

“The Commissioner as a voice of conscience”

PRESENTATION BY THE SECOND HUMAN RIGHTS COMMISSIONER
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TO THE COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY
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Mr. President and all other distinguished members of this important Assembly,

You elected me – and here I am. The transition from the previous Commissioner, Alvaro Gil-Robles, has been completed in the most positive atmosphere. During the last few months he managed to finalize several reports - one mission report on France, follow-up reports on eleven other countries, an annual report and a Final Report summarizing his experiences.

He also invited me to accompany him during his last mission to Russia; to Kazan and an important seminar on tolerance with the participation of the five monotheistic religions, to Grozny where we inspected the Chernokosovo prison, met non-governmental representatives and expressed our concerns to the local leaders; to Moscow where we also met government representatives, non-governmental organizations, media and the Patriarch of the Russian Orthodox Church.

I am grateful to Alvaro Gil-Robles for his extraordinary generosity during this transition period.

You elected me – and I would like to share with you my thoughts on how the office of the Commissioner could contribute.

First, the Commissioner should focus on *implementation*. This goes for all human rights work now: the time has come to move from rhetoric to reform, genuine reforms. We have the agreed standards in the European Convention on Human Rights, the Social Charter, several other important treaties including those protecting the rights of minorities. We have the rulings of the Court and analyses and recommendations by the Committee for the Prevention of Torture and other monitoring bodies. We have the reports and recommendations of this Assembly.

The Commissioner should build on these standards, factual reports and rulings and recommendations. He should seek a dialogue with all governments with the purpose of encouraging the necessary changes.

Building a human rights society is not a quick fix. It requires political will, popular support and some resources. It requires a legislation influenced by human rights principles; a competent, non-corrupt judiciary; a disciplined police force; a system for independent monitoring through an ombudsman or a human rights institution; a political culture which is open for criticism and ready to take action for reform.

It also requires free media which seek and publish critical information; free space for the non-governmental community; and finally, concerted efforts for human rights education with schools in which all pupils will learn about their own rights and respect those of others.

Some countries have sought to review all these aspects in a comprehensive manner through a consultative process leading up to a National Plan of Action for Human Rights adopted by the parliament. I am interested in pursuing this idea.

Second, the Commissioner should be as close as possible to *local realities*. He should relate directly with national authorities. Also with the legislators - I look forward to working with you and your colleagues in the parliaments. Cooperation with ombudsmen and national institutions for human rights is key for the Commissioner and will of course continue. Non-governmental organizations and professional groups are important in all human rights work and often provide essential facts and a popular energy for genuine reform.

Third, the Commissioner should *seek to be impartial*. He should avoid negative politicization and avoid ranking governments according to their perceived human rights records. Of course, the overall picture differs between countries, but nobody is perfect and my intention is to assist *all* governments to improve.

It is also important that the Commissioner is cautious with facts and does scrutinize information from governments, the NGO's or the media - before acting. He has to be patient and listen carefully. He should seek to give constructive advice.

It is also important that he is ready to voice criticism when necessary. The purpose of the *critique* should not be to damage anyone's reputation but to help to define the real problems - in order for them to be addressed. In other words, the Commissioner should be a *voice of conscience*.

Fourth, the Commissioner *should protect the independence of his office and at the same time seek cooperation* with others acting for human rights in Europe. He should take instruction from nobody but seek common cause with many. One partner, clearly, is this Assembly and its committee, in particular those focusing on human rights issues. I welcome your advice and hope to be able to present you my recommendations. I intend to submit to you an annual report on my actions and on problems that have arisen in the course of my work. I hope it will be possible each year to have a general human rights discussion in this Assembly on the basis of such a report.

I intend also to seek close cooperation with other other branches of the Council of Europe, including the Congress of Local and Regional Authorities and the treaty bodies. It is important that the Commissioner relates constructively with OSCE, the European Union and the United Nations. With a rational coordination between all actors we could achieve more impact.

You elected me – and it would be proper that I reported to you how far the office has come in planning for future priorities. This is what I can say at this stage:

- We are going to continue the missions programme; fourteen member states remain to be visited.
- We will also complete the original plan of follow-up reports on all countries on which there has been a mission report.
- We will continue the work in supporting national and regional ombudsmen and human rights institutions and organise meetings with them on a regular basis.
- We intend to follow up on the meetings between representatives of the different religions – as we believe that dialogue is essential and should continue in some form.
- We will contribute actively to the Council of Europe campaign for the prevention of violence against children and promote the rights of the child during missions and otherwise.
- We will give high priority to supporting the Council of Europe Action Plan for the rights and equal opportunities of persons with disabilities.
- We will continue to give priority to gender equity, rights of minorities and effective measures against racism, xenophobia, anti-Semitism and islamophobia.
- We will act as a watchdog to monitor that human rights are indeed respected in the struggle against terrorism.

You elected me – and I would not be frank with you if I did not mention my concern about the limited resources of our office. We are now fifteen, if we include temporary staff and secondments. Compared to our task this is not even a shoestring budget, it is a barefoot one.

Governments are nowadays more generous than before in supporting human rights programs. However, my hope is that the member states will review *how* they allocate their contributions to the different international and regional structures. Programmes with greater potential should be given higher priority.

We in the Council of Europe deserve more.