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Speech at the 46th Session of the Congress of the Council of Europe

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Dear Mr President, distinguished members of the Congress,

I am grateful for the opportunity to address this assembly today. As my mandate comes to an end in the coming days, this moment offers a valued space to reflect with you on some of the most critical challenges to human rights in Europe, as well as to highlight promising initiatives that I have witnessed during my tenure.

Throughout my mandate, I have had the privilege of visiting many Member States. These visits have allowed me to engage with individuals who have directly experienced human rights violations and to observe first-hand the transformative impact that respect for human rights principles can have on the lives of individuals and communities.

That human rights have faced numerous challenges is not a recent trend. However, the last six years have witnessed a marked deterioration in people's ability to enjoy their human rights.

The COVID-19 pandemic and the human rights implications of the emergency response, coupled with Russia's full-scale invasion of Ukraine, exemplify the profound crises we face today.

The COVID-19 pandemic went beyond a mere health emergency and had a lasting impact on the social, economic and psychological well-being of countless people. Recent studies have highlighted a worrying increase in anxiety and depression, particularly among young people, suggesting a deep-seated societal impact. The pandemic has also been used to undermine democratic principles. On the one hand, some states have imposed excessive restrictions on rights and freedoms under the pretext of emergency measures. On the other hand, anti-democratic groups have used the sometimes chaotic government responses to the pandemic as a vehicle for spreading disinformation. This has exacerbated social polarisation and undermined trust in government institutions.

As Europe began to emerge from the shadow of COVID-19, Russia's invasion of Ukraine plunged millions into despair and marked a return to large-scale conflict in Europe. In the early days of the invasion, my team and I visited countries receiving people fleeing the war and witnessed the harrowing accounts. In Kyiv, Bucha, Borodianka and Irpin, I met with locals and officials, confronting first-hand the overwhelming scope of violence, destruction and human suffering.

In addition, human rights violations have once again marked the last chapter of the long conflict between Armenia and Azerbaijan over the Karabakh region in 2023 with the sudden mass displacement of over 101.000 Karabakh Armenians who fled to Armenia in a matter of days at the end of September. Throughout my visit to Armenia and Azerbaijan, including the Karabakh region, in October, I heard reports of serious human rights violations related to the long-standing conflict and witnessed the deep suffering of civilians affected by the various outbreaks of hostilities over the years. I highlighted the importance of ensuring the human rights of all displaced persons and developing a human rights-

centred approach to reconciliation and peace-building for the well-being of the affected populations and for lasting stability and peace.

The dire human rights situation in war and conflict zones is one of the greatest challenges of our time. Addressing this issue requires concerted efforts by Member States' authorities at all levels of government to stop these violations and effectively uphold human rights principles.

Among the many challenges we face, the erosion of the rule of law stands out as particularly ominous for the overall protection of human rights. The rule of law is one of humanity's most important achievements and serves as a fundamental pillar of democratic societies. Its deterioration, marked by actions that undermine the independence and impartiality of the judiciary, is a matter of grave concern. Unfortunately, violations of human rights, such as freedom of expression and the liberty and security of person in some member states has gone hand-in-hand with the erosion of the independence and impartiality of the judiciary. This is manifested in cases where politically motivated arrests were made of mayors or local councillors or they were removed without judicial control, or where candidates were barred from participating in elections.

Moreover, the disregard of the judgments of the European Court of Human Rights, the non-implementation of its interim measures, the circumvention of national court rulings and the disregard of the recommendations of national human rights structures pose a direct threat to the essential checks and balances that limit government overreach.

This erosion is further demonstrated when local authorities, ignoring international human rights standards, adopt measures in contradiction with their legal obligations, like when they ban demonstrations for political expediency or intolerance of the demonstrators' message.

These disturbing developments coincide with a growing backlash against human rights standards and their legitimacy, representing a shift away from legal obligations and core principles enshrined in international law and national constitutions. This trend challenges the very fabric of democratic governance and threatens the very essence of human rights protection.

The erosion of the rule of law is most evident in the area of migration, where practices that undermine the dignity and rights of individuals are increasingly common. Pushbacks, inadequate responses to maritime tragedies, inhumane reception conditions and restrictive family reunification policies, while not new, are now occurring with alarming regularity and intensity.

The safeguards and adherence to basic legal principles that have traditionally provided protection - including respect for the decisions of international and national courts - are becoming less effective. This decline has led to a disturbing acceptance of serious human rights violations against refugees, asylum seekers and migrants, signalling a wider shift towards tolerance of such abuses within Europe.

Furthermore, the trend towards the externalisation of asylum processes, whereby states delegate their asylum obligations to entities beyond their borders, is creating a cascading effect that threatens to dismantle the European and global frameworks of international protection. This approach, driven by the political exploitation of migration issues, reveals a profound disconnect with universal human rights principles and the responsibilities of states under human rights law.

Another problem that has wide implications for the human rights of countless Europeans concerns our collective ability to transition from a history marred by serious crimes to a future of peaceful, multi-cultural societies rooted in human rights.

The region of the former Yugoslavia is a case in point. The lingering failure to effectively address the wartime atrocities of the 1990s and their underlying causes continues to cast a long shadow over respect for human rights and the rule of law today. The window to deliver justice, offer reparations, and uncover the truth for the victims is narrowing. The resurgence of ethnonationalist rhetoric, the denial of genocide and war crimes, and the glorification of war criminals severely hinder efforts toward reconciliation and even threaten the hard-won peace.

In the face of widespread denial of the Srebrenica genocide, it is high time for the international community to establish a day of remembrance on 11 July. The Mothers of Srebrenica made this call

when they visited the Council of Europe for the first time ever in 2019. I have wholeheartedly supported their call and I pay tribute to their tireless efforts to replace the seeds of hatred with the seeds of justice.

There is also an urgent need in the region for transformative reparations and a commitment to preventing future atrocities. Central to this process is revived political commitment by the governments in the region and urgently halting dehumanising discourses that fuel hatred against others. Involving victims in addressing the past, breaking the cycle of intergenerational trauma, and placing a focused emphasis on the youth are also important aspects.

The state of human rights in Europe that I have sketched so far underlines the fact that our work remains incomplete. To reverse the trend and advance human rights protection, it is vital that we recommit to the principles and standards that underpin our Organisation.

Despite the daunting challenges we face, these circumstances should not be used as a justification for passivity or resignation. And I see reasons for optimism.

For example, the Council of Europe's Reykjavik Summit is encouraging in reaffirming the commitment of Heads of State and Government to the norms and principles of our Organisation. Moreover, since the turn of the millennium, the Council of Europe has adopted 50 international legally binding texts on a wide range of issues, from children's rights to women's rights, from anti-corruption measures to trafficking in human beings. Over the past 14 years, the Commissioner has also benefited from this commitment. The role of the institution has been enshrined in the Convention, it has been given a more direct role in the execution of judgments and it has been strengthened in the implementation of the Summit decisions.

Another reason for optimism is that even in the darkest moments of recent European history, such as the crisis following Russia's full-scale invasion of Ukraine in February 2022, the resilience of multilateralism and commitment to human rights were evident.

I should also stress that in all the countries I visited, I saw the tireless efforts of officials, including at the local and regional level, NGOs, journalists, human rights defenders, national human rights institutions and activists. These remarkable individuals continue to stand up for human rights, often at great personal risk.

These are compelling reasons for optimism that must be harnessed to halt the erosion of the rule of law and advance the cause of human rights.

Both you and national authorities have the primary responsibility to ensure that this vision becomes a reality by ensuring that laws, policies and practices are consistent with international human rights obligations.

Throughout my tenure, it has been clear that local and regional authorities can be a channel for ensuring this – although they can also be an obstacle to it.

I see you as instrumental in building resilient and inclusive communities where international human rights standards are not just abstract ideals but are actively upheld and protected.

The Commissioner is an important ally in this endeavour. The institution's flexibility to intervene quickly when human rights problems arise, its ability to shed light on new or forgotten problems, its access to decision-makers coupled with close cooperation with human rights defenders, as well as its third-party interventions before the ECHR and communications under article 9 addressed to the Committee of Ministers, are all tools that, if heeded by State authorities, can make a difference to the lives of individuals and strengthen the sustainability of the human rights system as a whole.

It is therefore necessary that all State authorities, including local and regional authorities, facilitate the work of the Commissioner, take its recommendations seriously and debate them publicly.

State authorities may not always agree with the Commissioner's findings and recommendations. But I submit to you that the Commissioner is a crucial institution for you to address current and future problems.

Mr President,

As I conclude these remarks, my thoughts return to my first speech as Commissioner at the High-Level Conference in Copenhagen in April 2018. At that time, I spoke of the need for public authorities to respond uncompromisingly to the expectations of millions of people that we act as guardians of freedom, justice and human dignity for all.

In the next phase of my life, I will continue to look to this Organisation, including this Congress, with great expectations, knowing that it has all the potential to make a difference in people's lives.