

HELP Conference

Address by Minister for European Affairs, Thomas Byrne

30 June 2022

Ambassador Kuneva,
Director General Giakoumopoulos,
Justice Eicke,
Members and Partners of the Council of HELP Network,

On behalf of Ireland's Presidency of the Committee of Ministers, I am delighted and honoured to open the 2022 HELP Network Conference.

And to wish you all 'Céad Míle Fáilte' – 'Cent Mille Bienvenues' – to sunny Strasbourg.

As a lawyer by background, it is a particular pleasure for me to be with you here today, as you gather to discuss and assess how best to enhance European Human Rights law training.

Professor Thomas Groome once wrote that "One mark of a great educator is the ability to lead students out to new places where even the educator has never been."

And to this day, I remain deeply grateful to the educators I had the benefit of learning from. Educators who provided me with invaluable legal training and skills.

Without the benefit of that education, I know that I would not find myself standing here before you today.

Education is an ongoing experience and the work of the HELP programme is vital in ensuring that the application of European human rights standards are a feature in the daily work of legal professionals.

As some of you may know, US President Joe Biden has a fondness for quoting Irish poets.

Not because he's of proud Irish heritage, he says. Although he is that.

But because, in his own words, “*they’re the best!*”

And who are we to contradict him?

One of his favourite writers, Seamus Heaney, was a frequent visitor to this city.

And a deep believer in all Strasbourg stands for.

In 1985, Amnesty International asked him to mark International Human Rights Day with a poem.

By way of background, Amnesty shared reports about the injustices endured by prisoners of conscience the world over.

As modest as he was brilliant, Heaney initially refused.

As he put it, “*all I could do at first was quail before that evidence. No cry I could have made in verse could have matched what was crying out in the dossiers*”.

But, at length, he was persuaded otherwise.

And completed the commission.

The result was “From the Republic of Conscience”, a poem that ever since has lent its title to Amnesty’s highest honour.

It imagines the Republic of Conscience as a place of silence and solitude, of self-awareness and self-examination.

A frugal, radically democratic polity that inspires in its visitors a commitment to bear witness.

And that, on leaving its shores, honours them as dual citizens and emissaries of a Republic whose embassies, Heaney writes, “*are everywhere but operate independently and from whose service no Ambassador would ever be relieved.*”

At a moment of crisis and conflict on our shared continent, as a Minister, a lawyer, and a citizen, I find myself reflecting on this verse.

On what it means to be of the Republic of Conscience.

On 24 February, the Russian Federation invaded Ukraine with the express purpose of overthrowing its democratically elected government and destroying its sovereignty.

In the four months since, the world has witnessed war crimes, unspeakable acts of barbarity, staggering human rights abuses.

Civilian casualties; destruction of civilian infrastructure; unlawful killings; arbitrary detention; enforced disappearances; torture and ill-treatment; conflict-related sexual violations.

We have seen the utter brutality of the Russia's latest outrage with its attack against civilians at Kremenchuk.

The Kremlin's is a litany of infamy that recalls the darkest chapters of Europe's twentieth century.

Today, the bombs fall still on the brave citizens of Ukraine.

But, the invasion of Ukraine is not just an attack on its people. It is an attack on the values which we all cherish: Democracy; Freedom and Sovereignty.

Tomorrow, the Czech Presidency of the EU begins.

In his brilliant essay, 'The Tragedy of Central Europe', the Czech master, Milan Kundera, reflects on the Hungarian revolution of November 1956.

As the Soviets prepared to bombard Budapest, he recalls, the director of the Hungarian News Agency sent a telex to the entire world.

It ended with these words:

"We are going to die for Hungary and Europe."

Today, Ukrainians are fighting for their own freedoms and sovereignty.

But they're fighting too for our values.

Values first codified on this continent by the Council of Europe.

And protected by it still.

During its Presidency of the Committee of Ministers, Ireland has no higher priority than in supporting Ukraine and in protecting those values.

So I commend all of you for making this the focus of HELP's conference this year.

The Council of Europe was established as a bulwark against totalitarianism – an alarm for democratic Europe.

In 1949, Pierre-Henri Teitgen, one of the principal architects of the Convention System, famously heralded the proposed European Court as “*the conscience of which we all have need*”.

He observed how creeping autocracy suppressed freedoms in each sphere of national life.

Over time, the inevitable result was the asphyxiation of the national conscience.

For that reason, a supranational conscience had to exist somewhere.

To sound the alarm to the minds of a nation, to halt this progressive corruption.

For Teitgen, the Convention and the Court were to fulfil this role.

Acting, in effect, as the “*conscience of Europe*”.

The overarching goal of Ireland’s six-month Presidency term is to renew and refocus “*the conscience of Europe*”.

In London, in 1949, we were amongst the ten original signatories to the Statute that created the Council of Europe and the European Convention and Court of Human Rights.

Ireland was the first State to make a declaration under Article 46 of the Convention, by which it recognized the jurisdiction of the European Court of Human Rights.

By virtue also of its declaration under Article 25, accepting the right of individual petition, ours was also the first State in the world to accept a binding international petition mechanism before an international human rights Court.

As a Founding State, we’ve set three clear, complementary priorities for our Presidency:

- First, to reaffirm the Council’s ‘Founding Freedoms’, protecting human rights across the continent, above all in areas of conflict
- Second, to counter illiberalism and answer autocracy by doubling down on democracy, promoting, in particular, youth participation in deliberative democracy
- And, finally, under the title *Fáilte* – the Irish word with which I welcomed you earlier – to foster a Europe of welcome, inclusion and diversity.

The Council of Europe was founded in the wake of war on our continent.

Now, in the wake of war, it’s time for our Heads of State and Government to reconvene.

Our summit should recommit to the Council’s first principles – above all the effective functioning of the ECtHR and execution of its judgments.

Drawing on the work of the of the Secretary General’s High-Level Group, Chaired by Mary Robinson, and the other organs of the Council, we must put in place structures to ensure implementation of the judgments of the Court at a

national level, including through the appointment of a Special Representative on Implementation and the further use of available sanctions.

Since the foundation of the Council, the Convention – a living instrument – and the Court have evolved into what has been called ‘the most effective system of international protection of human rights in existence’.

There are many landmarks in that evolution – not least the establishment of a permanent and full-time court in 1998.

But undoubtedly, one of the most far-reaching changes has been the incorporation of the Convention into the national law of member States.

Incorporation made Convention rights directly enforceable by national judges, as a matter of domestic law.

This means we now have a community of courts throughout Europe.

Courts whose activities are coordinated under the guidance of and in dialogue with the European Court in Strasbourg.

The Convention was also a vital component in bringing peace to the island of Ireland.

Under the Good Friday Agreement, signed almost a quarter of century ago, the UK government committed to the full incorporation of the European Convention on Human Rights into Northern Ireland law. This commitment was implemented through the Human Rights Act.

Hard-wired into the agreement, this incorporation of the Convention helped to build confidence and trust in Northern Ireland’s political, policing and judicial structures over the last 24 years. It has proved to be a vital safeguard, ensuring the protection of the human rights of all communities. The UK Government has now introduced a Bill of Rights Bill, which, if enacted, will repeal and replace the Human Rights Act.

The Bill requires serious and detailed consideration now, and I am conscious of the worry that its introduction has generated. Of course, as co-guarantor of the Good Friday Agreement, the Irish Government would be profoundly concerned by any potential diminution of human rights protection in Northern Ireland, including any restriction of the ability to obtain remedies for breaches of the Convention in domestic courts.

We have communicated that serious concern to the UK Government, and will continue to do as the Bill receives deservedly detailed scrutiny.

The people of Northern Ireland must be able to have confidence in the protections of the Convention and the Good Friday Agreement, as we work in support of lasting peace and a brighter future for the generations now born out of the shadow of conflict.

The last 24 years of the peace process have taught us what is possible when we work together, even when that requires challenging compromises, and that we must always keep striving to uphold the promise of peace the Good Friday Agreement made possible.

The commitment to the rights and freedoms enshrined in the Convention is fundamental also to the UK's Trade and Cooperation Agreement with the European Union.

HELP plays a critical role in the dissemination and incorporation of the Convention system at a national level.

And in so doing, protects human rights internationally.

Your programmes strengthen standards and the application of Court case law in many areas central to our Presidency.

Tackling xenophobia, homophobia and transphobia. Promoting child-friendly justice. Advancing environmental rights.

And, as evidence of your impact, I'm delighted to see that the number of Irish users of the HELP platform has surged more than 80% in the past three years.

Whether you're judges or jurists, students or state officials, all of you have demonstrated your commitment to the Council by convening here today.

By contributing to the dialogue with the Strasbourg court that makes the Convention truly a living, relevant and fundamentally human instrument.

In that sense, recalling Heaney's seminal verse, you too are Ambassadors of the Republic of Conscience.

Emissaries of the human rights, advocates of the rule of law that form the foundation of this Council.

Like Heaney's Ambassadors, this is a service from which you may never be relieved.

But one that will surely bring relief to those whose need is greatest.

For that, I – and the Republic I'm proud to represent – thank you.

And wish you well in the important work ahead.

Go raibh maith agaibh.