

## Meeting with the Sakharov Laureates

19 November 2013

[Mr Prime Minister],  
Ladies and Gentlemen,  
Laureates of the Sakharov Prize for Freedom of Thought,

You are most welcome to the European Court of Human Rights.

On behalf of the judges, I salute all of you, whose courage in the cause of freedom and of human rights has been recognised by the high distinction conferred on you by the European Parliament.

Seeing this distinguished group before me prompts a number of reflections.

To begin with, you embody the universality of human rights.

You are women and men, individuals and groups, who come from all the regions of the world.

Yet for all the great diversity among you, you have taken up the same struggle for the rights, the principles and the values set down in that great text of the modern age – the Universal Declaration of Human Rights.

There is also the urgency of human rights. In each of its 25 years, the prize has drawn world attention to situations of grave abuses of fundamental rights, and the denial of elementary political freedoms. It is, on each occasion, a pressing appeal from Strasbourg to the conscience of the world.

Thirdly, there is the stark reminder that the struggle for human rights is often a long and arduous one. For many laureates, the situation to which they have given so much of themselves has shown little improvement. The Sakharov prize, while of great symbolic power, may remain for them simply a gesture towards the desired end - the freedom and the dignity of all humankind.

Ladies and Gentlemen,

Allow me to present to you, with broad brushstrokes, the European Court of Human Rights.

I referred a moment ago to the Universal Declaration. That text was the point of departure for the European Convention on Human Rights, which was adopted in 1950 as the first major achievement of the Council of Europe. And it remains to this day a major European achievement, one that Europeans can be proud of, and place their trust in.

To the original set of human rights listed in the Convention, others have been added over the years by protocols. The first protocol was adopted just a year after the Convention, protecting property rights, the right to education and the right to vote. The most recent protocols are numbers 12 (containing a general guarantee of protection against discrimination) and number 13 (which requires States to completely abolish capital punishment). Taken together, they provide Europe with a broad human rights guarantee. But it is not a comprehensive guarantee. The Convention is a child of its time. In the years since it was written, our concept of what constitutes a fundamental right has developed considerably, embracing social rights, for example, or rights conferred on particular groups in society – women’s rights, the rights of the disabled, the rights of the child, and so forth. These you will find, for example, in the EU Charter of Fundamental Rights, and also in international treaties drafted by the United Nations.

Nonetheless, and the point is a very important one, the European Convention has been treated by the Court as a living instrument, which is to be interpreted in light of present day conditions. This is the cardinal principle of dynamic interpretation, formulated by the Court at a relatively early stage and followed ever since. This principle has ensured that the Convention conserves its vitality and relevance year after year. It has allowed European human rights law to adapt to the great transformations in our continent – political, social, technological, environmental. It signifies an open attitude by the Court, which pays attention to developments in European States and also at European level. In this context, all of the other standard-setting work done by the Council of Europe is an important guide. But the Court’s vision is even broader – it is common for judgments to take account of the standards developed at the global level, as well as in other regions of the world.

The Court has explained its perception of its role in the following terms:

*“It takes the view that the increasingly high standard being required in the area of the protection of human rights and fundamental liberties correspondingly and inevitably requires greater firmness in assessing breaches of the fundamental values of democratic societies”*

Its determination to concretise the human rights guarantees of the Convention has drawn criticism from certain quarters at times. But I believe that Europeans expect a strong and vigilant guardian for their human rights. For the great majority, it is a precious *acquis*.

Another point that singles this Court out is the fact that it is directly accessible to individuals. It was not always so, but by the 1990s it had become the norm in practice. This is now reflected in the Convention itself, in Article 34, and has been reaffirmed over and over by European Governments as they discuss future reforms. It is a great achievement of

international law that the victim of a human rights violation can hold a Government to account before an independent and impartial Court, whose judgments are binding on the State concerned. It is a procedure that has brought about a host of changes in Europe, improved the recognition and protection of rights in the different countries, and consolidated many democratic systems.

The Court at Strasbourg has the final say over human rights in Europe. Important as that is, the importance of those with the first say must also be recognised. In the broader picture, the role of national courts is vital to ensuring respect for human rights. It took many years for the Convention to become a part of the internal law of every Contracting State, but it was finally achieved ten years ago. And so the full strength of the Convention is deployed not only here in Strasbourg, but through the courts of all 47 States. This we call subsidiarity, and its importance to the ultimate effectiveness of the Convention cannot be overstated.

And what of the Court itself, as an institution? We are 47 judges, drawn from the 47 States, and elected to the Court by the Council of Europe's Parliamentary Assembly. We enjoy independence from Governments, and must observe complete impartiality when deciding cases brought by applicants. Faced with a list of pending cases that is in excess of 100,000, we seek to do our work as efficiently as possible. Last year, the Court decided more than 87,000 individual cases. These huge figures speak for themselves.

Looking to the future, we hope to see the European Union become the 48<sup>th</sup> Contracting Party to the Convention. This historic step, which is mandated by the Lisbon Treaty, will in a sense close the circle in Europe as regards the protection of human rights. It recognises how important the European Union has become today. By virtue of its growing powers, the European Union has the potential to interfere with human rights. By joining the Convention system, it means that its actions will be subject to the scrutiny of this Court, in the same way as for individual States. The accession agreement that will allow this to happen has been prepared, and is now under examination by the European Court of Justice at Luxembourg. My hope is that the process will proceed to the stage of ratification as early as possible, realising the long-held aspiration of a single human rights system for all of Europe, for all Europeans.

Ladies and gentlemen,

I will draw these short remarks to a close by expressing to all of you the high esteem of the European Court of Human Rights.

You have honoured us with your presence today, and I thank you for your visit.