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“Implementation deficit on human rights in Europe”

Statement by Thomas Hammarberg, Council of Europe Commissioner for Human Rights at the Parliamentary Assembly 18 April 2007

First, I would like to congratulate the President for organizing this much-needed discussion and for having ensured that the Council of Europe now has an annual report on the Status of Human Rights and Democracy in Europe.

The report illustrates that there really is not much room for complacency, there are human rights problems in our own backyards.

Of course, important progress has been made. It is a remarkable achievement that the Council of Europe area now is a death penalty free zone, *de jure* or *de facto*. We have ombudsmen or national human rights institutions in all member states and we have in many countries a lively and critical civil society monitoring the human rights performance of those in power.

However, there is in several areas a gap between words and deeds – an *implementation deficit*.

- The Assembly has exposed violations during government actions against terrorism – illegal arrest and transport, secret detention and use of forbidden interrogation methods.
- The Secretary-General has through his article 52 initiative raised the issue of democratic control of the intelligence agencies and their cross-border cooperation.
- The rights of migrants are not fully respected in Europe today. In particular, many irregular migrants – some of them trafficked – are in a very vulnerable situation. It seems to be forgotten that the core human rights instruments are



universal in their application and generally apply to both citizens and non-nationals, including those who have moved in an irregular manner.

- Xenophobia and racism is another real problem on our continent. More needs to be done to counter such tendencies.
- Roma people are discriminated on the housing and labour market and many of their children are still not in school – this is an embarrassing failure.
- People are also discriminated because of their sexual orientation and too few others stand up against homophobia.
- More needs to be done for the rights of children and to guarantee gender equity. More campaigning against domestic violence is unfortunately needed.
- Reforms are still necessary in some European countries to secure the independence of the judiciary and protect the justice system against corruption.
- Prisons in a number of countries are severely overcrowded and detention conditions clearly unacceptable.

We had an expert seminar here yesterday with representatives of leading inter-governmental and non-governmental organizations and we asked why we still have the implementation deficit.

It was said that the national parliaments are particularly important for monitoring the human rights situation in their own country – and there the members of this Assembly have a particularly important catalyzing role.

It was recommended that each country should be encouraged to start the process of producing a comprehensive National Plan of Action as a few countries successfully have done. This was also mentioned in Pourgouridis' report – and I am more than interested in helping to follow up on this recommendation.



It was recommended that we should work together closely with ombudsmen and national institutions – and we are trying to develop a structured cooperation with them. We had a conference in Athens last week with that purpose.

It was recommended that we should do more to protect and support Human Rights Defenders – and my office is willing to try to take on that responsibility in the European context – in cooperation with UN and OSCE/ODIHR.

It was recommended that we should cooperate closely with other European and international actors in the field of Human Rights. That is indeed important. This discussion and the seminar yesterday reflect this ambition.

Yes, we should cooperate - but sometimes we may have to react on mistakes by other organizations. I have taken up problems with the UN process of vetting Police Officers in Bosnia – because our basic loyalty is with the individuals whose rights may be violated.

So – we do indeed have an agenda until we meet here in April next year...

Thank you.