



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Speech by Guido Raimondi,
President of the European Court of Human Rights

**Visit of His Excellency Mr Emmanuel Macron,
President of the French Republic**

Strasbourg, 31 October 2017

Your Excellency, President of the French Republic,

Just a few weeks after your election, you received me at the Élysée Palace on 13 June last in order to emphasise “France’s attachment to the European Court of Human Rights and to its role in defending the values and principles that underpin our democracies”. You informed me then of your intention to come to the Court and deliver an address. I am delighted at how quickly you have acted on that promise.

The links between France and the Court of which I have the honour to be President are numerous and deeply rooted.

Firstly, **of course**, France is the host country of the Council of Europe, whose Secretary General, Thorbjørn Jagland, I welcome here today. Our Court is also the only international court based in your country, and its presence in Strasbourg is **solid** and **enduring**.

Moreover, it is often referred to as the Strasbourg Court, further enhancing the renown of this magnificent city and lending it the **envied** status of the capital of human rights.

We speak French at our Court, and **you have told me** how much you appreciate this fact.

Our judges come from the 47 member States of the Council of Europe. But whether they come from the banks of the Danube, the shores of the Mediterranean or the North Sea, from the Atlantic to the Urals – to echo the words of General de Gaulle, speaking in Strasbourg in November 1959 – they are commonly known as the Strasbourg judges and take pleasure in that fact.

But our ties with France are not purely geographical: they are also **historical**. An illustrious Frenchman, René Cassin, a Nobel Peace Prize laureate, played a key role both in the adoption of the Universal Declaration of Human Rights and in the Convention mechanism. He himself was President of this Court and I am very proud to be among his successors.

The European Convention on Human Rights remains the foremost instrument giving binding force to the rights set forth in the Universal Declaration.

In the immediate aftermath of a world war characterised by the horrors of Nazism, the authors of this treaty expressed their commitment to a set of shared values: democracy, respect for freedoms, and the rule of law.

The rule of law is what sets Europe apart: it is one of the achievements of our civilisation, a rampart against tyranny.

But above all our Court was set up to ensure the observance by States of their own undertakings, thereby creating a **European** system of fundamental-rights protection.

Thus, our Court has become the guarantor of a **common** area of protection for rights and freedoms.

Here more than anywhere else it can be said that “the idea triumphed over the ruins”, to borrow the expression you used in your speech at the Sorbonne on 26 September last.

Admired throughout the globe, unanimously viewed as a success, sometimes criticised, this system, which today we regard as a given, was revolutionary at the time of its creation almost 60 years ago.

Few could have imagined before the Second World War that individuals, irrespective of their nationality, would be able to bring proceedings against States before an international court. René Cassin was one of those visionaries and the individual was at the centre of his vision.

But we do not dwell on the past; human rights, now more than ever in this wider Europe of ours, continue to be a **forward-looking project**, a true challenge which we endeavour to meet each day.

This is true **despite** the crises linked to terrorism or the mass arrival of migrants, **despite** the upheavals of history, and **despite** the isolationist tendencies apparent in some countries.

Contrary to some perceptions, Court judgments against your country, France, are rare. This is no doubt because the French judges, over time, have become the natural judges of the Convention, thereby giving full effect to the subsidiary nature of our system, which is designed **first and foremost** to be applied at domestic level.

There are **numerous** examples testifying to the French courts' openness towards Strasbourg case-law. The Convention is fully applied in France, by both the lower courts and the highest-ranking

courts. Over the years, our Court has developed an ever-closer dialogue with the French courts. This is particularly true of the Constitutional Council, the *Conseil d'État* and the Court of Cassation, with all of which we have frequent and cordial contacts. I would like to welcome Mr Laurent Fabius, President, Mr Bertrand Louvel, First President, and Mr Jean-Claude Marin, Prosecutor-General, who have done us the honour of being present today. Everyone here remembers the words of First President Bertrand Louvel, when speaking about our Court at the beginning of this year: “The genius of this Court is that it lies at the confluence of the various European legal traditions, of which it offers a synthesis, judgment after judgment”.

There are times, **of course**, when we are not in complete agreement with the national supreme courts. It is on such occasions that we perform **fully** the external scrutiny which makes the Strasbourg system **vital**, even if it remains marginal in quantitative terms.

For instance, as a result of our judgments concerning France, telephone tapping has been regulated by law; it is now possible to prosecute persons for domestic slavery; and **all** children are equal when it comes to inheritance rights, whether or not they were born inside marriage; these are just a few examples among many. I could add the situation of children born abroad as a result of a surrogacy arrangement, a situation which our Court endeavoured to resolve.

We were pleased, **at a key moment in the presidential campaign**, to note your thorough understanding of this case-law, which, I would reiterate, is based on the child's best interests.

Your Excellency,

In Europe and far beyond our continent, **France** is a source of inspiration as the birthplace of the Human Rights Declaration. As René Cassin saw it, France had a role to play in improving the human condition. The values of the French Republic, those of freedom and equality which are emblazoned on all your public buildings, are the same values which we defend.

Your Excellency,

We are all aware that this is a historic occasion.

It will be the first time that a President of the French Republic has addressed this forum. In doing so, you are giving the most profound expression to France's support for the European system of human-rights protection.

Your presence here today is an immense honour and a great pleasure. We now look forward to hearing what you have to say.