

Introductory Speech of Jasminka Dzumhur, Ombudsperson of Bosnia and Herzegovina

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Ensuring human rights protection and promotion is not possible to be achieved on global or national level without legal and institutional framework and clear procedures. On the other hand, in relation to human rights protection and promotion, it is possible to observe national human rights institutions and civil society, playing their own roles in the society, also interrelated to each other.

Historically and globally, civil society in relation to human rights institutions have a longer tradition of efforts in dealing with different forms of appearances and different working methods, however, the main focus is given to creation and maintaining of cultural and social hegemony of dominant group established through agreement, and not by force. Civil society actions means citizens' actions (all human beings), individually and collectively, directed to improvement of society. These actions are the pillars of democracy, pluralism, respect for human rights, and the rule of law and society cohesiveness.

Civil society is a sphere of institutions, organizations, networks and individuals, located between family, state and market, and citizens of their own will establish associations for advocating of their common interests. In its simplest form civil society is a group of institutions and associations/organizations, linking citizens with governments and private sector. There are a lot of definitions of the term *civil society*, yet, in the end, the all have a common denominator. Before all, civil society means civil organizations that are called volunteer, independent, non-profitable non-governmental and the third sector, and, *in common, they enjoy freedom of association and actions*, reflecting general welfare. Basically, civil society is antithesis to state, since it is specific kind of opposition that scrutinizes state's activities. Most frequently civil society comprises organizations such as:

registered humanitarian organizations, organizations for protection (children's, women's) human rights, religious, ecological, and professional associations, business associations, trade unions, support groups, social movements, advocating groups, networks, etc. It is clear that civil society represents the strongest expression of enjoyment of international standards, guaranteeing freedom of association. Term „corrective mechanism“ is frequently used for civil society, since through its activities it frequently provides critical review concerning measures and activities of the Government.

In such polarized relation between the Government, which, in one hand, governs natural resources and establishes relations in society reflecting in exercise of rights of all citizens and, in the other hand, civil society that articulates needs and demands of self-organized citizens emerges a need of society for institutional work on human rights. Historically, type of social order in state had significant impact for formation of institutional mechanism for protection and promotion of human rights to be established in particular society. However, a genesis of development of international relations, particularly human rights international standards, resulted in creation of a universal framework for establishment of human rights national mechanisms, status of which is mainly established through uniform application of the Paris principles.

Of course, one of key issues for functioning of national human rights institutions is their attitude both towards the Government and civil society as well. Complexity of society relations that should define relation between human rights national institutions and civil society shows impossibility of defining of simplified modal, enabling implementation in all societies. Nevertheless, foundation principles of human rights, including activities of both national human rights institutions and civil society, constitute starting point for definition of framework for establishment of mutual relations between them. It is necessary to stress that certain obstacles exist, which are applied to treatment of national human rights institutions and which are present not only on national level but also globally, even within scope of UN activities. Namely, there are still certain problems regarding recognition of NHRIs as a separate mechanism. While a part of the public see such institutions as a part of the authorities, the other part sees them as non-governmental organizations. Even on the occasion of various UN bodies sessions, including sessions of UN Committees, there is not a separate place for representatives of NHRIs, and they are deemed to be either representatives of states or non-governmental sector.

Starting point and also the reason for establishment and defining of mutual relation between NHRIs and civil society constitutes obligation for promotion and protection of human rights. While this is the main function of NHRI, regarding civil society, this activity as such is present only if set forth by-laws of the NGOs. Some experience show that civil society, regardless of its organizational form and main goals, in its activities always contain human rights segment as one of cornerstones of its work.

It is also necessary to stress that broad mandate of NHRIs requests ability for monitoring functions, consultations and preparation of human rights recommendations of numerous types, including establishment of relation with regional and international organizations, and promotion of human rights through rising of public awareness and through education and researches related to human rights. Contrary to such high requirements imposed on NHRIs, there is a fact that even where NHRI has developed maximal capacities, often it is not in a possibility to follow up human rights situation in a systemic and comprehensive manner, so it mainly fulfill its primary function, that is, human rights protection where citizens address to the NHRI. Undoubtedly, processing of individual complaints is important method not only for redress of individual rights but also for following up of human rights situation. Nevertheless, without a broader analyze of human rights situation in a certain society it is impossible to prepare strategic steps for their promotion and rising of public and the authorities' awareness about on importance of ensuring of human rights standards application. Exactly segment contains basis for establishment of cooperation between NHRIs and civil society. In this way NHRIs get broader insight of citizens' needs. At the same time, civil society, through NHRIs, gets possibility to establish contacts with the authorities. In this manner, NHRIs become a channel for communication between the Government and citizens, both for those who file complaints and those organized in civil society.

Necessity for establishment of cooperation between NHRIs and civil society is unquestionable in a democratic society and it opens only a question of modality of cooperation, which, *inter alia*, requests answers to questions of sphere and modal of cooperation. In this segment it is by all means necessary to recall international Conference on Human Rights held in Vienna in 1994, which was important event in history of international community where with presence of UN member-states governments, the NGOs and members of international community discussed efforts in promotion and protection of human rights.

The Vienna Declaration and the way of its implementation, adopted at the Vienna Conference proposed main guidelines for implementation and ensuring of human rights, i.e., protection of rights of citizens all around the World. The Recommendations determined activities for improvement of human rights situation, particularly at national level, where situation of human rights is mainly impacted. Therefore, the Vienna Declaration, in methodological sense, could be used as a basis for establishment of modal for cooperation between NHRIs and civil society.

In segment of scope of cooperation, most important is to ensure that domestic legislation is harmonized with international and regional human rights standards, where remarks and recommendations of competent committees of international institutions (UN and the Council of Europe), related to implementation of international instruments of these institutions, as well as remarks and recommendations by international organizations on human rights situation, are of primarily significance, as well as opinion by the European Commission related to membership in the EU.

Certainly, the highest values in a certain society are: freedom, equality, national and gender equality, pacifism, social justice, respect for human rights, property, preserving of nature and environment, the rule of law and democratic pluralism. On the occasion of assessment of the situation of human rights in certain environment, the role of the authorities is certainly very significant, with emphasized importance of accepted duty and responsibility of the authorities, being the holders of international responsibility for application of international human rights standards. This role of government authorities sometimes creates difficulties to get real picture on human rights situation. Therefore, information collected by the NGOs and NHRI are essential for a proper assessment of human rights situation in a country. If such assessment is result of joint efforts by NHRIs and the NGOs, it increases objectivity and represents qualitative basis for further actions in direction of improvement of human rights situation in a certain society, as well as a solid basis for further cooperation between NHRIs and civil society.

Certainly, one of key segments of cooperation is scheduling of regular consultative meetings between NHRIs and civil society with a view to exchange information on human rights situation in certain areas and preparation of reports to be sent both to governmental structures and regional and international human rights bodies.

Collaboration between NHRIs and civil society can include different forms: marking important dates related to human rights, organization of conferences, workshops, seminars, round tables, information exchange, issuing joint publication, joint recommendations concerning way of working, forming joint groups for analyzing certain rights, joint visits to the institutions and etc.

The permanent question is how to establish quality cooperation between NHRIs and civil society. Namely, the practice indicates that civil society addresses to NHRIs with a request for obtaining letters of support for different projects which representatives of civil society submit to potential donors. Usually, these requests are submitted in short period of time, which creates certain pressure to NHRIs. In these cases, NHRIs are in disadvantaged position if they do not provide letter of support to a civil society and therefore are marked as an institutions which are not ready to cooperate with civil society.

On the other hand, giving uncritical support to the projects which includes cases of support organization of civil society with which NHRIs never had any collaboration brings NHRIs in danger of degrading their authority because of the unprincipled behavior. This is important to emphasize and therefore NHRIs and civil society should develop certain common principles that must be met in order to provide collaboration. At the first, that includes that collaboration should be regular, transparent, content, specially developed in the area of human rights for which NHRIs and civil society detect as their priorities. NHRIs must undertake steps to ensure the implementation of listed principles, in order for collaboration to be publicly offered to all organizations of civil society for areas, which are in consultative process with the civil society, set to be priorities in certain time period.

In any case, the collaboration of NHRIs and civil society should be understood as a process that demands a longer period so in that time the crucial elements of collaboration must be recognized.