

HUMAN DIGNITY IN TIMES OF CONFLICT AND CRISIS

Human Rights and Humanitarian Law at the crossroads

Nafplion (Greece) 26 May 2017

By

Gudrun Mosler Tornström, President of the Congress

(High level round table on “Human dignity in times of crisis”)

The fundamental rationale (raison d'être) underlying our activities at the Council of Europe is the culture of human rights.

The Council of Europe advocates freedom of expression and of the media; it endorses freedom of assembly, equality, and the protection of minorities. It has launched campaigns and promotes human rights through international conventions, such as the European Convention of human rights, the Convention for Preventing and Combating Violence against Women and Domestic Violence, as well as the European Social Charter. It monitors the progress of member states in these areas and offers recommendations through independent monitoring bodies in order to make human dignity a reality in our member States.

As President of the Congress of the Council of Europe, it is my responsibility to give a political impetus to this role. Indeed, as an organ of the Council of Europe, the Congress has a specific role in this respect.

Just a minute ago, I made reference to “the culture of human rights”. This culture cannot be limited to national policies. We need these, of course, in order to ensure the spread and implementation of human rights, but I believe that all public stakeholders should be involved, all should be committed to the promotion, application, protection and challenge of raising awareness about human rights policies. All possible actors should be involved, whether in the political, cultural, social, or educational spheres...

My own sphere of action concerns territorial stakeholders: local and regional elected representatives who have specific responsibilities in their daily work with regard to freedom of assembly and freedom

of expression in light of public security for instance. These responsibilities are sometimes exclusive to the competences of local and regional authorities and sometimes shared with central governments.

The Congress has to ensure that local and regional elected representatives are better aware of their responsibility as fully fledged actors in the field of human rights. And in order to do this it needs to raise awareness of local and regional authorities regarding the issue of human rights.

However - and I would like to stress this point - the Congress does not monitor human rights.

Other entities in the Council of Europe are in charge of monitoring human rights. However, by monitoring local and regional democracy in all member states of the Council of Europe, the Congress does something else. On the one hand it ensures that certain standards are in force in these states, standards which imply respect both for the rule of law and the practice of human rights. And on the other, it uses the monitoring procedure of the Charter, which offers opportunities for political exchange at all levels of governance, to raise the awareness of elected officials regarding their responsibilities in this field.

I must say that the economic, social and political challenges of the past few years have made locally elected representatives much more aware of human rights than they were in the past. The economic crisis, the refugee crisis, and recent conflicts in Europe and the world have confronted local and regional authorities with new responsibilities, many of which have cast issues of fundamental rights, human rights, and basic human dignity into sharp relief...

I could, of course, cite a multitude of stories in this regard. I could describe specific situations which local communities have had to deal with, and which have led them to look at their competencies and responsibilities in this field. I could tell you about circumstances which have even led certain among them to redefine or rethink policies in order to take human rights into account.

But I would like to focus on one example in particular: the question of how to manage the reception and integration of migrants and refugees by local and regional authorities. The Congress has worked a great deal on this issue, which has naturally preoccupied a large majority of its members and has given rise to a wide exchange of views during its sessions and within its various bodies. The Greek

delegation to the Congress, which is obviously very concerned with the matter, has contributed substantially to this work.

However, in the absence of a clear and coherent European response, there has been a crisis of policy surrounding the refugee situation. This has left local and regional governments with limited means and even fewer guidelines to meet their responsibilities. As the first port of call in such emergency situations, they are required to provide newly arrived migrants with protection, with support, and with access to key public services such as housing, healthcare and education. And they have had to do this according to the standards of human rights, without any discrimination.

In many cases this has been very difficult. Local and regional authorities have been quite unprepared to ensure and preserve - often with very limited means - the human dignity of these people. Many of the new arrivals in their territories, such as women and children, are extremely vulnerable; they are particularly at risk of violence, and can easily disappear or become victims of abuse, such as sexual violence and human trafficking.

Last March, the Congress adopted a report with a recommendation that was sent to the member States and a resolution addressed to local and regional elected representatives. This report **calls for all public authorities to co-operate** with the various levels of government (local, regional and national) to provide a coordinated response to the issues related to reception of refugees. It also encourages the collaboration of cities in various countries so that examples of good practice can be exchanged and innovative initiatives developed, involving all citizens, including the refugees themselves.

Many good practices already exist, and they deserve wide dissemination. They could help the elected representatives of different countries that have had to face the same problems on each side of the European continent. Our challenge, therefore, is to share these practices, to create some kind of a network, which would circulate such positive experiences all across Europe.

Let me give you an example: the municipalities of Strasbourg in France and Catania and Rovereto in Italy responded to a pan-European appeal to establish a network of solidarity between cities. Their aim has been to encourage greater cohesion among those dealing directly with the current situation and to co-ordinate local policies and specific initiatives for the reception of refugees more effectively.

These are very concrete actions initiated by locally elected representatives to guarantee the human dignity of refugees. And the process of monitoring local democracy makes it possible to encourage such initiatives and to promote them further. It allows us to transmit positive experiences, to share the knowledge of what works, and to make effective changes at the local levels of democracy. And it enables us to do this by protecting human rights in ways which sometimes borders on humanitarian law, as in the case of the management of refugees and migrants, or in the context of some parts of Ukraine, for example, where the Congress also works with local and regional elected representatives.

To conclude, I would like to stress our constraints and our capacities: No, the Congress of the Council of Europe does not intervene in conflicts. No, it does not work in the field of humanitarian law. Nor does it monitor human rights. However, our monitoring of local and regional democracy and the action plan of the Congress to raise awareness of human rights at local and regional levels make it possible to intervene effectively in favour of human dignity at the grass roots level. And this is being done through the exchange of information, through a quasi-militant commitment of local and regional elected representatives for more effective local democracy, and therefore by means of a real implementation of human rights in local policy designed to respect "the other" according to his or her personal and cultural identity, by safe-guarding his or her essential human dignity.

Democracy and human rights, regardless of the level of governance, are vitally interdependent.

The Council of Europe is there, through political dialogue with the authorities of any given country, to enhance respect of fundamental rights and liberties. We highlight the necessity of exercising this respect daily and most urgently when it comes to human dignity and show that there can be no other sustainable way to manage conflict and crisis in our democracies.

Thank you for your attention.