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Statement by Thomas Hammarberg, Commissioner for Human Rights

to the Parliamentary Assembly

in response to the report

“Council of Europe Commissioner for Human Rights –stocktaking and perspectives”

5 October 2007

Mr. President,

First, I want to express my gratitude to the Rapporteur, Mr. Gardetto, for his thorough and thoughtful report which clearly will be of help for my work to develop the Office of the Commissioner. I appreciate in particular his efforts to go beneath the surface and to seek to define the genuine dilemmas the Office is facing.

I was elected by this Assembly and seek inspiration here. While protecting the integrity and independence of the my mandate, I do listen carefully to your advice and, as you have noticed, often refer to your resolutions in my public statements.

I noticed in the draft resolution that you recommend me to monitor the human rights situation in Council of Europe countries which are no longer of the agenda of your own monitoring procedure. As you know, I already do that. Indeed, it is one of the working principles of my Office to monitor *all* member countries.

No country is perfect, there is always room for improvements and I do feel that our reports nowadays are well received in that spirit. This year I have published major reports on Germany and Ukraine and follow-up memoranda or special reports on Bosnia, Poland, Denmark, Estonia, Latvia and Sweden. Assessment reports are now being prepared on Azerbaijan, Austria and Bosnia and missions being prepared to Armenia, Albania and Ireland.

What have we learnt? What is our vision for the future?

Let me mention some of the lessons I have learnt during the one and a half year I have served in this function.

1. *The Commissioner should be independent and be respected as such.* I shall listen to everybody and take instruction from nobody. I am happy that governments do respect my independence – I have had no bad experience in this regard.

2. *The Commissioner should have access to the highest level of decision-making.* This is established; I do have meetings with Presidents and Prime Ministers during my missions – and these talks are often constructive and meaningful.

3. *The Commissioner should be “field-oriented”.* He or she should know the real situation on the ground – the Commissioner should understand the true situation and not just read reports by others. I do therefore visit prisons, police stations, hospitals, orphanages and other key institutions during my travels. I meet and listen carefully to representatives of civil society. And of course to parliamentarians.

4. *The Commissioner must cooperate with other European and international human rights actors.* There are many human rights monitors and mechanisms nowadays. We need to coordinate and build on one another’s work, rather than duplicate and compete. I do try to coordinate with the UN, OSCE, EU including the new Fundamental Rights Agency. Likewise we do now cooperate effectively inside the Council of Europe. I follow the Court and its conclusions and relate also to ECRI, the European Committee on Social Rights, CPT and the Advisory Committee on the Framework Convention on National Minorities. This helps me – and them. And the member countries.

What is our vision about how the Office should develop?

- We will conclude the cycle of assessment missions and reports at the end of next year. All 47 member countries will by then have had a thorough visit by my predecessor or myself – and a report with recommendations.
- We will gradually – if we get support – develop capacity to establish a permanent watch or monitoring on all member states. This will serve as a basis for our future work.
- We have decided to establish systematic cooperation with ombudsmen and national human rights institutions for advice and cooperation.
- We have decided to give particular attention to NGOs and others who act as defenders of human rights – sometimes at great personal risk.
- We will develop the work on strategic themes and produce Issues papers on these (for instance, we had recently a seminar on housing rights which will be leading to such a paper).
- We have the ambition to be able to give constructive advice to governments on operative problems in the implementation of the rights – for example on the execution of Court decisions or how to organize independent investigations into allegations of police brutality (to mention two current concerns).

This is a tall order, but we do see a fascinating potential in our mandate.

For all this to work we need some more resources. We are not aiming at a big office. But we need more than we have today. The many statements about the need to give more resources to my Office have so far produced little effect. However, we have been promised four new posts next year and I am confident that But I am sure there will be more concrete support in the future.

Thank you.