

Statement by Mr Dick Roche, Minister for European Affairs
High level Conference on the Future of the European Court of
Human Rights
Interlaken, Switzerland 18-19 February 2010

I wish to pay tribute to the Swiss authorities for their leadership in taking the initiative to organise this Conference. Looking around the room today the high esteem in which the European Court of Human Rights is held by Ministers from around Europe is very evident. Our presence here is a strong political signal of recognition of the fundamental position the Court occupies in the European legal sphere and of the need to ensure it flourishes in the future.

I would also like to take this opportunity to welcome the entry into force of Protocol 14 in June this year which has been made possible by the ratification of this instrument by the Russian Federation. This will enable the implementation of a number of much needed reforms for the Court.

We endorse the Declaration and Action Plan which will be adopted today. While this Conference should provide a strong impetus to reform of the entire Convention system it is not, of course, an end in itself. Much meaningful work will be required in the coming months and years to guarantee the continued viability of the Court.

We are all beneficiaries of the human rights culture nurtured by the Convention and the Court. As such we have a responsibility to ensure that there is no further deterioration in the current crisis faced by the Court with its overwhelming backlog. Today should mark the beginning of a commitment, anchored in national administrations, to support and strengthen the full implementation of the Convention system at every level.

The system of human rights protection created by the Convention resembles an arc, running from implementation at national level, to effective working of the Court, through to prompt and effective execution of judgments and consequent national

measures. Every element needs to operate effectively. Solutions to the Court's problems must be multi-faceted and engage every stage of the system.

Pre-eminent must be the principle of subsidiarity, and better implementation of the Convention at the national level. The huge number of applications to the Court arise in very large part from the weakness of domestic protection systems. The single most meaningful achievement would be to ensure that appropriate legal structures for the protection of human rights exist and operate effectively in every member state. When that comes about it is inevitable that applications to Strasbourg will decrease.

Recognition of the crucial role of national implementation is nothing new. The Declaration of the European Ministerial Conference on Human Rights in Rome in 2000 recalled that, in the first place, it is for Member States to ensure that human rights are respected, in full implementation of international commitments. The sad reality is that the call for better national performance is as necessary today as it was almost ten years ago.

It is simple, the Court and the Convention system cannot survive on good intentions and good will. Where a clear and persistent systemic problem has been identified by the Court at national level, member states must ensure that appropriate measures are taken to remedy the situation. We Ministers must collectively ensure that that the message of the need for better implementation is heard and applied across each of our member states.

The Court too has an important role to play. We commend it for its work so far in seeking to adapt as best it can to the situation it faces. But the growing deluge of applications means that fundamental changes have to be considered seriously. Our Declaration today points to rigorous and uniform application of admissibility criteria and to possible filtering mechanisms among practical ways forward.

We consider that the Court should preserve and enhance its role as the important creator and arbiter of European human rights jurisprudence. To maintain that pre-eminence, it is clear that a method must be found which allows for due time and

attention to important and fundamental cases, while continuing to allow for the right of individual petition.

The obligation on states to fully execute the judgment of the Court can be seen as complementary to better implementation of the Convention at the national level. Effective and prompt execution of a judgment provides an opportunity for a High Contracting Party to take action to prevent future violations and to avoid repetitive cases.

We are pleased to note, and support, the emphasis in the Action Plan on the urgent need for the Committee of Ministers to develop and strengthen its role and to review its working methods. It is essential and appropriate to carefully evaluate the current process and to ensure that the best possible system is in place. The Committee of Ministers should seek to ensure that this important work is given the necessary level of priority and that the peer-review nature of the execution process is protected.

We are pleased that there will be a timetable for future work. I hope that this will not only be respected but accelerated. Much reflection by distinguished personalities and groups has already been devoted to the better operation of the Court. We must now build on that work and make positive action our keyword.