High-Level Conference on the Implementation of the European Convention on Human Rights, our shared responsibility

Conférence de haut niveau sur la mise en œuvre de la Convention européenne des droits de l'homme, notre responsabilité partagée

Proceedings / Actes

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Implementation of the European Convention on Human Rights, our shared responsibility

La mise en œuvre de la Convention européenne des droits de l'homme, notre responsabilité partagée

High-Level Conference organised in Brussels, Belgium, 26-27 March 2015
by the Belgian Chairmanship of the Committee of Ministers of the Council of Europe
Conférence de haut niveau organisée à Bruxelles, Belgique, 26-27 mars 2015
par la présidence belge du Comité des Ministres du Conseil de l'Europe

Proceedings
Actes

Directorate General of Human Rights and Rule of Law, Council of Europe
Direction générale Droits de l'Homme et Etat de droit, Conseil de l'Europe

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Thursday 26 March
Jeudi 26 mars

09:30-10:00	**Welcoming all conference delegates**	**Accueil des participants**
10:00-11:00	**Inaugural session:** **Introduction and recapitulation of the objectives of the Conference by the Belgian Minister of Justice** • Address by the Secretary General of the Council of Europe • Address by the President of the Parliamentary Assembly of the Council of Europe • Address by the President of the European Court of Human Rights • Address by the First Vice-President of the European Commission • Address by the Council of Europe Commissioner for Human Rights • Address by the Vice-President of the Court of Justice of the European Union	**Séance inaugurale :** **Introduction et rappel des objectifs de la conférence par le ministre belge de la Justice** • Intervention du Secrétaire Général du Conseil de l'Europe • Intervention de la Présidente de l'Assemblée parlementaire du Conseil de l'Europe • Intervention du Président de la Cour européenne des droits de l'homme • Intervention du Premier Vice-Président de la Commission européenne • Intervention du Commissaire aux droits de l'homme du Conseil de l'Europe • Intervention du Vice-Président de la Cour de justice de l'Union européenne
11:00-11:30	*Coffee break*	*Pause-café*
11:30-12:45	**1st working session:** Statements by heads of delegation, including the presentation of national good practices	**1re séance de travail :** Interventions des chefs de délégation incluant la présentation de bonnes pratiques nationales
13:00-14:15	*Lunch*	*Déjeuner*
14:15-14:30	*Photo Group*	*Photo*

14:30-15:45	**2nd working session:** Statements by heads of delegation, including the presentation of national good practices	**2e séance de travail :** Interventions des chefs de délégation incluant la présentation de bonnes pratiques nationales
15:45-16:00	*Coffee break*	*Pause-café*
16:00-17:00	**3rd working session:** Statements by heads of delegation, including the presentation of national good practices	**3e séance de travail :** Interventions des chefs de délégation incluant la présentation de bonnes pratiques nationales
17:30-18:30	**Side event:** "The Implementation of Convention Rights and Judgments: the key role of NGOs and NHRIs" , organised by Amnesty International, AIRE Centre, European Human Rights Advocacy Centre, European Network of National Human Rights Institutions, International Commission of Jurists, Open Society Justice Initiative	**Side event :** « La mise en œuvre des droits de la Convention et des arrêts : le rôle clé des ONG et des INDH », organisé par Amnesty International, AIRE Centre, European Human Rights Advocacy Centre, Réseau européen des institutions nationales des droits de l'homme, Commission internationale de juristes, Open Society Justice Initiative
20:30	*Official dinner*	*Dîner officiel*

Friday 27 March
Vendredi 27 mars

09:00-09:30	Welcome	Accueil
09:30-11:00	**4th working session:** • Statements by heads of delegation, including the presentation of national good practices • Interventions by the President of the Conference of International Non-governmental Organisations of the Council of Europe, the representative of the European Network of the National Human Rights Institutions and the representative of the Open Society Justice Initiative	**4e séance de travail :** • Interventions des chefs de délégation incluant la présentation de bonnes pratiques nationales • Interventions de la Présidente de la Conférence des organisations internationales non gouvernementales du Conseil de l'Europe, du représentant du Réseau européen des institutions nationales des droits de l'homme et du représentant de Open Society Justice Initiative

11:00-11:30	*Coffee break*	Pause-café
11:30-12:15	**Closing session: Conclusions by the Belgian Chairmanship of the Committee of Ministers of the Council of Europe and adoption of the Declaration**	**Séance de clôture : Présentation des conclusions par la présidence belge du Comité des Ministres du Conseil de l'Europe et adoption de la Déclaration**
12:30	Press conference	Conférence de presse
12:30	*Lunch*	*Déjeuner*

Opening addresses
Discours d'ouverture

M. Koen Geens

Ministre de la Justice

Mesdames et Messieurs les Ministres, vos Excellences, Mesdames et Messieurs,

Au nom du Comité des Ministres du Conseil de l'Europe et au nom du Gouvernement belge, j'ai le plaisir de vous souhaiter la bienvenue à Bruxelles.

Honorée par l'appel de M. le Président Spielmann d'organiser, début 2015, une Conférence politique dans le cadre de sa présidence du Conseil de l'Europe, la Belgique a souhaité assumer sa part de responsabilité dans les engagements et les défis quotidiens que représente la mise en œuvre effective de la Convention européenne des droits de l'homme au sein de nos 47 Etats membres.

Cette Conférence s'inscrit dans la continuité des Conférences d'Interlaken, d'İzmir et de Brighton, en faisant le point sur la situation, trois années déjà après Brighton, et en mettant, par ailleurs, l'accent sur les défis actuels.

Beaucoup d'évolutions indéniablement positives sont intervenues au cours des dernières années. La Cour a consenti à de nombreux efforts en améliorant de manière significative ses capacités de filtrage et de gestion des affaires. Quant au Comité des Ministres, ses nouvelles méthodes de travail, qui renforcent le principe de subsidiarité, ont aussi produit des résultats positifs. Pour autant, il reste plusieurs défis, dont les requêtes répétitives et les problèmes d'exécution de certains arrêts. Ces facteurs influent tant sur le délai d'examen par la Cour des affaires notamment bien fondées que sur l'afflux des requêtes.

C'est pourquoi la présidence belge a voulu donner un nouvel élan au processus de réforme du système de la Convention en soulignant la responsabilité partagée entre les Etats membres, la Cour et le Comité des Ministres, et en invitant chaque acteur à se doter des moyens suffisants pour assumer pleinement son rôle dans la mise en œuvre de la Convention.

C'est la raison pour laquelle nous sommes réunis aujourd'hui à Bruxelles, l'objectif étant l'adoption d'une déclaration politique consensuelle sur la mise en œuvre effective de la Convention par chacun d'entre nous.

Lors des négociations, la présidence belge a veillé à tenir compte des positions de chaque Etat membre, reflétant nos cultures juridiques et politiques diverses qui font la richesse du Conseil de l'Europe. Nous avons pu relever le défi de les concilier grâce aux approches constructives qui ont été les vôtres dans les travaux menés à Strasbourg, à Bruxelles et dans vos capitales pour aboutir, aujourd'hui, au projet final de déclaration qui est devant nous.

Cela a été rendu possible par notre engagement commun en faveur d'un système de la Convention efficace et viable, qui met l'accent sur la responsabilité partagée de tous les acteurs impliqués ainsi que sur le principe de subsidiarité.

Le renforcement de ce dernier principe est essentiel, le nombre très élevé de requêtes répétitives en témoigne. Seule une mise en œuvre complète et effective de la Convention au niveau national, s'appuyant sur la jurisprudence de la Cour, permettra à la Cour de réduire l'afflux de requêtes.

Permettez-moi, à présent, de passer à l'anglais.

I would like to underline that the initial text of the declaration was established on the basis of a very wide ranging consultation that involved Belgian stakeholders, among which civil society, as well as organs of the Council of Europe. The initial text also found its inspiration in the outcome of recent working groups, conferences and round tables.

Let me now present you some key elements of the final declaration.

Its structure is threefold:

- the preamble and the political declaration;
- the action plan to implement the latter;
- the implementation of the declaration, with some indications of timing.

The **preamble** recalls the major principles of the Convention and, in particular, its subsidiary nature, since the States Parties have the primary responsibility for implementing the Convention.

It notes progress achieved over the recent years, while stating that emphasis must now be placed on the current challenges.

The **political declaration** reaffirms its strong attachment to the right of individual application to the Court, while inviting it to remain vigilant in upholding the States Parties' margin of appreciation.

It underlines the importance of the Committee of Ministers respecting the States Parties' freedom to choose the means of full and effective execution of the final Court's judgments.

It also reaffirms the importance of the accession of the European Union to the Convention, encouraging the finalisation of the process.

As for the **Action Plan**, we have chosen to subdivide it chronologically into three sections.

The first section deals with the interpretation and application of the Convention by the **Court** and welcomes its dialogue with national courts and its intention, in the future, to provide brief reasons for its inadmissibility decisions of a single judge.

It also invites the Court to pursue its current practices of efficient management of its caseload, and to explore new avenues, in particular to deal with repetitive applications.

The second section of the Action Plan on the implementation of the Convention at national level asks for instance the **member States** to develop a human right « culture » within all their national institutions, including trainings, preventive supervision of the compatibility with the Convention of draft laws, existing laws and administrative practice. It also calls to create networks among the executive authorities, the courts and the parliament(s), allowing notably for regular national debates on the execution of judgments, associating civil society and National Human Rights Institutions.

The last section of the Action Plan on the supervision of the execution of judgments encourages the **Committee of Ministers** to consider the use of all the tools at its disposal, to develop the resources and tools available to deal with the cases of non-execution – including by exploring possibilities to enhance the efficiency of its Human Rights meetings – and to develop more synergies with the other Council of Europe stakeholders, in particular the Court, the Commissioner for Human Rights and the Parliamentary Assembly.

It also encourages the Committee of Ministers to support an increase in the resources of the Department for the Execution of Judgments to allow it to fulfil its advisory functions and to ensure cooperation and enhanced bilateral dialogue, when necessary, with the States Parties.

Permettez-moi, à présent, de repasser au français.

Comme je ne reprendrai pas la parole au titre de la Belgique lors du tour de table, je profite de l'occasion pour vous annoncer quelques actions concrètes que notre pays a l'intention d'entreprendre, au cours de cette année, pour donner suite à la Déclaration de Bruxelles.

Je voudrais une implication plus accrue de notre Parlement national dans la mise en œuvre de la Convention, à l'instar de ce qui se pratique déjà dans plusieurs Etats membres.

A cet effet, un rapport annuel faisant état des arrêts récents rendus par la Cour à l'égard de notre pays ainsi que de l'avancement de l'exécution des arrêts belges sera transmis au Parlement fédéral, en y joignant les plans et les bilans d'action déposés.

Plus généralement, pour développer et renforcer nos échanges avec l'ensemble de nos partenaires, des lettres périodiques d'information sur le contentieux belge à Strasbourg seront adressées à des « points de contact » désignés au sein de l'ensemble de nos autorités et auprès de représentants de la société civile. Dans le même esprit, le bureau de l'Agent du Gouvernement belge organisera, une fois par an, une réunion avec nos partenaires – ministères, juridictions, Parlement, société civile – impliqués dans l'exécution des arrêts.

Enfin, avant de passer la parole à nos chers invités, je saisis cette opportunité pour réitérer l'engagement de la Belgique de mettre en place, dans les meilleurs délais, une institution nationale des droits de l'homme, conforme aux principes de Paris.

Mr Thorbjørn Jagland

Secretary General of the Council of Europe

Ministers, Your Excellencies, Ladies and Gentlemen,

The European Convention on Human Rights is Europe's promise.

It is the guarantee to 800 million people that their governments will uphold their universal human rights, safeguard the rule of law and strive to build vibrant and inclusive democracies.

The Rome Declaration – adopted at the Ministerial Summit to mark the Convention's 50th Anniversary in November 2000 – reaffirmed, and I quote: "…that the Convention must continue to play a central role as a constitutional instrument of European public order on which the democratic stability of the continent depends".

Today, as economic uncertainty continues to grip much of the continent, as prolonged austerity continues to take its toll and as we see the forces of division, xenophobia and populism increasingly on the march, the Convention keeps us anchored to the values we share in these turbulent times.

Our mission is translating those values into the concrete, day-to-day protections people feel.

The European Court of Human Rights is of course central to this.

When I first took up the post of Secretary General, the Court was being overwhelmed by applications, threatening the individual right to petition – the very heart of the Convention.

Addressing this has been a priority for me.

I would like to thank Mr Dean Spielmann, President of the Court, as well as the judges and Registry, for their tremendous efforts in reducing the Court's backlog.

Three years after the Brighton Conference, the figures are impressive:

At the beginning of 2012, there were 151 600 pending applications before the Court.

By January 2015, at 69 750 this figure had been cut by more than half.

Of course, this process is ongoing and challenges remain, in particular with regard to the backlog of well-founded cases, which is why we are encouraging governments to contribute to the Court's special account, set up after Brighton.

But huge progress has been made.

This success is, in part, due to full use of the Single Judge procedure, introduced by Protocol No. 14, as well as the modernising and rationalising of the working methods of the Court and Registry.

And it is also thanks to reforms by member States, encouraged by the Committee of Ministers' close supervision.

Bulgaria for example – facing numerous cases over the length of criminal proceedings – decided to get a grip on this problem:

It has successfully reduced the average times of proceedings and introduced direct compensation for affected parties.

The government has lessened the need for its citizens to come to Strasbourg.

Romania, too, has introduced compensation for individuals whose properties were nationalised under the previous communist regime.

Slovenia has done the same for so-called "erased persons" who lost their permanent resident status following the country's independence.

Italy has introduced a new complaints procedure for prisoners whose detention conditions don't meet European standards.

In all of these cases and more, national governments are seeking to go to the root of a problem addressing the underlying causes of complaints before they get to the Court.

When Twitter was facing a ban in Turkey, contravening Article 10, the right to freedom of expression and information, why didn't the case come to the European Court of Human Rights?

Because Turkey has its own constitutional court, now with its own individual right to petition, which was able to take a swift decision based on the European Convention on Human Rights.

Many of these reforms have been supported by Council of Europe advice, expertise and co-operation programmes and this is what we mean when we talk about shared responsibility – the theme of our conference over the next two days.

The European Court of Human Rights was never meant to act as a kind of lone policeman: It wasn't built to shoulder the burden of delivering the Convention.

It is there to step in when, for whatever reason, national implementation breaks down.

National authorities are the primary guarantors of these rights and freedoms.

For the same reason, there are also many instances of the Court giving States real flexibility in the implementation of the Convention, limiting the degree to which it imposes itself on national laws and practices, by respecting the principle of the margin of appreciation.

We see this particularly where an issue does not command a pan-European consensus and raises sensitive ethical questions.

In *Evans v. the United Kingdom*, for example, the applicant, Mrs Evans, came to Strasbourg to try to stop the destruction of her embryos which had been

fertilised via IVF treatment and then frozen, before she received treatment for ovarian cancer.

Her partner's sperm had been used but after the relationship broke down he withdrew his consent for the procedure.

The clinic was obliged to destroy the embryos under UK law and Mrs Evans sought to stop this by invoking, among other things, Article 8 and her right to private life.

Many in the Court, I know, felt a great deal of sympathy for this woman – who wouldn't?

But the Court did not find in her favour.

It wisely decided that, on such a complex, moral question, where the rights of the would-be mother, the would-be father and the wider implications for future cases all needed to be weighed up and where there was no shared position among member States, it would be wrong to substitute its own view in place of the UK Parliament.

Similarly in *Lautsi and Others v. Italy*, the Court held that the decision over whether or not crucifixes should be displayed in classrooms should be decided by the democratic organs of the Italian State.

The same happened when the French government was challenged over its prohibition of burqas in public places.

These and many other examples from the Court display its sensitivity to national realities.

We in Strasbourg are extremely proud of what we do to advance the Convention but as international institutions we have our limits.

And there can be no substitute for States translating the Convention into their own laws and practices.

So today I urge all of our member States to step up efforts to implement the European Convention on Human Rights, making it the real law of the land, and dealing with the deep, structural problems which impede it.

In their last report, the Committee of Ministers underlined the persistence of such problems and the so-called "pockets of resistance" that we see across numerous member States, from ongoing discrimination against Roma, to overcrowding in prisons, to excessive use of pre-trial detention, to name a few.

Each can only be solved by bold and creative action, led by member States, with full and active support from the Council of Europe.

The Committee of Ministers has already done a lot in the context of its supervision of the execution of judgments.

I will personally do my utmost in light of the role entrusted on me by the present declaration.

And our Belgian Chair is absolutely right to bring us here to see how we can better work together.

Co-ordinating our efforts will be key, which is why I urge all member States to make sure that the person with responsibility for this in your governments has the right level of authority.

For our part, we will continue to work with our member States to help build the institutions and practices to deliver the Convention:

This is the overriding principle guiding our bilateral work.

And we know how crucial it is to help our States learn from each other's experiences and keep up with developments in the law.

So we will make sure that the Court's judgments and the Committee of Ministers' decisions are as accessible as possible.

The translation of judgments is crucial for that – and I should praise the efforts of the Human Rights Trust Fund for their work here.

I should also thank all of the States who have contributed to the fund and take this opportunity to urge others to do the same.

The HELP Programme – Human Rights Education for Legal Professionals – will also continue to train national courts and judges in the application of the Court's rich case-law.

And when we design co-operation activities in one State we will make sure that they draw on the experiences of others.

Albania, for example, has been facing numerous cases against it regarding the restitution of properties.

The new government came to us and said: We want to solve this problem; we want to know what others have done and what works.

So the Council of Europe is now providing targeted support for the necessary reforms, funded through a voluntary contribution, which uses the lessons learnt by other States who have suffered – and overcome – similar problems.

I think there is a great deal of potential for sharing experiences in this way, and others.

It can make our efforts much more effective:

Activities funded by the Human Rights Trust Fund to support domestic execution processes have already shown this.

So in your discussions I ask you to consider this point as well as other concrete actions our member States need from us.

It might sound odd coming from the leader of an international institution, but when it comes to implementing the Convention, the less Strasbourg is called upon the more we can claim success.

To achieve this a lot of work is still needed.

But – make no mistake – a lot has also been achieved.

The Council of Europe will continue to work with you day in, day out, to make the ideals embodied in our Convention real for millions of people.

A shared mission, with shared responsibility.

Thank you very much.

Ms Anne Brasseur

President of the Parliamentary Assembly of the Council of Europe

Ministers, Your Excellencies, Ladies and Gentlemen,

Please permit me, at the very outset, to congratulate the Belgian Chairmanship of the Council of Europe for having placed emphasis, in the title of this high-level conference, on the effective implementation of the European Convention on Human Rights and our shared responsibility in ensuring that the extraordinary success of the Convention system is maintained and reinforced.

We need to reaffirm the Convention's central role as a constitutional instrument of European public order – "*l'ordre public de l'Europe*" – in order to secure and reinforce democratic stability on our continent. This is all the more important today when the fundamental values that the Council of Europe defends – human rights, democracy and the rule of law – have to face serious

challenges, in particular, that of extremism and radicalisation. While strengthening the legal arsenal, we should ensure that our security policies and measures comply with the standards set by the European Convention on Human Rights. There can be no security for Europe's citizens without the respect of human rights, rule of law and democracy. These values can never be taken for granted.

Ladies and Gentlemen,

All of us present here today are fully aware that the Convention system is indeed based on the shared responsibility of the Council of Europe's institutions and the 47 member States of the Organisation. In other words, this means not only close interaction between the Council of Europe institutions and bodies, i.e. the Court, the Committee of Ministers and the Parliamentary Assembly, but also co-ordinated and joint efforts at national level by the executive, legislative and judicial organs, within our member States.

The Parliamentary Assembly, which I have the honour of presiding, has an important role to play in this respect and in my opening statement I would like to focus specifically on the Parliamentary Assembly's contribution to fulfilling this joint responsibility. For indeed, the double mandate of parliamentarians – as members of the Assembly and of our respective national parliaments – is of fundamental importance in ensuring that Convention standards are effectively protected and implemented domestically.

I wish to stress two aspects of our work in this respect: firstly, the election of top quality judges and, secondly, the increasing role of the Parliamentary Assembly as regards the oversight of the execution of the judgments of the European Court of Human Rights – something that the Brighton Declaration of April 2012 clearly welcomed.

The election of judges first. By the end of this year, we will have elected 15 new judges onto the Court. But here I wish to make an important point, in echoing the Conference's emphasis on **"joint responsibility"**: if the findings of the Strasbourg Court are to be recognised as authoritative – in particular by their peers at the domestic level – the Assembly must be in a position to elect judges with appropriate stature and experience. Hence, it is – I submit – not only necessary to ensure national selection procedures which are rigorous, fair and transparent, but also important for the national authorities to encourage eminent jurists with relevant experience to leave flourishing national careers. This is a difficult but essential role placed upon the shoulders of many persons present here today.

Permit me to draw your attention to two matters in this connection.

Firstly, let me draw your attention to the Assembly's texts, adopted in June of 2014, on the "Reinforcement" of the Court's independence, which deal with, among other subjects, the issue of ensuring appropriate employment for former judges of the Court upon the expiration of their terms of office. Moreover, as of January of this year, the Assembly has put into place a new specialised full Committee of parliamentarians with legal experience "on the Election of Judges to the European Court of Human Rights".

Secondly, I would like to briefly highlight the Assembly's recent activities regarding the implementation of the Court's judgments. Although the supervision of the execution of the judgments is the principal responsibility of the Committee of Ministers, it is clear – again with reference to our "**joint responsibility"** – that the Assembly and national parliaments must play a more pro-active role in this respect. Here, too, the viability of the Convention system is at issue.

As many of you are aware, the Assembly's Committee on Legal Affairs and Human Rights has given priority to this subject. The Committee's 8th report on the implementation of the Court's judgments will be presented to the Assembly in October of this year, by our Rapporteur, Mr de Vries. He, like his distinguished predecessors, Messrs Jurgens and Pourgourides, undertook *in situ* visits to several States with particularly problematic instances of non-implementation, and their work has had substantial impact. Such situations are not rare, as evidenced by the Committee of Ministers Annual Report for 2014, published a few days ago.

Tied to this work, I wish to bring to your attention the recent decision of the Assembly's Legal Affairs Committee to create a special sub-committee on the implementation of Strasbourg Court judgments. This new sub-committee is mandated – and I quote: to address *"the most pertinent cases of non-implementation of judgments, especially those pointing to the existence of systematic shortcomings or requiring urgent individual measures, especially in cases concerning serious human rights violations"*. The sub-committee intends to hold open hearings with parliamentary national delegations, as well as with representatives of civil society, in order to help find solutions to outstanding problems.

The involvement of the Parliamentary Assembly and its members with their dual mandate, as mentioned above, corresponds to the subsidiary character of the Convention system. National parliaments can and should hold governments to account for inadequate or dilatory implementation of Strasbourg Court

judgments, for example, by holding debates and hearings and putting parliamentary questions. Above all, they should influence the direction and priority of legislative initiatives and – where appropriate – authorise the funds needed to ensure the implementation of Convention standards.

In the Assembly's Resolution 1823 of 2011, on "National parliaments: guarantors of human rights in Europe", we pointed – at the time – to a handful of positive examples of parliamentary work on this subject, notably in the United Kingdom, the Netherlands, Germany, Finland and Romania – all five of which had set up parliamentary procedures and/or structures to monitor the implementation of Strasbourg Court judgments. To these can be added more recent initiatives, such as the creation of a permanent sub-committee for the execution of Strasbourg Court judgments by the Polish *Sejm*. However, most parliaments do not appear to have such supervisory mechanisms.

During my presidency of the Assembly, I am spending time and effort on actively encouraging this positive trend. I raise this issue in all my official visits to member States. Most recently, I have learned about interesting experiences and ideas in Croatia, France and Romania and I encourage parliamentarians from these countries – as well as all members of the Assembly – to share their good practices.

It is also important to make parliamentarians aware of the standards of the Convention, the case-law of the Court and the specific requirements of the execution of the Court's judgments. In this context, the Assembly recently decided to put in place special training programmes on the Convention. Three seminars for parliamentarians have been held so far, in London in 2013, and in Warsaw and Madrid in 2014, and another one is scheduled, this year, in Tbilisi. Similar seminars have been held in Strasbourg for legally-qualified staff of parliaments. This is a long-term investment, in that busy parliamentarians must have access to an efficient legal service with specific competence in human rights matters.

As the ***leitmotiv*** of this conference is "**shared responsibility**" in ensuring the Convention's long-term future, please permit me to conclude with one final observation about the Organisation's budgetary situation.

The effectiveness of the Pan-European system of the protection of human rights established by the Convention depends on our ability to deliver the results expected from us, that is addressing serious and systematic human rights violations as well as providing appropriate support to our member States in order to prevent these violations from being repeated. We need appropriate means and resources to fulfill this task and in all my official visits to member

States I raise the question of the budgetary situation of our Organisation. We should not overlook this issue in our discussions and I count on your support.

In conclusion, allow me to congratulate my compatriot, Mr Dean Spielmann, President of the Court, as well as all the judges of the European Court of Human Rights and the Registry of the Court, for their excellent work. Thanks to recent reforms, the backlog of the cases before the Court has been substantially reduced and I encourage them to continue in the same vein. Well done and good luck for the future!

I thank you for your attention.

M. Dean Spielmann

Président de la Cour européenne des droits de l'homme

Monsieur le Ministre de la Justice de Belgique, Monsieur le Secrétaire Général, Madame la Présidente de l'Assemblée parlementaire, Monsieur le Premier Vice-Président de la Commission européenne, Monsieur le Commissaire aux droits de l'homme, Mesdames et Messieurs les Ministres, Mesdames et Messieurs,

En février 2010, à Interlaken, avait lieu la première Conférence de haut niveau sur l'avenir de la Cour. Elle donnait lieu à une Déclaration et à un Plan d'action destinés à trouver les solutions indispensables pour sauver une Cour qui se trouvait alors au bord de l'asphyxie.

Plus de cinq années se sont écoulées ; deux autres de haut niveau ont eu lieu, à İzmir puis à Brighton, et nous voici à Bruxelles, pour une Conférence qui est beaucoup plus qu'un bilan d'étape, à mi-chemin de la période définie dans le Plan d'action d'Interlaken.

La Cour a pris toute sa part dans la mise en œuvre de ce Plan d'action. Ici, à Bruxelles, le moment est venu de faire vivre la responsabilité partagée, pour reprendre une expression consacrée à Interlaken et qui est le titre de votre conférence : « la mise en œuvre de la Convention européenne des droits de l'homme, une responsabilité partagée ».

Revenons un instant en arrière : au moment de la Conférence d'Interlaken, le nombre de requêtes pendantes atteignait des chiffres vertigineux, jusqu'à un pic de 160 000 dans les mois qui ont suivi la Conférence. On se demandait alors comment sauver le système et les réformes étaient indispensables. La question des méthodes de filtrage était particulièrement cruciale et nous étions tous à la recherche des meilleures solutions, pour ne pas dire des solutions miracles.

À l'heure où je vous parle, le nombre de requêtes pendantes devant notre Cour est retombé au chiffre tout à fait raisonnable de 65 000.

Pour ce qui concerne la Cour, les objectifs définis à Interlaken ont donc été remplis. Je crois même pouvoir dire qu'ils ont été largement dépassés. La question du filtrage, qui se posait alors de manière aigüe, a été résolue pour les requêtes manifestement irrecevables ; un effort exceptionnel a été porté sur l'information du public tant sur les questions de recevabilité que sur la jurisprudence de la Cour : des guides et des fiches thématiques ont été créés avec le succès que l'on sait ; une coopération étroite avec les hautes juridictions de nos Etats membres s'est développée ; enfin, la Cour a mené une politique imposant aux requérants des conditions plus strictes pour l'introduction de leurs requêtes.

Les réformes mises en œuvre ont porté leurs fruits et notre Cour a démontré sa capacité à se réformer et à faire usage de tous les outils qu'elle avait à sa disposition. Des outils qu'elle a également créés.

Nous n'avons pas été seuls à agir. Si des résultats satisfaisants ont été atteints, cela n'a pu se faire que grâce à une forte implication des Etats eux-mêmes. C'est pourquoi, je tiens à remercier solennellement ceux d'entre vous qui ont mené une politique active de mise à disposition de juristes et qui ont abondé au compte spécial créé à l'issue de la conférence de Brighton, compte qui a été également utilisé pour recruter des juristes.

Autre facteur de succès : la création dans plusieurs de nos Etats membres de recours internes, que notre Cour a jugé effectifs et qui ont contribué à alléger notre tâche.

Nous n'allons pas nous arrêter en si bon chemin. D'abord, nous allons nous attaquer aux affaires prioritaires (nous en avons actuellement plus de 7 500). Ensuite, aux affaires non prioritaires et non répétitives (nous en avons actuellement près de 19 000), puis aux affaires répétitives, dont le nombre s'élève approximativement à plus de 32 000. S'agissant de ces affaires, nous sommes prêts, d'ores et déjà, à utiliser les mêmes méthodes que celles expérimentées avec succès pour les affaires à juge unique. Enfin, bien entendu, nous continuerons à traiter les affaires irrecevables qui continueront de nous

parvenir. À terme, notre but est de nous débarrasser de tout notre arriéré (notre *backlog*) et de respecter les critères de Brighton et que d'ici à la fin de cette année, il n'y ait plus d'arriéré d'affaires irrecevables.

Pour atteindre ce but et traiter tout l'arriéré, nous avons besoin, non pas d'augmenter notre budget ordinaire, mais de recevoir des contributions volontaires ou de bénéficier de détachements. Il est certain que les ressources dont nous disposons actuellement ne suffisent pas pour traiter l'arriéré et je suis content de voir, dans le projet de Déclaration, une invitation à poursuivre les contributions volontaires et les détachements. Cette invitation, si elle est suivie d'effet, nous permettra de réussir.

En tout état de cause, si la mise en œuvre du Plan d'action a débouché sur un incontestable succès, ce succès reste fragile. La Cour pourra adopter les méthodes les plus efficaces et les plus sophistiquées. Elle pourra continuer à mettre sur son site, à la disposition du plus grand nombre, les informations sur la recevabilité des requêtes et sur sa jurisprudence. Elle pourra aussi poursuivre le dialogue fructueux qu'elle a déjà instauré avec les juridictions suprêmes. Il n'empêche : la capacité de la Cour à faire face au contentieux qui lui est soumis n'est pas assurée dans la durée. Il suffit d'une crise en Europe, à l'instar de celle que nous connaissons en Ukraine depuis plus d'un an, pour que les répercussions qui en découlent sur l'activité de la Cour soient considérables.

À cela, il n'y a qu'un seul remède : la responsabilité de la mise en œuvre de la Convention doit être partagée. Cela passe par une application de la Convention au niveau interne, car c'est la responsabilité première des Etats parties. Cela implique aussi une parfaite exécution des arrêts de la Cour. En amont comme en aval du mécanisme juridictionnel de Strasbourg, les Etats doivent faire en sorte que les problèmes soient résolus au niveau interne, plutôt que d'être portés devant la Cour. Certes, nos jugements de la Cour ne sont revêtus que de l'autorité relative de la chose jugée et n'ont pas de valeur *erga omnes*, seuls les Etats condamnés étant, du moins en droit, liés par la décision rendue. Il arrive cependant que la législation de certains Etats soit analogue à celle qui a donné lieu à une condamnation pour un autre Etat. En théorie, du fait de l'absence d'effet *erga omnes*, les Etats non concernés directement par les arrêts n'ont pas l'obligation de s'y conformer. Toutefois, et c'est une tendance qui se développe, rien n'empêche un Etat de modifier sa législation à la suite d'une condamnation intervenue à l'encontre d'un autre Etat. C'est là que les cours suprêmes, bien informées sur notre jurisprudence, peuvent jouer un rôle très positif pour sa mise en œuvre.

Le projet de Déclaration que vous allez adopter va dans ce sens lorsqu'il réaffirme votre attachement à la Convention et au droit de recours individuel et lorsqu'il réitère votre détermination à vous acquitter de l'obligation de protéger, au niveau national, les droits et libertés garantis par la Convention.

L'accent que vous mettez sur l'importance d'une exécution pleine, effective et rapide de nos arrêts est évidemment fondamental.

Dans un autre domaine, je me réjouis également de l'importance réaffirmée de l'adhésion de l'Union européenne à la Convention. Le rappeler solennellement ici, à Bruxelles, a une valeur hautement symbolique. À cet égard, je me félicite de la présence parmi nous, et c'est à ma connaissance une première dans le cadre de ces conférences de haut niveau, du Vice-Président de la Cour de Justice, mon ami Koen Lenaerts. J'y vois un signe positif pour la poursuite de ce processus d'adhésion et je ne peux m'empêcher de citer André Gide qui disait, je crois, « Il n'y a pas de problème, il n'y a que des solutions ». Cette parole, je l'espère, guidera les négociations futures.

Le projet de Déclaration adresse également des demandes nouvelles à la Cour, notamment pour ce qui concerne la motivation des décisions d'irrecevabilité. Je me suis déjà exprimé à ce sujet et j'ai indiqué que, dès que ce serait matériellement possible, autrement dit dès que le problème de l'arriéré serait résolu, la Cour répondrait favorablement à cette demande, qui correspond à une attente légitime des requérants. Mais je dois rappeler ce que je disais il y a un instant : le succès que nous connaissons est fragile. Certes, la motivation des décisions d'irrecevabilité est importante pour le justiciable, mais elle ne doit pas se faire au détriment du traitement des affaires les plus graves et les plus sérieuses. Nous sommes prêts à relever avec vous de nouveaux défis, comme nous l'avons démontré après les Conférences d'Interlaken, d'İzmir et de Brighton, et notamment l'entrée en vigueur, que nous espérons proche, des Protocoles 15 et 16. S'agissant d'ailleurs du dialogue avec les juridictions suprêmes, le lancement de notre réseau d'échange d'information sur la jurisprudence en est un élément précurseur et je suis heureux que le projet de Déclaration y fasse référence.

Mesdames et Messieurs,

La distance géographique entre Interlaken et Bruxelles n'est que de quelques centaines de kilomètres, mais le chemin que nous avons parcouru depuis la première conférence de haut niveau est considérable. Nous pouvons poursuivre sur la même voie du succès, à condition de le faire ensemble. Nous avons un

instrument commun, la Convention européenne des droits de l'homme, cet « instrument constitutionnel de l'ordre public européen », qui fait l'admiration de tous, même au-delà du continent européen.

Faire vivre cette Convention est une responsabilité immense pour nous tous, acteurs de ce système.

Cette responsabilité : partageons là !

Mr Frans Timmermans

First Vice-President of the European Commission

It is a pleasure for me to speak today at this conference devoted to the European Convention on Human Rights.

We are today at a time in history when we are at risk of losing sight of why the European Convention on Human Rights is so important. And this is because we are forgetting the historical origins of the Convention.

In Europe, over centuries, problems between nations, and within societies, were solved through domination. Such domination inevitably always came at the expense of individual rights and freedoms. And it was usually minorities which suffered first.

The Jewish community in this context has always been particularly exposed. In times of crises, it has always been the Jewish community which has been singled out as the scapegoat for problems that society at large was facing.

It is only after World War II that the realisation set in across Europe that we could not continue on this path of domination and oppression. This is why we made a commitment to the values of democracy, the rule of law, and fundamental rights, and this commitment found its expression in the European Convention on Human Rights.

Today we are facing the same challenges again. Tensions are again rife in our societies. European societies are going through a deep crisis which is not only

economic but also political. And again we see the same mechanisms at play, and minorities – be it Jews, Muslims or homosexuals – being targeted.

Throughout Europe today we see our fundamental values and beliefs being challenged again. We see this in certain member countries of the Council of Europe which are not members of the European Union, but we also see it in some of our own member States.

This is why I will organise a Colloquium on fundamental rights which will take place on 1 and 2 October in Brussels. The topic of the colloquium will be devoted to the question of respect and tolerance, and in particular the question of how to prevent anti-Semitism and Islamophobia, as two examples of the forms of intolerance we currently have to tackle in our societies.

Let me now turn to the question of the European Union's accession to the European Convention on Human Rights.

I have been asked the question of why it is so important that the European Union accede to the Convention when all of its member States are already parties to the Convention.

The answer to this for me is clear: the European Union exercises competences which have been transferred to it by its member States, and which can affect the citizen in his or her daily life in many areas. I believe therefore the citizen is entitled to the same direct protection against the acts of the European Union that he enjoys against the acts of the member States of the European Union.

It is true that the Court of Justice has rendered an opinion which raises a number of difficult legal points. It is undeniable that this opinion raises a real challenge. I believe the correct approach is for us to look carefully at every single element of the opinion and try to find legally sound solutions for each point. Of course, this task will not be easy, and that is why we have a reflection period.

But I am convinced that ultimately we will find solutions to all the issues raised in the Court's opinion. Because I passionately believe in the need for the European Union to accede to the Convention.

Thank you very much for your attention.

Mr Nils Muižnieks

Council of Europe Commissioner for Human Rights

Ministers, Excellencies, Ladies and Gentlemen,

When we gathered three years ago in Brighton, I had just taken up office and could not yet refer to insights gained from my own country visits. Now at mid-term of my mandate, I have conducted full country visits followed by a report in 26 member States. In most of these country contexts, the picture I saw was a mixed one. Alongside steps that have enhanced human rights protection, I have witnessed numerous negative developments:

- migrants (many with clear protection needs) being pushed back at Europe's doorstep;
- an extremely grave humanitarian crisis as a result of the conflict in Eastern Ukraine, where the most vulnerable (including civilians living near the line of conflict, those who have been displaced, children, the elderly and those with disabilities) have suffered enormously;
- human rights defenders and journalists being prosecuted because of their work.

For all these persons, and many others, the European Court of Human Rights is often seen as the last resort, the last hope to get redress for human rights violations.

However, the Court is a purely legal mechanism: it can only deal with legal aspects of the case at stake. What I have tried to do as Commissioner, is to complement the work of the Court by looking at the broader context that enables changes in line with the European Convention on Human Rights. This often requires finding ways to overcome the status quo, insecurity, prejudices or a lack of political will or interest.

In this context, I would like to outline three aspects of my work.

Prevention

Prevention of human rights violations lies at the heart of my mandate. I have tried to raise awareness about possible consequences – from a human rights point of view – of the adoption of legislative proposals. I have notably warned the authorities that they should abstain from creating situations which could potentially generate a number of applications before the Court.

In Spain, I have actively engaged in dialogue with the authorities since December last year on problematic amendments to legislation aimed at legalising immediate forced returns (push-backs) of migrants at the borders of the two enclave cities of Ceuta and Melilla. The amendments now include a reminder of the need for returns at the borders to be carried out in full compliance with Spain's international human rights and refugee protection standards.

Another recent example concerns Turkey and the proposals, made last February, to increase the powers of the Turkish police. Based on the findings of a report I published in 2013 (which dealt with the excessive use of force by the police during demonstrations, but also covered other areas where the wide powers of the police can lead to human rights violations, as highlighted by the case-law of the European Court), I urged the authorities to reconsider these proposals. In my view, any widening of the powers of the police to use firearms, to use force during demonstrations, to stop and check, or to apprehend suspects at their own initiative without judicial authorisation, would increase the likelihood of human rights violations and consequently generate an even greater number of applications before the Court.

Intervention

Third-party interventions in the Court's proceedings represent an additional tool at my disposal to help promote and protect human rights. They are foreseen by the European Convention and Protocol No. 14 to the Convention gave me the right to intervene in pending cases on my own initiative.

In September 2013, I took part in a hearing before the Grand Chamber in the case of *The Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*, concerning the treatment of a person with disabilities who died at 18 in a psychiatric hospital in Romania after having spent all his life in institutions. In my intervention, I stressed that in exceptional circumstances, non-governmental organisations should be allowed to lodge applications with the Court on behalf of victims, in particular in cases concerning vulnerable groups of people, such as persons with intellectual and psychosocial disabilities. This case resulted in a ground-breaking judgment, issued in July 2014, setting the position of the Court with regard to access to justice of particularly vulnerable people. The Court found that, in the exceptional circumstances of the case, and bearing in mind the serious nature of the allegations, it was open to the NGO to act as a representative of Mr Câmpeanu, even though the organisation was not itself a victim of the alleged violations of the Convention.

I am now intervening in five cases concerning the situation of human rights defenders in Azerbaijan, a country I visited in November 2012, May 2013 and October 2014. These cases illustrate a serious and systemic human rights problem in Azerbaijan, where critical voices are often subject to reprisals and judicially harassed. Two interventions have already been submitted to the Court and concern the cases of Hilal Mammadov and Intigam Aliyev. The next ones will concern the cases of Rasul Jafarov, Anar Mammadli and Leyla and Arif Yunus.

With cases currently pending before the Court precisely on this issue, the Court has a crucial role not only in redressing possible violations of the Convention, but also in preventing any further deterioration of the situation of civil society.

Execution

Finally, many judgments delivered by the Court bring to light systemic problems in the member States concerned. I see it as my role to encourage the rapid and effective execution of these judgments and to assist the governments in their efforts to remedy these shortcomings (in law or practice). During my country visits, I have often been faced with persistent structural problems which have led to the finding of a violation of the Convention by the Court. When these problems are not addressed they generate new applications and flood the Court with repetitive cases.

The execution of certain judgments of the Court has been the subject of specific recommendations in reports following my visits to member States, in cases where these judgments brought to light a more general issue dealt with in my report. For example, in the report based on my visit to the Czech Republic in November 2012, I called on the authorities to fully execute the D.H. judgment which condemned the Czech Republic for the segregation of Roma children in schools. I regretted that, five years on from this judgment delivered by the Grand Chamber, the authorities had still not eliminated the cause of the violations which were found.

On occasion, I have also expressed my point of view concerning the execution of certain judgments and their political and legal implications. In a memorandum addressed to the UK Parliament in October 2013, I emphasised the obligation for member States to fully and effectively execute the judgments of the Court and the importance of such compliance for safeguarding the European system of human rights protection as a whole.

In this context, pilot judgments are in my view particularly important. They are not judgments like any other because they group together many similar cases. Their effective execution is absolutely essential to coping with the backlog

of similar cases in the Court. I have therefore sought to raise awareness in member States, the Committee of Ministers and with other partners on this subject and to have the execution of pilot judgments included on the agenda of the European Union in both its member States and candidate countries.

To conclude with the aspects related to the execution, I would like to insist on the role that NGOs and national institutions for the promotion and protection of human rights play in the context of the execution of judgments. They are often the most knowledgeable about the real impact of measures adopted (or the absence of such measures) by a State in order to remedy violations found by the Court. Information received from these organisations should be better taken into account by the Committee of Ministers in the framework of the supervision of the execution of judgments.

A last point I wanted to make is mentioned in the draft declaration and concerns inadmissibility decisions. In the past years my Office received an increasing number of complaints emanating from applicants before the Court who could not accept that their cases had been declared inadmissible by a single judge, without any reason being given. While I cannot deal with such individual complaints, I think they may be symptomatic of a more general problem that can affect the relation of trust between applicants and the Court. I therefore welcome the intention expressed by the Court to provide brief reasons for the inadmissibility decisions of a single judge in a near future.

A good dialogue between applicants and the Court is essential to its effective functioning, as is the dialogue between national courts and authorities and the European Court. I will, for my part, continue the fruitful dialogue I have engaged with the Court.

Thank you for your attention.

M. Koen Lenaerts

Vice-Président de la Cour de justice de l'Union européenne

Ce n'est un secret pour personne, l'Avis 2/13 de la Cour de justice, du 18 décembre 2014, a suscité un sentiment général mêlé d'interrogation et de scepticisme. Des commentaires critiques ont cru percevoir dans cet avis une volonté de la Cour de justice d'ériger un mur sur la « route des droits fondamentaux » qui relie Luxembourg à Strasbourg. Il a aussi été reproché à la Cour de justice de développer une vision « nombriliste » ou « isolationniste » des droits fondamentaux au sein de l'Union européenne.

Il n'en est pourtant rien. Bien sûr, le dispositif de l'avis apparaît sans ambages. La Cour de justice y dit pour droit que l'accord portant adhésion de l'Union à la Convention européenne des droits de l'homme (« la CEDH ») n'est pas compatible avec l'article 6, paragraphe 2, du Traité sur l'Union européenne, ni avec le Protocole (n° 8) annexé à ce traité. Mais, contrairement à ce qui a pu être dit ou écrit, l'avis n'entend nullement fermer la porte à l'adhésion prévue par cette disposition du traité sur l'Union européenne.

Pour le dire en peu de mots, il a voulu souligner que l'on ne peut raisonner à l'égard de l'Union européenne comme à l'égard d'un Etat membre. En raison de sa nature supranationale et du modèle d'intégration qu'elle incarne, l'Union européenne repose sur des fondements constitutionnels qui lui sont propres, au rang desquels figurent le principe d'attribution, la procédure préjudicielle qui est la clé de voûte du système juridictionnel de l'Union européenne, le principe de confiance mutuelle entre Etats membres, ainsi que la compétence exclusive de la Cour de justice pour dire le droit de l'Union.

Ayant analysé le projet d'accord d'adhésion « sous toutes ses coutures », la Cour de justice a considéré que, en l'état actuel de ce projet, l'adhésion envisagée de l'Union européenne à la CEDH n'offrait pas toutes les garanties qui permettent de préserver les spécificités de l'ordre juridique de l'Union.

Il serait toutefois faux, voire malhonnête, de lire dans l'Avis 2/13 une forme de « désaveu » de l'ordre juridique de l'Union européenne à l'égard de la CEDH ou encore une manifestation de méfiance à l'égard de la Cour européenne des droits de l'homme.

L'avis n'entend, en effet, aucunement remettre en cause les liens forts, les « passerelles », qui unissent les droits fondamentaux de l'Union européenne et la CEDH. Des liens forts qui sont consacrés en toutes lettres à l'article 6,

paragraphe 3, du traité sur l'Union européenne, selon lequel les droits fondamentaux tels qu'ils sont garantis par la CEDH « font partie du droit de l'Union en tant que principes généraux ». Des liens forts qu'exprime également l'article 52, paragraphe 3, de la Charte des droits fondamentaux de l'Union européenne, selon lequel, dans la mesure où cette Charte contient des droits correspondant à des droits garantis par la CEDH, « leur sens et leur portée sont les mêmes que ceux que leur confère ladite convention ».

Ces deux dispositions ne font, en réalité, que codifier une jurisprudence constante de la Cour de justice exprimée, par exemple, dans les arrêts *ERT* du 18 juin 1991 et *Kadi* du 3 septembre 2008, qui ont souligné la « signification particulière » que revêt la CEDH en ce qui concerne le respect des droits fondamentaux au sein de l'Union.

L'avis rendu par la Cour le 18 décembre dernier n'a certainement pas non plus voulu mettre un terme à la précieuse œuvre d'enrichissement mutuel des jurisprudences de Luxembourg et de Strasbourg, qui constitue le gage de la « cohérence nécessaire entre la Charte des droits fondamentaux de l'Union européenne et la CEDH », ainsi que le postulent les explications relatives à l'article 52, paragraphe 3, de cette Charte.

Il ne faut pas rappeler ici que, de tout temps, la jurisprudence de la Cour européenne des droits de l'homme a servi, au même titre que les traditions constitutionnelles communes aux Etats membres auxquelles se réfère également l'article 6, paragraphe 3, du traité sur l'Union européenne, de source d'inspiration pour l'interprétation, par la Cour de justice, des droits fondamentaux en tant que principes généraux du droit de l'Union.

L'entrée en vigueur du traité de Lisbonne et l'élévation de la Charte des droits fondamentaux de l'Union européenne au rang de traité n'ont fait qu'accentuer ce phénomène, en raison, notamment, du « pont » jeté par l'article 52, paragraphe 3, de la Charte des droits fondamentaux de l'Union européenne entre cette Charte et la CEDH. Depuis le 1er décembre 2009, date de l'entrée en vigueur du Traité de Lisbonne, on dénombre, en effet, pas moins de vingt références, dans les arrêts de la Cour de justice, à la jurisprudence de la Cour de Strasbourg. Cette donnée statistique atteste, mieux qu'un long discours, de l'influence déterminante de cette jurisprudence sur les droits fondamentaux garantis au sein de l'Union européenne.

C'est ainsi – et sans prétendre à l'exhaustivité – que la jurisprudence de la Cour européenne des droits de l'homme a fourni à la Cour de justice un appui dans son interprétation de l'article 4 de la Charte, relatif à l'interdiction de la torture ainsi que des peines ou traitements inhumains ou dégradants, des articles 7 et 8,

relatifs au respect de la vie privée et familiale ainsi qu'à la protection des données à caractère personnel, de l'article 19, concernant la protection en cas d'éloignement, d'expulsion et d'extradition, de l'article 45, relatif au droit de libre circulation, des articles 47 et 48, en matière de protection juridictionnelle effective ainsi que de présomption d'innocence et de droits de la défense, de l'article 49, qui consacre le principe général de la légalité des délits et des peines, ou encore de l'article 50, relatif au principe *ne bis in idem*.

Ce courant d'inspiration n'est toutefois pas à sens unique, ainsi que l'illustre avec éclat l'arrêt de la Cour européenne des droits de l'homme du 12 septembre 2012 dans l'affaire *Nada c. Suisse*. Dans cet arrêt, la juridiction de Strasbourg a, en effet, pris appui, notamment, sur les constatations opérées par la Cour de justice dans son arrêt *Kadi*, déjà évoqué, pour considérer que, à l'époque, les procédures de radiation et de révision instituées au niveau du Conseil de sécurité de l'ONU n'offraient pas à la personne inscrite sur une liste « noire » de personnes frappées par des mesures restrictives, les garanties d'une protection juridictionnelle effective.

L'Avis 2/13 n'entend aucunement faire obstacle, ni à une adhésion future de l'Union européenne à la CEDH, ni à la poursuite de ce courant « croisé » d'inspiration jurisprudentielle au service de la vocation universelle que les Constitutions nationales, la CEDH et la Charte contribuent à conférer aux droits fondamentaux en tant que « patrimoine juridique » de tout être humain.

Statements by Heads of Delegation
Discours des chefs de délégation

Albania: Mr Idlir Peçi

Deputy Minister of Justice

Mr Chairman, Ministers, Excellencies,

I would like to take this opportunity to express Albania's deep appreciation to the Belgian Chairmanship for organising this important event and for the excellent organisation and hospitality.

Albania continues to regard the Court as a unique mechanism for the protection of human rights in Europe. The Albanian legislation is continuously adapted to the principles stemming from the case-law of the Court. Therefore, any effort which aims at the strengthening of its role is welcomed.

A number of good results have been achieved since the process of the reform of the Convention system started at Interlaken. This process was successfully continued in İzmir and Brighton. The results achieved since the entry into force of Protocol 14 as well as the new working methods of the Committee of Ministers for the supervision of the execution of the Court's judgments are encouraging.

However, we are fully aware that the Court still faces a number of challenges. To this end Albania is grateful that the Belgian Chairmanship has made the continuation of the reforms one of its key priorities.

We warmly welcome the fact that the draft declaration underlines the importance of an effective communication of a consistent and clear case-law of the Court. Moreover, efforts should be made in order to address the continuous challenge of repetitive cases.

The title of this conference rightly stipulates that the implementation of the Convention is our shared responsibility. Therefore, it is important that States Parties reaffirm that it is their primary responsibility to implement the Convention more effectively at national level in accordance with the principle of subsidiarity while maintaining the necessary margin of appreciation in doing so.

It is also equally important that the supervision of the execution of the judgments by the Committee of Ministers, Secretary General and, through him, the Department for the Execution of Judgments is efficient and ensures the long-term sustainability and credibility of the Convention system.

In conclusion we are confident that this conference plays a key role in the mid and long-term reform of the Convention system securing its consistent and positive evolution in order to successfully address all the present and future challenges.

Thank you for your attention.

Andorra: M. Joan Forner Rovira

Chargé d'affaires a.i., Représentant permanent adjoint de la Principauté d'Andorre auprès du Conseil de l'Europe

Merci Monsieur le Président, Excellences, Mesdames et Messieurs,

D'abord, je voudrais remercier la présidence belge du Comité de Ministres pour l'organisation de cette conférence qui nous permettra, j'espère, traiter un sujet vraiment important pour presque 800 millions citoyens habitant nos pays, c'est-à-dire celui de rendre justice.

Il y a déjà longtemps que nous avons investi des grands efforts pour reformer la Cour européenne des droits de l'homme dans le but de la rendre plus transparente et beaucoup plus efficace, dont elle a déjà accompli une partie importante. Les données sont très claires à cet égard. D'un autre côté, la Cour se prépare à donner, probablement au début de l'année prochaine, une brève réponse aux citoyens quand elle rejettera une requête. Ceci est un grand pas. J'en

suis convaincu, nos citoyens nous en remercierons énormément. Mais il y a encore 7 500 cas prioritaires, comme le président de la Cour vient de nous le dire, Il y a alors encore beaucoup de travail à faire ... la tâche n'est pas encore finie.

Mais ce n'est pas la Cour toute seule qui doit rendre justice. Nous aussi, les gouvernements, avons la responsabilité absolue de faire arriver cette justice aux victimes. Nous seuls pouvons réparer le dommage qui a été fait, s'il est encore possible de le faire. Sachant qu'il y a des violations qui sont difficilement réparables. Je voudrais souligner qu'il s'agit de violations de droits de l'homme. Nous ne devons pas oublier non plus que les victimes, qui après avoir fait un très long pèlerinage judiciaire, ont finalement accédé à la Cour, et que la Cour doit toujours leur donner une réponse, et nous, les pays, nous devons toujours réparer l'affaire de façon rapide et efficace.

In this regard, this conference has produced a declaration, which proposes an action plan and measures to implement it. Perhaps the action plan is not perfect and has amplified its objectives beyond the scope of the initial aim, and now, probably does not fulfil the expectations of some, but maybe we should look at it from a different, more positive perspective: we have finally been able to acknowledge that something else needs to be done and it is not up to the Court alone, but up to us, the member States.

Andorra is one of the countries with fewer condemning judgments from the Court. Some would say that the reason behind this is that there are very few of us, and this might be true; some would even say that lawyers do not know how to accede to the Court, and that is also possible; and others, like me, like to think that in Andorra, in fact, human rights are rarely violated by government authorities. There might not be one reason that could explain the low numbers, but it is probably the sum of those three. However, no matter how many cases we have or how difficult they are, as governments, we have the responsibility to deliver justice to our citizens. Reservations to this fundamental obligation are not an option.

I would also like to quickly refer here today to the recent report published by the Execution Department, which from the very beginning, and I quote, says the following:

Au cours de l'année qui vient de s'écouler, des résultats positifs ont à nouveau pu être observés dans l'exécution des arrêts de la Cour européenne des droits de l'homme. Le nombre d'arrêts en attente d'exécution a continué de décroître au vu du nombre record d'affaires closes durant l'année, y compris de nombreuses affaires concernant d'importants problèmes structurels.

Il s'agit donc de bonnes nouvelles ... we all should read the report that has been carefully prepared by the excellent professionals of the Execution Department.

I could speak more and this speech could go on for a while, but everything has already been said, and the question that gathers us here is rather simple: Are we fully committed to uphold the compromise we took while becoming members of the Convention? Are we fully committed to delivering justice efficiently? One could summarise this document in one article: Article 46. Article 46 is the spine or pillar of this declaration and literally reads: "The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties." This is our shared responsibility. I sincerely hope that there will be a before and after to this Brussels Conference, as there was a before and after to Brighton.

Armenia: Mr Arman Tatoyan

Deputy Minister of Justice, Deputy Government Agent

Excellencies, Ladies and Gentlemen,

I would like to extend our gratitude to the Belgian authorities, to Minister Koen Geens, for hosting this high-level event. We too would also like to express our words of appreciation to the Belgian Chairmanship for organising the conference, for its tireless efforts in steering the preparatory work of the conference, and negotiations on the Brussels Declaration and the Action Plan.

This initiative comes at the right time to give another impetus to the principles of the reform process set forth in the Interlaken and Brighton Declarations. Against the backdrop of the new challenges that Europe faces, the protection and promotion of human rights and fundamental freedoms are notions of the utmost importance.

In this context the European Court of Human Rights continues to be the cornerstone of the human rights system and Armenia will continue to support all efforts aimed at increasing the effective implementation of its jurisprudence at the national level.

We share the conviction that the effective execution of Court judgments and their efficient supervision are of paramount importance to ensure the long-term sustainability and credibility of the Convention system. Armenia also believes that the States Parties and the Court share the responsibility of ensuring the viability of the Convention mechanism.

In this regard Armenia has made impressive progress in recent years. We have been continuously strengthening institutional capacities for the execution process at the national level. Namely, in 2014, a new department was created within the Ministry of Justice and this unit is responsible for the execution process of the judgments of the European Court of Human Rights and ensuring implementation of Convention standards.

Having in mind the vital importance of establishing a mechanism for the comprehensive execution of Court judgments, one of the main goals of the mentioned new institutional solution was to ensure co-operation with relevant partners at national level when developing draft laws or conducting other activities. Namely, we pay great attention to co-operation with respective government agencies, national courts and the parliament of the country.

Another newly established principle is our co-operation with civil society actors and the national human rights institution.

A number of basic draft laws have already been developed and largely discussed under the described mechanism. These are: (i) the amendments to the criminal justice legislation on combating torture and other forms of ill-treatment, (ii) the changed mechanism for ensuring compensation of non-pecuniary damages for violation of the rights enshrined in the Convention, etc.

To further facilitate the execution process, we have started a programme together with the Council of Europe aimed at launching a new website dedicated to the implementation of Convention standards and Court jurisdiction at national level. This new solution will help us ensure full dissemination of information and establish inter-active co-operation with national stakeholders, including civil society and the national human rights institution.

I take this opportunity to express words of high appreciation and highlight the special role of the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights. Due to a very effective and constructive mechanism of bilateral dialogue with this department and measures taken at national level, we have witnessed in recent years a decrease in the number of cases pending before the Court and in the number of

judgments to be executed pending before the Committee of Ministers. It is also worth mentioning the bilateral events and discussions that help us enhance the legal system of our country.

As today's conference is dedicated to the implementation of Court judgments, I have no intention to comment on the baseless accusations of the Azeri delegation. Perhaps, one remark: referring to the so-called external factors as an excuse for consistent failure to implement Court judgments is not acceptable. It is another futile attempt to justify the absence of political will and the inability to execute European Court judgments.

In conclusion, I can affirm that the Armenian authorities stand ready to further collective efforts aimed at the full and effective implementation of the action plan that we are going to adopt during this conference.

Thank you for attention!

Austria: Mr Helmut Tichy

Ambassador, Legal Adviser, Federal Ministry for Europe, Integration and Foreign Affairs

Mr Chairman,

Let me thank Belgium and the Council of Europe for organising this conference and thank Belgium for skillfully preparing the Brussels Declaration, which we support. The Brussels Conference is the logical sequel to the previous high-level conferences on the reform of the Strasbourg Court and places a clear focus on the main purpose of the European human rights protection system: the implementation of the European Convention on Human Rights by the States Parties.

It is very important to investigate alleged violations of the Convention effectively and to remedy them, where necessary, already at the domestic level. The timely and correct implementation of the Strasbourg Court's judgments is essential. While the Court is the indispensable core of the Convention protection mechanism, it cannot safeguard the Convention rights without the constant

support of the States. And, let me add, in order to be complete, that the Convention system also needs the full support of the European Union – and that Austria is strongly in favour of an early accession of the European Union to the European Convention on Human Rights. In this context we are pleased to hear the Vice-President of the European Court of Justice say that his court has not closed the doors to such an accession.

Following the Interlaken Conference and the entry into force of Protocol No. 14, substantial efforts have been made to ensure the functioning of the Convention system. The Conferences of İzmir and Brighton provided a welcome boost to our joint endeavours in this regard, and we are satisfied to see that they are crowned with success.

The Court has put the measures into practice which it was invited to take by the Interlaken and Brighton Declarations, and it has cleared up its backlog to a high degree – as was explained by President Spielmann this morning. Of course, there is always room for further improvement. Therefore, the States Parties should reflect again on their role within the Convention protection mechanism. In the spirit of "shared responsibility", it is crucial that the States also do not relent in their efforts to guarantee the Convention rights at the domestic level. We are called upon to increase our efforts where necessary. This is easy enough to say here, but we all know that it is sometimes less easy to pursue in our national realities, in particular in times of crisis.

In this regard, it is regrettable that the satisfactory execution of a large majority of judgments is overshadowed by instances of reluctance or even refusal to execute certain judgments. Taking the Court's judgments seriously also means devoting adequate attention to them at the domestic level, which requires the involvement of all actors concerned. Effective dialogue between the relevant authorities is vital for that purpose. Due priority must be given at the domestic level to the task of executing the Court's judgments. Adequate personnel resources – at the proper hierarchical level of the public administration – and the attention of top administrative management must be ensured for carrying out this task.

One last point: with a view to improving the supervision of the execution of judgments, ideas to improve the Committee of Ministers' own procedure should also be explored. We welcome the references to this particular aspect contained in the draft declaration, and we support future efforts to continue this discussion. Our aim must be to enhance the efficiency and the outcome of the meetings of the Committee of Ministers devoted to the execution of judgments, with a view to bringing cases under debate eventually to a satisfactory solution. In this context we welcome, like our chairman, the Belgian Minister of Justice, the

explicit reference contained in point C (1)(d) of the draft action plan to exploring the possibility of reforming the chairmanship of the Human Rights meetings of the Committee of Ministers.

In a nutshell: our joint efforts are necessary to enable the Convention's cornerstone, the right of individual application, to achieve its purpose.

Thank you.

Azerbaijan: Mr Adil Abilov

Acting Director General, Department of International Cooperation, Ministry of Justice

Dear Chairman, Ladies and Gentlemen,

Let me, first of all, express my gratitude to the Council of Europe and the Belgian authorities for the excellent organisation of the conference devoted to the reform of the European Court. Given the time frame set out in the Interlaken Declaration we are exactly half way there.

We are pleased that the previous conferences and follow-up measures already taken have borne fruit: the caseload of the Court went down, the number of complaints in 2014 decreased. However, the work is far from complete, and we need to go on with the effective implementation of the Brighton Declaration.

In Azerbaijan we are well aware of this and would like to share our efforts. Thus, in order to raise public awareness of the Brighton Declaration, it has been translated into the Azerbaijani language and posted on the Internet. In addition, we have completed the translation of the third edition of the "Practical Guide on Admissibility Criteria", which will be posted on the web.

To facilitate the filtering process, Azerbaijan, following the call of the Brighton Declaration, is seconding a judge to the Registrar's Office.

Particular importance is being attached to raising awareness of the Court's case-law. I would like to mention our Joint Action Plan with the Council of Europe, which was presented by our Minister together with the Secretary

General, Mr Jagland, in May last year in Baku. It contains a separate section dedicated to the application of case-law. We have already launched the special two-year project on its implementation. It provides for training and traineeships for a wide range of lawyers, including in Strasbourg.

The landmark event for us was the High-Level Conference on the Application of the Convention by National Judges, organised last October in Baku, in the framework of Azerbaijan's Chairmanship at the Committee of Ministers. It is encouraging that many countries have shown interest in our conference and were represented at the level of chairmen of Constitutional and Supreme Courts. The event, which was also attended by President Spielmann, discussed a range of issues, including the measures referred to in the Brighton Declaration. I take this opportunity to thank the judges of the European Court for their active participation in the event. By the way, during the conference, we engaged some of the participants, including former European Court judges, to train our judges and prosecutors. We highly appreciate their fruitful co-operation.

Along with that, we continue to provide judges, prosecutors, advocates and other legal professionals with translations of Court judgments, including the annual statistical data. Particular focus is attached to judgments against Azerbaijan. Weekly seminars on case-law are held at the Supreme Court and the Justice Academy.

Following the Brighton Declaration, the number of friendly settlements and unilateral declarations was increased, which also affects the reduction in the Court's workload.

As noted in the Brighton Declaration, the execution of judgments is essential. We especially focus on general measures. Taking into account judgments against Azerbaijan, we have initiated amendments to the legislation. For example, a special law on the rights of accused persons was adopted, which greatly expanded their rights and privileges. I would like to separately dwell on the changes in judicial legislation, aimed at strengthening the independence of judges, including financial independence, since according to the new law, salaries of judges can never be reduced.

This is particularly important, taking into account the global economic crisis and the related new negative trends in some countries. The powers of the Judicial-Legal Council have significantly been expanded, in terms of the guarantees of judicial independence and prevention of interference with their activities. Also, the trial period for judges was reduced from 5 to 3 years. In addition, the draft law on the improvement of the extradition procedure has been developed.

Among the practical measures, I would like to highlight the modernisation of the penitentiary system, including health care, especially the fight against tuberculosis. By the initiative of the ICRC, representatives from 11 countries have already been acquainted with our best practices in this area.

However, external factors also influence the process of execution. Thus, the existence in our country of 1 million refugees and internally displaced persons, which emerged as a result of the continuing occupation of 20% of Azerbaijani land by the neighboring Armenia, despite four UN Security Council resolutions demanding their immediate release, makes it impossible to execute some refugee-related decisions.

The Azerbaijani Government is taking every effort to mitigate the plight of victims of the conflict, and despite the global economic crisis, by special order of the president more than 100 million euros were allocated for the construction of housing for these persons, also to ensure the execution of the European Court judgments. And some judgments concerning 42% of the complainants have already been executed.

According to statistics, over the entire period of the Court's existence, about half of the decisions were related to the violation of the right to a fair trial. This proves once again that measures to improve the efficiency of the judiciary should be continued. Therefore, the modernisation of the judicial system is one of the priorities of State policy of Azerbaijan. After all, as you know, "public order depends on the administration of justice".

At the same time, we are significantly modernising the judicial infrastructure and use the latest ICT in legal proceedings, including electronic documentation and SMS notifications. The World Bank helps us with this, and together we have already started to implement the third project in this area. So, in the last two years, four new courts have been built. Many well-known international judges and experts, who have visited them, positively assessed the established conditions.

Construction of another 10 judicial complexes and courts is currently underway.

The new project provides for the establishment of an e-justice system. I think the absolute benefits and advantages of this system are self-explanatory.

However, the main players are judges, so the selection procedure is especially important. Together with the Council of Europe's elevated experts we have made this process fully transparent. To illustrate this, I would like to inform you that the whole exam process and the checking of answers is visible on the Internet. CEPEJ

and EU experts have recognised our experience in the selection of judges as an interesting example of best practice. Currently, the judges selected on the basis of the new rules make-up 60% of the entire number of judges.

These measures have already yielded results. Last year alone, the number of complaints to the courts increased by more than 40%. This indicates the growth of public confidence in the judicial system and the improvement of the access to justice.

Dear colleagues, I am confident that this conference will be successful, and that the exchange of best practices will contribute to the ongoing reform. We have to do our best, as one Latin saying goes "*Amat Victoria Curam*" – "victory loves carefulness".

Thank you for your attention.

Bosnia and Herzegovina: Mr Bariša Čolak

Minister of Justice

Excellencies, Ladies and Gentlemen,

First, let me express my gratitude to the Belgian Federal Government for organising this high-ranking conference, and express my pleasure in taking part in this event which will, no doubt, result in a positive shift in the human rights protection system in Europe.

We are all aware of the vital necessity for a more efficient implementation of the European Convention on Human Rights. Since it is our shared responsibility, all member States should join efforts in order to ensure that the Convention system remains effective. Stronger implementation of the Convention at national level and more efficient execution of judgments under the supervision of the Committee of Ministers of the Council of Europe will certainly contribute to this goal.

We strongly believe that the Court should indeed act as a safeguard of individual rights and freedoms only if they are not secured at national level. The principle of subsidiarity as the cornerstone of the Court's case-law can be

preserved only if all member States take all the necessary measures to harmonise their legislation and national courts' practice with Convention requirements and the Court's jurisprudence, while enjoying a margin of appreciation in how they apply and implement the Convention.

In this regard, as a positive example, I will point out the fact that the Convention is directly applied in Bosnia and Herzegovina, and that the Constitutional Court of Bosnia and Herzegovina fully applies the case-law of the European Court of Human Rights, which undoubtedly contributes to the strengthening of the principle of subsidiarity and more efficient implementation of the Convention at national level.

Full, effective and timely execution of the Court's pilot judgments is of the greatest importance for the efficient implementation of the Convention. In this respect, I would also like to point out that Bosnia and Herzegovina executed fully and in a timely manner the first pilot judgment in the case of *Suljagić v. Bosnia and Herzegovina* which concerns the payment of old foreign currency savings deposited in domestic banks. By doing so, we effectively remedied the human rights violation found by the Court with respect to thousands of potential applicants.

I shall conclude by saying that Bosnia and Herzegovina gives its full support to the adoption and implementation of measures contained in the Brussels Declaration, hoping that these measures will effectively contribute to human rights protection under the Convention system.

Thank you for your attention.

Bulgaria: Ms Verginia Micheva-Ruseva

Deputy Minister of Justice

Ministers, Excellencies, Ladies and Gentlemen,

Thank you very much, Mr Chairman, for your kind hospitality here in Brussels and for your commitment to the topic of the implementation of the ECHR. The lucid addresses at the opening of the Conference are very much appreciated.

Back in 2010 we started a reform process in Interlaken, which we developed further in İzmir and Brighton and which we are complementing today in Brussels in a responsible manner.

The declaration sends the strong political message that the full and effective execution of judgments is among the challenges for the credibility of the Convention system, and unites our efforts behind a clear action plan to tackle this challenge.

It is a welcomed coincidence that the holding of this High-Level Conference coincides with the issuance of the 8th Annual Report of the Committee of Ministers on the Execution of Judgments. The report only illustrates how topical this Conference is.

While recognising that the overwhelming majority of judgments of the European Court of Human Rights are executed without particular difficulty by the States Parties we also acknowledge as a growing concern the number of judgments of which full, effective and timely execution by the States Parties is due.

The scale, nature and cost of the problems raised in the judgments cannot justify non-execution, but as we state in the declaration, this may require the involvement of the three branches of the State power and often necessitate support and guidance from the Committee of Ministers beyond the standard supervision.

The supervision by the Committee of Ministers is a unique intergovernmental tool to address failures to execute judgments in a timely manner. It should still be noted that certain aspects of this process could be further improved while taking respectful account of the States Parties' freedom to choose the means of full and effective execution.

Turning now to the implementation of the Convention at national level, we stress the primary responsibility of our governments to protect and guarantee the rights under the Convention. It should be noted that there is a strong commitment to this responsibility of all the branches of power in Bulgaria. As his Excellency, the Secretary-General, Mr Jagland, mentioned in his address, Bulgaria has recently introduced a compensatory mechanism for the excessive length of proceedings. This mechanism introduced in response to a pilot judgment procedure has been assessed as an effective tool to remedy violations of the rights under the Convention.

A reform of the structure and functioning of the judiciary in the light of the Convention standards is among the core elements of the recently adopted Strategy for the Continuation of the Judicial Reform in Bulgaria. To complement this element of the strategy, a concept on the establishment of a mechanism for preliminary examination of the draft legislation has also been developed.

The annual reports on the execution of judgments submitted by the Minister of Justice to the National Assembly constitute a further step of involvement in the execution process of our legislative branch.

The involvement of the Bulgarian National Human Rights Institutions is considered very important and is encouraged by the government through invitations to participate in the working groups on the legislative measures required under the pilot judgment procedures.

Broad expert discussion is currently evolving around the idea of introducing the Individual Constitutional Claim as a general domestic remedy under Article 13 of the European Convention.

Training of magistrates on the practical implementation of the Convention has been carried out further.

In conclusion, we state our support for the declaration and we remain committed to the demanding process of addressing effectively the immediate issues and the long-term effectiveness of the Convention system.

Thank you.

Croatia: Ms Vesna Batistić Kos

Assistant Minister, Directorate General for Multilateral Affairs and Global Issues, Ministry of Foreign and European Affairs

Excellencies, Ladies and Gentlemen,

We would like to thank Belgium – as the Chair of the Committee of Ministers of the Council of Europe – for its hospitality and excellent organisation of this important high-level conference. Indeed, this conference remains an important milestone in reaffirming the deep and abiding commitment of all States Parties to the implementation of the Convention.

Ensuring the effectiveness of the implementation of the Convention at both national and European levels undoubtedly represents a genuine shared responsibility of all relevant actors – the Court, the States Parties and the Committee of Ministers. In this view, we welcome the enhanced focus on the strengthened implementation of the Convention and the further development of the concept of shared responsibility in that regard initiated by the Secretary General and the Belgian Chairmanship.

Without adequate implementation of the Convention the relevance and effectiveness of the Convention system is seriously put into question. It remains an imperative for the States to ensure the full, effective and timely execution of judgments of the Court and for the Committee of Ministers to guarantee the full and effective supervision of the execution of judgments.

The role of the Court in this context is also very important – in particular through adequate assessment and possible further streamlining of its procedures and working methods, and by achieving additional transparency. In this view, we particularly welcome the intention expressed by the Court to provide brief reasons for single judge inadmissibility decisions, as of the beginning of the next judicial year.

However, the key responsibility for the implementation of the Convention, including the execution of the Court's judgments, undoubtedly rests with the States. Only sufficient and committed engagement of all relevant authorities and the achievement of efficient co-ordination among all relevant stakeholders make this goal achievable.

To that end, in order to enhance the effectiveness of the execution of the Court's judgments at domestic level through the direct and practical involvement of relevant stakeholders, Croatia has established an inter-institutional co-ordination mechanism, the Expert Council for the Execution of Judgments and Decisions of the European Court of Human Rights. This inter-institutional group of experts, chaired by the government agent as the national co-ordinator of the execution process encompasses representatives of the executive and judicial branches as well as a judge from the Constitutional Court. They regularly examine issues raised in the judgments of the Court together with the national co-ordinator, and identify possible execution measures and

monitor their implementation. Involvement of the national parliament is secured through thematic debates before its working bodies, with significant contribution by the Government Agent's Office. In Croatia's experience, stronger engagement of the judiciary and the parliament in the execution process – in view of their specific roles and competencies – may further contribute to the effective and rapid execution of the Court's judgments and decisions, and a more efficient implementation of the Convention at the national level.

The supervision of the execution of the Court's judgments by the Committee of Ministers represents the third pillar and also another important guarantee of the effective implementation of the Convention. In this context, we fully support the enhanced use, in a gradual manner, of all the tools at the disposal of the Committee of Ministers, including the interim resolutions and the procedures under Article 46 of the Convention with a view to ensuring the full, effective and timely execution of the Court's judgments.

While fully recognising the need for a strengthened and possibly innovative approach in the context of the current procedures related to the supervision of the execution of the Court's judgment in the framework of the Committee of Ministers – in particular in relation to the means and methods of its work – we are clearly of the view that the current procedure established in 2011, based on the strengthened principle of subsidiarity, has just started to bring the expected results. In this context, any possible changes to the current system should not lead to the possible weakening or even a certain marginalisation of the Human Rights meetings, while the Chairmanship of the Human Rights meetings should remain closely and inextricably linked to the institution and role of the Chairmanship of the Committee of Ministers, as envisaged under the Statute of our Organisation.

Lastly, we would like to commend the Belgian Chairmanship's efforts in leading the process of the elaboration of the Brussels Declaration and fostering consensus among the member States. Indeed, the declaration and its action plan clearly identify the key aspects of possible concrete courses of action and a wide set of targeted measures to be taken with a view to strengthening the implementation of the Convention at both national and European levels. This undoubtedly remains – as outlined in the title of our conference – our shared responsibility, and I would like to reconfirm that Croatia looks forward to providing its contribution in this context.

Czech Republic: M. Robert Pelikán

Ministre de la Justice

Monsieur le président, Mesdames et Messieurs les Ministres, Chers collègues,

Pour entrer tout de suite dans le vif du sujet, je commencerais par noter avec une grande satisfaction que depuis la Conférence de Brighton, la Cour de Strasbourg a su réduire de manière significative son arriéré d'affaires manifestement irrecevables. Notre confiance en la Cour dans ce domaine ayant ainsi été confirmée grâce à son effort louable à la fois technique et organisationnel, dont il convient de la remercier, nous croyons que l'épreuve des affaires répétitives bien fondées pourra également être surmontée sur la base de l'expérience ainsi acquise depuis l'entrée en vigueur du Protocole n° 14.

Reste néanmoins le défi des affaires qui de par leur nature exigent des réponses circonstanciées de la part de la Cour, sur lequel il faudra que nos experts se penchent dans l'esprit de la responsabilité partagée entre les Etats et les organes conventionnels, qui est la nôtre. La Cour est sans aucun doute en mesure de résoudre la plupart des difficultés liées au traitement des requêtes à condition que nous, les Etats, lui donnions les moyens pour y parvenir. En d'autres termes, il faut que la Cour puisse toujours s'appuyer sur notre soutien et coopération, notamment là où elle se déclare prête à relever les défis, pour le bénéfice de nos concitoyens.

Je suis heureux que nous ayons pu tourner la page d'une crise presque chronique du système conventionnel qui faisait face à un nombre énorme et toujours croissant de requêtes pendantes. Il n'empêche qu'il faille garder à l'esprit le processus de réflexion sur l'avenir à long terme dans son ensemble dans lequel notre conférence s'insère comme une occasion de faire partiellement le point de la situation, de réitérer nos engagements et de donner des orientations utiles dans une déclaration que nous adopterons demain.

Dans ce contexte, je ferais tout de même allusion à l'idée, hélas supprimée du projet de déclaration, que des indications quant à l'exécution de l'arrêt pourraient également provenir de la Cour qui s'y prononcerait à l'issue d'une procédure contradictoire adaptée à cette fin. Or, il importe que les doutes entourant parfois les obligations imposées par l'arrêt soient dissipés à un stade précoce, bien que dans le respect de la faculté reconnue à l'Etat concerné de choisir les moyens qu'il estime les plus appropriés aux fins de mettre en œuvre l'arrêt.

Mais malgré les regrets que l'on pourrait avoir, je souscris au projet de déclaration qui n'est après tout qu'un texte de compromis.

Monsieur le président, permettez-moi de répondre maintenant à l'invitation qui nous a été adressée au préalable, et d'évoquer brièvement quelques exemples de bonnes pratiques en matière de la mise en œuvre de la Convention au niveau national.

J'observerais tout d'abord qu'en République tchèque, tout individu qui s'estime victime d'une violation de ses droits fondamentaux peut comme *ultima ratio* saisir la Cour constitutionnelle. L'obligation d'épuiser cette voie de recours générale comme une « porte d'entrée » à Strasbourg nous a permis d'en faire également une « porte de retour » au système interne après un arrêt de condamnation prononcé par le juge européen. Le droit de demander la réouverture des affaires pénales a été étendu aux autres types d'affaires en 2012.

Ensuite, la Chambre des députés a récemment institué en son sein un sous-comité dont le mandat est de discuter des impulsions d'ordre législatif provenant à la fois du défenseur public des droits et de la Cour européenne des droits de l'homme. La connexion de ces deux sources d'idées peut s'avérer particulièrement féconde dans la mesure où certains sujets sensibles font partie de l'intérêt commun des deux institutions, notamment lorsqu'il s'agit d'exécuter un arrêt de la Cour.

Enfin, le ministère de la Justice que je dirige se tâche de diffuser activement la jurisprudence de la Cour en tchèque sous forme de traductions et résumés d'arrêts et de décisions, que ce soit par l'expédition et la mise en ligne d'un bulletin trimestriel ou par la création d'une base de données, qui sera également accessible au grand public.

Monsieur le président,

Que les autorités belges soient remerciées de leur initiative d'organiser cette conférence, ainsi que de leur accueil dans ce palais construit par le comte d'Egmont, décapité comme opposant politique en 1568 sur la Grand-Place de Bruxelles, sans doute en violation des droits consacrés par notre Convention si elle avait alors été en vigueur. Or, nous savons qu'elle a été rédigée il y a 65 ans. J'exprime ma conviction devant vous qu'il s'agit non pas de l'âge de la retraite, mais de celui de la maturité, qui reste sans préjudice d'un bel avenir encore.

Je vous remercie de votre attention.

Denmark: Mr Arnold de Fine Skibsted

Ambassador, Permanent Representative of Denmark to the Council of Europe

Mr Chairman, Ministers, Excellencies,

I would like to take this opportunity to express Denmark's appreciation to the Belgian chairmanship for arranging this very important event and for its tremendous work in preparing this conference. We warmly welcome this opportunity to discuss the future of the European Court of Human Rights.

Denmark continues to be a strong supporter of the Court and its unique role as the judicial defender of human rights at the European level. Maintaining and strengthening this role has been the main focus of Denmark in our preparatory work for the Brussels Conference.

A number of important and effective measures have already been introduced to address the Court's workload. We are pleased to see that many of these measures appear to be successful and that the number of pending cases is declining.

However, we are also aware of the challenges the Court is still facing. Therefore Denmark welcomes the initiatives in this declaration.

Denmark agrees that the implementation of the European Convention on Human Rights is a shared responsibility, and that it is essential that the Court's judgments are executed in a full, effective and prompt manner at national level.

As regards national implementation, we agree that awareness-raising, education, strong national focus on the dissemination of the case-law and focus on the Convention in the law-making process is of vital importance when it comes to national implementation.

We warmly support the draft declaration which sends a clear signal that the member States of the Council of Europe are ready to take up the challenges facing the Court.

We see the draft declaration as an ambitious, yet well-balanced document, which rightly focuses on some of the most important issues, such as strengthening national implementation, the execution of judgments at national level, and enhancing the role of the Committee of Ministers in supervising national implementation.

We are greatly heartened by what we see as a continuing strong support for making the Court function more efficiently, without endangering its role as a protector of human rights throughout Europe.

In conclusion, allow me again to thank the Belgian chairmanship. The calling of this conference is a clear expression of the dedication to address the challenges faced by the human rights system of the Council of Europe.

We are pleased to be part of the collective endeavour of meeting these challenges, and we look forward to continued strong co-operation in this respect also in the future.

Thank you for your attention.

Estonia: Ms Annely Kolk

Undersecretary for Legal and Consular Affairs, Ministry of Foreign Affairs

Mr Chairman, Excellencies, Ladies and Gentlemen,

On behalf of the Estonian Delegation, I would like to thank Belgium for organising the High-Level Conference on the Implementation of the European Convention of Human Rights, our shared responsibility.

First of all, this conference is a good opportunity to reaffirm the principles stipulated in previous declarations adopted in Interlaken, İzmir and Brighton and to reiterate the importance of the Convention system which already is better protected as a result of the previous conferences:

- For example, in 2010 in Interlaken, we were looking forward to the entering into force of Protocol No. 14. Today, we can already thank the Court for the efforts as regards the swift implementation of that protocol, including the attempt to clear the backlog of manifestly inadmissible cases by the end of this year.
- In the same vein, the decisions taken in 2012 in Brighton, to amend the Convention, are by now fixed in new protocols.

Therefore, as reflected in the Brussels Declaration, it is timely to address the currently remaining challenges, especially the problem of repetitive applications resulting from the non-execution of the Court's judgments and the question of how to increase the efficiency of the supervision procedures of the Committee of Ministers.

We stress that, regardless of the good results in the Court's statistics today, if the number of repetitive applications is not reduced and their backlog increases, this influences the whole case management system and the Court might face extensive problems. Therefore, it is first and foremost for the States to commit to the rapid execution of judgments and to settle subsequent similar applications domestically.

In relation to the backlog, we also have to be careful when we invite the Court to provide brief reasons for the inadmissibility decisions of a single judge from a specific date. It is essential to avoid new backlog of inadmissible cases.

Lastly, a few words about national good practices. Estonia as a small State believes in flexibility, also when it concerns the domestic co-ordination of the implementation of the Court's judgments. Being a State against whom no pilot judgment has been rendered and who has not had any major structural problems, we have so far implemented the judgments on an ad hoc basis – meaning, in co-operation with the relevant stakeholders in a specific case – and it has proved to be most efficient. The above, of course, does not mean that there is nothing further to do. Awareness-raising of all stakeholders and regular training of judges, prosecutors and other lawyers is of utmost importance.

Estonia supports the adoption of the declaration and the action plan and we hope that each stakeholder is more conscious of their specific obligations and will fulfil their part of the shared responsibility.

Thank you very much for your attention.

Finland: Ms Päivi Kaukoranta

Director General for Legal Affairs, Ministry for Foreign Affairs

Excellencies, Distinguished Hosts and Delegates, Ladies and Gentlemen,

It is befitting that the present phase of the Convention reform now finds itself forging ahead here in Brussels, Belgium.

After all, it was in 1873 at the inaugural meeting of the *Institut de Droit International* in the Town Hall of Ghent, where our predecessors proclaimed that the progress of international law and human rights requires the official endorsement and promotion of principles that are in harmony with the needs of modern societies.

It is with a similar mindset that the Government of Finland approaches our undertakings here. Those being, first and foremost, to ensure the prosperity of the Convention system, which is rightly referred to as central in maintaining democratic stability across the Continent. Indeed, the high procedural effectiveness and substantive quality of the Court is in the interest of all.

The Court's continuous efforts to streamline and advance its working methods are nothing short of laudable. The Court's official policy to significantly reduce its backlog of cases by the end of this year is worthy of this entire conference's praise.

It clearly seems that the Court is hitting its stride. Indeed, with such commendable progress we all should ensure that our activities here do not risk turning this tide. As such, Finland is of the view that it is time – at least for a while – to allow the Court to continue its precious work without major reformative interruptions so that the Court may focus on that which it does best. That being, delivering sage rulings, including in the future important advisory opinions following the entry into force of Protocol No. 16.

As such, it is imperative that we explore longer lasting solutions concerning the efficiency of various mechanisms that are both outside and around the Court.

Mr Chairman,

The responsibility for the protection of human rights undeniably rests with the States Parties to the Convention. However, protection alone does not suffice. Both States Parties as well as the Council of Europe must be able to anticipate and prevent structural and actual problems before they reach the Court.

In this regard, the further development of national human rights consciousness and debate at all levels of society is of utmost importance. Therefore Finland emphasises the importance of not only the availability of but also real accessibility to information on the Convention system in general, and on the Court – including the individual application mechanism – in particular.

Moreover, it is also in the interest of all parties that judgments of the Court be implemented promptly. Conversely, when States Parties have practically and factually executed judgments those cases must be closed. Also, the effectiveness of the execution procedure needs to be enhanced.

With respect to the status of the latest Protocols amending the Convention, I wish to announce that the Parliament of Finland has just accepted Protocol No. 15 while we expect the acceptance of Protocol No. 16 by Parliament in the near future.

Finally, Mr Chairman,

Finland remains unwavering in its consistent view that the accession of the European Union to the Convention is desirable and when realised will ensure a new era in the development of human rights in Europe.

France: M^{me} Jocelyne Caballero

Ambassadrice, Représentante permanente de la France auprès du Conseil de l'Europe

La Conférence de Bruxelles, que je remercie les autorités belges d'avoir organisée, constitue pour la France une nouvelle occasion de réaffirmer son engagement en faveur du système conventionnel, qui est au cœur du système

de protection des droits et libertés fondamentaux des citoyens européens et constitue un élément clé de la prééminence du droit en Europe, et partant, de la stabilité du continent.

Notre engagement se traduit par un soutien sans réserve aux principes qui sous-tendent ce système unique, et tout particulièrement au droit de recours individuel, à sa valeur supranationale, dans le respect de la marge d'appréciation des Etats qui en sont parties, à la force obligatoire des arrêts de la Cour et à l'obligation des Etats d'exécuter ces arrêts. Cet engagement s'accompagne d'un respect de l'autorité de la Cour européenne des droits de l'homme, qui constitue la clé de voûte du système de protection des droits fondamentaux en Europe.

C'est pour cette raison que nous considérons essentiel d'aider la Cour à relever au mieux le « *défi permanent de l'acceptabilité de [se]s décisions »,* pour reprendre les termes du Président Spielmann, à l'occasion de l'ouverture de cette année judiciaire. Cette acceptabilité ne saurait passer par une remise en cause des principes fondamentaux mais elle peut être atteinte par des aménagements ponctuels ainsi qu'un dialogue renforcé entre la Cour et les Etats. Ce dialogue existe aujourd'hui. Nous l'avons entendu à plusieurs reprises aujourd'hui. Il faut en explorer toutes les potentialités. L'adoption de nouvelles mesures formelles telles que la motivation des décisions d'irrecevabilité mais également des mesures provisoires et des refus de renvoi en Grande Chambre nous paraît également de nature à contribuer à une meilleure compréhension de tous. La Cour avait d'ailleurs elle-même initié une réflexion sur cette question et nous ne pouvons que l'encourager à poursuivre sur cette voie.

La Conférence de Bruxelles nous rappelle, surtout, que la mise en œuvre de la Convention constitue une responsabilité partagée, entre la Cour et les Etats membres. Aujourd'hui, nous devons nous féliciter des importants progrès réalisés par la Cour depuis la Conférence d'Interlaken. Le moment est venu de nous concentrer sur notre propre responsabilité, en tant qu'Etats. Car c'est aux Etats qu'il revient de donner son plein effet au principe de subsidiarité, en commençant par l'incorporation effective de la Convention au niveau national.

L'exécution pleine, effective et rapide des arrêts de la Cour constitue l'obligation première de tous les Etats Parties à la Convention européenne des droits de l'homme. Dans le respect du choix des moyens, il s'agit d'une obligation de résultat, indispensable au bon fonctionnement du système conventionnel dans son ensemble et garante de sa crédibilité. Pour cette raison, nous devons nous engager à poursuivre à l'issue de cette Conférence cette réflexion, collectivement, au sein du Conseil de l'Europe, mais également individuellement dans chacun de nos Etats, au regard des particularités propres à nos systèmes juridiques.

La préparation de cette conférence nous a conduit à travailler en étroite collaboration avec les juridictions suprêmes françaises, à savoir le Conseil d'Etat et la Cour de cassation, ainsi que la Commission nationale consultative des droits de l'homme, qui sont d'ailleurs représentées aujourd'hui dans la délégation française.

Pour finir, j'aimerai vous faire part de la manière dont la France a tiré les conséquences de deux arrêts rendus le 2 octobre dernier, *Matelly et Adefdromil c. France* relatifs au droit d'association des militaires. Si le refus de reconnaître un tel droit aux militaires constitue une particularité française, ancrée dans l'histoire, la Cour en a jugé autrement. En effet, dans ces deux arrêts, elle a considéré que l'interdiction pure et simple, pour les militaires, de constituer un syndicat ou d'y adhérer porte atteinte à l'essence même de la liberté d'association.

Moins de quinze jours après le prononcé de l'arrêt, le Président de la République a demandé à un membre de la plus haute juridiction administrative française, le Conseil d'Etat (M. Bernard Pêcheur) d'engager une réflexion sur la portée et les conséquences de ces deux arrêts de la Cour. Cette réflexion a été nourrie par les travaux d'un groupe d'appui, réunissant les différents représentants des ministères concernés, chargé d'apporter leur expertise technique dans l'étude des modifications impliquées par les arrêts de la Cour. Mais cette réflexion a également été nourrie par la consultation des plus hauts responsables civils et militaires sur les pistes de réformes envisageables. Cette méthode de travail a permis de rédiger de manière concertée un projet de loi permettant d'assurer pleinement l'exécution des arrêts de la Cour, dans le respect du principe de subsidiarité, tout en respectant les impératifs de la défense, de la sécurité nationales ainsi que les intérêts fondamentaux de la Nation.

Cette méthode s'est avérée fructueuse et c'est pourquoi je souhaitais la partager avec vous aujourd'hui dans le cadre de cette conférence destinée à préserver un système unique et si précieux.

Germany: Mr Christian Lange

Parliamentary Secretary of State, Federal Ministry of Justice and Consumer Protection

Minister Geens, President Brasseur of the Parliamentary Assembly, Secretary General Jagland, President Spielmann, Commissioner Muižnieks, Ministers, Ambassadors, Ladies and Gentlemen,

The importance of the Council of Europe's human rights protection system cannot be overestimated. It affords the citizens of Europe the right of individual application to the European Court of Human Rights; and this right has been used more and more widely in recent years as awareness of the Court has grown.

Member States need to address the problems posed by these growing numbers. This conference demonstrates the commitment of governments to ensuring a positive future for the Court and the Convention System. I would like to thank our hosts for their immense efforts in bringing the process of reform another step forward.

The declaration rightly focusses on the responsibility of member States to ensure compliance with the Convention, and on the implementation of judgments of the Court.

Germany fully supports all measures designed to strengthen the implementation of the Court's judgments. As we know from experience, such implementation can at times be burdensome for the authorities. In the long run, however, it is the only way to bring about a better future not only for the Court, but for a the citizens of Europe.

In this sense, the principle of subsidiarity plays a major role in the development of the Convention system. First and foremost, member States have to fulfil their duty; the Court checks that they do so. Structural problems which the Court's judgments bring to light can be fixed, even though this may involve difficult legislation and may cost money. The Court's guidance on the States' obligations will help all of us in finding the right solutions within our national systems.

But in order to ensure the long-term sustainability and credibility of the Convention system, we also have to look at how the execution of judgments is supervised. In this context, the Committee of Ministers should continue exploring ways of further enhancing the efficiency of its Human Rights meetings.

Furthermore, the Department for the Execution of Judgments needs sufficient resources to be able to fulfil its advisory functions including co-operation and bilateral dialogue with the States Parties.

Ladies and Gentlemen,

The Declaration of Brussels shows that member States are recognising their responsibility for a properly functioning human rights system in Europe. We should now concentrate our efforts on putting this into practice.

Thank you very much for your attention.

Greece: Mr Konstantinos Papaionnou

Secretary General of Transparency and Human Rights, Ministry of Justice, Transparency and Human Rights

Dear Colleagues, Ladies and Gentlemen,

I would like to thank the Belgian Chairmanship of the Committee of Ministers of the Council of Europe for organising and hosting the High-Level Conference on the Implementation of the European Convention on Human Rights.

This conference, focusing on the notion of *"shared responsibility"*, which is of fundamental importance for the Convention system and is narrowly linked to the principle of subsidiarity, reaffirms indeed our strong commitment and constant efforts to implement the Convention at national level. This commitment includes a further promotion of a human rights culture and a full and effective execution of the Court's judgments. This is now more necessary than ever, given the threat that recession and extreme austerity policies represent to human rights, especially of the more vulnerable individuals and groups, given the threat they represent to the credibility of European institutions and to the democratic values, given the rise of racism, xenophobia and nationalism.

As far as national good practices are concerned, allow me to highlight some. Greece has created a special Parliamentarian Committee with a mandate to follow the judgments of the European Court of Human Rights and to supervise the execution of the judgments issued against Greece. We are willing to increase our efforts so that this Committee comes up with concrete results.

In addition, the State Legal Council co-operates with national authorities and the organs of the Council of Europe to define the individual and general measures that have to be adopted for the execution of the Court's judgments, and contributes to the implementation procedure at national level, reporting to and co-operating with the Committee of Ministers until the end of an effective execution of the Court's judgments against Greece. For years now, an agent of the State Legal Council with high experience in Human Rights issues has been seconded to the Department for the Execution of Judgments of the Court.

Moreover, all the Court's judgments on cases involving Greece are being translated into Greek. We have also undertaken, with the co-operation of Cyprus and the Court's Registry, to translate into Greek and publish the Court's leading judgments against other States Parties. A wide dissemination of the Court's judgments to all national authorities is ensured by the State Legal Council.

Furthermore, I would like to mention the contribution of the *Greek Ombudsman* and of the *National Commission for Human Rights*, which I have had the honour to chair in the past.

Moreover, the curriculum of our National School of Judges includes courses on the European Human Rights Convention, while topics relating to the protection of the fundamental rights are part of the continuous training of judges. Of course, there is still a lot to be done in this field regarding training on and dissemination of the Court's judgments.

We are fully aware of the fact that these measures need to be supported by strong commitment and concrete action. We are seriously taking into consideration judgments of the European Court of Human Rights and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in fields like the detention of third-country nationals, unaccompanied minors, prison conditions, and discrimination based on sexual orientation. These issues are only indicative examples, not an exhaustive list of issues that are of great concern to us and are being or will be dealt with through legislative initiatives or administrative practices in the near future. This is one of our priorities and a major challenge for strengthening democratic values.

Ladies and gentlemen, bearing in mind that our shared responsibility for the protection of human rights holds out the prospect of a new, more stable equilibrium in the Convention system, we shall strongly support the implementation of the Brussels Declaration, in view of reinforcing the human rights regime in Europe, to the greater benefit of all those who are protected by it.

Thank you.

Hungary: M. László Henrik Trócsányi

Ministre de la Justice

Monsieur le Président, Madame la Présidente,

Tout d'abord, en tant que ministre de la Justice de la Hongrie, je souhaite remercier la présidence belge d'avoir organisé cette conférence. Sans aucun doute, il s'agit d'une réunion cruciale qui nous permet d'approfondir les relations entre les Etats membres du Conseil de l'Europe et la Cour européenne des droits de l'homme et d'aborder les décisions de justice et leur exécution. Les droits de l'homme constituent un sujet auquel tout le monde s'intéresse : tant les citoyens que les tribunaux et les gouvernements. Souvent, les points de vue de ces acteurs sont divergents, et d'importants débats surgissent autour du contenu des droits de l'homme. En ce qui concerne certaines libertés, on peut même constater que des interprétations différentes peuvent être formulées par les différents Etats du Conseil de l'Europe. C'est aussi pour cela que la Cour européenne des droits de l'homme joue un rôle important, en délimitant avec prudence le contenu de la Convention. Sur ce plan, une responsabilité importante pèse sur la Cour et les organismes publics des Etats membres.

Auparavant, j'ai eu l'occasion de travailler comme juge constitutionnel et diplomate. Aujourd'hui, c'est en tant que ministre de la Justice que je vous parle. Si je me permets de faire cette précision, c'est parce que le statut de l'intervenant peut influencer la vision qu'il nourrit quant à la Convention européenne des droits de l'homme et à la mission de la Cour européenne des droits de l'homme.

Lorsque je travaillais comme juge, je cherchais le dialogue. Mon objectif était notamment de contribuer à ce que la jurisprudence constitutionnelle nationale fût en conformité avec celle de la Cour européenne de Strasbourg. Bien évidemment, en tant que juge constitutionnel, je ne pouvais pas baser une décision d'annulation sur une décision de la Cour de Strasbourg puisque une cour constitutionnelle ne peut fonder ses décisions que sur la norme nationale suprême qu'est la Constitution. Toutefois, les décisions de la Cour de Strasbourg constituaient toujours un cadre de référence pour les jugements de la Cour. Lorsque j'ai pu travailler comme ambassadeur à Bruxelles puis à Paris, je m'efforçais à mettre l'accent sur l'importance politique de l'existence de la Convention européenne des droits de l'homme. Aujourd'hui, en tant que ministre de la Justice, je mets l'accent avant tout sur la prévention. En effet, une de mes tâches actuelles est d'empêcher la création des règles juridiques contraires à la Convention. Le gouvernement est en outre responsable de l'exécution d'éventuelles décisions de condamnation. Evidemment, j'ai un rôle particulier au sein du gouvernement lorsque des questions se posent concernant l'application de la Convention ou l'exécution des décisions de la Cour de Strasbourg.

Après ces quelques mots introductifs, permettez-moi aussi de contribuer à la conférence d'aujourd'hui en apportant des éléments substantiels.

La Hongrie est tout à fait d'accord avec les points du Plan d'action ayant pour objectif d'imposer une obligation de motivation courte quant aux décisions de recevabilité, aux demandes de mesures provisoires et aux décisions du collège de cinq juges statuant sur les demandes de renvoi à la Grande Chambre. De mes propres expériences quotidiennes, je sais à quel point il est difficile d'expliquer lors d'une réunion du Conseil des ministres qu'un collège de cinq membres rejette sans aucune motivation notre demande d'appel soigneusement préparée et contenant des éléments solides de recherche en droit comparé ou explicitant avec attention l'identité constitutionnelle et nationale du pays. Je pense que le droit au procès équitable doit inclure l'exposition claire des motifs d'une décision de rejet. Ainsi, je salue les conclusions du Plan d'action qui ont été formulées dans ce sens. L'imposition d'une obligation de motivation pourrait améliorer le dialogue entre les gouvernements des Etats membres et la Cour de Strasbourg.

En ce qui concerne l'application nationale de la Convention européenne des droits de l'homme, je voudrais attirer l'attention sur les éléments suivants. En Hongrie, au sein du ministère de la Justice, tout un secrétariat d'Etat s'occupe des questions des droits de l'homme et du droit de l'Union européenne. En plus, un Groupe de travail des droits de l'homme a été mis sur pied sous la direction du

même ministère. Ses membres comprennent des représentants tant des organisations gouvernementales que des organisations non gouvernementales. C'est dans ce cadre institutionnel que nous nous chargeons de l'application de la Convention. D'autre part, lors des réunions du Conseil des ministres, je fais souvent référence à la Convention ainsi qu'aux décisions de la Cour de Strasbourg dans l'objectif d'adopter des règles juridiques conformes à la Convention.

En ce qui concerne l'exécution des décisions de la Cour, nous rencontrons certaines difficultés. Permettez-moi de citer comme exemple la surpopulation carcérale. Je ne nie pas qu'aujourd'hui nous ne puissions pas encore garantir les 3 à 4 mètres carrés pour la détention de chaque condamné. Des avocats se sont spécialisés à recruter des clients au sein des prisons, afin d'assurer leur représentation en échange d'honoraires. Il est presque possible de parler des « actions de groupe » dans ce domaine. La construction ou la modernisation des prisons comporte entre autres des aspects financiers. Par conséquent, il n'est pas possible de trouver une solution immédiate. Entretemps, nous assurons à l'intérieur des prisons une plus grande liberté de mouvement aux détenus. Ces derniers peuvent ainsi, passer plus de temps à l'extérieur de leur cellule.

En même temps, le nombre élevé des condamnations par la Cour de Strasbourg place le gouvernement dans une situation délicate. D'une part, il doit payer des dommages et intérêts à de nombreux détenus. D'autre part, il doit également remédier au problème. Dans des affaires similaires, il serait dorénavant judicieux si les efforts gouvernementaux étaient également pris en compte pour trouver une solution acceptable.

Monsieur le Président, Madame la Présidente,

La Hongrie soutient la Déclaration de Bruxelles et le Plan d'action qui y est inclus. Il est important de tenir compte des devoirs qui incombent à chaque acteur dans l'intérêt d'une mise en œuvre pratique des droits de la Convention. Dans cet objectif, la Hongrie est prête à franchir le pas que représente la réalisation du Plan d'action.

Iceland: Ms María Rún Bjarnadóttir

Senior Legal Adviser, Ministry of the Interior

Honourable Chairman, Ministers, High Representatives of the Council of Europe, Excellencies, Ladies and Gentlemen,

On behalf of the Icelandic authorities I would like to begin by conveying gratitude from Icelandic authorities to the Belgian Chairmanship for planning and hosting this conference. The dialogue taking place here on ways to develop the Convention system and further strengthen the protection of human rights is in itself a valuable contribution to the enhancement of our fundamental rights.

Iceland supports the importance attached to the subsidiarity principle, whereby the primary responsibility for securing human rights lies with the States themselves. We feel strongly that the fundamental protection of human rights is to take place at national level. It is a core position of Iceland that being part of the Council of Europe and the Convention System has been beneficial to the enhancement of human rights in our country. The external scrutiny of the Strasbourg Court has been welcomed by the Icelandic authorities and Iceland is an example of how the Court's case-law can have a positive effect on structural changes at national level in a member State for the good of society.

Points of examples of good practice:

- Information and guidelines made accessible for applicants online on the website of the Ministry of the Interior;
- A course for lawyers in co-operation with the Icelandic Bar Association on the rules of the Court that took effect 1 January;
- In co-operation with the Human Rights Institute at the University of Iceland, all cases against Iceland are translated in whole and made available online and in a magazine that is issued four times a year and focuses solely on relevant case-law from the European Court. The magazine is distributed to courts, ministries, the Parliament, the police and all subscribers to the largest legal magazine in Iceland. It is also posted in whole online.

We see it as crucial that member States ensure an environment for the Court which enables it to maintain this important role of support for the enhancement of democratic values and human rights, and it is important that the member States take the implementation of the Court's decisions seriously. The actions presented in the draft declaration are in this spirit.

To conclude:

Iceland fully supports measures that aim at strengthening the Court while preserving the core values of the Convention system.

Thank you.

Ireland: Mr Peter Cunning

Ambassador, Permanent Representative of Ireland to the Council of Europe

Mr Chairman,

I thank the Belgian authorities for the excellent arrangements for this conference and the extensive preparatory work that has gone into it.

The theme – of shared responsibility where implementation of the Convention is concerned – is one Belgium has rightly prioritised in its chairmanship programme. Secretary General Jagland highlighted it in his statement as he began his second term. And the Court, in its contribution to this conference, saw a need for improvement in execution and the greater prominence now being afforded to it as entirely justified. The Parlimentiary Assembly's view has also been set out by President Brasseur. So we have a common and important perception across the Organisation.

With all international commitments, follow-up is crucial. It is notably the case with the Convention whose preamble speaks of taking "… the first steps for the collective enforcement of certain rights…". Ireland therefore wholeheartedly endorses the text of the Brussels Declaration aimed, as it is, at ensuring within each of our systems, optimal implementation of the Convention at national level.

The declaration is comprehensive, dealing with the Court and its role in Section A and finishing with the Committee of Ministers and the supervision of the execution of judgments in Section C.

It was hard to imagine three years ago when the number of cases was at 160 000 that this figure would be down to 65 000, as we were told this morning by the Court, by the end of 2014. My delegation wishes to pay tribute to the work

that has been done by the Court, utilising Protocol No. 14, in reducing the backlog. We look forward to continued progress and welcome the Court's efforts to further improve the efficient management of cases. This will bring in to sharper focus the execution stage of the Convention. There are 11 000 judgments currently pending before the Committee of Ministers and we must ensure the Committee can discharge its supervisory obligations in a timely manner.

Time today permits me to single out just certain elements of practice we have developed in Ireland.

We have given and continue to give much attention in our national process to comprehensive action plans and reports. We find this instrument a most useful one in the hands of the government agent who for us co-ordinates execution across government departments. We were glad to share that experience at a Round Table on Action Plans and Reports for the implementation of judgments of the European Court of Human Rights in Strasbourg in October and to hear others' experiences.

- We ensure appropriate dissemination of and publicity for judgments, particularly through links on relevant government websites. And when it comes to action plans, we are making progress with their publication on relevant government department websites as they are filed with the Committee of Ministers.
- The Irish practice is that adverse Court judgments are laid before the national parliament. Certain of those judgments have led to extensive parliamentary debate which has nourished the government's consideration of implementation measures. This Declaration and the awareness-raising which it calls for are most welcome, in particular, in encouraging increasing involvement of national legislators.

As a party to the Convention our responsibility on implementation is engaged not only at the domestic level but as a member of the Committee of Ministers carrying out its Article 46 role.

- Firstly we must ensure that the Committee has the capacity and resources to move speedily to close supervision where a judgment has been fully implemented. Secondly, where there are substantial technical or legal obstacles complicating implementation at national level, the Council of Europe should provide all necessary advice and support to the Respondent State where sought. And finally, in the small number of cases where a lack of political will, or pockets of resistance as they are referred to in the 8th Report on Execution of Judgments, leads to a failure to execute the judgment, the

Committee should have available – and use – all necessary tools to insist on full compliance with the obligations laid out unambiguously in Article 46 of the Convention.

I confirm Ireland's support for the declaration, a means of continuing the ongoing reform process and giving it political impetus, including in enhancing the efficiency and effectiveness of human rights meetings. A distinguished Belgian jurist, an early and resolute promoter of the Convention system, gave a memorable lecture in 1965 under the title "Has the European Court of Human Rights a future?". The circumstances may be different, but the answer to Henri Rolin remains that it must. Our work on effective implementation is an essential part of that. We must give it the *nouvel élan* that you rightly identified this morning.

Italy: Mr Manuel Jacoangeli

Ambassador, Permanent Representative of Italy to the Council of Europe

Mr Chairperson, Honourable Colleagues,

Allow me to convey Italy's gratitude to the Belgian Government for convening this High-Level Conference on the Implementation of the European Convention on Human Rights.

Italy is one of the founding members of the Council of Europe and has always been a firm supporter of the Convention since its signature in Rome in 1950.

A great merit of this conference is that it allows us to consider what we have achieved so far and what remains to be implemented.

A crucial element should immediately be highlighted: today, an undisputed principle is that the effectiveness of the protection system is a primary responsibility of each State. National authorities have to find and adopt the most appropriate measures to ensure Convention implementation.

In light of the system we have designed, transparency and co-operation are two pivotal elements, as was apparent from the discussions that preceded this conference.

Transparency is in fact the first obligation upon the State in complying with the Convention; it stems from the State's awareness of all its obligations in front of the Court and towards its citizens.

As well as transparency, effective co-operation of member States is essential to guarantee the protection of Convention rights and freedoms, both in the stage of the examination of the case – when national authorities are required not to hinder the exercise of the right to individual application and to furnish all necessary facilities to the Court – and with regard to the execution of judgments – when national authorities have to adopt the measures they deem necessary to guarantee full compliance.

In the last months, Italy has redoubled its efforts to ensure the full implementation of the Convention. National authorities have in particular aimed at reducing the number of cases pending before the Court. It is important to recall that a large majority of such cases were of a repetitive nature, caused mostly by two complex structural problems: the excessive length of proceedings before national courts and the high number of detainees in Italian prisons.

The most recent statistics show that Italy has finally succeeded in reducing the amount of cases pending before the Court to approximately 10 000 cases, while only a few months ago that number was well above 17 000.

Such a significant result has been achieved, at national level, by strengthening co-operation among all the concerned institutions, civil society and human rights organisations. The co-ordinated effort of all national stakeholders is essential, in particular, when effective remedies are required to address very complex structural violations of the Convention, as was our case.

At the same time, it would have been impossible to obtain such a result without the constant support of the Court and the Council of Europe bodies. The continuous and open dialogue between national authorities and institutions in Strasbourg is the key element to ensuring the effectiveness of the Convention system. We therefore firmly support the development of such synergies and welcome the proposals in this respect put forward by this conference.

In this regard, it is also important to continue to build upon those mechanisms which have proven helpful so far and deserve to be further implemented: we refer, in particular, to the case-management practices introduced by the Court, such as the pilot judgment procedure, as well as to the regular submission by States of comprehensive action plans and reports, a real key tool in the dialogue with member States. We expect that further benefits will derive from the

increased exchange of information and best practices among States, as well as from a wider dissemination of the Court's judgments and decisions at national level.

Mr Chairperson, Honorable Colleagues,

Allow me to reiterate our thanks to the Belgian Government for convening this conference.

Thank you.

Latvia: Mr Rolands Lappuke

Ambassador, Permanent Representative of Latvia to the Council of Europe

Minister, let me express our gratitude to the Belgian chairmanship for steering and completing (sometimes challenging) negotiations on the Brussels Declaration which Latvia welcomes, as well as organising this conference.

The Brussels Conference continues the work started by previous conferences in İzmir, Interlaken and Brighton which focused then on the reform of the Court and its future. It was only logical, given the staggering number of backlog cases that had accumulated at the Court several years ago.

We are happy to see that since the last conference the situation with the backlog of cases in the Court has improved considerably. We would like to congratulate the Court for this impressive achievement.

Taking into account the progress made in clearing the backlog it is only natural that this conference and its declaration shift the focus back to the obligations of the States, that is to say, to the implementation of the Convention and proper execution of the Court's judgments.

It was also the position of this delegation from the very beginning of the negotiations that the Brussels Declaration should be focused on implementation and execution, thus letting the Court somewhat aside to stabilise its work after an intensive period of reforms, that is bearing fruit.

The declaration on several occasions recalls the primary responsibility of the States to ensure the application and effective implementation of the Convention. The States cannot transfer this responsibility to the Court. Indeed, the Court is receiving many complaints because the States have either failed to implement the "preventive measures" by making sure that their domestic systems fully protect and respect the rights guaranteed by the Convention, or that the States have failed to fully correct the shortcomings already identified by the Court.

Mr Chairman, let me take one step back and look more generally – we usually refer to the European Convention on Human Rights and the Court as to the "jewels in the crown" of the Council of Europe. And, on the one hand, when mentioning the three cornerstones of the Council of Europe – human rights, democracy and rule of law – we sometimes remain at a theoretical level of general concepts, not so accessible to citizens. On the other hand, complaints reviewed by the Court come down to the individual level, what in turn makes the general concepts more concrete and understandable.

Be it suppression of freedom of speech, freedom of assembly, right to fair trial, right to a timely review of the case, right to education, ill-treatment, etc. – all these complaints are about real situations and real people. Through these real cases and complaints to the Court these general concepts of democracy, human rights and rule of law become very tangible. Concepts would be merely words if they were not implemented, realised at the individual/practical level. All these individual cases are the benchmarks for the functioning of democracy, rule of law and human rights in a given country. This is clearly the main added value of the Convention system and the Court.

The Convention system works both ways – from the general level to the individual – when the general concepts are applied in individual cases, and from the individual to the general level – through these individual cases democracy, human rights and rule of law are strengthened in general. The "interdependence between the Convention and other activities of the Council of Europe" works particularly well in cases when the Court's judgment and following assistance from the Council of Europe help to solve a systemic problem potentially undermining the trust of individuals in the democracy, rule of law and human rights in a given country.

It is in this spirit that the strengthening of the Convention system and the execution of the Court's judgments are so important to (as the declaration says) "maintain the democratic stability across the Continent".

Coming back to the other important point of the Brussels Declaration – the execution of the Court's judgments. We often focus particularly on the Court's judgments, but without proper execution they may remain merely words written on paper. The Court's judgments and the execution of the Court's judgments, being two sides of the same coin, only both together – ensured effectively – will "strengthen the credibility of the Court and the Convention system in general".

As the execution process at national level depends mainly on the political will of the States, we welcome that the declaration encourages the Committee of Ministers to use all the tools at its disposal to put pressure on the governments reluctant to execute the Court's judgments in conformity with their obligations under the Convention.

Finally, a further essential element in the declaration regarding the execution process is a clear request to raise the resources and capacity of the Department for the Execution of Judgments of the Council of Europe. This is a convincing call by all 47 member States for a significant increase of the resources for the Department already in the Council of Europe budget 2016-2017.

Monsieur le Ministre, Permettez-moi de réitérer les remerciements du Gouvernement letton au Gouvernement belge !

Liechtenstein: Mr Daniel Ospelt

Ambassador, Permanent Representative of Liechtenstein to the Council of Europe

Honourable Chairman, Ministers, High Representatives of the Council of Europe, Dear Colleagues, Ladies and Gentlemen,

On behalf of the Liechtenstein Government, I would like to warmly thank the Government of Belgium for bringing us together here in Brussels to discuss the implementation of the European Convention on Human Rights.

Liechtenstein attaches great importance to the main reform processes that the Council of Europe has been working on extensively over the last couple of years, the reform of the Organisation as a whole and, in particular, the reform of

the European Court of Human Rights. We have actively participated in this work and we will continue to do so. We commend Secretary General Jagland for his outstanding work with regard to the reform process. The continuation of this process in the coming years will be of utmost importance.

The reform of the Court remains a crucially important process. But it is not enough to reform the Court. As very rightly stated in the conference title, the implementation of the Convention is and must be our shared responsibility. The implementation of the Convention at national level is crucial. We continue to believe that this issue, alongside the safeguarding of the right to individual petition and the independence of the Court, is of highest importance for the future of the Convention system.

Mr Chairman, with regard to the High-level Conference on the Future of the Court, which took place in Brighton in 2012, Liechtenstein is particularly pleased that Protocol Nos. 15 and 16 amending the Convention could be adopted in 2013. After the unanimous adoption of Protocol No. 15 in the Liechtenstein Parliament, Liechtenstein was amongst the first member States to ratify the protocol in November 2013. The ratification of Protocol No. 16 is foreseen for the near future. Many other issues which are being discussed at this conference are part of the Brighton Declaration. We are looking forward to a compilation of the reports of the member States on their implementation of the measures which the Brighton Declaration requires of them. The topic of this conference is also linked with the work of the Steering Committee for Human Rights on the longer-term future of the Convention system and the Court.

The Draft Brussels Declaration includes some elements which we particularly welcome. I would like to specifically mention the encouragement to give priority to alternative procedures to litigation such as friendly settlements and unilateral declarations. Liechtenstein can fully subscribe to these alternative procedures and makes use of them. Additionally, we appreciate the continuation of the process of reflection on the recommendations of the external audit of the Court. Conducting an audit of the Court was a proposal which Liechtenstein made in Interlaken and İzmir.

Finally, Liechtenstein attaches great importance to the widest possible distribution of the admissibility criteria and therefore finances the German translation of the Practical Guide on Admissibility Criteria and its revisions. Additionally, Liechtenstein regularly makes voluntary contributions to the human rights programmes of the Council of Europe and has supported the special account for the Court, which was created to deal with the Court's backlog of cases.

Mr Chairman, let me conclude by thanking the Belgian Chairmanship for keeping this highly important issue high on the agenda of the Council of Europe and for your hospitality here in Brussels.

I thank you for your attention.

Lithuania: Mr Julius Pagojus

Vice-Minister of Justice

Dear Colleagues, Ambassadors, Ladies and Gentlemen,

At the outset, I would like to thank Belgium, as the Chair of the Committee of Ministers of the Council of Europe, for taking a synergetic approach towards the implementation of the European Convention on Human Rights and the on-going reform of the Convention system. My government highly appreciates this opportunity to express its views and to share good national practices in this regard.

Looking back at the last two decades, when the Convention has been in force in respect of Lithuania, I could proudly point out many significant steps taken at national level striving to ensure a more effective implementation of the Convention. Today I would like to share with you some of them.

First of all, I draw your attention to the fact that since the Convention, upon its ratification in 1995, became a constituent part of the Lithuanian legal system, pursuant to the well-established case-law of the highest Lithuanian courts, the Convention and the Court's jurisprudence have gained direct effect in Lithuania and supremacy in application over all the national legal acts (with the exception of the Constitution alone).

Still, we put our best efforts to further raise the awareness of the Convention amongst judicial and other national officials. As an example, I am glad to note that recently the government has adopted a decision looking for possibilities of the translation of the Court's leading judgments adopted in the cases against other member States into Lithuanian.

As regards the *ex post* implementation of the Convention at national level, in addition to the statutory provision, providing a possibility of re-opening the domestic proceedings on the ground of the violations of the Convention found by the Court, the Lithuanian courts of final jurisdiction have also developed a consistent case-law enabling a direct application of the Court's judgments. As it is well known, such implementation of the Court's judgments compensates for possible delays in an often lengthy legislative process. In some cases, for example, those related to the length of judicial proceedings, the case-law developed by the Lithuanian courts awarding damages from the State in this regard, has been acknowledged by both the Court and the Committee of Ministers as an effective domestic remedy and a sufficient general measure for the purposes of the Convention.

In accordance with the Recommendation on efficient domestic capacity for rapid execution of the Court's judgments, the Government Agent in co-operation with the Ministry of Justice was assigned the role of co-ordinator of execution of the Court's judgments. The co-ordinator also keeps all other competent authorities and above all the legislator constantly informed on the relevant developments. Numerous legislative proposals aimed at the adoption of necessary legislative measures implementing the Court's judgments have been initiated since then. Some of them constitute large-scale legislative reforms.

Of course, there are cases which require even stronger common efforts of all the stakeholders concerned in order to achieve the full implementation of the Court's judgments. In this regard, a new practice of the formation of ad hoc working groups, involving various experts and high-level State officials, could be mentioned.

It is beyond dispute that we should assess our unique experiences in bringing the Convention standards home and build upon positive similarities in order to achieve proper operation of the principle of subsidiarity, resulting in the intervention of the supranational institutions of the Convention mechanism only in exceptional cases. Therefore, I sincerely hope that the message sent by Protocol No. 15 will be properly perceived and interpreted by both, the European Court of Human Rights and its national counterparts.

Also, I am deeply convinced that the dialogue between the national courts and the European Court of Human Rights, which as soon as Protocol No. 16 comes into force should become even more fruitful, is of great value in this regard.

As far as Lithuania is concerned, I am particularly glad to note that the Lithuanian Parliament has already pre-approved the package of the draft laws on the ratification of both protocols. Thus, we expect ratification in the nearest future.

Hopefully, our joint efforts towards a higher degree of the implementation of the Convention in member States will open a path for an even more efficient Convention system in the long-term future. For the time being, taking into consideration the case load of the Court, continued use of already existing instruments as regards further strengthening of the constitutional role of the Court is most welcome. On the other hand, a high number of judgments under the supervision of the Committee of Ministers makes a more stringent reaction towards non-execution desirable, and we should urge the Committee of Ministers to make full use of the tools at its disposal, as foreseen under Article 46 of the Convention.

Let me end this statement by recalling that better implementation of the Convention is aimed at our ultimate purpose – a more effective protection of human rights in Europe. I most sincerely hope that this purpose for which we gathered here today becomes our guide in the daily work too.

Ladies and Gentlemen, I thank you for your kind attention.

Luxembourg: M. Félix Braz

Ministre de la Justice

Monsieur le Ministre de la Justice, Cher Koen, Monsieur le Président de la Cour, Cher compatriote et ami, Monsieur le Commissaire aux droits de l'homme, Mesdames, Messieurs,

Mes remerciements chaleureux vont d'abord au Gouvernement belge pour l'organisation de cette conférence, car elle nous permet de réitérer notre engagement à maintenir l'acquis de notre système de garantie des droits et libertés. La Convention européenne des droits de l'homme a un rôle fondateur et créateur pour la protection des droits de l'homme sur le continent européen. Elle fait face aujourd'hui à de nouveaux défis.

Le Luxembourg reste fondamentalement attaché au droit de recours individuel tout en affirmant la nature nécessairement subsidiaire du mécanisme de contrôle institué par la Convention.

A très juste titre, le Plan d'action proposé dans la Déclaration de Bruxelles rappelle ces principes essentiels. Il clarifie également l'équilibre qui s'impose entre les responsabilités directes et indirectes des autorités nationales, de la Cour et du Comité des Ministres dans la mise en œuvre de la Convention.

Toute nouvelle initiative qui a pour finalité l'amélioration du système de la Convention, la performance et l'efficacité de la Cour trouvera notre appui. D'un autre côté, une analyse minutieuse de la valeur ajoutée de chacune de ces initiatives par rapport au système existant et par rapport aux coûts engendrés est utile et nécessaire afin de pouvoir entamer plus en avant de nouveaux travaux.

Un élément qui nous tient à cœur dans ce Plan d'action est la référence à la transparence de l'état des procédures devant la Cour afin que les parties puissent avoir une meilleure connaissance de l'état d'avancement des affaires pendantes.

Sur ce point aussi, la Cour peut et doit être un exemple pour les tribunaux nationaux dans la mise en œuvre au quotidien des grands principes du procès équitable énoncés dans la Convention, y compris en ce qui concerne le respect du contradictoire. Ainsi, la Cour pourra asseoir sa crédibilité et son autorité.

Les attentes dans la Cour elle-même sont grandes alors que les réformes récentes ont déjà largement contribué à améliorer ses procédures et diminuer l'arriéré. Mais les Etats membres ont une grande responsabilité car ils sont compétents au premier chef pour mettre en œuvre la Convention et trouver des solutions aux problèmes systémiques identifiés par la Cour.

C'est ensemble au sein de l'organe de surveillance de l'exécution des arrêts que nous devons mener une réflexion afin d'améliorer encore davantage notre efficacité pour mettre en œuvre les arrêts de la Cour, tous les arrêts de la Cour.

Finalement je voudrais vous parler d'un sujet qui me tient particulièrement à cœur en vue de la future présidence luxembourgeoise du Conseil de l'Union européenne à savoir le projet d'adhésion de l'Union européenne à la Convention européenne des droits de l'homme. Même s'il faut maintenant une période de réflexion interne après l'avis rendu par la Cour de justice de l'Union européenne, l'adhésion reste l'objectif car elle est clairement prévue par les traités et comblera des lacunes dans le système existant. Aucun doute ne doit s'installer sur la détermination de l'Union européenne. Cette détermination sera soulignée pendant la présidence luxembourgeoise.

Monsieur le Président, Mesdames, Messieurs, à Interlaken fut lancé il y a cinq ans un processus qui marqua un nouveau départ après des années de blocage. Par les déclarations d'İzmir et de Brighton ainsi que nos idées quant à l'avenir de la Cour contenues dans la déclaration de Bruxelles que nous allons adopter ici, nous montrons clairement que nous voulons nous engager et persévérer sur le chemin des réformes engagées.

Le système de la Convention européenne des droits de l'homme et plus particulièrement la Cour ont la confiance et l'appui du Luxembourg, aussi, pas seulement, parce qu'ils rayonnent au-delà de notre continent.

Malta: Mr Peter Grech

Attorney General

Chair, Honourable Ministers, Colleagues,

On behalf of the Government of the Republic of Malta, first of all, I wish to thank the Belgian Government for the generous hospitality and the excellent organisation of this conference.

This is the fourth Ministerial Conference dealing with the reform of the Convention system. It evidences the commitment of all member States to protect and preserve the Convention mechanisms and the execution of judgments, which implement the Convention in practice.

The Convention is intended to be implemented in all the Contracting States irrespective of their legal systems. Malta, therefore, supports all the efforts made by the Council of Europe to strengthen the domestic mechanisms for the implementation of the Convention and the proper execution of the judgments of the Court in the domestic legal systems.

Proper execution of the Court's judgments does not only require the payment of the awards ordered by the Court in the case of a finding of a violation but also requires that the necessary changes be made to the domestic legislation in order to avoid similar recurring violations.

When faced with the judgments of the Court, member States may sometimes feel that the Court, which is an international court, might not fully appreciate the delicate balance involved in the particular domestic legal system and the influences of a social and economic nature in that State. It is sometimes felt that the Court's decisions in some fields of human rights law are effectively making it a court of third or fourth instance. Furthermore, the implementation of certain judgments given with reference to other legal systems, but which appear to establish general principles, always leave doubts as to the extent to which such judgments can be transposed into one's own legal system.

In the pursuit of this delicate balance the principle of subsidiarity gains paramount importance. We understand that principle as implying that the Court will respect the autonomy and divergence of legal systems insofar as domestic courts apply the Convention properly. Subsidiarity reflects a sharing of responsibility between the Court and the Contracting States with the Court, retaining the role of final arbiter on Convention issues, and legitimately demanding that its interpretation of those issues be followed by national courts.

Indeed, in the context of subsidiarity the Court is also enabled to develop its own reasoning on the basis of decisions of national courts on the application of the Convention.

A consequence of subsidiarity is the margin of appreciation which necessitates that the Court impose limits on itself in the exercise of its scrutiny where it considers that the national authorities are better placed than the Court to evaluate a particular situation.

The margin of appreciation acknowledges the weight to be attached to the democratic process and the range of options that may be available to legislators in complying with the Convention. As the Court has observed "the national authorities have direct democratic legitimation and are in principle better placed than an international court to evaluate local needs and conditions. In matters of general policy, on which opinions within a democratic society may reasonably differ widely, the role of the domestic policy-maker should be given special weight".

Criticism has been levelled at the Court for not adhering to the principle of the margin of appreciation. The Court, no doubt, seeks to interpret the Convention as a living instrument in the light of present-day conditions and social norms. A possible way forward, on which significant progress appears to have been made already, would therefore be the proportionate re-assertion of the application of the margin of appreciation principle subject to the States' obligation to apply the Convention correctly.

The implementation of the Convention at national level however also needs to be complemented by the important role played by the Court in the preservation and development of a common European human rights heritage.

The support of the Council of Europe and the Court for implementation within domestic legal systems of the Convention, and for a balanced execution of the judgments in domestic systems is fundamental. We consider that this is the proper way of implementing such support on the basis of an open and continuous dialogue between the Court and the Contracting States.

Malta considers that it would be a positive step if the Court were to provide brief reasons in the case of inadmissibility decisions of single judges. Although the provision of such reasons will undoubtedly increase the workload of the Court (and this is a factor which has to be duly considered), it is, nonetheless, in the interest of all that single judge decisions be made public and, therefore, we agree with this proposal.

We also agree that the Court's judgments should be executed in a timely manner. This is indeed the aim of the Convention but due regard must also be given to the social and economic dimension of such execution which may call for a more gradual approach in some cases.

We also welcome the use of existing tools for co-operation and dialogue at the disposal of the Committee of Ministers in order to supervise the execution of the Court's judgments. We consider that the appropriate tools are, in general, already in place.

In conclusion, it therefore, gives me satisfaction to confirm the support of the Government of Malta for the Brussels Declaration.

Thank you for your attention.

Republic of Moldova: Mr Vladimir Grosu

Minister of Justice

Distinguished Colleagues, Ladies and Gentlemen,

Allow me first to welcome you all to this great occasion, which will go down in history **as the greatest demonstration of our shared responsibility**. And, by this, I **mean** – our **struggle for the respect** of human rights in Europe that has been exemplified by our Convention. It has undoubtedly been one of the greatest progressive achievements of the century, being of **the utmost value** not only for Europe but also for the universal knowledge of human rights **all over the world**. The Convention **has proved the universality and the shared responsibility** of the States, the governments, the international and non-governmental organisations, the authorities, the human rights institutions and, finally, the human rights stakeholders – the people.

How has our Convention achieved these successes? **Precisely** by our utmost inner will to uphold that shared responsibility. We, the Governments of 47 European States, have subscribed freely to the Convention and, therefore, we have willingly assumed **to be ever servants** of that hard **but noble duty** – to uphold human rights for our people under our jurisdiction. I will not be mistaken if I say that this responsibility is not the task for the European Court and the Committee of Ministers **only**. This is a primary charge for all our national authorities and the governments. Indeed, by our own signature of the Convention, we have subscribed to **a great deal of responsibility** for the benefit of our people and future generations.

The Convention machinery stood and improved itself for more than 50 years **only because it had been conceived by two basic ideas** – the States are to be judged for and are to execute human rights in Europe, **willingly**. Therefore, the Convention's scope **is not to coerce but to help us**, especially when we have assumed this burden for ourselves. So, in my opinion, the true meaning of shared responsibility signifies not only a domestic allocation of that burden **but its spreading among all 47 jurisdictions**, even when one fails.

The declaration, which I am certain, we will jointly adopt here, will represent a further step in our commitments, conserving the Convention machinery and securing its efficiency, because it is based upon the **shared European Judiciary** and **self-desired Execution,** both of which I would call *the jewels and shining stars of the Convention.*

I am proud to say that in the Republic of Moldova we are following the same pattern. We are now considering introducing further remedies through a national filtering judicial system in order to bring the Court from Strasbourg **back home, to the doors of our citizens**. Our legal system initiatives aim at assisting our judges in becoming domestic judges of the Convention. Then, the Strasbourg Court will be helping them by providing them with advice and its own jurisprudence.

We are developing our enforcement system aimed at bringing the execution of the European Court's judgments **to a new level of understanding**. Execution is not only about individual satisfaction and the consequences of a violation. E**xecution is the prevention and the erasing of causes**. We strive to change the mentalities of lawyers, judges, prosecutors, public servants and, most importantly, **the parliamentarians, politicians and civil society**. In doing so we need a **"domestic bailiff"** for the execution of the European Court's judgments, acting under Governmental and Parliamentarian control, with the **direct involvement** of the judiciary. Indeed, the Court's **judgments primarily constitute an international obligation resulting in** the changing of laws, practices, mentalities and, most importantly, the establishment of new State policies.

I am happy to say that in my Ministry we have anticipated the outcomes of the present conference and started to implement them well before today's adoption. The present declaration, to which I am eager to subscribe, **will be a shield for us when we are back in the Republic of Moldova** for continuing our commitments to the desired perfection of the Convention system as an expression of our shared responsibility.

Thank you for your attention.

Monaco: M. Philippe Narmino

Ministre plénipotentiaire, Directeur des Services judiciaires, Président du Conseil d'Etat

La Principauté de Monaco s'associe très sincèrement aux remerciements exprimés aux organisateurs de la conférence par les délégations qui l'ont précédée.

Depuis les Conférences d'Interlaken, d'İzmir et de Brighton auxquelles j'ai eu l'honneur de participer, le chemin parcouru est remarquable. Les réformes mises en œuvre par les Etats et la Cour européenne des droits de l'homme ont en effet contribué à la baisse spectaculaire du nombre de requêtes pendantes, qui ont diminué de 160 000 à 70 000 à ce jour. Gardons à l'esprit que l'engorgement de la Cour peut mettre en péril le système de protection des droits de l'homme auquel nous sommes attachés. Aujourd'hui, il est heureusement très probable, au vu des dernières données chiffrées, que l'arriéré de requêtes manifestement irrecevables disparaîtra dans un avenir très proche[1].

Les réformes entreprises ces dernières années sont à l'origine des améliorations constatées. Elles démontrent que les Etats et la Cour ont su faire preuve de réactivité et de créativité et atteindre des résultats d'ores et déjà tangibles. Pour l'Etat monégasque comme pour nous tous, c'est un motif de grande satisfaction et un encouragement à poursuivre nos efforts.

Aussi, Monaco accueille-t-il favorablement les différentes perspectives contenues dans la Déclaration et le Plan d'action de Bruxelles.

En particulier, la Principauté se félicite de la proposition du Plan d'action en ce qu'il invite la Cour, à partir de janvier 2016, à motiver de manière brève les décisions d'irrecevabilité de juge unique. Il s'agit d'une avancée manifeste en terme de transparence.

Mais la délégation de Monaco estime à cet égard qu'un progrès supplémentaire est à la portée de la Cour. En effet, dans le respect des droits des parties à la procédure et de leur égalité de traitement, les décisions d'irrecevabilité motivées pourraient être aisément portées à la connaissance, non seulement du requérant, mais aussi de l'Etat défendeur. Cette communication de la décision – sauf exceptions lorsque la sécurité des

1 Source : Dean Spielmann : « *Le succès et les défis posés à la Cour, perçus de l'intérieur* », *in* « *L'avenir à long terme de la Cour européenne des droits de l'homme* », Conférence d'Oslo, 7-8 avril 2014, par. 5.

requérants serait en cause – améliorerait la connaissance de la jurisprudence de la Cour, en sorte que les plaideurs éviteraient d'engager des recours voués à l'échec, en même temps qu'elle pourrait inciter les Etats à mettre en œuvre de nouvelles mesures dans le sens d'une meilleure garantie des droits.

Dans un autre domaine, la délégation monégasque regrette que de plus en plus de décisions ou d'arrêts de la Cour soient rédigés dans une seule langue et apprécierait que des efforts soient entrepris en vue de leur traduction en français.

Si certaines difficultés sont réglées ou en voie de l'être, demeurent des questions non résolues. A cet égard, le problème des très abondantes requêtes répétitives apparaît crucial. Monaco ne peut qu'insister sur le rôle que doivent jouer les Etats et souscrit aux différentes mesures préconisées au niveau national dans le Plan d'action.

Le Plan d'action rappelle par ailleurs qu'il est également de notre responsabilité première de garantir l'application et la mise en œuvre effective de la Convention. Cette responsabilité, Monaco l'assume de son mieux depuis son adhésion au Conseil de l'Europe en 2004. En effet, nous nous attachons en permanence à vérifier que notre législation et nos pratiques internes, administratives et judiciaires, sont bien conformes à la Convention, interprétée à la lumière de la jurisprudence de la Cour.

Le département juridique du gouvernement dispose de services spécialement créés et dédiés à ces fonctions et l'Etat monégasque s'est par ailleurs doté en 2013 d'une institution nationale indépendante chargée des droits de l'homme.

La Principauté de Monaco est convaincue que le respect du principe de subsidiarité, en application duquel les juges nationaux sont les premiers protecteurs des droits et libertés énoncés par la Convention, demeure un facteur essentiel d'efficacité du système de la convention. A ce titre, la formation continue des juges nationaux au droit conventionnel et la large diffusion de la jurisprudence de la Cour donnent des résultats tangibles, à en juger par le nombre d'affaires où sont invoquées et débattues des problématiques liées à la Convention européenne des droits de l'homme.

Il peut être affirmé avec force qu'à Monaco, le droit européen des droits de l'homme fait partie intégrante des règles appliquées quotidiennement par les juridictions.

Le dialogue avec la Cour a d'ailleurs connu des manifestations éclatantes à deux reprises avec la venue à Monaco, en 2009 et en 2013, du prédécesseur puis de l' actuel Président de la Cour. A ces occasions, des échanges fructueux ont pu être organisés avec les magistrats et les avocats de la Principauté.

Ces efforts semblent porter leurs fruits au regard du nombre insignifiant de condamnations de Monaco par la Cour malgré l'introduction, depuis 2005, d'une soixantaine de requêtes visant à faire constater des violations de la Convention.

Comme l'y encouragent avec force les actes de la Conférence de Bruxelles, la Principauté de Monaco entend poursuivre ses actions afin de concourir, aux côtés des autres Etats Parties et de tous les acteurs concernés, à la préservation et à la promotion des droits de l'homme en Europe.

Netherlands: Mr Onno Elderenbosch

Ambassador, Permanent Representative of the Kingdom of the Netherlands to the Council of Europe

Ladies and Gentlemen,

It is clear that we are not merely talking about the reform of the Court, but about the reform of the Convention mechanism at all levels, including action at national level, so as to reinforce the notion of "subsidiarity". Human rights should first and foremost be guaranteed and protected by national authorities, subject to the supervisory mechanism of the Convention. In that respect, we welcome the notion of a "shared responsibility". Part of that shared responsibility is the regular maintenance of the Convention mechanism as set up in 1950.

The Dutch Government remains strongly committed to the Convention system. The proper functioning of the mechanisms established under the European Convention on Human Rights remains essential for the "constitutional well-being" of Europe. We therefore welcome the fact that Belgium, as Chair of the Council of Europe, focuses on the implementation of the Convention at national level and on the supervision of the execution of Court judgments.

In this respect, I should emphasise the importance of the verification of the compatibility of draft laws with Convention standards. To guarantee a "human rights check" of Dutch laws, national instructions oblige the Dutch legislator to include a paragraph in the explanatory memorandum to draft laws explaining why the draft is deemed compatible with the requirements of international human rights standards. This has proven to be an essential tool to promote parliamentary debate on the issue. I should also mention the Government's annual report on international human rights proceedings, including the status of the execution of Strasbourg judgments, which is sent to Parliament and many other relevant actors.

As concerns the domestic judiciary, the declaration to be adopted at the end of the conference rightfully refers to the importance of training activities for judges and prosecutors. It may equally be interesting to note in this regard, that the Dutch judiciary applies the so-called "incorporation doctrine". This means that a provision of the Convention is interpreted in domestic proceedings as it has been interpreted by the Strasbourg Court, irrespective of whether this interpretation concerned a Dutch case or a case against another country. In addition, all Dutch courts have appointed co-ordinators for European law. They are responsible for keeping their colleagues informed about relevant developments in the case-law of both the Strasbourg and the Luxembourg Courts. This simple tool is very effective in guaranteeing human rights protection in domestic practice and it is in keeping with the idea of establishing "contact points" within the judiciary as expressed in the declaration.

The Netherlands welcomes the fact that the declaration gives political impetus to these aspects of the implementation of the Convention and we are convinced it will prove to be useful for the future work of the Council of Europe.

Thank you.

Norway: Mr Jøran Kallmyr

State Secretary, Norwegian Ministry of Justice and Public Security

Mr Chairman, Excellencies, Ladies and Gentlemen,

First of all, I would like to express my sincere thanks to the Belgian Chairmanship for organising this conference. Norway hopes that the declaration will give new energy to the reform process.

We can see that the European Court of Human Rights has attained great results in reducing the backlog, especially of inadmissible cases. But the number of well-founded cases, including repetitive cases, is still a huge challenge.

This challenge cannot be dealt with through technical and budgetary measures alone. First and foremost, improvements need to be made in the member States' implementation of the Convention and in the execution of the Court's judgments.

Therefore, it is time to ask ourselves what *we* as States can do to ensure human rights protection at home. In this way, we can solve human rights issues before they end up in a petition to the Court.

This is why Norway supports that the declaration underlines the member States' fundamental responsibility in securing human rights, and that it highlights concrete measures that the States can take.

Our responsibility has a strong link to the principle of subsidiarity and the States' margin of appreciation. We are pleased that these important features of the Convention system are highlighted in the declaration.

It is also important now to look at the next bottleneck: the supervision of the execution of judgments. The declaration contains important encouragements to the Committee of Ministers. Norway strongly supports that the length of the chairmanship of the Human Rights meetings and the frequency of the meetings should be considered. We also believe that supervision could be improved by holding special meetings for especially complex cases.

The declaration highlights the role of civil society and national human rights institutions. These are important catalysts for the implementation of human rights.

Finally, the resource situation of the Council of Europe bodies is a challenge. We would like to take this opportunity to encourage States Parties to contribute to the Court's special account and to the Human Rights Trust Fund. The Court has

informed us that they will need EUR 30 million over the next eight years to clear the whole backlog. I am pleased to announce that Norway will contribute EUR 350 000 towards this goal, and that we hope to increase this sum later this year. We are also preparing secondments to the Court and to the Department of Execution.

Thank you.

Poland: Mr Artur Nowak-Far

Undersecretary of State, Ministry of Foreign Affairs

Poland congratulates the Belgian Presidency on the excellent initiative to organise this high-level conference devoted to the national implementation of the Convention. The proposal put forward by Poland at the Ministerial Session in May 2013 to organise such a conference has materialised successfully under the chairmanship of Belgium.

The Brussels Declaration is an important step forward in the ongoing reform of the Convention control system. The European Court of Human Rights is now on the right track and is solving its backlog problems thanks to reforms initiated in recent years – starting with Protocol No. 14. The time has also come to address the problem of the Committee of Ministers' backlog.

Two lines of action should take priority:

Firstly, to improve domestic mechanisms of the execution of judgments;

Secondly, to increase the efficiency of the Committee of Ministers.

A. Improving domestic mechanisms of the execution of judgments

On the basis of its experience, Poland believes that there is a **need for established domestic mechanisms, specialised bodies and execution procedures**. In view of the growing productivity of the Court, ad hoc approaches are not sufficient. Poland recalls its proposal that the Council of Europe should facilitate access to information on good practices applied by member States in

respect of the national implementation of the Convention. Taking this opportunity, I would like to share with you some of the good practices developed by Poland.

In the first place, an **inter-ministerial Committee,** established by the Prime Minister, deals with the execution of the Court's judgments in respect of Poland. It includes all the stakeholders from the executive branch, but also representatives of parliament, the judiciary, the Ombudsman and many other authorities. It invites NGOs and legal professions to participate in its work. The Committee has a very **detailed, codified procedure** defining the respective stages of the execution process, including deadlines, competent ministers and their obligations. This procedure enters into force on 23 April 2015 prescribed by Ordinance of the Prime Minister.

The following five mechanisms have also proved effective in Poland:

1. The Council of Ministers adopts **annual reports on the state of execution** of the Court's judgments, which are submitted to Parliament.
2. The Polish **Parliament**, both the *Sejm* and the Senate**, monitors** the state of execution of judgments by the government and holds regular exchanges with representatives of the government. Moreover, in 2014 a specialised **parliamentary subcommittee dealing exclusively with the execution of the Court's judgments** was established in the *Sejm*. The chairman of this subcommittee is here with us today.
3. In 2014 a **mechanism for the translation of judgments** delivered by the Court in respect of other countries was established in co-operation with the Minister of Foreign Affairs, the Minister of Justice, the Constitutional Court and the Supreme Administrative Court. Judgments against Poland are also regularly translated by the Ministry of Justice.
4. The Polish National Council of the **Judiciary,** is also involved in the execution of judgments. Recently it has organised an exchange with representatives of the Court's Registry and the Department for the Execution of Judgments to identify priority actions in order to prevent repetitive cases and raise awareness among judges. A representative of the National Council of the Judiciary is also a member of the delegation of Poland to this conference.
5. The Ministry of Justice has started a new educational initiative called "**the map of violations**". On the basis of the breaches of the Convention found by the Court, the Ministry identifies problems that tend to occur most often and conducts targeted training for judges of the respective courts.

In just two recent years, the supervision of **635 Polish cases** was closed by the Committee of Ministers. The above-mentioned domestic mechanisms thus bear fruit. Also the support and advice provided by the Department for the Execution of Judgments has been instrumental in achieving these results.

The resources of the Department should be strengthened so that it can examine without delay all the action plans and action reports, and to develop the full potential of bilateral dialogue with States.

B. Increasing the efficiency of the Committee of Ministers

The backlog of the Committee of Ministers remains a challenge. Soon the Court will be devoting more attention to the backlog of the well-founded non-repetitive cases. Inevitably, this will even further increase both the number and the complexity of judgments coming under the supervision of the Committee of Ministers. Even if thanks to the hard work of the Secretariat, the Committee of Ministers has managed to increase its productivity, we have to quickly begin our reflection on how to **further streamline its working methods**.

The Brussels Declaration opens the process of reflection on the efficiency of the Human Rights meetings. The Department for the Execution of Judgments should be invited to submit new ideas and propose **new tools to ensure more rapid processing of the growing numbers of judgments.** The Court's categorisation policy could serve as a source of inspiration for developing new caseload management tools for the Committee of Ministers. There is a need for more effective approaches to the designation of the leading cases and to the grouping of cases. The formula for interim resolutions should be adjusted so that they serve as a more operational guidance for domestic authorities and courts. The Committee of Ministers should have tools allowing it to quickly identify and respond to situations of both delay and progress in the execution of judgments by States.

Portugal: M. Luís Filipe Castro Mendes

Ambassadeur, Représentant permanent du Portugal auprès du Conseil de l'Europe

Messieurs les Ministres, Excellences, chers collègues

Au nom du Gouvernement portugais, je voudrais remercier la présidence belge pour la tenue de cette conférence et pour le thème choisi. La responsabilité de tous dans la mise en œuvre de la Convention européenne des droits de l'homme est un principe fondamental que les autorités portugaises s'efforcent de suivre.

Dans ce contexte, permettez-moi de souligner les efforts visant à rendre notre législation interne conforme aux principes et aux valeurs inscrits dans la Convention, mission qui est accomplie notamment par la Commission des affaires constitutionnelles, des droits, des libertés et des garanties de l'Assemblée de la République. Des efforts sont également accomplis pour que les pratiques et les décisions administratives soient conformes aux principes de l'égalité, de l'impartialité, de l'obligation de motiver les décisions, de l'intérêt public et de la transparence qui sont inscrits dans la Code de procédure administrative applicable à l'ensemble des autorités et agents publics dans leurs rapports avec les citoyens.

Le système de la Convention a atteint aujourd'hui un point d'équilibre qui est le résultat d'une évolution permettant toujours mieux sauvegarder ses principes fondamentaux, notamment le droit de recours individuel devant la Cour. La déclaration de Bruxelles réfléchit bien, à notre avis, cet équilibre.

Fondé sur son caractère intergouvernemental et la volonté souveraine des Etats qui ont choisi de se conformer aux exigences de la Convention, le système de la Convention fonctionne grâce au respect des compétences de chacun de ses acteurs. La mise en œuvre de la Convention incombe en premier lieu aux Etats conformément au principe de subsidiarité.

Nous considérons comme fondamental le maintien de cette équilibre notamment à travers le respect par la Cour de la marge d`appréciation. A ce propos, il est important de mettre en exergue l'importance des juridictions internes et notamment les juridictions supérieures. Ce sont ces juridictions qui connaissent le mieux leur système national, le contexte social, économique, historique du pays, étant de ce fait mieux placées pour interpréter la législation nationale, voire pour adapter la Convention à chaque réalité locale.

Nous croyons que notre objectif dernier, notre responsabilité partagée, est celui de garantir le respect des droits de l'homme en Europe grâce à une vraie expérience au niveau national des droits garantis par la Convention. Aussi, les autorités portugaises font beaucoup d'efforts dans la promotion de la Convention et la diffusion des arrêts de la Cour au niveau national.

Dans ce contexte, le dialogue entre les juridictions est particulièrement important. La Cour est au service de tous les européens. Elle doit comprendre la réalité dans laquelle l'exercice de leurs droits s'insère. Il incombe aux tribunaux nationaux d'interpréter et d'appliquer le droit interne aux faits qu'ils considèrent établis. Sans préjudice du contrôle du respect des droits et des libertés inscrits dans la Convention, la Cour européenne des droits de l'homme doit respecter la marge d'appréciation dont les juridictions internes et en particulier les juridictions supérieures doivent disposer.

Le Portugal reconnaît et salue l'effort accompli par la Cour européenne des droits de l'homme dans la diminution du nombre des affaires pendantes. De notre côté, nous acceptons les propositions de règlement amiable pour les affaires dans lesquelles nous reconnaissons qu'il y a une responsabilité de l'Etat, conformément au principe du contradictoire.

J'aimerais féliciter le Service de l'exécution des arrêts pour l'efficacité et la simplification introduite ces dernières années grâce aux nouveaux méthodes de travail se traduisant par la mise en place des bilans et des plans d'action dont l'évaluation doit continuer à être menée d'après le principe selon lequel les autorités nationales sont les mieux placées pour choisir les moyens les plus adéquats pour la pleine exécution des arrêts et surtout pour le règlement des problèmes sous-jacents.

Le Comité des Ministres joue le rôle fondamental de veiller à l'exécution des arrêts. Dans le contexte intergouvernemental, il n'existe pas de meilleure solution. Le Comité des Ministres, composé exclusivement des 47 représentants des Etats parties à la Convention, est l'organe de dialogue entre les parties et le seul qui dans le cadre de la Convention peut et doit exercer une pression politique. Il est le garant de l'*ownership* du système par les Etats membres, condition *sine qua non* pour que ceux-ci se sentent véritablement liés par les valeurs de la Convention.

Romania: M. Bogdan Aurescu

Ministre des Affaires étrangères

Monsieur le Président, Madame la Présidente de l'Assemblée parlementaire, Monsieur le Secrétaire Général du Conseil de l'Europe, Monsieur le Président de la Cour européenne, Monsieur le Vice-Président de la Commission européenne, Monsieur le Commissaire aux droits de l'homme du Conseil de l'Europe, Vos Excellences, Mesdames et Messieurs,

La Roumanie tient à s'associer aux remerciements exprimés par les délégations qui l'ont précédée à l'endroit de la présidence belge du Comité des Ministres

Cette conférence, dédiée en essence à l'exécution des arrêts de la Cour, marque une étape utile dans le processus de réforme du système de la Convention, qui a débuté avec l'adoption du Protocole n° 14 et a continué avec les Déclarations d'Interlaken, İzmir et Brighton.

A l'évidence, la mise en œuvre des mesures de réforme adoptées auparavant constitue un indéniable progrès, qui doit être salué. D'un autre côté, même si les résultats obtenus jusqu'à présent sont très encourageants, nous, en tant que participants et bénéficiaires du système conventionnel, restons lucides sur la nécessité de continuer les efforts pour surmonter les défis actuels.

Dans ce contexte, nous saluons l'initiative de la présidence belge de dédier cette conférence à la mise en œuvre de la Convention au niveau national et, plus particulièrement, à l'exécution des arrêts de la Cour.

La Roumanie est consciente qu'il lui appartient, comme à tous les Etats Parties à la Convention, d'assurer la protection intégrale, au niveau national, des droits et libertés garantis par la Convention et ses Protocoles. Dans ce but, nous attachons une importance particulière au processus de l'exécution des arrêts de la Cour.

A cet égard, nous nous réjouissons d'avoir déjà mis en œuvre une partie importante des recommandations comprises dans le projet de Déclaration que cette conférence adoptera demain.

Ainsi, si la Déclaration encourage les organes du Conseil de l'Europe à améliorer leurs activités de coopération avec les Etats membres, la Roumanie en a tiré pleinement parti, notamment dans le cadre de l'exécution de l'arrêt pilote sur la restitution des propriétés. L'étroite collaboration tripartite – Secrétariat du

Conseil, Greffe de la Cour et autorités roumaines – fut d'ailleurs saluée lors de la rencontre entre le Premier Ministre roumain et le Secrétaire Général, comme témoignage de la préoccupation éprouvée par le Gouvernement roumain pour une exécution effective et prompte des arrêts de la Cour.

Outre la coopération avec le Conseil de l'Europe, nous estimons qu'un outil important pour l'exécution est constitué par une collaboration renforcée entre les autorités nationales concernées. A cette fin, nous avons créé des comités et groupes de travail interinstitutionnels pour l'exécution des arrêts soulevant des problèmes structurels ou complexes.

De même, la Déclaration soutient l'implication des parlements nationaux dans le processus d'exécution. Sur ce point, je souhaiterais mentionner l'implication dans ce domaine de la sous-commission parlementaire roumaine pour la surveillance de l'exécution des arrêts de la Cour, concrétisée en autres par la tenue de débats avec les autorités exécutives sur la mise en œuvre de certains arrêts. La présence du président de cette sous-commission à notre conférence en fait la preuve.

Toujours dans le cadre des bonnes pratiques dans cette matière, je voudrais souligner également la manière diligente avec laquelle les instances nationales appliquent directement la jurisprudence de la Cour. Pour aboutir à ce résultat, il convient d'évoquer l'activité de diffusion et la formation professionnelle que déploie le Conseil supérieur de la magistrature, dont le président nous fait l'honneur de participer à cette conférence.

L'application directe de la Convention par les autorités judiciaires et administratives, ainsi que les modifications législatives opérées ont déterminé la clôture de la surveillance de l'exécution dans un nombre important d'affaires de référence, situant la Roumanie dans les statistiques des dernières années sur une position qui nous encourage à y persévérer.

Enfin, je m'associe aux espérances que cette Déclaration contribuera au processus de réforme en cours pour assurer l'efficacité à long terme du système de la Convention.

Permettez-moi de conclure en vous racontant une histoire qui n'est pas de moi, et que j'ai lue dans un discours de François Mitterrand : au Moyen-Age, un étranger marchait sur une route, aux côtés de laquelle il voit des ouvriers qui mettent des pierres les unes sur les autres. Il s'arrête et demande aux maçons : « qu'est-ce que vous faites ? » – « Eh bien, vous voyez bien, on met des pierres les unes sur les autres ». Le voyageur poursuit sa marche, et quelque temps plus tard, il voit aux côtés de la route un autre groupe faisant la même chose. Il s'arrête et réitère sa question : « qu'est-ce que vous faites ? ». Et les ouvriers répondent :

« Nous ? Nous bâtissons une cathédrale ». C'est toute la différence. Et la Déclaration de demain sera une autre pierre dans la réforme du système conventionnel.

Je vous remercie de votre attention.

Russian Federation: Mr Georgy Matyushkin

Deputy Minister of Justice, Representative of the Russian Federation at the European Court of Human Rights

Ladies and Gentlemen,

It is a great honour and pleasure for me to be among you and participate in the conference, and I would like to warmly thank the Belgian Chairmanship for its excellent organisation.

In general, the Russian Government supports the measures set forth in the declaration that intended to improve the execution of the judgments of the European Court of Human Rights and the effectiveness of its supervision by the Committee of Ministers.

The Russian authorities make significant efforts to ensure the proper execution of Court judgments. Recognising the existing shortcomings in the country's legal and judicial system, they are taking the necessary steps to ensure that domestic remedies are available, adequate and effective in law and in practice. As positive practices, I would like to mention the work carried out by the government on the execution of the pilot judgment in the case of *Burdov (II) v. Russia*. Legal remedies introduced in connection with this case have been recognised by the Court as effective. The government continues the work on the execution of the pilot judgment in the case of *Ananyev and Others v. Russia*. Owing to the consistent policy which is being implemented by the Russian authorities, in the years 2010-2014, the number of convicted persons kept in institutions of confinement was reduced by 20.7% and, what is important, it did not cause an increase in crime rate.

At the same time, the expanding practice of the European Court often giving very detailed recommendations for the implementation of judgments (and not only "pilot" ones) inevitably raises the question of the Court exceeding its jurisdiction. We are convinced that, under Article 46 of the Convention, the methods and the order of the execution of judgments, in the first place, are within the competence of the States Parties to the Convention. The Court should not replace the States Parties and infinitely execute functions alien to judicial bodies.

The Russian Federation fully co-operates with the relevant Committee of Ministers bodies, and calls upon them to apply strictly the principles of subsidiarity and equal treatment of all Contracting Parties when supervising the execution of Court judgments.

The Russian Federation authorities constantly emphasise that they highly appreciate the Court's contribution to the protection of human rights and welcome the Court's obvious achievements in recent years, especially in the significant reduction of its backlog. In this connection, it would be appropriate to mention the 20 Russian lawyers seconded by the government to the Registry who, during the last four years, contributed a lot to reducing by more than 75% the backlog of applications lodged against Russia.

At the same time, the execution of Court judgments would be carried out more efficiently, if the Court's case-law were in full compliance with the criteria of clarity, predictability and consistency. In this connection, we also express our deep concerns with respect to the quality of judgments, some of which encroach upon the exclusive powers of the States Parties in the spheres of their internal and international relations. Execution problems encountered in certain cases are caused by the fact that, in the judgments in these cases, the Court departs from the existing system of international case-law which, in turn, could lead to the fragmentation of public international law. For the reasons mentioned above, some judgments of the Court are practically non-executable.

Thus, the problem of the full realisation of the principle of subsidiarity within the limits of the Court's jurisdiction *ratione materiae, ratione temporis* and *ratione loci* still remains actual.

In conclusion, I would like to assure the participants of the conference that the Russian Federation authorities are sincerely interested in the effective functioning of the European system for the protection of human rights and take all possible measures to positively contribute to its further development.

Finally, I would like to express once again our warm thanks to the Belgian Chairmanship for the successful organisation of this conference and for the cordial hospitality extended to us.

Thank you for your attention.

San Marino: Guido Bellatti Ceccoli

Ambassadeur, Représentant permanent de Saint-Marin auprès du Conseil de l'Europe

Monsieur le Président,

Merci de me donner l'opportunité d'intervenir lors de cette conférence, qui représente une contribution précieuse au processus continu et nécessaire d'évolution de notre système de protection des droits de l'homme et des libertés fondamentales.

Mon pays attache depuis toujours une grande importance au bon fonctionnement de la Cour. Une preuve en est la conférence qui s'est tenue à Saint-Marin en mars 2007, sous la présidence saint-marinaise du Comité des Ministres, qui a permis un débat fructueux en vue de l'entrée en vigueur du Protocole n° 14. A cette occasion, plusieurs idées ont été lancées et successivement développées au bénéfice de l'exécution de la Convention européenne des droits de l'homme.

Les défis sont toujours très importants et nous devons continuer à nous engager afin que tout le monde ait la possibilité de saisir la Cour de Strasbourg, pour que justice soit rendue.

Je voudrais aussi mentionner la visite à Saint-Marin du Président de la Cour européenne, M. Dean Spielmann, en mars 2014, qui a confirmé les excellentes relations de coopération entre la Cour de Strasbourg et les autorités nationales de Saint-Marin participant à l'exécution de ses décisions. En effet, grâce à ces décisions, le système juridique de Saint-Marin a été à plusieurs reprises réformé

conformément à la jurisprudence européenne. Ces réformes n'ont jamais été considérées comme une limitation de la souveraineté nationale, mais comme une possibilité de croissance de la loi et de la société saint-marinaise.

Nous remercions aujourd'hui la présidence belge, qui a réaffirmé efficacement l'engagement de notre Organisation en faveur des droits de l'homme, en regardant vers l'avenir avec courage, réalisme et le sens des responsabilités, dans le chemin tracé par les Conférences d'Interlaken, İzmir et Brighton.

Le projet de déclaration finale de cette conférence et son Plan d'action, qui ont le soutien de mon pays, sont le résultat d'un travail remarquable que la présidence belge a géré avec compétence et sensibilité politique, en tenant compte de la primauté des droits de l'homme et des différentes positions des Etats membres sur le sujet.

La République de Saint-Marin non seulement reconnaît l'importance des défis continus posés par le système de contrôle de la Convention européenne des droits de l'homme, mais elle estime également qu'il est nécessaire d'agir rapidement pour améliorer le système lui-même. Pour cette raison, Saint-Marin a été le premier Etat membre du Conseil de l'Europe à ratifier – le 16 février dernier – le Protocole n° 16 à la Convention européenne des droits de l'homme sur les avis consultatifs de la Cour.

En conclusion, Monsieur le Président, je voudrais remercier les autorités du pays hôte pour leur hospitalité et assurer tous les participants à cette conférence que mon pays continuera à coopérer pleinement afin que, dans le respect du principe de la responsabilité collective, la mise en œuvre des décisions de la Cour soit une réalité de plus en plus incontestable.

Merci, Monsieur le Président.

Serbia: Mr Nikola Selaković

Minister of Justice

Distinguished Participants,

Please allow me to express our appreciation and gratitude to the Belgian Presidency for all the efforts in the run up to the Brussels Conference.

The key issue for the implementation of the Convention is a good understanding and knowledge of the case-law of the Court that would enable all those who decide on rights and obligations to render their decisions in accordance with the Convention and standards set by the Court.

The Republic of Serbia has been implementing the Convention for ten years and progress has been seen, although these steps have not always been as tremendous as we wanted.

The possibility of the reopening of proceedings after a judgment by the European Court, decriminalisation of defamation and the effectiveness of constitutional appeal are some of those steps taken that bring us closer to the Convention and its full implementation.

Also, our courts, in particular the Constitutional and the Supreme Court of Cassation, more often refer to the case-law of the European Court.

The education provided for the trainees of the Judicial Academy includes education on the implementation of the Convention.

In the Republic of Serbia all judgments of the Court in respect to Serbia have been translated, and this year it is envisaged that the Judicial Academy will co-ordinate the translation of the most important judgments indicated by the Court in its 2014 Report.

The entry into force of Protocol No. 14 had significant impact on the Serbian repetitive cases before the Court. By using this new mechanism more than 1 200 cases in the specific cases related to the non-enforcement of final judgments have been resolved by friendly settlements. The Republic of Serbia in this way contributed to decreasing the number of these types of cases before the Court. In addition, the Constitutional Court has accepted the standards set by the European Court and therefore similar cases could be resolved in the future before the Constitutional Court. The backlog of repetitive cases in respect of Serbia was significantly decreased at the beginning of 2015 in comparison with the beginning of 2014.

However, it has to be noted that these repetitive cases as well as two pilot judgments of the Court have produced a great financial burden for the budget of the Republic of Serbia.

In the circumstances of the restrictive budgetary policy, it is difficult to achieve all the measures envisaged through the increase of allocations for those purposes.

On this occasion please let me inform you that the Republic of Serbia has been involved in the process of the ratification of Protocol No. 15 that would further enhance the implementation of the principle of subsidiarity and the margin of appreciation, while at the same time, have impact on the enhancement of the effectiveness of the Convention system.

The other side of the coin in implementing the Convention is the execution of the judgments of the European Court. Serbia supports the primary role played by national authorities and the margin of appreciation which they may enjoy, in the implementation of specific measures that should enable the execution of the Court's judgments.

Concerning the efficient domestic capacity for the rapid execution of the judgments of the European Court of Human Rights, it has to be taken into account that systemic complex problems require time to be resolved. Issues originating from systemic problems that have existed for years cannot be resolved by the declaration and invitation for rapid execution.

However, the Republic of Serbia has been taking great efforts in order to provide full execution of three pilot judgments adopted in respect of Serbia, as well as to undertake general measures that would impact the number of repetitive cases before the European Court.

Further improvements of the system of execution at national level, more transparency in drafting action plans, and ensuring the participation of all stakeholders in the execution of judgments could certainly provide better quality of the action plans and a more efficient execution of judgments.

Allow me to mention that also a more efficient execution of domestic final judgments will be tackled by the legislative amendments that have recently been drafted.

It should not been disregarded that the States Parties face different problems in executing certain judgments of the Court due to the scale, nature and cost of the problems. The specific circumstances and problems the States have been

facing in the process of execution have to be reflected through bilateral dialogue with the Department for Execution which could ultimately enable a targeted approach to execution.

I can only conclude that the Convention system of the protection and promotion of human rights is one of the cornerstones of European democracies. Further affirmation of the Convention system and its efficiency in all our States should be a goal included in the agenda of each government.

Thank you for your attention.

Slovak Republic: Ms Marica Pirošíková

Government Agent of the Slovak Republic before the European Court of Human Rights, Ministry of Justice

Dear Ministers, Excellencies, Ladies and Gentlemen,

I wish to express my sincere gratitude to the Belgian Government and the Council of Europe for organising this important conference. Slovakia concurs with the Belgian Chairmanship in underlining the extraordinary contribution of the Convention system to the protection and promotion of human rights in Europe.

For this reason we welcome the efforts of the Court concerning the implementation of Protocol No. 14 to the Convention and its positive impact on decreasing the backlog of manifestly inadmissible cases. However, we underline that the expeditiousness of the proceedings cannot be to the detriment of the more general principle of the proper administration of justice. Therefore we fully appreciate the intention of the Court to provide brief reasons for the inadmissibility of decisions by a single judge and we hope that this will be realised in the near future. The current practice of the Court is criticised by a large number of attorneys in the Slovak Republic who do not know which admissibility criteria were not fulfilled in the cases represented by them before the Court. The brief reasons for the Court's decisions indicating provisional measures and decisions by its panel of five judges on the refusal of referral requests are also of importance for our authorities.

Having taken into consideration the principle of subsidiarity, we stress that ensuring the application and effective implementation of the Convention is the primary responsibility of the States Parties. In this respect we wish to underline the importance of the awareness-raising and dissemination of the Court's case-law, the introduction of effective domestic remedies and proper execution of the Court's judgments.

In the Slovak Republic the domestic bodies are under the constitutional obligation to apply the Convention directly. If the Convention provides for a larger scope of constitutional rights and freedoms it has precedence over national legislation. For this reason it is necessary to ensure that domestic authorities firstly know and secondly respect the Court's case-law. The authority charged with the co-ordination of the execution of the Court's judgments is the government agent. In the scope of the execution of a specific judgment, the judgments are translated by its office into the Slovak language, distributed to the domestic bodies concerned and published in the journal for judicial practice titled, "The Judicial Revue", the publisher of which is the Ministry of Justice. This journal publishes the Slovak translations of all the judgments and selected admissibility decisions against the Slovak Republic, as well as the Slovak translations of selected judgments against other States significant from the point of view of the evolution of the Court's case-law.

Furthermore, the government agent drafts an activity report by the end of March each year, which the Minister of Justice then submits to the government. The report is subsequently published on the Ministry of Justice websites, which includes, among others, brief descriptions of judgments against the Slovak Republic delivered by the Court during the previous year. It also gives the government agent an opportunity to point out problematic issues highlighting shortcomings in terms of the respect for human rights at national level.

The government agent and co-agent in co-operation with the Judicial Academy and Slovak Bar Association regularly hold lectures at seminars for judges, senior court officers, prosecutors and attorneys about the Court's case-law and the Committee of Ministers' practise.

As of 1 January 2002 Slovakia introduced a constitutional remedy enabling individuals to complain to the Constitutional Court on the violation of their rights guaranteed under the Convention in proceedings before the domestic authorities. If it finds a violation of a person's rights or freedoms, it may, among other actions, quash the final decision, measure or act of the authority concerned, order to take the necessary action and grant appropriate financial compensation to this person. Due to the fact that the Court identified in the Constitutional Court's practice certain insufficiencies, the government agent

also has intensive contact with the Constitutional Court with a view to harmonising the case-law thereof with that of the Court. The positive result of such co-operation was obtained by harmonising the Constitutional Court's practise with that of the Court in many problematic domains, which was approved by the Committee of Ministers in the execution process.

The Slovak legal order provides for the possibility of civil, criminal and more recently constitutional proceedings being reopened where the Court concludes in a judgment that a previous court decision or proceedings were in breach of the fundamental human rights or freedoms of the party.

Thank you for your attention.

Slovenia: Mr Goran Klemenčič

Minister of Justice

Esteemed Ladies and Gentlemen,

I would like to begin by thanking the Belgian authorities for organising this important event and for placing the focus of this conference on the question of better implementation of the Convention and of improving the execution of judgments of the European Court of Human Rights. The two subjects are of paramount importance for ensuring the long-term effectiveness of the Convention system and strengthening the protection of human rights in States Parties.

We feel that Protocol No. 16 to the European Convention on Human Rights offers a good example and opportunity for reinforcing the implementation of the Convention at national level. Therefore, Slovenia will after San Marino be the second State to ratify it. We will deposit the instrument of ratification here at this conference. I would say in the right place at the right time, taking the objectives of this event into account. We hope that other ratifications will soon follow so that Protocol No. 16 can enter into force as soon as possible.

As for the execution of the judgments of the European Court of Human Rights, I would first like to stress that Slovenia holds deep respect for the Court's judgments. Therefore, we are currently making efforts and considering ways to improve our national institutional framework on the implementation of judgments.

When it comes to the execution of specific cases, it must however be pointed out that we, the States Parties, are sometimes faced with great challenges. For Slovenia, one of those challenges with regards to the scope of the case and the costs arising from the execution is the recent Kurić case of so-called "erased persons". Our government has approached the execution thereof with great responsibility and we have shown strong determination in fully implementing the judgment.

We know already that the road leading to the implementation of the case *Ališić v. Slovenia (*concerning the applicant's inability to recover "old" foreign-currency savings following the dissolution of the former Yugoslavia) will be extremely demanding and troublesome with regards to the financial burden imposed by the judgment and with regards to the legal and factual issues involved in the case. However, as for the Kurić case, we are committed to remedying the human rights violations, and extensive efforts are currently being deployed for finding appropriate solutions for setting up of the repayment scheme.

To conclude, I hope that our recent efforts in the area of implementation of judgments will continue to prove that Slovenia is committed to its obligations stemming from the European Convention on Human Rights.

Spain: Ms Áurea Roldán Martín

Subsecretary, Ministry of Justice

Mr Chairman, Excellencies, Distinguished Colleagues,

Let me start by thanking the Kingdom of Belgium for hosting this Conference in Brussels. It is a pleasure for me to have the opportunity to express once again the attachment of Spain to Human Rights and Fundamental Freedoms, and to the European Convention system as the most efficient instrument worldwide to ensure the respect for minimum human rights standards.

Almost 40 years have elapsed since Spain ratified the Convention. Its content was fully taken into account when we drafted our 1978 Constitution. The Court decisions have since then helped to shape crucial aspects of our legal order.

We have, therefore, a genuine interest to enhance the sustainability and efficiency of the Convention System.

We are going through times of change and only those institutions able to adapt to new social conditions through flexible reforms without losing the main features of their identity will prevail. This flexibility requires vision.

Citizens are demanding high standards of efficiency and transparency from all their democratic institutions and our governments should respond accordingly at all levels.

There seems to be consensus about the fact that the prevention of violations and the right response to them yield their best results when delivered as close as possible to the aggrieved citizen.

This subsidiarity of the international system especially manifests itself in the respect of the national margin of appreciation.

Spain regrets that the Action Plan of the Brussels Declaration does not include any reference to the margin of appreciation. A balanced respect of the margin of appreciation by the Court is, in our view, a key element to allow for the Court judgments to be executed speedily. In the absence of European consensus on a minimum standard, it is difficult to see how Court judgments could overrule laws passed by Parliaments or decisions adopted by High or Constitutional Courts, without making it difficult for the Committee of Ministers to uphold the execution of those judgments.

We also regret that the final Declaration does not include a reference to the need for an adequate representation of the different legal systems existing among the contracting parties to the Convention in the Registry of the Court, replicating Rule 24.2 of the Rules of court as to the Composition of the Grand Chamber. We believe that some problems in the execution phase arise from the lack of proper understanding of national legal traditions and institutions, and they can be avoided.

On the other hand the refusal to include a reference to the principle of transparency in the Registry's recruitment methods is hard to understand from the standpoint of this Delegation.

For these reasons, my Delegation is presenting a written Statement on the Brussels Declaration, that I will read at the end of my intervention and which will be distributed. I kindly request the Presidency and the Secretariat to include it in the minutes of the Conference.

Mr Chairman,

Spain is proud of being one of the 2 countries that over the past five years succeeded in keeping the number of allocated cases per capita under 0.17 per every 10 000 inhabitants.

In order to achieve this goal it was essential to ensure that all relevant judgments and decisions of the Court were reader-friendly and easily accessible, in particular to legal professionals.

Spain has made a considerable budgetary effort to translate into Spanish all judgments and decisions on the merits from 1959 until 2002, and all those referred to Spain ever since. Parliament, the General Council of the Judiciary and the Ministry of Justice have collaborated closely to grant access to the judgments and decisions of the Court to more than four hundred million citizens who have Spanish as their mother tongue. The Ministry of Justice maintains a webpage for this purpose.

The standards set by the Court are duly taken into account by the legal opinions on draft legislation issued by the Spanish General Council of the Judiciary and the Council of State. The Convention has had an enormous influence in the Spanish Constitutional Court jurisprudence in more than 500 leading judgments.

In any case, in such a sensitive matter as the protection of human rights is complacency and self-praise are out of place: the Ministry of Justice has promoted an ongoing debate in our Parliament and currently we have

submitted Draft Amendments to the Organic Law of the Judiciary, and to the Laws on Civil and Criminal Proceedings in order to enhance the execution of Court judgments.

Mr Chairman,

I now would like to stress the importance for the Conventional system of further improving synergies between the Court and the Department for the Execution of Judgments.

As regards the Court, it is our view that we should concentrate on further empowering the Registry. The Registry plays a crucial role in supporting the Judges' efforts to understand complex cases arising from different legal systems. The role of the Registry is also crucial in helping the Judges understand the conditions under which prompt execution of a potential judgment can be facilitated. It is our view that it would be vital to furnish the Registry with senior public legal professionals with a holistic knowledge of national legal systems and realities.

Finally, let me end by expressing my hope that this declaration will give the necessary impetus to a fruitful and open discussion between the States Parties and the Court with a view to improving the efficiency of the Convention System, which is what the European citizens demand.

Sweden: Ms Catharina Espmark

State Secretary to the Minister for Justice and Migration

Excellencies, Ladies and Gentlemen,

Let me start by thanking our Belgian hosts for their hospitality and for taking the initiative to organise this conference here in Brussels. Sweden supports the adoption of the draft declaration. We believe it leads us in the right direction ahead.

The European Convention on Human Rights is vital for human rights protection in Europe. The right to individual application to the European Court is, and will remain, a cornerstone for safeguarding this protection.

The Court should be applauded for managing to substantially decrease its backlog. As we all are aware, the situation was critical just a few years ago. This remarkable change has been possible only through the dedication and hard work by the Court and its professional Registry.

We all agree that member States have the primary responsibility to guarantee the protection of the rights and freedoms set forth in the Convention. In view of this, Sweden agrees that the time has come to further increase the focus on the implementation of the Convention and the Court's judgments in the member States. It is essential for the proper functioning of the Convention system that member States fully implement the Convention at national level.

This includes the full, effective and prompt execution of the Court's judgments. The Committee of Ministers has a key responsibility in securing such execution.

Sweden supports the approach taken at this conference, to focus on the work of the Committee of Ministers and the implementation of the Convention at national level. Introducing effective domestic remedies and assuring prompt execution of the Court's judgments is crucial, not least when it comes to solving the problem of repetitive cases.

Sweden therefore fully supports the tasks given to the Committee of Ministers to this effect in the Brussels Declaration. Likewise, we support the Declaration's encouragement to the Secretary-General, to the Commissioner on Human Rights and to the Parliamentary Assembly to address the execution of judgments in member States. We also support the idea of exploring possibilities to further enhance the efficiency of the Committee of Ministers Human Rights meetings.

Turning to the subject of national good practices, I would like to start by briefly mentioning the approach taken by the Swedish Supreme Court with regard to compensation for violation of the Convention. On the basis of developments in the case-law of the Swedish Supreme Court, Swedish law now provides a remedy in the form of compensation for damage in respect of any violation of the Convention.

In Sweden, claims for damages for alleged violations of the Convention may be submitted to the Chancellor of Justice, who may award compensation to the claimant. An applicant who has made a claim for damages before the Chancellor

of Justice may also lodge such a claim before the general courts, if he or she is not satisfied with the outcome. One can also turn directly to the general courts, without having first turned to the Chancellor of Justice.

The Swedish Supreme Court recently found that persons who have been tried twice for the same offence in breach of the *ne bis in idem* principle in some cases have a right, grounded on the Convention, to have the case re-opened. This has led the European Court of Human Rights to reject a number of applications for failure to exhaust domestic remedies.

This might be seen as an example of interaction between the highest national courts and the European Court of Human Rights.

Lastly, let me once more express Sweden's strong commitment to the European Convention on Human Rights and the European Court of Human Rights. We believe that it is our common duty to protect this unique system for the protection of human rights in Europe.

Switzerland: M. Martin Dumermuth

Directeur de l'Office fédéral de la Justice

Excellences, Mesdames et Messieurs

Introduction

Je souhaite tout d'abord remercier les autorités belges pour avoir organisé cette conférence. Quatre conférences à haut niveau en cinq ans, consacrées au même sujet – voilà la preuve qu'il s'agit d'un sujet qui tient à cœur dans l'Europe des 47, et un sujet qui a besoin de notre soutien dans la durée.

Rétrospective

De grands progrès ont déjà été réalisés durant les cinq ans écoulés. Sans vouloir minimiser les efforts entrepris par les autres principaux acteurs du système, il nous semble que jusqu'ici, c'est la Cour qui a le mieux assumé sa part de responsabilité. Elle a en effet mis en œuvre, dans une large mesure, les parties des Plans d'action qui la concernent, ainsi que les mesures introduites par le

Protocole n° 14. La formation du juge unique est un succès. A noter également les différentes mesures d'ordre procédural et organisationnel que la Cour a adopté et continue d'explorer « à droit constant ». S'agissant des réflexions en cours, nous pensons notamment à l'idée de créer un réseau avec les juridictions suprêmes, idée reprise dans le Plan d'action dans la partie A, point 1.b.

Défis

Remarque liminaire

Bien sûr, des défis subsistent – et c'est sur cela que le projet de Déclaration met l'accent, à juste titre, en laissant de côté des questions certes importantes, mais pas susceptibles de trouver un consensus politique.

Nombre élevé de requêtes

Un premier défi, c'est le nombre toujours très élevé de nouvelles requêtes. A l'instar des déclarations précédentes, la Déclaration de Bruxelles tient fermement au droit de recours individuel. Si on accepte cette prémisse, alors il faut aussi en accepter les conséquences, c'est-à-dire des dizaines de milliers de requêtes irrecevables par année. La Suisse salue l'intention de la Cour de motiver, de façon plus circonstanciée qu'aujourd'hui, ces décisions d'irrecevabilité. Non seulement une telle motivation va de pair avec les exigences d'un procès équitable, mais encore, rendue publique de façon appropriée, elle est également susceptible de décourager des requérants potentiels d'introduire des requêtes dénuées de chances de succès.

Requêtes répétitives

Autre défi majeur : le nombre des requêtes répétitives. Nous restons convaincus que, s'occuper de ce genre d'affaires, ne devrait pas être le rôle de la plus haute juridiction européenne en matière de droits de l'homme. De toute évidence, ici, ce sont avant tout les Etats membres qui sont appelés à assumer leur part de la responsabilité, et c'est à juste titre que le projet de Déclaration y consacre une attention particulière. [A.1.a, A.2.b, B.2.b]

Exécution des arrêts

Il en va de même du troisième défi, étroitement lié au précédent, à savoir l'exécution des arrêts en général. On ne peut que souscrire à l'appréciation de la Cour selon laquelle « le stade de l'exécution des arrêts a manifestement besoin d'être amélioré ». Le projet de Déclaration prévoit tout un éventail de mesures

auxquelles nous souscrivons sans réserves. Ce n'est probablement pas par hasard que la partie C du projet contient le nombre le plus élevé de mesures à envisager ou à adopter par les différents acteurs. Et, parmi ces acteurs, figure également, pour la première fois d'ailleurs, le Commissaire [C.3.e]. Nous saluons tout particulièrement cette mention. Il nous semble en effet qu'à plus long terme, on devrait réfléchir à la question de savoir si le Commissaire pourrait jouer un rôle plus actif dans le processus de l'exécution.

Observation finale

Permettez-moi, Mesdames et Messieurs, une observation finale.

Comparé à la situation de 2010, les choses semblent évoluer dans le bon sens. Somme toute, il semble que le système de contrôle actuel sera viable aussi pour les années à venir. C'est un constat réjouissant et rassurant. Il nous permettra peut-être de mener une réflexion, avec calme, sans pression ni préjugé, afin de déterminer si c'est bien ce système actuel qu'on choisirait dans l'hypothèse où l'on devrait construire, pour la première fois, un mécanisme de contrôle.

Je vous remercie de votre attention.

"The former Yugoslav Republic of Macedonia": Ms Biljana Brishkoska-Boshkovski

Deputy Minister of Justice

Mr Chair, Secretary General, Distinguished Ministers, Ladies and Gentlemen,

Let me start by expressing my gratitude to the Government of Belgium on the successful organisation of this High-Level Conference on the implementation of the European Convention on Human Rights. It is a timely follow-up to the Interlaken, İzmir and Brighton Conferences, which provides an excellent opportunity to jointly review the progress achieved in the implementation of our shared commitments contained in the declarations and action plans adopted there.

While welcoming the encouraging results achieved so far in the reform process, we consider that there is still much to be done to ensure the long-term efficiency of all pillars of the Convention system as a cornerstone of human rights protection and of democratic stability Europe-wide.

In this context, I expect this conference to be a strong incentive for future engagements and successful achievements in the reform process aimed particularly at reducing the backlog of cases before the European Court of Human Rights ("the Court"), but also, for rapid and efficient enforcement of Court decisions at national level.

The declaration and the action plan, which are expected to be adopted at this conference, are calling for specific measures which should be taken on several levels: national level, at the level of the Committee of Ministers and the European Court, in order to achieve the desired reform activities.

Ladies and Gentlemen,

I would like to take this opportunity to underline the importance of the principle of subsidiarity which remains crucial for the effective functioning of the Convention system. It is my strong belief that direct application of the Convention in the national legal systems and the related full, effective and prompt implementation of Court decisions, in line with their mandatory character pursuant to Article 46 of the Convention, constitute a cornerstone for the effectiveness of the Convention system. The margin of appreciation of the States Parties in their choice of the means of the execution of judgments is fully endorsed by the Republic of Macedonia. However, the measures selected must ensure effective and full application of Court judgments.

As regards the measures proposed in the action plan to be adopted, the Republic of Macedonia welcomes in particular the commitment to increase and intensify the dialogue between national courts and the European Court of Human Rights.

The Republic of Macedonia also expresses its support for the measures aimed at raising awareness about the Convention, an increased number of trainings for judges, prosecutors and lawyers, and the integration of information into relevant curricula and training programs.

As far as the supervision of judgments by the Committee of Ministers is concerned, the Republic of Macedonia welcomes a wide variety of measures foreseen in the action plan. I would like in particular to lend our support to the proposal for a two-year chairmanship of the Human Rights meetings of the

Committee of Ministers by highly qualified personalities with proven expertise in Convention matters. We trust that this would increase the efficiency of the Committee of Ministers in this area.

Ladies and Gentlemen,

The declaration, which is expected to be adopted at this conference, will serve as a powerful expression of our common political will and the strong commitment of States Parties to improving the functioning of this extraordinarily valuable mechanism of our organisation.

The responsibility is shared by the States Parties since we are its guardians and it is us who have the primary responsibility to ensure the application and effective implementation of the Convention and to safeguard the right to individual application.

Thank you for your attention.

Turkey: Mr Kenan Ipek

Minister of Justice

Honourable Minister of Justice of Belgium, Distinguished Colleagues and Distinguished Participants,

Strengthening human rights and the rule of law and ensuring implementation of the European Convention on Human Rights ("the Convention") are the shared responsibilities of the European Court of Human Rights ("the Court") and the Committee of Ministers as well as the member States. I would especially like to thank the Belgian Presidency for organising such an important conference in such a timely manner.

The European Court of Human Rights, for more than 50 years, has contributed significantly to the protection of human rights in Europe, setting up and developing standards, and has become an international court with which more than 800 million individuals living in Europe can lodge an application directly.

The Court, whilst guaranteeing the implementation of these rights, although resulting in a gradual decrease by the measures taken to reduce the number of applications, has had a huge workload.

In addition to the process that has been initiated in Interlaken, İzmir and Brighton with a view to reducing the workload, and ensuring the protection of human rights at national level, the current process that aims to ensure the execution of judgments shows the importance attached to the subject.

The "subsidiarity principle" which constitutes the basis of the Convention system, requires the States Parties, which bear the main responsibility, to implement the Convention and to execute the Court's judgments effectively at national level. The margin of appreciation that enables the States to choose the measures to ensure human rights and execute judgments constitutes a reflection of this principle. Thus, the Court recognises and refers to the margin of appreciation in its judgments.

Another prerequisite for the Convention to be implemented at national level and thus ensure the **effective** functioning of the subsidiarity principle is the execution of judgments rendered by the Court in an effective and timely manner and the prevention of possible violations on the same subject. It is indispensable that the Committee of Ministers, while supervising execution of the Court's judgments carries out this function within the framework as defined by the Convention, in an impartial manner, independent from any political consideration and on a purely legal basis and based on clear and consistent assessments. I would like to add at this point that the process on involving the Turkish Grand National Assembly in the execution of the Court's judgments in Turkey are underway.

Distinguished Participants,

As you know, Turkey being conscious of its responsibilities, has taken significant steps resulting in huge contributions within the process that was initiated with Interlaken.

First of all, with the amendment of Article 90 of our Constitution in 2004, we guaranteed that in case of a conflict in international agreements concerning fundamental rights and freedoms and our national laws, the provisions of international agreements shall prevail.

In 2011, the Human Rights Department was established within the Ministry of Justice. By the establishment of this department, preparation of the observations of the government for the cases before the Court and following up the execution process of the judgments thereof has become the responsibility of this unit.

On the other hand, as of 2012, the individual application process before the Constitutional Court has been introduced for dealing with allegations concerning the violation of fundamental rights.

As a result, there has been a 50% decrease in the number of applications lodged at the Court in the last 3 years. Similarly, the number of applications in one year has been reduced to 1 500 from approximately 8 000.

Another important step taken in improving domestic legal remedies (within the scope of the enforcement of the pilot judgment rendered in the Ümmühan Kaplan case) is the establishment of the Human Rights Compensation Commission. Since its establishment and recognition as an accessible legal remedy by the Court, the Commission has rendered **5 510** inadmissibility decisions until today.

In this context, the cases followed up under the title of Ormanci Group regarding "lengthy proceedings" have been removed from the agenda by the Committee of Ministers and the follow-up process has been terminated. This indicates the efficiency of the measures taken.

We are currently awaiting the result of our initiative to become a major contributor to the budget of the Council of Europe. This initiative, which demonstrates our commitment to the fundamental European values and standards, shall also contribute to the works underway to strengthen the activities of the Council of Europe.

Furthermore, as a result of our will to raise awareness of the Court's case-law and practices among the judges and prosecutors, and therefore, strengthen the standards on human rights and the rule of law, many Turkish judges and prosecutors have been seconded to the Court and to the Council of Europe or have attended traineeship programmes. Consequently, 700 Turkish judges and prosecutors have visited Strasbourg.

Another important step is the launch of the Turkish version of HUDOC jointly with the Court. Now Turkish legal practitioners are able to access the Court's case-law easily. This has rendered the knowledge regarding the Convention and the case-law more widespread, and consequently, has increased the capacity of compliance with the Convention.

Lastly, I would like to point out that the "Action Plan on Prevention of Violations of the European Convention on Human Rights" was adopted with the aim of increasing our country's standards with regard to human rights and preventing violation judgments to be held in respect of Turkey before the Court. Within this framework, a working group shall soon be established at expert level with the participation of the Council of Europe, the Court and Ministry of Justice officials.

Distinguished Participants,

The developments I have mentioned and, in particular, the individual application process to the Constitutional Court and the recognition of the Compensation Commission as an accessible remedy by the Court, confirm Turkey's commitment to the Convention and its determination to implement common European values and standards on human rights. Taking into account the opinions expressed at the Interlaken, İzmir and Brighton Conferences, as well as at the present conference, Turkey shall continue to fulfill its responsibilities in the future in the same way as it has until today.

In concluding my remarks, I would like to state that our government supports the Brussels Declaration and its implementation process. Finally I would also like to thank the Government of Belgium for their contributions in the preparation of the declaration and also for their hospitality.

Ukraine: Ms Nataliia Sevostianova

First Deputy Minister of Justice

Dear Ms Brasseur, Mr Jagland, Mr Spielmann, Mr Junker, Mr Muižnieks, Honourable Guests,

I am honoured to be present here and address a high-level conference on such an important matter as the reform of the European Court of Human Rights and the whole system of the Convention for the protection of human rights and fundamental freedoms.

Over the years the Court has manifested itself as one of the most successful instruments for the protection of human rights. Despite the ever-changing realities and new challenges the history of modern Europe presents, the Court still remains to be the ultimate tool by which the person's rights and freedoms will be protected.

The increasing number of applications to the Court prove its reputation is beyond doubt, however they call for further measures to be taken to make it cope with the burden put on it by governments and by those who seek higher justice.

On behalf of my government I assure you that we have high respect for the Convention and the Court and for the high human rights standards they profess. Today, as Ukraine is struggling to implement European standards despite all the obstacles which appear from unexpected directions, the standards of the Convention are used more and more as an ideal criterion of progress and development.

It is for this purpose that the Ministry of Justice puts emphasis on improving the execution of the Court's judgments and preventing violations of the Convention. Thus, for the last couple of months, we have developed a scheme for the execution of the pilot judgment of the Court in the case of "*Yuriy Mykolaiovych Ivanov v. Ukraine*". Ukraine would issue State bonds to cover the amount of the debt under previous judgments of the Court. And in order to enforce the national courts' judgments of the same category we've adopted the Law on Guarantees which establishes the programme according to which the State would cover the payments if the debtor, state authority or state enterprise, is unable to pay itself.

I admit it requires enormous efforts, however, we have seen big improvement. I am glad to observe that the national courts consult the Convention more and more andthe prosecutor's offices seek the advice of experts on the Convention more and more. Moreover, the whole reform of the justice system in Ukraine is largely based on the Court's case-law. The recent laws on judiciary, the public prosecutor's service and the enforcement of judgments depict the main conclusion of the Court in cases against Ukraine.

Today is an important day which would define the future of the Court. I thank all of you for all the co-operation up to date and wish us productive work here today and, what is more important, back home.

Finally, I would like to stress that despite almost a one year-long occupation of the Ukrainian territories and unprecedented human rights violations on these territories, the Convention standards remain to be our biggest priority, in which I assure you.

Thank you.

United Kingdom: Mr Paul McKell

Legal Counsellor, Foreign and Commonwealth Office

Dear Chairman,

The United Kingdom offers its congratulations to Belgium on its Chairmanship of the Council of Europe, and best wishes for this conference. One of the advantages of coming from a State which begins with a letter towards the end of the alphabet is that the United Kingdom delegation has had the opportunity to hear so many interesting contributions to this important debate. It has been my honour to do so. We look forward to working with the chair, and with all delegations of the Council of Europe, to further our many mutual interests, in the spirit of this unique institution

Thank you, Mr Chairman.

Other guests
Autres invités

Conférence des OING du Conseil de l'Europe: M^me^ Anna Rurka

Présidente

Mesdames, Messieurs,

Tout d'abord je remercie la présidence belge d'avoir donnée l'occasion à la Conférence des OING du Conseil de l'Europe d'apporter sa contribution à cette conférence.

La Conférence regroupe 320 OING dotées du statut participatif qui constituent des réseaux d'ONG présents dans les pays membres du Conseil de l'Europe. Il s'agit à la fois des OING centrées strictement sur l'application du système conventionnel des droits de l'homme que des OING réunissant diverses catégories professionnelles ou encore des OING agissant au nom d'une cause particulière.

Nous sommes unanimes pour dire que les droits de l'homme doivent être ancrés dans la vie quotidienne de la population à l'échelle locale, nationale et européenne. La non-application du système conventionnel à l'échelle nationale provoque la forte distorsion entre ce qui est prescrit et ce qui est vécu par la population.

Permettez-moi Mesdames et Messieurs, dans le temps qui m'est imparti, de mentionner quelques principes relatifs aux droits de l'homme qui nous paraissent essentiels et pour une partie non négociables.

Premièrement, au regard des violations graves des droits de l'homme qui menacent les droits civils, politiques, économiques, sociaux et culturels, la société civile en tant que lanceur d'alerte est un acteur de premier plan du respect des droits fondamentaux.

Deuxièmement, l'individu est placé au cœur de la protection par le moyen du droit de recours individuel qui est « le moteur » même du système de la protection européenne. Aussi la consolidation du système passe par le renforcement de l'accès à la Cour européenne de tout individu et de tout groupe d'individus qui allèguent la violation de droits garantis.

Aussi, tout ce qui risquerait de marginaliser progressivement le droit de recours individuel, comme par exemple certaines propositions visant à développer une « constitutionalisation » du rôle de la Cour, ne nous semblent pas recevables. La place de l'individu, son droit d'accès et son droit d'être entendu deviendraient accessoires et en voie d'extinction par rapport à des fonctions d'interprétation de type constitutionnel qui deviendraient alors prioritaires.

De même, toute nouvelle procédure qui viserait – directement ou indirectement – à limiter davantage les possibilités et voies d'accès de l'individu à la Cour ne seraient pas acceptables. D'autant plus que les raisons invoquées initialement pour cette « sélectivité » – notamment l'accumulation et le retard dans le traitement des requêtes – sont de moins en moins pertinentes, compte-tenu des progrès considérables réalisés de façon continue par la Cour.

Troisièmement, toute tentative de hiérarchisation des droits qui viserait à sélectionner des droits plus « fondamentaux » que d'autres et qui conduirait donc à une « sélection » des requêtes sur un tel critère, n'est pas concevable. Une telle initiative serait une atteinte au principe d'indivisibilité et d'interdépendance qui s'applique à tous les droits de l'homme. Elle disqualifierait un certain nombre de requêtes, en écartant du même coup un certain nombre de requérants.

Quatrièmement, l'indépendance manifestée par les juges a considérablement renforcé l'autorité de la Cour au sein du système européen mais a aussi assuré la haute considération dont elle jouit bien au-delà. C'est un acquis considérable qui doit être fermement sauvegardé.

Aussi, toute tentative ou projet de réforme qui conduirait à réduire l'indépendance des juges et l'autonomie de la Cour, comme par exemple le renforcement de l'intervention des Etats dans son fonctionnement interne, ne devrait pas être retenue. Si des « ajustements » ou améliorations peuvent s'avérer utiles et nécessaires, la Cour devrait conserver la maîtrise de son règlement intérieur sans interférences extérieures, notamment des Etats parties.

De même, la reconnaissance d'une certaine « marge d'appréciation » au bénéfice des Etats ne devrait pas priver la Cour de sa capacité d'interpréter librement ce principe et de décider en dernier ressort des limites de son application dans chaque cas.

Par ailleurs, nous encourageons et soutenons toute initiative qui viserait une meilleure exécution des arrêts de la Cour par les Etats parties. A cette fin, les soutiens que les Etats devraient apporter aux ONG qui accompagnent des requérants sur les territoires nationaux constituent pour nous un analyseur important de la jouissance des droits de l'homme par les groupes vulnérables. Ce qui est considéré par les groupes vulnérables comme faisant obstacle à l'accès à la justice, en raison de barrières culturelles, sociales, physiques ou financières doit être pris en considération par les autorités publiques.

C'est pour cette raison que l'articulation entre la Convention européenne des droits de l'homme et la Charte sociale européenne révisée nous semble très pertinente. Nombreuses sont les OING de la conférence qui travaillent pour encourager les Etats à ratifier le protocole relatif aux réclamations collectives. Ce mécanisme constitue un instrument de dialogue constructif et effectif entre la société civile organisée et les Etats de droit.

Je voudrais vous assurer que la Conférence des OING continuera à promouvoir activement cette approche complémentaire et cohérente qui doit permettre de dépasser les cloisonnements tant conceptuels qu'institutionnels ou encore fonctionnels afin d'assurer la mise en œuvre de l'ensemble des droits de l'homme.

Aussi, la Conférence des OING qui participe activement au Comité directeur pour les droits de l'homme et à son groupe de rédaction sur la réforme de la Cour, continuera à porter la plus grande attention aux évolutions et propositions formulées dans cette perspective, en étant vigilante sur la préservation des acquis et exigeante sur les aménagements nécessaires.

Comme expression de la société civile organisée, la Conférence des OING assumera sa part de la « responsabilité partagée ». En sachant bien évidemment, que la part de responsabilité assumée par la société civile ne remplacera pas celle que les Etats doivent honorer compte tenu des obligations qui leur incombent en vertu du droit national et international des droits de l'homme

Je vous remercie pour votre attention.

European Network of National Human Rights Institutions (ENNHRI): Mr Alan Miller

Chairman

On behalf of the ENNHRI I would like to thank the Belgian Chairmanship of the Council of Europe for the invitation and hospitality. I am very pleased that national human rights institutions (NHRIs) have been able to continue to participate in these high-level conferences since Interlaken.

I am even more pleased to witness the shift of emphasis of member States from scrutiny, sometimes disproportionate, of the workings of the Court and to focus increasingly on the national implementation of the Convention.

Yesterday I was struck by the comment from the First Vice-President of the European Commission that "the European Convention on Human Rights ('the Convention') is not a thing of the past but of the future".

I am sure that we all agree with that but it was worth emphasising.

This is not simply a technical or efficiency issue but is about preventing human rights violations. The future depends on what we all do in these times in which we live. The Convention is very much something for the present in facing today's challenges and preventing violations.

Such challenges include extremist violence and terrorism and how member States and all of us respond, including to Islamaphobia. They include forced migration from such humanitarian catastrophes as Syria and elsewhere in that region and how member States and all of us respond. They also include austerity and how member States and all of us respond.

The President of the Court stated yesterday that we all need to bring "shared responsibility" to life. I could not agree more.

It is not only the Court but how member States and all of us respond in implementing the Convention that will shape our future and how we will be judged by future generations.

It is for all of us to ensure through our actions today that the ECHR is a thing of the future.

Member States are of course the primary duty-bearers and have a solemn obligation to implement the Convention but it is also a shared responsibility for civil society and NHRIs.

The benefits of NHRI involvement in the Brussels Declaration Action Plan should be seized upon by all member States.

For example, NHRIs offer much expertise in human rights education and training which can be a valuable supplement to State efforts to promote the awareness and understanding of the Convention by legal professionals, state agents, members of parliaments, civil society organisations and the general public.

Through monitoring the human rights situation in their jurisdictions, investigations, review of legislation and policy and in liaison with civil society organisations NHRIs identify structural and systemic concerns which can impede the full implementation of the Convention.

Action plans for the execution of judgments may be drafted and implemented in consultation with NHRIs.

Active NHRI involvement in the supervision of the execution of judgments by the Committee of Ministers can enhance that process and help remedy violations.

To take advantage of all of these contributions I call upon member States to strengthen their existing NHRIs and to establish them where where they haven't already done so.

I welcome the commitment yesterday from the Belgian Chairmanship to establish an "A" status NHRI in Belgium.

In conclusion, on behalf of ENNHRI I assure you that we will continue to work together with all of you to make the Convention and the realisation of all human rights throughout Europe ever more effective in these challenging times.

Thank you.

Open Society Justice Initiative: Mr Christian De Vos

Advocacy Officer

Good morning, and thank you, Mr Chairman. My name is Christian De Vos and I am an advocacy officer with the Open Society Justice Initiative.

For those who may be unfamiliar with the Justice Initiative, we are a human rights law centre housed within the Open Society Foundations – a large philanthropic organisation with offices around the world. The Foundations has deep roots in Europe: begun in Hungary, it presently has offices, affiliated foundations, or staff, in 23 of the 47 member States of the Council of Europe. We are engaged in many of the important civil society initiatives in your countries relating to a broad range of issues.

As part of the Foundations, the Justice Initiative engages in litigation and legal advocacy around the world, including before the European Court of Human Rights and the Council of Europe. We thus have a specific interest in ensuring the full and expeditious execution of judgments but equally, as advocates promoting the rule of law, we have an interest in fostering well-functioning, independent courts as an essential element of open society.

The Justice Initiative welcomes the Brussels Declaration. Political affirmation for strengthening the Convention system – through its improved implementation at national level – is always to be welcomed.

That said, it is regrettable to see in the declaration the constant modifier "where appropriate" when describing the participation of national and international NGOs in the implementation process. As a vital stakeholder in the Convention system, we consider that the engagement of civil society is always appropriate; moreover, it is helpful. We monitor judgments; we cajole and complain; but, as was discussed at yesterday's NGO side event, we also quite often work with governments to assist in the implementation process.

Further, while we respect the intergovernmental nature of the Council of Europe, we believe that the Organisation could only benefit from greater transparency. Outside of Rule 9 communications, civil society has limited possibilities to engage with the Committee of Ministers. It would therefore be useful for the Committee to develop a system to more regularly consider civil society input, by, for example, affirmatively inviting relevant NGOs to provide information or to engage in an ongoing exchange of views. Civil society at the

international *and* national level possesses a great deal of valuable information that would enhance the Committee's debates, discussions, and decision-making.

We also welcome the declaration's call to the Committee of Ministers to use – and I quote – "in a graduated manner, all the tools at its disposal" in improving the execution of judgments. The declaration encourages the Committee to "continue" this practice but, in truth, there are far more tools at the Committee's disposal than the ones it currently employs. While the use of more frequent debates and interim resolutions represents some of the measures at its disposal, a greater variety of graduated measures should be identified, employed, and sequenced, so that the significance of these escalating measures is better understood. These consequences could include more rigorous forms of public scrutiny (including the resumed use of press releases), public hearings, *in situ* missions, use of proceedings under Article 46(4), and more frequent Committee of Ministers Human Rights (CM-DH) meetings. These tools should be clearly elucidated and put into practice as soon as possible.

Finally, speaking of implementation, we must also consider implementation of this declaration. While the Action Plan sets June 2016 as an initial date for member States in this regard, we regret that the declaration does not set out more specific measures that States and the Committee of Ministers should undertake. To that end, a joint NGO response to the declaration, released today, sets forth 10 specific action points. These include what kind of measures States should consider enacting to improve their judgment execution process, and what information they should provide to the Committee of Ministers in a year's time. Equally, the Committee should publicly report on what specific measures have been undertaken to enhance the transparency of its working methods, to increase the resources of the Department for the Execution of Judgments, and to follow up on judgments that concern systematic, systemic, widespread, or gross human rights violations.

Too often the lofty goals of ambitious declarations are forgotten once the ink has dried. But the Convention is Europe's legal compass, and the need to ensure a sustainable system – with an independent and effective Court – is not going away. Implementation is therefore the responsibility that all of us, civil society included, share.

STATEMENT ON THE BRUSSELS DECLARATION PRESENTED BY SPAIN

If you allow me, Mr Chairman,

Spain would kindly request all Delegations to the High-Level Conference to take note of the following unilateral statement:

"With respect to the interpretation of the European Convention on Human Rights and Fundamental Freedoms by the European Court of Human Rights, Spain understands that the principle of respect to the margin of appreciation of States, should be duly taken into account, notably with regard to those issues where the State Parties have not settled human rights minimum standards or where Constitutional, Supreme or High Courts have delivered judgments.

In respect of the selection and assignment of the members of the staff of the Registry of the European Court of Human Rights, and without detriment to the transparent application of the principle of equal opportunities, special consideration should be given to the need for properly reflect the different legal systems existing among the Contracting Parties."

Thank you for your attention.

Conclusions

Conclusions of the Conference / Conclusions de la Conférence

presented by the Belgian Chairmanship of the Committee of Ministers of the Council of Europe / présentées par la présidence belge du Comité des Ministres du Conseil de l'Europe

Avant de conclure notre conférence, je tiens à **remercier** tous les participants et l'ensemble des délégations pour leurs interventions substantielles et encourageantes.

Par l'adoption de la Déclaration de Bruxelles et la participation de chaque EtatEtat membre du Conseil de l'Europe, nous affirmons, aujourd'hui encore, notre **engagement profond et constant à l'égard de la Convention.** Nous réaffirmons aussi notre **attachement ferme au droit de recours individuel** devant la Cour, en tant que pierre angulaire du système de protection des droits et libertés énoncés dans la Convention.

Le système de la Convention joue, en effet, un rôle central dans le maintien de la **stabilité démocratique sur l'ensemble du continent européen** et je crois que nous devons nous en féliciter.

Afin d'assurer la plus grande efficacité possible de ce système, les **Conférences** d'Interlaken, d'İzmir et de Brighton avaient insisté sur la nécessité de mesures à court, moyen et long terme.

Notre déclaration identifie les défis auxquels la **Cour** continue de faire face ainsi que le **Comité des Ministres** dans le cadre de la surveillance de l'exécution des arrêts. Mais nous avons, surtout, **voulu que notre déclaration mette l'accent sur le principe de subsidiarité et la responsabilité première des Etats** dans la mise en œuvre effective de la Convention, que ce soit à titre préventif, dans l'exécution des arrêts prononcés par la Cour ou encore par notre action collective de surveillance de l'exécution des arrêts au sein du Comité des Ministres.

Durant les négociations, différentes propositions ont été faites en vue de rappeler **la marge d'appréciation dont jouissent les Etats parties.** Même si elles n'ont pas toutes été prises en considération, elles reflètent l'importance que différents Etats attachent à cette marge d'appréciation, en particulier quand des questions contemporaines sociétales complexes sont en jeu.

C'est une responsabilité partagée de la Cour, des Etats membres et du Comité des Ministres que nous avons voulu réaffirmer par notre déclaration, en identifiant des actions concrètes que chacun de ces acteurs peut entreprendre pour accroître, encore, l'efficacité du système de la Convention.

Permettez-moi de passer à l'anglais pour n'en citer que quelques exemples.

The conference underlines the importance of the Court's interactions with the national authorities as well as the importance of clear and consistent case-law. This is the reason why States Parties welcome the **Court's intention to provide brief reasons for inadmissibility decisions** as soon as possible, likely in Spring 2016. This would increase transparency, predictability and legal certainty and it would answer legitimate and current expectations of the citizens. The invitation to provide brief reasons for **decisions on refusal of referral requests** is less urgent, although we would like the Court to consider this option. The same is true for the **decisions indicating provisional measures.** Nevertheless, it results from the negotiations that it seems appropriate to further discuss this question with States Parties prior to initiating this process.

The declaration also encourages the **Committee of Ministers** to explore possibilities to further enhance the efficiency of its Human Rights meetings and to develop more synergies with the other Council of Europe stakeholders. I take this opportunity to welcome the very recent 8th Annual Report of the Committee of Ministers from which it resorts that, for the second time in a row, the number of judgments and decisions under the Committee of Ministers' supervision is diminishing and that there has been a record, this year, in the number of cases closed.

It was also important for us to call upon ourselves, the **States Parties,** to increase our efforts to improve the national implementation of the Convention, including trainings of all legal professionals on its requirements, to involve further national parliaments in the process of the execution of the judgments and to enhance the effectiveness of domestic remedies to address violations of the Convention.

The declaration also encourages the bodies of the Council of Europe to increase and improve their co-operation **activities and bilateral dialogue** with States Parties, and invites them to make full use of the said activities.

Furthermore, we wanted to underline through the declaration **the important role that civil society and National Human Rights Institutions can play** in the implementation of the Convention and the execution of the Court's judgments. In this regard, we would like to thank them for organising a side event on this subject yesterday.

In our common declaration, we also reaffirm the crucial importance of the **accession of the European Union to the Convention** and we welcome very much the encouraging statements made yesterday in this regard.

Je repasse à la langue française, si vous le voulez bien, pour conclure.

Nous sommes très heureux d'être finalement arrivés à un texte consensuel et ambitieux.

Le travail ne se termine, toutefois, pas ici. Pour que la Déclaration de Bruxelles soit suivie d'effets, nous y avons inclus un **programme de mise en œuvre.**

Je rappelle, à cet égard, que la déclaration invite le **Comité des Ministres** à décider, lors de la session ministérielle du 19 mai 2015, d'évaluer **la mise en œuvre de sa Recommandation** sur des moyens efficaces à mettre en œuvre au niveau interne pour l'exécution rapide des arrêts de la Cour pour procéder, le cas échéant, à sa mise à jour, à la lumière des bonnes pratiques dégagées.

La déclaration invite **également les Etats à adopter** d'éventuelles nouvelles mesures pour améliorer leur processus national d'exécution des arrêts, en vue notamment d'une coordination interne renforcée à un niveau approprié.

Dans les interventions des délégations, **nous avons déjà entendu de bonnes pratiques et de nombreux engagements pour l'adoption de mesures concrètes au niveau national.** Nous ne pouvons que nous en féliciter, en y voyant ici déjà une marque de succès.

Nous nous félicitons aussi de l'engagement du Secrétaire Général de renforcer la coopération offerte par le Conseil de l'Europe pour faciliter et améliorer l'exécution des arrêts.

Est maintenant arrivé le moment solennel de **l'adoption de la Déclaration de Bruxelles.** Y-a-t-il des oppositions ? Je n'en vois pas, la Déclaration est adoptée.

Notre Conférence prend, donc, fin.

Je voudrais encore **remercier** l'ensemble des délégations et des représentations permanentes, en particulier la nôtre, pour leurs approches constructives lors des négociations et leurs discours positifs durant ces deux jours. Je **remercie** également les agents du Conseil de l'Europe qui nous ont apporté une expertise et une aide technique d'une grande valeur, les interprètes ainsi que l'équipe logistique sans qui cette conférence n'aurait pu avoir lieu avec succès.

Brussels Declaration

27 March 2015

The High-Level Conference meeting in Brussels on 26 and 27 March 2015 at the initiative of the Belgian Chairmanship of the Committee of Ministers of the Council of Europe ("the Conference"):

Reaffirms the deep and abiding commitment of the States Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") and their strong attachment to the right of individual application to the European Court of Human Rights ("the Court") as a cornerstone of the system for protecting the rights and freedoms set forth in the Convention;

Acknowledges the extraordinary contribution of the Convention system to the protection and promotion of human rights in Europe since its establishment and reaffirms its central role in maintaining democratic stability across the Continent;

Recalls, in this respect, the interdependence between the Convention and the other activities of the Council of Europe in the field of human rights, the rule of law and democracy, the objective being to develop the common democratic and legal space founded on respect for human rights and fundamental freedoms;

Reaffirms the principles of the Interlaken, İzmir and Brighton Declarations and welcomes the very encouraging results achieved to date by the Council of Europe in the framework of the reform of the Convention system, through the implementation of these declarations;

Welcomes, in particular, the efforts of the Court as regards the swift implementation of Protocol No. 14 to the Convention, which entered into force on 1 June 2010, and that the backlog of manifestly inadmissible cases is expected to be cleared in 2015;

Welcomes, in the light of the positive results obtained, the new working methods of the Committee of Ministers for the supervision of the execution of the Court's judgments, which entered into force on 1 January 2011 and which inter alia strengthen the principle of subsidiarity;

Reiterates the subsidiary nature of the supervisory mechanism established by the Convention and in particular the primary role played by national authorities, namely governments, courts and parliaments, and their margin of appreciation in guaranteeing and protecting human rights at national level, while involving National Human Rights Institutions and civil society where appropriate;

Underlines the obligations of States Parties under Article 34 of the Convention not to hinder the exercise of the right to individual application, including by observing Rule 39 of the Rules of the Court regarding interim measures, and under Article 38 of the Convention to furnish all necessary facilities to the Court during the examination of the cases;

Underlines the importance of Article 46 of the Convention on the binding force of the Court's judgments, which stipulates that the States Parties undertake to abide by the final judgments of the Court in any case to which they are parties;

Stresses the importance of further promoting knowledge of and compliance with the Convention within all the institutions of the States Parties, including the courts and parliaments, pursuant to the principle of subsidiarity;

Recalls in this context that the execution of the Court's judgments may require the involvement of the judiciary and parliaments;

Whilst noting the progress achieved by States Parties with regard to the execution of judgments, emphasises the importance of the full, effective and prompt execution of judgments and of a strong political commitment by the States Parties in this respect, thus strengthening the credibility of the Court and the Convention system in general;

Is convinced that further to the improvements already carried out, emphasis must now be placed on the current challenges, in particular the repetitive applications resulting from the non-execution of Court judgments, the time taken by the Court to consider and decide upon potentially well-founded cases, the growing number of judgments under supervision by the Committee of Ministers and the difficulties of States Parties in executing certain judgments due to the scale, nature or cost of the problems raised. To this end, additional measures are necessary in order to:

i. continue to enable the Court to reduce the backlog of well-founded and repetitive cases and to rule on potentially well-founded new cases, particularly those concerning serious violations of human rights, within a reasonable time;

ii. ensure the full, effective and prompt execution of the judgments of the Court;

iii. guarantee full and effective supervision of execution of all judgments by the Committee of Ministers and develop, in co-operation with States Parties, bilateral dialogue and assistance by the Council of Europe in the execution process.

The Conference therefore:

(1) Reaffirms the strong attachment of the States Parties to the Convention to the right of individual application;

(2) Reiterates the firm determination of the States Parties to fulfil their primary obligation to ensure that the rights and freedoms set forth in the Convention and its protocols are fully secured at national level, in accordance with the principle of subsidiarity;

(3) Invites each stakeholder to ensure that the necessary means are available to fulfil its role in the implementation of the Convention, in conformity with the Convention providing for shared responsibility between the States Parties, the Court and the Committee of Ministers;

(4) Welcomes the work carried out by the Court in particular regarding the dissemination of its judgments and decisions, through its information notes, its practical guide on admissibility, as well as its case-law guides and thematic factsheets;

(5) Reaffirms the need to maintain the independence of the judges and to preserve the impartiality, quality and authority of the Court;

(6) Acknowledges the role of the Registry of the Court in maintaining the highest efficiency in the management of applications and in the implementation of the reform process;

(7) Invites the Court to remain vigilant in upholding the States Parties' margin of appreciation;

(8) Stresses the need to find, both at the level of the Court and in the framework of the execution of judgments, effective solutions for dealing with repetitive cases;

(9) Encourages in this regard States Parties to give priority to alternative procedures to litigation such as friendly settlements and unilateral declarations;

(10) Recalling Article 46 of the Convention, stresses that full, effective and prompt execution by the States Parties of final judgments of the Court is essential;

(11) Reiterates the importance of the Committee of Ministers respecting the States Parties' freedom to choose the means of full and effective execution of the Court's judgments;

(12) Calls for enhancing, at the level of both the Committee of Ministers and the States Parties, in accordance with the principle of subsidiarity, the effectiveness of the system of supervision of the execution of the Court's judgments;

(13) Encourages the bodies of the Council of Europe to increase and improve their activities of co-operation and bilateral dialogue with States Parties with regard to the implementation of the Convention, including by facilitating access to information on good practices, and invites States Parties to make full use of the said activities;

(14) Calls on the States Parties to sign and ratify Protocol No. 15 amending the Convention as soon as possible and to consider signing and ratifying Protocol No. 16;

(15) Reaffirms the importance of the accession of the European Union to the Convention and encourages the finalisation of the process at the earliest opportunity;

(16) Takes note of the work currently being carried out by the Steering Committee for Human Rights (CDDH), as a follow-up to the Brighton Declaration, on the reform of the Convention system and its long-term future, the results of which are foreseen in December 2015;

(17) Adopts the present Declaration in order to give political impetus to the current reform process to ensure the long-term effectiveness of the Convention system.

Action Plan

A. Interpretation and application of the Convention by the Court

1. Bearing in mind the jurisdiction of the Court to interpret and apply the Convention, the Conference underlines the importance of clear and consistent case-law as well as the Court's interactions with the national authorities and the Committee of Ministers, and in this regard:

a) encourages the Court to continue to develop its co-operation and exchange of information on a regular basis with the States Parties and the Committee of Ministers, especially as regards repetitive and pending applications;

b) welcomes the Court's dialogue with the highest national courts and the setting-up of a network facilitating information exchange on its judgments and decisions with national courts, and invites the Court to deepen this dialogue further;

c) welcomes the intention expressed by the Court to provide brief reasons for the inadmissibility decisions of a single judge, and invites it to do so as from January 2016;

d) invites the Court to consider providing brief reasons for its decisions indicating provisional measures and decisions by its panel of five judges on refusal of referral requests.

2. Recalling the remaining challenges, including the repetitive cases, the Conference underlines the importance of an efficient control of the observance of the engagements undertaken by States Parties under the Convention and, in this regard, supports:

a) further exploration and use of efficient case-management practices by the Court in particular its prioritisation categories for the examination of cases, according to, among other things, their level of importance and urgency, and its pilot-judgment procedure;

b) the continued consideration by the Court, in consultation with the Committee of Ministers and the States Parties, in particular through their government agents and legal experts, of the improvement of its functioning, including for appropriate handling of repetitive cases, while ensuring timely examination of well-founded, non-repetitive cases;

c) greater transparency on the state of the proceedings before the Court in order that the parties can have better knowledge of their procedural progress.

B. Implementation of the Convention at national level

The Conference recalls the primary responsibility of the States Parties to ensure the application and effective implementation of the Convention and, in this regard, reaffirms that the national authorities and, in particular, the courts are the first guardians of human rights ensuring the full, effective and direct application of the Convention – in the light of the Court's case law – in their national legal system, in accordance with the principle of subsidiarity.

The Conference calls upon the States Parties to:

1. Prior to and independently of the processing of cases by the Court:

a) ensure that potential applicants have access to information on the Convention and the Court, particularly about the scope and limits of the Convention's protection, the jurisdiction of the Court and the admissibility criteria;

b) increase efforts at national level to raise awareness among members of parliament and improve the training of judges, prosecutors, lawyers and national officials on the Convention and its implementation, including as regards the execution of judgments, by ensuring that it constitutes an integral part of their vocational and in-service training, where relevant, including by having recourse to the Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications;

c) promote, in this regard, study visits and traineeships at the Court for judges, lawyers and national officials in order to increase their knowledge of the Convention system;

d) take appropriate action to improve the verification of the compatibility of draft laws, existing laws and internal administrative practice with the Convention, in the light of the Court's case law;

e) ensure the effective implementation of the Convention at national level, take effective measures to prevent violations and to provide effective domestic remedies to address alleged violations of the Convention;

f) consider making voluntary contributions to the Human Rights Trust Fund and to the Court's special account to allow it to deal with the backlog of all well-founded cases, and continue to promote temporary secondments to the Registry of the Court;

g) consider the establishment of an independent National Human Rights Institution.

2. After the Court's judgments:

a) continue to increase their efforts to submit, within the stipulated deadlines, comprehensive action plans and reports, key tools in the dialogue between the Committee of Ministers and the States Parties, which can contribute also to enhanced dialogue with other stakeholders, such as the Court, national parliaments or National Human Rights Institutions;

b) in compliance with the domestic legal order, put in place in a timely manner effective remedies at domestic level to address violations of the Convention found by the Court;

c) develop and deploy sufficient resources at national level with a view to the full and effective execution of all judgments, and afford appropriate means and authority to the government agents or other officials responsible for co-ordinating the execution of judgments;

d) attach particular importance to ensuring full, effective and prompt follow-up to those judgments raising structural problems, which may furthermore prove relevant for other States Parties;

e) foster the exchange of information and best practices with other States Parties, particularly for the implementation of general measures;

f) promote accessibility to the Court's judgments, action plans and reports as well as to the Committee of Ministers' decisions and resolutions, by:

– developing their publication and dissemination to the stakeholders concerned (in particular, the executive, parliaments and courts, and also, where appropriate, National Human Rights Institutions and representatives of civil society), so as to involve them further in the judgment execution process;

– translating or summarising relevant documents, including significant judgments of the Court, as required;

g) within this framework, maintain and develop the financial resources that have made it possible for the Council of Europe, since 2010, to translate a large number of judgments into national languages;

h) in particular, encourage the involvement of national parliaments in the judgment execution process, where appropriate, for instance, by transmitting to them annual or thematic reports or by holding debates with the executive authorities on the implementation of certain judgments;

i) establish "contact points", wherever appropriate, for human rights matters within the relevant executive, judicial and legislative authorities, and create networks between them through meetings, information exchange, hearings or the transmission of annual or thematic reports or newsletters;

j) consider, in conformity with the principle of subsidiarity, the holding of regular debates at national level on the execution of judgments involving executive and judicial authorities as well as members of parliament and associating, where appropriate, representatives of National Human Rights Institutions and civil society.

C. Supervision of the execution of judgments

The Conference underlines the importance of the efficient supervision of the execution of judgments in order to ensure the long-term sustainability and credibility of the Convention system and, for this purpose:

1. Encourages the Committee of Ministers to:
   a) continue to use, in a graduated manner, all the tools at its disposal, including interim resolutions, and to consider the use, where necessary, of the procedures foreseen under Article 46 of the Convention, when the conditions have been satisfied;
   b) develop, in this context, the resources and tools available, including by adding appropriate political leverage to its technical support, in order to deal with the cases of non-execution;
   c) promote the development of enhanced synergies with the other Council of Europe stakeholders within the framework of their competencies – primarily the Court, the Parliamentary Assembly and the Commissioner for Human Rights;
   d) explore possibilities to further enhance the efficiency of its Human Rights meetings, including – but not limited to – the chairmanship as well as the length and frequency of meetings, while reaffirming the intergovernmental nature of the process;
   e) consider extending "Rule 9" of its Rules for the supervision of the execution of judgments and of the terms of friendly settlements to include written communications from international organisations or bodies identified for this purpose by the Committee of Ministers, while appropriately ensuring the governments' right of reply;
   f) encourage, as required, the presence in its Human Rights meetings of representatives of national authorities who have competence, authority and expertise in the subjects under discussion;
   g) consider thematic discussions on major issues relating to the execution of a number of judgments, so as to foster an exchange of good practices between States Parties facing similar difficulties;
   h) take greater account, where appropriate, of the work of other monitoring and advisory bodies;
   i) continue to increase transparency in the judgment execution process in order to promote further exchanges with all the parties involved;
   j) support an increase in the resources of the Department for the Execution of Judgments, in order to allow it to fulfil its primary role, including its advisory functions, and to ensure co-operation and bilateral dialogue with the States Parties, by providing for more

permanent personnel whose expertise would cover the national legal systems, as well as to encourage States Parties to consider the secondment of national judges or officials.

2. Encourages the Secretary General and, through him, the Department for the Execution of Judgments to:

a) facilitate availability of information, regularly updated, on the state of the execution of judgments by improving its IT tools, including its databases and, as the Court has done, produce thematic and country factsheets;

b) distribute a handbook to assist States Parties in the preparation of their action plans and reports;

c) continue the process of reflection on the recommendations of the External Audit;

d) enhance, when necessary, bilateral dialogue with States Parties, in particular by means of early assessment of action plans or action reports and through working meetings, involving all relevant national stakeholders, to promote, in full respect of the principle of subsidiarity, a common approach concerning judgments with regard to the measures required to secure compliance.

3. Also encourages:

a) all the relevant Council of Europe stakeholders to take into account to a larger extent issues relating to the execution of judgments in their programmes and co-operation activities and, to this end, to establish appropriate links with the Department for the Execution of Judgments;

b) all intergovernmental committees of the Council of Europe to take pertinent aspects of the Convention into consideration in their thematic work;

c) the Secretary General to evaluate the Council of Europe co-operation and assistance activities relating to the implementation of the Convention so as to move towards more targeted and institutionalised co-operation;

d) the Secretary General to continue, on a case-by-case basis, to use his/her authority in order to facilitate the execution of judgments raising complex and/or sensitive issues at the national level, including through the exercise of the powers entrusted to him/her under Article 52 of the Convention;

e) the Commissioner for Human Rights, in the exercise of his/her functions – and in particular inhis/her country visits – to continue to address with the States Parties, on a case-by-case basis, issues relating to the execution of judgments;

f) the Parliamentary Assembly of the Council of Europe to continue to produce reports on the execution of judgments, to organise awareness-raising activities for members of national parliaments on implementation of the Convention and to encourage national parliaments to follow in a regular and efficient manner the execution of judgments.

Implementation of the Action plan

In order to implement this Action Plan, the Conference:

(1) first and foremost calls on the States Parties, the Committee of Ministers, the Secretary General and the Court to give full effect to this plan;

(2) calls on the Committee of Ministers to decide, at the Ministerial Session on 19 May 2015, to take stock of the implementation of, and make an inventory of good practices relating to, Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights and, if appropriate, provide for updating the Recommendation in the light of practices developed by the States Parties;

(3) calls on the States Parties to adopt, in the light of this Action Plan, possible new measures to improve their judgment execution process and to provide the Committee of Ministers with information on this subject before the end of June 2016;

(4) encourage all States Parties to examine, together with the Department for the Execution of Judgments, all their pending cases, identify those that can be closed and the remaining major problems and, on the basis of this analysis, work towards progressively absorbing the backlog of pending cases;

(5) calls, in particular, on the Committee of Ministers and the States Parties to involve, where appropriate, civil society and National Human Rights Institutions in the implementation of the Action Plan;

(6) invites the Committee of Ministers to evaluate, while respecting the calendar set out in the Interlaken Declaration, the extent to which implementation of this Action Plan has improved the effectiveness of the Convention system. On the basis of this evaluation, the Committee of Ministers should decide, before the end of 2019, on whether more far-reaching changes are necessary;

(7) asks the Belgian Chairmanship to transmit this Declaration and the Proceedings of the Brussels Conference to the Committee of Ministers;

(8) invites the future Chairmanships of the Committee of Ministers to monitor implementation of this Action Plan.

Déclaration de Bruxelles

27 mars 2015

La Conférence de haut niveau, réunie à Bruxelles, les 26 et 27 mars 2015, à l'initiative de la présidence belge du Comité des Ministres du Conseil de l'Europe (« la Conférence ») :

Réaffirme l'attachement profond et constant des Etats parties à la Convention de sauvegarde des droits de l'homme et des libertés fondamentales (« la Convention ») et leur engagement fort à l'égard du droit de recours individuel devant la Cour européenne des droits de l'homme (« la Cour ») en tant que pierre angulaire du système de protection des droits et libertés énoncés dans la Convention ;

Reconnaît l'immense contribution du système de la Convention à la protection et au développement des droits de l'homme en Europe depuis sa mise en place et réaffirme son rôle central dans le maintien de la stabilité démocratique sur l'ensemble du continent ;

Rappelle, à cet égard, l'interdépendance entre la Convention et les autres activités du Conseil de l'Europe dans les domaines des droits de l'homme, de l'Etat de droit et de la démocratie, l'objectif étant de développer l'espace démocratique et juridique commun, fondé sur le respect des droits de l'homme et des libertés fondamentales ;

Réaffirme les principes des déclarations d'Interlaken, d'İzmir et de Brighton et se félicite des résultats très encourageants obtenus à ce jour par le Conseil de l'Europe dans le cadre de la réforme du système de la Convention, à travers la mise en œuvre de ces déclarations ;

Salue tout particulièrement les efforts de la Cour dans la mise en œuvre rapide du Protocole n° 14 à la Convention, entré en vigueur le 1er juin 2010, la résorption de l'arriéré des affaires manifestement irrecevables se dessinant à l'horizon 2015 ;

Salue au vu des résultats positifs obtenus, les nouvelles méthodes de travail du Comité des Ministres pour la surveillance de l'exécution des arrêts de la Cour, entrées en vigueur le 1er janvier 2011, qui renforcent notamment le principe de subsidiarité ;

Réitère la nature subsidiaire du mécanisme de contrôle institué par la Convention et, en particulier, le rôle premier joué par les autorités nationales, à savoir les gouvernements, les tribunaux et les parlements, et leur marge

d'appréciation dans la garantie et la protection des droits de l'homme au niveau national, en impliquant, le cas échéant, les institutions nationales des droits de l'homme et la société civile ;

Souligne les obligations des Etats parties en vertu de l'article 34 de la Convention de ne pas entraver l'exercice du droit de recours individuel, y compris en respectant l'article 39 du Règlement de la Cour concernant les mesures provisoires, ainsi qu'en vertu de l'article 38 de la Convention de fournir à la Cour toutes les facilités nécessaires durant l'examen des affaires ;

Souligne l'importance de l'article 46 de la Convention sur la force obligatoire des arrêts de la Cour, qui stipule que les Etats parties s'engagent à se conformer aux arrêts définitifs de la Cour dans les litiges auxquels ils sont parties ;

Insiste sur l'importance de promouvoir davantage, en application du principe de subsidiarité, la connaissance et le respect de la Convention au sein de toutes les institutions des Etats parties, y compris les juridictions et les parlements ;

Rappelle dans ce contexte que l'exécution des arrêts de la Cour peut nécessiter l'implication du pouvoir judiciaire et des parlements ;

Tout en relevant les progrès réalisés par les Etats parties dans l'exécution des arrêts, souligne l'importance d'une exécution pleine, effective et rapide des arrêts et d'un engagement politique fort des Etats parties à ce sujet, renforçant ainsi la crédibilité de la Cour ainsi que du système de la Convention en général ;

Convaincue que suite aux améliorations déjà réalisées, l'accent doit désormais être mis sur les défis actuels, notamment les requêtes répétitives résultant de la non-exécution d'arrêts de la Cour, le temps pris par la Cour pour examiner et statuer sur les affaires potentiellement bien fondées, le nombre croissant d'arrêts sous la surveillance du Comité des Ministres et les difficultés des Etats parties à exécuter certains arrêts, en raison de l'ampleur, de la nature ou du coût des problèmes soulevés. A cette fin, des mesures additionnelles sont nécessaires pour :

i. continuer à permettre à la Cour de réduire l'arriéré d'affaires bien fondées et répétitives et de statuer sur les nouvelles affaires potentiellement bien fondées, dans des délais raisonnables, en particulier quand il s'agit de violations graves des droits de l'homme ;
ii. assurer l'exécution pleine, effective et rapide des arrêts de la Cour ;
iii. veiller à une surveillance pleine et effective de l'exécution de tous les arrêts par le Comité des Ministres et développer, en coopération avec les Etats parties, le dialogue bilatéral et l'assistance du Conseil de l'Europe dans le processus d'exécution.

En conséquence, la Conférence :

(1) Réaffirme l'attachement ferme des Etats parties à la Convention au droit de recours individuel ;

(2) Réitère la détermination ferme des Etats parties à s'acquitter de l'obligation qui leur incombe au premier chef d'assurer la protection intégrale au niveau national des droits et libertés garantis par la Convention et ses protocoles, conformément au principe de subsidiarité ;

(3) Invite chaque acteur à dégager les moyens nécessaires pour assumer son rôle dans la mise en œuvre de la Convention, conformément à la responsabilité partagée, prévue par la Convention, entre les Etats parties, la Cour et le Comité des Ministres ;

(4) Salue le travail effectué par la Cour notamment dans la diffusion de ses arrêts et décisions, par le biais de ses notes d'information, ses fiches thématiques et ses guides pratiques sur la recevabilité et sur la jurisprudence ;

(5) Réaffirme la nécessité de maintenir l'indépendance des juges et de préserver l'impartialité, la qualité et l'autorité de la Cour ;

(6) Reconnaît le rôle du greffe de la Cour dans le maintien de la plus grande efficacité de la gestion des requêtes et dans la mise en œuvre du processus de réforme ;

(7) Invite la Cour à rester attentive à respecter la marge d'appréciation des Etats parties ;

(8) Souligne la nécessité de trouver, tant au niveau de la Cour que dans le cadre de l'exécution des arrêts, des solutions efficaces pour traiter les affaires répétitives ;

(9) Encourage, à cet égard, les Etats parties à donner la priorité aux solutions alternatives aux procédures contentieuses, telles que les règlements amiables et les déclarations unilatérales ;

(10) Rappelant l'article 46 de la Convention, souligne qu'une exécution pleine, effective et rapide par les Etats parties des arrêts définitifs de la Cour est essentielle ;

(11) Réitère l'importance du respect par le Comité des Ministres de la liberté des Etats parties de choisir les moyens d'une exécution pleine et effective des arrêts de la Cour ;

(12) Appelle à améliorer, au niveau du Comité des Ministres mais aussi des Etats parties, en vertu du principe de subsidiarité, l'efficacité du système de surveillance de l'exécution des arrêts de la Cour ;

(13) Encourage les organes du Conseil de l'Europe à accroître et améliorer leurs activités de coopération et de dialogue bilatéral avec les Etats parties en matière de mise en œuvre de la Convention, y compris en facilitant l'accès à l'information quant aux bonnes pratiques, et invite les Etats parties à tirer pleinement parti de ces activités ;

(14) Appelle tous les Etats parties à signer et ratifier dès que possible le Protocole n° 15 portant amendement à la Convention et à envisager de signer et ratifier le Protocole n° 16 ;

(15) Réaffirme l'importance de l'adhésion de l'Union européenne à la Convention et encourage l'achèvement de ce processus dans les meilleurs délais ;

(16) Prend note des travaux actuellement menés, dans le cadre du suivi de la déclaration de Brighton, par le Comité directeur pour les droits de l'homme (CDDH) sur la réforme du système de la Convention et son futur à long terme, dont les résultats sont attendus pour décembre 2015 ;

(17) Adopte la présente Déclaration afin de donner une impulsion politique au processus de réforme en cours pour assurer l'efficacité à long terme du système de la Convention.

Plan d'action

A. Interprétation et application de la Convention par la Cour

1. Gardant à l'esprit la compétence de la Cour pour interpréter et appliquer la Convention, la Conférence souligne l'importance d'une jurisprudence claire et cohérente ainsi que des interactions de la Cour avec les autorités nationales et le Comité des Ministres, et à cet égard :

a) encourage la Cour à continuer à développer sa coopération et son échange d'informations, sur une base régulière, avec les Etats Parties et le Comité des Ministres, notamment s'agissant des requêtes répétitives et pendantes ;
b) salue le dialogue de la Cour avec les plus hautes juridictions nationales et la mise en place d'un réseau ayant pour but de favoriser un échange d'informations sur ses arrêts et décisions avec les juridictions nationales, et invite la Cour à approfondir ce dialogue ;
c) salue l'intention exprimée par la Cour de motiver, de manière brève, ses décisions d'irrecevabilité de juge unique, et l'invite à le faire à partir de janvier 2016 ;

d) invite la Cour à envisager de motiver, de manière brève, ses décisions indiquant des mesures provisoires et les décisions de son collège de cinq juges rejetant des demandes en renvoi.

2. Rappelant les défis qui demeurent, y compris les affaires répétitives, la Conférence rappelle l'importance d'un contrôle efficace du respect par les Etats parties de leurs engagements résultant de la Convention et soutient à cet égard :

a) la poursuite de l'exploration et de l'utilisation par la Cour de pratiques de gestion efficace dont ses catégories de priorisation d'examen des affaires, en fonction notamment de leur importance et de leur urgence, et sa procédure d'arrêts pilotes ;
b) la poursuite par la Cour, en consultation avec le Comité des Ministres et les Etats parties, en particulier à travers leurs agents du gouvernement et experts juridiques, de l'examen des moyens d'améliorer son fonctionnement, y compris pour traiter de manière appropriée les affaires répétitives, tout en assurant un examen en temps utile des affaires non répétitives bien fondées ;
c) une plus grande transparence de l'état des procédures devant la Cour, afin que les parties puissent avoir une meilleure connaissance de leur état d'avancement au plan procédural.

B. Mise en œuvre de la Convention au niveau national

La Conférence rappelle la responsabilité première des Etats parties de garantir l'application et la mise en œuvre effective de la Convention et, à cet égard, réaffirme que les autorités nationales et, en particulier, les juridictions sont les premiers gardiens des droits de l'homme permettant une application pleine, effective et directe de la Convention – à la lumière de la jurisprudence de la Cour – dans leur ordre juridique interne, et ce, dans le respect du principe de subsidiarité.

La Conférence appelle les Etats parties à :

1. En amont et indépendamment du traitement des affaires par la Cour :

a) veiller à ce que les requérants potentiels aient accès à des informations sur la Convention et la Cour, en particulier sur la portée et les limites de la protection de la Convention, la compétence de la Cour et les critères de recevabilité ;
b) redoubler les efforts nationaux pour sensibiliser les parlementaires et pour accroître la formation des juges, procureurs, avocats et agents publics à la Convention et à sa mise en œuvre, en ce compris le volet exécution des arrêts, en veillant à ce qu'elle fasse, le cas échéant, partie intégrante de leur formation professionnelle et continue,

notamment par le recours au Programme européen de formation aux droits de l'homme pour les professionnels du droit (HELP) du Conseil de l'Europe ainsi qu'aux programmes de formation de la Cour et à ses publications ;

c) promouvoir, à cet égard, les visites d'études et les stages à la Cour pour des juges, des juristes et des agents publics afin d'accroître leur connaissance du système de la Convention ;

d) prendre les mesures appropriées pour améliorer la vérification de la compatibilité des projets de loi, des législations existantes et des pratiques administratives internes avec la Convention, à la lumière de la jurisprudence de la Cour ;

e) assurer l'application effective de la Convention au niveau national, prendre les mesures effectives pour prévenir les violations et mettre en place des recours nationaux effectifs pour répondre aux violations alléguées de la Convention ;

f) envisager d'apporter des contributions volontaires au Fonds fiduciaire pour les droits de l'homme et au compte spécial de la Cour pour lui permettre de traiter l'arriéré de toutes les affaires bien fondées, et continuer à promouvoir des détachements temporaires auprès du greffe de la Cour ;

g) envisager la création d'une Institution nationale indépendante des droits de l'homme.

2. En aval des arrêts de la Cour :

a) continuer à accentuer leurs efforts pour produire, dans les délais impartis, des plans et bilans d'action complets, instruments-clés du dialogue entre le Comité des Ministres et les Etats parties, qui peuvent également contribuer à un dialogue renforcé avec d'autres acteurs, tels que la Cour, les parlements nationaux ou les institutions nationales des droits de l'homme ;

b) en conformité avec l'ordre juridique interne, mettre en place en temps opportun des recours effectifs au niveau national pour réparer les violations de la Convention constatées par la Cour ;

c) développer et déployer les ressources suffisantes au niveau national en vue d'une exécution complète et effective de tous les arrêts, et donner les moyens et l'autorité appropriés aux agents du gouvernement ou autres agents publics chargés de la coordination de l'exécution des arrêts ;

d) accorder une importance particulière à un suivi complet, effectif et rapide des arrêts soulevant des problèmes structurels qui, par ailleurs, peut s'avérer pertinent pour d'autres Etats parties ;

e) privilégier l'échange d'informations et de bonnes pratiques avec d'autres Etats parties, en particulier pour la mise en œuvre des mesures générales ;

f) favoriser l'accès aux arrêts de la Cour, aux plans et bilans d'action ainsi qu'aux décisions et résolutions du Comité des Ministres :

– en développant leur publication et leur diffusion aux acteurs concernés (en particulier, l'exécutif, les parlements, les juridictions, mais aussi, le cas échéant, les institutions nationales des droits de l'homme et des représentants de la société civile), en vue de leur implication accrue dans le processus d'exécution des arrêts ;

– en traduisant ou résumant les documents pertinents, y compris les arrêts significatifs de la Cour, autant que de besoin ;

g) maintenir et développer, dans ce cadre, les ressources financières ayant permis au Conseil de l'Europe, depuis 2010, de traduire de nombreux arrêts dans les langues nationales ;

h) en particulier, encourager l'implication des parlements nationaux dans le processus d'exécution des arrêts, lorsque c'est approprié, par exemple, en leur transmettant des rapports annuels ou thématiques ou par la tenue de débats avec les autorités exécutives sur la mise en œuvre de certains arrêts ;

i) mettre sur pied, dans la mesure où cela est approprié, des « points de contact » droits de l'homme au sein des autorités exécutives, judiciaires et législatives concernées, et créer des réseaux entre eux par le biais de réunions, d'échanges d'informations, d'auditions ou par la transmission de rapports annuels ou thématiques ou encore de courriers périodiques d'information ;

j) envisager, en conformité avec le principe de subsidiarité, la tenue de débats réguliers au niveau national sur l'exécution des arrêts – impliquant les autorités exécutives et juridictionnelles ainsi que les membres des parlements et associant, lorsque c'est approprié, des représentants des institutions nationales des droits de l'homme et de la société civile.

C. Surveillance de l'exécution des arrêts

La Conférence rappelle l'importance d'une surveillance efficace de l'exécution des arrêts pour assurer, à long terme, la viabilité et la crédibilité du système de la Convention et à cet effet :

1. Encourage le Comité des Ministres à :

a) continuer à utiliser, de manière graduelle, l'arsenal des instruments à sa disposition, y compris les résolutions intérimaires, et à envisager d'utiliser, si nécessaire, les procédures prévues à l'article 46 de la Convention, lorsque les conditions sont réunies ;
b) développer, dans ce contexte, les moyens et outils à sa disposition, y compris en ajoutant au soutien technique un levier politique adéquat pour faire face aux cas de non-exécution ;
c) promouvoir le développement de synergies renforcées avec les autres acteurs du Conseil de l'Europe, dans le cadre de leurs compétences – principalement, la Cour, l'Assemblée parlementaire et le Commissaire aux droits de l'homme ;
d) explorer les possibilités d'accroître encore l'efficacité de ses réunions Droits de l'Homme, y compris – sans être exhaustif – la présidence ainsi que la durée et la fréquence des réunions, tout en réaffirmant la nature intergouvernementale du processus ;
e) envisager d'étendre la « Règle 9 » de son Règlement pour la surveillance de l'exécution des arrêts et des termes des règlements amiables, de manière à inclure les communications écrites des organisations ou instances internationales identifiées par le Comité des Ministres à cette fin, tout en veillant à assurer, de manière appropriée, le droit de réponse des Etats parties ;
f) favoriser, en tant que besoin, la présence à ses réunions Droits de l'Homme de représentants des autorités nationales bénéficiant d'une compétence, d'une autorité et d'une expertise sur les sujets débattus ;
g) envisager des discussions thématiques sur de grandes problématiques relatives à l'exécution de certains arrêts permettant ainsi de favoriser un échange de bonnes pratiques entre les Etats faisant face à des difficultés similaires ;
h) prendre davantage en compte, lorsque cela est approprié, des travaux d'autres organes de suivi et consultatifs ;
i) continuer à augmenter la transparence du processus d'exécution des arrêts pour encourager davantage d'échanges avec toutes les parties prenantes ;
j) soutenir une augmentation des ressources du Service de l'exécution des arrêts, afin de lui permettre de remplir son rôle premier, y compris ses fonctions de conseil, et d'assurer la coopération et le dialogue bilatéral avec les Etats parties, en prévoyant davantage de personnel permanent dont l'expertise couvre les systèmes juridiques nationaux, ainsi qu'en encourageant les Etats parties à envisager des détachements de juges ou de fonctionnaires nationaux.

2. Encourage le Secrétaire Général et, par son intermédiaire, le Service de l'exécution des arrêts à :

a) favoriser la disponibilité d'informations, mises à jour régulièrement, sur l'état d'exécution des arrêts en améliorant ses outils informatiques, y compris ses bases de données et, à l'instar de la Cour, élaborer des fiches thématiques et des fiches par pays ;
b) diffuser un manuel visant à guider les Etats parties dans la préparation de leurs plans et bilans d'action ;
c) poursuivre la réflexion sur les recommandations de l'Audit externe ;
d) intensifier, lorsque cela s'avère nécessaire, le dialogue bilatéral avec les Etats parties, en particulier par le biais d'évaluations précoces des plans ou bilans d'action et au moyen de réunions de travail associant tous les acteurs nationaux concernés pour favoriser, dans le plein respect du principe de la subsidiarité, une lecture commune des arrêts quant aux mesures requises pour s'y conformer.

3. Encourage également :

a) l'ensemble des acteurs pertinents du Conseil de l'Europe à prendre en compte dans une plus large mesure les problématiques relatives à l'exécution d'arrêts dans leurs programmes et activités de coopération et, à cette fin, à établir les liens appropriés avec le Service de l'exécution des arrêts ;
b) l'ensemble des comités intergouvernementaux du Conseil de l'Europe à prendre en compte les aspects pertinents de la Convention dans leur travail thématique ;
c) le Secrétaire Général à évaluer les activités de coopération et d'assistance du Conseil de l'Europe ayant trait à la mise en œuvre de la Convention, afin d'évoluer vers une coopération plus ciblée et institutionnalisée ;
d) le Secrétaire Général à continuer, au cas par cas, à user de son autorité pour faciliter l'exécution d'arrêts soulevant des questions complexes et/ou sensibles au niveau national, y compris en exerçant les pouvoirs que lui confère l'article 52 de la Convention ;
e) le Commissaire aux droits de l'homme dans l'exercice de ses fonctions – et en particulier lors de ses visites dans les pays – à continuer à aborder, au cas par cas, avec les Etats parties des problématiques relatives à l'exécution d'arrêts ;
f) l'Assemblée parlementaire du Conseil de l'Europe à continuer à produire des rapports sur l'exécution des arrêts, à organiser des activités de sensibilisation destinées aux parlementaires nationaux

sur la mise en œuvre de la Convention ainsi qu'à encourager les parlements nationaux à suivre de manière efficace et régulière l'exécution des arrêts.

Mise en œuvre du Plan d'action

Afin de mettre en œuvre ce Plan d'action, la Conférence :

(1) appelle, en priorité, les Etats parties, le Comité des Ministres, le Secrétaire Général et la Cour à donner plein effet à celui-ci ;

(2) appelle le Comité des Ministres à décider, lors de la session ministérielle du 19 mai 2015, de faire un bilan de la mise en œuvre, et un inventaire de bonnes pratiques relatives à la Recommandation CM/Rec(2008)2 sur des moyens efficaces à mettre en œuvre au niveau interne pour l'exécution rapide des arrêts de la Cour européenne des droits de l'homme et, le cas échéant, de procéder à sa mise à jour en tenant compte des pratiques développées par les Etats parties ;

(3) appelle les Etats parties à adopter, à la lumière du présent Plan d'action, d'éventuelles nouvelles mesures pour améliorer leur processus d'exécution des arrêts et à informer, à ce sujet, le Comité des Ministres d'ici la fin juin 2016 ;

(4) encourage toutes les Etats parties à examiner avec le Service de l'exécution des arrêts l'ensemble de leurs affaires pendantes, à identifier celles pouvant être clôturées et les problèmes majeurs subsistants et, sur la base de cette analyse, à œuvrer à résorber progressivement l'arriéré de leurs affaires en cours ;

(5) appelle, en particulier, le Comité des Ministres et les Etats parties à impliquer, le cas échéant, la société civile et les institutions nationales des droits de l'homme dans la mise en œuvre du Plan d'action ;

(6) invite le Comité des Ministres à évaluer, dans le respect du calendrier établi par la Déclaration d'Interlaken, dans quelle mesure la mise en œuvre du présent Plan d'action aura amélioré l'efficacité du système de la Convention. Sur la base de cette évaluation, le Comité des Ministres est appelé à se prononcer, avant fin 2019, sur la question de savoir si des changements plus fondamentaux s'avèrent nécessaires ;

(7) demande à la présidence belge de remettre la présente Déclaration et les Actes de la Conférence de Bruxelles au Comité des Ministres ;

(8) invite les présidences futures du Comité des Ministres à suivre la mise en œuvre du présent Plan d'action.

Appendix
Annexe

Participants

National delegations / Délégations nationales

Albania/Albanie
Head of delegation/Chef de délégation: Idlir Peçi, Deputy Minister of Justice
Ardiana Hobdari, Ambassador, Permanent Representative of Albania to the Council of Europe

Andorra/Andorre
Head of delegation/Chef de délégation: Joan Forner Rovira, Chargé d'affaires a.i., Représentant permanent adjoint d'Andorre auprès du Conseil de l'Europe

Armenia/Arménie
Head of delegation/Chef de délégation: Garen Nazarian, Deputy Minister, Ministry of Foreign Affairs
Arman Tatoyan, Deputy Minister of Justice, Deputy Government Agent, Ministry of Justice, Office of the Government's Agent before the European Court of Human Rights
Armen Papikyan, Ambassador, Permanent Representative of Armenia to the Council of Europe
Arman Khachatryan, Deputy Permanent Representative of Armenia to the Council of Europe

Austria/Autriche
Head of delegation/Chef de délégation: Helmut Tichy, Ambassador, Legal Adviser, Federal Ministry for Europe, Integration and Foreign Affairs
Brigitte Ohms, Deputy Government Agent before the European Court of Human Rights, Deputy Head of Department, Constitutional Service, Federal Chancellery
Ronald Faber, Head of Department for International Affairs and General Administrative Affairs, Constitutional Service, Federal Chancellery
Martin Reichard, Deputy to the Permanent Representative of Austria to the Council of Europe

Azerbaijan/Azerbaïdjan
Head of delegation/Chef de délégation: Adil Abilov, Acting Director General, Department of International Cooperation, Ministry of Justice

Belgium/Belgique
Head of delegation/Chef de délégation: Koen Geens, Ministre de la Justice
Alfons Vanheusden, Conseiller du Ministre
Jean-Paul Janssens, Président du Comité de direction, Justice
Daniel Flore, Directeur général, Justice
Marc Tysebaert, Conseiller général, Justice
Philippe Wéry, Chef de service, Justice
Isabelle Niedlispacher, Attachée, Justice
Chantal Gallant, Attachée, Justice
Stéphanie Grisard, Attachée, Justice
Dirk Van Eeckhout, Ambassadeur extraordinaire et plénipotentiaire, Représentant permanent de la Belgique auprès du Conseil de l'Europe
Marjan Janssens, Représentante permanente adjointe de la Belgique auprès du Conseil de l'Europe

Bosnia and Herzegovina/Bosnie-Herzégovine
Head of delegation/Chef de délégation: Bariša Čolak, Minister of Justice
Borislav Bojić, Member of Parliament and Chairman of Commission, Parliamentary Assembly of Bosnia and Herzegovina
Monika Mijić, Government Agent before the European Court of Human Rights, Office of the Government Agent
Gildzana Tanovic, Counsellor, Mission of Bosnia and Herzegovina to the European Union
Miroslav Porobija, Security officer, Directorate for Coordination of Police Bodies of Bosnia and Herzegovina

Bulgaria/Bulgarie
Head of delegation/Chef de délégation: Verginia Micheva-Ruseva, Deputy Minister of Justice
Krassimira Beshkova, Ambassador, Permanent Representative of Bulgaria to the Council of Europe
Dimana Dermendjieva-Dramova, Government Agent before the European Court of Human Rights, Ministry of Justice
Yordanka Parparova, Diplomatic Employee, Second Level, Human Rights Directorate, Ministry of Foreign Affairs

Croatia/Croatie

Head of delegation/Chef de délégation: Vesna Batistić Kos, Assistant Minister, Directorate General for Multilateral Affairs and Global Issues, Ministry of Foreign and European Affairs

Miroslav Papa, Ambassador, Permanent Representative of Croatia to the Council of Europe

Štefica Stažnik, Government Agent before the European Court of Human Rights

Matea Bašić, Legal Advisor to the Government Agent before the European Court of Human Rights

Cyprus/Chypre

Head of delegation/Chef de délégation: Stavros Hatziyiannis, Deputy Permanent Representative of Cyprus to the Council of Europe

Czech Republic/République tchèque

Head of delegation/Chef de délégation: Robert Pelikán, Minister of Justice

Tomáš Boček, Ambassador, Permanent Representative of the Czech Republic to the Council of Europe

Vít Alexander Schorm, Government Agent before the European Court of Human Rights/Chairman of the CDDH, Ministry of Justice

Petr Konůpka, Deputy Government Agent before the European Court of Human Rights, Ministry of Justice

Ota Hlinomaz, Legal Officer, Office of the Government Agent before the European Court of Human Rights, Ministry of Justice

Denmark/Danemark

Head of delegation/Chef de délégation: Arnold de Fine Skibsted, Ambassador, Permanent Representative of Denmark to the Council of Europe

Maken Tzeggai, Deputy Permanent Representative of Denmark to the Council of Europe

Maria Aviaja Sander Holm, Head of section, the Danish Ministry of Justice

Estonia/Estonie

Head of delegation/Chef de délégation: Annely Kolk, Undersecretary for Legal and Consular Affairs, Ministry of Foreign Affairs

Maris Kuurberg, Government Agent before the European Court of Human Rights, Ministry of Foreign Affairs

Finland/Finlande
Head of delegation/Chef de délégation: Päivi Kaukoranta, Director General for Legal Affairs, Ministry for Foreign Affairs
Asko Välimaa, Director General, Ministry of Justice
Arto Kosonen, Director, Government Agent before the European Court of Human Rights, Ministry for Foreign Affairs
Henna Kosonen, Deputy Permanent Representative of Finland to the Council of Europe

France
Head of delegation/Chef de délégation: Jocelyne Caballero, Ambassadrice, Représentante permanente de la France auprès du Conseil de l'Europe
Jean-Luc Sauron, Conseiller d'Etat, Délégué aux affaires européennes, Conseil d'Etat
Jean-Paul Jean, Président de chambre, Directeur du service de la documentation, des études et du rapport, Cour de Cassation
Géraud Sajust de Bergues de Escalup, Directeur adjoint des affaires juridiques, Direction des affaires juridiques, Ministère des affaires étrangères et du développement international
Catherine Bobko, Adjointe à la Représentante permanente de la France auprès du Conseil de l'Europe
Mathilde Janicot, Rédatrice, Direction des affaires juridiques, Ministère des affaires étrangères et du développement international

Georgia/Géorgie
Head of delegation/Chef de délégation: Thea Tsulukiani, Minister of Justice
Natalie Sabanadze, Ambassador, Embassy of Georgia, Belgium
Mariam Skhiladze, Acting Head of Press and Public Relations Department, Ministry of Justice

Germany/Allemagne
Head of delegation/Chef de délégation: Christian Lange, Parliamentary Secretary of State, Federal Ministry of Justice and Consumer Protection
Katja Behr, Government Agent before the European Court of Human Rights, Head of Unit Human Rights Law, Federal Ministry of Justice and Consumer Protection
Verena Wolf, Deputy to the Permanent Representative of Germany to the Council of Europe
Michael Häusler, Deputy Head of Mission, Embassy of Germany, Belgium

Sebastian Jeckel, Chef du service Justice et protection des consommateurs, Représentation Permanente de l'Allemagne auprès de l'Union européenne

Greece/Grèce

Head of delegation/Chef de délégation: Konstantinos Papaionnou, Secretary General of Transparency and Human Rights, Ministry of Justice, Transparency and Human Rights

Ourania Patsopoulou, Membre du Bureau de l'Agent du Gouvernement grec devant la Cour européenne des droits de l'homme, Représentation permanente de la Grèce auprès du Conseil de l'Europe

Hungary/Hongrie

Head of delegation/Chef de délégation: László Henrik Trócsányi, Ministre de la Justice

Adrienne Tóth-Ferenci, Adjointe au Représentant permanent de la Hongrie auprès du Conseil de l'Europe

Tivadar Révfy, Chef du Service Relations Internationales, Cabinet du Ministre, Ministère de la Justice

Zoltán Tallódi, Chef adjoint du Département des droits de l'homme, Ministère de la Justice

Iceland/Islande

Head of delegation/Chef de délégation: Ms María Rún Bjarnadóttir, Senior Legal Adviser, Ministry of the Interior

Ireland/Irlande

Head of delegation/Chef de délégation: Peter Gunning, Ambassador, Permanent Representative of Ireland to the Council of Europe

Francis Power, Deputy Permanent Representative of Ireland to the Council of Europe

Peter White, Government Agent before the European Court of Human Rights, Department of Foreign Affairs

Italy/Italie

Head of delegation/Chef de délégation: Manuel Jacoangeli, Ambassadeur, Représentant Permanent de l'Italie auprès du Conseil de l'Europe

Paolo Epifani, Chef a.i. du Secrétariat du Service pour les affaires juridiques, le contentieux et les traités, Ministère des affaires étrangères

Latvia/Lettonie
Head of delegation/Chef de délégation: Rolands Lappuke, Ambassador, Permanent Representative of Latvia to the Council of Europe
Martins Klive, Deputy Permanent Representative of Latvia to the Council of Europe

Liechtenstein
Head of delegation/Chef de délégation: Daniel Ospelt, Ambassador, Permanent Representative of Liechtenstein to the Council of Europe
Manuel Frick, Deputy Permanent Representative of Liechtenstein to the Council of Europe, Office for Foreign Affairs

Lithuania/Lituanie
Head of delegation/Chef de délégation: Julius Pagojus, Vice Minister, Ministry of Justice
Karolina Bubnytė, Government Agent before the European Court of Human Rights
Tomas Sikorskis, Counsellor, Permanent Representation of Lithuania to the European Union

Luxembourg
Head of delegation/Chef de délégation: Félix Braz, Ministre de la Justice
Brigitte Konz, Juge de Paix, Directrice, Ministère de la Justice
Anne Kayser, Représentante permanente adjointe du Luxembourg auprès du Conseil de l'Europe, Agent du gouvernement auprès de la Cour européenne des droits de l'homme
Viviane Loschetter, Député, Chambre des Députés
Laurent Thyes, Attaché de Gouvernement 1er en rang, Ministère de la Justice

Malta/Malte
Head of delegation/Chef de délégation: Peter Grech, Attorney General, Office of the Attorney General
Victoria Buttigieg, Assistant Attorney General, Office of the Attorney General

Republic of Moldova/République de Moldova
Head of delegation/Chef de délégation: Vladimir Grosu, Minister of Justice
Tatiana Parvu, Ambassador, Permanent Representative of the Republic of Moldova to the Council of Europe
Lilian Apostol, Government Agent before the European Court of Human Rights, Ministry of Justice

Monaco
Head of delegation/Chef de délégation: Philippe Narmino, Ministre plénipotentiaire, Président du Conseil d'Etat, Directeur des services judiciaires, Ministère de la Justice
Jean Laurent Ravera, Agent du Gouvernement près la Cour européenne des droits de l'homme, Ministère d'Etat, Direction des affaires juridiques
Antonella Sampo-Couma, Administrateur Principal, Ministère de la Justice, Direction des services judiciaires

Montenegro/Monténégro
Head of delegation/Chef de délégation: Ana Vukadinović, Ambassador, Permanent Represenative of Montenegro to the Council of Europe
Nikola Šaranović, First Secretary, Mission of Montenegro to the European Union
Zoran Pazin, Government Agent before the European Court of Human Rights

Netherlands/Pays-Bas
Head of delegation/Chef de délégation: Onno Elderenbosch, Ambassador, Permanent Representative of the Kingdom of the Netherlands to the Council of Europe
Selma de Groot, Deputy to the Permanent Representative of the Kingdom of the Netherlands to the Council of Europe
Martin Kuijer, Chairman of Drafting Group F on the reform of the Court (GT-GDR-F), Senior Legal Adviser Human Rights Law, Ministry of Security and Justice
Eleonore Van Rijssen, Legal Officer, Ministry of Foreign Affairs

Norway/Norvège
Head of delegation/Chef de délégation: Jøran Kallmyr, State Secretary, Norwegian Ministry of Justice and Public Security
Yngve Olsen Hvoslef, First Secretary, Permanent Representation of Norway to the Council of Europe
Morten Ruud, Chairman of the Committee of Experts on the reform of the Court (DH-GDR), Special Adviser, Norwegian Ministry of Justice and Public Security
Elin Widsteen, Senior Adviser, Norwegian Ministry of Foreign Affairs
Helle Aase Falkenberg, Adviser, Norwegian Ministry of Justice and Public Security

Poland/Pologne
Head of delegation/Chef de délégation: Artur Nowak-Far, Undersecretary of State, Ministry of Foreign Affairs
Marta Kaczmarska, Deputy to the Permanent Representative of Poland to the Council of Europe
Beata Bublewicz, Deputee, Sejm
Justyna Chrzanowska, Government Agent before the European Court of Human Rights, Ministry of Foreign Affairs
Agnieszka Dabrowiecka, Deputy Director, Ministry of Justice
Sławomir Pałka, Member, National Council of the Judiciary of Poland

Portugal
Head of delegation/Chef de délégation: Luís Filipe Castro Mendes, Ambassadeur, Représentant Permanent du Portugal auprès du Conseil de l'Europe
Maria de Fátima Carvalho, Procureure générale adjointe, Agent du Gouvernement portugais auprès de la Cour européenne des droits de l'homme

Romania/Roumanie
Head of delegation/Chef de délégation: Bogdan Aurescu, Minister of Foreign Affairs
Stefan Tinca, Ambassador, Embassy of Romania, Belgium
Adina Badescu, Second Secretary, Embassy of Romania, Belgium
Badea Marius, Tudose, President, Superior Council of Magistracy
Daniel Florea, Head of Subcommittee for Human Rights, Chamber of Deputies
Denisa Popdan, Adviser to the Head of Subcommittee for Human Rights, Chamber of Deputies
Dragos Dumitrache, Deputy to the Permanent Representative of Romania to the Council of Europe
Flavian Alexandru Popa, Head of Division, Superior Council of Magistracy

Russian Federation/Fédération de Russie
Head of delegation/Chef de délégation: Georgy Matyushkin, Deputy Minister of Justice, Representative of the Russian Federation at the European Court of Human Rights
Grigory Lukiyantsev, Deputy Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs
Nikolay Mikhaylov, Deputy Head, Office of the Representative of the Russian Federation at the European Court of Human Rights
Maria Molodtsova, Councellor, Permanent Representation of the Russian Federation to the Council of Europe

San Marino/Saint-Marin

Head of delegation/Chef de délégation: Pasquale Valentini, Ministre des affaires étrangères et politiques, Département des affaires étrangères

Guido Bellatti Ceccoli, Ambassadeur, Représentant permanent de Saint-Marin auprès du Conseil de l'Europe

Serbia /Serbie

Head of delegation/Chef de délégation: Nikola Selaković, Minister of Justice

Vesna Arsic, Ambassador, Embassy of the Republic of Serbia, Belgium

Andon Sapundzi, Minister counsellor, Embassy of the Republic of Serbia, Belgium

Vanja Rodic, Government Agent before the European Court of Human Rights, State Attorney Office

Aleksandra Boskovic, Counselor, Mission of the Republic of Serbia to the European Union

Slovak Republic /République slovaque

Head of delegation/Chef de délégation: Marica Pirošíková, Government Agent of before the European Court of Human Rights, Ministry of Justice

Juraj Kubla, Deputy Ambassador, Embassy of the Slovak Republic to Belgium and Luxembourg

Slovenia/Slovénie

Head of delegation/Chef de délégation: Goran Klemenčič, Minister of Justice

Irena Vogrinčič, Senior Advisor, Ministry of Justice

Katja Rejec Longar, Head of Unit for International Cooperation and European Union Law, Ministry of Justice

Helmut Hartman, Legal Advisor, Permanent Representation of Slovenia to the Council of Europe

Spain/Espagne

Head of delegation/Chef de délégation: Áurea Roldán Martín, Subsecretary, Ministry of Justice

Luis Javier Gil Catalina, Ambassadeur, Représentant Permanent de l'Espagne auprès du Conseil de l'Europe

Rafael Andrés León Cavero, Government Agent before the European Court of Human Rights, Senior State Attorney, Head of the Human Rights Department, Ministry of Justice

Sweden/Suède
Head of delegation/Chef de délégation: Catharina Espmark, State Secretary to the Minister for Justice and Migration, Ministry of Justice
Anders Rönquist, Director General of Legal Affairs, Ministry for Foreign Affairs
Charlotte Hellner Kirstein, Senior Legal Adviser, Ministry for Foreign Affairs
Daniel Wallander, Legal adviser, Ministry of Justice
Erik Karlsson Björk, Deputy to the Permanent Representative of Sweden to the Council of Europe

Switzerland/Suisse
Head of delegation/Chef de délégation: Martin Dumermuth, Directeur de l'Office fédéral de la Justice, Département fédéral de Justice et Police
Markus Börlin, Ambassadeur, Représentant permanent de la Suisse auprès du Conseil de l'Europe
Frank Schürmann, Agent du Gouvernement auprès de la Cour européenne des droits de l'homme, Office fédéral de la Justice

"The Former Yugoslav Republic of Macedonia"/« l'ex-République yougoslave de Macédoine »
Head of delegation/Chef de délégation: Biljana Brishkoska-Boshkovski, Deputy Minister of Justice
Petar Pop-Arsov, Ambassador, Permanent Representative of the "The former Yugoslav Republic of Macedonia" to the Council of Europe
Kostadin Bogdanov, Government Agent before the European Court of Human Rights

Turkey/Turquie
Head of delegation/Chef de délégation: Kenan Ipek, Minister of Justice
Hakan Olcay, Ambassador, Turkish Embassy, Belgium
Erdoğan İşcan, Ambassador, Permanent Representative of Turkey to the Council of Europe
Metin Yandirmaz, Deputy President, Head of Third Chamber, High Council of Judges and Prosecutors
Yücel Arslan, Judge Rapporteur, Ministry of Justice
Melike Yilmaz, Deputy to the Permanent Representative of Turkey to the Council of Europe
Harun Mert, General Director, Ministry of Justice
Haci Ali Acikgul, Head of Department, Ministry of Justice
Ayse Bilge Arslan, Counsellor, Turkish Embassy, Belgium
Gonec Inal, Interpreter, Ministry of Justice
Nimet Mediha Isitman, Interpreter, Ministry of Justice

Ukraine

Head of delegation/Chef de délégation: Nataliia Sevostianova, First Deputy Minister of Justice
Sergiy Kyslytsya, Deputy Minister, Ministry of Foreign Affairs

United Kingdom/Royaume Uni
Head of delegation/Chef de délégation: Paul McKell, Legal Counsellor, Foreign and Commonwealth Office
Ms Laura Dauban, Deputy Permanent Representative of United Kingdom to the Council of Europe

Observers States to the Council of Europe/Etats observateurs auprès du Conseil de l'Europe

Holy See/Saint-Siège

Head of delegation/Chef de délégation: Ignazio Ceffalia, Observateur permanent adjoint du Saint-Siège auprès du Conseil de l'Europe

Canada

Head of delegation/Chef de délégation: Alan Bowman, Permanent Observer of Canada to the Council of Europe, Mission of Canada to the European Union
Jarrett Reckseidler, Deputy Permanent Observer of Canada to the Council of Europe, Mission of Canada to the European Union

Japan/Japon

Head of delegation/Chef de délégation: Susumu Hasegawa, Ambassador, Permanent Observer of Japan to the Council of Europe
Takaaki Shintaku, Consul, Consulate General of Japan

Mexico/Mexique

Head of delegation/Chef de délégation: Santiago Oñate Laborde, Observateur permanent du Mexique auprès du Conseil de l'Europe
Leticia Bonifaz Alfonzo, Director General of Studies, Promotion and Development of Human Rights, Supreme Court of Justice of the Nation
Angélica De la Peña Gómez, President of the Human Rights Commission, Senate of Mexico

International Organisations/Organisations internationales

European Commission/Commission européenne
Frans Timmermans, First Vice-President

Court of Justice of the European Union/Cour de justice de l'Union européenne
Koen Lenaerts, Vice-Président

European Union Agency for Fundamental Rights /Agence des droits fondamentaux de l'Union européenne
Frauke Lisa Seidensticker, Chair of the Management Board

European Union Delegation to the Council of Europe/Délégation de l'Union européenne auprès du Conseil de l'Europe
Head of delegation/Chef de délégation: Jari Vilen, Ambassador, Head of the European Union Delegation to the Council of Europe
Giulia Lucchese, Legal Affairs Advisor

National Human Rights Institutions/Institutions nationales des droits de l'homme

European Network of National Human Rights Institutions/Réseau européen des institutions nationales des droits de l'homme
Head of delegation/Chef de délégation: Alan Miller, Chair
Debbie (Eva) Kohner, Secretary General

Commission nationale consultative des droits de l'homme
Christine Lazerges, Présidente
Noémie Bienvenu, Conseillère affaires européennes et internationales

Non-Governmental Organisations/Organisations non gouvernementales

AIRE Centre
Nuala Mole, Founder and Senior Lawyer

Amnesty International
Eva Berghmans, Policy Officer, Amnesty International Vlaanderen
Montserrat Carreras, en charge du plaidoyer
Sebastian Rietz, Executive Officer on the Council of Europe

European Human Rights Advocacy Centre
Philip Leach, Director

European Trade Union Confederation
Klaus Lörcher, Human Rights Advisor

International Commission of Jurists
Roisin Pillay, Director, Europe Programme

Ligue des droits de l'homme
Claude Debrulle, Administrateur

Open Society Justice Initiative
Christian De Vos, Advocacy Officer

Others/Autres

Institut international des droits de l'homme
Sébastien Touzé, Secrétaire général

Center for global public law, Koç University
Başak Çali, Director

Conseil des barreaux européens (CCBE)
Laurent Pettiti, Président de la délégation permanente du CCBE auprès de la Cour européenne des droits de l'homme

Council of Europe/Conseil de l'Europe

Secretary General of the Council of Europe/Secrétaire Général du Conseil de l'Europe
Thorbjørn Jagland, Secretary General

Parliamentary Assembly of the Council of Europe/Assemblée parlementaire du Conseil de l'Europe
Anne Brasseur, Présidente
Petra De Sutter, Sénatrice, membre de la délégation belge à l'Assemblée parlementaire
Dirk Van der Maelen, Député, membre de la délégation belge à l'Assemblée Parlementaire

European Court of Human Rights/Cour européenne des droits de l'homme
Dean Spielmann, Président
Josep Casadevall, Vice-Président
Françoise Tulkens, Vice-Présidente honoraire
Paul Lemmens, Juge

Council of Europe Commissioner for Human Rights/Commissaire aux droits de l'homme du Conseil de l'Europe
Nils Muižnieks, Commissioner for Human Rights

Conference of the INGOs of the Council of Europe/Conférence des OING du Conseil de l'Europe
Head of delegation/Chef de délégation: Anna Rurka, Présidente
Jean-Bernard Marie, Représentant de la Conférence des OING auprès du Comité directeur pour les droits de l'homme du Conseil de l'Europe

Help Network Consultative Board/Comité Consultatif du Réseau Help
Grzegorz Borkowski, Judge

Secretariat General of the Council of Europe/Secrétariat général du Conseil de l'Europe

Private Office of the Secretary General/Cabinet du Secrétaire Général
Bjorn Berge, Director
Leyla Kayacik, Senior Adviser
Zena Elmahrouki, Adviser

Secretariat of the Committee of Ministers/Secrétariat du Comité des Ministres
Christophe Poirel, Secrétaire adjoint du Comité des Ministres
Ulrika Flodin-Janson, Principal Administrative Officer

Secretariat of the Parliamentary Assembly/Secrétariat de l'Assemblée parlementaire
Andrew Drzemczewski, Head, Legal Affairs & Human Rights Department
Artemy Karpenko, Chef adjoint du Cabinet de la Présidente

Registry of the European Court of Human Rights/Greffe de la Cour européenne des droits de l'homme
Erik Fribergh, Registrar
Patrick Titiun, Chef du Cabinet du Président

Office of the Commissioner for Human Rights/Bureau du Commissaire aux droits de l'homme
Isil Gachet, Director

Directorate of Legal Advice and Public International Law/Direction du conseil juridique et du droit international public
Jorg Polakiewicz, Director

Directorate of Communication/Direction de la communication
Daniel Höltgen, Spokesperson of the Secretary General and Director of communications

Protocol/Protocole
Isabelle Flecksteiner, Protocol Officer

Liaison Office of the Council of Europe with the European Union/Bureau de liaison du Conseil de l'Europe avec l'Union européenne
Torbjørn Frøysnes, Ambassador, Head of Office
Humbert de Biolley, Deputy Head
Caroline Sepulchre, Office Manager

Directorate of Internal Oversight/Direction de l'audit interne et de l'évaluation
Aygen Becquart, Head of Evaluation Division
Claudia Lübbers, Evaluation Assistant

Directorate General of Human Rights and Rule of Law/Direction générale Droits de l'Homme et Etat de Droit (DGI)
Philippe Boillat, Directeur général

Department for the Execution of Judgments of the European Court of Human Rights/Service de l'exécution des arrêts de la Cour européenne des droits de l'Homme
Geneviève Mayer, Chef de Service
Fredrik Sundberg, Adjoint à la Chef de Service

Human Rights Policy and Co-operation Department/Service des politiques et de la coopération en matière de droits de l'Homme
Mikhail Lobov, Chef de Service
Alfonso De Salas, Chef de la Division de la coopération intergouvernementale en matière de droits de l'Homme
Irène Kitsou-Milonas, Chef de l'Unité sur la réforme de la Cour
Virginie Flores, Administratrice, Unité sur la réforme de la Cour

Invités d'honneur - Autorités belges

Cour constitutionnelle
André Alen, Président
Jean Spreutels, Président
Sarah Lambrecht, Référendaire

Conseil d'Etat
Yves Kreins, Premier Président
Philippe Bouvier, Auditeur général

Cour de cassation
Paul Maffei, Président
Patrick Duinslaeger, Procureur général

Cour d'appel d'Anvers
Yves Liégeois, Premier avocat général

Parlement fédéral
Christine Defraigne, Présidente du Sénat
Rick Daems, Président de la délégation belge auprès de l'Assemblée parlementaire du Conseil de l'Europe
Sonja Langenhaeck, Secrétaire de la délégation belge auprès de l'Assemblée parlementaire du Conseil de l'Europe
Reinhilde Deboutte, Directrice, Chambre des Représentants
Philippe Gabriel Goffin, Président de la Commission Justice, Chambre des Représentants

Cabinet du Ministre-Président du Gouvernement flamand
Hendrik Theunissen, Chef Cabinet adjoint Politique extérieure
Lode Eymael, Politique extérieure

Service public fédéral Justice
Roseline Demoustier, Directeur général
Steven Limbourg, Conseiller général
Werner Vanhout, Conseiller général
Isabelle Minnon, Attachée

Service public fédéral Affaires étrangères, Commerce extérieur et Coopération au développement
Dirk Achten, Président du Comité de direction
Jan Deboutte, Ambassadeur
Bart Ouvry, Directeur Droits de l'Homme et Démocratie
Paul Rietjens, Directeur général
Anne-Marie Snyers, Jurisconsulte, Représentante permanente de la Belgique auprès de l'Union européenne
Nicolas Henry, Assistant personnel du Représentant permanent de la Belgique auprès du Conseil de l'Europe

Service public fédéral Emploi, Travail et Concertation sociale
François Vandamme, Direction des Affaires internationales

Agence Wallonie-Bruxelles International
Marien Faure, Chef de Département

Federal Ombudsman/Le Médiateur fédéral
Head of delegation/Chef de délégation: Catherine De Bruecker et Guido Herman, médiateurs fédéraux
Philippe Nicodème, Directeur
Donald Cardon de Lichtbuer, Auditeur-coordinateur

Federal Migration Centre/Centre fédéral Migration
François De Smet, Directeur
Petra Baeyens, Legal Advisor

Université catholique de Louvain
Olivier De Schutter, Professeur

Ordre des barreaux
Patrick Henry, Président de l'Ordre des barreaux francophones et germanophone
Dominique Matthys, Président de l'Ordre des barreaux néerlandophones

Secrétariat de la Conférence

Françoise Jottard, Conseiller – Protocole, Justice
Laurence Lavry, Attachée, Justice
Abdellah Derraz, Assistant de direction, Justice
Sharon Beavis, Responsable communication, Justice
Amos Raymond Bakouple, Staff logistique, Justice
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