



**Opening statement  
of Ambassador Ihor Prokopchuk,  
Chairperson of the OSCE Permanent Council at the  
Second Supplementary Human Dimension Meeting  
“Rule of law in the promotion and protection of human rights”  
(11-12 July 2013, Vienna)**

**Excellencies,  
Ladies and Gentlemen,**

On behalf of the Ukrainian Chairmanship I would like to warmly welcome all participants of the Second Supplementary Human Dimension Meeting, devoted to the topic of the "Rule of Law in the Promotion and Protection of Human Rights". The aim of this Supplementary meeting is to discuss how the rule of law in the promotion and protection of human rights can be enhanced in the OSCE area.

*In its Priorities for Action for 2013 the Ukrainian Chairmanship has underlined the important role the Organization can play in fostering co-operation between participating States aimed at building a community with the highest standards of respect for fundamental human rights and freedoms and the rule of law.*

The concept of rule of law forms a cornerstone of the OSCE's human rights and democratization activities. It aims at ensuring justice based on the full acceptance of human dignity. The 1990 Copenhagen Document can be considered a linchpin for the OSCE concept of the rule of law. It defines the rule of law as “justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression”.

This understanding of the interconnectedness and mutual influence of the rule of law and the respect, protection and guarantee of human rights has been reflected since then in all the fundamental documents of the OSCE, including the 2008 Helsinki Document and the 2010 Astana Commemorative Declaration. It has become an integral element of the OSCE comprehensive concept of security and of the Organization's work in practice.

The principle that everyone – from the individual right up to the State itself – is accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, is a fundamental concept. It is deeply linked to the principle of justice, involving an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. *Establishing respect for the rule of law is fundamental to achieving a durable peace in the aftermath of conflict, to the effective protection of human rights, and to sustained economic progress and development.*

**Distinguished participants,**

The UN High Commissioner for Human Rights, Navi Pillay, maintains that “*the rule of law without human rights is only an empty shell*”. I can not agree more.

Over the years the OSCE participating States have undertaken extensive commitments to respect, protect and promote universal human rights which are inherent to all human beings without discrimination. In accordance with international law and the OSCE commitments

*human rights are universal, interrelated, interdependent and indivisible and constitute the basis of peace, security and development.*

Therefore the promotion and protection of human rights *has to take into account the comprehensive and indivisible nature of human rights*, where non-compliance with standards in one area can impact on the exercise of other rights and freedoms. In the Helsinki Final Act and 1983 Madrid document the participating States reaffirmed “their determination to promote and encourage the effective exercise of human rights and fundamental freedoms, all of which derive from the inherent dignity of the human person.”

Considering that all rights are equally important and should be treated in a fair and equal manner, on the same footing, and with the same emphasis, one cannot prioritize some rights above others.

The OSCE plays a significant role in that sense as it embeds this complex of human rights perspective in the institutional and political fabric of the State. Moreover, the consensus-based nature of the OSCE commitments makes them immediately applicable. *Not only does this strengthen the implementation of other, treaty-based, international standards by adding a layer of politically binding commitments, but also provides a mechanism to respond to new, continuously evolving challenges* while making sure a set of common principles applies across country borders that all domestic laws must conform to.

Let me recall that in the 1983 Madrid Concluding Document the participating States reaffirmed their determination to give legislative expression in their respective legislations to the ten principles set forth in the Final Act and to develop their laws and regulations in the fields of civil, political, economic, social, cultural and other human rights and fundamental freedoms and to ensure the effective exercise of these rights and freedoms. The Vienna Meeting in 1989 added considerable detail to this reaffirmation, lending it enhanced political weight. One of the many fundamental breakthroughs there was the participating States' commitment to develop their own laws and regulations on human rights and fundamental freedoms.

*The existence of an independent judiciary is one of the main guarantees for the defense of human rights* as it plays an important role in this process and is at the core of the rule of law and a democratic system of governance. *All that a State does to strengthen the independence and professionalism of the courts contributes directly to strengthening observance of human rights.* In this context I am pleased to note a growing interest in the 2010 "Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia" as reported by the ODIHR. Along with other OSCE commitments and recommendations this document forms a valuable ground for further strengthening judicial independence in the OSCE region.

*Another key factor in efficient promotion and protection of human rights is the civil society.* The OSCE participating States have acknowledged the vital role civil society actors play in furthering democracy and the respect for human rights. In 1999 Istanbul document they have pledged “to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms”. In this regard I am pleased to note that the OSCE and ODIHR, in particular, assist the participating States in developing participatory mechanisms involving civil society actors in decision-making, promoting the public nature of lawmaking processes, as well as empowering civil society to advocate for legislative change and monitor the implementation of specific human rights and freedoms, in line with the commitment to “welcome NGO activities, including, inter alia, observing compliance with CSCE commitments in the field of the human dimension”.

**Dear colleagues,**

This Supplementary Human Dimension Meeting seeks to address how the rule of law can be advanced while promoting and protecting human rights and how further progress could be achieved in this field.

Participants will have an excellent opportunity to discuss the role of legislative, regulatory and institutional frameworks as well as governments and civil society in the promotion and protection of human rights. With respect to effective national and international instruments to protect human rights and prevent human rights violations, we will share best practices, current challenges and solutions. This SHDM will also provide a forum to explore means for strengthening the rule of law in the promotion and protection of civil, political, social, economic and cultural rights.

The issues that constitute the agenda of our meeting are of high importance as they affect directly the daily lives of our citizens.

I wish therefore everyone a stimulating and practical discussion helping us to deepen the implementation of the commitments and to commit ourselves again - governments, judiciary, national human rights institutions and civil society - in the defense and promotion of human rights.

I am confident that we shall all benefit from the inclusive dialogue on this important issue during this meeting.

Following the conclusion of the first working session today, the Ukrainian Chairmanship is happy to host a reception to which you are cordially invited.

Thank you very much for your attention!