

1st Conference on Fundamental Rights
Fundamental Rights Agency/EU Presidency

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Opening remarks by Ambassador Janez Lenarčič

I am privileged to be here at the first Conference on Fundamental Rights organised by the FRA and the EU Presidency. I am grateful for the invitation and for the timely organisation of this event.

In my opening remarks, I would like to offer some thoughts on the importance of the UDHR – not only as the fundamental cornerstone of international human rights promotion in general, but for the OSCE as a unique organisation in which the notion of security is underpinned by a strong focus on human rights and democracy.

As we celebrate the 60th anniversary of the UDHR this month, I would like to make a few comments on the parallels between the UDHR and the OSCE commitments.

OSCE commitments are built on, and elaborate upon, the UDHR. They would not have emerged and grown into soft law without the bold step that the adoption of the UDHR represented, and without the pioneering hard work of all of the practitioners in promoting and ensuring compliance with the UDHR. In its way, the OSCE is continuing this work that commenced in Paris in 1948.

As you know, one of the crucial characteristics of the CSCE and, later, the OSCE has been the *process approach*: norms are gradually expanded and refined, with the norms already agreed upon remaining equally binding. This approach allowed for the formulation of politically-binding standards that are accepted throughout the OSCE area without the need a time-consuming and sometimes controversial formal ratification process.

I give you one example: The OSCE very soon after the end of the Cold War, in its 1990 Copenhagen Document, adopted far-reaching standards on democratic elections. These standards have had a concrete impact. Today it is well-established practice for governments to invite international election observers who report on progress in the implementation of democracy standards.

Elections is just one example. The standard-setting OSCE commitments – and I would also subsume the recommendations of the OSCE High Commissioner on National Minorities in this context – combined with the re-enforcement of those commitments through practical work on the ground in order to ensure proper implementation is a strong comparative advantage the OSCE has.

Which brings me to the realm of practice. I think we are all challenged, within the OSCE region, to come up with new ways to approach problems arising from circumstances which some of us had thought to be a thing of the past: increasing tensions between states, and within states, due to domestic repression. We see the creation of “Potemkin democracies”, which display facades of neat constitutions, human rights commissions, government-sponsored “NGOs” and

ombudsmen. But behind the facades we sometimes see little in terms of pluralism, transparency, rule of law and other principles of a genuine democracy, including the respect for freedom of the media, for the freedom of expression, and the freedom of assembly.

The threats that are faced by human rights defenders in the OSCE region exemplify this challenge. This year we also celebrate the 10th anniversary of the UN Declaration on Human Rights Defenders. In a week's time, the ODIHR will publish its second report on the situation of human rights defenders in the OSCE region. And I can already tell you that the patterns of violations identified for the last two years (e.g. threats and attacks on the physical integrity of defenders, their right to liberty, freedom of movement, freedom of assembly and freedom of association) and individual cases highlighted in the report are troubling. It is essential to join efforts to promote the rights of those who strive to defend human rights and bring them to people.

Sixty years after the adoption of the UDHR and over 30 years after the Helsinki Final Act, new challenges seem to appear also in what we call older and established democracies. Let me name one: the fight against international terrorism. There are competing visions as to how this fight should be conducted, in particular regarding the role and importance of human rights and international humanitarian law. Human rights should be protected in all measures aiming at countering international terrorism.

The leaders of the international human rights movement, which started indeed with the efforts to pull together the thirty Articles of the UDHR, will have to look for novel ways

to feed their convictions and concerns into international policy-making. But it is equally important to renew the consensus found in Paris in 1948 and in Helsinki in 1975 if we are to jointly address those challenges.

Renewing the consensus of Paris and Helsinki means that we put the commitments that States have entered into voluntarily back into the centre of our activities. We do not have to invent anything new; that work has already been done.

I see many partners from international human rights organisations on this table, and I also note the invaluable presence of civil society here today. It is our joint job, as professionals in human rights and democratisation work, to see that the spirit of Paris and Helsinki is maintained and strengthened. I believe it is precisely the combination of work conducted both in conference rooms such as this one *and* in the field, by NGOs and international organizations, that is so crucial for effectively responding to the challenges we face.

We need to have words followed by concrete action in order to ensure that legal and political commitments undertaken by States are implemented. This is our collective responsibility in order to help realizing the promises given to the people of our region in Paris and Helsinki.

Thank you.