sixth Report	Anti-terrorism, Crime and Security Act 2001: Statutory Review and Continuance of Part 4	HL Paper 38/HC 381
--------------	---	--------------------

Seventh Report	The Meaning of Public Authority under the Human Rights Act	HL Paper 39/HC 382
----------------	--	--------------------

Eighth Report	Scrutiny of Bills: Third Progress Report	HL Paper 49/HC 427
---------------	--	--------------------

Ninth Report	Naval Discipline Act 1957 (Remedial) Order 2004	HL Paper 59/HC 477
--------------	---	--------------------

Tenth Report	Scrutiny of Bills: Fourth Progress Report	HL Paper 64/HC 503
--------------	---	--------------------

Eleventh Report	Commission for Equality and Human Rights Structure, Functions and Powers	HL Paper 78/HC 536
-----------------	--	--------------------

Twelfth Report	Scrutiny of Bills: Fifth Progress Report	HL Paper 93/HC 603
----------------	--	--------------------

Thirteenth Report	Scrutiny of Bills: Sixth Progress Report	HL Paper 102/HC 640
-------------------	--	---------------------

Fourteenth Report	Asylum & Immigration (Treatment of Claimants, etc.) Bill: New Clauses	HL Paper 130/HC 828
-------------------	---	---------------------

Fifteenth Report	Civil Partnership Bill	HL Paper 136/HC 885
------------------	------------------------	---------------------

Sixteenth Report	Commission for Equality and Human Rights: The Government's White Paper	HL Paper 156/HC 998
------------------	--	---------------------

Seventeenth Report	Scrutiny of Bills: Seventh Progress Report	HL Paper 157/HC 999
--------------------	--	---------------------

Eighteenth Report	Review of Counter-terrorism Powers	HL Paper 158/HC 713
-------------------	------------------------------------	---------------------

Nineteenth Report	Children Bill	HL Paper 161/HC 537
-------------------	---------------	---------------------

Twentieth Report	Scrutiny of Bills: Eighth Progress Report	HL Paper 182/HC 1187
------------------	---	----------------------

Twenty-first Report	The International Covenant on Economic, Social and Cultural Rights	HL Paper 183/ HC 1188
Twenty-second Report	The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004	HL Paper 190/HC 1212
Twenty-third Report	Scrutiny of Bills: Final Progress Report	HL Paper 210/HC 1282

Session 2002–03

First Report	Scrutiny of Bills: Progress Report	HL Paper 24/HC 191
Second Report	Criminal Justice Bill	HL Paper 40/HC 374
Third Report	Scrutiny of Bills: Further Progress Report	HL Paper 41/HC 375
Fourth Report	Scrutiny of Bills: Further Progress Report	HL Paper 50/HC 397
Fifth Report	Continuance in force of sections 21 to 23 of the Anti-terrorism, Crime and Security Act 2001	HL Paper 59/HC 462
Sixth Report	The Case for a Human Rights Commission: Volume I Report	HL Paper 67-I HC 489-I
Seventh Report	Scrutiny of Bills: Further Progress Report	HL Paper 74/HC 547
Eighth Report	Scrutiny of Bills: Further Progress Report	HL Paper 90/HC 634
Ninth Report	The Case for a Children’s Commissioner for England	HL Paper 96/HC 666
Tenth Report	United Nations Convention on the Rights of the Child	HL Paper 117/HC 81
Eleventh Report	Criminal Justice Bill: Further Report	HL Paper 118/HC 724
Twelfth Report	Scrutiny of Bills: Further Progress Report	HL Paper 119/HC 765
Thirteenth Report	Anti-social Behaviour Bill	HL Paper 120/HC 766
Fourteenth Report	Work of the Northern Ireland Human Rights Commission	HL Paper 132/HC 142
Fifteenth Report	Scrutiny of Bills and Draft Bills: Further Progress Report	HL Paper 149/HC 1005
Sixteenth Report	Draft Voluntary Code of Practice on Retention of Communications Data under Part 11 of the Anti-terrorism, Crime and Security Act 2001	HL Paper 181/HC 1272
Seventeenth Report	Scrutiny of Bills: Final Progress Report	HL Paper 186/HC 1278
Eighteenth Report	The Government’s Response to the Committee’s Tenth Report of Session 2002-03 on the UN Convention on the Rights of the Child	HL Paper 187/HC 1279

Nineteenth Report	Draft Gender Recognition Bill Vol I: Report	HL Paper 188-I/HC 1276-I
Nineteenth Report	Draft Gender Recognition Bill Vol II: Evidence	HL Paper 188-II/HC 1276-II
Session 2001–02		
First Report	Homelessness Bill	HL Paper 30/HC 314
Second Report	Anti-terrorism, Crime and Security Bill	HL Paper 37/HC 372
Third Report	Proceeds of Crime Bill	HL Paper 43/HC 405
Fourth Report	Sex Discrimination (Election Candidates) Bill	HL Paper 44/HC 406
Fifth Report	Anti-terrorism, Crime and Security Bill: Further Report	HL Paper 51/HC 420
Sixth Report	The Mental Health Act 1983 (Remedial) Order 2001	HL Paper 57/HC 472
Seventh Report	Making of Remedial Orders	HL Paper 58/HC 473
Eighth Report	Tobacco Advertising and Promotion Bill	HL Paper 59/HC 474
Ninth Report	Scrutiny of Bills: Progress Report	HL Paper 60/HC 475
Tenth Report	Animal Health Bill	HL Paper 67/HC 542
Eleventh Report	Proceeds of Crime: Further Report	HL Paper 75/HC 596
Twelfth Report	Employment Bill	HL Paper 85/HC 645
Thirteenth Report	Police Reform Bill	HL Paper 86/HC 646
Fourteenth Report	Scrutiny of Bills: Private Members' Bills and Private Bills	HL Paper 93/HC 674
Fifteenth Report	Police Reform Bill: Further Report	HL Paper 98/HC 706
Sixteenth Report	Scrutiny of Bills: Further Progress Report	HL Paper 113/HC 805
Seventeenth Report	Nationality, Immigration and Asylum Bill	HL Paper 132/HC 961
Eighteenth Report	Scrutiny of Bills: Further Progress Report	HL Paper 133/HC 962
Nineteenth Report	Draft Communications Bill	HL Paper 149/HC 1102

Twentieth Report	Draft Extradition Bill	HL Paper 158/ HC 1140
Twenty-first Report	Scrutiny of Bills: Further Progress Report	HL Paper 159/ HC 1141
Twenty-second Report	The Case for a Human Rights Commission	HL Paper 160/ HC 1142
Twenty-third Report	Nationality, Immigration and Asylum Bill: Further Report	HL Paper 176/ HC 1255
Twenty-fourth Report	Adoption and children Bill: As amended by the House of Lords on Report	HL Paper 177/ HC 979
Twenty-fifth Report	Draft Mental Health Bill	HL Paper 181/ HC 1294
Twenty-sixth Report	Scrutiny of Bills: Final Progress Report	HL Paper 182/ HC 1295