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RULE OF LAW OF THE MINISTRY OF FOREIGN AFFAIRS OF THE
RUSSIAN FEDERATION, AT THE 908th MEETING OF THE
OSCE PERMANENT COUNCIL**

Vienna, 19 April 2012

I am grateful to the Irish Chairmanship for the opportunity given me to address the delegations of the 56 participating States of the Organization for Security and Co-operation in Europe.

I should first of all like to speak briefly about the institution of the Commissioner on Human Rights, Democracy and the Rule of Law of the Ministry of Foreign Affairs of Russia. This institution was established under a decree of the President of the Russian Federation in April of last year.

One of the Commissioner's main responsibilities is to further improve and enhance the effectiveness of the measures taken by the Russian Federation to affirm the principles of the universality of human rights and of a non-selective and depoliticized approach to the way in which they are ensured. Among the Commissioner's basic functions are the ongoing monitoring and analysis of the situation in different countries of the world with regard to human rights, democratic development and the rule of law, along with a prompt and, where necessary, public response to violations of human rights in foreign countries.

To that end, I maintain contacts with a significant number of States, non-governmental organizations and the senior officials of the secretariats of the leading international organizations, including the United Nations, the Council of Europe and the OSCE.

In accordance with the mandate of my office, particular attention is directed at issues having to do with ensuring the legal rights and interests of Russian citizens and of our fellow-countrymen living abroad, in particular the Russian-speaking population in the Baltic States and also Russian children adopted by foreign citizens.

The Commissioner's responsibilities also include the drafting and publication on a regular basis of reports regarding the human rights situation throughout the world. December of last year saw the release of the first such report containing generalized analytical information – let me emphasize, information based on authoritative and reliable sources – on the state of affairs with respect to the protection of human rights in a number of countries, primarily in those that regard themselves as belonging to the category of “developed

democracies”. The Russian and English versions of that document are available on the website of the Russian Ministry of Foreign Affairs. The report graphically shows that serious challenges in the area of human rights can be found to one degree or another in all countries, even those that for centuries now have been building a democratic society, to say nothing of the altogether young democracies. The report does this, however, not for the sake of “pure criticism” but in order to point out even more clearly the need to step up international co-operation in the humanitarian and human rights area – co-operation that is mutually respectful and constructive and that is based on equality.

We are convinced that the United Nations must play a leading role in promoting and protecting human rights and fundamental freedoms in the international arena. Our basic position in the United Nations human rights bodies is that human rights standards must be the same for all and that problems in this area need to be discussed in an unbiased manner with the accent on concrete results. What is unacceptable is a situation when some States begin to talk down in a preachy tone to others and to impart lessons in “democracy”, all the while applying double standards and a selective approach. This undermines the very foundations of the international human rights system.

We consistently base our position on the universality of human rights as they are laid out in the Universal Declaration of Human Rights. At the same time, we are opposed to their artificial politicization and interpretation and to the coercive export of standards characteristic of a particular group of States as though they were universal. It is important not to lose sight of the particular facets of different societies and countries, including cultural, religious and historical values. This subject is at the present time one of the most widely discussed, including within the OSCE.

We regard positively the commencement of work by the Universal Periodic Review (UPR) mechanism under the United Nations Human Rights Council. We consider that the UPR has become a powerful tool for monitoring human rights and a worthy substitute for politically inspired resolutions regarding the human rights situation in certain countries, resolutions that introduce discord into the work of the Human Rights Council and the Third Committee of the General Assembly.

We continue to pay particular attention to the establishment under the Human Rights Council of a system of special United Nations monitoring procedures in this area. Despite some improvement in the situation in this regard – a better procedure for appointing special rapporteurs and independent experts, the adoption of a Code of Conduct, etc. – the situation remains fairly difficult. As previously, excessive attention is paid, in the form of special procedures dealing with specific topics, to the human rights situation in certain countries and regions. A number of mandates need to be spelt out more clearly and revised.

We all understand that human rights have not only a legal but also a moral dimension. For that reason, today as never before there is need for a general recognition of the responsibility of all the “players” concerned with human rights for their actions. We urgently call on not only the States but also non-governmental organizations, international institutions and individuals involved in the process of promoting and protecting human rights not to abuse them and not to use them as a cover for achieving other objectives.

We see in the Council of Europe a solid and reliable humanitarian pillar in the architecture of pan-European security, whose purpose is to ensure the indivisible character of

security based on equal rights for all European countries without exception. The creation of this kind of community, free from dividing lines, conflicts, spheres of influence and zones with different levels of security is a first-priority task not only for the Council of Europe, but also for the OSCE.

We are in favour of having the reform of the Council of Europe, as initially proposed by Secretary General Jagland, result in the strengthening of that organization as the most important instrument for the building of a single Europe without lines of division, as a unique pan-European platform ensuring the unity of the legal and humanitarian space on the continent.

As regards the OSCE, its task is not to substitute for, but to supplement, the efforts of the major international organizations, focusing its attention on those areas where it can provide added value. One must not forget that the OSCE is an organization whose primary objective is to advance the cause of security through co-operation – the security both of individual participants and also collective security for the entire OSCE community. Accordingly, it must keep its attention focused – and this applies to the “third basket” also – on issues that are directly linked to security, that can help to strengthen confidence, and that can contribute to the creation of a single and indivisible security community.

We are convinced that work within this Organization must be conducted in a spirit of co-operation and mutual respect, without mentoring or political pressure, always taking into account the opinions and interests of all participating States. It is precisely this approach that reflects the consensual character of the OSCE.

It is necessary as part of this process to direct equal attention to all human rights and freedoms, including social, economic and cultural rights. Fundamental human freedoms and rights constitute an all-embracing and complex concept, with the result that they must also be examined in a closely interrelated manner.

Russia's priorities in the area of the OSCE human dimension have to do with such issues as the protection of the rights of national minorities and the overcoming of statelessness as well as the combating of racism, xenophobia, aggressive nationalism and neo-Nazism. We regard as categorically unacceptable a situation when in certain European countries – members incidentally of the European Union – SS veterans and Nazi sympathizers hold marches with the connivance of the official authorities and are regarded as some kind of national heroes. No one has overturned the decisions of the Nuremberg Tribunal.

Particular attention must be paid to the question of freedom of movement as one of the essential commitments of the OSCE. The facilitation of contacts between persons through the liberalization of visa regimes will strengthen the efforts to combat stereotypes and will help to promote a better understanding of national, historic and cultural particularities in the countries of Europe.

In the context of countering trafficking in human beings, there must be greater co-operation in combating the illegal trade in human organs and tissues.

Among the other priority tasks facing the OSCE, we might mention those issues that have to do with ensuring the rule of law and the right of non-interference in the private sphere.

With respect to the OSCE's work with regard to the holding of elections, I should like to note the need for an objective and balanced approach to the problems in electoral legislation and practice, problems that can be found in all OSCE countries. Taking into account the considerable volume of material on the monitoring of electoral processes accumulated by the Office for Democratic Institutions and Human Rights (ODIHR), it is legitimate to raise the question of collating and analysing that material with a view to identifying the most serious problems and examples of how they might best be dealt with. For example, serious attention should be given to Russia's experience in using modern technical equipment, including video observation, during the recent presidential elections in our country. In addition, I should like to make particular mention of the important initiatives taken by the Russian leadership for the further democratization of political and electoral processes, initiatives that are already being implemented in the form of relevant laws or that are being considered in the State Duma.

In this same context, it is necessary to tackle without delay the task of formulating standard monitoring principles and rules for elections by drawing on professionals and representatives of the central electoral bodies of the OSCE participating States. In the same connection, the second supplementary meeting to be held in Vienna on 12 and 13 July on democratic elections and election monitoring will offer great possibilities for a serious and focused discussion of this subject.

Russia is prepared for constructive dialogue, on the basis of mutual respect, regarding the entire range of issues having to do with human rights. I hope that our partners too will be guided by this approach, *inter alia* within the context of the long overdue work to enhance the effectiveness of the OSCE's human dimension events.

This Organization was created as a pan-European structure whose purpose was to exclude the emergence on the European continent of new dividing lines. It is precisely this goal that we should in solidarity seek to achieve, resolutely ridding ourselves of prejudices and the "ghosts of the past".

Thank you for your attention.