


The text is centered and surrounded by a ring of yellow stars, similar to the European Union flag.

**ACCESSION TO THE
OF THE EUROPEAN
EUROPEAN CONVENTION
UNION ON HUMAN
RIGHTS**

The background of the image features several flags. In the foreground, the European Union flag (blue with twelve yellow stars) is prominent on the left. To its right is the flag of the Council of Europe, which is blue with a white arc and the text 'COUNCIL OF EUROPE' and 'CONSEIL DE L'EUROPE'. In the background, other flags are visible, including the flag of the European Commission (blue with a white arc and the text 'COMMISSION OF EUROPEAN COMMUNITIES').

"The European Convention on Human Rights represents everything that the Council of Europe and the European Union stand for."

Joint statement on behalf of the Council of Europe and the European Commission,
29 September 2020

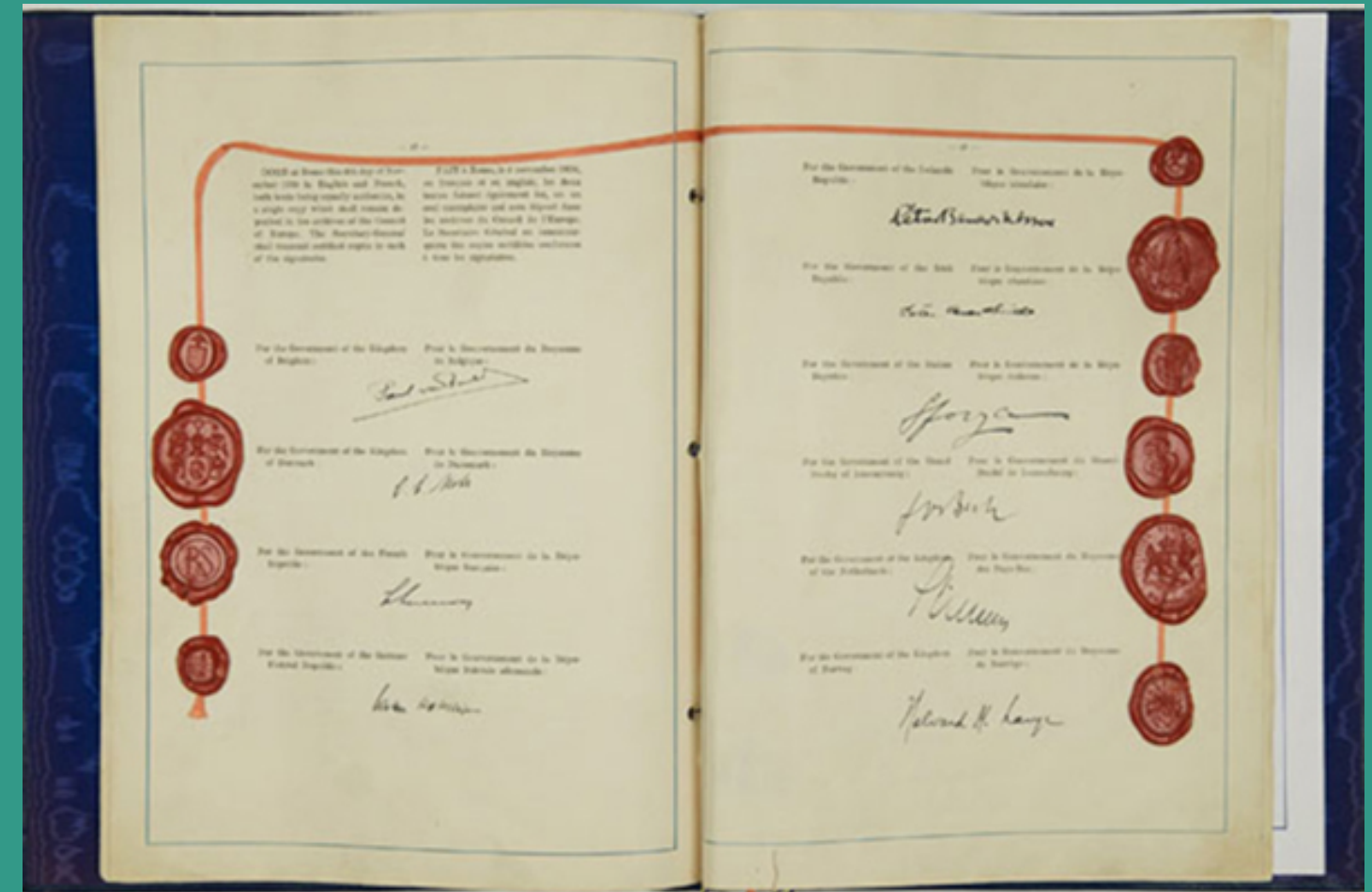


PROTECTION OF HUMAN RIGHTS IN THE COUNCIL OF EUROPE

THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

All 46 Member States of the Council of Europe have signed up to the European Convention on Human Rights, a treaty designed to protect **human rights, democracy** and the **rule of law**.

The ECHR is the first convention of the Council of Europe and the **cornerstone** of all its activities.

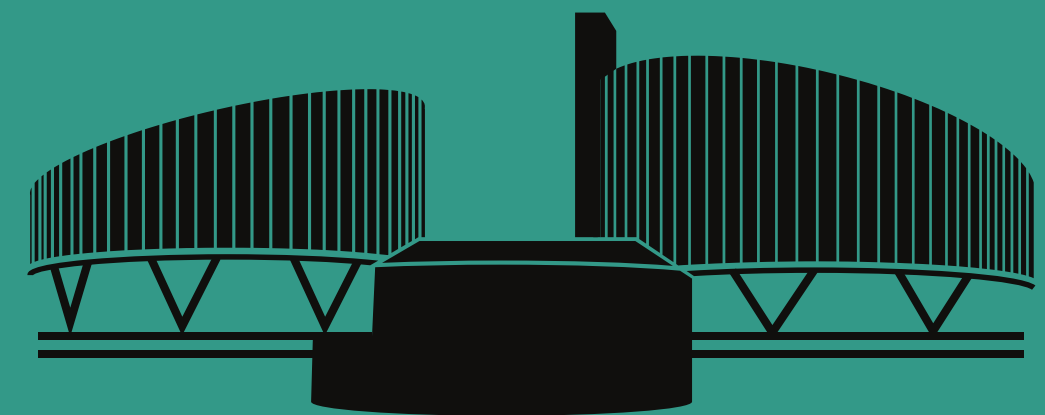


Source: <https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=>

THE EUROPEAN COURT OF HUMAN RIGHTS (ECTHR)

The ECtHR oversees the implementation of the Convention in the 46 Council of Europe Member States.

- Applicants can bring **complaints of human rights violations** to the Strasbourg Court once all possibilities of appeal have been exhausted in the Member State concerned.
- Its **judgments are binding** on the countries concerned and have led governments to improve their legislation and administrative practice. The Court's case-law makes the Convention a modern and powerful living instrument.



A satellite night view of Europe, showing the continent's outline and internal borders highlighted in a bright cyan color. The landmass is densely packed with small, glowing orange and yellow lights, representing city lights and urban areas. The surrounding oceans are dark, with some scattered lights visible. The overall scene is a high-contrast, glowing map of the European continent.

PROTECTION OF FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION

Since its foundation, the European Union has evolved greatly from an **initial customs union** into a **powerful single legal area** with a **very advanced human rights protection**.

Article 2 of the Treaty on European Union

"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities"



IN 2009, THE TREATY OF LISBON REFORMED THE EU

1. The focus on the protection of fundamental rights is now **clearer** than ever.
2. The [EU Charter of Fundamental Rights](#) **grants fundamental rights and civil liberties to all EU citizens.** The Charter explicitly draws from the **European Convention on Human Rights.**



3. The accession of the EU to the **European Convention on Human Rights** (ECHR) is now included as an **obligation** in the EU treaties.

4. The EU subsequently adopted further **secondary legislation** in the human rights field that must be implemented by the EU Member States. Prominent examples are the *EU Victims' Rights Directive* or the *EU Data Retention Directive*.

THE COURT OF JUSTICE OF THE EUROPEAN UNION (CJEU)



The primary task of the CJEU is to **examine the legality of EU measures and ensure the uniform interpretation and application of EU law.**

- The CJEU developed a prominent **fundamental rights profile with its case law** throughout the years.
- The CJEU guarantees the safeguard of fundamental rights for EU citizens that stem from the **EU Charter of Fundamental Rights** or the **EU Treaties**.





**WHAT WILL THE EU ACCESSION TO
THE ECHR MEAN FOR EU CITIZENS?**

THE EU WILL BE UNDER THE JURISDICTION OF THE ECTHR#1

In case of a breach of human rights, accession will make it possible for the European Court of Human Rights to hold the EU accountable alongside its Member States in situations where an EU Member State implements EU law.



INDIVIDUALS' PETITIONS BEFORE THE ECTHR#2

Accession will make it possible for individuals to bring cases against the EU directly before the European Court of Human Rights.




NOMINATION OF A JUDGE TO THE EUROPEAN COURT OF HUMAN RIGHTS #3



Accession will make it possible for the EU to nominate a judge to the European Court of Human Rights.

**THE EU WILL BE
REQUIRED TO
CONTRIBUTE TO COSTS
OF THE CONVENTION
SYSTEM#4**





STATE OF PLAY: NEGOTIATIONS



The **European Commission** negotiates on behalf of the European Union.



The Committee of Ministers of the Council of Europe gave an ad-hoc mandate to its **Steering Committee for Human Rights (CDDH)** to negotiate the terms of Accession.

The aim of the negotiations is to make accession of the EU to the European Convention on Human Rights legally possible. Therefore, the basic features of both the Convention and the EU-wide legal system must be respected.



TIMELINE





The accession of the EU to the European Convention on Human Rights became a **legal obligation** under the Treaty of Lisbon

2009

A **draft Accession Agreement** between the Member States of the Council of Europe and the EU was created

2013

The CJEU delivered a **negative opinion (2/13)** on the draft **Accession Agreement**: the Agreement was incompatible with EU Treaties

18 DECEMBER
2014

WE ARE HERE NOW!



Negotiations resumed to solve the problems identified in Opinion 2/13 of the CJEU

SEPTEMBER 2020

The CDDH and the EU are regularly coming together in the **46+1 Group** (46 CoE Member States + EU) to negotiate on the accession and **draft a new Accession Agreement**

ONGOING

The new **Accession Agreement** will make the accession of the EU to the ECHR **legally possible**



EU Delegation to the Council of Europe

Delegation of the European Union to the Council of Europe
18, Boulevard de l'Orangerie
67000 Strasbourg
+33 (0)3 90 40 60 80
delegation-strasbourg-1@eeas.europa.eu

https://eeas.europa.eu/delegations/council-europe_en

 @euatcoe

 @EUDELCoE

 @EUatCoE