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“Democratic shortcomings causing human rights problems”

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Only states with a democratic political system can be members of the Council of Europe. Another condition is ratification of the European Convention on Human Rights.

This does not mean that the 800 million people in the 47 countries live in a fully democratic state or that their human rights are fully protected. There are deficits in this regard all over the continent - one of my tasks is to try to identify them and suggest remedies.

Though my focus is on the implementation of human rights standards, the inter-linkage between these rights and democracy makes it necessary also to review the flaws in the way democracy works in practice.

From that perspective, what are the major problems in the European democracies today – granted that there are of course considerable differences between the countries?

Discussions on democracy often tend to focus almost exclusively on elections, including on whether these are free and fair. This is of course very important, but it is only one aspect.

Those elected must rule in a democratic spirit. They must accept limits to their power, including the principle of the separation of powers – for instance, the independence of the judiciary. They must recognise the need to establish checks and balances throughout government administration. They must offer transparency and be ready to allow access to government documents through some Freedom of Information regulation. I have noticed that this spirit is not always there.

Parliaments in a number of cases have been reduced to rubber stamping of government policies. It is of course natural that the government parties are strong in the elected assemblies, but an active, competent opposition is crucial for democracy – not least in order to keep the possibility of an alternative alive. I have noticed that where there are lively parliamentary discussions the protection of human rights tends to be more advanced.

A major problem, in my opinion, is that a large portion of the population is not part of the democratic processes at all. Poor and marginalised people have in reality very little say in the running of their country, district or municipality. They are deeply disadvantaged in their daily lives by widespread corruption. Surveys have shown that those who need protection the most are the least informed on how and where to complain or to seek support.

At the moment there are many meetings about the situation of the Roma communities in Europe – and typically, very seldom is any Roma representative even invited. They are not the only ones; other minorities and vulnerable groups have little voice in our democracies.

The economic crisis and the resulting high unemployment rates have caused further feelings of insecurity - even fear - among those who feel distanced from the political decision makers. This has given extremist groups a possibility to recruit supporters and gain ground, as we have seen in some recent elections.

Established political parties have in some cases made unfortunate compromises with such extremists. Some of their politicians have even joined the xenophobic choir themselves. The result is further prejudices against Roma, migrants, Muslims and other minorities. Again, the weakest have been let down and our societies made more divided, less inclusive.

I have argued that civil society groups and the media are key actors to protect democratic and human rights values. They are still. However, I note with deep concern that non-governmental human rights groups are not always welcomed by governmental authorities but instead undermined and subject to unreasonable regulations and sometimes even harassment or worse. The protection of Human Rights Defenders is one of my priorities.

Media are certainly crucial as watchdogs on the exercise of power - to report on corruption and other abuses and to offer platforms for democratic exchanges. This is however not exactly how the media function - or can function - in several member states today. It still happens that criminal procedures are initiated in response to critical media reports or that punitive compensation is demanded through civil court cases. Television is more or less monopolised by government interests in a number of countries, partly because of the politicisation of the allocation of frequencies.

There are also problems inside the media themselves: a growing tendency of commercialisation; ownership concentration into the hands of a few business tycoons; a breakdown of the self-regulation systems and the respect for the ethical codes. I myself welcome much the campaign for ethical journalism now initiated by the International Federation of Journalists.

In totalitarian states there is no space to discuss what must be done to improve the system of governing. We do have such space. But the fact that we have some democracy and some protection for human rights is no reason for complacency. We need to be self-critical. Only then can the remaining gaps be filled.