



“Human Rights priorities in Europe today”

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We Europeans should recognise that human rights are not only a question in our common foreign policy, we have problems also on our own continent. If asked to name three current priority issues I would focus on xenophobia, the rights of migrants and methods used in the struggle against terrorism.

- ***Measures against Xenophobia***

Xenophobia is a serious problem in all parts of Europe today; to counter this, it should be a priority. Extreme right wing parties promoting hatred against migrants and minorities are represented in several national parliaments. In some countries, they also influence government policies. Unfortunately, some other political parties have redefined themselves in order not to be outflanked by the extremists – with the effect that xenophobic positions have become rather ‘mainstream’. The result is continued discrimination, inter-communal tensions and segregation.

While patterns of xenophobia and intolerance continue there are also reports about more violent hate crimes against migrants and minorities. The Office for Democratic Institutions and Human Rights (ODIHR) recently presented an overview of hate-motivated violent incidents in OSCE countries during the first half of 2006. They included crimes related to racism, anti-Semitism, anti-Ziganism, Islamophobia and homophobia.

Black Africans had been stabbed or beaten to death; Roma groups targeted in mob violence; Jews physically attacked; synagogues, and cemeteries vandalized. Muslims have been assaulted, and their mosques and Islamic schools damaged. Gay demonstrators and persons with disabilities had also been targets of hate crimes and violent attacks.

The precise scope of hate criminality in Europe today is difficult to assess as most governments still have not introduced an efficient system of collecting and organizing data in this field. Also, we can assume that a great number of offences are never reported to the police. However, available data suggest that hate crimes continue to be alarmingly widespread – and this must be addressed.

Physical attacks on individuals from minority groups are often perpetrated in communities where extremists have spread hate propaganda. I have personally seen examples of how minor incidents in such atmospheres can ignite mob tendencies against, for instance, Roma communities.

These are situations in which politicians and other opinion leaders must stand up and defend democratic values and human rights for everyone. We have seen too little of such principled, courageous positions in recent times. This is a great shame. Governments in Europe have not done enough.

- ***Rights of Migrants***

While immigrants suffer discrimination in Europe, young migrants are drowning in waters close to Europe. New policies are needed on migration – they should be based on human rights. This is also an urgent priority.

It must be made clear that all migrants do have human rights, even when they are not citizens of the country. Human rights norms in the UN treaties, the European Convention and the Social Charter also apply to non-citizens.

The general rule is that the rights should be guaranteed without discrimination between citizens and aliens. Equal treatment is the principle. This is demonstrated by the use of the word 'everyone' as subject in many of the articles in the key treaties. The exceptions relate to the right of political participation and freedom of movement.

Non-citizens shall, therefore, not be subjected to arbitrary and unlawful interference with their privacy, family, home or correspondence. They shall be equal before the courts; protected against torture and ill-treatment; and have the freedom of religion as well as the right to hold opinions and express them. The right to family reunion is particularly relevant in many cases. Also, they have social rights and should be treated equally with nationals as to work conditions and pay.

The derogatory term 'illegal migrant' should not be used – it puts a criminal stamp on the individual. To be at odds with immigration procedures does not mean that one is a criminal.

Also migrants in an irregular situation have rights, for instance those spelled out in ILO Convention No. 97. They should not be denied access to social rights, such as basic health care and education.

Furthermore, they should of course have the right to apply for permit to stay. They should have protection against arbitrary detention; not be sent to countries where they risk ill-treatment and torture; and not be expelled without having a legal opportunity to challenge such a decision.

These rights are not always respected. In fact, there is a wide gap between reality and the agreed human rights norms for migrants, also in Europe. One problem is detention. The UN Special Rapporteur on human rights for migrants has reported on arbitrary detention decisions, prolonged detention periods, detention even of children and trafficking victims, overcrowding and unhealthy conditions, and limited possibilities to complain about abuse.

Migrants without a permit to stay and to work are particularly vulnerable. They may be humiliated and ill-treated and not dare to complain. They may be exploited by ruthless employers or traffickers. Women in this situation certainly face particular risks.

Strict border control has been tried but has not produced the desired result. Rather, it has created a market for organized smuggling and trafficking. Irregular migration continues under forms which increase the loss of life. There is no military solution to this problem.

- Preventive action is of course necessary and urgent. The reason why so many so desperately want to come to Europe – even to the extent of risking their own lives – must be addressed. No doubt this will require more support to countries from where young people have little choice but to run away. The EU additional assistance to Mauritania was a positive example.

- Within Europe there is a need for further responsibility sharing, every country should contribute in a spirit of solidarity. This would also allow for consideration of the positive aspects of immigration – relevant in an aging continent. After all, it is a good thing that people can move to other countries for longer or shorter periods – though it should happen under conditions which do not risk lives.

- Human rights should be respected in all aspects of immigration policy. The reception procedures are key and need more resources, better educated border police and clear, human rights based policies in order to function effectively and humanely. Migrants must be treated as human beings; many of them are in very severe circumstances, and do deserve our respect.

- ***Human Rights and Terrorism***

The third priority I would like to highlight is that the combat against terrorism should be waged with respect for human rights. Illegal arrests, enforced transport of wrongfully detained people, secret places of detention and brutal interrogation methods are all violations of human rights. European countries should not accept these methods and, even less, facilitate such activities of the US security service.

Terrorism is an evil which strikes at our democratic values, not least the right to life and other human rights. It should be condemned and fought, but we should not – repeat: 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.

That has not been the case after 11 September 2001. The US security service has been given extraordinary powers. Aliens are kidnapped and taken to Guantánamo or to secret prisons in other countries, or handed over to security services which practice torture and with which the CIA collaborates closely - as in the case of the two Egyptians who were deported from Sweden.

Detainees are not given any possibility to challenge their detention or even communicate with a lawyer. They have been placed outside any jurisdiction, in a sort of legal 'black hole'. Some of them have been taken to secret places of detention. The US government does not even recognize the obligation to account for the names of those brought away.

The interrogation methods used on the detainees violate international rules. The pictures that we have seen from the Abu Ghraib prison in Iraq only represent a fragment of the truth. It has now been proved beyond all doubt that torture is used in American interrogation centres in Afghanistan, Iraq, the prison camp in Guantánamo and other places.

The 'war on terror' has not even been effective, which is hardly surprising, since previous experience shows that torture is not an effective way of collecting reliable information. In fact the use of such methods has further encouraged terrorism.

But the main issue here is that these violations have undermined the core legal principles that the international community has established in the years since World War Two. The more

disappointing it is that there has not been a stronger opposition to this undermining of agreed standards.

National security services in several European countries have collaborated closely with the American CIA, particularly after 11 September. Exchange of information between the security agencies of democracies is indeed essential for the protection against extremists and perpetrators of violence. It should also be accepted that such collaboration to some degree must be confidential. However, this secrecy should not be allowed to cover up human rights violations.

If we are to be credible in our global watch against human rights violation, we should be self-critical and tackle problems in our own countries with determination.