

Speech by Ms Rachida Dati, Garde des Sceaux, Minister of Justice

Solemn sitting for the opening of the judicial year of the European Court of Human Rights

Strasbourg, Friday 30 January 2009

President of the Court, Madam President, Members of the Court, Excellencies, Ladies and Gentlemen,

It is a great honour for me to address your Court today as Minister of Justice of the host country. The presence of such a distinguished audience at this solemn sitting, marking the fiftieth anniversary of the European Court of Human Rights, attests to the status that your Court has acquired in the European legal area. I am particularly grateful to you, President Costa, for giving me the opportunity to emphasise this.

After the proclamation, on 10 December 1948, of the Universal Declaration on Human Rights by the General Assembly of the United Nations, the adoption in 1950 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the creation of your Court marked a turning point in the history of our continent.

The Council of Europe foresaw that the relations between our various countries had to be consolidated by strengthening our democratic values, guaranteeing liberty and promoting the rule of law.

For the last 50 years your Court has shown its determination and will to make this “Europe of law” a reality. It has fulfilled that goal.

The establishment of the right of access to an impartial tribunal and the right to fair trial guarantees, together with the implementation of an ambitious and coherent case-law in areas as varied as bioethics, immigration law or the protection of minorities, have made the European Court of Human Rights an unchallenged authority in respect of citizens’ rights and guarantees.

This is the fruit of very intensive work which must be commended: the Court has handed down more than 10,000 judgments since it was first established.

With the now 47 member States of the Council of Europe, your judicial activity will continue to gather pace and your Court will need to ensure that it has the means to fulfil its mission in the best possible conditions.

I know, President, that you are pursuing this goal with determination. It will require a commitment on the part of all States.

The Court has done much to bring our fellow Europeans closer together, rallying them around fundamental values. Your case-law has led the way on many sensitive issues of society and has broken down legal borders. Europeans are increasingly turning towards your Court – there is no better proof of the trust and faith that civil society has placed in you.

I would like to take this opportunity of your anniversary to look to the future with you.

The defence of democracy, the rule of law and the protection of fundamental freedoms are priorities that we must never cease to affirm. Europe has brought us peace – that is a heritage we must preserve. Human rights still have to be fought for – let us not forget all those who turn to your Court, and to the Council of Europe, seeking symbols, examples, guidance.

In this connection, may your Court continue to have a rewarding and fruitful dialogue not only with domestic courts but also with lawmakers.

I am particularly attached to this kind of dialogue and confrontation. Such exchanges help us to make progress and to strengthen our legal systems, to ensure that the adversarial principle and the conditions of a truly fair trial are guaranteed at all stages of our procedures.

Your Court sets requirements that occasionally impose changes to applicable domestic legislation or sometimes even call it into question. But that should not be a

cause for concern: our legal systems are not set in stone and the case-law of the Court here in Strasbourg has enabled better adaptation to the evolution of our societies and their aspirations. That is how France perceives things and I am sure that this view is widespread.

The European Union's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms – once the Lisbon Treaty has been ratified – will be a historic event.

It will be the sign of a rapprochement and enhanced complementarity between your Court and the Court of Justice of the European Communities. I look forward to that occasion. The presence here today of the President of the Court of Justice is certainly a testimony to the excellent relations that already exist between your two courts.

Lastly, you have mentioned, President, that you wish to convene in the near future an “Etats-Généraux” on human rights in Europe. I would like to take this opportunity to express my interest in and support for this important initiative.

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At a time when Europe is asking questions about its contours, its borders, and is seeking to strengthen its common identity, your Court has been reminding us, for the last 50 years, of the importance of our values.

The protection of human rights and fundamental freedoms is our common achievement: this must never be forgotten or disregarded and, above all, never taken for granted.

We can all rely on your Court to remind us of our commitments and of our responsibilities.

Thank you.