



High-Level Conference
On the future of the European Court of Human Rights
Brighton, United Kingdom, 19 April 2012
Speech by the Secretary General
of the Council of Europe

Check against delivery

Ministers, Ladies and gentlemen,

Today we have come together together for the third time in as many years. During this period of reform, the Committee of Ministers, the Court, our expert committees and many others have been working hard. The process and the draft declaration that we have on the table today show the following:

- all member States recognise the Court's extraordinary contribution to human rights protection in Europe;
- all accept the ultimate authority of the Court to interpret the Convention;
- all have unanimously reaffirmed their attachment to the right of individual petition;
- all accept that they must fully implement the Court's judgments.

The draft declaration also underlines the principle of subsidiarity that has underpinned the work of the Court from the very beginning and the doctrine of the margin of appreciation set up and developed by the Court itself.

My conclusion is therefore that the process which started in Interlaken has underlined and strengthened the role and authority of the Court.

But we have two main challenges that still need to be met.

Firstly – to improve the national implementation of the Convention. So that fewer violations occur, structural and systemic problems are resolved, and the Court's judgments are fully and rapidly executed and that effective remedies are readily available that can

ensure that fewer applications are made to Strasbourg; or at least, fewer admissible applications.

Secondly, to improve the Court's capacity to respond to applications that are made, whether admissible or not. The Court should be able to give the appropriate response to every application within reasonable time.

[National implementation]

When it comes to the first point, it is clear that effective human rights protection begins and ends at home. The meaning of the Court was never to take over responsibility of the national courts. Therefore I am pleased to see that the Declaration emphasises the shared responsibilities first and foremost of States, as well as the Court for the effective implementation of the Convention.

I understand that changes to national institutions, laws and administrative practices often need time and may sometimes need money. But where there are shortcomings, States parties' obligations under the Convention require genuine efforts on implementation. These efforts must be seen as an investment, not a cost.

This is especially so where structural and systemic problems give rise to repetitive applications; and even more so, where those problems are well-known and long-standing. These cases, which are almost by definition well-founded, often affect the core institutions of democracy, and are of great importance to the respect for human rights and the rule of law.

It is very important to understand that there are strong institutional links between the European Convention on Human Rights and the Council of Europe's different bodies and activities. The Court is not an isolated body and cannot operate in an institutional or political vacuum.

The Council of Europe has for many years been supporting member States to implement the European Convention on Human Rights at national level. Activities include legislative expertise, training and capacity development, as well as dissemination of training materials. The aim of the institutional reforms during my term of office has been to improve our delivery of these services.

A lot more can be done, even within current institutional constraints and limited resources. I am personally committed to ensuring better co-ordination of all co-operation activities. Today, we need to target our activities more closely to those areas where the European Court of Human Rights, the execution process, the Human Rights Commissioner or monitoring mechanisms have identified shortcomings.

As in many areas, co-operation with the European Union will be crucial. Joint programmes represent already the largest source of funding for Council of Europe's technical assistance

and co-operation projects. Through our new Directorate General of Programmes and the strengthening of our field presence, we will ensure that joint programmes are reinforced, coordinated and better targeted. Our aim is to avoid any unnecessary duplication of activities, nor should important issues identified by the Strasbourg Court or human rights monitoring mechanisms be left overlooked or unattended.

[Execution of judgments]

Rapid and efficient implementation of the Court's judgments is essential for the authority and credibility of the Convention system.

The annual report presenting the Committee of Ministers' supervision of the execution of judgments acknowledges that, despite positive indication in last year's figures, there remain many important and complex structural problems in member states. I therefore support the idea to reflect on more effective measures that could be taken in respect of States that persistently fail to implement judgments of the Court, notably those relating to repetitive cases and serious human rights violations.

The second main challenge, which I mentioned, relates to the Court's capacity to respond to applications made.

For the Convention system to remain effective, it is indispensable that the Court is playing its role fully, efficiently and independently.

Thanks to new working methods that give full effect to the Single Judge system introduced by Protocol No. 14, there have been very encouraging signs from the Court that the long-standing problem of the backlog of clearly inadmissible applications may finally be coming under control. I can only applaud President Bratza, the Registrar and the Court for their efforts, welcome their results and encourage further innovations within the current legal framework. I welcome the Court's stated expectation to deal with new applications as they arrive and to progressively eliminate the backlog.

I also welcome the amendment of the existing admissibility criteria introduced by Protocol 14. It should make it easier for the Court to declare trivial cases inadmissible.

We must be honest and realistic about the possible budgetary aspects of certain proposals that have been discussed during the preparation of this very important conference. I am highly sensitive to the budgetary situations of our member States. But if our words are to be backed up by action, we must recognise that some small budgetary efforts may be unavoidable. Now the time has come to set up a special fund, in particular for the backlog of the Court, to which member States could contribute on a voluntary basis.

The statute of the Council of Europe and the European Convention of Human Rights entrust the Secretary General with tasks that relate both to the effective implementation of the Convention and to the efficient functioning of its institutions. I reiterate my absolute

commitment to the fulfilment of these obligations. I will spare no effort to make sure that the Council of Europe is and remains the most relevant and efficient partner to our member States, in their efforts to fulfil their obligations under the Convention.

I will return to what I said from the outset: the process from Interlaken to Izmir and now Brighton has strengthened our common recognition of the importance of the Convention system and the Court.

I congratulate the UK Chairmanship of the Committee of Ministers for their efforts to reform and strengthen the Court.

There is no other way to build peace and unity in Europe, than to ensure the full respect for human rights and the rule of law. The member states have themselves freely chosen to submit to an international judicial control mechanism, because they are deeply convinced that this is a vital safeguard for democracy, freedom and peace across our continent. They are, as a result, obliged to respect the standing, independence and authority of the Court, in the same way as they show respect for their own courts at home.

As political leaders we all have an obligation to convey to our citizens that an international convention system that gives the same rights to everybody, may lead to judgments from the Court with which not everyone will agree. From time to time even a majority in our societies may disagree.

But we have to keep in mind that human rights are very often about protecting the rights of minorities. It cannot be left to a majority within a society to protect such rights. These rights cannot be subject to shifting political winds.

As a consequence of the devastating nationalism and wars in the 20th century, the world moved from nationalism towards internationalism. The UN was established and the Universal Declaration on Human Rights was adopted. It was based on the belief that basic human rights do not come from any majority or any authority. They come from the fact that we are all human beings and that every nation has an obligation to uphold these rights by law.

The European Convention on Human Rights is the only real and concrete realisation of the Universal Declaration of Human Rights. Let us take new steps to strengthen this system further.

Thank you for your attention.