



The Conference of INGOs of the Council of Europe CONF/PRES/SPEECH(2012)1

Speech by the President of the Conference of INGOs of the Council of Europe, Jean-Marie Heydt, at the High-Level Conference on the Future of the European Court of Human Rights, Brighton, United Kingdom, 18-20 April 2012

The Court: an effective guarantor of human rights with a human dimension

Chairman of the Committee of Ministers,
Ministers,
Secretary General,
President of the Court,
President of the Parliamentary Assembly,
Commissioner for Human Rights,
Ladies and gentlemen,

Allow me to underline the great importance that civil society, which is broadly represented within the Conference of International Non-Governmental Organisations of the Council of Europe, attaches to the invitation extended to it by the British Chairmanship of the Committee of Ministers.

At the end of 2009, the body representing organised civil society was asked by the Permanent Delegation of Switzerland to engage in a process of reflection and comparing ideas with a view to contributing to the crucial debate about the future of the European Court of Human Rights and hence of democracy in Europe, which has brought us together here in Brighton today.

Although, of course, INGOs are not all specialists in law and still less in procedure, all the INGOs holding participatory status with the Council of Europe share a deeply rooted concern to defend fundamental freedoms and human rights, without which, as we all know, human dignity would be meaningless.

There are men and women who struggle every day and who are dying even as we speak... in order to achieve human rights and be able to live under the rule of law.

As you know, however, without an appropriate court of the highest level, even democratic states would quickly be exposed to the human risks of excesses, just like a modern car would be if it had a good driver but badly maintained brakes!

All of our member organisations without exception tell us that the European Court of Human Rights is, above all, a great source of hope for European citizens and, very often, the last hope for a good many applicants. And because it is such a source of hope it sometimes, in spite of itself, generates quite an amount of disillusionment, disappointment and anxiety when it is unable to respond to all the expectations placed in it.

European citizens believe in the virtues of the Court – in fact, they possibly place more faith in it than in any other European institution. For it has constantly advanced human rights, practically and on a daily basis, in each of the Council of Europe's 47 member states.

These hopes placed in the Court and the recognition it enjoys mean we have a duty to make sure that it has all the means required for optimum operation – without, however, at the same time undermining its potential to protect us as effectively as possible. Otherwise, the reform of the Court would be a very strange gift to offer citizens, who would once again feel they had been cheated, and in an area where they would never have believed that could happen in Europe.

The Conference of INGOs nevertheless recognises that the hopes placed in the Court and which secure its success we are familiar with should not prevent it from retaining a human dimension so that it remains accessible to all individuals.

Of course, the Conference of INGOs welcomes the decision to abandon proposals which we opposed, like imposing fees on applicants, compulsory legal representation of applicants and sanctions in futile cases.

However, we are still deeply concerned by intentions which would undermine the Court's independence and authority. We note that the draft declaration seeks several times to reduce the Court's supervisory role or restrict the right of individual petition, which is at the heart of the European human rights protection system and absolutely must remain its cornerstone.

That is why we strongly urge the contracting parties to refrain from measures which would:

- introduce additional admissibility requirements;
- reduce the existing 6-month time limit for lodging applications, as it would discriminate against the socially vulnerable or isolated and the economically weak;
- incorporate into the Convention the dual principle of subsidiarity and margin of appreciation, as this would mean a restriction of the Convention rights and also be in flagrant contradiction of the spirit of and the preamble to the Convention.

Among others, those are the points which give us the greatest cause for concern.

I urge you not to cause Europeans – or human rights defenders in other countries around the world who observe developments here – to lose confidence. Instead, please make it abundantly clear that all our states undertake to make sure that effective safeguards for human rights are genuinely implemented with the support of a Court that responds effectively to their expectations and their hopes, including their last ones.

I can therefore assure you, on behalf of the Conference of INGOs of the Council of Europe, that we will live up to our commitments. The Conference of INGOs will make a full contribution to finding the means needed to implement the Convention; you can count on us!