

Speech by the Minister of Security and Justice, Ivo Opstelten, at the Council of Europe Brighton conference, 18-20 April 2012

Ladies and gentlemen,

The Dutch Government remains strongly committed to the Convention mechanism. The proper functioning of the European Court of Human Rights is essential for the 'constitutional well-being' of Europe. We therefore welcome the fact that the British presidency of the Council of Europe focuses on the reform of the Court. Last week, my Government sponsored an international conference on this very topic in The Hague, during which seemingly contradictory opinions on the functioning of the Court merged into a common desire to secure its future. The effectiveness of the Convention system is threatened by the backlog of cases, so firm decisions are called for. At the same time this is an excellent opportunity to further strengthen the quality and legitimacy of the system.

We welcome the emphasis in the draft declaration on the subsidiarity principle, the doctrine of the margin of appreciation, the need for better implementation of the Convention at the national level, the execution of judgments, technical assistance programmes and effective measures in respect of States that fail to implement Court judgments .

We are particularly pleased to see a reference to an optional protocol on advisory opinions. We believe this will strengthen the dialogue between the Court and domestic legal orders and reinforce the principle of

subsidiarity. By introducing advisory opinions, we aim to alleviate the Court's work load in the long term.

Speaking of the work load, I should stress that positive recent developments are no guarantee for a solution of the overall problem. The time the Court spends processing unmeritorious cases is time *not spent* on serious cases. If we want to secure the right of individual petition, it is essential that we discuss the unlimited access to the Court, but it is equally essential that we increase the Court's general capacity to process applications. The Court itself has indicated that the bottleneck lies within the Registry, so we need to increase the size of the Registry, for example by seconding more lawyers .

Finally, my government calls for a more active role for the Committee of Ministers. This would strengthen the dialogue between the Court and political institutions and ensure the Court's democratic legitimacy.

Thank you.