

Human Rights and OSCE's comprehensive security concept

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For those who associate the Organization for Security and Co-operation in Europe (OSCE) with stories of the cold war and politico-military issues, our role in promoting the respect for human rights and fundamental freedoms might not be well-known. Many will have heard about the work of OSCE/ODIHR in monitoring elections, but few may be aware that the OSCE also has a rich body of commitments that expands across a broad range of human rights and sophisticated mechanisms to assist in their implementation. At the Astana Summit in 2010, OSCE Heads of State and Government reaffirmed their shared vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community. They acknowledged that the inherent dignity of the individual is at the core of comprehensive security. And they recommitted themselves to full implementation of the OSCE human dimension acquis. This is the vision that guides our work today.

In fact, human rights lie at the core of what the OSCE represents. As the CSCE/OSCE was created as a security organization, it was based on a conceptual innovation of what “security” meant. Participating States aimed at creating a comprehensive framework for peace and stability in Europe that entailed more than the absence of conflict among them. Thus, CSCE/OSCE adopted an approach to security that encompasses politico-military, economic and environmental, and human aspects –the so called “three dimensions of security”.

The 1975 Helsinki Final Act¹ recognized as one of its 10 guiding principles the “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”. This represented a milestone in the history of human-rights protection, since for the first time human-rights principles were included as an explicit and integral element of a regional security framework on the same basis as politico-military and economic issues. Also, all principles enjoy equal status, which means that no participating State may claim that they have to establish political or economic security before addressing human rights and democracy.

For some years a heated debate took place on how to balance the above-mentioned principle of respect for human rights with another Helsinki principle, the non-intervention in the internal affairs of a State. This was resolved in 1991, when participating States unequivocally declared that “commitments undertaken in the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”. With this, the OSCE contributed to developing a new approach to the relationship between human rights and the sovereignty of the State. The Astana Commemorative Declaration, in 2010, re-iterated this key principle.

Since the signing of the Helsinki Final Act in 1975, the OSCE participating States have established a large set of human rights norms and standards which are generally reflective of international agreed norms and concepts as enshrined in key human rights treaties and declarations. These commitments aim to ensure full respect for human rights and fundamental freedoms; to foster the rule of law; to promote the principles of democracy by building, strengthening and protecting democratic institutions; and to promote tolerance

¹ Signed in Helsinki (Finland), on 01 August 1975 (www.osce.org/mc/58376).

throughout the OSCE region. Ultimately, the goal is to ensure that citizens throughout the OSCE region are both safe and free.

While these commitments are political in nature, they constitute more than a declaration of good will. In an Organization governed by consensus, every decision and commitment carries a special moral weight, as a freely and voluntarily accepted pledge. Thus, commitments adopted by consensus are in themselves a political undertaking to comply with these standards.

The specific nature of these commitments has a number of important implications. To begin with, consensus decisions enter into force immediately and are binding upon all OSCE States². Moreover, OSCE commitments reinforce, rather than duplicate, obligations contained in other international law documents, as they usually make direct reference to them.

But, what happens when commitments are not upheld? What can the OSCE do? The OSCE was not only conceived as a community of values but, as we often say, a community of responsibility. In 1999, participating States recognized that they were “accountable to their citizens and responsible to each other”³ for the implementation of their commitments. This means that participating States can hold each other accountable for their failure to fulfil their freely adopted commitments through a system of peer-review. And the OSCE offers much more than a platform for participating States to criticize each other. The OSCE is based on a co-operative concept of security, which means that participating States should assist each other in fulfilling their shared commitments.

While OSCE commitments provide a solid bedrock and a constant reference, they are also a living body, applied in specific contexts that evolve over time. As new challenges emerge, the human dimension agenda reflects the dynamics of social, economic and technological progress. Against this background, the implementation of commitments requires constant debate and review, to be undertaken in a co-operative and constructive spirit. Thus, the OSCE has created a set of procedures, established institutions and organized events that help monitor and assist with the implementation of OSCE human dimension commitments. Over time, participating States developed a system of review meetings and conferences where the implementation of OSCE commitments is discussed.⁴ Some of these conferences⁵ are also open to non-governmental organizations, thus enabling the civil society to actively contribute in addressing concerns about the implementation of OSCE human dimension and other commitments.

In addition, the OSCE three Institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media (FoM)- the OSCE Field Operations and the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings,

² The respect of OSCE commitments may be invoked by any citizen or OSCE government directly vis-à-vis any government of a participating State.

³ Charter for European Security para.7, Istanbul 1999

⁴ OSCE Summits and Ministerial Council meetings usually adopt new declarations and documents. OSCE human dimension implementation meetings provide the forum for discussing the implementation of OSCE human dimension commitments. In addition, a human dimension seminar and three supplementary human dimension meetings are organized every year. For more information, see the ODIHR website at www.osce.org/odihr.

⁵ For instance, the Human Dimension Implementation meetings.

provide support to participating States in implementing their commitments in accordance with their respective mandates.

Making the difference “on the ground”

This introduction would neither be complete nor significant without some concrete examples of what the OSCE does on the ground to promote and protect human rights. With 16 Field Operations currently deployed in various regions, this is where the OSCE has the most direct impact on individuals’ lives. At central level, Field Operations are supported and coordinated by the OSCE Conflict Prevention Centre within the Secretariat and interact closely with the Institutions.

For instance, on 6 and 20 May 2012, the OSCE Mission in Kosovo facilitated the voting process of Serbian citizens residing in Kosovo⁶ on the occasion of the Serbian presidential and parliamentary elections. The exercise was carried out according to modalities agreed with all key stakeholders just a few days ahead of the Election Day. Despite the short time frame and politically sensitive context, the balloting facilitation was successfully conducted. The operation proved the value of OSCE’s field presence, as well as of its flexibility. OSCE experts from the region were able to reach out to communities in Kosovo, thus making an important contribution to preventing potential tensions from emerging and enabling approximately 100,000 Serbian citizens to peacefully exercise their right to vote.

As a consequence of the armed conflicts in the 1990s, over three million people were displaced both within and beyond the borders of Bosnia and Herzegovina, Montenegro, Croatia and Serbia. To resolve this protracted displacement, the OSCE Mission to Bosnia and Herzegovina, UNHCR, and EU worked together with the countries in the region to develop an initiative aimed at ensuring the voluntary return and reintegration of refugees and internally displaced persons. As part of this regional initiative launched in 2010, the Partner Countries have developed a Regional Housing Programme which will provide durable and sustainable housing solutions to approximately 74,000 individuals in the region. In total, 5,400 households (or 14,000 individuals) are to be assisted through this programme.

The OSCE Mission to Moldova promotes human rights and democratization through initiatives on both banks of the Dniestr/Nistru River in the areas of detainee rights, torture prevention, civil society development and minority issues. Currently, on the left bank, the Mission continues to support the provision of free legal advice and assistance to the public through lawyers located in offices in Tiraspol, Bender, Rybnitsa and Dubossari. On the right bank, the Mission has launched an institution-building initiative to support the development of the Local Commissions Monitoring Places of Detention, which were established under the 2008 Law on Civil Control of Places of Detention in an effort to expand the civil society oversight in places of detention and contribute to torture prevention.

In 2012 the Office in Yerevan worked to strengthen the capacity of the Human Rights Defender’s Office and expand its geographical outreach. As a result, the Human Rights Defender’s Office established six centres in Armenia, a hotline, and rapid reaction groups. This ensured interaction between the Office, local authorities and civil society, and provided prompt response to alleged human rights violations, contributing to better governance and protection of electoral rights during the Parliamentary elections.

6 All references to Kosovo institutions/leaders refer to the Provisional Institutions of Self Government.

Working with a network of local women's organizations, the OSCE Office in Tajikistan promotes the empowerment of women and girls to claim their rights, enrol in school, and obtain counselling on practical issues regarding housing, family law, employment, property and official documentation. Eleven OSCE supported Women Resource Centres, operating in rural areas, provide assistance and counselling to women and their families.

These are just some examples of the numerous activities conducted by OSCE at the grass root-level.

References and further reading:

- OSCE website (www.osce.org) .
- ODIHR website (www.osce.org/odihr).
- The 3rd edition of the OSCE Human Dimension Commitments compilation, published by ODIHR in April 2011 (<http://www.osce.org/odihr/76894>).