



Ambassador's Activities

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Speech by HE Bernard Emié,
French Ambassador to the United Kingdom

at the reception for high-ranking French and British judges

2 December 2013

Ladies and gentlemen,

I'm both honoured and pleased to welcome here to the French Residence some of our two countries' most eminent judges, public prosecutors and lawyers.

I would obviously like to begin by thanking the judges and public prosecutors from the United Kingdom who welcomed their French colleagues today and are with us this evening.

Ladies and gentlemen French judges,

You have some great things lined up on your visit. Having today met the members of the different courts – the Supreme Court, the Court of Appeal and the High Court – and the Director of Public Prosecutions [*il s'agit bien d'Alison Saunders ?*] and Crown Prosecution Service lawyers, you will be received by the Crown Court judges and, lastly, my friend Dominic Grieve, the Attorney General.

Those of you I've spoken to already have told me that you've had fruitful initial discussions, and I'm glad about this. I'd like this dialogue to continue and forge personal links. Beyond official channels, our cooperation is also developing thanks, for example, to the members of the Franco-British Lawyers Society [*Simon Horsington n'est que Honorary Vice-President*], **all of whom are here this evening (??)**. The Society has seen exchanges taking place between young lawyers, such as those initiated by Michael Brook.

Ladies and gentlemen,

Our two judicial and legal systems are destined to deepen their cooperation further.

I won't spend a lot of time talking about the reciprocal historical influences on our legal systems or about your daily work, what with the increasing internationalization of legal practice, governing the movement of goods, capital and information and protecting our fellow citizens.

But let me highlight one aspect of these developments in particular. I want to talk about the ethical purpose which our respective legal systems, thanks to the European framework, serve through the spread of human rights.

I'm struck by the fact that, in certain sectors of the press, the term "human rights" has almost become a four-letter word, or at any rate a symbol of absurd decisions imposed on us from outside. This is often accompanied by confusion between (a) Council of Europe institutions like the European Court of Human Rights, and (b) EU tools for police and judicial cooperation on criminal matters, like the European Arrest Warrant.

I/ The European Convention on Human Rights and Fundamental Freedoms (sometimes called the European Convention on Human Rights)

Ladies and gentlemen,

Nevertheless, it's this great idea of human rights that has earned our two systems unequalled prestige and influence around the world. How many national legal systems are directly

inspired by the British or French models? My career as a diplomat has enabled me to get an idea of this influence.

With the Habeas Corpus Act of 1679, the Bill of Rights of 1689 and the Declaration of the Rights of Man and of the Citizen of 1789, the UK and France were pioneers. We must remember this whenever these rules seem like constraints in the European framework.

Indeed, recognition of these fundamental rights through the European Convention on Human Rights and Fundamental Freedoms is today accompanied by institutional provisions aimed at making them more effective.

In France, as in the UK, judges have had to accommodate these requirements.

In France, the rights recognized by the European Convention on Human Rights have a direct impact on our domestic legal rules and have, on occasion, been known to overturn certainties.

In the UK, the Human Rights Act of 1998 incorporated the Convention's main provisions into the legal system. According to Section 3 of the act, UK judges must abide by the Strasbourg court's most important decisions.

As you know, it's impossible to adapt our national rights to these imperatives without friction. Debate rages on everything from prisoners' voting rights to custody to GPS devices.

But judges must adapt to the provisions created by the European Court of Human Rights in order to achieve the same goal: respect for the fundamental rights that are the hallmark of our adherence to democratic rules. We must take up the same challenge.

II/ EU police and judicial cooperation on criminal matters (formerly known as the Justice and Home Affairs pillar)

So I'd like to take the opportunity of our British friends being here this evening to reiterate France's commitment to the tools provided by the EU, of which the European Arrest Warrant is the prime example but not the most popular in the UK.

Indeed, the warrant clearly embodies the very idea of European cooperation, because it depends on the principle of mutual recognition of the judicial decisions taken in other member states.

Debates are under way in the United Kingdom; no doubt there's room for improvements to the system. But this tool, like the other provisions currently being called into question, are nevertheless, from our point of view, essential to combating organized crime and enabling judicial responses in a framework that guarantees respect for fundamental rights.

Proof of this are two recent, very high-profile cases involving our two countries, which have again demonstrated the usefulness of this tool.

- In the case of the British schoolteacher who eloped with an underage pupil, the European Arrest Warrant made it possible to arrest him in Bordeaux and very quickly hand him over to the UK authorities.
- And after the Chevaline killings, close cooperation developed between our two countries' police forces and justice systems, thanks to joint investigation teams. Information is thus being shared in real time, as evidence is gathered in this complex investigation.

I very much wanted to send you this message about the European Arrest Warrant, which for us is key.

I know many of you share this concern; that's why I encourage you to weigh into the debate under way, whose outcome will be crucial for the future of European and Franco-British judicial and police cooperation.

Thank you./.