

Session I

Intervention "Future of the European Court of Human Rights - role of national parliaments"

Contribution by Mr. Fred de Graaf, President of the Senate of the Netherlands, Strassbourg, 21 September 2012

Mr. President, President of the Court, Mr. Bratza, dear colleagues.

First I would like to thank Mr. Bratza for his interesting introduction for our first discussion session - on the future of the European Court of Human Rights. This certainly is a topic at the heart of recent debates and activities in the Dutch Senate. Rightly so, I believe. And I honestly hope that our own Senate, as well as all other parliaments within the Council of Europe, will intensively keep following this debate.

The discussion on the future of the European Court of Human Rights touches on many policy areas. At home in The Hague we therefore held discussion not only with our minister of Justice and Security, but also with our minister of Foreign Affairs and the minister of the Interior. A large number of Senators participated. The government's position was discussed at length - in the run up to Interlaken, to Izmir, and most recently in the run up to Brighton.

Some words on what we did in the run up to Brighton: first of all, we organized an expert meeting on specific issues - for example the question of subsidiarity, the margin of appreciation and on the more practical issue of the roots and consequences of the excessive workload of the Court. Then, we held a policy debate with the relevant ministers. In our Senate we allow ourselves only six general policy debates per half year. One of these this spring was dedicated entirely to the future of the European Court of Human Rights.

After the materialization of the declaration, we kept following up with the relevant ministers, both in written as well as in oral form. We were content to see that our government had taken most of our remarks seriously. The ministers altered their stances on court registry fees and promised to provide material aid to the Court, in order to help alleviate the workload pressure. The ministers made several pledges in parliament. Also, a Resolution has been adopted by all parties except one. With it, the government is urged to live up to its commitment to the Convention and is urged to respect the judgments of the European Court of Human Rights. Last but not least, Senators have pressed the Dutch government to further support the court registry by deploying junior lawyers or registry staff and by not decreasing Dutch financial contributions.

We can state that, while the outcome might not be entirely in line with all points of view of the Senate, we did manage to have a significant impact on our government's positioning. As we should. After all, this debate is at the heart of our parliamentary work. The European Court of Human Rights is an indispensable body in our efforts to uphold the fundamental values our democracies are built on. I would simply like to conclude by calling on you, dear colleagues, to remain active on this file. And not only when it comes to our government's view on the future of the Court, but also on its execution of the Court's judgments. This should of course predominantly take place under supervision of the Committee of Ministers. But as we all know, this is sometimes a difficult and politically sensitive exercise. Therefore, I believe that in particular at the stage of pressing for the execution of judgments, the parliamentary dimension can wield a great deal of influence.

Thank you.