

# Remarks by Ambassador Janez Lenarčič

Director of the OSCE Office for Democratic Institutions  
and Human Rights (ODIHR)

at the launch of the

## Second ODIHR Report on *Human Rights Defenders in the OSCE Region: Challenges and Good Practices*



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Vienna, 15 December 2008

Welcome to Delegations of OSCE pS, to NGOs and to the press. Thank you for devoting some of your lunch time to this event.

This month, as you all know, is not only devoted to recalling the importance of the Universal Declaration of Human Rights. We also celebrate the 10<sup>th</sup> anniversary of the UN Declaration on Human Rights Defenders.

It is therefore only appropriate that we reflect today at this side-event on the work of human rights defenders who are in the forefront of what sometimes represents a struggle to secure human rights and hold governments to account. The report my Office is presenting to you today is therefore a tribute to the work they undertake across the OSCE region to protect and promote human rights. It is human rights defenders who are the lifeblood of a vibrant civil society and are the essence of any democratic society.

I would like to give a special welcome to our keynote speaker, David Diaz-Jogeix, Deputy Programme Director for Europe and Central Asia at Amnesty International. Sir, you have the floor.

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We are grateful to international NGOs such as Amnesty which have responded to our questionnaire and contributed comments to our draft report. So have many OSCE participating States, international organizations, National Human Rights Institutions and OSCE field operations.

This report is the continuation of the ODIHR efforts to review the situation affecting human rights defenders across the OSCE region.

**Section 1** of the report identifies trends and patterns of violations, which remain largely the same for the last two years - threats and attacks on the physical integrity of defenders, their right to liberty, freedom of movement, freedom of assembly and freedom of association. The report intentionally does not provide a complete picture of individual cases; rather, the cases cited serve as illustrations of trends and patterns, and those are alarming.

We noted that at least three defenders have been killed in the reporting period. Human rights activists were ill-treated in custody, attacked, and injured. They and their family members were also threatened, harassed, and intimidated. Defenders were arbitrarily detained, arrested, and fined. There were criminal sanctions for so-called unregistered activities, as well as cases where NGOs were denied registration or were deregistered. The premises of NGOs were subject to raids and attacks. Peaceful assemblies were dispersed violently or not sufficiently protected. The threats and violations human rights defenders still face in many OSCE countries are unacceptable in a democratic society.

We point your attention to those cases hoping to inspire action to counteract them. Needless to say that such action should be taken, first and foremost, by governments by upholding their OSCE commitments.

**Section 2** highlights good practices of OSCE States in creating an open space for action of human rights defenders, protecting their

rights, creating an enabling environment for their work as well as listening to, and addressing the concerns of defenders.

For example, on freedom of association, we observed that a number of countries do not require prior registration for the acquisition of legal personality or use simple registration and re-registration procedures.

On freedom of assembly, most countries allow notification rather than authorization to hold assemblies. It is important to provide adequate protection for the participants of assemblies, and to allow and protect spontaneous assemblies as long as they remain peaceful.

On freedom of movement, some states grant travel visas for defenders to pursue their activities and grant emergency visas or residence permits to defenders in trouble.

Some states provide protection for defenders who are at risk of physical harm. States also use criminal law, including, where appropriate, hate-crime legislation, against those using violence against defenders. In some states authorities speak out in favour of defenders in domestic contexts as well as in bilateral relations with other countries, and in international relations in general.

There is a number of positive actions that states use in creating an enabling environment for human rights defenders:

- granting direct government assistance,
- ensuring that defenders can receive foreign funding,
- having effective freedom-of-information legislation,

- inviting UN mandate holders and representatives of relevant regional human rights mechanisms, and
- giving public recognition to defenders through prizes and awards.

I should also note that some states create mechanisms to listen to, and to address the concerns of, human rights defenders, by

- adopting government strategies for co-operation with defenders,
- ensuring consultation with NGOs and national human rights institutions in the legislative process,
- involving defenders in the drafting of periodic reports to UN treaty-monitoring bodies,
- involving defenders in the work of NHRIs and ombudsman institutions, and taking part in joint campaigns with defenders.

Thus, there is a wealth of positive examples that work in some states and that other states could be encouraged to use.

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Before I open the floor for a brief discussion, let me emphasize that this report is not intended to “name and shame” any participating State. Neither is it meant to pass a comparative judgment on the extent to which any participating State is fulfilling its human rights commitments.

However, by seeking to bring issues illustrated by individual cases to the fore the report highlights areas of concern. We do this with a view to assisting in the effective implementation of participating

States' human rights commitments. We also do this to provide human rights defenders with much deserved support.

I believe it to be essential to join efforts to promote the rights of those who strive to defend human rights and bring them to people. We look forward to working in, and with, OSCE participating States to support human rights defenders in their work.

Thank you.