

Statement to the 60<sup>th</sup> Session of the UN Commission on Human Rights

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Wednesday, 31 March 2004



Mr. Chairman,

It is an honour and a pleasure to address the Commission today. There are at least two factors that make the Commission unique in the UN system: you monitor the implementation of international human rights obligations by states; and you do so in close dialogue with representatives of civil society. We at the OSCE do likewise, and my Office, the ODIHR, assists its 55 participating States in implementing their commitments effectively.

Last year, I presented you with an overview of the ODIHR's activities; this time, I would like to concentrate on a few issues that necessitate international and institutional co-operation.

Together with Acting High Commissioner Ramcharan, we have therefore been seeking to increase and enhance the co-operation and complementarity between the activities of our two offices. The OSCE with its field missions on the ground is particularly well placed to carry out activities to assist and encourage governments to implement international standards and recommendations of the UN's human rights mechanisms.

For example, we address the implementation of the Optional Protocol to the UN Convention Against Torture, which obliges state parties to "maintain, designate or establish...one or several independent national preventive mechanisms for the prevention of torture at domestic level": It is widely acknowledged that one of the most effective ways of preventing torture and ill-treatment is through independent visits by civil society representatives to places of detention. Apart from playing a crucial role in preventing human rights abuses and promoting adherence to international standards, civil society monitoring also plays an important part in the democratic process, by demanding accountability and transparency by state institutions.

The ODIHR seeks to facilitate the implementation of the Optional Protocol to the CAT by training on monitoring places of detention for representatives of domestic non-governmental organizations in OSCE states. The training aims to acquaint participants with the main international standards relating to detention and to provide practical skills enabling them to carry out visits to places of detention. This programme is currently being implemented in Armenia, Serbia and Montenegro, and in Uzbekistan; similar activities are carried out in other countries.

In this context, I welcome the National Action Plan issued by the Uzbek government. In order for this National Action Plan to be successful, it is vital that it not be limited to the organization of seminars and conferences to discuss the issues but must include concrete steps and actions designed to implement each of Mr. Van Bowen's recommendations.

Unfortunately, torture remains a serious concern in a number of OSCE states. An OSCE Supplementary Human Dimension Meeting in November 2003 was devoted to the prevention of torture and provided a forum to assess the extent to which states are

succeeding in their obligation to eradicate torture. The meeting brought together more than 200 participants, including representatives of 57 non-governmental organizations. The particular focus of the meeting was on the prevention of torture in the course of criminal investigations and looked particularly at procedural safeguards during pre-trial detention, prohibition of the use of evidence obtained by torture, as well as effective investigation and prosecution of acts of torture.

The prohibition of the use of evidence obtained by torture is also relevant to another of the topics on your agenda today: namely, the administration of justice and the right to a fair trial.

The right to a fair trial is made up of a set of distinct yet interrelated rights and is enshrined in numerous international and regional human rights instruments. In recognition of the fundamental nature of these rights, OSCE participating States have committed themselves to allow national and international observers to monitor trials.

On the basis of this commitment, my office and a number of the OSCE field missions have considerably increased trial-monitoring activities over the past year. The aim of our trial-monitoring programme is two-fold. First, it aims to build the capacity of local civil society to accurately monitor and report on trials, and, second, it seeks to increase access to regular and good-quality information on compliance with basic fair-trial standards, through co-ordination of their subsequent trial monitoring. The information gleaned from the trial-monitoring programme is fed into our rule-of-law reform activities.

In Azerbaijan, the participants of the programme are currently monitoring the trials of some 100 people that were arrested in connection with the civil disturbances following the presidential election in October 2003. The decision to monitor these trials under the auspices of the trial-monitoring programme is an example of our continuing work to link up our election-monitoring activities with our broader human dimension work.

In addition to monitoring and reporting on trials, my office continues to be very active in the provision of technical assistance in the area of rule-of-law reform. In particular, we assist states in the process of criminal-justice reform. This encompasses a number of activities, including assistance in the areas of prison reform and institutional and legislative reform. We are also currently implementing our Fair Trials Programme in Kazakhstan and Kyrgyzstan, which is designed to train defence lawyers in professional legal skills.

Another phenomenon where state responsibility has to be reinforced by civil society support is the fight against trafficking in human beings. My office will continue our wide-ranging activities in this area and is currently finalizing a handbook on setting up national co-operative structures between governments and civil society. Participating States have shown their resolve in addressing the problem by adopting the OSCE Action Plan against Trafficking in Human Beings at last year's Ministerial Meeting and through the creation of a new Special Representative to address this important issue.

The importance of compliance with the rule of law in relation to counter-terrorism has been referred to by a number of distinguished delegates during this session of the UN Human Rights Commission. The fight against terrorism is a global priority, and I express my deepest sympathy to the people of Spain in this regard. My office is continuing to implement its mandate in the area of counter-terrorism and human rights. Under the auspices of this mandate, we are closely co-operating with the Office of the High Commissioner for Human Rights. We are currently developing a new training module in the OHCHR series on *Terrorism, Emergency Measures and Human Rights*. The module is primarily designed for civil society representatives and UN as well as OSCE field staff and focuses on the particular rights at risk from counter-terrorism measures. The module aims to reinforce the ability of relevant international and non-governmental organizations to monitor the compliance of measures with international standards.

Earlier this month, the OSCE held a two-day counter-terrorism meeting in Vienna that called for stronger co-operation between international, regional, and sub-regional organizations in strengthening common defences against terrorism. The meeting was held together with the United Nations Office on Drugs and Crime (UNODC); it adopted the Vienna Declaration, which specifies several areas for further co-operation in fighting terrorism. In essence, we must maintain that there can be no sustainable security without strong democratic institutions, the rule of law, and effective protection of human rights.

Within our activities related to human rights and terrorism, we also have a mandate to address measures to prevent terrorism. We need long-term preventive strategies, in particular the promotion of tolerance and non-discrimination, aiming to halt the increase of religious and political extremism. The Maastricht Ministerial Council Meeting of December 2003 gave new tasks both to participating States and to the OSCE as a whole to fight discrimination and promote tolerance.

Racism, xenophobia, anti-Semitism, and discrimination are problems that continue to manifest themselves throughout the OSCE region and beyond. These phenomena are at the root of a range of human rights abuses, from incidences of everyday discrimination to large-scale acts of barbarism. The principles of tolerance and non-discrimination lie at the very heart of the human rights system, flowing from the equality in dignity and rights of all human beings. They are also integral to the OSCE's human-centred approach to achieving regional security.

The ODIHR has long been involved in the fight against discrimination in relation to Roma and Sinti and to migrants, as well as in the field of equality between men and women. Now the ODIHR has been stepping up its activities in the field of tolerance and non-discrimination and will serve as a collection point for information from its participating States on violent manifestations of racism, xenophobia, discrimination, and anti-Semitism, as well as legislation relating to such crimes, and we will assist in developing a good-practices network.

In this task, my office will co-operate closely with non-governmental organizations and mechanisms within other intergovernmental organizations, in particular the UN's CERD, ECRI within the Council of Europe, and the European Union's EUMC.

As part of the OSCE's increased focus on this issue, a series of high-level conferences will continue this year, with events due to take place relating to anti-Semitism, to racism, xenophobia, and discrimination and on the relationship between hate crimes and racist, xenophobic, and anti-Semitic propaganda on the Internet.

Mr. Chairman,

I have pointed to a number of areas of current and potential co-operation and complementarity between my office and other international and non-governmental organizations, in particular the Office of the High Commissioner for Human Rights. Accordingly, I would like to conclude by warmly welcoming the appointment of Justice Louise Arbour as the new UN High Commissioner. We look forward to co-operating with her as closely as with the Acting High Commissioner when she takes up her position later in the year.

Last year, I pointed out that in order to achieve progress in effective adherence to human rights commitments, we need to ensure genuine commitment to international standards. Your Commission plays a crucial role in this task.

Thank you.