



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

### **Visit of H.R.H. Crown Prince Haakon of Norway**

Speech by President Guido Raimondi

*Strasbourg, 18 March 2019  
Hearing Room I*

Your Royal Highness,

Visitors entering the Human Rights Building are greeted by the kindly image of Rolv Ryssdal, whose bust stands in the hall. As you are gracing us with your visit, Your Royal Highness, how could we not remember the authoritative figure of that great Norwegian judge who served in this very place for a quarter of a century and who presided over this Court outstandingly, for 13 years, from 1985 to 1998. His continuing presence in this building is testament to his lasting legacy. While Rolv Ryssdal never knew the single and full-time Court, he worked relentlessly to bring about the transition from the original system to its current form, thanks to Protocol No. 11 and the ensuing reform which he so strongly advocated.

The fact that his bust still, deservedly, has pride of place in this building illustrates the very strong link between Norway and the European Court of Human Rights.

In that connection I must also pay tribute to the Secretary General of the Council of Europe, Thorbjørn Jagland, who has continued to support our Court over his ten years at the helm of the Organisation, for which I thank him.

The European Convention on Human Rights, signed on 4 November 1950, gave effect to rights already enumerated in the Universal Declaration of Human Rights from 1948. It was – and indeed remains – a powerful tool for the protection of individual and collective rights, and was above all the first instrument to make respect for human rights a binding obligation. This collective guarantee mechanism emerged from the endeavours of Europeans who, having been traumatised by the atrocities of the Second World War, thus expressed their attachment to democracy, to freedoms and to the rule of law. Norway, a founding State of the Council of Europe, was one of the original signatories to the treaty.

In particular, its drafters set up a Court to ensure that the States would comply with their undertakings. In 2019 we are celebrating its sixtieth anniversary. Thus for sixty years now, our judgments have contributed to the harmonisation of European norms in the area of rights and freedoms.

Every day, in the domestic courts of the States parties, the Convention and our case-law are relied upon by lawyers, applied by judges and increasingly incorporated into their decisions.

For a better mutual understanding, the Court and the domestic courts have been engaging in regular exchanges.

This dialogue between judges, which in fact began under the presidency of Rolv Ryssdal, culminated in the creation of the “Superior Courts Network”, joined by Norway in 2018. Today, with the entry

into force of Protocol No. 16, we have new opportunities for dialogue and this is to be commended, because the highest national courts will be able to request advisory opinions.

As to the Convention, which is a living instrument, the Court has always interpreted it dynamically, over the years, in the light of the evolution of our societies and moral standards; it has extended the scope of the rights guaranteed, to take account of technological and societal developments which were unforeseeable in 1950. Thanks to this approach, the Convention has remained a highly modern instrument.

Over the sixty years of its existence, the Court has played a key role in the most varied areas, including: protection of freedom of expression, a cornerstone of our democratic societies, and respect for private and family life; while not forgetting the right to a fair trial, one of the major areas covered by the Court's judgments. But it has also responded to the more contemporary issues confronting the States, and in particular, over the past few years, the migrant situation in Europe or the action taken by our societies to stop terrorism.

Between Norway and the European Court of Human Rights, the links have always been strong. We should not forget that the Norwegian Constitution, adopted as early as 1814, is one of the oldest in Europe. This shows that fundamental rights, especially the values of democracy and the rule of law, are given due prominence in Norwegian society.

In our mechanism of human rights protection, Norway has always played a leading role. How could we forget that in 1967, it was Norway which challenged before the European Commission of Human Rights, together with Denmark, Sweden and the Netherlands, the situation then prevailing in Greece. That "Greek case", while it led to that State leaving the Council of Europe, provides us with an example of the collective responsibility of the States Parties.

The Court has rarely found against Norway – and this must be emphasised – for in sixty years only 48 judgments have been delivered, leading to just 30 findings of a violation. Those figures are minimal compared with the 21,650 judgments of our Court! The impact of our judgments in Norway has not been any the less decisive and, just to give a few examples, I would mention the subject of educational pluralism, with the abolition of the religious preference and the right to be exempted from religious and philosophical teaching provided for in school curricula; and not forgetting, in the area of freedom of expression, the change in the law on civil liability for defamation since 2004.

Your Royal Highness,

Respect for the rule of law, democracy and fundamental rights, are the "raison d'être" of our Court. It guarantees the rule of law and facilitates the convergence of legislation in favour of human rights, thus contributing to a shared European vision.

From the outset, Norway has continued to support us, politically and financially, and this is all the more important at a time when financial constraints are affecting our Organisation. I am glad to have this opportunity, on this solemn occasion, to express my gratitude publicly to your country.

The building in which we find ourselves was designed around the idea of the transparency of justice. But its architecture also conjures up the image of a ship, the ship of human rights.

And this vessel of ours brings to mind the words of your great nineteenth-century poet Henrik Ibsen, who wrote that “a community is like a ship; everyone ought to be prepared to take the helm”<sup>[1]</sup>. Thus we constantly strive to steer our ship on the right course.

To ensure that the Court is able to pursue its mission of protecting human rights in Europe, the strong support of the States is absolutely crucial. For that reason, we consider your presence here, Your Royal Highness, to be an immense honour and encouragement.

Thank you.

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<sup>[1]</sup> An Enemy of the People, H.Ibsen, 1882