



# **SUPPLEMENTARY HUMAN DIMENSION MEETING HUMAN RIGHTS: ADVOCACY AND DEFENDERS FINAL REPORT**

**Vienna, 22-23 October 2001**

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## EXECUTIVE SUMMARY

The OSCE held the last of the three Supplementary Human Dimension Meetings for 2001 in Vienna on 22-23 October. The meeting was dedicated to the topic "Human Rights: Advocacy and Defenders". It gathered 160 participants from 55 OSCE participating States, including more than 60 representatives from the NGO community.

The meeting was organized by the Romanian OSCE Chairmanship with the assistance of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

The aim of the meeting was the following:

- To consider specific challenges faced by NGOs in their relations with governmental institutions and intergovernmental organisations in the OSCE area, by considering the NGO experience in this respect.
- To consider major challenges posed by the defence and advocacy of human rights to both NGOs and governmental institutions.
- To focus on steps participating States can take to address problems faced by NGOs, including increasing their protection.

The meeting sought to develop recommendations based on best practice across the OSCE region. Delegations, International Organisations and NGOs were invited to make recommendations for ways to improve the implementation of relevant OSCE commitments. A background note containing the OSCE Commitments on Human Rights Defenders and description of the ODIHR activities related to human rights defenders and advocates was published for this meeting and circulated among the participants. Being of particular relevance to the meeting, the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, was also made available.

In the Opening Plenary introductory remarks were made by the Moderator, Ambassador Traian Chebeleu, on behalf of the Romanian OSCE Chairmanship. The keynote speech was delivered by Mr. Aaron Rhodes, Executive Director of the International Helsinki Federation for Human Rights.

Discussions then followed in three consecutive working sessions.

Discussions in **Working Session 1** focused on challenges, obstacles and problems for human rights defenders and the ways to overcome those obstacles. It also discussed how the OSCE as an organisation could improve its performance with regard to the above issue. There was a broad ranging discussion of these two themes. In particular, participants provided many examples of restrictions on, or repression of human rights defenders. Participants repeatedly stressed the importance of political will to meet OSCE commitments and to treat NGOs as partners. Some participants also gave examples of best practices on how to deal with these issues. There was recognition that human rights defenders are not only NGOs but also individuals and institutions including Ombudsmen. One recurring theme was the important role of the OSCE in mediating and promoting dialogue between governments and NGOs.

**Working session 2** focused on the protection of human rights advocates and defenders. The main focus of the discussion was on how security for human rights defenders could be ensured particularly in times of war and armed conflict. The role of ombudsmen and the judiciary was discussed in the course of the session. One of the discussion topics was which alternative mechanisms of human rights protection could be used in case the absence of effective national human rights institutions. The discussion clearly demonstrated that there was still lack of information about the UN Special Representative on Human Rights Defenders and the UN Declaration on Human Rights Defenders. A proposal to establish a post of the OSCE Special Representative on Human Rights Defenders was extensively discussed. Civil society groups supported this idea with enthusiasm; however, the majority of the Delegations did not welcome the proposal. Their main concern was that such Special Representative could duplicate the work of the existing UN Special Representative.

Discussion in **Working Session 3** concentrated on discussions about human rights training for national and local governmental officials and for human rights advocates themselves. The discussion focussed on the following issues: improvement of targeting of human rights training and of training methodology and content. Proper identification of trainers was also discussed. It touched upon the involvement of NGOs in the legislative process and stressed the necessity to increase dialogue between governments and NGOs.

The meeting concluded with a Closing Plenary where the recommendations of the three Working Sessions were presented and further discussed. Concluding remarks on behalf of the Romanian OSCE Chairmanship were made by Ambassador Traian Chebeleu.

## **I. RECOMMENDATIONS**

This report, just as the Meeting itself, focuses on concrete recommendations arising from the three Working Sessions. These recommendations – from delegations of OSCE participating States and partners for co-operation, international organisations and non-governmental organisations (NGOs) – are wide-ranging and aimed at various actors (OSCE institutions and field missions, governments, NGOs).

It is emphasized that the OSCE cannot implement all of these recommendations. The recommendations have no official status, are not based on consensus, and the inclusion of a recommendation in this report does not suggest that it reflects the views or policy of the OSCE. Nevertheless, the recommendations are a useful indicator for the OSCE in deciding priorities and possible new initiatives in promoting the growth of civil society and the protection of human rights defenders. They can also provide a basis for measuring the degree of follow-up to this meeting.

### **Outcome of Working Session I**

#### ***Governmental Institutions and Non-Governmental Organisations***

*Moderator:*

**Mr. Peter Eicher**, First Deputy Director, OSCE/ODIHR

*Introducer:*

**Mr. Evgeniy Zhovtis**, Director of Kazakhstan International Bureau for Human Rights and Rule of Law

The following recommendations were made in Working Session I:

*Recommendations to the OSCE participating States*

- The principles of the UN Declaration on Human Rights Defenders should be incorporated into national law and mechanisms and appropriate follow-up measures should be taken to enhance the national protection of human rights defenders; The OSCE participating States should publicise the Declaration on Human Rights Defenders as broadly as possible, to promote it in all sectors of civil society and to make a public commitment to respect the Declaration;
- The OSCE participating States should support and co-operate with the UN Special Representative on Human Rights Defenders, to comply with her recommendations and to invite her to visit countries where her intervention could contribute to improvement of the situation of human rights defenders;
- The OSCE participating States should ensure that competent police authorities and legal institutions carry out independent, impartial and thorough investigations in cases where human rights defenders are subjected to threats and harassment. They should also ensure that the judiciary can act with total independence in cases concerning human rights defenders and that those responsible for violation of human rights defenders' rights are duly identified and punished according to the law;
- Governments should consider developing a code of conduct on special protection of human rights defenders in times of war and armed conflict;
- The fight against “international terrorism” should not undermine human rights standards, including the OSCE commitments, or be used to curb basic human rights or to suppress peaceful internal opposition;
- The OSCE participating States should consider including NGOs on their delegations to OSCE meetings;
- A Consultative Council should be created under the roof of the OSCE or OSCE/ODIHR with the purpose to assisting the OSCE in formulating its country priorities and in assessing projects aimed at development of civil society.

*Recommendations to the OSCE institutions and field operations*

- The OSCE should play an intermediary role in supporting a dialogue and discussions between NGOs and governments. The OSCE should encourage Governments of the OSCE participating States to strengthen co-operation with civil society actors;
- The OSCE Chairman-in-Office should report to civil society groups on a regular basis about actions, issues and progress by the Permanent Council and other OSCE structures. When making country visits, the CiO should meet with civil society groups. The OSCE/ODIHR and the OSCE field operations should continue to monitor racist and anti-Islamic attacks within the OSCE region in the aftermath of 11 September as well as violations of rights of human rights defenders;
- The OSCE Chairman-in-Office should appoint an OSCE Representative for the protection of human rights defenders, who could collect information on the situation of human rights defenders in the OSCE region and report at the meetings of the Permanent Council. This person should co-ordinate his/her work with the UN Special Representative on Human Rights Defenders; if not a special separate institution, at least a special person within the Chairmanship should be nominated to deal exclusively with the human rights issues. In any case, an urgent appeal mechanism should be developed;
- In order to improve OSCE interaction with NGOs, more information should be distributed in Russian as well as in the local languages of the OSCE region;

- The OSCE should hold a special summit meeting to discuss the status of human rights in the OSCE area;
- The OSCE should incorporate civil society institutions in its conflict-prevention and conflict-resolution efforts;
- The OSCE should continue co-operating closely with human rights defenders and fight double standards not only within governments, but within intergovernmental organisations;
- In order to facilitate the dialogue between governments and NGOs, the OSCE should introduce a system of country reports about the situation of human rights defenders and NGOs in the OSCE participating States. These reports should be drafted by governments jointly with NGOs;
- The OSCE should put in place a mechanism for monitoring and follow-up to the recommendations elaborated during this meeting;
- The OSCE field operations should provide more transparency in their mandate, work, reports and statements;
- There should be NGO liaison and human rights officers in the OSCE field operations and the duration of their contracts should be extended;
- Councils of NGOs should be created under the Missions' umbrellas to help identify priorities for the work in those Missions;
- Missions should regularly monitor court proceedings on priority human rights issues such as torture, especially when it relates to human rights defenders;
- The OSCE field presences should strive to provide a forum for a dialogue, where NGOs (both registered and unregistered) and the respective governmental bodies could discuss matters of mutual concerns, and could diminish existing differences;
- The OSCE field presences should adopt a policy to support human rights defenders, in particular being attentive to their needs and maintaining regular consultations with them;
- The OSCE/ODIHR should ensure that its programmes of legal co-operation include participation of NGOs;
- The OSCE/ODIHR should inform and report to the Permanent Council in cases of violations of rights of human rights defenders and ensure follow-up;
- The OSCE/ODIHR should co-operate with the UN Special Representative on Human Rights Defenders and exchange information with her on cases of concern.

#### Recommendations to others

- Co-operation agreements between the European Commission and some OSCE participating States could be used to promote civil society;
- International organisations should facilitate dialogue on the local and international level between NGOs and governments. International organisations should have a transparent system for funding NGOs who are coming to participate in these meetings. International organisations should support creation of an international NGO coalition;
- NGOs should better coordinate their activities and create a coalition at the international level;
- NGOs are recommended to join governmental structures in order to have mediators within the governments, who could promote co-operation and co-ordination with the NGO community from inside; they should insist on regular meetings such as the current one.
- The OSCE and its institutions and field presences as well as governments of the OSCE participating States and NGOs should give particular support to women's organisations, giving them access to opportunities for advocacy and a forum for serious dialogue.

## Outcome of Working Session II

### *Protection of Human Rights Advocates and Defenders*

*Moderator:*

**Prof. Göran Melander**, Chairman of the Board, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund University

*Introducer:*

**Ms. Natasha Kandic**, Director of the Humanitarian Law Centre in Belgrade

The following recommendations were made in Working Session II:

#### Recommendations to the OSCE participating States

- In light of the ongoing fight against terrorism, the OSCE participating States should recognise the responsibility not to deviate from the previously existing human rights protection mechanisms in their countries and should ensure full compliance with the international standards. This issue should be thoroughly discussed at the upcoming meeting of the Ministerial Council;
- The OSCE participating States are encouraged to improve the legislative processes, ensure transparency and participation of civil society;
- The OSCE participating States should ensure independence of the judiciary as one of the most important mechanisms in protecting the rights of human rights defenders;
- Ombudsperson institutions should not serve as a substitute for a malfunctioning judiciary. They should be seen as complementary institutions and the judiciary should be reformed together with strengthening of the Ombudsperson institutions;
- Some OSCE participating States should amend their laws on prosecutors and the OSCE should provide assistance in these legislative changes. The reform should be followed by allocating greater powers to the judicial system, i.e. authorising courts to issue detention orders and withdrawing this power from the prosecutors' office;
- The OSCE participating States should create favourable conditions for the activities of the Professional Association of Lawyers, i.e. Bar Associations;
- Freedom of the media should be further promoted and the OSCE participating States should replace criminal defamation laws with civil defamation laws;
- The OSCE participating States should ensure effective protection for human rights defenders and investigate cases of violation of rights of human rights defenders;
- The OSCE participating States are called upon to co-operate closely with civil society and to allow NGOs to monitor the human rights situation, e.g. allow monitoring of the penitentiaries;
- During times of war and armed conflicts conditions for human rights defenders deteriorate and more attention should be paid to their protection. NGOs should be able to continue operating freely in the situations of armed conflicts.

#### Recommendations to the OSCE institutions and field operations

- The OSCE should co-ordinate its activities with other international organisations, inter alia with the UN bodies;
- The OSCE political bodies and field operations should closely monitor the human rights situation in the OSCE participating States which introduce new political measures aimed at fighting terrorism that may potentially lead to deterioration of the human rights situation;

- The OSCE field operations should disseminate the text of the UN Declaration on Human Rights Defenders to actors in the field.
- The ODIHR should expand certain functions if additional resources are provided. The ODIHR receives support in certain issues from the Advisory Panels, and that could be a model to explore;
- The OSCE should aim at reinforcing work of the media, because journalists play a significant role in protection human rights defenders;
- There should be no double standards in the work of the OSCE. Information obtained from NGOs should be treated equally to information received from the Governments;
- It was noted that since the policy-making is still biased against women and women are often discriminated against, the OSCE should protect women's NGOs and arrange for them an opportunity to speak and express their interests;
- The OSCE field operations should attend trials of human rights defenders and thereby provide concrete support to them.

#### Recommendations to others

- Politicizing of human rights should be avoided under any circumstances;
- It is time for the UN and the OSCE to move forward in protecting human rights defenders, who should, in their turn, together with other groups elaborate a new type of engagement in promoting human rights;
- There should be more funds available for human rights defenders and their work should be consolidated;
- There is a need for better information sharing among members of civil society and moreover, among political structures of the OSCE, i.e. delegations, and human rights defenders. Such information sharing could be an effective tool in facilitating work of human rights defenders;
- Freedom of lawyers is of paramount importance and therefore should be ensured, as it contributes to the fair judicial system;
- NGOs are recommended to scrutinise composition of their Boards and re-examine the existing gender and ethnic balance of their membership;
- There is a need for a special status of human rights defenders that would ease their work;
- Civil society members should invest their efforts into protection of genuine human rights defenders and should carefully differentiate government created NGOs from grassroots NGOs.

### **Outcome of Working Session III**

#### ***Human Rights Training***

*Moderator:*

**Prof. Göran Melander**, Chairman of the Board, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund University

*Introducer:*

**Mr. Marek Nowicki**, Director of the Polish Helsinki Foundation for Human Rights

The following recommendations were made in Working Session III:

#### Recommendations to the OSCE participating States

- Governments of the OSCE participating States should adopt National Human Rights Training Programs in their countries, and the OSCE field presences should be part of the process;
- Co-ordination between NGOs, governments and international organisations is needed to avoid duplication, overlap and waste of resources in provision of human rights training;
- Human rights training is important but should not be conducted in isolation. Addressing the roots causes of the violations is required. Long term approach is required. Governments are encouraged to introduce institutional reforms;
- The OSCE participating States should use OSCE mechanisms including field presences, especially in the matter of provision of human rights training for governmental officials.

*Recommendations to the OSCE institutions and field operations*

- The OSCE should encourage governments of the participating States to allow NGOs organise and participate in Human Rights training;
- Training on humanitarian law and human rights should be organised;
- Priority should be given to developing democracies when planning programs on human rights education.

*Recommendations to others*

- More human rights literature and manuals should be translated into Russian and other local languages;
- Human Rights Training should target custom officers, prison officials, police, military personnel, parliamentarians, OSCE field presences, youth (schools and Universities), journalists;
- International and regional organisations and NGOs should serve as trainers and there should be more “Train the Trainers” programs;
- Internal training on human rights should be organised for the members of International Organisations and Missions;
- Ongoing support for the trainees should be provided by international organisations;
- It is important to ensure that training are practical and address real issues and needs of the target group. Use of local resources and experts whenever available is recommended;
- Training on the UN human rights standards and mechanisms (complaints, bodies) should be provided;
- Women's issues should be a part of any human rights training;
- The impact of the human rights training should be assessed and monitoring mechanisms should be created;
- Media including TV and radio broadcasting facilities should be used for reaching a wide audience.



## ANNEXES:

### 1. AGENDA

#### Day 1

**22 October 2001**

9.00-10.00

OPENING SESSION:

*Opening and welcoming remarks* by Ambassador Traian Chebeleu, Representative of the Chairman-in-Office

*Keynote speech* by Mr. Aaron Rhodes, Executive Director of the International Helsinki Federation for Human Rights

*Technical information* by Ms. Sirpa Rautio, Head of Monitoring Unit, OSCE/ODIHR

10.00 - 10.30

BREAK

10.30 - 13.00

SESSION 1: GOVERNMENTAL INSTITUTIONS AND NON-GOVERNMENTAL ORGANISATIONS

*Moderator:* Mr. Peter Eicher, First Deputy Director, ODIHR

*Introducer:* Mr. Evgeniy Zhovtis, Director of the Kazakhstan International Bureau for Human Rights

13.00 – 15.00

BUFFET LUNCH OFFERED BY THE ROMANIAN OSCE CHAIRMANSHIP

15.00-18.00

SESSION 2: PROTECTION OF HUMAN RIGHTS ADVOCATES AND DEFENDERS

*Moderator:* Prof. Göran Melander, Chairman of the Board, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund University

*Introducer:* Ms. Natasha Kandic, Director of the Humanitarian Law Centre in Belgrade

18.00

CLOSE OF DAY ONE

#### Day 2

**23 October 2001**

9.00 – 11.00

SESSION 3: HUMAN RIGHTS TRAINING

*Moderator:* Prof. Göran Melander, Chairman of the Board, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund University

*Introducer:* Mr. Marek Nowicki, Director of the Polish Helsinki Foundation for Human Rights

11.00 – 12.00

BREAK

12.00 - 13.00

CLOSING PLENARY

*Moderator:* Ambassador Traian Chebeleu, Representative of the Chairman-in-Office

Reports by the Working Session Moderators  
Comments from the floor

Close

## **2. ANNOTATED AGENDA**

### **OVERVIEW**

The meeting will focus on three areas:

- Specific challenges faced by NGOs in their relations with governmental institutions and intergovernmental organisations in the OSCE area, by considering the NGO experience in this respect.
- Secondly, the meeting will consider major challenges posed by the defence and advocacy of human rights to both NGOs and governmental institutions in the context of armed conflict or internal tensions – one of the situations where the role of human rights defenders is most crucial, but where their situation is also most unstable. The session will finally examine the pitfalls of the legal and practical protection of human rights defenders: while it is recognised that human rights defenders need special protection, it is necessary to examine the challenges and limits such protection faces. Participating States are encouraged to present examples of best practices in protecting human rights defenders by governmental institutions through legal instruments.
- Thirdly, the final session of the meeting will focus on human rights training for officials and for human rights advocates themselves. The session will consider human rights training for national and local governmental officials, involvement of NGOs in the legislative process and increased governmental and NGO dialogue. It will also consider the challenges faced by NGOs and the education community when training new human rights advocates.

The meeting will seek to develop recommendations based on best practice across the OSCE region. Recommendations may be addressed to the OSCE as a whole, its institutions including the Office for Democratic Institutions and Human Rights, its field offices, or the participating States.

### **SESSIONS**

#### **1. GOVERNMENT INSTITUTIONS AND NON-GOVERNMENTAL ORGANISATIONS**

##### **Context:**

The relationship between governmental institutions and NGOs should be one of dialogue and partnership. However, this relationship has often been fraught with distrust and misunderstandings. Human rights defenders face serious challenges, in particular when they work on behalf of vulnerable groups or unpopular causes (such as the rights of detainees or asylum-seekers). Many NGOs have faced registration and other bureaucratic problems, limits on their freedom of speech, threats of violence and worse-death at the hands of government officials.

Possible discussion topics of this session could be:

- What new challenges do human rights defenders and advocates face and how can they be best overcome?
- What are the registration and other bureaucratic obstacles faced by NGOs and how do they impact on their work? What are the main legal restrictions limiting the activities of NGOs?
- What limits on freedom of speech are faced by NGOs?
- Have NGOs been violently targeted or harassed by governmental and local officials?
- What measures could be suggested by NGOs to build a dialogue with governmental authorities?
- What reforms are needed to ensure that law-enforcement agencies better contribute to the protection of human rights defenders and advocates?

## **2. PROTECTION OF HUMAN RIGHTS ADVOCATES AND DEFENDERS**

### **Context:**

Human rights advocates and defenders are often in the front line when a crisis develops in their country. In such a situation, those who advocate humane treatment of the other party of the conflict often suffer accusations of treason, and are the targets of threats or actual human rights violations. Further, NGOs are often denied access to the population and to the information needed to accurately report on human rights abuses. Beyond popular hostility, these human rights defenders often find that officials remain indifferent to their message. Those defenders who need protection by the state often find that the authorities are unwilling, or are unable, to provide adequate support. Governments should be encouraged to implement legislation protecting human rights defenders and advocates, in accordance with international standards; and to consider the establishment of specific mechanisms, such as ombudsmen or specialist offices, to help and support human rights defenders and advocates;

Possible discussion topics of this session could be:

- What lessons can be drawn from the experience of human rights advocates and defenders in conflict situations?
- What security problems are specific to NGOs in conflict situations?
- How does this impact on NGO access to information and to their ability to disseminate information about their work within and outside the community?

## **3. HUMAN RIGHTS TRAINING**

### **Context:**

Human rights training for officials, increased involvement of NGOs in the legislative process, and increased dialogue and partnership between Governments and NGOs, as well as roundtable discussions, are key to the enhanced protection of human rights defenders, and to the effectiveness of their action. This is an area of increasing international focus, and one which is increasingly seen as an integral part of the development of an international “good governance” agenda, which now frequently conditions development assistance and aid.

Possible discussion topics of this session could be:

- How can human rights defenders and governments improve dialogue between them?
- What are the mutual benefits of a partnership between Governments and NGOs?
- What can the OSCE do to support human rights training for government officials and NGO activists?

### **3. KEYNOTE SPEECH OF MR. AARON RHODES, EXECUTIVE DIRECTOR, INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS**

Mr. Chairman, Excellencies, Ladies and Gentlemen, Friends and Colleagues,

It is an honour to speak to you as a representative of a human rights organisation, and we commend the OSCE and the Romanian Chairmanship for the initiative to organise this meeting. The OSCE does provide unique opportunities for members of civil society to appeal to representatives of governments and thereby to contribute to improving human rights and security.

Today the relevance of the themes of this conference has been brought into sharp focus by terrorism. It is human rights principles that can and must prevent the recent violence from dragging our societies into a dark and lifeless reality, where restrictions on individual freedoms would abort our dreams of open, tolerant, pluralistic societies in which human potential can be most fully realised. Can't we agree that, had Afghanistan and other societies in the region had stronger human rights protections and democratic opposition movements, *al Qaida* would never have been able to recruit so many? It is human rights principles that can shape future societies in which terrorism will be not so much be suppressed, but rather prevented.

Today the notion of a standing forum of states working together with civil society to maintain a dialogue, based on the interconnection between human rights and security, is more relevant than ever. Human rights violations lead to security threats, but security threats can rarely, and in the long term, never be fully addressed by restricting human rights. Human rights violations in any society threaten international security. Today the human rights side of that equation deserves our thoughts, deserves our efforts, and calls upon us to stand up and be counted.

It is not just members of human rights NGOs who are in fact "human rights defenders." Government representatives can and do also defend human rights, and in order to achieve positive goals, we have got to work together. In order to identify and achieve results, it takes both government and civil society. We must have dialogue; we must have good faith; we must insist on results.

Our focus at this meeting is on the human rights defenders working in civil society. In this region, the civil society human rights movement took many of the principles that now guide it from the dissident human rights community in the Soviet Union and its satellites, and from the response by that community to the Helsinki Final Act. Dr. Yuri Orlov, a physicist and colleague of Andrei Sakharov, and his associates in the Moscow Helsinki Group, saw that compliance with the Helsinki Final Act would need to be monitored in an objective, scientific, intellectually honest manner if the information were to have any meaning and value in the international community.

When we speak of the main principles that animate the work of human rights defenders and the methods for their advocacy, we must speak of the notion of intellectual independence from partisan or political motives. We speak of an ideal of detached commitment to principles, which should be considered a high expression of citizenship responsibility. The Moscow Group's goal was not political—it was to assist the Soviet Government to fulfil its international commitments based on independent analysis of facts. My friends, Yuri Orlov

ought to receive the Nobel Peace Prize for elaborating the moral foundations for the civil society human rights movement as he did.

That governments ought to adhere to a Rule of Law is no new idea. The idea of the Rule of Law was what brought many governments under “civil control” in the last thousand years. Now we are embarking on a new project, the project to form an effective international rule of law, and this requires citizens to take responsibility for monitoring their government’s compliance with international standards. Civil society, as explained by Friedrich Hegel, means a zone existing between the individual and the state, in which individuals work together on behalf of their common interests, in order to mitigate the alienating effects of modernity and bureaucracy—to protect people, to get things done, which the state cannot or should not do, to advocate for causes.

The notion of an international rule of law implies a new form of civil society—the formation of civil society initiatives in the international sphere, operating in a zone transcending national sovereignty and nationalistic sentiments, a zone in connecting individuals with transcendent international ideas, values, and standards. Civil society structures on the national level play an integrative role—they bring people together across borders, they help people form bonds, bonds that can bring them into productive cooperation and bonds that can offset tendencies toward international confrontation. These structures can also work against alienation, *resentment*, and nihilism, of which destructiveness and terrorism are brutal expressions showing the dangerous fault-lines under our civilisation. Civil society structures working on the international level—by the same token—integrate citizens within an international community. If their concerns are met with a fair hearing, they help build confidence among populations looking for hope. In fact, if there is to be an international community at all, a community of shared values, it will be by definition formed by civil society. An international community requires the existence of a community of internationalists. While human rights defenders receive more and more words of praise in international institutions, and the more people understand that independent, non-governmental structures are essential to protecting human rights, no one can accept that governments in this region continue to thwart their activities. Some of our colleagues have even been murdered at the hands of state institutions; their organisations have been threatened; they have been denied official registration; they have been obstructed from receiving support; they have been the object of state-sponsored hate speech; and plans have been made to compromise the independence of human rights NGOs in the region.

Human rights defenders need space in the framework of institutions and activities in which to do their unique and indispensable job. They need protection. And they need support. It will pose a danger if, when human rights becomes such a popular form of government action, no role or resources would be left over for civil society, while any form of governmental human rights monitoring is open to politicisation. When intergovernmental institutions plan such initiatives, they must bear in mind not to absorb the small resources left for civil society, not to squeeze civil society out of the picture.

Mr. Chairman, I will end with several brief suggestions. First, it is depressing that in a political community including most of the richest nations in the world, and including the most elaborate systems of international human rights law, there is no satisfactory stream of financial support to allow human rights defenders to do their work. What sources of support that do exist run the risk of instrumentalizing the civil society human rights community by supporting only specific activities, even though these human rights defenders must be able to make independent choices as to their priorities. Mechanisms must be developed by which

sources of support in their own societies can be found. This is a matter, not of comfort, but of international security. It is important enough to warrant the formation of a high-level task force to look for ways to improve the situation.

I would also like to suggest the appointment of special representative of the Chairman in Office of the OSCE to focus on the situation of human rights defenders in the region, and to serve as a primary and immediate channel for information and ideas passing between the OSCE and the human rights community.

Thank you for this chance to address this important gathering.

#### 4. INTRODUCTIONS TO WORKING SESSIONS

- **Working Session I: Introductory remarks by Evgeniy Zhovtis, Director of the Kazakhstan International Bureau for Human Rights**

Уважаемые дамы и господа,

Прежде всего, разрешите поблагодарить за возможность участвовать и выступить на столь представительном форуме и поделиться своими представлениями о путях налаживания взаимодействия между властями и неправительственными организациями, проблемами и трудностями, с которыми сталкиваются НПО в странах переходного периода, и свои видением роли ОБСЕ в этом процессе.

Опыт участия в течение последних двенадцати лет в развитии гражданского общества в Казахстане как руководителя одной из крупнейших правозащитных организаций в Центральной Азии позволяет сделать ряд выводов и выразить ряд пожеланий в отношении развития взаимодействия между государственными органами и НПО.

Если рассматривать главной целью третьего сектора в странах переходного периода – содействие развитию демократии, построению гражданского общества и правового государства, то такое взаимодействие возможно на нескольких уровнях:

- Реформа законодательства с целью приведения его в соответствие с международными стандартами. Это включает в себя и необходимость присоединения к основным международным инструментам по правам человека, и пересмотр бывшего «советского» законодательства, особенно в области обеспечения гарантий реализации политических прав и гражданских свобод, и ревизию всего комплекса подзаконных актов, инструкций, правил, положений и т.д., которыми, в основном, руководствуются государственные служащие.
- Реформа государственных институтов, в большинстве своем сохранивших традиционные «советские» установки в сфере взаимодействия с обществом и нарождающимися структурами гражданского общества. Это касается, прежде всего, судебной системы, продолжающей оставаться во многих странах бывшего социалистического блока частью системы исполнительной власти и защищающей, прежде всего, государственные интересы, а не права и законные интересы граждан. Это касается и правоохранительных органов, и органов национальной безопасности, и органов прокуратуры. Все перечисленные государственные органы относятся, главным образом, к так называемым «силовым» ведомствам, и именно с ними, не считая местные исполнительные органы власти, связаны основные нарушения прав человека.
- Реформа процедур и механизмов обеспечения и защиты прав и свобод человека и гражданина.
- Переобучение государственных служащих с тем, чтобы они могли функционировать в реформированных государственных институтах и применять реформированное законодательство. Повышение уровня осведомленности граждан о своих правах и обязанностях и умения пользоваться процедурами и механизмами защиты своих прав и свобод, в развитых демократических странах.



Следует отметить, что эффективные реформы на всех этих уровнях возможны только при активном участии мирового сообщества, как в методическом плане, так и с точки зрения используемых ресурсов.

И здесь хотелось бы отметить одно важное отличие региона Центральной Азии от других стран – членов ОБСЕ. Большинство стран региона ОБСЕ входят в зону интереса Совета Европы. Ряд стран является членами СЕ, другие – на пороге вступления. Требования, предъявляемые к странам, стремящимся стать членами СЕ, обуславливают необходимость кардинального реформирования законодательства, государственных институтов, правоприменительной практики, механизмов и процедур с целью приведения их в соответствие с нормами и стандартами, принятыми в документах, положения и на практике в сообществе европейских стран, то есть активной работы на первых трех уровнях. Таким образом, для выполнения условий вступления в СЕ, правительства соответствующих государств должны предпринимать конкретные шаги в сторону демократизации, содействия построению гражданского общества и правового государства, в том числе и в области диалога, взаимодействия и сотрудничества с неправительственными организациями.

Инструменты и механизмы, разработанные в рамках СЕ, наиболее эффективны с точки зрения их реализации. Достаточно упомянуть Европейский Суд по правам человека в Страсбурге.

Для региона Центральной Азии присоединение к сообществу европейских государств пока только несбыточная мечта.

В этих условиях, если не считать достаточно ограниченные возможности учреждений Организации Объединенных Наций, наиболее эффективным международным институтом с точки зрения содействия демократическим реформам в странах переходного периода, остается ОБСЕ. От того, какова будет стратегия этой влиятельной международной организации во взаимоотношениях с правительствами стран-членов ОБСЕ и структурами гражданского общества, какую роль выберет ОБСЕ в инициировании и поддержании диалога между ними, особенно в странах, где такой диалог в значительной мере осложнен и объективными и субъективными причинами, будет зависеть насколько эти страны будут соответствовать минимальным стандартам прав человека, закрепленным в документах ОБСЕ. От этого будет зависеть и эффективность проектов ОБСЕ в тех или иных государствах, и доверие к этой международной организации со стороны обществ этих стран.

Следует отметить, что большинство стран постсоветского пространства представляют собой государства с чрезмерной концентрацией власти в руках ее исполнительной ветви, опирающейся на «силовые» структуры. Эти страны отличаются явной персонифицированностью принимаемых решений, ограниченностью круга лиц, влияющих на выбор курса и принятие решений.

В этих условиях любые системные реформы на любом из перечисленных уровней: законодательство, государственные институты, процедуры и механизмы, возможны только при наличии явно выраженной политической воли высшего руководства той или иной страны.

Кроме того, очевидно, что осуществление тех или иных системных реформ малоэффективно без понимания и участия в них общества в целом, и его наиболее социально активной части в виде неправительственных организаций.

Если учесть, что закрепленные в основных документах ОБСЕ, нормы, принципы, стандарты прав человека, являются минимальными и должны одинаково соблюдаться как в странах развитой демократии, так и странах переходного периода, именно потому, что эти стандарты являются минимальными, ОБСЕ может использовать свое политическое и дипломатическое влияние на правительства ряда стран с целью побуждения их проявить политическую волю для осуществления системных реформ в тех областях обеспечения прав человека, которые вызывают озабоченность.

Любые системные реформы должны начинаться с публичного обсуждения, дискуссий, дебатов, в которых могут принимать участие неправительственные организации, ученые, журналисты, другие представители гражданского общества. ОБСЕ вполне может играть роль инициатора и модератора подобных дискуссий и дебатов, используя свой мандат.

К сожалению, в настоящее время на постсоветском пространстве структуры гражданского общества не рассматриваются властями как равноправные партнеры, как представители общества, при обсуждении реформы законодательства или государственных институтов и правоприменительной практики. Так называемые социальные неправительственные организации чаще всего используются властями для решения некоторых острейших социальных проблем за счет ресурсов, привлекаемых из иностранных источников. К неправительственным же организациям, занимающим активные демократические позиции, критикующим власти за нарушения прав человека, чаще всего относятся весьма негативно.

В этих условиях позиция ОБСЕ могла бы быть более активной в части содействия постоянному диалогу между властями и третьим сектором, сделать совместную работу в области реформирования законодательства, государственных институтов, развития структур гражданского общества обязательной при предоставлении экспертной и другой помощи в рамках выполнения взятых той или иной страной обязательств в соответствии с документами ОБСЕ.

Тем не менее, как уже отмечалось, эффективность подобных усилий прямо зависит от наличия или отсутствия политической воли руководства страны к системным и последовательным демократическим реформам. При наличии такой воли кардинальные и перспективные реформы вполне возможны. Можно привести, в качестве примера, реформу пенитенциарной системы в Казахстане. Явно выраженная политическая воля высшего руководства страны, прогрессивная устремления тюремной администрации, положительное отношение руководства министерства внутренних дел и министерства юстиции, привели в течение трех лет к радикальным переменам как законодательного, так и институционального характера. В инициировании и поддержке этого процесса сыграли положительную и эффективную роль Центр ОБСЕ в Алматы, делегация Европейской Комиссии в Казахстане, посольства ряда европейских государств. Активное участие приняли и неправительственные организации, включая нашу правозащитную организацию.

С другой стороны, тогда, когда нет такой политической воли, реализуемые проекты в рамках «конфиденциального» взаимодействия структур ОБСЕ с правительствами ряда

государств приводят лишь к негативным результатам, не говоря уже о снижении авторитета ОБСЕ в глазах населения этих стран. Достаточно привести в качестве примера попытки ОБСЕ содействовать в ряде стран реформе избирательного законодательства и контролю за выборами, обеспечению свободы слова и средств массовой информации или судебной реформе.

Как представляется, в таких случаях структуры ОБСЕ могут и должны ограничиться инициированием и поддержанием диалога между структурами гражданского общества, независимыми экспертами и властями по этим вопросам до того момента, когда не сложатся условия для постановки вопроса о системных реформах.

И еще об одном хотелось бы сказать. Существует вполне обоснованная точка зрения, что присутствие структур ОБСЕ в той или иной стране – члене этой международной организации более важно, нежели их отсутствие. Считается, что если ОБСЕ присутствует в той или иной стране, не во всем соблюдающей обязательства, взятые на себя при вступлении в эту международную организацию, то всегда есть дипломатические, политические, экономические рычаги для продолжения дискуссий с властями этой страны по вопросам нарушения прав человека и оказания влияния для улучшения ситуации. Это вполне обоснованный и прагматичный подход.

Однако, с моей точки зрения, этот подход не может быть безграничным. Если та или иная страна грубо нарушает права человека, практически не выполняет основные обязательства в области прав человека, взятые при вступлении в ОБСЕ, не соответствует большинству минимальных стандартов, закрепленных в основных документах ОБСЕ, то продолжение только «мягкой» критики этого государства девальвирует сами принципы и стандарты. Становится непонятным, почему к одним государствам эти стандарты применимы, а другие – по тем или иным причинам могут их повсеместно нарушать. Это проблема не только этическая, но и проблема доверия к ОБСЕ и ее структурам.

Как мне кажется, нельзя страны делить на «отлично выполняющие» свои обязательства как члена ОБСЕ, «хорошо выполняющие», «плохо выполняющие» и «совсем не выполняющие». Все страны-члены ОБСЕ должны стремиться к выполнению обязательств, а ОБСЕ должно лишь содействовать властям и структурам гражданского общества в поддержании диалога и поиске наиболее рациональных путей осуществления реформ во всех областях, вызывающих озабоченность.

Именно этого хочется всем нам пожелать.

Спасибо за внимание.

- **Working Session II: Introductory remarks by Ms. Natasha Kandic, Director of the Humanitarian Law Centre in Belgrade**

## DEFENCE AND ADVOCACY IN TIMES OF ARMED CONFLICT AND INTERNAL TENSIONS

Human rights are by definition of universal nature: they equally belong to every person, irrespective of race, gender, age, persuasion or any other particular feature. It would therefore be normal to assume that defending them is equally universal and indiscriminate

activity. It is not quite so in the framework of political or ethnic tensions, especially if such tensions explode into an actual armed conflict.

Politicizing of human rights issues in favor of any particular ethnic or social group is a standard element of the propaganda arsenal in any conflict. This favors defenders of the rights of one such group over defenders of the rights of the members of the opposing group. This also directly leads to intimidation, bashing, even persecution of defenders of the rights of any group officially labeled “hostile”.

Defending own rights of one’s own people automatically gets less international credibility and attention, even if well justified, while defending the alleged opponents achieves more of that. This is not just or objective but that is how it really works.

On the other hand, such an engagement, allegedly in favor of the “enemy”, sticks the very dangerous and frustrating label of the “traitor of one’s own nation” to such a defender. That means that whatever is achieved internationally, in times of conflict loses weight locally. Also trust and friendship and compliments for objectivity won on the part of the opposing group, although facilitating international promotion of such causes, becomes again politicized by being used by that party for their own political ends.

Times of transition and end of conflicts have not automatically improved this detrimental situation. Old labels do not wear off easily. New authorities come up with expectations, which are quite contrary to the agenda of genuine human rights defenders. They want blind support for their often compromising policies. That is particularly bad when such authorities base their public support on national homogenization, always detrimental to human rights.

Although cases of persecution and intimidation of human rights defenders become fewer and less harmful when conflicts discontinue, there is still a lot to be done in order to achieve at least safe if not conducive environment for engagement in favor of human rights of minorities, e.g. Lack of tolerance for any difference was so obvious when violent attack of conservatives occurred against the gay parade in Belgrade of four months ago. Violence, sometimes with lethal outcome, against Roma people in Serbia, is another such example. Not seldom, it includes brutalities by the police. Authorities in such cases drag foot and signal that raising of that sort of issues is not favorable to them, thus it is bad for democracy and rule of law generally.

However, certain improvements have taken place. Firstly, although the number and span of conflicts, both internal and external, has been growing after the end of the Cold War, the number of people opposing policies and authorities which resort to human rights violations is also growing, I would say even faster than the conflicts themselves. I have no means of measurement of their boldness, level of organization and skills, but I have the impression that these have progressed at a greater rate than the number of organizations and activists over last fifteen years.

Media awareness, political correctness, immediacy and accuracy of reporting has improved over that period, level of propaganda load has dropped and human rights became highly topical, perhaps because raising such media and civil liberties questions was rather instrumental in corroding the fortress of totalitarian human rights policies - the USSR.

Furthermore, organizations, actions and reports of human rights activists became bigger threat to certain regimes than the reports and actions of old times dissidents ever were. This

is not so because present regimes are any weaker than former ones, but because there is more transparency and international pressure, including even the interventions by force and international justice in gravest cases of breaches of human rights. Particularly, there is presently a visible resolve of the international community to strongly react in the worst cases of human rights violations and there is well-substantiated related fear on the part of oppressive regimes, making them at least more subdued in their evil deeds.

Finally, there is more funds for human rights activities nowadays than ever before. There is also more solidarity between groups from different, sometimes even opposing political contexts, which enables more concerted actions.

I tend to see this latest step by the UN in the context of improvement of the overall conditions for human rights activists rather than a reaction to some growing oppression against them. The absolute figures may be growing but the advancement of human rights and growth of public, group and personal actions aimed at protection of human rights never had it so good.

Certain previous steps surely contributed to such development. The position of NGOs and IOs has been fostered by the UN and by many democratic governments. Ombudspersons are growing in number and activity. As compared to old times when majority of human rights activists faced at least imprisonment if not execution, most of the present human rights activists manage to find venues to get heard and more often deal with threats and bashing rather than with real danger of serious persecution.

Kindly acknowledge that I am not stating here that these improvements have ever reached the desired levels. I strongly support the move to improve the safety and freedom of action of contemporary human rights organizations and activists which is in bad shape in so many places. Furthermore, I think that time is ripe for such a move by the UN and by all of us activists and also by all willing groups and authorities. I see it as a potential major step forward, promising of promotion of a new level and type of engagement in favor of human rights. I see it as a promise of a desirable future situation when human rights engagement shall become a field open to any willing and able person, persecution-proof, free of fear, intimidation and pressure.

I would just like to add that in the Balkans, in the territory of former Yugoslavia, where I currently operate, the improvements which I mentioned before do not seem to have taken roots yet. Perhaps this latest move to protect human rights activists may become the pivotal point of such an improvement. I know that there are many worse places than Balkans, but I also know of many safer and more conducive places for human rights engagement.

So, let us hope for better, let us persist, let us fight on – and thank you very much for your attention.

- **Working Session III: Introductory remarks by Mr. Marek Nowicki, Director of the Polish Helsinki Foundation for Human Rights**

A discussion of human rights training can be organized in a variety of ways. I suggest that we start with three questions: Who should be trained? What should they be trained in? and Who may be the trainer?

### *1. Recipients*

The potential recipients of human rights training can be divided into four groups.

The first group are activists of non-governmental organizations.

Group two are state functionaries, who in turn can be divided into two subgroups:

- Potential human rights violators (judges, prosecutors, the frontier, customs, and prison guard officers, officials - that is, persons whose function involves immediate power; as well as those whose power follows rather from the specific features of their profession, such as doctors and particularly psychiatrists, teachers etc.).
- The other subgroup are supervisors operating within the structures of state (the staff of the Ombudsman's offices, human rights commissions, and members of special supervisory institutions such as the Special Plenipotentiary of the President of the Russian Federation for Human Rights in Chechnya, members of disciplinary commissions or arbitration boards within professional corporations of lawyers, judges, physicians etc.).

The third group are potential victims of violations: prison inmates, patients, students, defendants, the mentally ill, and finally also the citizens at large.

The fourth group of potential recipients of human rights training are educators operating both within the state structures (the general education system) and within non-governmental organizations.

Of course, the division is neither clear nor comprehensive. Judges, for example, perform the supervisory functions and protect their clients against human rights violations, while at the same time they may commit such violations as well. Generally, though, from the viewpoint of methods of training, the groups subjected to such training can be divided into human rights violators, supervisors of potential violators, potential victims, and educators.

For each of the groups, the training is bound to focus on somewhat different issues, and the form of training should be modified.

## *2. The contents of human rights training*

Widespread in post-communist world is misinterpretation of the basic notions related to human rights. It is not always clear that the rights are individual and vertical only (occurring in the relation between the individual and authorities exclusively); lacking is the tradition and understanding of the rule of law and the principle of constitutionalism; it is not self-evident to all that a good division of powers and implementation of the check and balance principle are the necessary conditions of democracy. Often missing is also the realization that without previous enjoyment of personal and political rights, no effective enforcement of social rights is possible. In the current university programs of human rights training even these as well as some other basic notions are frequently grossly misinterpreted.

Hence almost all human rights training courses should start with an introduction of the basic notions and with discussion of the philosophical foundation of the conception of human rights, with a special stress on the dignity aspects of personal and political rights. Generally, in post-communist regions social rights tend to be much better known and understood than personal and political rights. Also much better known are substantive compared to procedural rights; it seems a mistake for many reasons to teach substantive rights without parallel instruction in the mechanisms for their enforcement. Discussing substantive rights, one

should stress the methods in which limits to those rights are set, showing that the fact that they can be limited is by no means tantamount to the possibility of their utter elimination.

The potential violators usually realize that some of their conduct is blameworthy. Thus a policeman knows perfectly well that torture and manslaughter is prohibited. What they are frequently not aware of, though, are the valid standards in this area. For example, a functionary of the prisons staff who has not read the UN Minimum Rules is unlikely to consider overpopulation of prisons a human rights violation. What such functionary sees as torture, prohibited as he knows it is, is merely physical violence and not the psychological one which he is bound to consider a normal treatment of inmates. Not to mention the refined standards set in recent years in judgments of the European Court of Human Rights in cases against Turkey, of which the functionary will be completely ignorant. He is bound to see many actions found to involve a violation of Article 3 of the European Convention as nothing but petty mischief. If we train such recipients in these standards, this may lead to a specific shift in sensibility and in the limits of what is considered blameworthy in practice. I believe that human rights training applied to potential violators of those rights should always start with demonstrating the advantages to the individual violator from a general observance of human rights. It is only once he understands how much better would his own life be were human rights universally respected that we can proceed to discuss the restrictions imposed by those rights on his professional work. Many a time, violations result not from the violator's pathological personality but from insufficient professional skills. An under-trained policeman is likely to use the baton where it would be enough properly to grasp and hold a wriggling youngster. Where the baton would be enough, he will use firearms. And in that case, lacking regular exercise and prompted by fear, he will shoot to kill and not merely to neutralize the suspect.

Those who supervise human rights observance - whether they work within the governmental or the non-governmental structures - need a profound understanding of both substantive and procedural human rights. They should be able to carry out professional monitoring, that is to survey the observance of specific human rights and of the rights of members of specific social groups, as well as the observance of rights by specific state institutions. The example of this kind of training is the program implemented by the Polish Helsinki Foundation for Human Rights in cooperation with OSCE/ODIHR in Central Asia and the Caucasus, where following two or three weeks of training in the tactics and techniques of such surveys, participants are offered financing for selected small monitoring projects supervised by experts. Generally, in most cases it seems rather inexpedient to develop skills without offering to graduates the opportunity to test the acquired skills in practice. It is worth mentioning here that HFHR conducted the training in monitoring in many other countries of the post-communist region, both for non-governmental organizations and upon request of the Ombudsman's offices and other supervisory state institutions. However, the techniques of such state institutions differ from those employed by the NGOs. As opposed to the NGOs, an Ombudsman will neither sue his own state before international courts nor submit counter-reports to reports submitted by his Government to the UN treaty committees. It is also a less frequent procedure for the supervisory state institutions to organize public campaigns pressurizing the authorities towards giving the guarantees of rights. On the other hand, the power to abstractly challenge a law before the Constitutional Court - without reference to an actual violation of the rights of a specific individual - is in some countries vested in the Ombudsman and some other state institutions only. These differences are reflected in different programs designed for NGO activists and for the staff of supervisory state institutions. The Helsinki Foundation for Human Rights has developed and tested programs of training in the skills of effective campaigning for human rights, conflict resolution and negotiations with the

authorities, and law actions aimed at amending a bad law or its interpretation through judgments of the Supreme Court, Constitutional Court, or the European Court of Human Rights in Strasbourg.

Some potential victims are human rights violations are usually ignorant of their due substantive rights (patients, soldiers in compulsory service, or clients of the Government and local administration). Such groups should be provided with knowledge about their due rights; without such knowledge, they cannot possibly make claims. There are also groups of potential victims who are generally better acquainted with their rights (such as e.g. the prison inmates); also such groups, however, should be told about those rights and permissible limitations in this sphere. All potential victims should first and foremost be taught procedural rights - the mechanisms for protection and enforcement of human right and freedoms. As far as possible, they should be provided not only with knowledge on the existing mechanisms, but also with the skills of exercising those rights in practice. Many training courses conducted in Central and Eastern Europe merely enumerate the list of rights, as is usually the case with the teaching of the rights of the child, rights of members of social minorities, or social rights. This kind of training results in a schizophrenic clash between the world of elegant and utopian promises and the brutal reality where rights are violated and the victims remain utterly helpless.

### *3. Trainers and methods*

It is a truism which I nevertheless have to say here that in order to teach anybody, one should first acquire the knowledge oneself. Numerous training courses held in the post-communist world both by NGOs and by state institutions (schools, universities, human rights courses at vocational schools such as police, military, prison staff, medical, teachers' and other schools) are conducted by persons lacking sufficient education to teach human rights. Particularly alarming are the ideas, emerging in some countries, that training in human rights, the rule of law, and democracy should be added to the curriculum starting from a specific level of all schools by force of a ministerial ordinance. Schools lack appropriate teaching staff with sufficient knowledge of the area and an inner belief in the values involved. I would say that a teacher who does not understand human rights, and who is emotionally hostile to the philosophical foundations of those rights, may cause more harm than good if he is forced to teach this subject. Before the teaching of the conception of human rights can be introduced on this scale in countries where the conception itself was prohibited a mere 10 years ago and its propagation met with repression, a long-term staff training program is required, followed by gradual introduction of the actual training in areas where trainers and lecturers emerge who are capable of meeting the challenge. If, for political reasons, the process of general single-stage introduction of human rights training cannot be restrained, particular stress should be laid on preparation of genuinely good and reliable materials for teachers. More important still is that the students - school and university students who are untainted with the ideological heritage of the communist period - be directly provided with teaching materials. As follows from HFHR's experience, particularly useful in such situations are multimedia packages composed of a video film dealing with a specific topic; the teacher's handbook containing additional knowledge on that topic together with suggested scenarios of classes to be held with the use of the film for different groups of recipients; and possibly also materials for beneficiaries of the training. Such films, produced by HFHR and dealing with specific rights (the right to life, freedom of speech, right to information, right to privacy, right to court etc.), are successfully used in a variety of countries from the Balkans to Central and Eastern Europe to Central Asia. The films balance to some extent the negative impact of human rights training introduced in the situation of absence of adequately trained teaching staff.



Similar problems can be found in the work of non-governmental organizations. Many a time, the NGOs lack the staff of sufficiently trained human rights educators. Sometimes, they seem to lack also a long-term plan of action, and merely organize chance seminars at which no person can really learn anything. The seminars are organized rather within fundraising efforts and with the aim to demonstrate the organization's activity, and not to solve specific social problems. Another problem is the post-communist world's fascination with the so-called active methods of education. Instead of consolidating specific elements of theoretical knowledge provided to participants in advance, the active methods become the main or sole element of the training. Teachers and psychologists with small human rights knowledge find it much easier to conduct workshops and psychodramas than to discuss the essence of rights as set in judgments of the European Court. The form prevails, and sometimes even totally replaces the content. Of course, the active methods do make sense as a technique of consolidating and better understanding of the hard knowledge on the essence and limits of human rights and on the operation of procedures for rights protection.

The qualifications required of human rights trainers have already been discussed earlier in my pronouncement. The qualifications themselves, however, are not enough. Training may only be effective if there is no clash between the trainer's attitude and the contents he teaches to students. A teacher who degrades the children as a daily routine cannot possibly efficiently teach those children their dignity and rights. An NGO that publishes unverified or exaggerated news about the human rights situation within its area of operation cannot possibly efficiently teach monitoring, either. An organization that aspires to teach human rights to functionaries of state cannot be associated with any political party, and its activists cannot be perceived as scrambling for high positions within the state structures - rivals of those currently in power.