



Strasbourg, 14 April 2008

CommDH/Speech(2008)7  
Original version

## **Presentation of the Annual Report of the Commissioner for Human Rights**

### **Statement by Thomas Hammarberg**

Parliamentary Assembly, 15 April 2008

Mr Chairman, honourable members of the Parliamentary Assembly,

One important moment for me during the past year was your discussion in October of my mandate - on the basis of the report prepared by Mr. Gardetto. I listened to your advice then and I will listen carefully today to your comments on the annual report of the activities of my Office during 2007.

In the October discussion you underlined the importance of the *independence* of my office. I am happy to report that member governments do respect the autonomy and integrity of my mandate. I see no risks there but if any problems arise I will certainly defend with vigour this crucial feature of the institution.

The document CommDH (2008)10 REV gives you a detailed account of what we have done. There is no time now to go into any details. As you will have noticed, the overwhelming part of our resources and energy continued to be devoted to assessment and contact visits in member countries. In that process, we have identified transversal issues which deserve careful examination and may warrant the production of recommendations. We expanded tremendously the cooperation with national human rights structures.

Not unexpectedly, the situation in the member states of the Council Europe still raises a number of important human rights concerns.

\* 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.

\* Xenophobia is another major problem. Many groups of people are discriminated and simply not welcome and encouraged to integrate in our societies.

\* 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.

\* Individuals are also discriminated because of their sexual orientation and too few others stand up against homophobia.

\* The rights of people with disabilities are not sufficiently protected. I have been appalled when seeing the conditions in psychiatric hospitals in some countries.

\* 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.

The overriding challenge for human rights today is *implementation* of the agreed standards and to make human rights a reality for everyone, in particular those who tend to be forgotten, excluded or marginalized for a variety of reasons. As said in the report, we cannot 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. *Access to justice for everyone is a key priority.*

After two years in office I feel the urge to share with you some thoughts as to how we could enhance the working relationship between our two distinctly different institutions, the Parliamentary Assembly and the Commissioner. Our overall objectives are of course converging but we have different roles and thereby different potentials.

I am sure that there are areas and circumstances in which a better informed and more sophisticated complementarity between our two institutions could ensure an even stronger global impact. Our independence does not prevent coordination. Let me give some examples.

*- We could share information and build on one another's fact-finding.*

I value much the practice of the Assembly and your committees to invite my Office to participate in different hearings, like the recent one on the recognition of same sex partnership or in the ongoing work on the human rights of irregular migrants. On the basis of our missions and visits to a great number of institutions where human rights are at stake, I believe that we can offer relevant data and also contribute to an analysis of trends.

Before going on a mission I check your resolutions and reports – for instance, those of the Monitoring Committee – in order to deepen my knowledge base. I am sure your representatives do the same.

I have deliberately avoided to undertake election monitoring and I do believe parliamentarians are particularly equipped for this task. As reporting from such missions requires a clear knowledge of the broader human rights situation, not least of course in relation to freedom of speech and assembly, I am confident that our reports will be relevant also in these situations.

*- We could, when appropriate, build on one another's conclusions.*

The independence of my Office is of course no hindrance against building on your conclusions and I often use them in the dialogues with government representatives. For example, your recommendations and resolutions on decriminalization of defamation and on blasphemy, religious

insults and hate speech against persons on religious grounds are a precious political and intellectual resource from which I draw when discussing those difficult issues with member states or developing my concerns and suggestions in viewpoints and media contributions.

The invitation by the Monitoring Committee to individual countries to take my specific recommendations into account has been and remains a powerful help. It strengthens my authority when following up on the recommendations afterwards.

*- We could be strategic in the planning of activities in order to ensure maximum result.*

Timing is essential, which means that different actors should coordinate their initiatives in order to be effective. This is particularly important in situations of crisis. One good example was the coordination of missions to Armenia recently. John Prescott with his political message and my team, thereafter, with our human rights recommendations demonstrated together that Armenia could expect serious, honest and constructive response from the Council of Europe.

*- As individual parliamentarians you can promote the human rights message at domestic level.*

There is room and scope for increased complementarity of action also with you as individual national parliamentarians – to raise awareness and launch change. Individual parliamentarians have certainly a key role to play in the ratification of human rights treaties and the adoption of new legislation or policies, which contribute to better respect for human rights. Such support is also precious for international human rights campaigns like the ongoing one on combating violence against women, including in the homes.

I have a hope that you as individual members of your national parliament can relate to the recommendations from my Office. I have seen that those parliaments which have a special human rights committee have benefited greatly from the knowledge that former and active PACE members have brought to such committees.

You have political authority. You relate to your electorate, you have a say in law-making and you exercise control of the political executive. For a Commissioner you are certainly a key partner.

My contribution is based on the agreed European human rights norms, an independent mandate, a constructive and critical attitude to government efforts, working relations with national human rights structures and civil society groups.

And a strong conviction that more needs to be done in order for us to live up to the expectations of all those who have put their hopes in us.

Thank you.