



Human Rights and Solidarity in Europe Today

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GUEST LECTURE

Thank you very much for inviting me to this seminar on *Human Rights and Solidarity in Europe Today*. I bring greetings from the Dutch Senate, which is currently engaged in its annual debate on the state of Europe. So, both here and in The Hague, I am addressing the same pressing challenges.

First and foremost, I wish to thank the organisers, the panellists, and the participants from Italy, Bosnia and Herzegovina, Germany, and, as I have learned, even from Strasbourg. special word of gratitude goes to Ambassador Marsilli and to my good friend Michele Nicoletti.

This theme of this seminar is of the highest relevance for the future European architecture and for strengthening multilateral cooperation grounded in the rule of law, human rights, and democracy. These are essential values for civilised national and international cooperation – values that we are determined to protect and promote at the Parliamentary Assembly of the Council of Europe, which I have the honour to preside over.

Allow me also to express my deep appreciation to the Italian Presidency of the Committee of Ministers, with whom I have cooperated intensively during these challenging times. I warmly congratulate Minister Di Maio and his team, as well as Ambassador Giacomelli in Strasbourg, for the excellent work carried out under the Italian Presidency. My sincere thanks also go to President Mattarella, who recently addressed our Assembly and offered profound reflections on the future of multilateralism and the unique role of the Council of Europe.

Today, I would like to share both established and new reflections on human rights and solidarity in Europe, and on the role of the Council of Europe now and in the future. Some of these reflections are experimental; I trust you will judge them kindly – and if you do not, perhaps you may report me to our Secretary-General of the Council of Europe, and she will take action. I also welcome your comments.

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As you know, human rights are formally guaranteed across our continent, with nearly all European States having joined the Council of Europe since its founding in 1949 - Italy and the Netherlands among its founding members. Over the decades, the Organisation has welcomed States once under authoritarian or communist rule - States like Spain and Portugal, Russia and Ukraine. By joining, each State pledged to uphold the rights set out in the European Convention on Human Rights, a unique, binding international treaty granting every European citizen the right to appeal to the European Court of Human Rights in Strasbourg if they believe their fundamental rights and freedoms have been violated. The Court's jurisprudence has shaped national legal systems and strengthened rights protection throughout Europe.

Yet, the Court's enormous caseload shows that far too many States still fall short of their commitments. Recent crisis have even revealed an erosion of these rights and freedoms in some Member States.

Since 24th February, many of the fundamental human rights and freedoms have been under brutal attack in one of our own Member State: Ukraine. Russia's unprovoked war of aggression against Ukraine violates international law, devastates human lives, and endangers the international order established after the end of the Second World War and the Cold War, putting the European multilateral architecture at great risk. In March, our Assembly unanimously declared that Russia could no longer remain a member of the Council of Europe. Starting a war of aggression against a neighbour - defying a solemn commitment to pursue peace - crossed a redline with the Council of Europe. It meant that there was no longer a place for such a State in our Organisation. The Committee of Ministers, under Italian leadership, acted swiftly on that recommendation. No other international organisation responded so decisively. While I deeply regret that this step was necessary, I am proud that we took it - showing that membership in the Council of Europe and European multilateralism is not without consequence.

Since then, however, Russia's military aggression has continued. Tens of thousands have been killed, injured, or mistreated. Millions have fled their homes, with more than 5 million - half of them children - seeking refuge in other Council of Europe Member States. I am moved by the solidarity shown across Europe. But more is required. Solidarity cannot be a passing impulse; it must be sustained for years to come. As we all know, destruction may take days or months, but reconstruction requires years - even decades.

During my visit to Ukraine in April, I reaffirmed our Assembly's solidarity with the Ukrainian people. Every day this war continues brings unbearable suffering and further

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violations of fundamental rights and freedoms. It is imperative that this war, which should never have started, comes to an immediate halt. The Russian authorities must be held accountable – for their aggression, for violating international law, and for the crimes committed against the people of Ukraine.

At our Assembly's most recent session at the end of April, we expressed full support for all the efforts aimed at investigating Russia's violations of international human rights and humanitarian law, as well as other international crimes, including war crimes, crimes against humanity, and genocide. We emphasised the need for accountability and proposed the establishment of an ad hoc international criminal tribunal. This tribunal should apply the definition of the crime of aggression established in customary international law. It could even be based in Strasbourg, reinforcing synergies with the European Court of Human Rights. It should also have the authority to issue international arrest warrants without being constrained by State immunity or the immunity of Heads of State and Government and other officials. At the same time, Council of Europe Member States should support and cooperate with the Prosecutor of the International Criminal Court in The Hague, making use of universal jurisdiction to investigate and prosecute the crimes committed by the Russian army in Ukraine.

Dear friends, Russia's unilateral war of aggression against Ukraine has exposed the limitations of existing multilateral institutions – the UN Security Council, the OECD, the European Union, and even the Council of Europe. All seek to prevent war, yet none prevented this one. The brutal unilateralism displayed by Russia leads to nowhere, as history has shown, and only highlights the urgent need to strengthen Europe's multilateral political architecture. This is crucial for better protecting the rule of law, respecting human rights, and developing democracy.

That is why I welcome the decision, taken on 20th May, under the Italian chairmanship, to convene a Summit of the Heads of State and Government of our 46 Member States. Such a summit, the first in many years, can renew and reinforce the Council of Europe, equipping it with new tools to safeguard democracy and respond effectively to emerging threats. I am pleased to note that this idea was long championed by my friend Michele Nicoletti during his presidency of our Assembly.

In this context, the European Union has a key role. At the Conference on the Future of Europe on 9 May 2022, after the Russian invasion of Ukraine, President Macron proposed a 'European Political Community' as a new European organization that would allow countries to find a new space for cooperation. I would argue: instead of creating new structures, let us revitalize the Council of Europe, which already unites 46 States.

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At the end of the Cold War, opening the Council's doors was decisive for European integration. It can be so again.

A crucial step will be the EU's long-delayed accession to the European Convention on Human Rights, as foreseen in the 2008 Lisbon Treaty. This would strengthen both the Convention system and the EU itself, while making the Council more attractive for non-EU States.

Similarly, EU accession to the European Social Charter would bolster the protection of social rights, which are indispensable if human rights are to flourish. We must acknowledge that the austerity policies pursued by our Member States after the 2008-2009 financial crisis harmed our social protection systems. Social and economic inequalities within and between States grew larger and deeper, and our resilience to external shocks weakened, as the Covid-19 pandemic made clear. At the upcoming Summit, Member States must discuss how to structurally improve the protection and implementation of social rights and strengthen the effectiveness of the Charter system, preferably within the European Union as a partner. Only by structurally reducing social and economic inequalities can classical human rights truly flourish.

In my opinion, social rights and environmental protection go hand in hand, since a healthy environment is a precondition for human life. Therefore, environmental considerations should be incorporated into all fundamental protection mechanisms, including the European Social Charter. Our Assembly advocates recognising the right to a safe, clean, healthy, and sustainable environment as a fundamental right through additional protocols to both the European Convention of Human Rights and the European Social Charter. The upcoming Summit should initiate such protocols.

Promoting equality and eliminating discrimination on all grounds must remain central to Europe's human rights framework. In particular, I urge universal ratification and implementation of the Istanbul Convention on preventing and combating violence against women. EU accession to this treaty would send a strong signal that the Council of Europe conventions constitute a genuine pan-European legal space for the robust protection of fundamental rights.

Friends, in 1949 Winston Churchill addressed the inaugural session of the Parliamentary Assembly expressing the hope that the Council of Europe would take 'a leading and active role in the revival of the greatest of continents which has fallen into the worst of misery'. Nearly 75 years later, that mission is more urgent than ever, lest Europe once again descend into such misery.

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Russia's war of aggression against Ukraine demonstrates with brutal clarity what is at stake. War is the most absolute denial of human rights and freedoms. It compels us to strengthen multilateralism in Europe, so that such conflicts may be prevented in the future.

Membership in this multilateral framework must mean a genuine commitment to the rule of law, human rights, and democracy – principles that serve the interests of both citizens and States alike. Those who place themselves outside this framework deprive themselves of the many benefits of cooperation and solidarity. I wish to underline that this is directed in particular to the Kremlin – the President, the Parliament and the government of the Russian Federation – who have deliberately chosen to distance themselves from European multilateralism. Their aggressive policy harms not only Europe, but ultimately Russia itself and its own citizens.

I would like to conclude with a quote from President Sergio Mattarella, who honoured us with his presence during our April session. He reminded our Assembly that '[t]he Council of Europe is the child of the drive for the multilateralism that characterized the years following the Second World War, together with the United Nation system. A drive based on an elementary consideration: collaboration reduces oppositions, counteracts the conflict, increasing the chances of a positive settlement of disputes'.

President Mattarella also added that '[a]s much as war pretends to be a lightning war – and it does not succeed – so much so that peace is the result of the patient and unstoppable flow of the spirit and practice of cooperation between peoples, of the ability to move from confrontation and the arms race to dialogue, control and a balanced reduction of weapons of aggression. It is a laborious construction, made up of consistent and continuous behaviours and choices, not an isolated act. It is the outcome of a stubborn faith in humanity and a sense of responsibility towards it'.

And he concluded: 'If we pursue common goals, it is no longer necessary for someone else to lose in order to "win". We all win together'.

Dear friends, these wise words from Italy's President underscore the need for more effective European multilateralism, with a specific role for the Council of Europe – the continent's oldest and broadest treaty-based organisation. Sustainable human rights demand solidarity – within States and across borders. Without it, the rule of law gives way to brute force, and human dignity is lost. When this happens, human rights erode and disappear. In my view, dear friends, and I believe in that of our Assembly, the time to act is now. The upcoming Council of Europe Summit, initiated by your Italian Presidency, should and could be the catalyst for a more effective European

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multilateralism, grounded in the values of the rule of law, human rights and democracy.

These are the ideas I wished to share, and I remain open to any questions, remarks, comments, or suggestions for improving them. Thank you very much for inviting me.

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