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*Speech of Henrikas Mickevicius at OSCE conference, October 4, 2010
Human Rights Monitoring Institute, Lithuania*

Excellencies,
Ladies and Gentlemen,

I think we can all agree that the OSCE has been an efficient mechanism for the promotion and protection of international human rights -- within the Member States, worldwide, and particularly in the region I come from – the Central and Eastern Europe.

The human dimension part of the Helsinki Final Act of 1975 gave birth to the golden age of human rights. It culminated in the Copenhagen human dimension meeting of 1990 and continued throughout the last decade of the previous century. It is during this time that we witnessed the demise of the repressive Soviet system and the so-called socialist bloc in Central and Eastern Europe.

The Helsinki Final Act, the Copenhagen document, other OSCE documents and actions contributed to unprecedented drive for democracy, rule of law, and implementation of human rights throughout the OSCE area, and particularly within the post-communist region.

This drive is reflected in legislation which established multiparty political systems grounded in periodic elections, affirmed the division of powers between the executive, legislative and independent judicial branches, and localized international standards in human rights protection: States became parties to human rights treaties, adopted numerous legislative acts and created human rights agencies, such as national human rights institutions (NHRIs).

In the Copenhagen document of 1990, participating States have pledged to facilitate the establishment and strengthening of the national human rights institutions, and the number of national institutions which fully conform to international standards, widely known as *Paris Principles*, rose from eight in 1990 to fifty-five by 2002.

The OSCE was not alone in promoting NHRIs. The World Conference on Human Rights in 1993 confirmed the need for the establishment of NHRIs and for ensuring their effective functioning by guaranteeing, *inter alia*, sufficient independence and a broad human rights mandate.

That these institutions multiplied so dramatically during this period is a reflection of the understanding that international peace and security is contingent upon respect for human dignity and the protection of human rights. It is also a sign of recognition that human rights are to be addressed, first and foremost, at the national level and advanced through concerted action.

Studies have demonstrated that establishment of a broadly mandated, multi-disciplinary, “one-stop-shop” type of an institution might be a better investment in the protection and promotion of human rights than multiplication of complaint-handling agencies.

I say this with the greatest respect and appreciation for agencies such as those for data protection or advancement of racial equality. Nevertheless, the proliferation of such institutions has created essentially a reactionary character of human rights work. A complaint is registered. The response provided. On to the next issue.

The growing volume of research and writing has shown that complaint-driven human rights work may, and often does, lead to:

- its fragmentation;
- omission or neglect of certain areas;
- overlapping mandates of human rights agencies;
- competition for resources and influence between them;
- lack of coordination and collaboration;
- inadequate intellectual depth and/or political influence;
- and, in the end, a dilution of the expected outcomes.

National Human Rights Institutions - if properly designed, set-up, staffed and are well operating – by their very nature are proactive, and they can play a key role in bringing and affirming human rights on national policy agendas, in nourishing a culture respectful of human rights, and in addressing and improving **all human rights for all**. For that, the work of NHRIs should encompass, as a minimum:

- monitoring;
- research;
- identification of current and forthcoming challenges;

- formulation of solutions to address those challenges;
- advise to governments on issues relevant to human rights;
- examination of draft legislation;
- conducting of public awareness-raising campaigns, education and training;
- serving as a national platform for discussion and coordination among State institutions and civil society; and
- serving as a focal national point for international human rights agencies, such as the OSCE Office for Democratic Institutions and Human Rights.

Ladies and Gentlemen,

The golden age of human rights is over. Human rights experts, scholars and activists have repeatedly called the first decade of 21 century no less than a crisis, a “dark times” for human rights. Indeed, it is a time when the Machiavellian spirit reigns. The ends justify the means.

It is during this time that we have witnessed:

- illegal arrests,
- forced disappearances,
- incommunicado detentions,
- denial of access to legal representation,
- presumption of guilt,
- medieval practices of torture and other forms of ill-treatment - *which more often than not go unpunished* -,
- unfair trials,
- racial profiling and discrimination,
- denials of freedom of expression,
- and ever increasing limitations of privacy.

The concept of human rights has been - to a large extent – marginalized and discredited; human rights work has become challenging, if not dangerous. In the minds of many, human rights serve terrorists or pedophiles against the interests of the society. In my region, the concept of human rights is often seen as a channel for a foreign intrusion, morally-flawed, and undermining “national traditions and values”.

With the deterioration of the human rights situation - in particular in the areas of justice, equality and privacy – people’s trust has declined in the state institutions which are set-up to protect human rights and freedoms.

Let me give you an example.

More people are starting to believe that it doesn't do any good to complain about human rights violations. A survey conducted by the Human Rights Monitoring Institute in Lithuania at the end of 2008 showed that four of five respondents believing their rights had been infringed did not take any action in this regard; almost 80% of them explained that this failure was due to their lack of belief that they would receive effective assistance. There were fewer such respondents in the comparable survey of 2006. It is also alarming that of the respondents who took some action concerning their infringed rights as many as 40% went not to court, the prosecutor's office, police, or even Parliament or mass media but "elsewhere", meaning NGOs, first of all.

This is the reality of the first decade of the 21 century. It is time to stop and reverse this unfortunate trend, and the OSCE can contribute to this by delivering on its pledge in the Copenhagen document of 1990, and thus "resetting" its human dimension pillar.

It is imperative and of the utmost urgency that the OSCE participating States are encouraged to take human rights work seriously by broadening and deepening it, making it more intellectual, policy-oriented, proactive, rather than reactive to alleged violations. If all conditions met, creation and strengthening of NHRIs can be instrumental in bringing human rights back into governmental and political parties' programs and in leveling up human rights work.

Thank you for your attention and let's get to work.