

Address given by Luzius Wildhaber at the Third Council of Europe Summit (Warsaw, 16 May 2006)

Caption: In an address given on 16 May 2005 at the Third Council of Europe Summit in Warsaw, Luzius Wildhaber, President of the European Court of Human Rights, reviews the role played by the Court in Strasbourg since it was established and calls on the Heads of State or Government to develop a strategy to ensure its continued effectiveness in the long term.

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To be checked against delivered speech

Mr Chairman, Excellencies,

The European Court of Human Rights is more than just another European institution; it is a symbol. As no other institution it symbolises an essential part of European legal culture. It represents the finest achievement of the Council of Europe. It is your achievement too, the achievement of the Governments of the Member States, but also your responsibility to ensure its continued effectiveness.

For over fifty years now, the Court – and indeed the whole Convention mechanism – has built up a comprehensive set of binding human rights standards, providing guidance to the national authorities and courts of the Council of Europe member States. In doing so the Court has played and continues to play a vital role as the final guardian of fundamental rights, including in the process of transition to and consolidation of democratic governance.

The environment in which the European Court of Human Rights now has to operate has, however, radically changed over the last fifteen years. Direct access to an international judicial body for 800 million citizens throughout 45 (soon 46) States has inevitably placed a strain on the Court and its procedures. There is nothing surprising in this development. The 80,000 applications which are currently pending before the Court are therefore not the product of any dysfunction or mismanagement; they simply reflect the importance which the Court has acquired in the minds and hearts of all Europeans, from Dublin to Vladivostok. They are the inescapable consequence of the pan-European reach of the Convention guarantees and of the fact that the Court has done nothing but to faithfully fulfil its duties under the Convention.

In view of what has been achieved, this Court is, without a shadow of doubt, the most productive of all international tribunals and I am proud to say that. The two management audits which were submitted to the Governments on 15 May 2005 have confirmed that the Court's caseload will continue to rise and that therefore, despite the Court's best efforts, despite an increase in productivity of nearly 500% over the last six years, something more radical is required.

It is in this context that I call on you, Heads of States and Governments, as the initiators and guarantors of the Convention system, to seize the opportunity of this Summit to send to all Europeans a clear and strong signal of your determination to preserve the system and ensure, as the Committee of Ministers recently declared, that it "remains the essential reference point for the protection of human rights" in Europe. In order to achieve this, we unequivocally call for the speedy ratification of Protocol No.14 as the first and necessary step towards stabilising the European Court and its capacity to fulfil its mission. But we now know, in the light of the recent forecasts of the two audits and the Court itself, that Protocol No. 14 will not be enough on its own.

We therefore need to look beyond Protocol No. 14 and address the issue of the long-term future of the system, and we should start doing so now. What kind of international protection mechanism do we need in the Europe of the 21st century? Are the present procedures still adjusted to the pan-European character which the system has acquired since its creation? What will be the impact of the projected accession of the European Union to the Convention? How can the system best provide the guidance expected from it by authorities and citizens alike in an ever faster changing world? These are some of the crucial questions which we urgently need to start addressing, if we want to have a chance to enable the system to face up in time to the new challenges awaiting it.

Now is not the time for a quick fix, but for vision. A vision on how to ensure that the European Court of Human Rights remains what it has been since its creation, for the benefit of nearly two generations of citizens: the tangible symbol of the effective pre-eminence on our continent of human rights and the rule of law.

Developing such a long-term vision and a strategy adapted to it takes time, as many different aspects need thorough consideration. This is why on behalf of the whole Court, I urge you to establish at this Summit an international panel of eminent personalities to examine the issue of the long-term effectiveness of the Convention control mechanism. I think we all agree that their work is not meant to be a political exercise. Its aim should rather be to provide Governments with a range of feasible options which should then be made the subject of a political process. Therefore, we need high ranking persons of established independence who have practical experience of what a Court is; persons with the vision and the courage to submit the best long-term solution.

Mr Chairman, Excellencies, your decisions at the Summit should demonstrate that in Europe, human rights are being taken care of at the highest political level, and rightly so, as an efficient European Court of Human Rights is an indispensable part of the present and future European landscape.

Thank you.