

**Closing Remarks**  
**by Ambassador Christian Strohal,**  
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at the Supplementary Human Dimension Meeting  
on  
*'Protection and Promotion of Human Rights:  
Responsibilities and Effective Remedies'*

Vienna, 12-13 July 2007



**Check against delivery!**

Excellencies,

Ladies and Gentlemen,

I think you will agree with me that we have had a very productive and useful meeting. We started with asking a simple question: if an individual's human rights have been violated, where can he or she turn?

Clearly, the first place individuals will usually turn to is the national court system. Judicial institutions that deserve our trust will be best equipped to deal with individual cases of alleged human rights violations. We know that offering real redress to the victims of violations requires an independent and impartial judiciary, professionally trained in human rights, with the capacity to deal with individual cases swiftly, fairly and justly. We have seen at past human dimension meetings how courts can achieve this, and we have gathered a number of useful additional recommendations on best practices at this Meeting. I particularly want to highlight the suggestion that participating States reiterate existing commitments on the public nature of trials by allowing diplomats, magistrates and other interested parties to freely observe trials wherever they take place in the OSCE region.

In order to have real access to this most vital of remedies, however, individuals will need access to attorneys properly trained in human rights, who are properly paid, regulated and equipped for this task. But what if the courts are not equipped properly? If no attorneys are available, or willing to take up one's case? It is clear from our

discussions yesterday and today, and at past human dimension meetings, that this is all too often a reality for many victims. The first thing we can say is that such a state of affairs is clearly a violation of the State's duty under OSCE commitments and international human rights law. The State is under an obligation to maintain a system which protects the rights of all individuals equally, and ensure that legitimate grievances are addressed.

The growing trend in some parts of our region not to offer proper mechanisms for redress to victims is not only a violation of OSCE commitments, nor is it merely unjust and unfair. It is also a dangerous development. When and if individuals and groups start viewing the State system as incapable of dealing with their complaints, they will try to find other ways. I would like to remind those who believe that ignoring or even cracking down on the expression of legitimate human rights concerns will make them go away: this is not the case. The consequences of a failure to listen to, and act on, human rights violations can be disastrous, as history has shown again and again.

If grievances are not recognised and redressed by government institutions, other actors are called upon to step in. It is these individuals we call 'human rights defenders': those who are willing to stand up for the rights of others; often, unfortunately, at great danger. We have heard many practices which work for human rights defenders in this regard, and forms of activity which allow the achievement of real results for real victims.

A good example we heard about in the second session were the many instances in which NGOs are now winning cases on behalf of victims

before international courts, which has achieved tangible results both for the victims themselves, and also in terms of achieving changes in wider laws and policies. Indeed, the full use of fundamental freedoms often allows a correction in laws, practices and government behaviour: rights are belatedly recognised, policies are belatedly changed, those who have committed violations of human rights, or were responsible for them, are belatedly punished. It may be late, and it is often too little, but it is something, and it helps to prevent much worse.

Viewed in this light, it is all the more worrying that we see a trend in some parts of our region in which those freedoms are stifled. This is the wrong answer. The right answer is to strengthen and enhance our commitment to these freedoms, and to take active and concrete steps to make this commitment a reality. After all, the OSCE commitments are not merely high-sounding principles; they were written to prevent us from closing our eyes to legitimate grievances, and suffer the destabilisation and threats to our security which this inevitably entails.

Ladies and Gentlemen,

It is time for governments to open their eyes to human rights violations, actively engage with them, and learn from mistakes to prevent future violations before they happen. It is time for governments to start listening rather than restricting rights. There is a vital role for the judiciary here, in improving its capacity to deal with violations which have occurred; there is a vital role for defenders here, to open the government's eyes to human rights concerns which go

unaddressed. There is also an important role here for national human rights institutions to act as the eyes and ears of governments to prevent violations before they occur, and deal with those which have already occurred in a comprehensive, structured and effective manner. We have seen many ways in which such institutions can be of assistance; for example, we heard how the Georgian Ombudsperson works with civil society to ameliorate detention conditions – an example of how an NHRI can take up a thematic issue and remedy it for a group of people, rather than for any single individual.

We have the recommendations on how to proceed, and let me thank you especially for the effort to bring good practices. We have the tools available, and we have a proper underpinning in commitments to work from. As part of the OSCE community, the ODIHR stands ready to assist victims and those who would defend them. But we need the commensurate political will, on the part of OSCE States, to actively engage, provide effective remedies and strengthen the dialogue and cooperation with civil society. We have also heard suggestions during the second session with regard to the work of the ODIHR Focal Point, especially that it should report on the situation of defenders. We are certainly prepared to do this.

I want to thank all speakers, moderators and rapporteurs. And thanks to all participants, especially those from NGOs, for your input and contributions and for carrying messages forward. Also thanks to the Judges and representatives of NHRIs who made the effort to come and bring their immediate concrete experiences. We need more of these efforts, especially as governmental delegations were rather quiet at this Meeting.

Let me also thank the Spanish Chairmanship for their strong support, and the dedicated team from ODIHR for their hard work. My Office looks forward to a continued partnership with authorities, national human rights institutions and defenders to support the implementation of the recommendations made today.

I would hope to see many of you in Warsaw for following up on this SHDM.