



EUROPEAN UNION

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EU Statement – Session 2

Effective national and international instruments to protect human rights and prevent human rights violations: best practice, current challenges and solutions

A vibrant and free civil society plays an essential role in ensuring the protection and promotion of human rights. Human rights are best secured when citizens are able to hold their governments to account. Protecting those that protect our rights is a key EU priority.

We see human rights defenders as a key pillar of a free society. Recent attempts in some countries to criminalize the activities of human rights defenders and to use the law to curtail rather than protect them are alarming. The last few years have been challenging for civil society in many OSCE countries with a worrying trend to limit, control and restrict NGO activity through legislation, court action and undue restrictions - particularly with regard to foreign funding. Such actions seriously limit the space for democratic expression and human rights advocacy and undermine our common commitments.

We believe that safeguarding the unhindered work of civil society is fundamental to the work of the OSCE. Full implementation of the commitments in relation to freedom of association and peaceful assembly must remain at the top of our agenda.

Human rights defenders can assist governments in promoting and protecting human rights. As part of consultation processes they can play a key role in helping to draft appropriate legislation, and in providing essential expertise for drawing up national plans and strategies on human rights. This role should be valued and supported.

In order to enhance EU action in support of human rights defenders, EU ministers adopted the EU guidelines on Human Rights Defenders in June 2004. The Guidelines deliver visible impact on human rights protection 'on the ground'. They also provide for intervention by the European Union when human rights defenders are at risk, and propose practical means of supporting and assisting these individuals and NGOs. Moreover, the Guidelines provide that the EU will support the work of UN Special Procedures of the UN Human Rights Council and the Special Representative on HRDs.

The EU also supports human rights defenders financially through the European Instrument for Democracy and Human Rights (EIDHR) launched in 2006. This provides for support against repression and the arbitrary exercise of power, and aims to provide swift assistance to human rights defenders at risk. It also provides medium and long-term capacity building support.

We appreciate ODIHR's work in the area of monitoring the ability of HRDs to operate, especially in challenging circumstances, as well as ODIHR's capacity

building activities on HRDs through education and training in human rights. The pS have recognized the right of individuals to know and act upon their rights and duties as enshrined in the 1975 Helsinki Final Act and emphasized the need for protection of HRDs at the Budapest 1994 summit. We therefore strongly support ODIHR's work to develop recommendations for governments on the protection of HRDs.

We also believe that democratic processes can be developed and promotion and protection of human rights can be enhanced by the work of national bodies established in accordance with the Paris principles. National Human Rights Institutions can play a key role in introducing human rights issues to national policy agendas, in keeping them on those agendas, and in supporting their governments in adhering to international human rights standards. Although governments are the primary duty bearers in the field of human rights protection, NHRIs play an important role as monitors, educators and, occasionally, investigators of human rights violations.

The EU has recognised the importance of NHRIs in several policy decisions and instruments and has been continuously encouraging and supporting their establishment. The European Parliament has, for example, issued several resolutions encouraging EU Member States to set up fully independent Paris Principles-compliant NHRIs. More recently, in its report on the situation of Fundamental Rights in 2012, the European Parliament called for the setting-up of appropriate national human rights institutions in all Member States and for measures to facilitate networking between these bodies across the EU with the support of the Fundamental Rights Agency. The European Commission's Technical Assistance and Information Exchange instrument has also played an important role in supporting Eastern partnership countries in the creation of NHRIs.

We welcome ODIHR's increasing support in recent years to strengthen the institutional and operational capacity of NHRIs through concrete activities on the ground. We encourage ODIHR and other relevant OSCE executive structures to continue to facilitate exchanges of best practices and experience between national human rights institutions in the OSCE area and, in co-operation with OSCE field operations, to offer them legislative and technical assistance.

During the SHDM on NHRIs held under the Lithuanian Chairmanship, many useful recommendations were made. We should all revisit them and consider the merits of enshrining them in a new OSCE commitment.

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Iceland+ and Serbia*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, and the EFTA country Norway, member of the European Economic Area, as well as the Republic of Moldova and Georgia, align themselves with this statement.

* the former Yugoslav Republic of Macedonia, Montenegro and Serbia continue to be part of the Stabilisation and Association Process.

+ Iceland continues to be a member of the EFTA and of the European Economic Area.