

**Speech by the Prime Minister of Denmark Lars Løkke Rasmussen,
at the Parliamentary Assembly session**

Strasbourg, 24 January 2018

Mr. President

Mr. Secretary General

Excellencies, ladies and gentlemen.

I am honored to stand here today. In the heart of Europe. And in the halls of the Parliamentary Assembly. As many leaders of Europe have done before me.

Almost 70 years ago, 10 nations took the first step to form the Council of Europe. Denmark was one of them.

Since then, both Europe and this council have come a long way.

Today 47 member states constitute one of the most important institutions in Europe created since the Second World War.

For decades, the council has protected and promoted the core values of Europe: Human rights, democracy and the rule of law. And with success.

The Europe of today is a better Europe. Much better.

None of us are able to predict the future. But we are obliged to learn from the past.

Throughout its history, Europe has been the cradle of democracy and a centre of enlightenment.

But as we all know, Europe has not always been a continent of peace and freedom.

In fact, no continent on Earth has produced so much conflict, suppression and manmade devastation within the last 2000 years – as Europe has.

Yet, on the ashes of the Second World War, true leaders and visionaries wanted to ensure that the darkness of war and prosecution would never again haunt Europe.

And to uphold the peace, the European Convention on Human Rights was born.

Today, the principles of the Convention still constitute the moral and legal guidelines of our European family.

The standards of human rights are higher than in any other region of the world. And we continue to pursue even better protection of the Rule of Law standards. Standards against which we measure the success of our societies.

We must cherish this legacy, given to us by the leaders of the past.

But we are also obligated to 'future proof' the solutions of the past and make sure that they fit the challenges of *our* time.

My ambition is clear. I want to hand over an even better Europe to my children and grandchildren.

A Europe where democracy, human rights and the rule of law are upheld as the core values and guiding principles for our everyday life.

A Europe where no one is exposed to torture or degrading treatment. Where prejudice does not taint human relations.

Where equal opportunities for women and men flourish. And where our children are raised to become the democratic citizens of tomorrow.

This requires international cooperation and binding legal rules. Based on broad support, ownership and commitment from Member States, and from the people in Europe.

Denmark is – and always has been – a strong supporter of the European human rights system.

This is the *exact* reason why the main priority of the Danish Chairmanship will be continued reform of the European human rights system.

An effective human rights system is a benefit for all of Europe.

That is why we need an ongoing, honest and open debate about how we ensure the relevance and effective functioning of the Convention system.

Building on the successes we have achieved, and confronting new challenges as they arise.

And there *are* challenges. Right now and when looking into the future.

Firstly, there is the significant challenge of inadequate national implementation. In particular in relation to serious, systemic and structural human rights problems in some States.

Let me give an example that has given rise to a heated discussion in Denmark: In recent years the Court has clearly identified the problems that several Member States face in their prison systems. It has also advised the measures necessary to solve them. Yet, the problems remain in several countries.

This is unacceptable. Not only to the people who are serving their sentences in those prisons. But also to the countries, who actually do live up to the minimum standards under the Convention.

It is simply not fair, that countries like Denmark end up housing foreign criminals, because of the poor prison conditions in their home countries.

Secondly, there is a challenge concerning the interpretation of the Convention.

The question has been asked whether the Court goes too far in its interpretation and leaves too little room to the national democracies.

It is no secret that we have had such discussions in Denmark too.

We have seen cases where it has been considered a violation of the right to family of hardcore foreign criminals if they were deported to their home countries.

Decisions I cannot understand.

And it does not resonate with the general public understanding of human rights.

When asking questions related to the Court's jurisdiction and authority, such questions are sometimes perceived as an unpatriotic swipe at human rights, and the Strasbourg Court.

That could not be more wrong. Quite the contrary. If we care about human rights, and if we care to preserve the authority of the Court, we must be able to discuss the difficult questions too. Openly and honestly.

If not, we risk losing public support for human rights and – more broadly for international cooperation as such – which would be one of the biggest failures, our generation could produce.

Thirdly, there is the challenge of the caseload of the Court. This remains a serious problem.

Today applicants, with potentially well-founded complaints regarding serious violations of human rights, have to wait for years for their case to be resolved. This is unacceptable.

We have to deal with these challenges together.

We *must* together remain committed to continuously improve the Convention system and take the necessary steps to ensure its relevance and effective functioning.

We need a system that is tougher on countries that do not fulfil their human rights obligations. At the same time we need a system that does not interfere too much in countries who take human rights seriously.

There are indications that the Court is moving in the right direction. This is positive. We must support and encourage this development.

Important results have been achieved. The efficiency of the Court has been improved. The need for more effective implementation has been emphasised. And above all, the principle of subsidiarity has been strengthened.

To ensure the continued positive developments, Denmark will in April 2018 host a Conference for Ministers in Copenhagen to adopt a political declaration that gives new impetus to the ongoing reform of the Convention system.

A process that started in Interlaken in 2010. And has continued in Izmir, Brighton and Brussels. Providing an important opportunity for Member States to set the future direction. Towards a more effective, focused and balanced Convention system. A vision I fully support.

The convention system was never intended to replace our national institutions in the first place. Or act as a 'court of fourth instance'.

Not only is it practically impossible for 47 judges in Strasbourg to handle appeal cases from more than 800 million people.

It also risks making the Convention system less relevant – instead of making it an embedded part of our national systems. It should empower national authorities to do their job.

We should not forget that it is the Member States who are the primary protectors of Convention rights. And in doing so they should be given a reasonable room for manoeuvre – a "margin of appreciation". Subject – of course – to the supervision of the Court.

This constitutes the concept of 'shared responsibility'.

With Protocol 15, subsidiarity will move into the text of the Human Rights Convention itself.

This signals an important step forward – towards a better balance between the national and European level of the Convention system.

A key priority for our Chairmanship is to ensure that Protocol 15 comes into effect.

Since we initiated our campaign, 7 Member States have ratified. But 7 still remain. We encourage the remaining Member States to follow suit.

I see no contradiction between believing, passionately, that human rights are important – and at the same time believing that some decisions related to human rights are more appropriately decided at the national level.

The way forward is to *reform in order to preserve*. And at the same time maintain focus on the core pillars of the organization – human rights, democracy and the Rule of Law.

For a system of shared responsibility to work there must be an ongoing dialogue, between the Member States and the Court.

No one has an interest in a Convention system that is perceived ‘out of sync’ by Member States and the broad public.

This requires an effort from all sides.

The Court must listen to Member States and their concerns. But as Member States we must also communicate more clearly and directly with the Court. Explaining our concerns and positions, including on sensitive and difficult issues.

Ladies and gentlemen.

We hope for the support of all relevant actors in the Council, including the Parliamentary Assembly, to address these important issues.

71 years ago, late Prime Minister Winston Churchill expressed a great vision. He said:

“We must re-create the European Family in a regional structure, and the first practical step would be to form a Council of Europe”.

The vision became reality.

Churchill and his fellow European leaders wanted to reform Europe and make it shine – in order to replace darkness with light. And they succeeded.

Today, we need to ask ourselves: How do we ensure, that the universal rights of the past will continue to be our guidelines in the future?

History has taught us, that the best way forward is an open-minded and constructive dialogue on the challenges we face. And an ambition to make progress.

With necessary and clever reforms, we can strike the right balance. And by doing so, we will enhance the protection of human rights, democracy and the rule of law.

The Council of Europe and the European Court of Human rights are true jewels. It is our job to make them shine.

Our vision is clear. The tracks have already been laid out. Now we must move forward. We hope for your support in doing so.

Thank you.