



REPORT ON THE FIRST BUDAPEST HUMAN RIGHTS FORUM

BUDAPEST, 28-29 AUGUST 2008

**MINISTRY OF FOREIGN AFFAIRS
HUNGARY**

1. The First Budapest Human Rights Forum held on August 28-29 2008 was the first one of a series of conferences intended to be hosted by the Hungarian Ministry of Foreign Affairs in the years to come as announced by Minister Kinga Göncz. There are several reasons for the decision to start the series of conferences in 2008. The year 2008 marks the 60th Anniversary of the Universal Declaration on Human Rights, the 15th Anniversary of the Vienna Declaration and Programme of Action, but also the 10th Anniversary of the adoption of the United Nations Declaration on Human Rights Defenders. It is in this context that the Hungarian government took the initiative to annually review the development in the area of human rights and provide a forum for discussing difficulties in implementing human rights standards. The Hungarian Foreign Minister made reference in this respect to her country's history, which "testaments that even in the darkest times, faith accompanied by persistence in a noble cause" will bring about its results. While announcing that the next forum to be hosted in 2009 will commemorate the 20th anniversary of opening the Western borders of Hungary, she recalled that the political decision taken by the Hungarian government in May 1989 has also contributed to the process that resulted in the reunification of Germany.

The representative of the OSCE Office for Democratic Institutions and Human Rights noted that, in fact, the key OSCE document that makes direct reference to human rights defenders had been adopted in Budapest. It was in the Budapest document *Towards a Genuine Partnership in a New Era* that the OSCE participating States recommitted themselves to protecting human rights and fundamental freedoms, highlighting the importance of ensuring that these rights and freedoms were known to everyone. The Hungarian Minister of Foreign Affairs also stressed that the initiative fits into the new concept on more visible human rights policy adopted in the Ministry. In this context she also made mention of the recent appointment of a "Human Rights Ambassador". The Ambassador's task is to streamline human rights into all dimensions of Hungary's external relations.

2. The conference provided a forum for the participants to briefly assess the situation of human rights on the global level and specifically on the Balkans and in Central Asia. As pointed out by the representative of Freedom House, Central Asia and the Balkans are logical areas of focus and also of concern for Hungary's attention. According to Freedom House rankings, 4 out of the 5 Central Asian countries fall into Freedom House's broadest category of Not Free countries, with two of them, Uzbekistan and Turkmenistan, falling into the special designation of countries that is referred to as the world's most repressive regimes. This means they receive the lowest possible ratings of 7 in both political rights and civil liberties categories. Only Kyrgyzstan falls into the Partly Free category. The situation is now improving in the Balkans, but only after a series of devastating wars and enormous post-conflict struggles. The Freedom House representative drew the attention of the participants to the recent events in the Caucasus, a region that also requires special attention in the future.

As expressed by many of the participants the international human rights documents unfortunately are not becoming less relevant with time. In some countries, it is getting more difficult and sometimes even dangerous to address human rights issues. Thus, the 2007 OSCE

report regarding the situation of human rights defenders (HRDs), in spite of some positive development in certain participating States highlighted key areas of particular concern: continuing physical attacks on defenders, whether actual or threatened; the curtailment of the freedom of association of defenders; the failure to respect and protect defenders' freedom of assembly; and the often severe restrictions placed on the freedom of movement and right to liberty of defenders. In addition to challenges resulting from violations of the rights of HRDSs, the first report also noted some positive development in a number of OSCE participating States.

In this context the representative of the Kazakhstan International Bureau on Human Rights pointed out the increased difficulties HRDs have been confronted with from the second half of the 90s onwards and particularly after the war on terrorism has been declared. In his view dependence on energy, economic, geopolitical and security considerations result in the use of "double standards" which in turn tends to contribute to the global legitimization of non-democratic regimes. Also the representative of the Kyrgyz NGO Golos Svobody (Voice of Freedom) reported a negative trend that started in the last decade. His country once called "the country of NGOs," sometimes "the island of democracy in Central Asia" now faces the challenge to keep up with at least part of its aspirations to become a democratic state based on the rule of law. In his view the situation of HRDs and NGOs in Kyrgyzstan is worsening due to, among others, the constant political turmoil, impunity of HR violators and rampant corruption.

The representative of Libertask (Montenegro) reported some improvement in the treatment of HRDs. Whereas in the late 90s HRDs were labelled "foreign hirelings" and "spies" by the media, and it was not rare they were either taken to the police station for informative interviews or subjected to various physical attacks by now the new powers do not employ such brutal methods. They have learned the innovative vocabulary that fits better to the civilized societies, however, genuine cooperation between the government and the HRDs is still a dream. Whereas the environment is friendlier towards human rights organizations focusing on the rights of specific groups, such as children or women, there is still much reservation as concerns NGOs monitoring general human rights standards. This might be an explanation for the decrease in the number of such NGOs. Minority rights NGOs face particular difficulties: they face the opposition of the majority population, the government and frequently also of minority politicians.

All this demonstrates that there is, in fact, an urgent need to review the impact of the international instruments on HRDs, i.e. those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms.

It should be noted that in addition to assessing the extent to which HRDs' rights are secured in Central Asia and the Balkans, the conference also provided an opportunity for the participants to assess the level of respect for human rights in the EU member states. The moderators stressed that we should not underestimate the difficulties HRDs face with in some of the EU member states. The representative of Minority Rights Group claimed that the EU employs a

double standard: it is extremely active in disclosing human rights violations in third countries but rather reluctant to address violations in EU member states. In the last accession round observance of human rights was not key concern, primarily not minority rights. There is no consistency in the interpretation of the Copenhagen criteria and since the criteria are not defined neither clearly articulated they can only be applied in an uneven manner. But as the representative of Freedom House reminded the participants, democracies should also keep their own houses in order. We should not forget, however, that it makes a big difference being a HRD in a democracy with free media and genuine checks and balances.

3. Both in the presentations of representatives of international organizations and in the course of the discussions the main areas of concern have been identified. There was consensus that for the human rights defenders to perform their task with success and for guaranteeing human rights in general the basic freedoms, i.e. the freedoms of speech, assembly and association have to be ensured. As pointed out by the UN Special Rapporteur on the situation of Human Rights Defenders “the focus on these rights includes but is not limited to the development of indicators to assess compliance and gaps in the enjoyment of these freedoms by defenders”. There was also agreement on that NGO legislation in line with international commitments is also a prerequisite for guaranteeing human rights defenders’ rights. Participants agreed also in identifying the most vulnerable groups of defenders: these are the HRDs who work in sensitive and controversial areas and are therefore exposed to specific forms of violations and attacks. The group includes women, defenders working on economic, social and cultural rights, as well as those working on the rights of minorities, indigenous peoples and LGBT people’s rights.

It can be concluded from the presentations and subsequent discussions that the international organizations employ similar strategy and methodology in order to ensure a more effective implementation of the UN Declaration. The importance of the issue is reflected in the appointment of the Special Rapporteur of the UN or the establishment of the body within ODIHR called “Focal Point for Human Rights Defenders and National Human Rights Institutions.”

The participants agreed that in addition to the means specifically designed to monitor the situation of the human rights defenders and provide help in case needed, the general human rights mechanisms such as the Universal Periodic Review by the UN Human Rights Council or the regional mechanisms may also complement the specialized procedures. Particularly – as pointed out by the Special Rapporteur – regional organizations can take an active role in making available the Guidelines to human rights NGOs that might not have access to the document otherwise.

International organizations share the view that detailed standards and elaborated mechanisms set up at the regional level can effectively contribute to the proper implementation of the UN Declaration. The EU adopted its own Guidelines on HRDs in June 2004. With the aim of translating the Guidelines the EU produced a Manual in 2004, which provides detailed guidance to missions on how to turn the Guidelines into practice. In 2006, the EU Council set

out 64 recommendations on practical measures to be taken in order to improve awareness and implementation of the Guidelines. At the Council of Europe, the Committee of Ministers issued a Declaration on action to improve the protection of HRDs on 6 February 2008. Notably, the Declaration invited the Commissioner for Human Rights of the Council of Europe to strengthen his role in the protection of defenders.

International organizations, in addition to regularly monitoring the implementation of the Declaration also react on reported cases of human rights violations and take immediate action. As regards the future, there is agreement on the need for the analysis of trends and challenges, which in turn calls for more systemic and regular review and assessment. In order to prevent future violations, mechanisms have to be set up, through which systemic human rights violations and threats against HRDs could be anticipated. The initiative of the Hungarian government to set up an International Centre for the Prevention of Genocide and Mass Atrocities fits well in this new strategy that lays stress on proactive measures.

4. As to the interaction of HRDs with international organizations and foreign governments, participants stressed the importance of identifying the “genuine” human rights defenders as opposed to those who abuse their NGO status or those who are supported by the governments for being loyal or harmless. Representatives of the NGOs agreed that even their own people find it sometimes difficult to distinguish between HRDs and those who pretend to act as one. In this context the ambivalent relation between HRDs and the media was mentioned. Whereas free media is a basic precondition for the observance of human rights, lack of competence by journalists in human rights matters sometimes results in publications that completely distort what has been or intended to be done by HRDs. Some of the participants believed that donor organizations are sometimes under the pressure to demonstrate quick results and it is for this reason that they prefer to cooperate with government-friendly NGOs.

Participants also agreed that there was nothing wrong with providing assistance to governments. Peaceful and steady societies can only be achieved if human rights are respected. At the same time observance of human rights presupposes steady societies with sufficiently strong institutions. Ultimately it is the duty of the State to set up and operate institutions that guarantee the enjoyment of fundamental rights and provide protection to HRDs. In the absence of such institutions human rights “fall prey” as was the case in Serbia where the government claimed that there had not been enough police to protect the marchers.

International organizations and donor states should make it explicit what they support. As pointed out by the representative of the Kazakh NGO there is no problem with assisting in the establishment of a human right department in the office of the President but this should not be presented as support for setting up the institution of the independent ombudsperson. Clear and accurate communication on the contents of the dialogues between international organizations and non-democratic governments is also essential. The content of the dialogue should be clearly communicated to the people. In the case of oppressive regimes, there should be no room for human rights dialogue only for political purposes, eventually with some human rights component. Failure to clearly communicate the content of the dialogue will result in

legitimising oppressive regimes and, ultimately would lead to the loss of credibility of the international organizations towards the local community.

Compiled by

Professor Karoly Bard

Pro-Rector for Hungarian and EU Affairs
Chair of the Human Rights Program
Central European University

PROGRAM OF THE FIRST BUDAPEST HUMAN RIGHTS FORUM
28-29 August 2008, Budapest

Venue: Budapest, MFA, Conference Hall

28 AUGUST 2008

09.00 - 09.15 Opening statement of H.E. Dr. Kinga Göncz, Minister for Foreign Affairs

09.20 - 11.30 FIRST PANEL – INTERNATIONAL ORGANIZATIONS

Moderator: dr. Gábor Halmai, Director of the Institute of Political and International Studies, Eötvös Loránd University, Budapest

Panellists:

- Margaret Sekaggya, Special Rapporteur of the UN on Human Rights Defenders
- Lauri Sivonen, Advisor to the Human Rights Commissioner of the Council of Europe
- Alessio Cappellani, International Relations Officer for Human Rights and Democratisation, European Commission
- Pavel Chacuk, OSCE-ODIHR

11.00 - 11.30 Coffee break

11.30 - 12.30 Discussion

12.30 - 14.00 Lunch in the MFA

14.00 - 15.40 SECOND PANEL – LOCAL NGOs FROM THE BALKANS AND CENTRAL ASIA

Moderator: Kardosné dr. Erzsébet Kaponyi, Dr. Habil. Professor, Corvinus University of Budapest

Panellists:

- Zsolt Süge, Human Rights Centre - Serbia
- Albert Musliu, Association for Democratic Initiatives – Macedonia (FYROM)
- Nedjelska Sindik, Libertask – Montenegro
- Yvgeniy Zhovtis, International Human Rights Bureau - Kazakhstan
- Sardar Baghisbekov, Voice of Freedom – Kyrgyzstan
- Galina Derevenchenko, Bureau for Human Rights – Tajikistan

15.40 - 16.10 Coffee break

16.10 - 17.30 Discussion

18.30. - 20.30. Dinner and boat trip

29 AUGUST 2008

09.00 - 11.30 THIRD PANEL – GOVERNMENTS

Moderator: dr. Gábor Halmai, Director of the Institute of Political and International Studies, Eötvös Loránd University, Budapest

Panellists:

- **Jacques Pellet, MFA** - France
- **Mrs. Maryem van den Heuvel, MFA** - The Netherlands
- **Anja-Marija Ciraj, MFA** - Slovenia
- **Orla Keane, MFA** - Ireland,
- **István Lakatos, MFA** - Hungary

10.30 - 11.00 Coffee break

11.00 - 12.00 Discussion

12.00 - 14.00 Lunch in the MFA

14.00 - 15.00 FOURTH PANEL – INTERNATIONAL NGOs

Moderator: dr. Gábor Kardos, Professor, Eötvös Loránd University, Budapest

Panellists:

- **Paula Schriefer**, Freedom House
- **Susi Dennison**, Amnesty International
- **Vincent Forest**, Front Line
- **Snjezana Bokulic**, Minority Rights Group

15.00 - 16.00 Discussion

**16.00 - 16.15 Concluding remarks by Mr. Ferenc Kőszeg – Honorary President
of the Hungarian Helsinki Committee**