



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

Inter Court dialogue: how make closer the relations between the Courts

Speech by Angelika Nußberger,
Vice-President of the European Court of Human Rights

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It is a great honour for me as well as for my colleague from the European Court of Human Rights, Judge Arnfinn Bardsen, to be invited to the very first Forum of the three international human rights courts, the African Court of Human and Peoples Rights, the Inter-American Court of Human Rights and the European Court of Human Rights. Just a little bit more than a year ago there was a first meeting in San José which the former President of the European Court of Human Rights Guido Raimondi attended together with two fellow judges. At that time it was a project to institutionalise our dialogue and to have regular tripartite meetings between our courts. This idea has materialised very soon with this first Forum. We are very thankful to you, Honourable President of the African Court on Human and Peoples Rights, Justice Sylvain Oré, as well as to the Government of the Republic of Uganda, represented by his Excellency, the Major General Kainda Otafiire, the Minister of Justice and Constitutional Affairs, for having taken the initiative to organise this first Forum here in the beautiful city of Kampala.

Last time when we met in San José we could celebrate together the 40th anniversary of the entry into force of the American Convention on Human Rights and the establishment of the Inter-American Court of Human Rights. This year we can commemorate the 70th anniversary of the Council of Europe and the 60th Anniversary of the European Court of Human Rights founded in 1959. The African Court of Human and Peoples Rights is the youngest of the three courts, but by now it can also look back to important and inspiring judgments and achievements.

This forum is meant to be the first get-together where we discuss different topics such as reparation systems in the different courts as well as models of effective implementation of our judgments, both topics also with a special view to the situation of indigenous peoples. At the same time we are here to exchange our views on how to effectively organise the judicial dialogue between our three courts. So we find on our agenda topics such as “Operationalizing the International Human Rights Forum and Enhancing Jurisprudential Dialogue” and “Financing and Sustaining the international Human Rights Forum:

Propositions on Ways to Fundraise for the Forum Meetings and Discussions on Potential Challenges”. These are very important topics indeed, as our future cooperation will depend on the establishment of a solid fundament.

Our cooperation is, however, not without any prehistory, even if this Forum is the first of this kind. We can already build on good experience of working together. Thus, our regional human rights Courts have started to intensify their relations and dialogue in the last years. We have increased our direct contact, in the form of institutional and working visits by the respective Presidents and Judges. Following the visit in 2012 by the former President of the European Court of Human Rights, Sir Nicolas Bratza, and the two vice-presidents at the time, to the Inter-American Court in San José, the two courts agreed to implement a number of practical steps to intensify dialogue and allow for a more continuous exchange. We have put in place a programme of staff exchanges between the Registries. This has been extremely successful, allowing lawyers from each registry to familiarise him or herself with the working methods and the case-law of each court. In 2014, we had the pleasure of receiving in Strasbourg a one-week visit from the Inter-American Court in full, with a view to exchanging views on issues of substantive case-law and procedure with our judges. We also published the first joint annual compilation of cases of both courts in a book called “Dialogue across the Atlantic” (in 2015) and we now disseminate the case-law of the Inter-American Court in our Case-law information notes and through our website.

With the meeting in San José we have transformed our bilateral into a trilateral cooperation. This strengthens the contacts we have with the judges from the African Court on Human and Peoples Rights, some of whom already came to Strasbourg to visit our Court.

The European Court of Human Rights has been very active in developing judicial dialogue with European supreme and international courts within the framework of the so-called Superior Courts Network. Our partners in Africa and South America are more than welcome to join the wider Network and take part in the vivid exchange of information. Right now we build up a Knowledge Sharing Platform which brings together and systematizes all the knowledge on the Convention and the Court’s jurisprudence. While for the time being this is still an internal tool we plan to go on-line and to share this platform with our colleagues from the Inter-American and African courts.

We very much welcome the opportunity to have a direct exchange on procedural and substantive issues with our partners. There are many challenges common to us all – for instance human rights problems linked to migration and terrorism, but also to digitalisation. We all have important cases on our agenda where we are called upon to advance human rights protection. While we work in different regions and see the global developments from different perspectives, we all share common values. Our cooperation is a sign that human rights are truly universal.

Thank you.