

High Level Conference on the Future of the European Court of Human Rights

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SPEECH

by

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Mr Chairman
Ladies and Gentlemen

I wish to thank the Turkish authorities for their leadership in organising this Conference and to pay tribute to their efforts in bringing the draft Declaration and Follow-up Plan to this advanced stage.

It is almost one year since Protocol 14 entered into force for all High Contracting Parties and with it much needed reforms. The preliminary results are that it has had a positive effect. It is clear however that further action is required to bring about the necessary balance between applications introduced and applications disposed of.

Since Interlaken all stake holders have been working hard to ensure that the reform process is a success. Ireland endorses the Declaration and Follow-up Plan which will be adopted at Izmir. It is vital to the future of the Court that the momentum of the reform process commenced last year is maintained and where necessary strengthened.

Ireland reiterates its belief that subsidiarity and improved implementation of the Convention at the national level are key to a successful reform process. Implementation at the national level takes many forms ranging from ensuring availability of effective domestic remedies; ensuring prompt execution of judgments; where applicable taking into account the developing case-law of the Court and; working to raise awareness in national authorities of the Convention standards and case-law.

High Contracting Parties should also play a role in ensuring that applicants and their representatives are fully informed in relation to the Convention case-law and the admissibility criteria. Ireland commends the Registry and the Court for producing the Practical Guide on Admissibility. We have sought to ensure maximum distribution of the Practical Guide in Ireland.

The reform process is not just about effective implementation at national level. The Court has an important role to play and it is to be commended for the way in which it has adapted to the challenging circumstances in which it finds itself. Further adaptations may have to be considered. The Izmir Declaration reiterates the need for rigorous application of admissibility criteria and, in

accordance with the principle of subsidiarity, avoidance of reconsideration of questions of fact and law already decided by national courts.

Following Interlaken, important developments worth mentioning have taken place: Ireland places particular importance on the need to ensure that the Court is comprised of the highest quality judges with the necessary expertise and practical experience. We welcome the creation of the Advisory Panel of Experts on Candidates for election as Judge to the European Court of Human Rights. In this regard, Ireland notes and welcomes the call for further reflection on the criteria for office as judge of the Court.

Ireland also welcomes the efforts of the Committee of Ministers to put in place the new standard and enhanced procedures for supervising the execution of judgments with a view to increasing effectiveness and efficiency.

It is evident from the discussions to date that while progress has been made, further work remains to be done. While the initial reports on the operation of the single judge are encouraging new provisions as regards the filtering of cases are necessary. Ireland looks forward to working with other High Contracting Parties towards elaborating proposals as to how filtering of cases might best be done and we remain open-minded as to how to proceed. The issue of a simplified amendment procedure and fees for applicants are also issues which remain to be examined. In this regard, Ireland takes note of the Opinion of the Court on the need to ensure its independence and not to impose on it administrative burdens.

One year on from the Interlaken it is important that we not only maintain the forwards direction but that we do so with renewed pace. This is not about reform for the sake of reform but filling the very real need to ensure that the European Court of Human Rights maintains its role as the cornerstone of human rights protection in Europe.

Thank you.