TREATY SERIES 2021
No. 9

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

Done at Strasbourg on 24 June 2013

Signed without reservation as to ratification by Ireland on 24 June 2013

Entered into force on 1 August 2021

Presented to Dáil Éireann by the Minister for Foreign Affairs

PROTOCOL NO. 15 AMENDING THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Preamble

The member States of the Council of Europe and the other High Contracting Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"), signatory hereto,

Having regard to the declaration adopted at the High Level Conference on the Future of the European Court of Human Rights, held in Brighton on 19 and 20 April 2012, as well as the declarations adopted at the conferences held in Interlaken on 18 and 19 February 2010 and İzmir on 26 and 27 April 2011;

Having regard to Opinion No. 283 (2013) adopted by the Parliamentary Assembly of the Council of Europe on 26 April 2013;

Considering the need to ensure that the European Court of Human Rights (hereinafter referred to as "the Court") can continue to play its pre-eminent role in protecting human rights in Europe,

Have agreed as follows:

Article 1

At the end of the preamble to the Convention, a new recital shall be added, which shall read as follows:

> "Affirming that the High Contracting Parties, in accordance with the principle of subsidiarity, have the primary responsibility to secure the rights and freedoms defined in this Convention and the Protocols thereto, and that in doing so they enjoy a margin of appreciation, subject to the supervisory jurisdiction of the European Court of Human Rights established by this Convention,"

Article 2

1. In Article 21 of the Convention, a new paragraph 2 shall be inserted, which shall read as follows:

> "Candidates shall be less than 65 years of age at the date by which the list of three candidates has been requested by the Parliamentary Assembly, further to Article 22."

2. Paragraphs 2 and 3 of Article 21 of the Convention shall become paragraphs 3 and 4 of Article 21 respectively.

3. Paragraph 2 ofArticle 23 of the Convention shall be deleted. Paragraphs 3 and 4 of Article 23 shall become paragraphs 2 and 3 of Article 23 respectively.

Article 3

In Article 30 of the Convention, the words “unless one of the parties to the case objects” shall be deleted.

Article 4

In Article 35, paragraph 1 of the Convention, the words “within a period of six months” shall be replaced by the words “within a period of four months”.

Article 5

In Article 35, paragraph 3, sub-paragraph b of the Convention, the words “and provided that no case may be rejected on this ground which has not been duly considered by a domestic tribunal” shall be deleted.

Article 6
Final and Transitional Provisions

1. This Protocol shall be open for signature by the High Contracting Parties to the Convention, which may express their consent to be bound by:

a) signature without reservation as to ratification, acceptance or approval; or

b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 7

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all High Contracting Parties to the Convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of Article 6.

Article 8

1. The amendments introduced by Article 2 of this Protocol shall apply only to candidates on lists submitted to the Parliamentary Assembly by the High Contracting Parties under Article 22 of the Convention after the entry into force of this Protocol.

2. The amendment introduced by Article 3 of this Protocol shall not apply to any pending case in which one of the parties has objected, prior to the date of entry into force of this Protocol, to a proposal by a Chamber of the Court to relinquish jurisdiction in favour of the Grand Chamber.

3. Article 4 of this Protocol shall enter into force following the expiration of a period of six months after the date of entry into force of this Protocol. Article 4 of this Protocol shall not apply to applications in respect of which the final decision within the meaning of Article 35, paragraph 1 of the Convention was taken prior to the date of entry into force of Article 4 of this Protocol.

4. All other provisions of this Protocol shall apply from its date of entry into force, in accordance with the provisions of Article 7.

Article 9

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and the other High Contracting Parties to the Convention of:

a) any signature;

b) the deposit of any instrument of ratification, acceptance or approval;

c) the date of entry into force of this Protocol in accordance with Article 7; and

d) any other act, notification or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 24th day of June 2013, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member state of the Council of Europe and to the other High Contracting Parties to the Convention.