



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Speech by Judge Julia Laffranque

European Court of Human Rights

Opening of the Judicial Year – Friday 29 January 2016

Mr President, distinguished judges, ladies and gentlemen, dear colleagues,

“I would rather die standing than live on my knees”: those are the words of Stéphane Charbonnier, known as Charb, a cartoonist and journalist at *Charlie Hebdo*, who died on 7 January 2015.¹ A few months after this terrible event, on 13 November of the same year, Paris again fell victim to a series of terrorist attacks. Every day, we hear in the media that terrorist acts have been committed somewhere in the world. So, as you can see, the topics of this seminar are, I am sorry to say, still highly relevant.

Questions relating to genocide, crimes against humanity and war crimes are unfortunately an inseparable part of the case-law of the European Court of Human Rights. The Estonians, like the other Baltic peoples among others, have endured the painful experience of being the victims of a foreign totalitarian regime, an experience which a former President of Estonia, Lennart Meri, once described as a valuable asset to the European legal system and the development of the democratic world.²

We need to remind ourselves, again and again, how fragile the rule of law actually is and how necessary it is to protect human rights.

We should not stoop to the same level as those who trample on the rights protected by the European Convention on Human Rights; it is important not to respond to terrorism through measures that restrict human rights. We must remain true to ourselves, as independent and impartial judges, faithful to fundamental values. The Court of Human Rights must set the example in this respect.

In this context, cooperation between national, regional and international courts appears fundamental, because what unites us is our common attachment to human rights values. We are all, in a sense, the conscience of the European peoples and States.

Ladies and gentlemen, as the former President of our Court Dean Spielmann has said, judicial dialogue is the golden key to a desirable future for the protection of human rights in Europe.³ I would go even further and say that a key is not enough; one also needs to know how to use this key. Of

¹ “Zoom, Morts sur leur lieu de travail”, *DNA*, Thursday 8 January 2015, p. 5.

² Vabariigi presidendi Lennart Meri kõne Riigikogu tööaasta avamisel 10. septembril 2001. aastal, Sirp, sotsiaalia, 14.09.2001.

³ Dean Spielmann, President of the European Court of Human Rights, “Whither Judicial Dialogue?”, Sir Thomas More Lecture, Lincoln’s Inn, 12 October 2015.

course, a seminar is an important meeting and instrument in order to exchange views and thoughts, as well as have some time for mutual social relations, but judicial cooperation should not only remain abstract on paper, and not only consist of plain words, of catchphrases, but should also be realised in practice, in our everyday work – and why not also, in the future, via the active implementation of Protocol No. 16 once it enters into force? Therefore, I am particularly happy that the European Court of Human Rights has launched an information exchange network with superior courts of the Contracting States of the European Convention on Human Rights. It would be good if this network could be beneficial not only for the partner courts, but also for our Court, the European Court of Human Rights itself, as well as for the national judiciaries when interacting with each other. It would be even better if all of us, while cooperating, never forgot our mission: to work for democracy and the rule of law and, above all, not to forget the most valuable thing: human beings and human dignity.

This year we are once again extremely happy to welcome to our seminar some very renowned international keynote speakers and, in addition to them, as many as four co-speakers/commentators altogether from our Court. At the end of our seminar you will also hear more about the Network of Superior Courts. This time the background papers, which as usual have been made available to you on our Internet site beforehand, have been prepared by the Research and Library Division of the Registry and compile the relevant case-law of our Court on the subjects of the seminar. At this point my warmest thanks go to Anna Austin and Stefano Piedimonte. Another important innovation this year is that the background papers have not only been prepared by us, but we have asked you, the national courts, to participate actively in advance and to contribute in writing by explaining your law and court practice in answering three questions on each of the two main topics of our seminar. This valuable material has been included in your seminar files. We thank those of you who have provided contributions and urge all of you to participate actively in the seminar.

Furthermore, we have a new and extended organising committee, of which I was honoured to be re-elected as chair. However, this will be the last annual seminar of the Court for me to chair and preside over. I thank you all warmly for your very pleasant co-operation over the past years, and I also thank my colleagues, including former and current Presidents of the Court, for their confidence. These four years have been a wonderful and enjoyable experience. I would especially like to thank all those who have contributed enormously with their efforts to the success of our event: Rod Liddell, Valérie Schwartz, John Darcy, Patrick Titiun, Erika Nyman, Loredana Bianchi, interpreters and many, many others. Since 3 November last year, when I was elected Vice-President of the Second Section of our Court, new challenges have opened up for me and I would like to devote all my energy to them. In this context I would like to remind you to remain aware that all of us as judges need to regularly train ourselves and keep up with the times and with new developments, and have the courage to meet new challenges.

A court cannot act in isolation, but it should not replace the politicians either, and we should certainly not be misused to do the uncomfortable job the politicians themselves will not do. An independent court does not deal with politics; nevertheless, we do become confronted with important judicial and legal policy issues. We have to be capable, when solving a concrete case, of also seeing the overall picture around it and the possible consequences of our decisions. I wish you all courage, good health and strength in our common mission and thank you once again with all my heart!