

## Justitsministeriet

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### Udkast til tale

Til brug for konferencen

The future of the European Human Rights System

*“Changes in order to preserve”*

### [Dansk introduktion]

Jeg har glædet mig til at komme her i dag.

Som justitsminister (og tidligere skolelærer) er der selvfølgelig noget særligt over at tale på landets største juridiske uddannelsesinstitution.

Og det er spændende at se jeres nye flotte lokaler.

Jeg er også glad for det emne, jeg skal tale om. Diskussionen om EMRK er noget, som ligger mig meget på sinde.

Derfor er jeg også taknemmelig for, at vi med hjælp fra Kammeradvokaten og Københavns Universitet har kunnet stable dette vigtige arrangement på benene.

Tak for det!

**[Engelsk fortsættelse]**

Let me continue in English, since we have important international experts here today.

The future of human rights in Europe is a very important topic.

That is why the Danish Government has decided to put this topic on top of the agenda, when we take over the Chairmanship of the Council of Europe next month.

The reform agenda is not new. It has been discussed in the Council of Europe for several years. And much has been achieved.

Yet, to quote Shakespeare's famous Danish Prince Hamlet: "All is not well".

The Court is still drowning in cases. And more seriously, the authority of the Court is increasingly being challenged.

### **[The Danish Case]**

A recent Danish survey shows that almost half of the Danish voters across all political parties want Denmark to leave the European Human Rights Convention if we do not improve the system.

I find that thought-provoking.

As the Minister of Justice, I have to ask myself: Why is a country like Denmark suddenly so critical towards the European Convention of Human Rights?

If you ask the ordinary Dane I think it is likely that he or she will point to a case like the well-known Levakovic case. Which was a Danish case.

In this case we couldn't deport a foreign person with 23 cases on his criminal record due to his family life.

I honestly don't understand this. And my guess is: Most Danes don't either.

**[What lies behind such criticism and how do we deal with it?]**

So what is this really about? Has the ordinary Dane suddenly become an enemy of human rights?

I don't believe so.

I believe many Danes simply feel that the politicians they have voted for are better at dealing with certain issues than the Court

in Strasbourg.

And I believe that we, the politicians, feel that we are not always heard and understood, when we voice our opinions on judgments we find unreasonable.

This has created a situation, where international human rights have become increasingly “hard to sell”.

And this really doesn't make sense. Because Danes, of course, believe in democracy, human rights and the rule of law. These are inherent values of our society.

So how do we deal with this situation?

Should we close our eyes and hope the problem magically disappears?

Or should we openly address and discuss these issues?

I believe we should do the latter.

**[What can we do?]**

I know there is a risk of simplifying things.

I realize the European Court of Human Rights is a complex institution.

Safeguarding the human rights of 800 million people in 47 countries is no easy task.

The Convention system has done a remarkable job in promoting human rights, democracy and the rule of law all over Europe.

Yet, at the same time, we have to accept that the system isn't perfect. And sometimes the Court gives judgments that create a state of law that the people cannot identify themselves with.

We need to find ways to deal with that.

At the national level this is quite easy.

When Danish courts make judgments that are unreasonable to the broad public, the parliament can change the law.

This is how the system works. Checks and balances.

We don't have the same option in regard to the Strasbourg system.

When I say there is a need for more political input to an international court like the Strasbourg Court, it really shouldn't come as a surprise – much less be perceived as hostile.

I think it's only natural.

No one has an interest in a Convention system that is perceived as 'out of sync' with the member states and the broad public.

Least of all, the Court itself.

That was – as I understood it – a point the Danish judge Kjølbros – who is here today – made when he was interviewed this summer for the Danish newspaper Politiken.

He also made another important point: It takes two to tango!

If we want the Court to listen more to us, then we need to speak more clearly and directly to the Court.

We need to be more active and involved. And not just criticize the Court blindly in our local parliaments and press.

This is exactly what we want to discuss under the Danish Chairmanship. How do we ensure a stronger political dialogue? Between member states and the Human Rights Court.

Not to weaken the system. But to strengthen the system, and ensure its long-term support and effectiveness.



## **[Ending]**

I want to leave you with a clear message: Our reform initiative is not about undermining human rights. It is about safeguarding their future.

An effective European human rights system is fundamentally a benefit to Denmark. We have a clear and direct interest in a well-functioning Europe where democracy and freedom is respected.

But we must face the fact that populations and decision-makers are increasingly questioning the Convention system.

And if the Convention system starts to lose its broad support in friendly countries like Denmark, we should be worried. And we should act on it.

That is why we want to use Denmark's well-known commit-

ment to human rights to spark a new and constructive discussion on how we ensure a stronger political dialogue. We want to show the people of Europe that we listen to them and their concerns.

We are not looking for widespread changes of the system. But few, yet important adjustments: Adjustments that are necessary for future-proofing the European human rights system.

As chairman of the Danish Conservative People's Party, I would like to sum up our ambition in the words of the Conservative thinker Edmund Burke: We need "change in order to preserve".

Thank you.