

The Role of National Human Rights Institutions (NHRI) in Promoting and Protecting Human Rights in the OSCE Area

2015 OSCE Human Dimension Seminar

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Opening speech by
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Check against delivery!

Excellencies,

Distinguished Colleagues,

Dear Secretary of State Moscicka-Dendys,

Dear Ambassador Milinkovic,

Ladies and Gentlemen,

It is a great honour to welcome you to the OSCE Human Dimension Seminar on the Role of National Human Rights Institutions (NHRI) in Promoting and Protecting Human Rights in the OSCE Area.

Many of you will know that this Seminar is by no means the first time we consider and act on issues that relate to the role of NHRIs.

Four years ago, in 2011, in the context of the Supplementary Human Dimension Meeting, ODIHR provided a much needed space for reflection on the role that NHRIs play as part of the human rights architecture in the OSCE area. The intensity and scope of our work in this area has since continued to grow – touching upon relevant issues regarding National Human Rights Institutions' independence and

accountability, relations with parliaments and relations with the executive branch and civil society.

In 2014, we launched the Guidelines on the Protection of Human Rights Defenders, a publication intended to promote security for human rights defenders who face increasing risks in carrying out their work. We continue to disseminate and promote these Guidelines across the OSCE region, in hope that they will serve as a basis for a renewed, genuine partnership between governments and human rights defenders to effectively address challenges and combine efforts to promote respect for human rights and fundamental freedoms.

Also in 2014, jointly with the European Network of National Human Rights Institutions and the Central European University, we have launched the NHRI Academy, an initiative that delivers practical training courses to senior and mid-level staff of national human rights institutions. This year the second NHRI Academy will be organized jointly with the European Network of National Human Rights

Institutions here in Warsaw and staff from more than 25 NHRIs will benefit from the training sessions.

In many ways, while acting upon our mandate, we are providing active support to the establishment of strong and independent National Human Rights Institutions. We will continue to do so, by making the NHRI Academy an annual capacity building event, by facilitating further discussions on the challenges that lay ahead, and by engaging with NHRIs directly as partners in common projects and programmes at the national level.

Ladies and Gentlemen,

Before we lose ourselves in the achievements of the past and our further plans for the future, we should concentrate on what we are here for today. We are gathered in order to highlight the importance of National Human Rights Institutions, and to discuss about their role in promoting and protecting individual human rights.

I am looking forward to a very lively and hopefully very interesting seminar for the days to come. I am sure that there is a lot to debate about and that it will not be difficult to find topics for fruitful discussions. But I doubt that anyone of us would dare to put the important role National Human Rights Institutions play in their respective countries into question.

Indeed, I am convinced that the significance of National Human Rights Institutions cannot be stressed enough.

This becomes even more evident if we look around us. As you all know, we have unfortunately observed a deterioration of the human rights situation in many parts of the OSCE region in the recent past. This goes particularly for the conflict in and around Ukraine, but also for other parts of the region.

While we at ODIHR have consistently monitored and reported on violations of human rights in the region, we rely on the co-operation of our participating States in implementing their commitments. As you

know, some of our governmental partners occasionally feel unfairly singled out when we address our concerns, or claim that we exaggerate our findings. It goes without saying that we at ODIHR make the greatest effort to be as objective and truthful as possible, to always be geographically balanced, and never to apply double standards. But we do rely on partners in our participating States to echo and support the results of our work, particularly in those states that lag behind in the implementation of their commitments.

Many of these partners are to be found in the respective Helsinki Committees or other civil society actors all over the OSCE area, west and east of Vienna. But any support for our claims is even more credible when it is voiced by a National Human Rights Institution.

This demonstrates the unique strength of these institutions: While established and funded by the state, and thus not considered outsiders like us, they enjoy the credibility and the trust of both state actors and civil society, thanks to their independent mandate.

As is the case for ODIHR, this independence is not always convenient for the respective government. But it shouldn't be.

Take the German Institute for Human Rights, for example. The DIMR, as it is called, was founded in 2001. But it is only this month, following a very long and controversial political debate, that we can expect a law to be passed in the German Bundestag providing a sound legal foundation for it and thus guaranteeing its A-status under the Paris principles. I do not want to speculate about the motives of the actors involved, but the controversy around this decision demonstrates an important point: Governments never will and never should be fully comfortable with their national human rights institutions. For it is their task and their duty to be an uncomfortable partner, when and where necessary.

Given this natural domestic tension, it is even more important that National Human Rights Institutions co-operate and support each other across borders.

In this context, it is a particular pleasure for me to welcome Ms. Valeriya Lutkovska, the Ukrainian Parliament Commissioner for Human Rights, with whom we at ODIHR co-operate very closely and trustfully. Ms. Lutkovska, your co-operation with Ms. Ella Pamfilova, the Commissioner for Human Rights in the Russian Federation, who unfortunately cannot be with us today (but is represented by the Head of her Secretariat, Mr. Aleksandr Glushenkov), is an excellent example of how you can play a very positive role through close co-operation, despite the tensions between your respective governments.

All of us know the extremely difficult climate under which you operate. Given these exceptional circumstances, it is all the more admirable how outspoken both of you are domestically.

We all followed, for example, the statements of Ella Pamfilova on the recently adopted law on the so-called “undesirable organizations”. As you know, she raised the concern that the lack of a possibility to challenge an "undesired" status in court could indeed be running counter to the Russian constitution.

This is only one out of many recent examples where a government is threatening to sacrifice individual freedoms by introducing measures that allegedly provide more security. But we should never forget that the protection and promotion of human rights is not a marginal or secondary issue, but a key element in conflict resolution and trust building. Human rights and fundamental freedoms should not be subordinated to security concerns, they are an essential part of our, of the OSCE's comprehensive concept of security.

This is why the activities of NHRIs are all the more important. Your common role is to guard and protect the human rights of all. From our perspective, NHRIs are our key counterparts and allies while we strive to strengthen and uphold international human rights standards at the national level across the OSCE area.

Ladies and Gentlemen,

This Human Dimension Seminar highlights the importance of NHRIs in the OSCE region and provides a space to tackle the challenges

NHRIs face in the protection and promotion of human rights. An honest discussion regarding the formal and functional independence of NHRIs from all branches of government is still needed.

While the Paris Principles and the 1990 Copenhagen Document set the standards when it comes to ensuring independence and effectiveness, there are participating States that have yet to endow NHRIs with the necessary human rights based mandates and the required resources for their fully functional independence. In many instances, relations with parliaments and governments can at times be strained. These are issues that need to be addressed and require the political will of all OSCE participating States.

I am sure that our distinguished speakers, government representatives and participants will thoroughly discuss these challenges, but it is my hope that we shall also hear about the positive developments and good practices in the protection of human rights. Whether these are organizational practices, new legislation, efficient frameworks for addressing human rights complaints or success stories of individuals

who have had their rights and freedoms firmly protected, I am sure we can all learn from them.

I invite all the participants to explore the ways to enhance co-operation among NHRIs, civil society and other stakeholders. Working with civil society is a key element in ensuring the pluralism in the work of NHRIs and their accountability towards society at large. At the same time, we need the political will and support of national authorities to enable all NHRIs to successfully fulfill their role as protectors and promoters of human rights and fundamental freedoms.

ODIHR and I stand ready to work with you and maintain our fruitful co-operation. Let us continue to support each other on the way to achieving our common goal, a better protection of human rights all over the OSCE region. I do hope that this Seminar will be a productive step in this direction.

Thank you for your attention.