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“No place for complacency about Human Rights”

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Human Rights are not only about the law and its implementation. Human Rights are also about ethics, they have a *moral* dimension. This is what makes the discussion about rights particularly interesting – and sensitive.

The norms of human rights have been agreed in international bodies like the United Nations and the Council Europe. This makes them part of international law. But what has given them the deeper legitimacy is the response they have received from the broader public in country after country.

There are civil society groups all over the world working for their implementation. The Universal Declaration and the Human Rights Conventions have created hope for many. They have made clear the distinction between right and wrong.

The norms have addressed concerns which are of paramount importance to many – and people have demonstrated that. One illustration is that the European Court in Strasbourg now receives more than forty thousand complaints per year. This popular response is what has given the human rights cause its particular strength. It has become a moral imperative.

This is of course a great help for us who work for human rights, but it places also a daunting responsibility on our shoulders. Because of the strong impact of our reports – sometimes also in the political arena – we have to be extremely careful about facts and conclusions. We have to be impartial and beyond suspicion when it comes to our intention. By and large I feel that the inter-governmental human rights mechanisms and the NGOs live up to these requirements.

What about governments?

They, of course, have to balance different interests and objectives and they tend, understandably, to focus on what they believe they have to do in order to succeed in the next election. Certainly, they are also aware that human rights are a popular priority to many.

A true human rights policy must have an element of self-criticism. Monitoring is important and governments should welcome independent monitors – internal and external – and listen carefully to their criticism.

West European governments have tended to see human rights as a foreign policy issue. The ministry in charge has been the Ministry for Foreign Affairs - as if the problems in this field could only be found in other countries. They have ratified the international treaties as an act of good will, rather than recognizing that these norms would be relevant and useful in their own country too. They have reacted with surprise when criticized by European and international human rights mechanisms and sometimes in response attempted to undermine these very mechanisms (instead of strengthening them).

However, there are improvements in this area. Governments in Europe do now recognize that there might be human rights problems also on our continent. There are now Ombudsmen or similar structures for human rights monitoring in most European countries. However, almost no European country has still responded to the recommendation at the 1993 Vienna World Conference on Human Rights about a comprehensive national plan of action for the implementation of human rights.

My point is that there still is a need to move from complacency to serious self-criticism on a number of issues. Let me mention which I see as the key human rights challenges in Europe today, the remaining problems in our own backyards:

- * The need to protect human rights in the fight against terrorism. Terrorism must be condemned and fought, but we must not use the same methods as the terrorists themselves. The struggle against terrorism must be conducted with legal means and with full respect for human rights standards.

- * 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.

A more serious political response by European institutions and governments to these issues is needed. We know what the problems are, and yet there is an implementation deficit.

I note that my list of priority themes largely overlaps with the thematic areas to be included in the Multi-Framework of the EU's Fundamental Rights Agency ("FRA") for 2007-2012. There is great scope for the European Union and the Council of Europe to work together in pursuit of common goals.

There is of course a link between the respect for human rights at home and our credibility when pointing at problems in other parts of the world. Double standards are rightly seen as hypocritical. EU representatives in dialogue or consultation meetings on human rights with others must be able to answer questions about European performance.

I am not saying that Europeans should stop being active on human rights in international forums. On the contrary, there is a need for a more principled and unified European position in global human rights efforts. A united European voice is all the more important now that the United States have lost their moral authority as a result of their counter-terrorism policy. The ongoing discussion in Washington about torture is a pathetic demonstration of an immoral manipulation of important definitions in international human rights law.

I have been deeply disappointed about the lack of a clear European governmental position against the serious human rights violations which have been introduced under the US "war on terror". Detention for years without due process, enforced disappearances and torture should just not be accepted. The European semi-silence on these issues is embarrassing and also undermines our credibility in other parts of the world – and gives dictators further room to refer to the US methods when clamping down on protests at home.

It is important that human rights foreign policy is consistent and principled. Selectivity on political and economic grounds tends to undermine the moral currency of the cause. The human rights violations in China cannot be ignored. Strong action is needed in Darfur, the Middle East and Burma/Myanmar and other places in deep crisis.

While there is still work to be done within Europe, we should not be afraid to speak out, where appropriate, about the human rights record of those outside Europe. After all, human rights are universal values, of global application.

What can we do on a pan-European level in order to develop an approach which is principled?

I believe we should invest in the structures we have established. One of them is my office within the Council of Europe.

Let me outline the work that I do, and how I aim to achieve tangible improvements in the area of human rights protection and promotion.

I took up the post of Commissioner for Human Rights on 1 April 2006. I work independently within the Council of Europe with a relatively small Office of approximately 25 staff. The mandate which created this institution requires me to foster effective observance of human rights, and to assist member states in the implementation of Council of Europe standards. I also promote education in and awareness of human rights, and identify possible shortcomings in law and practice.

My work can largely be divided into three main areas: field visits and reports, thematic work and promotion of national human rights structures.

It is crucial that I am close to the reality on the ground. Missions to member states enable me to assess local situations. I visit institutions and sites with particular human rights relevance, such as prisons, police stations, shelters for victims of violence, facilities for accommodating asylum-seekers, psychiatric institutions and schools. Such experiences are important when meeting the highest representatives of government, parliament, the judiciary, as well as representatives of civil society.

I am continuing with my predecessor's series of comprehensive assessment missions to member states, which result in a report with concrete recommendations sent to the authorities. These reports are presented to the Council of Europe's Committee of Ministers and Parliamentary Assembly. They are then published and circulated in the policy-making and NGO community. So far this year, I have undertaken full assessment visits to Austria, Bosnia Herzegovina, Azerbaijan and Armenia.

A few years after the initial assessment report, there will be a follow-up visit to assess the progress made in implementing the recommendations laid out in the assessment report. A follow-up memorandum is subsequently published. This year, follow-up memoranda have been published in respect of Estonia, Denmark, Poland, Sweden, Latvia and Lithuania.

In addition to the cycles of assessment and follow-up visits, I also undertake a number of contact visits, which aim to strengthen continuous dialogue with national authorities. By way of example, I spent the beginning of this week in Turkey on a contact visit with the authorities, having just met with the Turkish President in Strasbourg earlier this month. Among the issues discussed with the authorities were freedom of expression, the situation of internally displaced persons, the general picture in South East Turkey, as well as the situation of religious minorities.

Furthermore, I may also conduct more focused "special" visits to address specific concerns in member states. In November last year, I visited Slovenia after an enlarged family of 31 Roma had been forced to move from their home due to demonstrations by people from the neighborhood.

In December, I visited Bosnia and Herzegovina to assess complaints about the consequences of the UN process of vetting police officers by the International Police Task Force (IPTF) conducted until the end of 2002. During my visit, I met the President, the Government, the Constitutional Court, representatives of international organizations, and spokespersons of the complainants. Shortly afterwards, I sent a report to the United Nations and the government of Bosnia and Herzegovina, stating that the lack of an appropriate legal remedy in the vetting process by the UN International Police Task Force (IPTF) raised a number human rights concerns.

In February this year, I made a special visit to Georgia, and in particular, to Abkhazia and South Ossetia to assess the human rights situation in these conflict zones. This visit, and the subsequent interim report, is the first step in what I hope will be a process of continuing dialogue on human rights in this "frozen conflict".

In my meeting with the de- facto President in Abkhazia, Mr. Bagapsh, I suggested the release of a young Georgian citizen, Mr. Mamassakhlissi. This man had been severely wounded by the accidental explosion of self-made explosive equipment and had lost one hand. He had been convicted of terrorism and sentenced to 14 years in prison. He was detained in Dranda prison and had already spent five years in jail. Mr. Bagapsh agreed to release the prisoner, who was handed over to me at the ceasefire line and

traveled back with me to Tbilisi. The release was an important step itself and I hope it has made a contribution to confidence building.

Shortly afterwards, I also visited the Chechen Republic, including Grozny and the Southern part of the Republic. During the course of conversations I had with the inmates in the prison in Grozny, I became increasingly convinced of the existence of the use of torture and ill-treatment by the law enforcement agents, whether republican or federal, during the investigative proceedings. My work in the Chechen Republic is on-going, as I have one member of my Office who is permanently stationed there.

While achievements in the field of human rights are notoriously hard to measure, I believe that initiatives of the kind I have described here can make a real difference.

However, the major shifts have to come from within the countries themselves. Outsiders, like me, can only contribute. One such contribution can be to share knowledge on how human rights problems have been tackled in other countries.

On the basis of well-tested facts, I want to provide constructive advice to all governments on how to improve their human rights situation. In this, I do assume good will on the part of governments. My assumption is that governments want to improve the human rights situation in their country and are willing to listen to constructive criticism and ideas for improvement. This approach facilitates a dialogue with authorities. So far, I have managed to maintain access to the highest echelons of government, while at the same time relating closely with civil society and being frank and clear with the media. This provides an interesting mix to my work.

It is important that I am ready to voice criticism when necessary. The purpose of the criticism is not to damage a country but to help identify the actual problems in order for them to be addressed. In other words, I want to be a voice of conscience.

Thank you.