Jean-Marc Sauvé

Vice-President of the French *Conseil d'Etat*

President, members of the judiciary, Minister, Secretary General of the Council of Europe, ladies and gentlemen,

> " ... Allow me to think aloud here about the innocent victims of wars and about the defenders of human rights, freedom and dignity. My thoughts also turn to all those silent judges who, with justice and civic courage, apply the rules for the protection of the rights of individuals in society.
>
> It is all these people, dead or alive, men of goodwill, those who have constructed a fairer human condition, the fervent 'catalysts' of rules that are old in substance, but now expressed in terms better suited to our modern world, who are – in the name of one of their number – the real laureates of the Nobel Peace Prize."

Thus did René Cassin, my illustrious predecessor at the *Conseil d'Etat* of France, who was at that time the President of your Court, express himself in December 1968 when receiving the Nobel Peace Prize for his work in promoting human rights.

René Cassin's thinking was rooted in the unshakeable conviction that there can be no lasting peace without "the practical ratification of essential human rights", as he had declared back in 1941 at the St. James's Palace Conference.

You – and we, the national judges – are the heirs and keepers of that promise and that statement of hope.

Sixty years after the signing of the European Convention on Human Rights, I, as President of a Supreme Court, wish to bear witness to the work done by your Court, which, last year, celebrated its 50th anniversary and whose role in protecting fundamental rights has recently been justly rewarded by the Roosevelt Institute[1].

Never before have human rights been better enshrined and protected in the European space. Democratic principles are the common reference of the forty-seven member States of the Council of Europe and a "pax europeana" is secured. A historic moment is upon us, with the entry into force on 1 December 2009 of the Treaty of Lisbon: the European Union is now in a position to accede to the European Convention on Human Rights, and the Charter of Fundamental Rights of the European Union has received the same value in law as the treaties. The European network of human rights safeguards is thus continually being tightened and reinforced.

It is, however, the very success of the European system for the protection of human rights that, beyond this remarkable achievement, raises questions about its future prospects. For what do we in fact observe?

Firstly, the serious bottleneck at your Court, which, being inundated as a result of the confidence it inspires, registers more than 50,000 new applications per year.

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1. The Roosevelt Institute of Middelburg (Netherlands) has granted the Franklin D. Roosevelt International Four Freedoms Award to the European Court of Human Rights for the year 2010. Noting its remarkable record in establishing solid foundations for the rule of law in the field of human rights, the Roosevelt Institute has expressed its appreciation for the Court's contribution to the protection of individual human rights in post-war Europe, offering in particular an accessible tool for strengthening an effective democracy.

There are also questions – or even criticisms – at times concerning the role of the international courts and the scope of their case-law.

There is, lastly, a tendency to refer fundamental rights guarantees back to States: such a tendency is welcome if it is part of a healthy desire to promote the principle of subsidiarity, but will be more problematical if the protection of rights at national level conflicts with your Court's case-law.

The questions raised by the current situation call for answers. However, before envisaging solutions we need to take stock of the path travelled in Europe with a view to defining and protecting human rights. We also need to take the measure of the profound transformation in the protection of human rights within the States Parties introduced by the European Convention and your Court's case-law.

I. It must first be emphatically stated that the European system for the protection of human rights has proved itself to be the guarantor of a common heritage that is indissociable from our shared European humanism.

A. This system has emerged as a result of the unspeakable ordeals inflicted by our continent on itself and on the world during the twentieth century. It has much older origins, however: it is the fruit of thinking in respect of which, without claiming any monopoly, the European continent has been the melting-pot. It is not the prerogative of a particular State or population that is more deserving than another, but is intrinsically linked to a European identity that has been constructed over time and is now our common heritage.

This remarkable and unprecedented legal construction, crowned by your Court, is the end result of a conception of mankind that has been slowly forged by thinkers in various countries who, through their research, their writings, their travels, their dialogues and also their intellectual conflicts, have constructed a common area of thought. In all European countries people have stood up who "pride themselves on being capable of thinking tomorrow otherwise than they do today"[2]. It is in this common area of thought, and on this fertile ground, that a philosophical and political vision of man, his rights and their necessary protection has emerged. A vision that has made it possible to regard people as beings who are an end in themselves and never simply a means: beyond empirical man has been unveiled the "humanity within men". In short, Europe has been "the cradle of the notions of the person and of freedom".

This vision, which has since been supplemented and renewed, but sometimes also denied, has resulted in a moral doctrine, a political system, a legal order.

B. The European system for the protection of human rights, as created from 1950 onwards, is the legal expression of this humanism. It is even one of its end results. This system enshrines, as you yourselves have said, a veritable "European public order" which "expresses the essential requirements of life in society. In referring thereto, [your] Court … works on the premise that rules exist that are perceived as fundamental for European society and are binding on its members"[3].

From this derives the body of rights that have now been enshrined, be they individual or collective rights, some of which – such as the prohibition of torture and inhuman or degrading treatment or the prohibition of slavery – cannot be the subject of any derogation.

2. Marguerite Yourcenar, *L'œuvre au noir*.
3. Frédéric Sudre et al., *Les grands arrêts de la Cour européenne des Droits de l'Homme*, 5th edition, Presse Universitaire de France, 2009, Thémis droit, p. 10.

All these rights have been progressively enriched, developed and extended. The theory of implied rights, which has led, for example, to the recognition of the right to execution of a court decision[4], is an illustration of this. Similarly, the Convention can also have indirect and extraterritorial effect[5]. It can also give rise to positive obligations on States and not only obligations to refrain from a particular course of action: this principle, which was established in the case-law in 1979[6], makes it possible to rule against a State on grounds of wrongful failure to act and not only on grounds of active interference with a protected right. The Convention can also produce horizontal effects and apply to relations of individuals between themselves rather than exclusively those between citizens and public authorities[7].

This logical extension of scope has given rise to a system of rules for interpreting and applying the rights in question. Your Court examines particularly carefully whether interferences or restrictions in the exercise of rights, where these are permitted under the Convention, are prescribed by law, that is, by a law that is accessible, foreseeable and compatible with the rule of law. My country took the measure of this requirement in 1990, when it had not yet legislated on the use of telephone tapping[8]. Your Court also determines whether such interferences or restrictions, which must be "necessary in a democratic society", are justified on grounds of necessity and proportionality[9].

In the space of half a century, and in the tradition of European humanist thought that has been ratified by the people, you have thus constructed an impressive body of case-law designed to protect human rights. The density of this body of case-law, and its advance or its lead on many national sources, have led to a profound transformation of the protection of rights in all the States Parties to the Convention.

II. The European system for the protection of human rights, while respecting the differences that make us richer, has been the source of a profound change in the protection of rights in our States.

A. Whilst having regard for the diversity of our national legal traditions, the system of human rights protection that has derived from the Convention has become an essential source of development of the protection of these rights in the European States. This system is, I believe, well assimilated by those States and is a source of inspiration for the courts and national legislators.

1. Thus it is that in France, which has a monistic regime, the European Convention, which has been directly incorporated into the national legal system, has been one of the ferments in the development of the case-law, including that of the administrative courts for two decades. Not only does the *Conseil d'Etat* apply the case-law of the European Court of Human Rights, it does so with commitment and determination[10]. The right to a fair trial, which is a fundamental right *par excellence*, is, accordingly, one that has given rise to the most profound changes in our case-law. The courts draw all the consequences, both from the substantive scope attributed[11] to this provision and from the guarantees it contains, particularly

4. *Hornsby v. Greece*, 19 March 1997, *Reports of Judgments and Decisions* 1997-II.
5. *Al-Saadoon and Mufdhi v. the United Kingdom*, no. 61498/08, 30 June 2009.
6. *Marckx v. Belgium*, 13 June 1979, Series A no. 31; *Airey v. Ireland*, 9 October 1979, Series A no. 32; see also *Siliadin v. France*, no. 73316/01, ECHR 2005-VII.
7. *López Ostra v. Spain*, 9 December 1994, Series A no. 303-C.
8. *Kruslin v. France*, 24 April 1990, Series A no. 176-A.
9. *United Communist Party of Turkey and Others v. Turkey*, 30 January 1998, Reports 1998-I.
10. See on this point, *inter alia*, Frédéric Sudre, "Du dialogue des juges à l'euro-compatibilité", *Le dialogue des juges. Mélanges en l'honneur du président B. Genevois*, Dalloz, 2008, pp. 1015-32.
11. The administrative courts thus apply the guarantees in this Article to the disciplinary tribunals (CE, Ass., *Maubleu*, 14 February 1996, Rec. 34), the audit offices (CE, *M. Beausoleil et Mme Richard*, 30 December 2003, Rec. 531), and also to the collegiate bodies imposing administrative penalties (CE, Ass., *Didier*, 3 December 1999, Rec. 399, and CE, Sect., *Parent*, 27 October 2006, Rec. 454).

with regard to reviewing penalties[12]. The right to the peaceful enjoyment of possessions and the prohibition on discrimination have also given rise to major departures from precedent: it was under the direct influence of your case-law that the pensions of ex-servicemen originating from Africa that had been frozen over fifty years previously could be unfrozen in 2001[13]. Similar observations apply, *mutatis mutandis*, to the French Court of Cassation within its area of competence.

The regard had to the case-law of your Court has also substantially affected the protection of rights in the other States. President Corstens of the Supreme Court of the Netherlands has this afternoon given a striking illustration of the consequences drawn by the Netherlands courts from the Court's judgments, even those in respect of other States. I shall confine myself to two further examples. In Germany, a country with a regime of "moderate dualism", according to the expression used by the President of the German Constitutional Court, Mr Papier[14], the purely legislative value of the stipulations contained in its international commitments does not prevent your judgments from producing *erga omnes* effects or even having a constitutional-law dimension[15]. The Convention, as interpreted by your Court, has thus become a reference point for constitutional review.

There can be no question but that many national constitutional courts, albeit implicitly, apply similar methods of scrutiny, with the rights and freedoms guaranteed by the Constitutions of the States being interpreted in the light of your case-law.

In the United Kingdom, which is a State with a dualist tradition, even before the Human Rights Act of 1998, the influence of your case-law was no less strong for being more diffuse. As Sir Stephen Sedley, Lord Justice of Appeal, said here in 2006, the United Kingdom courts, which have to act consistently with the Convention, have regard to the case-law of your Court, which gives rise to "invisible changes in [the] modes of legal reasoning". We also know that, whilst common law is not directly touched by the Human Rights Act, it "slowly adopts the same shape as the Convention"[16]. Lady Justice Arden DBE[17], whilst pleading strongly in favour of compliance with the principle of subsidiarity, has reminded us today that the Convention is virtually self-executing in the United Kingdom.

2. More broadly, the strength of the European system for the protection of human rights lies in having been capable of imposing itself as a source of inspiration not only for the courts, but also for the legislators. Regarding the courts first, and confining myself to my experience of the court of which I am president, the profound influence exerted by the stipulations contained in our international commitments in the field of human rights has found expression in, among other things, very protective new case-law on the State's responsibility in cases where damage has occurred as a result of a law that is contrary to such a commitment[18]. In the same way, the scrutiny of the lawfulness of measures concerning

12. They scrutinise respect for the rights of the defence, the adversarial nature of proceedings and the impartiality of decisions (CE, Ass., *Didier*, 3 December 1999, cited above, and CE, *Banque d'escompte et Wormser frères réunis*, 30 July 2003, Rec. 351), and also compliance with the requirements of paragraph 3 of Article 6 of the Convention (CE, Sect., *Parent*, 27 October 2006, cited above).
13. CE, Ass., *Ministre de la défense c. Diop*, 30 November 2001, Rec. 605, concl. Courtial, GAJA, 17th edition, pp. 827 et seq.
14. Hans-Jürgen Papier, President of the Federal Constitutional Court of Germany, "Execution and effects of the judgments of the European Court of Human Rights in the German judicial system", *Dialogue between judges*, European Court of Human Rights, Council of Europe, Strasbourg, 2006, p. 57.
15. Federal Constitutional Court, *Görgülü*, judgment of 14 October 2004, BVerfGE 111, p. 307, at p. 319.
16. Sir Stephen Sedley, Lord Justice of Appeal, England and Wales, "Personal reflections on the reception and application of the Court's case-law", *Dialogue between judges*, European Court of Human Rights, Council of Europe, Strasbourg, 2006, p. 84. He adds "the structured inquiry into proportionality which Strasbourg has developed is replacing simple yes-or-no decisions as to whether something is reasonable ...".
17. Judge of the Court of Appeal for England and Wales.
18. CE, Ass., *Gardedieu*, 8 February 2007, Rec. 78, concl. Derepas.

aliens[19] or detainees[20] has been greatly extended and developed. Currently, nearly a quarter of the 3,000 most important decisions delivered each year by the *Conseil d'Etat* contain a ruling on whether or not rights protected by the European Convention on Human Rights have been violated. There can be no better illustration of the influence and impact of this instrument which now permeates the whole of French public law and guides the scrutiny of the administrative authorities. These developments have, moreover, given rise to a veritable dialectic in the protection of human rights. Thus, the national courts do not confine themselves to displaying "judicial discipline" towards your Court. For the sake of consistency with their own case-law, they do not hesitate to go beyond the standards fixed by you.

The rule-making authorities have also drawn consequences from the Convention as you have interpreted it: many States have thus adapted their legislation or their regulations as a preventive or curative measure, be it to reform their criminal, civil or administrative procedure with a view to applying the rules of a fair trial, to provide for compensation for damage caused by failure to comply with a reasonable time-limit, to take action against the excessive length of pre-trial detention or to regulate telephone interceptions. In France we have also had to repeal the Monitoring of the Foreign Press Act and revise the Opinion Polls Act.

B. At the root of this remarkable development of human rights protection in the Convention system is one of the important dynamics in the formation of European humanism, namely, the existence of a dialogue that respects the identity and richness of cultural traditions in Europe.

The general economy of the Convention is founded on respect for the diversity of cultures and legitimate legal traditions. Your Court has reiterated this by affirming at the outset that it "cannot assume the role of the competent national authorities, for it would thereby lose sight of the subsidiary nature of the international machinery of collective enforcement established by the Convention"[21]. This concept of subsidiarity is designed to guarantee that "pluralism", together with "tolerance" and "broadmindedness", will remain one of the foundations of "democratic society"[22].

In keeping with the heteronomy inherent in this system, each of its actors makes an essential contribution to an extensive dialogue that is one of the sources and one of the expressions of European humanism.

This dialogue is, firstly, at the very foundation of the working methods and of the spirit that reigns at your Court. Franz Matscher, referring to his own experience as a judge of your Court, emphasised this when he said that he very quickly realised, after arriving in Strasbourg, that the "cultural baggage", "legal training" and "mentality" he had brought with him from his country of origin were not the only truths, but that there were "other solutions that were equally valid, if not better"[23].

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19. In order to give full effect to the provisions of Article 8 of the Convention, the administrative courts now scrutinise the proportionality between interference by regulatory measures with an alien's family life and the public interests, linked if applicable to public policy (*ordre public*), which, according to the case, constitutes grounds for an order for deportation (CE, Ass., 19 April 1991, *Belgacem*, Rec. 152, concl. R. Abraham), removal (CE, 19 April 1991, *Mme Babas*, Rec. 162), refusing a residence permit (CE, Sect., 10 April 1992, *Marzini*, Rec. 154), or refusing a visa (CE, Sect., 10 April 1992, *Aykan*, Rec. 152).
20. CE, Ass., 14 December 2007 three decisions: *Planchenault, garde des Sceaux*, and *Min. de la Justice c. Boussouar et Payet*, Rec. 474, 495 and 498.
CE, Ass., 17 February 1995, *Marie*, Rec. 85.
CE, 30 July 2003, *Remli*, Rec. 366.
CE, 14 November 2008, *El Shennawy*, Rec. 417, in line with the case-law of the Court, *Kudła v. Poland* [GC], no. 30210/96, ECHR 2000-XI, and *Iwanczuk v. Poland,* no. 25196/94, 15 November 2001.
CE, 17 December 2008, *Sect. fr. de l'Observatoire int.l des prisons*, Rec. 463.
CE, 17 December 2008, *Sect. fr. de l'Observatoire int.l des prisons*, Rec. 456, on the choice of bedding for detainees and protection against fire risks.
CE, 30 November 2009, *garde des sceaux c . M. Kehli*, no. 318589, to be published in the Rec.
21. Case "*relating to certain aspects of the laws on the use of languages in education in Belgium*" (merits), 23 July 1968, Series A no. 6.
22. *Handyside v. the United Kingdom*, 7 December 1976, Series A no. 24.
23. Franz Matscher, "The European Court of Human Rights, yesterday, today and tomorrow, shortly after its fiftieth anniversary – Observations of a former judge at the Court", *Revue trimestrielle des droits de l'homme*, vol. 80/2009, p. 901.

This dialogue is also clearly expressed through the quest to achieve a consensus that your Court endeavours to establish by comparing and contrasting the various systems for the protection of human rights and their development. The existence of this consensus may sometimes be contested; attention has sometimes been drawn to the "ambiguity" of its role[24]. However, it is indeed the search for a consensus through a dialogue between cultures and legal systems which makes the Convention a "living instrument" that requires an evolutive interpretation in the light of "present-day conditions" and "commonly accepted standards"[25].

This dialogue also finds expression in the insertion of the Convention system into a denser and broader network of judges and norms: denser, because the system allows us to exchange and share our respective experiences beyond an institutional dialogue. Meetings such as today's seminar are an example, through the diversity of the persons present, of this "dialogue between judges" that your Court promotes. As we have seen this afternoon, there could and should be more of them. This dialogue is also broader for the increasing recourse, in interpreting the Convention, to sources of inspiration which go beyond the actual text itself. An illustration of this can be seen in one of your recent judgments, which was expressly based on the texts of the Council of Europe and on the law and practice of the member States, but also on the law of the European Union and the case-law of the Supreme Court of Canada[26]. Whilst this method of interpretation can only be used with care, it is nonetheless revealing of the Convention system's insertion into a veritable dialogue between cultures, which is a source of enrichment of our principles.

This European dialogue between legal systems and cultures would inevitably fade, however, if the Convention system were to evolve in such a way that the principles that inspired it became suffocated under the weight of their success or even started to dry up, for this would mean that we had not been capable of preserving them. If that were to happen, European humanism in its entirety would lose part of its essence.

III. The preservation of the European Convention system, which is our common responsibility, requires us to be faithful to the principles that inspired it and creates important duties for us.

A. The originality and strength of the Convention system are expressed, in its actual provisions, in two fundamental principles which underlie its mechanism: the right of individual petition and the principle of subsidiarity. The first has to be preserved and the second reaffirmed.

1. The right of individual petition is "a key component of the machinery for protecting the rights" set forth in the Convention, as you have stated[27]. Without this procedural guarantee, the "European public order" that you mean to construct would remain a frontispiece for our principles without ever being effectively translated into law. It is the right of individual petition which ensures the "practical ratification of man's essential rights" as advocated by René Cassin. Admittedly, the right of petition has not been immediately at the centre of the States' concerns. However, the development of the European system for the protection of human rights has shown to what extent this guarantee lies at the very heart of its existence. Thus did Protocol No. 9, subject to certain reservations[28], grant individuals the right to bring their case to the Court. Protocol No. 11, for its part, has radically transformed the control mechanism established by the Convention by creating a single judicial body – your Court – to which legal subjects can directly apply.

24. John L. Murray, Chief Justice of Ireland, "Consensus: concordance or hegemony of the majority", *Dialogue between judges*, European Court of Human Rights, Council of Europe, 2008.
25. *Tyrer v. the United Kingdom*, 25 April 1978, Series A no. 26.
26. *S. and Marper v. the United Kingdom* [GC], nos. 30562/04 and 30566/04, to be published in ECHR 2008.
27. *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, ECHR 2005-I.
28. In particular, the State had to have ratified the Protocol and a Committee of three judges could, unanimously, decide that the case would be examined by the Court.

Lastly, by giving binding force to interim measures pronounced under Rule 39 of your Rules of Court[29], you have completed this development and guaranteed the effectiveness of the right of individual petition by providing that mere non-compliance with an interim measure amounts to a breach of Article 34 of the Convention. History is not made up of progress alone; it stops and starts; and the right of individual petition may provide a helpful antidote to its flaws.

2. The evolution of the Convention system must also tend towards reaffirming its "subsidiary character to the national systems safeguarding human rights"[30]. This principle of subsidiarity, which is expressed in the form of an obligation to exhaust domestic remedies, is designed to allow the Court to ensure respect for human rights "without thereby erasing the special features of domestic laws"[31]. Reaffirmation of the subsidiary – that is, ultimate – character of the guarantee that an application to your Court represents is fully consistent with a reassertion of the principle that it is the domestic courts that are the ordinary tribunals for infringements of the rights guaranteed by the Convention. This would undeniably be of huge benefit to the European system for the protection of human rights: would not the greatest success of the Court be to deal with only the most essential questions, limited in number, raised by the protection of these rights in Europe, and leave to the national judges the task of ensuring their protection on a daily basis?

That is my conviction.

B. In this context the preservation of the European system for the protection of fundamental rights creates important duties for us.

1. It creates important ones for your Court of course. As national Supreme Courts, we are aware of the importance attached to clear and foreseeable case-law and are attentive to your Court's contribution to this objective. The profound changes over the past decade, not all of which perhaps have been integrated by the domestic courts, also put a particular price on the stability of this case-law. Where a departure from precedent is necessary, it is of course worth explaining the reasons for this, just as the national Supreme Courts have a duty – as you have stated very recently[32] – to give a substantial statement of reasons justifying the departure. It is essential for us that your Court give guidelines as to its interpretation of the Convention and indications regarding execution of its judgments. In that connection the practice of "pilot judgments"[33], which makes it possible to accompany the measures taken by the respondent State to put an end to structural deficiencies, are extremely useful[34]. Your Court could also give us better guidance regarding the circumstances in which it bases its decisions on the existence of a consensus between the States Parties; it could even endeavour to confine its use of that principle of interpretation to developments in the protection of rights which raise "no doubts in an informed mind"[35]. Accordingly, without in any way freezing the scope of the Convention, a consensual interpretation would become a melting-pot to which the States Parties would acquiesce and would give the decision reached by the Court the best chance of effectiveness[36].

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29. *Mamatkulov and Askarov*, cited above. CE, ord. ref. 30 June 2009, *ministre de l'intérieur, de l'outre-mer et des collectivités territoriales c. Beghal*, no. 328879, to be published in the *Recueil Lebon*.
30. *Handyside*, cited above.
31. Frédéric Sudre, "Le pluralisme saisi par le juge européen", *Droit et pluralisme*, Bruylant, 2007, p. 281.
32. *Atanasovski v. "the former Yugoslav Republic of Macedonia"*, no. 36815/03, 14 January 2010.
33. Procedure applied for the first time in *Broniowski v. Poland* [GC], no. 31443/96, ECHR 2004-V.
34. As are the developments in which the Court describes the execution measures capable of remedying a finding of a violation: see, for example, *Scozzari and Giunta v. Italy* [GC], nos. 39221/98 and 41963/98, ECHR 2000-VIII, and *Maestri v. Italy* [GC], no. 39748/98, ECHR 2004-I.
35. To adopt President Braibant's definition of a manifest error of appreciation, given in his conclusions on CE, Sect., *Lambert*, 13 November 1970, Rec. 665.
36. Frédéric Sudre, "L'effectivité des arrêts de la Cour européenne des droits de l'homme", *Revue trimestrielle des droits de l'homme*, vol. 76/2008, pp. 917-47.

2. The preservation of the Convention system also creates important duties for the domestic courts and the States. They must pursue the efforts they have made towards achieving a speedy and full application not only of your judgments, but also more broadly of your case-law. They have a duty, in the first instance, to prevent, examine and remedy violations of the Convention. The way to do this is to bring into line domestic laws and regulations which are incompatible with your case-law and provide for effective remedies that give full scope to the rights guaranteed by the Convention. The national courts also have a duty of loyal cooperation with your Court, which must lead to providing for recognition of the interpretative authority of its judgments and thus their *erga omnes* effect, irrespective of any final decision between the parties.

3. The preservation of the Convention system is, lastly, a duty incumbent on the Council of Europe, which must pursue the efforts made to provide the Court with the instruments necessary, in the present conjuncture, to perform its essential mission. The imminent entry into force of Protocol No. 14[37], which will allow the Court to better adapt its examination to the difficulty of each case and which will also improve the process of execution of judgments, is very welcome. But it will certainly be necessary to go further. Should there not, for example, be more thorough "filtering" of applications that are unmeritorious, repetitive or where the applicant has not exhausted domestic remedies? Nor should the possibility be ruled out in the longer term of allowing the Court to select the cases it will examine or, possibly, the creation of a mechanism for referring cases to you for a preliminary ruling, provided that the right of individual petition is preserved. Would it not also be a solution to go further in affirming the authority and the judicial autonomy of your Court, for example by strengthening the status of judges and allowing your Court, by a simplified procedure, to propose rules for processing applications without it being necessary to revise the Convention each time? I think that these solutions should, at the very least, not be discarded outright.

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The future of the European system for the protection of human rights is therefore our common responsibility. This system, spearheaded by your Court, is confronted with major challenges. It has the ability to face those challenges while remaining true to the founding principles which make it one of the guarantors of the humanism and moral conscience born on our continent. This system is heir to a vast project designed to achieve reason and peace through law. It pursues, in the service of justice, the dialogue built up over the centuries by European thinkers on the human condition. It continues to build, stone by stone, a common vision of man, his rights and his dignity. It undoubtedly represents, today, the best that Europe can provide to the rest of the world: a certain concept of human beings and a certain concept of national as well as international justice, for the protection of the fundamental rights of the person. That which the world has failed to do since the Universal Declaration of Human Rights in 1948, Europe has done. You are the determinative actors behind this achievement.

I wish to end by expressing my warm thanks to President Costa and to the members of your Court who have honoured me with an invitation to engage in this dialogue with you here today. I sincerely hope that the new judicial year will once again see your Court asserting its role and its authority in the service of our shared ideals.

37. The State Duma of the Russian Federation voted in favour of the draft law ratifying Protocol No. 14 to the European Convention on Human Rights on 15 January 2010. This vote opens the way to the entry into force of the Protocol, already ratified by the forty-six other States Parties.