

OSCE 2018 Human Dimension Implementation Meeting

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Excellencies,

Ladies and gentlemen,

I am deeply honoured to address this opening session of the OSCE 2018 Human Dimension Implementation Meeting.

I would like to thank the Office for Democratic Institutions and Human Rights for the invitation to share my thoughts with you this morning.

At the outset, I would also like to acknowledge ODIHR as an invaluable partner to the EU Agency for Fundamental Rights.

Some OSCE participating State representatives will know of our joint efforts to help EU States improve methodologies for the collection and recording of hate crime data. My Agency has closely supported the OSCE's survey on violence against women, which replicates our survey in non-EU countries, broadening its scope. And we, in turn, have benefited from ODIHR's support and expertise in developing surveys on discrimination and hate crime against Jews, and in developing our online database of anti-Muslim hatred, just to mention some examples. I am grateful for this close collaboration, which helps us deliver on our mandate.

Human rights challenges in today's European Union

Excellencies,

2018 is a year of human rights anniversaries. Twenty-five years since the groundbreaking Vienna World Conference on Human Rights and already seventy years since adoption of the Universal Declaration of Human Rights. Just two days ago I met with descendants of the chairperson of the Declaration's drafting committee, Eleonore Roosevelt. We agreed that the Universal Declaration has had a momentous impact for the protection of human rights but we also acknowledged that there is still so much to be done. In that regard we were at one in observing how great are today's challenges – indeed we are at a moment in history where human rights law, what the late Pope John Paul II once described as the greatest achievement of modernity, is under grave threat. Wherever we look we can observe both the achievements and the threats. In this regard the European Union is in no way exempt. Please allow me to mention some of the dimensions of the human rights issues confronting the EU and, in so doing, I believe I speak to experience also in other States in Europe and elsewhere.

I will concentrate my remarks on three contexts: migration, social integration and the digitalisation of our lives.

The Fundamental Rights Agency is deeply engaged in supporting rights-compliant responses to the migration situation in the EU. We engage from the drafting processes of EU law in Brussels to the operation of reception facilities in a number of States. We also publish periodic public reports on the migration-related human rights situation in the EU's 14 most impacted States. From these perspectives we observe considerable progress in the past three years in terms of respectful treatment of migrants, for instance in the area of law reform. However, many serious concerns remain to be addressed. Reception conditions are unacceptable in some locations. Child protection systems are sometimes inadequate. We receive too many reports of abusive behaviour and we have yet to trace thousands of missing unaccompanied children.

Turning to the social integration of migrants and other minority groups, such as Roma, again the story is a mixed one. Despite the existence in some locations of well thought thorough and human rights respectful strategies, our data show pervasive impediments to integration. For instance, we are aware of frequent incidents of xenophobia or racism ranging from everyday harassment to outright

violence. This even target citizens who have long resided in a given State. One in four respondents to our Second EU Minorities and Discrimination survey reported having experienced hate-motivated harassment.

Third, we in the EU share in the global phenomenon of the digitalisation of life, with its attendant benefits for human wellbeing and its serious risks for the protection of human rights. We recognise the need for persistent vigilance and innovative strategies in order to protect the right to privacy. We also appreciate how the migration of highly sensitive personal data to digital platforms also engages very many other human rights. And we observe how cyberattacks targeting the systems where personal data are stored have damaged citizens' trust in online activities and left businesses and governments struggling to keep up.

The EU human rights protection framework

We in the EU are fortunate to operate within a machinery equipped to address these persistent and disquieting threats. EU Institutions and bodies, including the European Parliament and Council, devote much attention to human rights questions. This is also the case for the European Commission, and most prominently for the Court of Justice of the European Union.

We also have the benefit of the EU Charter of Fundamental Rights. Ground-breaking in many respects, the Charter includes specific protections not explicitly recognised in other key international law instruments. All EU legislation and any measures taken in areas of EU competence - including at national level - must comply with the Charter. This compliance is rigorously monitored by the European Commission and scrutinised by the Court of Justice.

Finally, the mere existence of the Agency I represent is an expression of the EU's human rights commitments. The Fundamental Rights Agency is unique; there is literally no other body of its kind, anywhere in the world. And our work - research, analysis, capacity building - is undertaken with the primary purpose of helping decision-makers devise rights-compliant law and policy.

But no matter the architectural strength of the EU's human rights edifice, addressing the issues of the day requires the concerted effort of all our Member States. It is our clear and evident experience within the EU that to tackle the great human rights challenges we must cooperate across borders. Today's threats to human rights know no frontiers. Safeguarding these rights means renewing our

commitment to multilateralism and working together to ensure all people can live in dignity and security.

In the field of migration, that means devising multilateral solutions to protect the fundamental rights of people in transit as well as those who arrive on European shores. It means facilitating effective monitoring of forced returns. And it means improving co-operation between State authorities, making full use of existing large-scale IT systems so they also contribute to the protection of human rights. Through it all, the existing safeguards enumerated in the Charter of Fundamental Rights and the European Convention on Human Rights should be respected.

Multilateral engagement on integration is underway, most notably as concerns the Roma. The EU has established a framework under which all Member States are obliged to develop national Roma integration strategies, adopting measures funded under national, as well as EU budgets. The EU has also established a monitoring system to assess progress over time, where my Agency's periodic surveys on Roma integration play an important role. The European Commission, in its role of guardian of the EU treaties, has pursued infringement procedures against several EU Member States for failure to implement the EU's Racial Equality Directive, in situations of systemic discrimination and segregation of Roma.

Here I would caution against mistaking activity for achievement: the situation of Europe's Roma community - the largest minority in the EU - is very troubling. Take for example the extent of de-facto segregation in the field of education, which, shockingly, is on the rise: the percentage of Roma children attending classes where all classmates are Roma increased, on average, from 10% in 2011 to 15% in 2016 in Member States that we surveyed.

In the digital sphere, the EU and its Member States have come together to improve the security of network and information systems. The Court of Justice of the EU has made clear that the scope of data retention pursuant to the EU's Passenger Name Record agreement and Directive should be limited to what is strictly necessary. Member States will need to work hard to match their national provisions implementing the ground-breaking General Data Protection Regulation, in order to implement the principles of purpose limitation, data minimisation, data security, storage limitation and accountability. And, through the EU Directive on Security of Network and Information Systems, national

authorities have hardwired cooperation with national law enforcement and data protection authorities across the Member States.

The importance of civil society

Any comments on truly effective response to our human rights challenges must make reference to the important role of civil society. Without NGOs and other CSO actors operating on the ground and in networks, within and across borders, there would be much less information and input available to decision-makers. Similarly, the activity of such groups is vital to the effective implementation of human rights, as they often take the lead in providing supportive action, including for victims. It is only by ensuring the full participation of civil society actors, and supporting their actions that we can ensure human rights are protected. In this regard you may be aware of a recent report of my Agency that draws attention to challenges faced by civil society in the EU. As that report makes clear, the issues in the EU, although varying greatly in form and gravity from one country to another, nevertheless mirror the situation elsewhere. We are thus reminded of the need for close multilateral cooperation and exchange of good practice in support of a flourishing civil society sector.

Excellencies,

I began by referencing the Universal Declaration of Human Rights. Please allow me to conclude by returning to that great text. The goal of all human rights efforts, whether in the EU or elsewhere, must be the delivery of the promise in its article 1, of a world where all people are free and equal in dignity and in rights. In order to direct our efforts in that direction we need to honour the fundamental principles of the Declaration. In other words:

We must recognise that human rights are universal: every person is born with and possesses the same rights, regardless of geography, gender, race or ethnic, religious or cultural background.

We have to acknowledge that human rights are inalienable. They can never be taken away.

We need to uphold the indivisibility and the interdependence of human rights. All rights, whether civil, political, economic, social or cultural are of equal importance. None can be fully enjoyed without the others.

These are lofty requirements. But, as 70 years of experience have shown, through strong national polices and close regional and international cooperation they are entirely attainable. By working together - between and among States, international and regional organisations, and with other partners - we will succeed in ensuring that our systems of human rights protection deliver dignity and security for all our populations.

I wish you a productive series of meetings.

Thank you.