

Meeting with Civil Society

2 December 2016

Introductory remarks by President Guido Raimondi

Good morning ladies and gentlemen.

I would like to welcome you all to the Court this morning. I know that for many of you this is not your only rendezvous in Strasbourg this week, as you have been present and working together nearby since Wednesday.

After today's meeting, there is the launch of the European Implementation Network, which will take place in this room. I am sure that, if travel arrangements permit, those of you who can stay for that event will do so.

Our meeting today is an important one, and I am very pleased to have a role to play in it.

I think it is self-evident that the Court should meet regularly with those who often take on the role of applicants' representatives. By assisting individual applicants – and often persons who are in situations of great vulnerability – you give practical effect to Article 34 of the Convention.

Through your advocacy – and I use the word in its most precise meaning – the protective power of the Court is triggered, and guarantees set down in the Convention become concrete and tangible.

Your efforts are not limited to the European level, of course. At the domestic level too, many of you are engaged in advising and representing individuals as they seek to vindicate their human rights there. In this, you act as real agents of subsidiarity. Your actions are a necessary part of a Convention model that is truly based on shared responsibility between the domestic systems and the European system. That is a key idea in the reform discussions that are continuing on the inter-Governmental side - but which are not limited to official circles, since the voice of civil society is heard in that debate too.

Along with direct advocacy, the other role played actively in Convention proceedings by civil society organisations is that of *amicus curiae*. This is a well-entrenched feature of Strasbourg proceedings. I note that in half of the Grand Chamber cases decided this year, the Court was aided in its deliberations by interventions from NGOs. These are the cases that lay down key jurisprudential principles, such as *F.G. v. Sweden*, *Baka v. Hungary* or *Biao*

v. Denmark, to name but three. Let me say that the Court appreciates these contributions. The arguments and the materials that third parties bring to the attention of the Court enrich its reasoning, whether or not the Chamber or Grand Chamber ultimately adopts the view advanced by the *amicj curiae*.

I do not overlook the obvious fact that intervenors under Article 36 para. 2 of the Convention do not always urge the Court to further develop the case-law, and further extend the reach of the Convention. The intellectual and philosophical diversity of contemporary civil society is to be seen as much in interventions before the Court as elsewhere.

Let me now turn to the agenda that we have for our meeting today.

I would comment first of all that it has been set for the most part by you; many issues were raised by participants when they contacted the Registry to confirm their attendance. What we have done is to group them together thematically, and the intention is to address them at some point in the meeting, subject to a caveat that I shall mention in a moment.

On the Court side, we have placed two points on the agenda – a presentation on the most recent amendments of the Rules of Court, which is particularly relevant to civil society as you will hear in a moment. And the other point is a presentation of the Superior Courts Network, taking place in the afternoon session. I regard the new network as a very worthwhile initiative. As you will hear, after one year it is now developing fast, and promises great mutual benefit for this Court and the courts that have stepped forward to become members.

For the remainder, the points that we shall examine and discuss during today are practical aspects of proceedings before the Court, which reflect the dual role played by civil society that I referred to earlier on. Eight speakers from the Registry have taken on the considerable task of studying the many issues that were flagged in advance, and they will respond to them. I would like to thank them already for their preparation for, and involvement in, this meeting.

There will of course be the possibility for comment and discussion, both from the floor and from the panel of Registry speakers as we go along.

It is a very full agenda, and so it will be necessary to manage time with a certain rigour. That will be for the Chair of each of the three sessions.

The caveat I mentioned a moment ago is the following one. Some of the points that were raised concern substantive law rather than the practical issues which this meeting is about. I think that such questions go outside the scope of what we are here to discuss today.

I would add that our discussion will be better if we refrain from going too far into individual cases. I think it would be more efficient for anyone who has questions or concerns about an individual case to find some time during today to raise this with the relevant Section Registrars.

You will be our guests at for lunch today, and judges of the Court will be taking part. I encourage you to take the opportunity to meet with my colleagues.

Ladies and gentlemen, I will conclude these opening remarks by stressing that our purpose today is to have a very good discussion among ourselves about the way in which we work together to uphold human rights. On the Court side we will listen very attentively to all comments made in the discussion, and no doubt bring some points away with us for further examination within the Court.

We come now to the second point on the agenda, which concerns the latest developments with the Rules of Court. It will be presented by the Court's Jurisconsult, and for many years the secretary to the Rules Committee, Lawrence Early.