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Colloquy on Protecting and Supporting Human Rights Defenders in Europe Council of Europe

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Draft opening statement by Ambassador Alexander Orlov,
Chairman of the Ministers' Deputies

Thank you, Mr Chairman.

This is not only my last week, but also my last address, as outgoing Chairman of the Ministers' Deputies, and I consider it highly symbolic that the Representative of the Russian Federation is participating in the capacity of Chairman of the Committee of Ministers in the present event, for which I commend the Commissioner. Indeed, it has brought together the representatives of the governmental sector, of course, but above all the non-governmental community, all those who champion human rights, the noblest cause upheld by our organisation. Now, with your permission, I shall make a brief introductory statement to your proceedings, which I trust will be of interest and at the same time productive.

I greet the Special Representative of the United Nations Secretary-General and the participants in the colloquy.

I am very pleased and honoured to be able to address this gathering of the most eminent persons in their respective fields, on both the governmental and the intergovernmental side, and the prestige of the participants fittingly reflects the importance of this colloquy. It is also with great pleasure that I note that many of the member states and observers have made the effort to be represented on this occasion. Their presence bears witness to the dedication which they share for the subject of our concern. This colloquy gives a definite answer to the request of our Heads of State and Government in Warsaw in May 2005 for the Council of Europe to play a forceful part in safeguarding the rights of the individual and furthering the invaluable commitment of non-governmental organisations to the active defence of human rights.

I should like to congratulate the Commissioner for Human Rights, Mr Thomas Hammarberg, the Director General Human Rights, Mr Philippe Boillat, and of course our Secretary General, Mr Terry Davis, for their initiative in organising this event. Its importance is not to be overlooked, nor, alas, is its topicality.

I hope this day and a half of discussion and comparison of your experience will make it possible to advance reflection on the situation of human rights defenders and to sketch out lines of action for its future improvement.

If I wished to be provocative, I should say that our aim might be one day to attain a state of affairs where defenders of human rights would no longer be needed! If our state mechanisms and our legal

systems wholly guaranteed respect for human rights and dignity, what “added value” would these defenders in fact have?

Quite obviously, I am aware that this is an unrealistic and moreover undesirable goal. This is not because our state institutions ought not to guarantee this full observance; the prime responsibility and the duty of governments to see to it are of course not queried.

And yet, inherent in the culture of human rights, as it has grown up since the adoption of the United Nations Charter, is the fact that fundamental freedoms are the attribute of each individual and that it therefore rests with each one of us to concern ourselves with their furtherance and defence. In the absence of a commitment on the part of civil society, human rights would become the mere gift of governments.

That is why it is necessary to reaffirm with *vigour* the right, defined in the first tenet of the United Nations Declaration on the Right and Responsibility of Individuals, to promote individually or in association with others the protection and realisation of human rights and fundamental freedoms.

Clearly, the freedom of association and expression guaranteed by our constitutions, laws and the European Convention on Human Rights safeguard the exercise of this right, but as the threats and hindrances to human rights recede, seemingly at least, our societies are less and less aware of the overriding need to defend the precious legacy of fundamental freedoms.

From this standpoint, the opening clause of the United Nations Declaration embodies not only a right but also an emphatic obligation. Indeed, the full title of the text should be borne in mind, declaration on the right and responsibility, I stress responsibility, of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms.

I pay tribute to all who have assumed this kind of responsibility, sometimes at the risk of their lives. The Secretary General has just recalled the tragic fate of my countrywoman Ana Politkovskaya who was callously murdered a month ago. A judicial inquiry has been opened and placed under the personal control of the State Prosecutor, and President Putin is following its progress. You will naturally appreciate that all judicial inquiries, up to a certain stage, are covered by secrecy but I am convinced that the instigators and perpetrators of this dreadful murder will be brought to justice one day.

A final thought: it cannot be claimed that Europe is perfect in this field; rather, the staging of this colloquy bears witness to its imperfection. Yet it can be said, and here too this event is evidence of the fact, that there is an awareness of the problems and a resolve to address them.

This is not so elsewhere, and throughout this colloquy we shall all remember the people who, everywhere in the world, suffer victimisation and ill-treatment because of their dedication to the promotion and protection of universally recognised human rights and fundamental freedoms.

On behalf of the Committee of Ministers, I wish you every success in your work. Thank you.