



Contribution of Anna Rurka, President of the Conference of INGOs, to the Copenhagen Conference on "Continued Reform of the European Human Rights Convention System – Better Balance, Improved Protection", 12-13 April 2018

Ministers, Excellencies, Mr Secretary General, Chairmen, Dear Commissioner for Human Rights, Ladies and Gentlemen,

I wish to praise the process by which the work on the draft Copenhagen Declaration was carried out. The fact that the proposals made by NGOs and the Conference of INGOs itself were taken into account shows that the Convention system rests on the collective responsibility of all Council of Europe bodies and civil society, to which Denmark has attached considerable importance since the beginning of its chairmanship of the Committee of Ministers.

Any discussion on the shared responsibility with regard to the Convention system must start by reiterating the basic principle that each member state is obliged "to secure to everyone within [its] jurisdiction the rights and freedoms defined in the Convention"¹ and to provide effective remedies at national level. This does not conflict in any way with the right **of supranational individual petition, which is the pillar and strength of the Convention system.**

The Court's efforts to disseminate its judgments and reports in several languages, providing information for judges, lawmakers, lawyers and citizens alike, are to be welcomed. However, we should not forget that the information and training policy needs the material, human and financial resources which must be put at the Court's disposal.²

¹ CDDH, DH-GDR (2015). The longer-term future of the system of the European Convention on Human Rights. DH-GDR(2015)R9. Council of Europe.

² NGOs must also contribute more to this work through dissemination and training in order to make the legal jargon accessible to more people and to pass on this information at national and local level. We should certainly also disseminate good practices in this regard more widely.

In terms of democracy, it is crucial to stress that the Convention and the right of individual petition are not remote from the reality of the lives of the millions of people within the member states' jurisdiction. And that states' commitment regarding fundamental rights is real and functional as well.

We note that the role of civil society in the Convention system first received greater attention in the Brighton Declaration.³ We congratulate Denmark on having stressed this on two occasions in the draft Declaration. This role involves the right to submit communications in the context of the process of monitoring the execution of judgments by the Committee of Ministers, though we should not forget civil society's proactive role in providing information and analyses which make it possible to prevent rights violations.

The Conference of INGOs and through it, 298 INGOs holding participatory status at the Council of Europe, set great store by **the right of individual petition, and to the indivisibility, interdependence and universality of fundamental rights**. As proposed by the NGOs,⁴ the declaration should be read and interpreted in an inclusive manner in order to recognise, and I quote, "the importance of adequate implementation of all human rights in all situations in all State Parties".

The crisis facing long-standing liberal democracies, whose essential element is the independence of national judicial institutions, makes it necessary to strengthen states' ability and commitment to enforcing rights. It is up to states to show that the conditions exist at national level for applying the Convention in a manner in accordance with the principles developed in the Court's case law. It lies solely with the Court to set out the limits and monitor the margin of appreciation given, while taking into account national legislation and the legal pluralism of Council of Europe member states.

States must abide by the Court's final judgments, while recognising its authority, independence and the commitments made to citizens to protect a set of values and the rights on which the Council of Europe is built. We hope that the declaration presented for adoption today will

³ *In the Interlaken and Izmir Declarations, the role of civil society was limited to mere consultation and follow-up to the provisions included in each Declaration.*

⁴ *Joint NGO Response to the Draft Copenhagen Declaration, 13 February 2018.*

provide the political impetus which will put an end to the destabilising criticism of the Convention system.

The reform must not in any way weaken the achievements made or the fundamental principles. All the stakeholders concerned must restate these principles *courageously, consistently and firmly*.

Thank you for your attention.

Anna Rurka

President of the Council of Europe Conference of INGOs