



Strasbourg, 14 April 2008

CommDH/Speech(2008)6
Original version

“More must be done to promote and protect Human Rights”

**Presentation by Thomas Hammarberg, Commissioner for Human Rights
Council of Europe**

*Conference dedicated to the 60th Anniversary of the Universal Declaration of Human Rights and
the 10th Anniversary of the Ombudsman of Ukraine*

Kyiv, 14 April 2008

This conference is a sign that human rights now are taken seriously at the highest level of State authority and also by the legislature, the judiciary, the media and civil society. The double anniversary of the Universal Declaration from 1948 and of the Office of the Ombudsman here in Ukraine gives an opportunity to take stock of progress made – and to define the challenges ahead.

Clearly, there has been significant progress, not least here in Ukraine. You have moved from Communist authoritarianism to multi-party democracy. You have been welcomed into the community of European democracies in the Council of Europe. You have become parties to the European Convention and other key human rights standards, including the charter which spells out the social rights.

You have an Ombudsman. You have a vibrant debate in the media on many issues, including on matters relating to justice. You have active and competent non-governmental organizations.

However, we should recognize that much remains to be done – here and all over Europe. Not even during a day as this one is there place for complacency.

As Human Rights Commissioner I should also be a voice of conscience and this drives me to look at the outstanding challenges in Europe to-day, at the problems which remain in our own backyards.

Drawing-up a list of concerns is not very difficult. It stems from numerous country visits, hundreds of talks with public authorities, national human rights structures, NGOs. From contacts with the media. From judgments of the Strasbourg court and findings of other monitoring bodies.

Let me share a non-exhaustive list of issues which, for all the progress that may have been made in other areas, still call for steady attention and resolute action in many corners of our continent.

* 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 is another real problem on our continent. And many groups of people are simply not welcome and encouraged to integrate in our societies. 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.

* Freedom of expression remains fragile and the far too frequent use of criminal action against journalists is a serious concern.

To sum it all up, the great challenge now, 60 years down the road, is to *implement* the agreed human rights, protected as they are by accepted monitoring mechanisms. It is to ensure that they are made a reality.

My deep conviction is that, in such endeavour, we need to particularly focus on all those who tend to be forgotten, excluded or marginalized for a variety of reasons.

I often quote a World Bank study – “Voices of the Poor” -published a few years ago, which made a strong impression on me. It showed that poverty was not only a question of low income but mainly of powerlessness. The poor were those who needed the parliamentarians, the court system, the ombudsmen and the media – people who did not reach through and were not reached.

We should not be satisfied until those who need human rights protection the most can benefit from the standards and procedures agreed to protect the rights of everyone.

There is a major role to be played by Ombudsmen with respect to, not least, the protection of minority and vulnerable groups rights. They are particularly relevant for those groups of persons that need

specific protection because as a group they are numerically inferior and politically vulnerable and their members are likely to be subjected to discrimination.

Indeed, ombudsmen are ideally placed, because of the nature of their work, to play an important role in objective mediation between all actors concerned and in the promotion of public debate. They can proceed to a respectful, constructive but independent and objective analysis of the situation without any undue finger pointing. This role is essential for the promotion of a society of tolerance.

They are my partners, all over Europe. We work together. We supplement each other. I spend time and resources helping the creation of their offices, supporting their independent role when it is exposed or threatened, networking, promoting the exchange of experiences and best practices, pushing towards them the relevant case-law of the Strasbourg court.

A few months ago, the day after the parliamentary elections here in Ukraine, I released a report that followed on an assessment visit to this country. As for all other 46 countries of the Council of Europe, it contains some criticism. The purpose of that criticism is never to damage a country but to help identify the actual problems in order for them to be addressed.

In preparing for that report, I had thoughtful and open exchanges with representatives of the State institutions, with all main political forces and civil society interlocutors. The report raises questions in several areas, including on the functioning of the system of justice itself.

That report is now yours. You may wish to consider its recommendations when devising governmental programmes and promoting further reforms. With, I suggest, the widest possible involvement of all political, institutional and society actors.

I know the Ombudsman will play her fair share.

This would be one of the ways to remain true to the Universal Declaration.

One of the ways, also, to acknowledge that today's dual Anniversary is no time for a pause in efforts to further protect and promote human rights.

Thank you.