

## Panel debate on empowering rights holders

### Abstract

*With a diverse panel ranging from Ministers of State and High Commissioners to authors and filmmakers, the discussion highlighted key concepts of inclusion, voter's rights, integration, mutual respect, and human rights education. Panellists also gave in depth views on immigration and the refugee crisis.*

### Speakers:

1. David Stanton, Minister of State for Justice with special responsibility for Equality, Immigration, and Integration, Ireland
2. Astrid Thors, High Commissioner on National Minorities, OSCE
3. James L. Cavallaro, President, Commission of Inter-American Commission on Human Rights
4. Farah Abdi, Somali refugee, blogger, human rights activist and author
5. Brian Klug, Senior Research Fellow in Philosophy, St Benet's Hall, University of Oxford
6. Gianfranco Rosi, Film maker of 'Fire at the Sea', winner of the 2016 Golden Bear, Berlinale film festival

### **What does empowering rights holders actually means and how do you put that into practice in your daily life? What is the member states' duty and how can they do more? Where do you see your role as a member of the European Council and a state minister in actually empowering rights holders?**

People need to be aware of their rights. I think we can do more to make them aware. People need the means to claim and enjoy their rights. We need independent state bodies with adequate funding so they can make their cases without worrying about funding. They have to be empowered. There is a positive duty on public bodies to have due regard for the human rights of the people. It comes back to awareness which needs to be underpinned by legislation.

## **We have lots of legislation at every level. The problem is a lack of enforcing legislation. Are states failing to enforce human rights?**

In Ireland recently had a vote on marriage equality. Last year there was a mandate to increase the number of women in our parliament. We're still not where we want to be but we're the highest we've ever been.

## **Look at the refugee crisis and the glaring failure to deal with it. Will you do more?**

Yes, Ireland will do more. We must listen to them and hear what they have to say. We are on the periphery as a small country, but we are trying to support and assist.

## **We also need resources to uphold rights. What is lacking?**

The OSCE is a conflict prevention institution, but by empowerment and upholding rights you do conflict prevention. There are typically people who are deprived of rights. There is a difference between people who have EU citizenship and those who don't. Even in the ECHR there is a distinction between citizens and non-citizens. There are hurdles to integration. There is a hurdle to learn the local language to get citizenship. We have people who are marginalised who pay taxes, but do not even have local voting rights. Integration policy must have a continuous path. There must not be too many hurdles on the way forward.

Language can be an empowerment, but the way that some EU countries are forbidding campaigning in non-dominant languages is an issue. We need to make people aware of their rights. We have discrimination legislation, but many who are in danger do not know how to access it. Do these people believe in human rights when their rights are being violated with a sense of impunity? We need to go back to the basics. Human was about empowerment; to protect people from abusive power.

## **Supranational organisations have limitations. Does this apply to EU and UN institutions? Are they really the right people to do certain tasks? When it comes to empowering people, who is best?**

Empowering is giving power to people. Allowing people to exercise their power is better than giving. Giving is too paternalistic. It implies a top down approach. We need to understand social change that promotes human rights with a bit more humility. We tend to think that we can solve human rights issues with mechanisms, treaty bodies, and other government accord, but if we look at the movements who have brought a lot of social change —for examples Black Lives Matter in the US, Guatemalan prosecution of all authorities, etc.— these are the movements who are more likely to bring about meaningful change than lawyers. I think it's because they have the possibility of being mass movements involving lots of people.

That's why defending human rights defenders is so important. We need to act aggressively to make sure that states are not infringing on the rights of human rights defenders. At minimum, states should not be criminalising, should not be killing, or failing to investigate deaths of human rights defenders. We need to open spaces for social movement. States can facilitate these movements too — gay marriage in Ireland. We have to take our role with a bit more humility rather than thinking that we can change things through a better treaty or set of norms.

## **How can grass roots movements be more resourceful and activated in the coming future?**

No one should presume to have the authority to allow anyone anything. Only I can give myself permission on how to live my life. I left Kenya and travelled through nine Sub-Saharan African countries and the Sahara to arrive in Malta, which detains refugees upon arrival in violation of the 1951 Refugee Convention. I did not want to be part of the Dublin Regulation system. I decided to brand myself so I became a blogger and I went to the negotiation myself. My rights are not being respected and if after four years of paying taxes Malta isn't going to respect my rights then I will move on to a country who will. Europeans are busy being Europeans so you start branding yourself and deciding what is your "thing". If you're a quick runner, then you run. You scratch my back and I'll scratch yours.

EU politicians are preaching that we are here to change religions and cultures— yes, I am for changing cultures, but in a smart way. I think these politicians don't really believe what they are saying. We immigrants should use platforms to change minds. We must change these cultures away from being intolerant. That is why I write, to change the idea of Muslims and Trans people.

We need space not the opportunity. We are taking back the ugly word "refugee" and have come up with the "refugenius" concept. Refugees are geniuses.

## **How do we create a society in which things can be done?**

The perspective is contained in the opening part of the Universal Declaration of Human Rights (UDHR). That is the background of the whole human rights movement. The preamble refers to inherent dignity of all members of the human family.

According to article 1, all human beings should treat each other with siblinghood. It is mutual respect and not personal entitlement that lies at the heart of human rights. Nothing is more empowering or creates the space in which people can exercise their power in the human rights community more than seeing themselves as part of that community. Fundamental rights are what each of us owe each other.

## **Why was it important for you to make the film *Fire at Sea*?**

When I went to Lampedusa to make this film I realised it would be a hard film to make. I like to tell a story and encounter a story. In Lampedusa, I realised that these two stories were separate. In 2013, the border was moved to the middle of the sea so migrants are stopped in the middle of the sea. We've seen an increase in deaths at sea since the border was moved. When I encountered death in the water while making the film we were only 13 miles from Libya. How can we allow people to die in the sea? 20,000 people died crossing the sea in the last 15 years. Lampedusa becomes a metaphor for what Europe is right now. We never realize that the numbers are human beings. We have to stop thinking about numbers and encounter the eyes of the people. Why do you leave when you might die? They said, "It is the word 'might' that makes us do this. In Libya, we

knew we were going to die.” European politics is doing very little and it is an immense sense of defeat. Before there was the excuse that we didn’t know about the tragedy, but now we do.

I would like to get rid of the word “emergency”, because it is not an emergency, but part of our daily life and also “integration” because we need to stop thinking people need to integrate into our society.

## **Did you consciously think you were going to make a statement here?**

When I start a project I never know where the project is taking me. My first point was to give a space to Lampedusa, as well as tell, the story. When I decide to put that moment of death in the film was when I decided I wanted people to know about this tragedy. We must start acting as the identity of European Union values with the Holocaust in our hearts.

## **In a world of cities, who defends the rights and the culture of the rural people of the world?**

You could also talk about a Europe of regions working together. The regions around the cities would be one solution. Where have you had people with established rights? I come from a region where farmers always had the right to their land. They were empowered. We must empower regions to work together. So, I see some of the best integration happening in rural communities. I think that the first liberal of the world was thinking about the rural community in Finland and empowering them. We have difficulties creating space even in cities.

## **What about the obligations towards others?**

As a practical matter, rights always impose obligations. One of the key developments of human rights over the past three decades has been to expand the range of parties with obligations from states to third parties.

The preamble of the UDHR is addressed to all individuals, not just institutions. Because the language is the language of rights it’s easy to forget the flip side is responsibility. We are included in the modern concept of rights, as rights and duty holders. The idea is a world in which people owe each other respect enshrined in the human rights treaties. Where they

acknowledge and respect differences. This should include empathy as well; creating a culture of human rights in which people are educated early on to have empathy.

## **Should all legal residents be allowed to vote regardless of EU citizenship status?**

In Ireland if you're legally in the country you can vote. I think we need to open this across Europe. We've not yet had an extreme right but in our schools and colleges we need to start talking about human rights. There needs to be education and encouragement. There's also a need for community to be aware of what human rights are. A lot of citizens of our states don't have this discourse. There's a fear of people coming in from outside during a recession; that there isn't enough to support them. A culture of human rights will tackle this.

Yes, I think we should be open to this discussion. It's one thing for people to have the right to vote, but it's another to get them to actually use it. We need to bring about awareness and facilitation.

## **There is an irony of empowering rights holders when we are allowing refugees to die. The first way to empower somebody is to allow them to have the right to live.**

In the Western Hemisphere, we've had a low intensity flow of refugees in the past few decades. In Europe, you've had a spike in recent years, but it has always been an issue. I have some lessons that may be of use from the Western Hemisphere. Firstly, the ease of documentation to be able to work in the US. In the US, there's something of a culture of tolerance with immigration, despite Donald Trump. Though there is xenophobia and other problems, there is an understanding that immigrants contribute to society and the economy and that rather than stopping immigration, we should regulate it. We regulate it rather than prohibit it because prohibiting it would just strengthen the bands of organised smugglers.