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JapanCoE25 Now and Then

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About yourself.

I am a French lawyer and was born in 1941. During my career, I was mainly a judge and also an university professor, specialized in public law and human rights. I spent my principal activities, as a judge, first at the Conseil d'Etat in Paris, then in Strasbourg at the European Court of Human rights, created by the European Convention on Human rights, drafted in the framework of the Council of Europe and adopted in 1950. I stayed at the Court for 13 years, between 1998 and 2011, being a Judge during the first 8 years and the President of the Court, elected by my peers, for almost 5 years, till the end.

After my retirement from the Court, I became the President of the International Institute of Human rights (now called Fondation René Cassin), a non-profit, independent organisation created in 1969 by René Cassin, Nobel Prize for Peace and one of the drafters of the UN Universal Declaration of Human rights. I went on lecturing in various universities in France and other countries, including Japan. Currently, I am Honorary President of the Fondation René Cassin.



JAPAN & Council of Europe
25 YEARS



NOW AND THEN

**COMPARED TO 25 YEARS AGO,
DID SITUATIONS CHANGE
IN TERMS OF HUMAN RIGHTS,
DEMOCRACY AND THE RULE OF LAW?**



Certainly they did. Starting with my own country, France, the situation has changed for good in some fields, such as criminal proceedings or freedom of speech, partly due to the positive influence of the European Court of human rights and its case-law (regarding France as well as other member States). In some other fields, such as the state of the prisons and the conditions of the detainees, there is not a sufficient improvement (for instance, many prisons are overcrowded).

More recently, the general situation even got worse. Two phenomena explain that: Terrorism on one hand, with many serious criminal attacks, did oblige to take steps for increasing security, even to make recourse to the emergency state; and the COVID 19 pandemic provokes a restriction of several freedoms, such as freedom of movement or private and family life. Analogous remarks may be made concerning other democratic States. Terrorism has spread over the planet, especially since the World Trade Center attacks in 2001 and other attacks in Madrid or London or Paris. And the Pandemic is universal.

Therefore everywhere it is more than necessary to reconcile as much as possible individual Freedom with the general protection of public order, including safety and health.

YOU 25 YEARS AGO

25 years ago, I was residing in Paris, and working as a senior member of the Conseil d'Etat, in its judicial branch, and as an Associate University Professor at the Faculty of Law of Paris I University (Panthéon Sorbonne). I was also a part-time member and president of the French Commission for public access to administrative documents, an inter-ministerial independent administrative committee in charge of the transparency of public administration (except for a few documents the secret of which is protected by law).

Being very much interested in public liberties and protection of human rights, I was looking for becoming a Judge of the European Court of Human rights. The Judges are elected by the Parliamentary Assembly of the Council of Europe from a list of three candidates propose by each State. To my satisfaction, my country put me on its list of three, and eventually the Assembly elected me in early 1998. I was reelected in 2004.

JAPAN AS AN OBSERVER

WHAT KIND OF COOPERATION DO YOU EXPECT FURTHER BETWEEN COE AND JAPAN IN THE COMING YEARS?



When I was a member of the European Court of Human rights, especially while its Presidency, I had some relations with the organs of the Council of Europe (Secretariat, Parliamentary Assembly, Committee of Ministers, and others). I could see that Japan, as an observer to the Organisation, was very active, and keen to participate to several CoE activities or projects.

But this became more evident to me after my retirement from the Court. Either as the Chairman of the International Institute of Human rights- Foundation René Cassin or when lecturing in several Japanese Universities (which I enjoyed very much), I was able to notice a growing interest of Japan towards the European system of protection of Human rights, the rule of law and democracy. Even, a concrete cooperation has recently been established between the Consulate General of Japan, the CoE, the ECHR, and the Foundation. The seminars co-organised about forced disappearances , Gender Equality, Women's rights, and Human rights in the Digital Sphere, are a clear illustration of such cooperation.

YOU AND STRASBOURG

Having been originally living in Paris, I must say that I have «adopted» Strasbourg. Already in the 1970s I had opportunities to visit Strasbourg as an expert for some working groups of the CoE. Since my election as the French Judge of the ECHR, back in 1998, I have been living in that beautiful, pleasant city, and I am still there. Apart from the international environment (for example, Strasbourg is, except Paris, the only French town where Foreign Embassies have their seat), which I do appreciate, life in Alsace and Strasbourg is enjoyable. It's a city of human size, with a cultural life and a good atmosphere. I do not regret my transfer to it, more than 20 years ago.