



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

Statement at the 44th session of the Congress of Local and Regional Authorities of the Council of Europe

Speech by Síofra O'Leary

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President Verbeek,
Secretary General,
Elected representatives of local and regional authorities,
Youth delegates from across Europe,

It is a privilege and an honour, as President of the European Court of Human Rights, to have been invited to make a statement during your 44th session this afternoon.

I believe that this is the first time that a President of the Court has addressed you during one of your Sessions. It is also my first time addressing an audience of elected representatives in this Parliamentary hemicycle.

The symbolism of gathering here, on this side of the River Ill, is clear. Creating more deliberate and productive synergies between the Council of Europe and the European Union can only lead to a more harmonised European political and legal space and, with it, to greater peace and stability.

The need for regular and fruitful dialogue between the Court and the two political institutions of the Council of Europe, the Parliamentary Assembly and this Congress, is also self-evident.

The Court does not operate in an institutional, political or social vacuum, detached from the lives of ordinary citizens and their representatives. I know that the judges of our Court regularly meet national Congress delegations and that is a practice which must be encouraged further.

Local and regional elected representatives have an important role to play in the implementation of human rights, particularly when drawing up and implementing policies. The three human rights handbooks published by the Congress on fighting discrimination, on social rights and on the environment and sustainable development provide excellent resources in this regard. Your human rights compendium also provides concrete assistance for mayors, city councillors and municipal administrators in interpreting their responsibilities within the context of their local realities.

This essential preventive work needs to be taken “upstream”. If it is not, a human rights violation of the European Convention on Human Rights could be found “downstream” by national Courts or the European Court. With over 75,000 pending cases before us, we need to do all we can to prevent violations of the Convention, to remedy rapidly those which occur and to ensure effective execution of our judgments.

As many of you know, the Registry of the Court has prepared a report giving an overview of selected judgments concerning local and regional authorities. This compendium of cases demonstrates the breadth of human rights issues which may arise at local level. We have examples of cases touching on childcare¹, evictions and the provision of social housing², industrial waste and environmental issues³, expropriation⁴, trade union rights⁵ and freedom of movement.⁶ In modern European democracies it is, after all, local governments which are often responsible for public services such as education, health and housing. It may fall to you, as Mayors, to take decisions on allowing or banning public assemblies. Municipalities accommodate Roma or other ethnic groups or, in some cases, may fail to do so.

The role of Congress within the institutional framework of the Council of Europe is to strengthen democratic resilience in our 46 member States. You are the crucial communicators and multipliers of the Organisation's standards and values, closer to European citizens than any other Council of Europe body.

Each year the European Court of Human Rights opens its judicial year with a seminar for national judges, followed by a Solemn Hearing. This year's seminar was devoted to how the Convention system – involving both national authorities, national courts and Strasbourg judges – seeks to protect and preserve democracy.

At the Solemn Hearing I reminded the audience that democracy, just like human rights and the rule of law, is not acquired once and for all. It must be fought for every day.

Through its protection of key civil and political rights the European Convention on Human Rights plays a vital role in ensuring that the elements we need for a peaceful society - democracy, tolerance and pluralism - are in place.

In recent years our Court has witnessed first-hand efforts to dismantle democracy, which is the only political model envisaged by the Convention.

Democratic backsliding has been aptly described as “death by a thousand cuts”. We see in the cases before us that it may take many different forms, from the adoption of measures to undermine the judiciary, muzzle the press, stifle political pluralism, dispense with institutional checks and balances, to the elimination of political competition or the turning of a blind eye to corruption.

The tragic events in Ukraine, the expulsion of Russia from the Council of Europe, the crippling of dissent and civil society in that former Member State and the forces which gave rise to these events, remind us what happens when democracies break down or when its roots are so fragile that they can easily be upended

¹ *Strand Lobben and Others v. Norway* [GC], no. 37283/13, 10 September 2019 as a recent example.

² *Yevgeniy Zakharov v. Russia*, no. 66610/10, 14 March 2017

³ *Hudorovič and Others v. Slovenia*, nos. 24816/14 and 25140/14, 10 March 2020

⁴ *Cusack v. The United Kingdom (dec.)*, no. 1955/14, 3 May 2016

⁵ *Demir and Baykara v. Turkey* [GC], no. 34503/97, 12 November 2008, *Çerikci v. Turkey*, no. 33322/07, 13 July 2010 and *Strzelecki v. Poland*, no. 26648/03, 10 April 2012 as examples.

⁶ *Garib v. the Netherlands* [GC], no. 43494/09, ECHR 2017

As emphasised by President Verbeek in his speech to PACE at the beginning of March, the upcoming 4th Summit of Heads of State and Government comes at a crucial moment for Europe's rules based order.

We need to harness our collective energy within the Council of Europe to refocus the member States' attention on what is at stake if multilateralism and effective political democracy — and their accompanying rights and freedoms — are eroded.

For over 60 years the Court has dealt with well over 1 million applications, handing down an estimated 25,900 judgments. Those judgments have saved many lives, transformed many thousands of others and contributed to positive societal changes across our 46 States.

At the Summit the Court is seeking a renewed commitment from the Contracting States to the Convention system, to the binding nature of Court judgments and to the obligation to implement them.

Beyond renewed political commitment, it is also calling for sufficient financial resources to enable the Court to exercise effectively its judicial function and handle the caseload expeditiously.

The impetus for the Convention and the establishment of the Court lay in the atrocities committed during the Second World War. The *raison d'être* remains as relevant in 2023 as it was when Churchill spoke so inspiringly in the late 1940s.

Before I take your questions, let me say a few words to the youth delegates in the audience. I commend the Congress' efforts in "rejuvenating politics" in this way.

It is wonderful to see you here, participating in European public life, taking your place in this unique European assembly and bringing your voice to the debate.

The Summit in May will not just discuss and refocus the Europe of today. It will, I hope, prepare the Europe of tomorrow; your Europe and one in which you must make your voices and the voices of your generation heard.

Our ancestors fought for the right to vote. It is too often forgotten that to exercise that right in Europe in the 21st century — whether at local, regional, national or European level — is not just a right, guaranteed by the European Convention, but also a freedom, a privilege and, speaking in non-legal terms, a duty.

Dear Representatives,

Thank you for the important work that you do. As your former Secretary General so aptly put it, "prevention is better than cure". Your upstream work is crucial for the protection of democracy, the rule of law and human rights in Europe today.