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Human Rights in Europe: Forward and back?
How we can regain the ground in polarising times

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I can hardly see a better occasion than today's lecture to hold a conversation on human rights in Europe in this particular period of time. I would like to thank the University of Lund, the Raoul Wallenberg Institute and the Anna Lindh Foundation for giving me the pleasure of being here.

It is wonderful and a great honour to be among the distinguished speakers who have come to keep the memory of Anna Lindh alive. She passionately defended multilateralism and European fundamental values. What she stood for is under attack today and needs urgent recommitment.

Anna Lindh once said "Resignation is our greatest enemy".

I couldn't agree more. We should never give up, no matter how difficult the situation, how hard our task.

Exactly in a week from now, next 27 January, annual commemorations will be held to remember the Holocaust in many countries. These events provide an opportunity to remember the horrors of the past and to reflect on their significance for our own times. They should also serve to pay tribute to those, like Raoul Wallenberg, who resisted tyranny and acted to protect fellow human beings, including at risk to their own safety.

On Friday last week, I attended the ceremony at which the Raoul Wallenberg prize was awarded to Dr Ballour, a Syrian doctor who played a key role in caring for people hurt in the Syrian conflict and bringing them to safety. It is good to see that there are still real-life heroes today.

European countries have been building a system of human rights protection over the ashes of the tragedy of the Holocaust. This system is today one of the most advanced in the world. On the whole, over the past 70 years, our European family has become bigger, freer, safer and more democratic. But not necessarily less turbulent.

Unfortunately, cracks in that system are becoming larger. Human rights standards and principles are increasingly challenged all over the continent. Aggressive nationalism, economic difficulties and terrorism keep on fomenting tensions and polarisation. Governments, parliaments and political parties are playing a dangerous game, manipulating notions of identity and warped myths about the supremacy of some

groups over others. This is often accompanied by divisive language designed to stigmatise the "Other". The hostility to human rights as universal and indivisible is fuelling a corrosive narrative. That discourse questions the validity of the very values and principles that led to the current system of human rights protection. In their stead, it promotes static and often archaic ideas of nations and identities as the driving force of a country, and their preservation as a country's highest aim.

Europe is now stuck in a roundabout. We know where we come from, but we are uncertain about where to go. I would argue that we should move forward instead of back. We must be ready to resist the backlash and persist in promoting human rights.

DISCONNECTED

When the European Convention on Human Rights was signed seventy years ago, a group of states accepted to be legally bound by a supranational treaty. That was a concrete step to implement the promise they had made in 1948 when they adopted the Universal Declaration of Human Rights.

The European Convention on Human Rights and its Court have become since then a beacon for many who seek justice. However, these two pillars of the European system of human rights protection are being challenged. Not only are some of the Court's most topical judgments not implemented, but unscrupulous governments and parliaments are eroding at national level the rule of law and the independence of the judiciary, two building-blocks of democracy and the protection of human rights.

The indifference, and even hostility with which many people look at human rights is linked to this trend. One of the causes for this indifference, I believe, is that many people in Europe share a deep feeling of frustration, uncertainty and insecurity. This feeling is often generated and amplified by growing inequalities, perceived threats to identities and the prevailing of corporate interests over the social and economic rights of large parts of the population. Some people have the impression that human rights are not relevant to them and their daily lives, that they are only for specific minority groups.

Governments must hear the legitimate concerns that people have. But several national authorities are wrongly interpreting this widespread frustration as a request for less human rights and more "strong-man" rules. Other governments and mainstream parties are battling with increasing unpopularity and try to boost support by adopting the agenda of clearly xenophobic, misogynist and extremist groups.

From a human rights perspective, this is wrong response which bears pernicious effects. Even if we leave human rights aside, authoritarian agendas that play on divisions and fearmongering are not the answer to people's legitimate grievances. Such policies have proven to be manifestly incapable of ensuring the well-being of any society.

US VS THEM

Last month I carried out a mission to Bosnia and Herzegovina to focus on the situation of migrants. I went in particular to the improvised camp Vučjak, in the northwest of the country. That visit followed the one to the Aegean Islands in Greece that I carried out in October.

Words can hardly describe the situation of the human beings - children, women and men - living in those camps at the time of my visit.

The treatment of migrants is one of the litmus tests of a society's commitment to human rights. And many governments are failing this test.

More than a question of resources, it is a question of political will. While some governments and local authorities are fully aware of the situation and wish to engage, certain political actors and media are contributing to spreading disinformation and pandering to the fears of local populations by propagating false-hoods about migrants.

MYSOGYNY AND THE SUBJUGATION OF WOMEN

Migrants are not the only targets of such anti-rights policies. Women are also becoming the victims of retrogressive laws and policies in several European countries. Despite undeniable progress on women's rights over the past decades, discrimination remains pervasive and the achievements of the past - like women's control over their sexual and reproductive rights - are being threatened.

Women face endless cases of sexist hate speech, especially on the Internet. Sexist hate speech is a long-standing problem in Europe which has acquired a new dimension in recent years with the popularity of social media platforms. Threats of murder, sexual assault or rape occur daily offline and online.

Misogynistic hate speech also goes together with physical violence against women, a serious human rights violation that remains a pervasive problem in all European countries.

Even when states decide to act, they face strong resistance. A case in point is the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention. While we can certainly be glad that it has been ratified by 34 member states to date, political leaders and ultra-conservative movements have been sowing confusion and spreading false narratives about the Istanbul Convention to obstruct its ratification or implementation. Under the pretence of defending "traditional values", these groups use the Istanbul Convention as well as other progressive initiatives to attack gender equality, as well as the human rights of LGBTI people, and reinforce harmful stereotypes about the roles women and men should have in society.

REPRESSING DISSENT

Our freedom to speak out and manifest our dissent is coming increasingly under attack. I have observed a worrying retrogression in the safety of human rights defenders and journalists and increasing restrictions on their ability to work in a growing number of European countries. They face a variety of reprisals, including judicial harassment, prosecution, illegal deprivation of liberty, abusive checks and surveillance, smear campaigns, threats and intimidation. Some have been physically attacked, subjected to ill-treatment, abducted and even killed.

This toxic atmosphere poisons democracy. Attacks against journalists and human rights defenders have a broader significance. If journalists and human rights defenders are not able to work freely and safely it becomes more difficult to shed light on human rights violations, corruption or misuse of power. Citizens are less well-informed and their access to justice is hindered, while repressive forces thrive.

To add insult to injury, investigations into crimes against journalists and human rights defenders drag on for years. The actual perpetrators are sometimes brought to justice, but those who mastermind such crimes are rarely identified or punished. In this regard, I follow two cases of investigative journalists in

particular. That of Ján Kuciak and his fiancée who were murdered in Slovakia and that of Daphne Caruana Galizia in Malta.

Many governments have also become increasingly intolerant towards public demonstrations of dissent. Faced with the multiplication of protests, authorities in several countries have taken legal and other measures that jeopardise or tend to erode the right to freedom of peaceful assembly. These measures range from harsh policing of demonstrations, and bans on and dispersals of assemblies, to changes in legislation aimed at increasing the possibilities of sanctioning persons organising or participating in peaceful assemblies.

RACISM

The resurgence of anti-Semitism and other forms of racism and discrimination – and the largely insufficient response by the authorities - is an indicator of the growing political and societal acceptance of these dangerous ideas. It also shows that European countries have not learned the lessons of past tragedies. Seventy-five years after the liberation of Auschwitz and twenty-five years from the genocide of Srebrenica, hate, denial and ignorance continue to be propagated, desecrating the memory of millions of people, and vilifying the victims who survived.

Those tragedies did not happen by accident. They started when human beings were singled out because of their identity. They took shape with public discourse that dehumanised the Other and marginalised critical voices. They resulted in deliberate acts intended to destroy a group of people – in front of the indifference of those who did not feel concerned by the situation.

And, yet, today Jewish cemeteries are regularly desecrated in several countries. Antisemitic offences and violent attacks on Jews and Jewish symbols are on the rise, in particular in countries where far-right parties are increasingly popular. Nazi symbols are regularly exhibited in public, especially in stadiums.

Muslims are also among the preferred targets of extremist groups and of some mainstream politicians. In many European countries, Muslim women are frequently assaulted for wearing face veils or headscarves; mosques are being attacked; discriminatory practices make it difficult for Muslims to get a job, a house or citizenship. Law enforcement officers still engage in the illegal practice of profiling Muslims, such as in stop and search procedures.

Hate crimes against Roma also remain very common. Hostile demonstrations and collective attacks against Roma have on several occasions forced them to move away for their own security. I recently travelled to Bulgaria where I met Roma families who had to leave their homes after receiving threats. They were not offered any support from law enforcement. State authorities often carry out illegal actions against Roma, such as forcibly evicting them without providing adequate alternative housing, or segregating Roma students in education based on their ethnic background. Anti-Roma hate speech by certain politicians strengthens and legitimises the climate of rejection, marginalisation and simmering violence in which many Roma live in Europe today.

REASONS FOR HOPE

By now we were supposed to have solved these age-old problems. Yet they remain with us, and even gain new strength. They threaten the values on which Europe has been built. These trends are not confined to

states with already poor records on human rights. I have observed these trends also in countries that see themselves as human-rights champions.

However grim the situation may look, it cannot be an excuse to give up. On the contrary. We have reached a point where our voices are needed more than ever. In the face of apathy, backsliding or outright hostility towards human rights, we must stand up and demand effective implementation and recommitment to the values and principles of human rights for all.

I believe that this is possible. Indeed, I do not think that human rights have failed. If gaps remain it is because in generation after generation, we have not tried our best to implement them in a systematic and effective manner.

During my almost two years as Commissioner for human Rights I have come across three recurrent trends that give me hope for the future.

First, there are still states that hold true to their commitment to human rights. This sounds as a meagre consolation. Yet it is encouraging to see that still in the current situation there are states which ratify conventions, adopt human rights action plans, establish and protect national human rights structures, implement the judgments of the Strasbourg Court and implement the recommendations made by national and international human rights bodies. I have established constructive dialogue with most national authorities. During my country visits, I could access places of human rights relevance, I received the information that I requested, and I was able to meet key decision makers. Is that enough? No, but it is necessary for moving forward.

Another source of optimism that I would like to emphasise is that in all the countries I visit, I meet NGOs, journalists, human rights defenders, national human rights institutions or Ombudspersons, and activists who keep the torch of human rights burning, despite the grave dangers they sometimes face. They are courageous, extraordinary people. They tell me how important it is for their fight that international organisations continue to engage. If they keep up their commitment to human rights and remain optimistic, why shouldn't we? How could we not?

The third reason is the youth. On several occasions over the past year, my office and I have met young people. Some felt excluded from the system of human rights protection. Others expressed dissatisfaction with the way we reached out to them – or rather, did not. But all those we have met ask for more, not less, human rights. And the youth is increasingly mobilising and playing an influential role around crucial issues, like climate change showing that they care and that they are willing to engage.

These are compelling reasons that give me hope. So, the obvious question is: how can we harness these positive trends and regain ground?

I believe that we must persist in using human rights as a compass to protect our individual liberties, and our societies as places of dialogue, pluralism and well-being. Human rights principles are our bulwark against oppression, fanaticism, and totalitarianism. If we commit to be outspoken about human rights principles, values and standards, we can come out of this tempest stronger.

I am sometimes told that I am not very diplomatic. It is probably true but I want to use my voice to denounce human rights violations. My voice is actually the most powerful tool in my toolbox and I would be failing my mandate if I was not speaking up.

Human rights are not a dry list of legal obligations. Human rights are the blueprint for a better society we can build together – a society where each of us is free, respected in our differences and respectful of others, where we are protected and where no one is left behind.

There is no easy fix, though. We will need patience, commitment, and courage.

PERSISTENCE

I often raise many or all of these points with ministers and members of parliament. They are usually my main interlocutors. But today, I am not addressing them. Today I am addressing you as students, scholars, intellectuals, but above all as concerned citizens. In such a polarised and politicised context, we must find new energies and new ideas to carry out human rights work.

As a start, the human rights community – including international organisations - should take a long hard look at itself. I think we have our own responsibilities if many people have become disinterested or dissatisfied with human rights. Our work has not been effective enough in ensuring that everybody understands why human rights are important for everyone, and have probably neglected some human rights violations, like economic and social rights, that should have instead been more prominent on our agenda.

It feels good to meet and talk with you today. Most of us here are human rights supporters and we probably agree on the majority of issues. But I think it would be a big mistake to remain in this echo chamber and not to talk with and listen to those who think differently, who feel excluded, or who - in a cacophony of voices and overdoses of information – feel confused. We will hardly agree with those who want to undo the human rights progress achieved so far. And there will always be some people who will not be convinced by our arguments. But most people are undecided and need clarity about where we are going. We can strive to provide that clarity not only by telling but also by showing that human rights matter.

If we want society to function more according to human rights standards and principles, then we must all do an extra bit and come out of our comfort zones.

I want to see more lawyers, scholars, intellectuals, concerned citizens entering the arena of public debate and engaging with society at large to overcome misrepresentations and debunk prejudices.

I want to count on more politicians who - in the face of dissatisfaction and insecurity - take the lead and, instead of scaring people to get more votes, empower them to defend human rights for all.

I want the media to be part of the solution by using precise terms that inform the public factually and objectively on all matters of public interest, while avoiding sensationalism, improper language, or reporting in ways that may raise unjustified alarm or provide a platform for divisive views to spread.

And I want the human rights community to become more inclusive in the way we defend human rights. We deliver a public service in the interest of society, but we do not own that service. We talk about, for and sometimes with people who have suffered human rights violations. But we rarely empower them to speak for themselves. They should take part in decision-making processes as much as possible. We should

learn to listen more and leave them space to tell their stories and shape the policies and laws that concern them.

It is also more important than ever that we protect and promote the grounding idea that human rights are universal and indivisible. We must all work to defend not only our own rights, but those of others too.

I want us all to engage with friends, colleagues, family members, neighbours, local and national authorities and show that human rights are not an abstract concept, but very concrete issues. If we look away any time that human rights are denied, we might stay safe ourselves, but leave others in danger. And tomorrow that Other could be us. Defending human rights is about the big and the small actions we take every day to stand up for justice.

What is at stake is the society we want to live in and pass on to the next generations. We must choose whether to move forward or be driven back. That choice will determine whether we strengthen our freedoms or relinquish them, promote participation or undermine democracy, empower people or marginalise them.

Meetings like today's lecture are a great occasion to pause, reflect and regain energy to reach the last mile. And the next. And the next. Until there is no gap more left on the journey we started long ago.