



Information Documents

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Speaking Notes of the Secretary General to the 1283rd meeting of the Ministers' Deputies (5 April 2017)

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¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to CoE documents.

Protection of human rights defenders against reprisals for co-operation with the Council of Europe

During our last thematic debate on freedom of assembly and association, you asked me to look into the feasibility of us introducing a new mechanism for protecting human rights defenders.

You will also remember that, in my 3rd Report on the State of Democracy, Human Rights and the Rule of Law in Europe, presented to the Ministerial Session last year, I referred to this mechanism.

Having now looked at this issue in depth, and having considered a number of options, I have decided to put in place a light, non-bureaucratic procedure for human rights defenders who have been allegedly subject to reprisals for their interaction with the Council of Europe.

I consider that it is the responsibility of the Secretary General to ensure that any person co-operating and interacting with this Organisation is free and safe to do so. The new procedure will therefore be under my direct and personal responsibility, co-ordinated from within my Private Office.

The procedure will take into account the existing mandates within the Organisation and will have no supplementary financial implications.

A few words on how it will operate:

- A member of the Private Office will be appointed as the Focal Point.
- I will then inform all the institutions and specialised services of the Organisation of the new procedure, which will enable them to contact the Focal Point in the Private Office every time they experience a problem in our member states with regard to our partners' interaction with the Council of Europe.
- Information brought to my attention through my meetings and contacts will also be taken into consideration.
- Information received by the Focal Point will be examined, through the use of existing resources within the Secretariat.
- Following an initial assessment, I will inform the countries concerned. I may ask for additional information.
- I will report to the Committee of Ministers on the cases dealt with, government responses, and any follow-up actions.
- When necessary, I may consider public interventions.

The main aim of this initiative is to protect our direct partners and guarantee that they can work with us freely. The new procedure will become operational at the beginning of May this year.

4th Annual Report on the State of Democracy, Human Rights and the Rule of Law in Europe

You have now all received my 4th Annual Report on the State of Democracy, Human Rights and the Rule of Law in Europe.

As I said in my annual speech to the Parliamentary Assembly at the beginning of the year, the focus this year is on the populist threat to our democracies.

I want to make one thing very clear: while the report takes the increase in populism in Europe as its starting point, it is not about naming populist parties or individuals.

Hopefully it does something more useful than that: identifying the populist tendency that has emerged across the continent; looking at how this tendency threatens our democratic structures and culture; and assessing how resilient member states' institutions are against populist attack. How strong are our checks and balances?

I have set out all of this in the introductory section, which I will leave you to read. You'll also see that I have sought to be precise in defining populism, and in explaining the kinds of anti-pluralist, anti-democratic behaviour which constitute populist politics.

I do not believe that every movement or person which rocks the establishment is populist, nor every leader which attacks elites or appeals to emotion: most, if not all, politicians do that.

As I have said before, in my view too many people now use the word populist as a catch-all insult for any action or person they disagree with. This does us no good – it will only render the term meaningless. I therefore hope that this report can, in its own way, help bring some precision to these debates.

This year's edition builds on my previous reports. It assesses the health of the five building blocks of democratic security across member states: independent judiciaries, freedom of expression, freedom of assembly and association, the functioning of democratic institutions, and inclusive societies; this time in the context of growing populism.

It maintains the structure, measurement criteria and parameters of previous years, although, where appropriate, these have been updated and refined. This year, in producing our findings, we have privileged the most recent data available, predominantly from 2016.

In line with last year, challenges faced by member states are illustrated through specific examples, based exclusively on Council of Europe texts – your decisions and recommendations, Court decisions, Assembly reports, the Commissioner's reports, Venice Commission opinions and the findings of our monitoring bodies and inter-governmental structures. Taking on board your previous suggestions, these specific examples not only concern difficulties and challenges, but also examples of good practice and positive developments in member states.

I would like to draw your attention to the proposals for action, which have three aspects.

First, populism is a political problem and therefore calls for a political response. The key to this, clearly, is strengthened support for the values and standards of the European Convention on Human Rights and the authority of the European Court of Human Rights. They were set up almost 70 years ago to protect Europe against populism and aggressive nationalism, and they remain a key pillar of our defence today.

Second, this year's report has confirmed the pertinence of many of the recommendations from my previous reports. By their nature, many of these take time to implement and require an ongoing effort. The changing political environment and the threat of populism, however, require that we consolidate and accelerate key initiatives.

They are, I'm afraid, becoming more necessary than ever. You will therefore see that, rather than produce a very long list of new recommendations, I have instead identified the existing initiatives and work strands which must now be pursued with renewed vigour.

Third, in addition to this, the report reveals specific problems which will require new initiatives, to supplement our existing work, which should be addressed in the 2018-2019 Programme and Budget. For example, new action to challenge populist narratives, to tackle fake news and misinformation, to better support the successful integration of migrants and refugees and so on. So, on these specific fronts, you will also find proposals for new measures. Some of which, by the way, can be implemented very quickly, before the end of the year.

I very much look forward to hearing your reactions to the report. I'm sure you will appreciate that it has been circulated on a restricted basis. As you requested, this year you have it several weeks earlier than in previous years, in order to give you time to examine it thoroughly, allowing for meaningful debate before I formally present the report to Ministers at the forthcoming Session in Nicosia. As there are Easter holidays in April, I propose to organise a discussion in the Deputies at your meeting on 3 May. I also plan a series of public presentations of the report in the run up to the Ministerial Session, beginning with a public launch on 20 April.

G7 Conference of Ministers of Culture, Florence, 30-31 March

On 30-31 March, I participated as a special guest in the meeting of the G7 Ministers of Culture in Florence, at the invitation of Mr Dario Franceschini, Minister of Cultural Heritage and Activities and Tourism of Italy. I was invited to present the Council of Europe's new Convention on Offences relating to Cultural Property – our "blood antiquities" convention. This text will fill the gap in the existing international framework against cultural trafficking, by harmonising national criminal law frameworks, covering the whole trafficking chain, and strengthening international co-operation.

I was very pleased to see the importance of our forthcoming convention referenced in Security Council Resolution 2347, which was adopted at the end of March.

I was surprised, however, at how little the Ministers present knew about it. They were enthusiastic about the treaty, once I gave them the information – but it shows that, together, we have to do more to spread the word. I rely on you heavily for this, within your capitals, ahead of our Ministerial Session in May, when we hope the text will be adopted.

I would like to thank most warmly Minister Franceschini, the Italian Government and Ambassador Marsilli for this important event and for the excellent organisation of my participation.

Meeting with Mr Arman Tatoyan, Ombudsman of the Republic of Armenia, 4 April

Yesterday, I met Mr Arman Tatoyan, the Ombudsman of the Republic of Armenia. He presented recent developments in the protection of human rights in Armenia and the recent reform of the Institution of Ombudsman.

We also exchanged views on the recent parliamentary elections. The Ombudsman informed me that the elections were successful. He also, however, mentioned a number of shortcomings that will have to be carefully examined by his Office. I assured the Ombudsman that the Council of Europe stands ready to support Armenia with regard to further improving the electoral legislation. We also had an exchange on the situation in the region.

Meeting with Mr Anders Samuelsen, Minister for Foreign Affairs of Denmark, 4 April

Yesterday, I also met with Mr Anders Samuelsen, Minister for Foreign Affairs of Denmark, with whom I was very pleased to have an exchange about the upcoming Danish chairmanship of the Committee of Ministers (November 2017 to May 2018).

The Minister informed me about the main priorities foreseen for the chairmanship. We also had a very constructive exchange of views on the key challenges we are currently facing in Europe.

Poland

In the framework of my dialogue with the Polish authorities and in relation to the draft amendments to the Act on National Council for the Judiciary and Certain Other Acts, I have provided the authorities with the relevant Council of Europe standard as regards the composition of Judicial Councils.

Judicial Councils play a crucial role in guaranteeing the independence of the judiciary and it is of the utmost importance that new legislation adopted in our member states takes into consideration existing standards on this matter. I have also noted that the Human Rights Commissioner addressed a letter to the Speaker of the Sejm expressing his concerns about the amendments and encouraging the Polish Parliament to reject them.

Bilingualism

On 30 March, I received a letter signed by 26 Permanent Representatives regarding respect for bilingualism in our Organisation and the principle of parity between our two official languages.

I too attach a high level of importance to this principle of parity, and have therefore asked Ms Sally Bailey-Ravet, Head of the Interpretation, Travel, Events and Multimedia Service in the Directorate General of Administration, to act as the Focal Point within the Secretariat on these questions.

Item 4.3 Abolition of the death penalty

We should all take pride in the role that the Council of Europe has played in the abolition of the death penalty in Europe. For more than 18 years, no death sentence has been carried out in any of our member states. Globally, our Organisation is considered a leading light on this touchstone human rights issue.

Now it is important to consolidate this achievement; to protect it from emerging threats; and to defend and promote it beyond Europe's borders.

Today you have in front of you a document on the policy of the Council of Europe in relation to the death penalty. This paper is based on research done by the Directorate of Policy Planning.

It identifies and analyses different challenges to the Council of Europe's policy on this issue and makes strategic policy recommendations on three levels: multilateral relations, relations with non-member countries, and death penalty-related issues in member states.

First, in respect of the multilateral context, we should decide on the most appropriate opportunity, at the level of the United Nations, to raise the profile of the Council of Europe's abolition work. In particular, there appears to be scope to strengthen and structure our advocacy action on the biennial Resolution by the General Assembly on a moratorium on the death penalty.

When it comes to our co-operation with the European Union, our thematic political dialogue with the EU could be enhanced by moving from general declarations to more targeted and concrete policy proposals on specific issues.

Second, in respect of our relations with non-member states, it is important that we continue our dialogue with Belarus. This includes a gradual expansion of the scope of targeted co-operation activities in line with the Action Plan. At the same time, we must remain clear that no significant progress towards Belarusian membership of our Organisation can take place without moves towards a moratorium on the death penalty.

We may also review our advocacy actions towards other countries by focusing on those actions with the highest prospects of producing a tangible and positive impact.

Finally, concerning action with regard to member states, any suggestion of the reintroduction of the death penalty in member states clearly has to be closely monitored. Where these gain traction, we need to be prepared to give appropriate legal and political responses to show the potential consequences for the membership status with the Council of Europe.

With a view to future generations, we should ensure that our educational and youth-related activities include appropriate content on the importance and significance of the abolition of the death penalty within the general human rights and democracy context.