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“Politics and Human Rights – an uneasy relationship”

**Key-note speech at the opening of the Summer University for Democracy
Strasbourg, 2 July 2007
Council of Europe Commissioner for Human Rights
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The annual rate of new complaints to the Strasbourg Court is now exceeding 40.000 applications. More people than ever know about the European Convention and the Court, many feel that their rights have been violated – and they hope to find justice through this European human rights protection system.

The main reason why the human rights norms and procedures have become so extraordinarily important is their *relevance*. The 1948 UN Universal Declaration and the European Convention have both met a popular response which no-one could have predicted. People have felt that human rights were essential for themselves but also that the idea of rights related to their highest aspirations, **and** ethical values of great dignity. This is what has given the human rights standards their genuine legitimacy.

This may also explain why human rights have made such an enormous impact in recent history. They have contributed to the decolonization, the collapse of the apartheid system, the implosion of the Soviet empire and gradual democratization - as a result of which more than half the countries of the world are now governed by elected governments.

Human rights standards are of course not handed down to us human beings by any divine power, as some have argued. Nor are they springing out of natural law, as some others have proposed. They are simply the product of *political* decisions, often after lengthy negotiations between governments at inter-governmental meetings.

The very term human rights may sometimes be avoided in national debates, but there is no doubt that human rights issues are high on the daily political agenda in country after country. This is not surprising as human rights cover controversial issues such as restrictions on the exercise of power and problems relating to freedom and security for everyone.

The agreed norms of human rights are addressed to governments - who are primarily responsible for their implementation. Increasingly, the focus in the human rights discussion is also moving from standard-setting to application. Governments are nowadays held accountable in parliaments and in the public debate when rights are violated.

In several senses human rights are therefore *highly political*:

- they are the result of agreements between governments;
- because of their relevance they are central in the political debate;
- violations of human rights can only be effectively addressed through political decisions.

The clear recognition of human rights as politically significant has of course been welcomed by human rights advocates. At the same time, many of them have been concerned about the “politicisation” of human rights - for instance, when politicians are selective in their criticism of abuses and avoid reacting when their political friends are at fault.

There is an apolitical element in the approach of many non-governmental human rights organizations, such as Amnesty International. While they recognise that they act on the political scene and want political decisions which are rights-based, they strive to be non-partisan between political parties and ideologies. Naturally, they are keen to protect the principled dimension of the human rights’ cause.

Indeed, some advocates argue that the principles of human rights stand “above” politics and in that sense really ought not to be seen as controversial. It would only be natural, they propose, if human rights were supported by conservatives, liberals and socialists alike.

This comes close to defining human rights as a super ideology - albeit within a limited field - with certain clear aims, such as basic freedoms, security of the individual and the possibility for subsistence. Obviously, these goals implicitly set limits on the methods of governing.

These limits may not be welcomed by people in power. Not only do the human rights advocates get support from the relevance, universality and moral status of the human rights Conventions, these norms are presented as untouchable principles. Moreover, they are backed up with an intense monitoring by the media, non-governmental groups but also by inter-governmental mechanisms.

Some governments may not have fully understood what they entered into when they said “yes” to the human rights treaties in the UN or the Council of Europe. How do they now respond when they feel cornered?

While dictators often repress or totally ignore human rights reporting, the European governments tend to accept them and to cooperate with the systems they have participated in setting up. Politicians in government position either believe in the value of human rights protection themselves or at least understand the political cost of falling out of line. To defend human rights is seen as “politically correct”.

However, even governments within the Council of Europe cannot always take the criticism and do sometimes hit back against monitoring bodies or non-governmental groups. Among the recent targets are the European Commission against Racism and Intolerance (ECRI) and Amnesty International. Typically, the tendency in such attacks is that the monitors have been politically partial. They have, it is said, “helped the opposition”.

The other, fairly usual criticism against such bodies is that their facts are not substantiated. Even the smallest factual error might be used to undermine the credibility of a report.

These attacks should be seen in context. It is simply not true that, for instance, Council of Europe monitors are deliberately partial and support one political party above another one. Obviously, opposition parties in the countries themselves sometimes use independent human rights reports for their own purposes. So they should in a functioning democracy – our concern is that in some situations not even politicians outside governments find it opportune to raise human rights issues.

Correct data is central for good human rights reporting and those who monitor must be cautious of facts and be aware that outsiders rarely can understand all aspects of a domestic problem. However, it is clear that some governments have other purposes when they point at alleged errors. In fact, it is fair to state that the quality of the reports of, for instance, the Council of Europe mechanisms is impressively high. Also, we more and more use the procedure of allowing

governments to review reports in their draft form in order for factual aspects to be clarified.

A special case concerns the reporting on matters relating to terrorism and security. Under pressure from Washington, governments in Europe have to a large extent taken the approach of *denial* and **have** refused to cooperate with monitors. In Sweden, the government admitted that it had handed over two Egyptian suspects to **the** American CIA, only after a policeman blew the whistle long after the event.

Cooperation and exchange of data between security agencies is essential and has to be confidential to a large extent. The problem is that the cooperation has included flagrant violations of human rights. The argument of “state security” has been used to cover up renditions, secret detention and torture. Governments appear to have put the loyalty to the Bush administration above their commitment to human rights. This has to be discussed and the full truth exposed.

The breakdown of human rights principles after September 2001 has created a sense of betrayal among human rights advocates all over the world. When tested in a crisis situation the professed government commitment to human rights had little bearing. The “new normalcy” – to use the expression of vice-President Cheney – included even torture and enforced disappearances.

That European governments looked the other way and even facilitated the US violations has disappointed the human rights organisations on our Continent deeply.

I share this disappointment.

Of course, politicians have to compromise and try to balance different interests. Of course, it is much easier to stand on the sidelines and criticise than to carry the full responsibility for difficult decisions. But there is a message that human rights activists formulate which should not be ignored by those in power: there is a limit to the compromise; there are principles which always should be protected.

If in doubt we should seek guidance from one of the most courageous and consistent human rights defender of our time, Andrei Sacharov. When the Soviet empire had collapsed he entered Russian politics in an elected position. He discussed the most central political issues, he sought compromise solutions - but he never betrayed his ideals. On the contrary, he sounded the alarm when necessary.

He knew that human rights principles are needed in politics.