

Excellencies, ladies and gentlemen,
dear participants,

I am very happy to start off this first session of the conference which is dedicated to the national implementation of the Convention insofar as it is not directly related to judgments of the court and their execution. This aspect might be called general implementation of the Convention in the national systems. Or it might be called the “prevention” part of the member states’ human rights commitment.

Specifically, I would like to present to you the steps that the Steering Committee for Human Rights, the CDDH, has taken in the context of improving the prevention element of the Convention system. This has actually been done for a long time. I remember my first meeting in the CDDH context in 2005 which was exactly about this subject – and it was already a review of previous recommendations.

The first Recommendation in this field dates from 2002 and it dealt with the publication and dissemination of the text of the Convention and the case-law of the Court. Then, in 2004, a set of three recommendations (2004/4, 2004/5 and 2004/6) followed; concerning respectively the role of the convention in university education and professional training, the verification of the compatibility of draft laws, existing laws and administrative practice with the standards of the Convention and the improvement of domestic remedies.

In 2010, in the context of the huge backlog of cases – many of the concerning national length of proceedings – the CDDH elaborated a specific recommendation on effective remedies for excessive length of proceedings.

More recently, the CDDH has focussed on the role of independent actors who play a role in ensuring respect and protection for human rights on the national and international level. These recommendations address the need to strengthen the protection and promotion of civil society space in Europe; the development of Ombudsman institutions and the strengthening of national human rights institutions.

All of these recommendations are directed at the improvement of the general human rights situation in the member States. Their goal is to make violations of the convention less likely – and thereby to reduce the necessity for the Member States' citizens to apply to the Court. They range from the very basic and elementary like the distribution of the text of the Convention to the highly specific like the guidance for effective remedies; from the rather direct approach of verification of draft laws to the very indirect approach of encouraging civil society.

Furthermore, two more general documents have emerged from the CDDH in 2013 which are in my view of great practical value: a guide to good practice in respect of domestic remedies and a toolkit for public officials about the State's obligations under the Convention.

The CDDH has subsequently consolidated its recommendations – together with those aimed at the remedying of violations found by the Court – into a single document, updating them in the process. This is the document available in the room, as I am told – the Guidelines for prevention and remedying of violations of the Convention, adopted in September 2022 by the Committee of Ministers. The first part, under the headline of prevention of violations through effective national implementation, is the topic of our first session today. The second part will be introduced by the Chairman of the DH-SYSC, Alain Chablais, at the beginning of the afternoon session. I will quickly go through the first part.

Guideline 1, paragraph 1.2. lists the CM Recommendations and reiterates the importance of their effective implementation. Furthermore, it sets out the necessity of a general human rights friendly framework.

Guideline 2 picks up on the recommendation on university education and professional training as well as on the general knowledge about the Convention. This is another basic requirement for the prevention of violations. Guideline 2 speaks about extending awareness raising of, and training on, the Convention system by publishing and disseminating the Convention, case-law of the Court, including case law relating to other States when pertinent, in the language(s) of the State concerned as well as by supporting university education and professional training programmes on the Convention system.

Guideline 3 sets out in detail the committee's recommendations for the improvement of domestic remedies, condensing the 2013 Guide to good practice on domestic remedies.

Providing efficient domestic remedies that allow individuals to submit any arguable claim of a violation of the Convention, obtain a decision or obtain redress, will not only place the protection of human rights where it belongs – on the national level – but also serve to stabilize the system as a whole.

Guideline 4 is about facilitating the domestic application of the Convention and relevant case law of the Court by ensuring that Convention rights are effectively incorporated into the domestic legal order, having regard to the relevant case law of the Court. This can be achieved by promoting the active implementation of the Convention and the case-law of the Court in the domestic judicial systems and by keeping track of the developments of the case-law against other States.

Guideline 5 follows Recommendation 2004/5 concerning the verification of the compliance of draft laws, existing laws and administrative practices with the Convention. Such systems of verification will ensure continued compliance of national norms and practices with the Convention, in the light of the case law of the Court.

In Guideline 6, the Committee of Ministers recommends improving parliamentary involvement. Taking into account the fact that compliance may entail parliamentary action this also has a bearing on the remedying part of the Guidelines. But promoting the important role parliaments play in safeguarding human rights and monitoring the State's compliance with international human rights obligations will in any case also contribute to the prevention side.

Guideline 7 includes the more recent recommendations with regard to strengthening the role of NHRIs, civil society organisations and other key bodies.

Guidelines 8 to 10 stress the importance of experience sharing and co-operation in several fields.

Finally, Guideline 11 recommends considering the ratification of Protocol No. 16 to the Convention so that some questions of interpretation may be solved in a way that allows national systems to deal with cases in a Convention-compliant way from the outset.

Ladies and gentlemen,

I will now hand the floor back to the moderator for the first session. Thank you very much for your attention.