

Opening Speech by Christos Giakoumopoulos, 07 July 2021

High-Level International Conference “Role of Prosecutors in the  
Protection of Individual Rights and Public Interest in light of  
Requirements of the European Convention on Human Rights”

Saint-Petersburg, 7 July 2021

Dear Prosecutor General of the Russian Federation,

Dear President of the International Association of Prosecutors,

Dear Prosecutors Generals and High representatives of State authorities of European and Eurasian States,

Distinguished Presidents of the Council of Europe bodies,

Excellencies, Ladies and Gentlemen,

I would start by thanking our host, the Prosecutor General of the Russian Federation, Mr Igor Krasnov, for the honour to be received in this splendid place, the *Konstantinovsky Dvorets*, on the occasion of this high-level conference that will deal with the European Convention on Human Rights as a central topic.

May I recall that our joint initiative to hold the today’s event dates back to April 2019. It is significant that the idea has survived the pandemic. Our joint willingness to resume a live dialogue between European prosecutors at the highest level has prevailed over numerous difficulties that complicate our life so much and so often nowadays.

I would also like to thank the President of the International Association of Prosecutors, Mr Cheol-Kyu Hwang, and its Secretary General, Mr Han Moraal, for having agreed to co-organise this event. With its 350,000 prosecutors connected throughout 177 countries of the world, the IAP has become our powerful partner since its very establishment 25 years ago.

I would also like to welcome all our high-level participants who represent 30 countries, including 20 General Prosecutors most of whom are sitting in this hall while few others take part on-line.

And I am most grateful to the three presidents, respectively, of the Consultative Council of European Prosecutors, of the European Commission for the Efficiency of Justice and of the Venice Commission who will speak later this morning for their genuine willingness to enrich this Conference.

Excellencies, Ladies and Gentlemen,

I would like to say few words about our topic today as it is quite central to all activities of the Council of Europe.

Our basic assumption, which is enshrined in our Statute, is that “*a greater unity*” between our 47 member states can only be achieved “*by discussion of questions of common concern and by agreements and common action*” which include first and foremost “*the maintenance and further realisation of human rights and fundamental*

*freedoms*" (Article 1 of the Statute). The European Convention on Human Rights is the key instrument to achieve this greater unity.

Prosecutors are important actors of this immense common legal endeavour. Their functions lead them both to pursue the public interest and to protect human rights. They participate, therefore, in the implementation of the European Convention on Human Rights.

That is why we have decided together with our co-organisers to make the Convention a central topic for our today's event. The standing challenge in human rights law that the Strasbourg Court is called to address in every case consists of striking the right balance between the public interest and individual rights.

Prosecutors are daily confronted to same challenge, however different their functions are in different states.

In the criminal justice field, prosecutors play an essential role when it comes to ensure respect for the right to a fair trial, the presumption of innocence or the independence of the investigation.

The case-law of the Strasbourg Court supplemented by the Recommendation on the Role of Public Prosecution in the Criminal Justice System (Rec(2000)19) set our common European standards in this area. The subsequent CCPE opinions deal with more specific aspects regarding prosecutors' role in criminal investigations (No. 10 (2015)) and in relation to the rights of victims and witnesses in criminal proceedings (No. 12 (2017)). These texts along with the Rome Charter shape the legislation and practices in all 47 States of Europe and beyond.

Whenever the domestic law empowers prosecutors to act outside the criminal law field, they are likewise called upon to represent the public interest, while strictly upholding respect for human rights, fundamental freedoms, and the rule of law. The function of supervision over the lawfulness in some countries allows prosecutors to protect rights and freedoms of large groups of individuals or the public in general. In so doing, prosecutors may address numerous human rights challenges, including the protection of public health and environment, combatting the illegal migration, and protection of the rights of entrepreneurs.

The Recommendation CM/Rec(2012)11 on the role of public prosecutors beyond the criminal sphere constitutes our common European standard that shapes prosecutors activities whenever they exercise such functions. The CCPE Opinion of 2008 (No. 3 (2008)) and the Rome Charter also provide a set of established principles in this area.

Our common standards I have just mentioned echo the rich diversity of prosecutors' functions in Europe and in the world.

Beyond their important human rights functions, prosecutors participate in the proceedings based on other conventions of the Council of Europe that frame the Pan-European co-operation in the criminal field, including extradition, mutual assistance in criminal matters, the transfer of sentenced persons, the prevention of money laundering and the fight against corruption.

I am delighted to see all these topics included in our agenda for today and tomorrow and I am sure that our discussions will be an useful update on new laws and practices of our member states and of other states here represented and engaged in cooperation activities with our organisation.

I am also convinced that our discussions today and tomorrow will be very timely. Indeed, it is a long time we have not convened in the Council of Europe an event of similar level and scale with the participation of general prosecutors. The public health crisis and the new challenges it has confronted us with makes our discussions even more topical.

As we were preparing the event with our co-organisers, we have noticed that the last edition of the Human Rights Manual for Prosecutors was published by IAP more than ten years ago. We have therefore seen a potential for our conference to provide an enriching up-to-date material that could contribute to the new edition of the Manual.

Please, be assured that the Council of Europe is ready to contribute to the new edition by providing a substantial input on the relevant jurisprudence of the European Court and on the best prosecutorial practices that have been highlighted through the activities of CCPE and CEPEJ.

Excellencies, Ladies and Gentlemen,

Before I conclude, I would like to emphasise once again that the powers of the prosecutors among in our member states are not only diverse, but they are also evolving all the time. And this will make our discussions even more interesting.

The extension of the role of the General Prosecutor's Office of the Russian Federation and its new power to plead cases in Strasbourg is an important development. We have carefully examined the amendments to the Law that were enacted few days ago. We understand that these new powers will not only involve the *Prokuratura* into the Strasbourg Court's proceedings but will also imply a more active role in the implementation of the Court's judgments.

We are looking forward to hearing from our Russian partners on how they plan to enhance the implementation of the Convention at the national level. Indeed, there are so many legal issues that may be better tackled domestically so as to remedy violations quickly and thus to avoid overloading the Strasbourg Court with straight-forward cases for which the case-law has long been settled.

The Council of Europe remains at your disposal to cooperate on all Convention issues with a view to their swift resolution. Our cooperation programmes with the Russian Federation and with all other member states and beyond serve this primary purpose.

With the 15<sup>th</sup> Protocol to the Convention entering into force in three-week' time from now, the principle of subsidiarity becomes a central element of the Convention's Preamble. It should not be on paper only. We need all Convention actors, and not least the prosecutors, to promote the implementation of the Convention and the Court's judgments in their daily work so that the subsidiarity becomes a reality on the ground.

The subsidiarity can only happen if the national justice system is genuinely independent and fair; and if the national authorities' decisions on human rights issues are guided by the Convention principles of lawfulness and proportionality.

We are looking forward to hearing from the wide and diverse community of prosecutors here represented on how to make it happen.

Thank you very much for sharing your diverse perspectives with us!

I wish all of us a successful conference!