

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

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SPEECH

by

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Ladies and Gentlemen,

It is a great pleasure and honour for me to address this conference as President of the Parliamentary Assembly, one of the statutory organs of the Council of Europe. I wholeheartedly congratulate my fellow countryman, Foreign Minister Ahmet Davutoğlu, for organising this important Conference in the framework of the Turkish Chairmanship of the Committee of Ministers.

The reform of the European Court of Human Rights is part of the overall reform of the Council of Europe, which aims at making our Organisation more relevant and more efficient. Both reforms are not only closely related, they are dependent on one another. The Court cannot be functional if the Council of Europe as a whole does not have the political leverage to promote legal reforms and to ensure the execution of the Court's judgments in its member states. Nor can the Council of Europe be functional if the Court is not capable of fulfilling its essential mission of protection of the European Convention on Human Rights.

The future of the Court is also very closely linked to the accession of the European Union to the Convention. This will guarantee a coherent, Europe-wide system of human rights protection and we should do all we can to speed up this accession in the coming months.

The Assembly, as the Committee of Ministers, is responsible for protecting the Council of Europe's human rights values and in ensuring compliance of the Convention standards by member states. I shall therefore now focus on the "parliamentary dimension" of work carried out by the Assembly and the national parliaments it represents.

The Assembly has been following closely the Interlaken process. In Resolution 1726 - which it adopted on this subject - it insisted that the process should take into account, in particular: the need to strengthen the implementation of Convention rights at the national level; the improvement of the effectiveness of domestic remedies in states with major structural problems, and the need to rapidly and fully execute the judgments of the Court.

The Assembly has also repeatedly stated that the authority of the Strasbourg Court depends on the stature of its judges and on the quality and coherence of the Court's case law.

Let me start with the issue of the judges to the Court who, as you know, are elected by the Assembly. The Assembly is doing its best to ensure that the judges are of the highest calibre. However, the selection procedures start in member states and we have always insisted that, in order to enhance the quality, effectiveness and authority of the Court, these procedures must be rigorous, fair and transparent.

Unfortunately, this is still not always the case and the Assembly has not hesitated, on several occasions, to send back lists which it has considered unsatisfactory. We therefore welcome the initiative of the President of the Court to create an Advisory Panel of experts which would counsel governments before any lists of candidates are transmitted to the Assembly.

I now move on to the key role that national parliaments can play in stemming the flood of applications submerging the Court. In this connection, the dual role of the Assembly's parliamentarians – as members of their respective national parliaments and of the Assembly, is an important asset that we have at our disposal.

First of all, the Assembly is undertaking serious efforts to ensure that national parliaments rigorously and systematically verify the compatibility of draft and existing legislation with the Convention's standards, and ensure effective domestic remedies.

Secondly, the Assembly and national parliaments also have a responsibility for rapid and effective implementation of judgments by the Strasbourg Court. The Committee of Ministers, which holds the principal responsibility for the supervision of the execution of the Court's judgments, has itself acknowledged the benefit of greater parliamentary involvement. That said, and in spite of the efforts of the Assembly, the manner in which many national legislative bodies function in this regard is still not satisfactory. But I can assure you that we will persevere in this respect.

Priority must be given to solving major structural problems, which have led to numerous repeated violations of the Convention. The Assembly has identified, in particular, the following problems: the excessive length of judicial proceedings, chronic non-enforcement of domestic judicial decisions, deaths and ill-treatment by law enforcement officials, including lack of effective investigations into them, and unlawful or excessive detention on remand.

Subsequently, in its recent Resolution on the implementation of judgments of the European Court of Human Rights, the Assembly called upon the Chairpersons of those national parliamentary delegations of states concerned by these problems – together, if necessary, with the relevant ministers – to present the results achieved in solving them. I personally, as President of the Assembly, have asked the Chairpersons of the parliamentary delegations concerned to provide me with information – if possible within the next six months – on follow-up given by national parliaments.

I believe this is an example of how, in the context of the Interlaken follow-up, the Assembly has itself taken the initiative to give priority to the full and swift compliance with the Court's judgments which, in many instances, requires regular and rigorous parliamentary supervision.

Finally, I wish to inform you about progress made in the context of ongoing negotiations with respect to EU accession to the European Convention on Human Rights. A Joint Informal Body composed of representatives of the Assembly and the European Parliament met in March of this year to discuss the modalities of the participation of EP representatives in the Assembly's process of electing judges to the Court subsequent to such accession. A large measure of agreement has already been reached on a number of issues in this respect and a second meeting is scheduled to take place in mid-June.

One of the issues that still needs to be thoroughly addressed is the concern of some member states that a "block" approach of the EU in the Committee of Ministers, in particular as regards execution of judgments, would create an insurmountable voting majority. I wish to stress that on human rights issues, states must act in conformity with the fundamental values and principles and not according to their "block" belonging and solidarity. This is the unique value of the Council of Europe, where principles take precedence over economic, political, geo-political or other considerations.

Ladies and Gentlemen, I believe that today's conference will help us to reach decisions which will not only ensure the viability of the Council of Europe and the Court, but will ensure better and more effective protection of the rights enjoyed by Europe's 800 million citizens. The responsibility lies with all of us.

I thank you for your attention.