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Contribution by Anna Rurka, President of the Conference of INGOs to the High-level Conference entitled "Implementation of the European Convention on Human Rights: our shared responsibility", Brussels, 26-27 March 2015

Ladies and Gentlemen,

First of all, thank you to the Belgian Chairmanship for giving the Conference of INGOs of the Council of Europe the opportunity to make its contribution to this conference.

The Conference comprises 320 INGOs with participatory status, which form the networks of NGOs present in Council of Europe member states. These are INGOs strictly focusing on the application of the human rights treaty system, as well as INGOs whose members belong to various professional categories or INGOs acting on behalf of a specific cause.

We are unanimous in saying that human rights must be rooted in day-to-day life at local, national and European level. Failure to apply the treaty system at national level leads to a significant shortfall between what is laid down on paper and what the public at large actually experiences.

I would like, in the time allotted to me, to mention a few principles relating to human rights which we consider essential and, in part, non-negotiable.

Firstly, with regard to the serious human rights violations which threaten civil, political, economic, social and cultural rights, civil society as a whistle-blower plays a key role in ensuring respect for fundamental rights.

Secondly, individuals are at the heart of human rights protection through their right of individual petition, which is the mainspring of the European protection system. Consolidation of the system therefore depends on consolidating access to the European Court for every individual and group of individuals alleging violation of the rights safeguarded by the Convention.

We therefore consider anything that might gradually undermine the right of individual petition, as for example certain proposals to constitutionalise the Court's role, to be unacceptable. The place of the individual, his right of access and his right to be heard would become secondary and seriously jeopardised by the constitutional-style interpretations which would then have precedence.

Similarly, any new procedure aimed either directly or indirectly at further restricting the individual's possibilities and means of access to the Court would not be acceptable. All the less so given that the reasons initially invoked for such "selectiveness" - in particular backlog and delays in processing applications - are less and less relevant given the substantial progress continually being made by the Court.

Thirdly, any attempt at a prioritisation of rights aimed at singling out rights which are more "fundamental" than others and thus leading to the "selection" of applications on such a criterion is inconceivable. Such a move would infringe the principle of indivisibility and interdependence that applies to all human rights. It would disqualify a number of applications and, by the same token, remove a number of applicants.

Fourthly, the independence shown by the judges has considerably strengthened the authority of the Court in the European system, but also earned the high regard which it enjoys far beyond. This is a major achievement which must be stoutly defended.

Any attempted or projected reform that might undermine the independence of the judges and the autonomy of the Court, for example reinforcing state intervention in its internal functioning, should not be tolerated. While "adjustments" or improvements may prove useful and necessary, the Court should maintain control over its rules of procedure without external interference, especially by States Parties.

Nor should the acceptance of a certain "margin of discretion" for the benefit of states deprive the Court of its capacity to interpret this principle freely and to have the final say on the limits of its application in each case.

We also encourage and support any initiative to improve the enforcement of the Court's judgments by the States Parties. To that end, the backing which states should give to NGOs aiding applicants within their national boundaries constitutes, for us, a significant indicator of the true extent to which vulnerable groups can enjoy their human rights. What vulnerable groups consider obstacles to access to justice, as a result of cultural, social, physical or financial barriers, should be taken into consideration by the public authorities.

That is why we consider the connection between the European Convention on Human Rights and the revised European Social Charter to be extremely important. Many of the INGOs of the Conference strive to encourage states to ratify the protocol on collective complaints. This mechanism constitutes an instrument of effective, constructive dialogue between organised civil society and law-based states.

I should like to assure you that the Conference of INGOs will continue to actively promote this consistent and complementary approach, which should help to overcome conceptual as well as institutional, or even operational compartmentalisation, in order to ensure the implementation of all human rights.

The Conference of INGOs which participates actively in the Steering Committee for Human Rights and in its drafting group on the reform of the Court will therefore continue to pay the closest attention to developments and to the proposals made along these lines, and take every step to ensure the preservation of the gains made and that any adjustments are indeed necessary.

As an expression of organised civil society, the Conference of INGOs will assume its portion of the "shared responsibility". We are well aware that the portion of responsibility shouldered by civil society cannot replace that which states should shoulder given their obligations under national and international human rights law. Thank you for your attention

Anna Rurka
President of the Conference of INGOs