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“Safeguarding Human Rights under Austerity”

Introductory Address by Nils Muižnieks
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Conference “Strengthening fundamental rights protection together in a changing human rights landscape”

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The progress achieved in establishing independent national human rights structures has been one of the most important human rights developments in Europe during recent decades. Nearly all Council of Europe member states now have an ombudsman, a human rights commission, an equality body or any combination of them. Although the specific institutional arrangements vary a great deal across Europe, the infrastructure for promoting and upholding human rights is now in place. It is our task at this meeting to explore how this protection system can respond to current challenges together with European and international partners.

The economic crisis and austerity measures provide the overarching context for implementing human rights today. A broad range of human rights and many vulnerable groups have been seriously affected and the protection system itself is under pressure. The European social model has suffered a major blow. Women, as single parents and family carers, often bear the cumulative burden of cuts in services and benefits. Entrenched child poverty and youth unemployment may result in a disillusioned ‘lost generation’ with grave consequences for intergenerational solidarity, social cohesion and political stability. The crisis has amplified manifestations of extremism, racism, and xenophobia, which question the universality of human rights and equality as I discovered in Greece.

National human rights structures (NHRs) have an essential role to play in times of economic crisis. As accessible low-threshold complaints bodies, they can protect people from infringements of their rights resulting from austerity. NHRs have great potential to promote human rights-compliant responses to the crisis by assessing austerity policies and budgets, and providing independent advice to governments on the groups that need the most protection. They can also monitor the effects of the crisis and help create platforms for dialogue between civil society and government on the issue.

Unfortunately, the human rights protection system itself has come under strain. Cuts in legal aid and higher court fees have hampered access to justice in several countries. NHRs have also been forced to do more with less. Many of them have seen their operational capacities reduced through budget and staff cuts, the closure of regional offices, or institutional mergers. It has become more difficult for NHRs to provide easy access to disadvantaged and marginalised groups of people. Uncertainty over future resources is hampering the ability to advance more ambitious projects which require specific expertise such as equality mainstreaming and evaluation of austerity budgets.

Member states have a duty to maintain the human rights protection system during the crisis. It is no luxury item but a basic necessity. NHRs perform critical functions and deserve stability in their funding. Governments should see to it that NHRs have a broad mandate and the resources to cover it. Currently, there is a particular need to expand expertise on economic and social rights, and to address discrimination and poverty related to socio-economic status.

The European networks of NHRs provide an important channel for comparative perspectives on the economic crisis. European economic decision-making should benefit from their expertise. My office will publish a guidance paper with recommendations on human rights-compliant responses to the crisis in December. Many of you have already contributed with constructive comments.

This meeting is an opportunity to identify shared human rights concerns and strategies to address them. In addition to austerity, I would like to highlight three other issues I have raised in my recent work: the accountability of the security sector, the domestic implementation of the judgments of the European Court of Human Rights, and the adoption of national action plans for human rights.

The accountability of the security sector, including the police, security services and the military, is a special challenge for combatting impunity. I held in-depth discussions on the topic during a round-table with human rights defenders in Kyiv in May. Police misconduct in detention, during demonstrations and in the context of ethnic profiling has been on my agenda during several country visits. We have also learnt that our phone conversations, e-mails and other communications have been subject to large-scale government surveillance, ostensibly for national security reasons.

There is an urgent need to reassert the role of human rights safeguards, including real parliamentary oversight, in the accountability of the security sector. NHRs, especially ombudsmen, are involved in providing oversight to security sector activities in monitoring places of detention and carrying out *ex officio* investigations. Specialised police and military ombudsmen have also been established in some countries. The creation of inter-agency councils which include civil society representatives is a promising practice for improving the public accountability of the security sector. However, the use of private contractors and the possible complicity of internet and communications industry in government surveillance require additional regulatory efforts.

The ineffective national implementation of the Strasbourg Court's judgments is a major concern. Dysfunctional justice systems in some member states such as Italy have generated a series of repetitive cases to the Court. "Cherry-picking" and disregarding judgments of the Court have a disruptive effect on our system of human rights protection. It is one of my priorities to assist member states in remedying the structural causes of systematic human rights problems which are often reflected in the Court's jurisprudence. NHRs have an important role to play in raising awareness of the Court's judgments, monitoring their implementation and giving independent advice on the reforms needed. We need effective coordination between national and European levels in finding solutions.

During my country visits, I have noticed a positive momentum for adopting national human rights action plans. In Finland and Moldova, I already had an opportunity to assess such action plans and several other countries and regions are in the process of preparing their first or follow-up plan. A national action plan should improve effectiveness and participation in human rights implementation. Through coordination across ministries and agencies, it should help integrate a rights-based approach in the ordinary work of public administration. In December, I will participate in the launch of Scotland's action plan hosted by the Scottish

Human Rights Commission. Next year my office will organise a seminar on the topic to which we will invite representatives from both governments and NHRs.

Close cooperation with NHRs is essential for my work. You are my principal partners at the national level. I will certainly continue to meet with you during my country visits but we should also aim at developing multilateral cooperation with the European networks of national human rights institutions, equality bodies and ombudspersons. There is an increasing need to react quickly to emerging issues and develop coordinated approaches to address shared concerns.

It is my duty to amplify the messages expressed by NHRs in the Council of Europe, in my contacts with European partners and through the media. We have to make it clear to governments that austerity should not stop progress in protecting human rights and equality. We must continue to build on previous achievements and increase our capacity to meet the challenges and expectations placed on us today.