



Opening Address by Ambassador Janez Lenarčič  
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Supplementary Human Dimension Meeting  
on the Rule of Law in the Promotion and Protection of Human Rights  
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Check against delivery!

Excellencies, Distinguished Colleagues, Ladies and Gentlemen,

It is a great pleasure to welcome you to Supplementary Human Dimension Meeting on the Rule of Law in the Promotion and Protection of Human Rights.

Greek philosopher Aristotle said that “[t]he only stable state is the one in which all human beings are equal before the law” (Politics). This statement shows how from early on people came to recognize the fundamental importance of the rule of law and human rights for the stability and security. This recognition found its clear expression some millennia later in the commitment of the OSCE participating States in Helsinki in 2008 to uphold “the rule of law and equal protection under the law for all, based on respect for human rights and effective, accessible and just legal systems.”

This year also marks an anniversary of undisputed relevance to the issues we will be discussing at this Supplementary Human Dimension Meeting. Twenty years ago in June 1993 representatives of the state authorities, international organizations and civil society assembled in Vienna for what was to become a landmark event: the World Conference on Human Rights, where the foundation of the Office of the UN High Commissioner for Human Rights was set. As all of you know, one of the most important outcomes of that conference was the adoption of the Vienna Declaration and Programme of Action, which is a groundbreaking document as it affirmed, once and forever, that all human rights are universal, indivisible, interdependent and interrelated.

That document also affirmed that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing; and that international community should support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms in the entire world.

I have to emphasize that even earlier, in 1975, our own participating States recognized “the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among all States”. They also pledged to “promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.” (Helsinki 1975).

This very day, however, marks another anniversary of an event in which the pledges from Helsinki to Vienna have come to a colossal failure. On 11 July 1995, eighteen years ago, more than 8,000 Bosniak men and boys were summarily executed in what is now known as the Srebrenica genocide. Only two years after having solemnly declared its obligation to support the respect for human rights and fundamental freedoms in the entire world, the international community failed in its responsibility to prevent human rights violations and the most egregious of crimes resulting from them.

Today, more than 400 newly identified victims are to be buried at the Potočari Memorial Center. Although much effort has been devoted since the 1990s to strengthen international and domestic

instruments and mechanisms for the protection of human rights - which is a matter of immediate and legitimate concern to all states - we are still witnessing too many examples throughout the OSCE area, and not limited to the Western Balkans, where national and international criminal justice have failed the victims. This has to change. It is imperative that we do better.

In their deliberations two decades ago, participants in the World Conference spoke of the 1990s as an 'age of uncertainty.' Just last month, then, reconvening to celebrate its twentieth anniversary, they spoke of our time as, again, an 'age of uncertainty.' An age of uncertainty indeed it is: uncertainty for security in global counter-terrorism effort; uncertainty for development given unrelenting global economic crisis, and uncertainty for human rights and the rule of law the substance and foundation of which are being questioned.

The global “war on terror” has shaken some of our fundamental human rights not just because of the impact of acts of terrorism but also because of the measures taken in the name of its prevention. We continue to see a negative impact on rights and freedoms such as the right to privacy, freedom of expression, freedom of religion, freedom from arbitrary detention or freedom from torture - this is all impermissible.

Years of economic crisis likewise have taken their toll on human rights. And make no mistake: the economic crisis has undermined economic, social, and cultural, but also civic and political rights alike. Amidst decreasing resources, economic and social rights have been hit hard by the financial crisis. Education and welfare programs are often the first in line for budget cuts. Healthcare is no exception.

If we look more attentively, however, we will see that civil and political rights are likely to be affected by the recession just as significantly as the other rights, with consequences no less dramatic. Take, for instance, freedom of peaceful assembly, a right resorted to with increasing frequency across the OSCE area and beyond. Facilitating peaceful assembly in line with international standards and OSCE commitments requires ample resources not just on the occasion of the assembly but also in equipping and training law enforcement officials to police assemblies in a human rights compliant manner. Training police more generally on the benefits of human rights compliant policing and its effectiveness requires not only a shift in paradigms but also resources. Similarly, it may appear easier and less expensive, in the short term (from the resources perspective), to extract confessions under torture than to invest time, effort and funds into how to conduct proper investigations.

Another example is the judiciary and its fundamental role in safeguarding human rights and providing effective remedies, as this meeting will seek to explore in the upcoming working session. Under-resourced judicial systems, with inadequately trained and equipped staff cannot live up to their role and be an effective mechanism of protection of human rights.

The impact trickles down even further. Across the OSCE area, we have seen national human rights institutions facing increasing difficulties in their work due to budget cuts and consolidation for the purpose of financial saving, and at the same time are these same institutions faced with increased demands on their mandates. Yet, the human rights architecture, if it is to be effective, must rely not only on the international bodies for the promotion and

protection of human rights, but primarily on national human rights institutions.

We end up paying dearly for saving on human rights and the ultimate price being that of confidence in the government, which in turn will undermine stability and security. It is in such circumstances that the OSCE comprehensive concept of security becomes more relevant than ever.

Ladies and Gentlemen,

The effectiveness of national and international instruments to protect human rights and prevent human rights violations, of course, does not depend only on budgets. It depends very much on the rule of law and sound legislative frameworks. In this connection, I would like to stress the supremacy of international law and the requirement for domestic law to be in line with international standards, as emphasized also by the commitments undertaken by the participating States in Helsinki 1975. I would like to draw your special attention to the word “legitimate,” making it clear that legitimacy has to be assessed against international standards, and no restrictions on human rights can ever be acceptable unless they comply with the key requirements of proportionality, necessity and legality.

There can be no effective protection of human rights without civil society. OSCE participating States have repeatedly recognized this and reiterated in Astana, the important role played by civil society, and free media, in helping them ensure full respect for human rights, fundamental freedoms, democracy, including free and fair election, and the rule of law.

Vital work in this regard is carried out by human rights defenders, and I take this opportunity to call for intensified effort to ensure better protection of human rights defenders in line with the commitment the participating States have undertaken in Budapest in 1994. Human rights defenders are a highly diverse group that includes persons who individually or with others, act to promote or protect human rights. This group also includes whistleblowers, individuals who, in the public interest, may disclose information on human rights violations. Their work is essential to ensuring accountability, which is one of the key premises of the rule of law. To assist the participating States to live up to their commitments our Office has recently launched a project to develop a set of recommendations on effective protection of human rights defenders.

Ladies and Gentlemen,

It is my hope that we will have fruitful discussion over these two days and that the meeting will result in a renewed and shared impetus to find solutions and act upon the concerns identified.

Once again thank you for your participation.