

Speech by the President of the Parliamentary Assembly of the Council of Europe, Theodoros Rousopoulos
2nd edition of the Liverpool Summer School on the Law of the Council of Europe

Dear President Michele Nicoletti, Professor Dzehtsiarou, Dr Tzevelekos, Organising Team, and Participants,

I am honored to be here today, representing the Parliamentary Assembly of the Council of Europe, as its first Greek President. I welcome the second edition of the Summer School on the Law of the Council of Europe, aligned with the OCEAN initiative, which strengthens cooperation between the Council of Europe and academic institutions. This initiative is crucial for raising the profile and increasing the visibility of the Council of Europe, a priority I vowed to tackle when taking office last January.

Historical Background and Creation of the Council of Europe

The Council of Europe aims to achieve unity among its members, safeguarding and realizing common ideals and facilitating economic and social progress. In 2024, we celebrate the 75th anniversary of the Council, created on 5 May 1949.

Then, the Council was seen as revolutionary, addressing nearly all issues of importance in Europe except defense. Strasbourg, a city marked by conflict, was chosen as the headquarters, symbolizing peace and reconciliation. The Assembly held its first session on 10 August 1949 at Strasbourg University and prioritized the protection of human rights, urging the Committee of Ministers to draft a convention.

The European Convention on Human Rights (ECHR) was the first instrument globally to enforce certain rights from the Universal Declaration of Human Rights, making them binding. Its ratification became mandatory for all Council of Europe member states. The ECHR remains the most advanced supranational system for human rights protection, allowing individuals to bring cases before an international court.

The Parliamentary Assembly's role includes electing the Secretary General, judges to the European Court of Human Rights, and the Commissioner of Human Rights.

The Council played a crucial role during Greece's dictatorship, leading to Greece's withdrawal in 1969 and its rejoining in 1974. This year marks both the 75th anniversary of the Council and the 50th anniversary of Greece's return to democracy.

Structure of the Council of Europe

Member states are represented in two statutory organs:

- **Committee of Ministers:** Comprised of Foreign Affairs Ministers or their representatives.
- **Parliamentary Assembly:** Made up of representatives and substitutes designated by national parliaments. Each member state has a set number of representatives and votes based on its population, with the total number of Assembly members being 612, plus observers and partners for democracy.

The Council of Europe has developed expertise in areas like children's rights, gender equality, education, cybercrime, election observation, non-discrimination, and minority protection. It has produced 224 conventions, treaties, and protocols, with the ECHR being the most well-known. The European Social Charter also contributes significantly to Europeans' quality of life, covering rights from health to social security.

Contribution of the PACE to the Council of Europe International Legal Order

The Parliamentary Assembly, often referred to as the political engine of the Council, has many achievements:

- Ending the death penalty in Europe by making it a condition of accession.
- Helping ex-Communist countries transition to democracy after 1989.
- Inspiring national laws by pushing for new conventions, including the ECHR, the Istanbul Convention, and the recent Convention on Artificial Intelligence.
- Providing a forum for debating controversial issues and campaigning for change.
- Leading on gender balance in Council bodies.
- Introducing European symbols like the flag and anthem.

Around 40% of the Council's conventions were inspired by the Assembly, including recent ones to help national minorities and protect women against violence. The Assembly monitors the implementation of these texts and engages in political dialogue when member states fail to uphold their obligations, especially regarding ECHR judgments.

Our Committee on Legal Affairs and Human Rights addresses issues like the implementation of ECHR judgments. We recently discussed ways for PACE and national parliamentarians to engage more actively in promoting the timely and effective implementation of Court judgments.

Our Monitoring Committee regularly engages with countries, emphasizing the need to implement Court judgments.

The European Social Charter is another key instrument, guaranteeing social rights like employment, housing, education, and health. The Assembly views the Charter as a living instrument, adaptable to new socio-economic developments and emerging challenges.

The Istanbul Convention, celebrating its 10th anniversary, is the gold standard for combating violence against women. It explicitly addresses all forms of violence against women and provides a toolkit for state parties to implement compliant domestic legislation. The Assembly has actively promoted this Convention, urging member states to sign and ratify it.

But not everything is rosy in our relations with each other. There are countries that break certain rules and in those cases there are consequences. There are countries that put political opponents of the rulers in prison and countries that sporadically violate human rights. We are always present to observe, to raise our voice and to impose sanctions when necessary. Sometimes the sanction is the greatest possible. Or the expulsion of a member state from our organization.

Twice in its history the Council of Europe has had to expel two member states from its ranks.

The first time was in 1969 when my country, Greece, was expelled. And I am very proud of this - as I am wont to say - because Greece was under a dictatorship at the time, and so the Council proved in practice that those who violate democracy have no place in this organization.

The second time was just two years ago, when we decided to expel Russia for invading Ukraine in a war of aggression in which crimes were and are still being committed.

On Russia in particular, we have moved on many fronts, trying to help Ukraine to remain free, to return refugees to their homes, to return to their parents the thousands of children who have been kidnapped and whose identity, language and country are being forcibly changed. And finally, an international tribunal in which those responsible, with Mr Putin leading the way, will be made to pay for their crime.

Challenges for Democracy

But having given you, dear listeners, a detailed overview of the principles and work of the Council of Europe, let me now get to the heart of the issue you are discussing, which is the challenges facing democracy in the 21st century and how I personally see these challenges.

I will start with the rhetorical question: Who do you really believe is the guarantor of democracy?

The answer comes easily to my mind. The guarantor of democracy is the opposing point of view, and more specifically, the tolerance of the opposing point of view. A second question that came to my mind when I was writing my speech is why is the contrary viewpoint in danger today? Because, it is quite simple that, no authority enjoys being challenged. Questioning is what science desires because it is only by questioning what was once considered constant in the progress of the world that it has been able to contribute to society. Questioning is certainly desired by the smartest among us. Some special characters of people who know that through it they and their practices will improve. Most get annoyed when you criticize them. The smart ones are happy because they know they will be better if they listen to the criticism.

Now let's talk specifically about power and those who serve it. Personalities undoubtedly play a big role. However, you as law students know better that a polity should not be based only on the characters of the persons exercising power. A polity is based mainly on the general and specific rules governing the relations between citizens and the polity and between citizens and each other. That is why it is important to make rules that operate within the framework of the law and to follow them. Within the rules of democracy is also the questioning that I have spoken to you about.

So the first challenge of a modern democracy remains what it has been since its birth in Ancient Athens: Questioning.

But doubt alone is not acceptable if it is not accompanied by knowledge. So here we come to talk about another danger of the democratic polity of today. In the changing world - rather, in the world that has already changed - the expression of opinion in the public sphere is easier than ever. Everyone now has access to the public sphere. It is not true what Andy Warhol said in the 1970s, that in the future, everyone will be world famous for 15 minutes. Now everyone has many more minutes of publicity, some because they have their own social media outlet, others because they take advantage of the ability that online pages give them to comment under every story.

But let me return to the major, in my opinion, danger to democracy: The expression of opinion without first having acquired the necessary knowledge.

This ease has led us to extreme populism, of which the citizens themselves sooner or later fall victim. The less educated they are, the greater the risk that they will succumb to currents of populism, extreme discourse and violence. Hate Speech dominates social media today. Ignorance is therefore a key risk factor for democracy. Equally a key risk factor is the deliberately false transmission of information. Fake news has been, is and will be. The persuasiveness of an argument today is based on an existing fact and the weaving of assumptions around it, the plausibility of which lures citizens into social illusions. Another major challenge facing politicians serving democracy in particular is fear. Fear, of those who have the power to deal with problems. The fear often of finding realistic solutions and possibly unpleasant solutions. Fear of being seen as traitors to their party and their ideology if they happen to work with their political opponent to find solutions. In the current era, another fear has been added. The fear of being seen as regressive if they do not blindly and unquestioningly follow every new trend that emerges.

The subversion of symbols and the rewriting of history in the light of today is another danger for democracy. I read articles that the Athenian democracy was not a democracy as women did not participate or that there were foreigners who were not participating in the Agora.

I leave out that great women managed and excelled with great difficulty perhaps, but excelled. I cannot accept the leap of logic whereby an era, a city, Athens in this case, which discovered and practiced the first democracy on the planet 2,500 years ago, will be judged on the terms of today. Democracy is not a frozen idea but an evolving ideal.

This danger is even greater, because it is one thing to question with knowledge, as I said earlier, and another to question because it is fashionable.

Yes, there were no women involved and yes, there were people who did not belong to the citizens and worked in the fields and had no right to participate in the Agora. People who were residents of Athens, but not citizens of the Athenian democracy and who did not take part in decisions about the future of Athens. Trying to crush time and bring into the present something that happened 100 or 1,000 years ago or two and a half thousand years ago is dangerous. Progress, the evolution of human minds and thought did not happen in seconds but in centuries.

So the second challenge is the fear that political power usually has to confront in order not to become unpleasant.

The third challenge is the indifference of citizens. Let us take the example of the ongoing war in Ukraine or the war in the Middle East: Russia invades another country. At first we were all shocked and this is followed by anger and consequently a collective reaction to the injustice. But as the war lasts, then we reach the most dangerous stage which is habit. Habituation to the injustice of war, to the situation that initially bothered us, but which we subsequently decided to take for granted. It is not out of malice that citizens are driven to apathy. It is out of indifference. Indifference is therefore the third danger factor for democracy. In the ancient Athenian Republic, participation was compulsory. There was no justification for indifference. Anyone who was indifferent was accused of idiocy. It was the Greek word *ἰδιότης* (idiotis) which was translated into English as Idiot and now we understand why someone who is indifferent to the Republic is an idiot.

Fourth danger factor and challenge for Democracy is the removal of man from man.

The alienation from the humanistic side of the human being. Proximity is not just a matter of eye contact; proximity is a matter of empathy. Lack of empathy leads human existence to apathy and democracy to trash. Ask yourself how close you are to your fellow human being, to your fellow student, to the homeless who sleeping on the street? Ask yourself what are you doing to maintain the humanism with which life has endowed you but which you have forgotten over the years? So this is the fourth challenge for Democracy: Caring about our fellow human being.

Fifth risk factor is the so called “right” of the most powerful. Is there such a right existing in our principles? Please pay a little more attention to this. You know as law students

that it is the Righteousness that separates a society from the jungle where the law of the strongest prevails. In society it should not matter who has money or power, in the relations of states it should not matter who has more weapons or more geographical area or a larger army but respect for the other, however small. I would say that the biggest players on the global geopolitical chessboard should set an example of respecting the small and powerless. You might think now that I am describing a utopian society. No. I am describing a society worth fighting for. And this is what we are doing in the Council of Europe.

We are at the forefront of the struggle needed to preserve the basic principles of democracy and at the forefront of addressing modern challenges through new legal instruments. The Parliamentary Assembly has played a pivotal role in shaping the international legal landscape by advocating for the creation of new conventions and protocols that address emerging issues and promote human rights, democracy, and the rule of law.

Among these new challenges I will refer to two: Environment and Artificial intelligence.

- **Environment:** Advocating for a right to a clean, sustainable, and healthy environment through a protocol to the ECHR. The Reykjavik Summit –where the leaders of our member states met last year- recognized the environment as a key priority, agreeing to strengthen existing conventions and coordinate action against pollution, climate change, and biodiversity loss. The Assembly has been pleading for this new right to be legally enforceable in national courts and the Strasbourg Court.
- **Artificial Intelligence:** Supporting the drafting of a new Convention on AI, emphasizing transparency, fairness, human responsibility, safety, and privacy. This Convention, adopted in May, will be the first international treaty on AI, guiding national laws. The Parliamentary Assembly welcomed the draft Framework Convention on Artificial Intelligence, Human Rights, Democracy, and the Rule of Law but regretted its limited coverage of private actors. We strongly called for member states to apply its provisions to private entities and encouraged a dynamic interpretation of the convention by its supervisory mechanism to foster advances over time.

The Parliamentary Assembly identified key ethical principles for AI:

1. Transparency, including accessibility and explicability.
2. Justice and fairness, including non-discrimination.
3. Human responsibility for decisions, including liability and remedies.
4. Safety and security.

5. Privacy and data protection.

Conclusion

The Parliamentary Assembly carries the revolutionary ambition of the Council's founders to amplify Europeans' voices. We must engage with citizens, promote human rights, democracy, and the rule of law, and ensure peace and prosperity in Europe. Our political work, both nationally and in Strasbourg, should reflect the lessons of history, recognizing the interdependence of human rights, democracy, and the rule of law. We must uphold the revolutionary spirit of the Council's founders and meet our citizens' expectations.

At the Parliamentary Assembly, we are vested with the revolutionary ambition engraved 75 years ago in the London Statute to let the voice of Europeans be heard. And we should shoulder this responsibility with greater resolve. I think that we should invest greater energy and time to engage with Europeans and let them become aware of the impact of the Council of Europe on their daily lives.

The past few years have reminded us of many lessons, which the founders of the Council of Europe had already understood: that human rights, democracy and the rule of law are interdependent, and one cannot be guaranteed without the other, that prosperity cannot be ensured without peace, that the security of each European State depends on the state of human rights, democracy and the rule of law in the others. These lessons must guide our political work, in our countries and in Strasbourg. We should live up to the revolutionary spirit of the founders of the Council of Europe and spare no effort to deliver on our citizens' expectations.

United around our values. Strong in our belief in the mission of the Council of Europe.

Thank you for your attention.