

OSCE Human Dimensions Implementation Meeting

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Working Session 5, Fundamental Freedoms II

**Introducing statement of Debbie Kohner,
Secretary General, European Network of National Human Rights Institutions**

Introduction

Excellencies, civil society organisations, ladies and gentleman, it is a pleasure to speak with you this afternoon. We have a lot of ground to cover in this session. For my introduction, I will underline the role that national human rights institutions play in the protection of human rights, particularly in the areas of freedom of movement and human rights education. In so doing, I will clarify the distinction between national human rights institutions and civil society organisations, and underline the vital role that they play in the human rights arena.

NHRIs and CSOs

National human rights institutions (NHRIs) are relatively new actors on the human rights landscape. Their status and institutional requirements were endorsed by the UN General Assembly in 1993, and they have since been formally recognized and supported by all regional human rights mechanisms, including OSCE.

NHRIs are state funded institutions, independent of government, with a broad mandate to promote and protect human rights. They are accredited by reference to the UN Paris Principles to ensure their independence, plurality, impartiality and effectiveness. Once accredited, they receive a formal status and speaking rights before various UN bodies, including the Human Rights Council.

NHRIs are different to civil society organisations, as they are mandated by state and protected through primary legislative or constitutional norms. This, in addition to their system of international accreditation, gives them a particular legitimacy to advise the state on its implementation of human rights standards. However, NHRIs and civil society organisations work closely together, and indeed NHRIs are required to cooperate constructively and consult with CSOs, in order to comply with the Paris Principles.

CSOs and NHRIs both have close contact with individual rights holders, and through their research, receipt of complaints and publications, they can raise awareness of the human rights record in their jurisdiction. Through working with NHRIs, CSOs can have enhanced access to state institutions, and thus NHRIs act as a bridge between civil society and state. At the same time, CSOs scrutinize NHRIs on their work and help ensure that they are fulfilling their potential to promote and protect human rights.

NHRIs also act as a bridge between the national and the regional or international fora. They help in the flow of information to the national level, as they are mandated to monitor and advise on the implementation of international human rights standards in the national context. They also assist in the flow of information up to the regional or international level as, through their recognized status, shadow reporting to treaty bodies and meetings on country visits, NHRIs provide information of the human rights context 'on the ground'.

Freedom of Movement

The application of these international standards have particular relevance in relation to freedom of movement. The exercise of an individual's right to leave a country – which was central in the Helsinki process - rests squarely within the prerogative of the state. However, we are witnessing today new violations in this regard, with reports from NHRIs and CSOs that countries of origin and transit countries are imposing restrictions to hinder the free movement of Roma in Europe.

At the same time, there is a growing number of refugees, internally displaced persons and statelessness. Where an individual lacks a recognized nationality, the international standards of protection are critical. Efforts have been made to improve the status and rights of stateless individuals, and I urge participating states to ratify and apply in full the 1961 UN Convention on the Reduction of Statelessness.

Borders are critical testing grounds for states' implementation of human rights standards. States are challenged to provide effective remedies and procedural safeguards, and are monitored, often by NHRIs and CSOs, for the extent and

conditions of detention, for respect of the rights to family life and non-refoulement and, in some cases, the prohibition of torture, inhuman or degrading treatment.

At the same time, states must be vigilant against the organized criminal structures that are taking advantage of freedom of movement to smuggle or traffic individuals across borders. In order rise to the challenge of these competing pressures, it is essential that states provide sufficient funds to fully research and tackle the growing phenomenon of trafficking.

It is also necessary to collect sufficient, transparent, and comparable data on migration, in order to enable in depth analysis from a human rights perspective. This enables states to develop more effective policies and to raise awareness among the general population of the realities of migration. Again, NHRI and CSO research and publications have helped in the protection of human rights in this regard.

Human Rights Education

NHRIs also play an important role in delivering human rights education both to civil society and to state actors. If there is not an awareness of human rights among the general population, efforts to implement the human rights standards will never fully succeed. There is a need for accessible and inclusive programmes to spread the underlying principles and bottom line requirements for the enjoyment of human rights. I would like to share with you some principles for human rights education, based on current examples from members of the European Network of NHRIs.

First, I would like to recommend an accessible, inclusive and cooperative approach. For example, the Netherlands Institute for Human Rights is consulting with schools and other educators on the introduction of human rights education to the curriculum, and provided a website of materials for teachers. The German Institute for Human Rights, in providing policy advice for the implementation of human rights education into teacher training and other areas, has set up network meetings for exchange between human rights educators, including civil society organisations.

Secondly, I would like to point out that the many advantages of human rights education have been corroborated through independent evaluation. For example, a

recent project by the Scottish Human Rights Commission provided practical advice about how to apply human rights principles in the delivery of care to older persons, which independent researchers found substantially increased the knowledge and confidence of participants.

Finally, I would like to draw attention to international standards and guidance. The UN World Programme on Human Rights Education is now in its second phase and several NHRIs are concentrating their efforts on the specified target groups, namely civil servants, law enforcement officials, the military, and secondary education. The Irish Human Rights Commission offers free, tailored human rights education to these actors, which is non-legalistic, participative and practical. It has developed many online training materials and, early next year, will release a compendium of human rights education practices implemented by NHRIs

ENNHRI

Despite the excellent work of many NHRIs to promote and protect human rights in the OSCE region, some participating states do not yet have an NHRI and in other states, even where there is an NHRI, it is not fully in compliance with the Paris Principles or, even when compliant, it is not sufficiently resourced to carry out its work effectively. I urge the participating states to support the establishment and resourcing of Paris Principles compliant NHRIs. They offer each state the opportunity to have independent advice on the application of international standards in the specific local context in which they operate.

The European Network of NHRIs (or ENNHRI) supports its members through advising on the establishment and accreditation of NHRIs. It also helps achieve efficiencies, which are essential for under-resourced institutions. First, it coordinates the exchange of information and best practice between members, in order to raise institutional capacity. In addition, we offer capacity building and training to members and I'm delighted to announce that OSCE-ODIHR is sponsoring in 2014 a pilot ENNHRI Academy for our members' staff.

Thirdly, ENNHRI engages with regional mechanisms on behalf of its members, which not only creates efficiencies, but also a stronger voice at the regional level. Finally,

ENNHRI has intervened in legal and policy developments at a European level. It has permanent observer status at the Council of Europe's Steering Committee on Human Rights (CDDH) and has intervened in strategic litigation before the Strasbourg Court.

ENNHRI captures the collective expertise from its member institutions through working groups on thematic areas, such as legal, disabilities, asylum and migration, and human rights education. In February 2013, ENNHRI established a Permanent Secretariat in Brussels. Once it has received sufficient funding, the Secretariat will facilitate ENNHRI's work and provide a central contact point for stakeholders. ENNHRI is currently undertaking a strategic planning process, again with the generous support of OSCE-ODIHR.

Conclusion

NHRIs and civil society organizations both play essential roles in the protection of human rights, including in the areas of freedom of movement and human rights education. I look forward to hearing your contributions on your practices and recommendations in each of these critical areas.

Thank you