



You are here: [Secretary General](#) > [Speeches and Op-eds](#) > [Speeches 2020](#)

Speeches 2020

Moscow State Institute for International Relations

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Distinguished guests,

Ladies and gentlemen,

It is a pleasure to speak at this distinguished Moscow State Institute for International Relations.

This marks the beginning of my first working visit to the Russian Federation as Secretary General of the Council of Europe.

And I am glad that it has been possible despite the challenges posed by the COVID-19 pandemic.

These in-service training courses for Russian civil servants have now run for twelve years.

They are in fact the longest co-operation project that has taken place in Russia's near quarter century membership of the Council of Europe.

And they comprise a unique platform for dialogue between our Organisation and decision-makers from some 30 federal ministries, agencies and courts, addressing important, pan-European issues.

Next month we will all mark the 70th anniversary of the European Convention on Human Rights:

An ambitious treaty whose unifying effect has not only changed the law across Europe, but now comprises an essential part of our continent's soul:

One in which human rights, democracy and the rule of law are held dear.

The European Convention broke new ground because it put the needs and the dignity of the individual at the centre of European justice.

It has been ratified by all 47 member states of the Council of Europe to the benefit of over 830 million Europeans who live within our common legal area.

And each of these individuals has the ultimate right of direct appeal to the European Court of Human Rights in Strasbourg:

A Court that issues independent judgments, in line with the Convention, and with which every member state has freely committed to comply.

To date, the Court has dealt with over one and a half million individual applicants;

One hundred thousand of them have had their complaints satisfied and remedied;

And, in light of these, member states have adopted hundreds of structural reforms under the Committee of Ministers' supervision.

Alongside the European Social Charter, the European Convention comprises the basis of human rights on our continent today.

Over the years, the Council of Europe has developed 223 legally binding treaties and other instruments in order to apply the Convention's principles to specific issues.

These cover a huge range of rights-related challenges from data protection to cybercrime to the protection of children from sexual abuse.

And they are supported by the work of our various bodies.

These include our Human Rights Commissioner, the Council of Europe Development Bank, and our Venice Commission which has become the world's most respected group of constitutional experts and provides independent advice to more than 60 countries.

This – all of this – amounts to an extraordinary achievement.

No other continent has ever matched it.

None has even tried.

But in recent years we have witnessed throughout the continent an increase in hostility both to the values for which the Council of Europe stands and to multilateralism itself.

A threat that cannot go unanswered.

So, today, I want to outline just what is at stake and what can be done about it.

I want to explore the way in which the Council of Europe has improved life for people in Europe – not least here in the Russian Federation.

And I also want to talk about the role that legal professionals and governments alike can play in upholding our common standards, ensuring that citizens experience them, and countering those who would undermine or fragment them.

It is worth reminding ourselves what life was like in Europe in the wake of the Second World War.

The continent had just witnessed a degree of violence and lawlessness that was unknown in modern history.

Millions of lives had been lost through war, judicial and extra-judicial killings, and of course the holocaust.

And instead of having rights, individuals and minorities were too often subject to poverty, persecution and the arbitrary exercise of power and politics.

The Council of Europe was a multilateral response intended to ensure that such wrongs could never be repeated.

It is difficult to underestimate the difference that human rights laws have made to this:

The rights to life, liberty and security, privacy and a fair trial;

Freedom of expression, association and conscience and religion;

And freedom from torture, servitude and discrimination.

These laws have revolutionised the status and liberty of the individual across Europe over a relatively short historical period.

This change is best captured when we consider the death penalty.

When the Council of Europe was established in 1949, only a handful of countries had abolished it.

But today, under the terms of the European Convention, its use is outlawed in our member states in all circumstances, at all times, including war.

And, except for Belarus, this has created a death penalty free zone here in Europe for the first time in history.

The Russian Federation is no exception.

The Russian Constitutional Court has long since banned the death penalty, and capital punishment has not been applied in over 25 years.

Might the time therefore be ripe to put this firmly in written law by ratifying Protocols 6 and 13 of the European Convention?

I hope that the Russian authorities will go on to do this.

Of course, the work of applying our human rights laws is not finite.

As the European Court of Human Rights has made clear, the European Convention is a living instrument.

It is for our member states to ensure that it is applied to the new and evolving issues we face in a fast-changing world.

Recognising this, the decisions taken at our Ministerial Session in Helsinki last year have led to further action in important areas.

Let me give you some specific examples.

On artificial intelligence, ministers recognised that its ever-increasing application must function in a way that protects and promotes our common standards, rather than undermines them.

For this reason, an Ad hoc Committee on Artificial Intelligence is working on a framework for the development, design and application of AI and is expected to make substantial progress by 2021.

And I know that this topic is on your agenda tomorrow.

On trafficking in human beings, Ministers asked that we examine ways to strengthen our action in addressing a persistent and – in some member states – growing problem.

Since then, I have published a Roadmap for action.

Our relevant monitoring body, GRETA, has compiled a compendium of good practice and drafted a guidance note for national authorities.

Similarly, the Helsinki decisions reaffirmed the need for action on equality between women and men, and violence against women and domestic violence:

On this, our approach includes implementing the current Gender Equality Strategy, the elaboration of a new recommendation on migrant women and refugees, and the continued promotion of our Istanbul Convention.

This is the “gold standard” for addressing violence against women, but misunderstandings and misconceptions have made some member states reluctant to ratify it or, it seems, even consider leaving it.

I have been clear about the Council of Europe’s willingness to address and resolve these issues through constructive dialogue and it is right that we should do so.

Other priorities determined at Helsinki included strengthening the role and participation of civil society; freedom of expression, including media freedom; addressing inequality, racism, xenophobia, hate speech and discrimination; social rights; and challenges arising from migration.

In each of these areas, we have made progress since last year, and we will continue to do so.

We can also add to this list the issue of the environment.

This has been given new impetus within the Organisation over recent months, including through a joint declaration by the Committee of Ministers’ previous, current and upcoming presidencies, calling for a non-binding instrument on human rights and the environment by the end of 2021.

I support this and our Steering Committee for Human Rights is now considering such a recommendation.

The degradation of the environment and the reality of climate change pose a threat to individuals’ human rights.

This relates to the rights to life and private and family life in the European Convention.

And to the right to protection of health covered by the European Social Charter.

Cases have been heard in domestic courts, and the European Court of Human Rights, and the Council of Europe has produced environment-related conventions that we are now looking to make as effective as possible.

Acting within our mandate, we need to ensure that our common European standards are applied to this pressing issue too.

Some issues of course flare quickly or arrive unexpectedly.

Few could have predicted the sheer numbers of migrants and refugees who fled to Europe in recent years, seeking to escape violence, bloodshed and poverty alike.

The Council of Europe has no mandate to manage migration.

But the European Convention on Human Rights does apply to every individual who arrives in our common legal area, and their rights must be respected.

And we have reacted swiftly to help member states achieve this.

Our work has covered the standard of accommodation in reception centres, the importance of preventing illegal pushbacks, and the need to protect some of the most vulnerable arrivals:

To help with all of this, we have tools developed through our Child Action Plan on Refugee and Migrant Children, our previous and forthcoming action plans on migration, and my Special Representative’s new Network of Focal Points, which will facilitate the exchange of good practice between national authorities.

Similarly, we could not have known that violence would reignite in recent months in the Nagorno-Karabakh region, despite the ongoing dispute over the territory.

Again, the Council of Europe does not have a mandate to resolve the situation: conflict and territorial dispute resolution are not within our mandate.

But both Armenia and Azerbaijan are Council of Europe member states.

Both made a commitment to our Organisation to resolve their conflict by peaceful means.

And both have an obligation to uphold the European Convention on Human Rights.

In recent weeks, I have called repeatedly for all sides directly or indirectly involved to stop targeting civilians, to avoid further escalation, and to seek a peaceful resolution in line with the OSCE’s Minsk Group mediation, and their obligations under international law.

Respect for human rights in the territory is vital, and a legal obligation.

This raises a broader problem.

There still exists today several so-called “grey zones” or disputed territories between Council of Europe member states.

Regardless of the politics, the people who live there are entitled to the same human rights, democracy and rule of law standards as any other European.

National authorities have an obligation to ensure this.

And the Council of Europe should have unhindered access to those territories, so that we can assess the situation and provide what assistance we can.

This is not the case today, and I have made addressing this problem a priority for my mandate.

A further but unexpected priority has been the need to help member states respond to the COVID-19 pandemic in a way that is both effective and in line with our common standards.

In April of this year I issued a toolkit to all 47 governments, providing guidance on how to balance public health needs with the protection of individuals' rights.

We not only warned about the increased risk of domestic violence for women during the necessary lockdowns across Europe, but provided the means by which authorities could share best practice in addressing this.

And various bodies throughout the Organisation have provided guidance on preventing discrimination and protecting the rights of prisoners, data protection and tracing apps, and the constitutional and legal framework of emergency powers.

Just last month I published a lessons learnt document on addressing public healthcare issues in the context of the public health crisis and beyond.

In this, I announced the preparation of a new multilateral and multidimensional co-operation project to address healthcare issues and devise effective, tailor-made solutions to be implemented at a national level with a view to promoting social rights and services.

More generally, I also emphasised the need for dialogue on social and economic rights in order to deal with the longer-term consequences of the pandemic.

Specific proposals will be made soon concerning the role and the place of the European Social Charter.

These, and many other initiatives, demonstrate our capacity to respond to crises, and to share our learning for the future.

And I am encouraged to see that there will be a special session on this topic during this event.

In the face of coronavirus, we have shown the capacity to lead in a manner that is both responsive and responsible, that has involved standard-setting and compliance, and which demonstrates the central importance of multilateralism in dealing with unprecedented cross-border threats.

This tour of the Council of Europe's challenges, priorities and achievements is far from complete.

But it underlines the value we add – and the premium on defending it.

Progress like this is positive.

So too are recent reports by both the Committee of Ministers and the Parliamentary Assembly which show encouraging developments on the execution of judgments.

However, it is important to acknowledge that every judgment must be executed, in full, in every member state.

And conclusions and recommendations from other monitoring and advisory mechanisms should be implemented too:

The European Committee for the Prevention of Torture and the Group of States against Corruption;

The Venice Commission on Democracy through Law and the European Committee on Social Rights;

And others that combat money laundering and the financing of terrorism and which seek to protect national minorities and regional or minority languages.

These monitoring and advisory mechanisms – among others – are there to help member states uphold the law, and their recommendations should be followed to the letter.

Ladies and gentlemen, European law remains of importance in Russia, as it is throughout our shared continent.

The popularity and high-level attendance of this course – even in these COVID-hit times – is testament to the demand for this to continue, grounded in dialogue and shared understanding.

I welcome that.

The Statute of the Council of Europe calls for peace based on greater unity.

And seventy years after its ratification, the European Convention on Human Rights remains the foundation stone of that unity.

Our founding fathers could not have imagined the world we now live in, or the scale and depth European Convention's impact today.

Their success is greater than they could have known.

By working together, we can ensure that common European standards provide yet further solutions to both the long-term and immediate problems we face.

It remains in all our common interests.

