

## High Level Conference on the Future of the European Court of Human Rights

IZMIR, 26 – 27 April 2011  
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### WELCOMING ADDRESS

by

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**Minister of Foreign Affairs**  
**Chairman of the Committee of Ministers of the Council of Europe**  
**TURKEY**

Distinguished Colleagues,

Distinguished Participants,

First of all you are most welcome to one of the most beautiful cities of the Mediterranean, İzmir. I hope you will enjoy your stay in Izmir. I hope we will have a very fruitful session.

As one of the founding members of the organisation, Turkey is pleased to host this important conference on the future of the European Court of Human Rights. On behalf of the Chairmanship of the Committee of Ministers and the Government of Turkey, I wish to extend to you all a very warm welcome to Izmir and to Turkey.

My country has responded positively to the invitation made at Interlaken in February 2010 to the future Chairmanships of the Committee of Ministers to follow up on the implementation of the Interlaken Declaration. The reform of the Court has been identified as a priority of the Turkish Chairmanship.

We believe that the Izmir Conference will provide a new impetus to the Court reform process which was launched by the Interlaken Conference last year.

Distinguished Participants,

The Convention system, to which the European Court of Human Rights is central, plays a pivotal role, establishing common standards for the respect and protection of human rights. It has value both as a symbol enshrining our shared values of human rights, democracy and the rule of law, and it also serves as a practical mechanism for ensuring that rights and freedoms are protected and that our shared values are thus respected.

The mere existence of a European Court, where more than 800 million Europeans are entitled to take their complaints, which, they believe, had not been resolved through domestic remedies, is a success in itself. This success, however, brings along high expectations. On top of these expectations comes a Court, which functions effectively and can dispose of applications within a

reasonable time, it is a Court, which ensures legal security both for individuals and for states through a consistent case-law.

Distinguished Participants,

Reform of the Court has been on the agenda for more than a decade. At the meeting of the 50th anniversary of the Convention in November 2000 in Rome which took place only after the entry into force of Protocol No. 11, many calls were heard for measures aimed at increasing the effectiveness of the Court. However, these calls have not been fully fulfilled.

To date, some steps were of course taken, Protocol No. 14 being the most prominent. However these steps have fallen short of meeting the ever increasing challenges faced by the Court. After ten months of entry into force of Protocol No. 14, the Court has concluded in its written opinion for the Izmir Conference that while the results so far achieved are encouraging, Protocol No. 14 will not provide a lasting and comprehensive solution to the problems facing the Convention system.

The present difficulties challenging the long-term effectiveness and future of the Convention system are our common concern. The responsibility of the ownership of this protection mechanism requires that our Governments be able to display the same common political will which they had shared at the time of the creation of the Convention system.

Distinguished Participants,

The Izmir Conference pursues two main goals in the context of ensuring the long-term effectiveness of the Convention mechanism. The first is to take stock, in accordance with the Interlaken Action Plan, of the proposals that do not require amendment of the Convention and the second is, having also regard to recent developments, to take necessary measures.

The biggest problem is the Court's case-load. Over 90% of the decisions produced by the Court declare applications inadmissible. This fact clearly displays the necessity to take additional measures with regard to access to the Court. Filtering out these inadmissible applications is taking too much of the Court's time and resources, which are already stretched beyond its capacities. Although the provisions introduced by Protocol No. 14 and recent measures adopted by the Court are important and necessary, however, they will not be sufficient. We must thus make absolutely clear our political will to find more radical solutions to existing problem.

With regard to access to the Court, the Interlaken Declaration called upon the Committee of Ministers to consider any additional measure which might contribute to a sound administration of justice and it also calls for examining in particular under what conditions new procedural rules or practices could be envisaged, without deterring well-founded applications. Taken together with other concrete steps, the introduction of an application fee would have a considerable impact in reducing the backlog problem. We must continue to examine the issue of charging fees to applicants together with other possible new procedural rules or practices such as compulsory representation.

Making the practice on just satisfaction more transparent and foreseeable would certainly allow more cases to be settled outside of the Court and, perhaps, discourage applicants with unrealistic expectations.

Distinguished Participants,

The other great concern arising from the Court's case-load is the problem of repetitive applications. This must primarily be resolved through effective implementation of the Convention and the Court's judgments at national level. We must ensure that effective domestic remedies exist, providing for a decision on alleged violations of the Convention and, where necessary, its redress.

We need adequate national measures to contribute actively to diminish the number of applications. We also need further guidance to ensure better understanding of the Convention and the Court's case-law and avoiding repetitive applications. We believe that the procedure for advisory opinions and having reasoned decisions in the rejection of applications for referral to the Grand Chamber would clearly ensure that more cases are dealt with satisfactorily at national level. Effective execution of judgments, of course, requires the Court's judgments to be clear and consistent in their prescriptions. On the other hand, the principle of subsidiarity requires full, consistent and foreseeable application by the Court of the admissibility criteria at the same time it requires the rules regarding the scope of its jurisdiction, namely, *ratione temporis*, *ratione loci*, *ratione personae* and *ratione materiae*.

The admissibility criteria are an essential tool in managing the Court's caseload and in giving practical effect to the principle of subsidiarity. The new admissibility criterion adopted in Protocol No. 14 remains to be evaluated with a view to its improvement. We also need to initiate work to reflect on the admissibility criteria, including about how the criteria can be made more effective and whether new criteria are required.

Distinguished Participants,

Since the Interlaken Conference, the number of interim measures requested in accordance with Rule 39 has greatly increased, thus further aggravating the workload of the already overburdened Court. Turkish Chairmanship has taken into account growing concerns about the application of Rule 39 and supported the view that we have to take concrete steps on this issue. We expect that the implementation of the approach set out in the Izmir Declaration, which will be adopted by this Conference, will lead to a significant reduction in the number of interim measures, and to the speedy resolution of those applications.

The Convention has been integrated into the national legal systems of all Council of Europe member States. That process must now be completed by the accession of the European Union to the Convention. Bringing the institutions of the EU within the scope of the Convention will be a huge step forwards for human rights protection in Europe. Of course difficulties, both technical and political, will emerge as we work towards accession; but I am confident that the outcome will be successful. Turkey, will sustain its support and efforts for the ongoing accession process until the Ministerial Session in Istanbul. For the creation of a common legal space for the European human rights protection system, it is very important not to lose the political momentum created by the entry into force of the Lisbon Treaty and thus, to realize the accession as soon as possible.

Distinguished Participants,

When we decided to convene this Conference, we were aware of the difficulties to reach a consensus in some measures expressed in the Interlaken Declaration. Nevertheless, it was our priority to take further concrete steps, as an expression of the States Parties' determination to continue the Interlaken process. Without maintaining our political will, taking stock of the already achieved progress and without envisaging our future steps, the reform process would be abandoned to an uncertain future.

The Izmir Declaration, which will be adopted by this Conference, is the outcome of a collective effort made in the spirit of compromise and cooperation. Our goal was to reflect a common ground acceptable, at this stage, to all 47 members. Naturally, this will not provide all the answers for the reform of the Court. However, we believe that the outcome of this Conference will give fresh encouragement and further guidance to the ongoing work on finding lasting solutions to the existing problems, it will also help to pursue long-term strategic reflections about the future role of the Court.

In view of this, I wish to conclude by expressing my confidence that our conference will make an important contribution to the future of the Court and that of the Convention mechanism as a whole. I am sure that the future chairmanships will continue to give follow-up to this process.

Distinguished Participants,

Welcome to Izmir. I wish you great time here.