

# 17<sup>th</sup> HUMAN DIMENSION IMPLEMENTATION MEETING

23 September 2013

Warsaw



## Opening remarks by Ambassador Janez Lenarčič

Director of the Office for Democratic Institutions and Human Rights

[Check against delivery!](#)

Excellencies,

Ladies and Gentlemen,

It is a privilege to warmly welcome you all for the opening of this year's Human Dimension Implementation Meeting (HDIM), as we mark 20 years that have passed since the first *CSCE Implementation Meeting on Human Dimension Issues* (as it was called then). Based on the 1992 Helsinki Summit's recognition that *implementation is to commitments what practice is to theory*, the participating States decided to meet annually to review the progress made in the implementation of the commitments undertaken within the human dimension. Importantly, the participating States not only emphasized that human dimension commitments are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned; they also underlined the democratic rights of citizens to demand from the governments respect for the values and standards their governments had committed themselves to in such landmark documents as the Helsinki Final Act and the Paris Charter for a New Europe. Two years later, in Budapest, the participating States welcomed the participation of civil society in the implementation review and recognized the value that non-governmental organizations can add by contributing ideas and raising concerns through dialogue with the participating States' governments.

20 years have now passed since the implementation of the full range of OSCE Human Dimension commitments by the participating States (then 53 of them) was reviewed in this forum for the first time. Since then HDIM (and Review Conferences in years with OSCE Summits) has become a well-

established platform for peer review, self-reflection and dialogue on implementation of human rights commitments together with civil society and partners from other international organizations. Without prejudicing the discussions over the next two weeks, the fact that we have received a very high number of venue requests for side events from both participating States and civil society points to, 20 years on, the continued importance and relevance attached to HDIM.

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It is my pleasure now to welcome the speakers in the opening session to whom I wish to thank for kindly accepting our invitation and for being able to join us this morning.

The host country is represented by **Mr. Bogusław Winid**, Undersecretary of State from the Ministry of Foreign Affairs; Permanent Representative of Ukraine to the OSCE **Ambassador Ihor Prokopchuk**, will speak on behalf of the Chairperson-in-Office; to be followed by **Ms. Dunja Mijatović**, Representative on Freedom of the Media; I have the pleasure to welcome for the first time the new High Commissioner for National Minorities **Ms. Astrid Thors**; afterwards we will hear Vice-Chair of the Committee for Democracy, Human Rights and Humanitarian Questions, OSCE Parliamentary Assembly **Mr. Mehmet Sevki Kulkuloglu** representing the President of the OSCE PA and **Ambassador Adam Kobieracki**, Director of the OSCE Conflict Prevention Centre, on behalf of the OSCE Secretary General.

I would also like to convey a special gratitude to this year's keynote speaker **Mr. Stavros Lambrinidis**, EU Special Representative for Human Rights. We are very happy to have you present and are looking forward to your important contribution to this meeting.

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As per established practice, I will address every working session in the coming two weeks. Here I only wish to highlight a few issues that can help us understand where we stand today, as an organization founded upon the concept of comprehensive security, which includes also human dimension.

First, on fundamental freedoms: we hear about limitations on freedom of expression, freedom of assembly, and freedom of association, among others, justified by the purported need to protect the rights of the “majority” population, those holding “traditional values”, or others who could be “offended”, or “disturbed” by the public manifestation of certain rights. Such justifications should be rejected. As John Adams warned more than two centuries ago in his defense of the US Constitution and J. S. Mills elaborated upon a century later: *it is impermissible to make the exercise of certain rights conditional upon acceptance by the majority*. On the contrary, as we last year stressed in our report on Freedom of Assembly: where minority and vulnerable groups, who may have suffered a history of prejudice and social exclusion, exercise their human rights, the state has even greater obligation to refrain from imposing undue restrictions on their enjoyment of human rights. While democracy as a theoretical term in its most simplistic meaning may denote a political system ruled by the

majority, a genuine democracy can only exist where the majority respects equal rights of everyone, including those who belong to its minorities.

Since the last HDIM and the Supplementary Human Dimension Meeting on Freedom of Association and Assembly held in December 2012, developments in the OSCE region have shown that, although OSCE participating States pledged their respect for these freedoms, some enacted legislation that further hinders the exercise of both freedoms through burdensome administrative procedures, blanket prohibitions and often disproportionately high sanctions. Likewise, we also noted legislative amendments unduly limiting access to foreign funds for associations in certain OSCE participating States.

In the field of rule of law there continues to be credible reports on pressure on judges and political attempts at influencing individual court cases. In the absence of effective protection for the independence of the judiciary in many OSCE participating States, undue political interventions and pressure often lead to distortions of justice. Such pressure also undermines public trust in the judiciary and the rule of law in general.

I also have to emphasize that harassment, threats and intimidation targeting human rights defenders have continued. This is not a new phenomenon. When we refer to the duty to protect human rights defenders, as enshrined in OSCE commitments and other human rights standards, we must remember the broad definition of human rights defenders. These are not only those individuals who, for example as NGO activists, devote their professional life to the promotion and protection of human rights. A broad

spectrum of individuals can be human rights defenders. For example those who, acting alone, sometimes marginalized, decide to speak out against an injustice they see. They include journalists, who are protected in international human rights standards as reporters, but who also become human rights defenders, when they report on and denounce human rights violations. Whistleblowers can be human rights defenders, when the malpractice they disclose amounts to or results in human rights violations. All of them, facing sometimes different challenges, risks and vulnerabilities, deserve both the full protection of the State, and to be seen as a matter of direct and legitimate concern for all our participating States collectively.

Throughout the OSCE region, individuals and communities continue to be targeted on the basis of their race, color, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status. Our Office remains concerned about such manifestations of intolerance and discrimination and about the absence or the insufficiencies of government responses to these phenomena. OSCE participating States have adopted comprehensive commitments in the area of tolerance and non-discrimination, but nevertheless, the implementation gap remains wide.

The same assessment is valid in the area of freedom of religion or belief. There are longstanding commitments of the OSCE community that are far from being met. Across the OSCE region, religion or belief communities face undue restrictions with regard to their right to gather, worship or register and run legitimate activities.

Tacking stock of today's situation of Roma and Sinti, I will have to once more to underline the need for urgent action by OSCE participating States. Ten years after implementing the OSCE Action Plan on Roma and Sinti, the picture remains largely bleak and we will have to redouble efforts to address the longstanding and continuing challenges with regard to the their social and economic exclusion, and to end racism and discrimination, including violent manifestations, against them. Equal access to quality education was identified by the OSCE as a key vehicle to promote integration of Roma and Sinti into our societies; yet, this vehicle is still not working properly.

As you are aware our Office is currently finalizing the second Status Report on implementation of the 2003 OSCE Action Plan on Roma and Sinti. Also this year's last SHDM will be devoted to this topic. While in many cases a robust legal and policy framework exists, more effective implementation is called for if we are to avoid losing another decade and another generation of Roma and Sinti deprived of opportunity. For the implementation to be effective, it must be inclusive and not imposed. To maximize ownership, authorities should therefore encourage and facilitate active participation of the target communities, and especially of Roma and Sinti women in all areas of the policy design, implementation and evaluation affecting them. Education, as already mentioned, should be seen as a key precondition for full participation in society on equal footing, and priority should therefore be given to ensure that all children have equal access to, and are able to take full advantage of, quality education.

Next year will mark another 10<sup>th</sup> anniversary - the OSCE Action Plan on the Promotion of Gender Equality. I would like to encourage OSCE

participating States to consider how to further enhance the implementation of the commitments contained therein. ODIHR will continue to provide practical assistance by, for instance, training police officers on improving their response to violence against women and domestic violence as part of its comprehensive, on-going training package on issues related to UN Security Council Resolution 1325 on Women, Peace and Security.

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In the following two weeks participants will be able to discuss these and many other issues in seventeen Working Sessions that cover the whole spectrum of human dimension commitments. Among those there are also three specifically selected topics this year focusing on the *Freedom of Religion and Belief, Freedom of Assembly and Association* as well as *Democratic Elections and Election Observation – Sharing Best Practices*. I would like to bring to your attention also the fact that in addition to plenary and working sessions there will be a record number - more than 60 – of side events as well as many other opportunities to have formal as well as informal discussions with participants from the whole OSCE area and from Partners for Co-operation.

The goal of the meeting, as it has been since the first one 20 years ago, is to conduct a peer-review of the implementation of commitments among the participating States, to hear the concerns and proposals from civil society and to discuss the assessment of this implementation by ODIHR and other OSCE Institutions as well as Field Operations, whose role is to monitor,



assist and report to participating states according to their respective mandates.

Our Office has been, in accordance with its mandate, active in monitoring the implementation of human dimension commitments in a number of areas, from elections, to fair trial rights, to freedom of peaceful assembly. It is a very positive sign that most participating States have been open to ODIHR's monitoring and have facilitated the work of our observers on the ground. I would like to thank them for this and to strongly encourage all participating States to be open to take further advantage of ODIHR's monitoring work.

I started by noting that implementation relates to commitments the way practice does to theory. HDIM provides a unique opportunity to do just that; - for the participating States through open dialogue with each other, and together with civil society and international partner organizations, to take stock of where they are in terms of translating commitments into meaningful realities for the citizens of our countries, and to map out the road ahead for more effective implementation.

Thank you for your kind attention.