

The Long-Term Future of the European Court of Human Rights

MultiRights Annual Conference

under the auspices of the

Council of Europe

Venue: Saga Hall, Holmenkollen Park Hotel, Oslo

Monday 7 April 2014

08:30-09:00 **Registration**

09:00-09:30 **Opening ceremony**

Anders Anundsen, Minister of Justice, Norway

Philippe Boillat, Director General, Council of Europe

Dean Spielmann, President of the European Court of Human Rights

Andreas Føllesdal, Professor, Director of PluriCourts, University of Oslo

Session I – History, reforms and remaining challenges

Chair: *Morten Ruud*, Norwegian Ministry of Justice, Chairperson of DH-GDR

09:30-10:40 **The ECtHR: Historical framework**

Morten Ruud, Norwegian Ministry of Justice, Chairperson of DH-GDR

The Interlaken/Izmir/Brighton process – outside and inside evaluations

Başak Çalı, Professor, Koç University Law School

Martin Kuijer, Senior legal adviser on human rights law, Ministry of Security and Justice, Netherlands

The success and challenges for the European Court, seen from the outside

Laurence Helfer, Professor, Duke University

The success and challenges for the European Court, seen from the inside

Dean Spielmann, President of the European Court of Human Rights

Invited reflections on the above, as an intro to the general debate

Vit Schorm, Government Agent, Ministry of Justice, Czech Republic; Chairperson of CDDH

10:40-11:10 **Coffee/tea**

11:10-12:30 **General debate**

12:30-14:00 **Lunch**

Session II- The Court in the year 2030

Chair: *Morten Ruud*, Norwegian Ministry of Justice, Chairperson of DH-GDR

14:00-16:30 **Subsidiarity: Dialogue between ECtHR and national Courts**

How do ECtHR and national courts interact in the interpretation and development of the ECHR? Do ECtHR judgments have erga omnes effect; and if yes, to what extent? What is the role of margin of appreciation and European consensus?

Andreas Paulus, Judge, Federal Constitutional Court, Germany

Comments

Kristīne Līce, Government Agent, Representative of the Government of Latvia before International Human Rights Organizations, Ministry of Foreign Affairs, Latvia

Julia Laffranque, Judge, European Court of Human Rights

Accountability and authority

The ECtHR must be independent, yet accountable. How does the Court interact with domestic and European democratic bodies? How should the authority of its judgments best be maintained? Does it respect professional standards of legal

reasoning? Should it be more responsive to public opinion? Is there room for principled non-compliance?

Andreas Føllesdal, Professor, Director of PluriCourts, University of Oslo

Comments

Almut Wittling-Vogel, Representative of the Federal Government for Matters relating to Human Rights, Federal Ministry of Justice, Germany

Alan Miller, Chair, European Network of National Human Rights Institutions

Rule of law: “Constitutional Court” or “guardian of individuals”

The system established in 1950 was based on a Commission who handled all individual applications, and a Court who was only seized in cases submitted by either the Commission or the responding State. By Protocol 11 the Court and Commission were merged. Today, the Court sifts all applications and decides on admissible cases. Serious cases can be submitted to a Grand Chamber. Has this reform functioned as expected, and does it permit the Court to fulfill both tasks reasonably well? –If not, how might it improve?

Luzius Wildhaber, Professor, University of Basel; former President of the ECtHR

Geir Ulfstein, Professor, Co-director of PluriCourts, University of Oslo

Comments

Frank Schürmann, Government Agent, Federal Office of Justice, Switzerland

Adam Bodnar, Vice-President, Helsinki Foundation for Human Rights, Poland

16:30-17:00 **Coffee/tea**

17:00-18:00 **General debate**

18:00 **Closing of session**

19:15 **Apéritif**

Nobel Room, Holmenkollen Park Hotel

19:45 **Dinner**

The Gallery, Holmenkollen Park Hotel

Tuesday 8 April 2014

Session III – Implementation of judgments

Chair: *Morten Ruud*, Norwegian Ministry of Justice, Chairperson of DH-GDR

09:00-10:30 A main challenge for the credibility of the system in the years to come will be the implementation of judgments by the member states.

Roles of the Court

Which steps can or should the Court take to speed up domestic implementation? Are the remedies at the Court's disposal appropriate to this end, including pilot judgments? How should the Court deal with repetitive cases?

Dinah Shelton, Professor, George Washington University Law School

Comments

Rob Linham, Head of Council of Europe Human Rights Policy, Ministry of Justice, United Kingdom

Helen Keller, Judge, European Court of Human Rights

Role of the Committee of Ministers

The responsibility to ensure the proper implementation of judgments lies with the Committee of Ministers. The CM has a growing number of cases on its agenda, and implementation often takes considerable time. Should the CM process be made more efficient, and does the Committee have adequate resources and sanctions?

Elisabeth Lambert-Abdelgawad, Professor, University of Strasbourg

Comments

Carl-Henrik Ehrenkrona, Permanent Representative of Sweden to the Council of Europe

Christos Giakoumopoulos, Director of Human Rights, Directorate General Human Rights and Rule of Law of the Council of Europe

Role of National Parliaments

The responsibility to respect and implement the judgments of the Court lies with the governments. It differs considerable if and to what extent national parliaments are involved, i.a. to supervise implementation. What can be done by the parliaments, and

by other national institutions or bodies to encourage and facilitate swifter implementation?

Alice Donald, Senior Research Fellow, Middlesex University

Comments

Liselot Egmond, Deputy Agent for the Government of the Netherlands, Ministry of Foreign Affairs, Netherlands

10:30-10:50 **Coffee/tea**

10:50-12:00 **General debate**

12:00-12:30 **Closing the conference – summing- up**

Chair: *Morten Ruud*, Norwegian Ministry of Justice, Chairperson of DH-GDR

Geir Ulfstein, Professor, Co-director of PluriCourts, University of Oslo

Philippe Boillat, Director General, Council of Europe

13:00 **Lunch**