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April 3-4, 2017

Barcelona

HUMAN RIGHTS CHALLENGES IN EUROPE II POPULISM? REGRESSION OF RIGHTS AND THE ROLE OF THE OMBUDSMAN

HUMAN RIGHTS CHALLENGES IN EUROPE II: POPULISM? REGRESSION OF RIGHTS AND THE ROLE OF THE OMBUDSMAN

FINAL STATEMENT

The members of the European region of the International Ombudsman Institute (IOI), gathered at the Seminar on “Human Rights Challenges II: Populism? Regression of Human Rights and the Role of the Ombudsman”, held in Barcelona on 3rd and 4th April 2017;

Considering the current standard of human rights in Europe, as represented by the European Convention on Human Rights and other international treaties of the Council of Europe and the European Union, as well as the Universal Declaration of Human Rights and the International Covenants on Human Rights of the United Nations of which all our States are part;

Considering Charter of Fundamental Rights, national constitutions and other fundamental rules of European States;

Considering the values of human dignity, equality of men and women, individual freedom and solidarity between people;

Considering the role of the Ombudsman in the promotion and protection of human rights and fundamental freedoms;

REPORT:

Restrictions on human rights and fundamental freedoms occurring in some European countries based on threats to security and public order; threats which, despite their gravity, cannot undermine the democratic rule of law in our societies or European standards of human rights.

The rhetoric against migrants and refugees, as well as against minorities; rhetoric which goes beyond the right to freedom of expression and can be classed as hate speech because of its xenophobic, racist and Islamophobic nature.

The obstacles facing refugees at serious risk of suffering human rights violations when arriving in many European countries. Such obstacles condemn these refugees to subhuman living conditions unworthy of a twenty-first century Europe and run counter to humanitarian initiatives that express the value of solidarity in European civil society.

Concerns that the agreement between the European Union and Turkey of 18th March 2016 regarding the return and forced exchange of refugees could violate aspects of European human rights codes.

The regression of social rights as a result of the economic crisis suffered by the European region during the last decade



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AND REAFFIRM:

The commitment of our institutions to the promotion and protection of human rights and fundamental freedoms - not only economic and social rights, but also civil and political.

The demand for our States to fully comply with their international obligations in respect of human rights and to bring to an end states of emergency and suspensions of the European Convention on Human Rights where such actions are not absolutely essential.

The requirement of European Union States to host migrants and refugees, particularly those who are already in some European countries, in compliance with the proposal of the European Commission of September 2015, and to treat them in full conformity with international and European human rights conventions and standards. In addition, the States should respect the recommendation of the Fundamental Rights Agency of the European Union to exempt the provision of humanitarian assistance to migrants and refugees from criminal prosecution for human trafficking.

The need for a cooperative network of Ombudsman institutions at a European and global level to deal with the common challenges of defending rights and freedoms, and particularly in protecting the rights of migrants and refugees in countries of origin, transit and destiny.

The commitment of the European region of the IOI to monitor, at the request of its members, the risk of human rights violations, support members when needed and report violations of human rights occurring in Europe.

The willingness of members of the European region of the IOI to exchange best practice regarding the treatment of complaints and own initiative actions in respect of human rights violations.

The offer to the Council of Europe (addressed via the Commissioner for Human Rights, the President of the Parliamentary Assembly and the Secretary General of the organisation) and the Agency for Fundamental Rights of the European Union to co-operate in their tasks of promotion and protection of human rights in Europe, if necessary through a Memorandum of Understanding between the IOI and these institutions.

Barcelona, April 4th, 2017