

Council of Europe looks to nip human rights violations in the bud

Strasbourg, 13.09.2011 – Reinforcing means and machinery helping States to identify and prevent human rights violations before they can happen will be the theme of a conference organised by the Council of Europe on 20 and 21 September in Kyiv, within the framework of the Ukrainian Chairmanship of its Committee of Ministers.

The Council of Europe has a powerful arsenal of measures for combating human rights violations, with the European Court of Human Rights at its core. But this is not enough to forge an effective policy for protecting citizens' rights and freedoms if there is no active, coordinated involvement of all the political and social players. Preventing violations means anticipating problems and identifying any structural difficulties, together with cooperation at European, national and local levels.

In response to the invitation from the Ukrainian Minister of Justice, Oleksandr Lavrynovych, several ministers of the Council of Europe's member States, its Commissioner for Human Rights, Thomas Hammarberg, and representatives of European and national human rights protection bodies will be seeking to identify those who play the biggest role in preventive action and means of reinforcing their efforts.

Useful information:

- The conference is **open to the press**, and starts on **Tuesday 20 September at 5.15 pm at the Hotel Kyiv**.
- **Journalists are invited to obtain accreditation** from Liya Ilchenko, Ministry of Justice (tel. +380 44 271 17 33, press@minjust.gov.ua).
- A **final press briefing** will be held on **Wednesday 21 September at 6.30 pm**, at the end of the closing session, which begins at 5.45 pm.
- Interviews may be organised on request throughout the conference.

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Le Conseil de l'Europe se penche sur les moyens de prévention des violations des droits de l'homme

Strasbourg, 13.09.2011 – Le Conseil de l'Europe organisera les 20 et 21 septembre à Kyiv, dans le cadre de la présidence ukrainienne du Comité des Ministres, une conférence destinée à renforcer les mécanismes et les moyens dont disposent les Etats pour identifier en amont et prévenir les violations des droits de l'homme.

Le Conseil de l'Europe dispose d'un arsenal performant pour sanctionner les violations de droits de l'homme. Cet arsenal, dont la Cour européenne des Droits de l'Homme constitue le noyau dur, ne pourra cependant pas forger une politique efficace de protection des droits et libertés des citoyens, sans une implication active et coordonnée de tous les acteurs politiques et sociaux. La prévention des violations exige l'anticipation des problèmes, l'identification précoce des difficultés structurelles éventuelles et une coopération aux niveaux, européen, national et local.

Répondant à l'invitation du Ministre de la Justice ukrainien, Oleksandr Lavrynovych, plusieurs ministres des Etats membres, ainsi que le Commissaire aux droits de l'homme du Conseil de l'Europe, Thomas Hammarberg, et des représentants des institutions

européennes et nationales de protection des droits de l'homme tenteront d'identifier les acteurs principaux de l'action préventive et la manière de renforcer leur action.

Informations pratiques :

- La conférence, **ouverte à la presse**, débutera le **mardi 20 septembre à 17h15 à l'Hôtel Kyiv**.
- Les **journalistes sont invités à s'accréditer** auprès de Liya Ilchenko, Ministère de la Justice (tél. +380 44 271 17 33, press@minjust.gov.ua).
- Un **point presse final** est prévu le **mercredi 21 septembre à 18h30**, à l'issue de la session de clôture qui débutera à 17h45.
- Des interviews pourront être organisées tout au long de la conférence.

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**Speech by
Oleksandr Lavrynovych, Minister of Justice of Ukraine
20 September 2011, Kyiv**

Your Excellency, Mr Commissioner for Human Rights,
Dear conference participants,
Colleagues,

Let me welcome you here, in Kyiv, on the occasion of the International Conference for the Prevention of Human Rights Violations, which is held in the framework of Ukraine's Chairmanship of the Committee of Ministers of the Council of Europe in cooperation with the Directorate of Monitoring of the Council of Europe Directorate General of Human Rights and Legal Affairs.

General recognition of the fact that human rights violations had been the most important obstacle on the path of the society progress was one of the positive steps made by the international community after the World War II.

The result of that step was the emergence of a new sphere of international law, international human rights law. Treaties, pacts, conventions, which are the source of this sphere, have a number of features not typical for classical international law.

In particular, they provide for certain rights and freedoms that belong to each individual, establish the control mechanism over human rights observance and require that States parties to those international instruments recognise and implement these rights properly.

Another feature of agreements in this sphere of law is their uniform nature which leads to setting minimum standards for certain rights and freedoms which, at the same time, are the standards that have to develop in parallel with the society and its needs.

However, the post-war experience of international law in this sphere shows that human rights require not only guarantees of their proper implementation in accordance with the minimum standards but also such means that would be capable to "fence off" an individual of possible encroachments on his or her rights.

In my opinion, the establishment of such mechanisms for the prevention of human rights violations is the responsibility of each State which wishes to be recognized as one governed by rule of law.

But, without any doubt, this goal cannot be achieved without help of international organisations that proclaimed human rights their fundamental principle.

The most prominent example here is the activity of the European Court of Human Rights.

In particular, there are no countries on the European continent that have not benefited from the activity of the European Court of Human Rights which, despite its workload and the need of pressing reform, was and remains not only the most influential regional mechanism of human rights protection but also is the body that, in cooperation with the Committee of Ministers of the Council of Europe, compels the States to improve their domestic laws so as to prevent violation of rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms.

In particular, it is pilot judgments procedure developed to deal with systemic violations of human rights that might become the evidence of preventive approach of the European Court of Human Rights.

It is clear that the approach of the European Court will have a positive impact only if its judgements are implemented efficiently under the supervision of the Committee of Ministers of the Council of Europe. Having two pilot judgments against Ukraine as examples, I would like to say that this mechanism is becoming a real prevention of human rights violations since it identifies the problems and provides highly professional advice on how to resolve the said problem.

In this connection, I am glad to see that today, here, in Kyiv, we have an opportunity to talk at the highest professional level about prevention of human rights violations with representatives of the Parliamentary Assembly of the Council of Europe, the European Court of Human Rights, the European Committee for the Prevention of Torture, the European Commission against Racism and Intolerance, the Committee of Ministers of the Council of Europe, and to reach conclusions that will become the guidance for the Member States of the Council of Europe in the coming years.