



REPORT ON THE SEVENTH BUDAPEST HUMAN RIGHTS FORUM

20-21 NOVEMBER 2014

MINISTRY OF FOREIGN AFFAIRS AND TRADE OF HUNGARY

I. INTRODUCTION

The Seventh Human Rights Forum organized by the Ministry of Foreign Affairs and Trade of Hungary took place on 20-21 November 2014 in Budapest, Hungary.

Four central human rights areas were addressed in the panel discussions:

- Human rights and humanitarian law - dilemmas in the context of the principles of prevention and responsibility to protect
- The human rights of national, ethnic, religious and linguistic minorities – individual rights exercised in community with others or collective rights of communities formed by individuals?
- Freedom of opinion and freedom of speech - online and offline challenges
- Human rights and the post-2015 development agenda.

Ms. Ágnes Hevesi, Deputy Head of the department for International Organisations at the Ministry of Foreign Affairs and Trade of Hungary acted as Chair of the Forum. She underlined that the Budapest Human Rights Forum continues to provide a place for national and international human rights experts representing international organizations, governments and the civil society to exchange views on various domains of human rights. Each subject area is addressed through panel discussions and subsequent Q&A sessions.

Mr. Balázs Rátkai, Senior Advisor at the Ministry of Foreign Affairs and Trade of Hungary acted as Rapporteur of the Forum.

II. OPENING STATEMENT

Mr. Ádám Zoltán Kovács, Deputy State Secretary for International Cooperation of the Ministry of Foreign Affairs and Trade of Hungary, in his opening statement emphasised the commitment of Hungary to organize the yearly Human Rights Forum as one of its long-term human rights engagements. He recalled the bitter experience of Hungarians with the communism and stressed that the bad compromise in the 1989 regime-change resulted in deepening political, institutional and moral crises in Hungary. This unsustainable institutional system of the country was hit hard by the 2008 global financial turmoil thus the 2010 general elections presented a historical opportunity to close the transitional period based on the rule of law.

He underlined that despite the new trade orientation of the Hungarian foreign policy since 2014 - multilateralism, human rights and rights of minorities remain key priorities which is clearly shown in the selection of topics of the Seventh Budapest Human Rights Forum. In light of the increasing number of violent armed conflicts Mr. Kovács suggested that the first panel could highlight the practical facets of the strong relationship between human rights law and humanitarian law in the context of the concepts of prevention and the responsibility to protect. The Deputy State Secretary pointed out that peace treaties following different wars stipulated borders that made millions of people effectively homeless in their own homeland and the rights of minorities in too many places still considered a political taboo. Therefore the second panel of the Forum is dedicated to the different concepts and models of minority protection from individual based approaches to the recognition of collective rights of minorities – taking shape in different forms of political, religious, cultural and linguistic autonomy. Regarding the third panel he draw attention to the new communication

technologies which offer the promise of improved enjoyment of human rights but also enhance the capacity to breaching the right to privacy and other basic rights. Pertinent issues of freedom of opinion and freedom of speech – online and offline – will be discussed including the important work in the UN to elaborate responses to this phenomenon. Mr. Kovács reiterated the importance of multilateralism for the Hungarian foreign policy which has recently manifested in the co-chairmanship of the UN Open Working Group on Sustainable Development Goals. This issue which will shape the long term future for humankind will be thoroughly discussed in the last panel. While human rights are not figuring as a separate objective, they are part of the set of goals as an overarching issue. Negotiations on the implementation of these goals have also raised outstanding human rights challenges which will also be reviewed during the panel discussion.

III. KEYNOTE ADDRESSES

Mr. Róbert Répássy, Deputy Minister and Parliamentary State Secretary of the Ministry of Justice and also President of the Human Rights Working Group of the Government of Hungary expressed his hope that the Forum could suggest practical recommendations to the problems raised during the panel discussions. He proudly announced the publication of a Human Rights Manual, which serves as a guide to Embassies, civil organisations and all concerned parties interested in the Hungarian human rights system.

Being the chairman of the Human Rights Working Group, he informed the Forum on the inception, the structure, the main goals and activities of the Working Group in particular its civil Roundtable. In addition the Deputy Minister described the functioning of the twelve thematic sub-working groups dedicated to address the various legal and practical problems of the most vulnerable groups of the society. Mr. Répássy enumerated the various topics these sub-groups were dealing with in the past few years: hate speech, hate crimes, status of churches, the suffrage of disabled persons under guardianship, the regulation of domestic violence, freedom of speech and internet, discrimination against Roma, education for the Roma, as well as discrimination against LGBT persons.

The close cooperation with the civil society organisations facilitated the second main task of the Working Group i.e. to monitoring of the implementation of the recommendations accepted by Hungary in the framework of the UN Universal Periodic Review (UPR) process. The Deputy Minister recalled the actions where the Government acted upon the recommendations of the first UPR of Hungary such as to improve the economic and social situation of the Roma, ensuring the principle of non-refoulement in relation of asylum seekers, combating human trafficking. All these measures were included to the voluntary mid-term UPR report which Hungary submitted to the United Nations this year.

Mr. Ndong Ella, President of the United Nations Human Rights Council in his video message made a link between the topics discussed in the Human Rights Council and the Forum including the role and action of international community to save human lives in case of wars, internal armed conflicts, terrorist attacks and forced disappearances, the importance of the protection and respect of the human rights of minorities, especially in the context of current crises taking place in Eastern Europe and in the Middle East. He highlighted the importance of the protection of privacy and personal data including in social media as well as the mainstreaming of the human rights in the post-2015 development agenda. He reminded that the Council remains extremely active and responsive for the evolving need to address chronic human rights situations and emerging issues through its existing mechanisms such as

the UPR, special procedures mandates and its technical assistance capacities. The President was convinced that the existing mechanism of the Council could serve as early warning mechanisms to prevent gross violation of human rights.

He seized the opportunity to congratulate Hungary for its leadership in the Council in preventing intimidation and reprisal against individuals and groups who have cooperated with the UN mechanism in the field of human rights and its commitment to the advancement of thematic issues related to reconciliation, accountability, freedom of opinion, minority issues, freedom of religion or belief, right to privacy in the digital age, protection of human rights defenders and education of persons with disabilities. He underlined the responsibility of member states in the promotion of the right to freedom of opinion and expression, religion, tolerance, and the respect for diversity which are essential in creating an environment of full enjoyment of freedom of religion or belief and other human rights and freedoms as well as constitute a fundamental pillar for building a democratic society. Regarding the post-2015 development goals, he conveyed the strong commitment of the Council to see human rights being substantively integrate in those new goals. In conclusion the President stressed the importance of the interrelation of the three pillars of the UN system: human rights, development, peace and security. The interrelation principle must be a guiding one for the international community.

IV. PANEL DISCUSSIONS

The **first panel** was dedicated to the subject of **Human Rights and Humanitarian Law - dilemmas in the context of the principles of prevention and responsibility to protect**. Réka Varga, Senior Lecturer of Pázmány Péter Catholic University of Budapest acted as the moderator of the first panel discussion.

Ms Marialaura Marinozzi, Lawyer, Coordinator of the European Master Program on Human Rights and Genocide Studies emphasised the importance of responsibility to protect (R2P) concept. First Ms Marinozzi underlined the link between sovereignty and state responsibility with regards the R2P. A state has the duty to protect all the population, not only the citizens, within its border from mass atrocity crimes and human rights violations. She mentioned the need to balance the pillars of R2P. The first pillar may be the easiest, because it is the right and duty of a state to protect their population and to prevent mass atrocity crimes. The second pillar of R2P is the key point, while the international community has the duty to assist the state that is unable or sometimes unwilling to do its job embedded in the first pillar. At this point sovereignty has to be dealt with in a very careful way. The issue of preventive diplomacy comes up here as countries have to pay attention to early warning signals. Ms. Marinozzi noted that applying the third pillar (if the state fails to protect the citizens and peaceful measures have failed, the international community has the responsibility to intervene) must really be the choice of last resort. The last thing Ms. Marinozzi addressed is the importance of the of human rights education which is so far often fails, because not all countries have the same meaning of human rights and humanitarian actions.

Ms Aline Sierp, Assistant Professor of Maastricht University talked about the intervention that happened in Yugoslavia with a focus on the actions of the European Union and the European Parliament. The EU was heavily criticized for not having acted quickly and sufficiently. Looking through the European Parliament discussions we can see that one of the constant problems is the conflict between the right to self-determination and the question of integrity of the state: should self-determination go as far as self-dismantling? The European

Parliament sees itself as a beacon of democracy, as a guardian of human rights. A mix of humanitarian and human rights issues came up. The EP found itself in a very difficult dilemma, having the Balkans violently disintegrate was against its interests but also felt that it has to stand up to the principles of international responsibilities, self-determination and democracy. Initially, MEPs stressed that the solution should not be a military one but a political one, peaceful dialogue should be promoted. In the beginning the EP proposed that the Yugoslav government should be threatened with sanctions but soon they start to fully support operations for a possible military intervention. This crisis was very much seen as a double bench test: on the one hand a test of the European Community's ability to act in situations of acute crisis on the continent, on the other hand a test of how far it is possible to transform the existing Central and South-Eastern European structures without causing disintegration. There was this raising awareness that principles, humanitarian law and human rights law are not only sometimes mutually exclusive and can seriously restrict the room for manoeuvre but that the EU in this case at least had failed to observe both humanitarian law and human rights law.

Dr. Cyril Laucci, Legal Advisor of the International Criminal Court in Hague explained in her presentation the difficulties around the joint application of humanitarian or human rights law and international law. The International Criminal Court (ICC) is applying human rights because it is embedded in the Rome Statute which created and established the ICC. The ICC must be consistent with internationally recognized human rights. The first and most important human right that the ICC must apply is the standard of fair trial. Dr. Laucci described three specific cases where human rights and their application confronted the Court with created extremely difficult situations. The three examples included the issue of release from the Court, the issue of family visits, and the case of detained witnesses.

Mr Tamás Lattmann Associate Professor of National University of Public Service made a presentation of the title "Ad hoc tribunalisation of the International Criminal Court". In his presentation Mr Lattmann spoke about the politicization of the ICC. The early 90's the first ad hoc criminal courts were created by the UN Security Council, these were entitled and designed to handle only one situation. Mr Lattmann emphasised that they have done a tremendous amount of good to international law and international criminal law. He addressed one of four possible basis of jurisdiction of the ICC: the ability of UN Security Council to refer situations to the ICC; this is what he means when talking about ad hoc tribunalisation. Mr Lattmann emphasised how important the role of ICC is in preventing international crimes. ICC can serve as a political tool in the hands of states and the international community to influence some countries, especially its leaders. As a lawyer Mr Lattmann feels uncomfortable with this possibility but has to accept at some extent that in international politics you need to have some leverage. However this way the ICC may become overpoliticized, and thus it can become the victim of politics. According to its Statute the ICC can only act if the state, where the conflict takes place, does not act (principle of complementarity). Mentioning the example of Libya and Syria, he calls attention to the ICC's operation being overpoliticized already, and the decisions being criticized on international level. The ICC becoming political is going to diminish - or in extreme cases destroy - the possible jurisdictional basis that it had on its proceedings and limit the preventive role of the ICC in the future. To avoid this outcome, the UNSC should continue a careful referral practice based on a delicate and careful overview of international relations.

During the Q&A session the Security General of the African-Hungarian Commune expressed his utter agreement with the lecture of Mr. Tamás Lattman regarding the job that is being

done by the ICC. The legal advisor of the Austrian Foreign Ministry couldn't agree with the statement of professor Sierp regarding the EU's failure to respect the human rights law and humanitarian law in the context of ex-Yugoslavia. Ms. Sierp replied that she wasn't talking about what the EU did or did not but the impression that was generated particularly on the European Parliament. He couldn't agree with Mr Lattmann on the referrals, because he thinks that the referrals are very important tools. There will always be states that are not willing to ratify the Rome Statute, and withhold tools in international law to deal with serious human rights violations; therefore the Security Council referrals remain very important. Mr Laucci compared the referrals to the nuclear weapons which are important tools but need to be used very carefully. Another question of the legal advisor was 'where is state sovereignty'. Mr Laucci believes that state sovereignty is reflected in the principle of complementarity with the ICC. States are sovereign, they can exercise their criminal jurisdiction and the ICC comes into action if they do not do that properly. So he believes the state sovereignty is respected related to the ICC.

The second panel was dedicated to the human rights of national, ethnic, religious and linguistic minorities. Anna-Mária Bíró, President and CEO of the Tom Lantos Institute, acted as the moderator of this panel.

Ms Rita Izsák, United Nations Special Rapporteur on Minority Issues spoke about the minority rights in the context of individual rights practised in community with others. There are many definitions for a minority. The subjective criteria of labelling a group as a minority group is that members of this community - being religious, ethnic, linguistic or national - must have a commitment to preserve their culture, tradition, religion or language. There must be solidarity among the members. They need to claim their rights as a group. When discussing collective rights two notions dominate the discussion: self-determination and autonomy. Self-determination is the right of people to freely determine the political status of a territory. However as soon as there is a self-determination claim, it cannot fall under the scope of minority declaration any more. The UN Declaration on Minorities says minority rights are individual rights, but the rights of the people or peoples are collective rights, so self-determination falls outside of the scope of UN Declaration. The second notion is autonomy. Autonomy can be territorial, cultural or local; more or less extensive. Such autonomy can be organized and managed by associations set up by persons belonging to minorities. Good practices of that can be found in many states. In 2001 the working group of minorities came up with some key points of autonomy and self-determination. Self-determination and autonomy are related concepts. In particular autonomy or self-governance does not imply a claim for independence. It also said that autonomy and integration must be seen as complementary approaches. Actually the UN Declaration suggests that in some cases positive measures of integration can best serve the protection of minorities. Autonomy needs not only to consist of territorial autonomy but cultural autonomy too. Ms Izsák also explained the role of neighbouring states in relation with autonomy and how the involvement or non-interference of neighbouring states should be. Best practises of building confidence among neighbouring states ensure bilateral agreements renouncing any territorial claims and establish cooperative relationship concerning national minorities. Finally, Ms Izsák said that the intention of minority groups are not about having a separate new state but having territorial autonomy.

Ambassador Helmut Tichy, Legal Adviser for the Austrian Ministry for European and International Affairs spoke about the minority rights from an Austrian perspective. He elaborated on the protection of minorities at the Council of Europe and the European Union.

The Council of Europe has a framework convention on the protection of national minorities. The convention talks about the rights and freedoms of those persons belonging to minorities who may exercise their rights individually and in community with others. In the European Union we can find even less protection for minorities. The Charter of Fundamental Rights contains an antidiscrimination provision and that the EU shall respect cultural, religious, and linguistic diversity but does not imply collective rights. Mr Tichy emphasized the Austrian support of the so called Bolzano/Bozen recommendations on national minorities in interstate relations of the OSCE High Commissioner on national minorities. The document states that minority rights are individual rights. The indigenous and tribal peoples' convention of 1989 recognizes collective rights, as does the UN. The UN Declaration says that indigenous peoples have the right to the full enjoyment as collective or as individuals of all human rights and fundamental freedoms. Mr Tichy, such as Ms Izsák, mentions the difficult relationship to minority rights and the collective rights of all people to self-determination. Mr Tichy believes that it is important to underline that the right to self-determination cannot be restricted to the post-colonial context, it also applies to Europe. Mr Tichy emphasized that Austria remains committed behind the collective rights for minorities. For Austria the element of a shared history is particularly important. Austria has already suggested many proposals for the protection of minority rights and the development of European law of ethnic groups that have been rejected by other European states. As the EU seems to be reluctant to adopt new laws regarding the minorities, all that remains is the possibility of creating collective minority rights in bilateral treaties or national constitutional law. Austria granted specific rights to their six traditional linguistic minority groups and also granted collective minority rights in the autonomous province of South-Tirol with international agreements between Italy and Austria.

Mr Rainer Hofmann, Professor and former President of the Advisory Committee of the Council of Europe showcased the precedents of the minority rights protection. He mentioned the minority rights protection before World War I and under the system of the League of Nations. These rights were not individual, but group rights. He mentioned that the framework convention of the European Council concentrates only on the individual rights, however since 1998 a number of areas were identified where basically it is impossible to apply individual rights only (e.g.: language education, topographical signs). The most important is however the autonomy and self-determination as the right to political participation, to have a say in political, social and economic decisions. To be able to do so the minorities have to organize themselves to form collective identities and bring forward collective demands. In the early draft of the convention there was considerable attention given to autonomy but that was taken out later. Mr Hofmann believes that the major reason why states are reluctant to recognize the collective character of minority rights is due to the fear that collective right could lead to the right of self-determination. Self-determination can be external and internal. Internal is usually referred to adequate participation in political affairs ranging from democratic arrangements to possible autonomy. Mr Hofmann mentioned the federal system with territorial autonomy as an example of a well-functioning autonomy. This is a way to make a group of persons which considers itself minority to feel at home in that state. One has to be very careful when establishing an autonomy situation that the group becoming the majority in that territory does not start discriminating against the new minorities. Mr Hofmann highlighted one point on kin-states: they have to play a very important role in ensuring support of minorities which are kin-minorities and they have to do that in a spirit of good neighbourly relations and not in an aggressive way. Finally Mr Hofmann emphasized the importance of the OSCE Bolzen/Bozen recommendations.

The last panellist **Ms Tove Hansen Malloy, Director of the European Centre for Minority Issues**, aimed her presentation at the justification and the institutionalisation of collective minority rights. Ms Hansen Malloy addressed in her presentation the justification of collective rights in terms of duties in order to show that the collective rights of minorities are not only asymmetric but may represent burdens on society that requires the consent of the majority. One example of justification for collective minority rights to a collective good is education in one's mother tongue. There is no doubt that education is a collective good, it's a public good that all societies must provide to all their members. However, most societies do not provide public education in all mother tongues because this is simply not feasible, nor cost-efficient. Ms Hansen Malloy also described the positive and the negative duties of a country in relation with the collective minority rights. The positive duty of a state requires both action and transfer of resources, while negative duties do not require any action on behalf of the majority. She believed that collective minority rights are institutional rights that are negotiated through a political process. Collective institutional rights are depending on the bargaining power of the minorities. Usually smaller minorities do not have the agency and human capital to negotiate collective minority rights. Lastly she talked about how the collective rights of minorities are special rights developed within political processes and as such they become part of the citizenship framework of the state. The fact that collective minority rights are negotiated through the political process means that they are part of the political relationship between the state and its citizens. For this reason she argues that collective minority rights are by and large political rights because they have to be negotiated through the political system. So she concluded that collective minority rights needed not only institutions, they also needed to be based on a definition which is the minority in question claiming those particular rights and the institutions backing it up.

During the Q&A session Ms. Malloy answered the question of "How can we enhance the protection of the minorities?" saying that the International Framework of Minority Rights is everything. There is no doubt that a strong international framework is needed to protect these groups. The stronger the institutional framework is, the stronger the group will become, because participating in an institutional framework will actually enhance the collective agency of the groups. Answering the question asking about the definition of minorities Ms Izsák said that there is no universally adopted definition on minorities, but there must be a group of people who are distinct in their language, tradition, culture, ethnicity or nationality, and there must be a sense of solidarity towards preserving this distinct culture, or tradition. For the question of what happens if a country doesn't recognize a minority Ms Izsák explained that fortunately, there is a general command by the Human Rights Committee from 1994, and it says that the existence of minorities doesn't depend on states' decisions and whether the state considers it minority or not. Mr Hofmann added that that minority right is not only about protection but is also about motion of rights. What we have to do, what one has to do, what are the needs of various groups, some groups are more vulnerable than the others, so these groups need more promotion than others, or positive measures. Mr Tichy added that the issue of religious minorities is also very important and needs more attention.

The third panel of the forum was dedicated to the issues of freedom of opinion and freedom of speech, mainly concerning the online and offline challenges of this topic. Mr Tamás Lattmann, a distinguished expert on international law acted as moderator.

Mr Nicolas Seidler, policy advisor for the NGO Internet Society in Geneva, emphasised the strong relationship between the freedom of expression and the internet, as the internet revolutionized the way people could communicate. With this technical shift a societal shift

can also be seen, as a global conversation was enabled and interconnected social relations have developed. As the number of Internet users has increased all over the world, concerns on the freedom of speech have been arisen. In areas where the freedom of speech has little tradition, the public has been facing many ways of censorship. Mr Seidler explained that on the macro level there are the information-based companies, such as Google and Facebook, which depend on the people's access to free expression; and on the micro level there is the importance of the internet in the daily life. According to Mr Seidler, the communication revolution has harmed the balance in the human rights regime: you can share your opinion, but you can be also monitored through pervasive online surveillance. It leads to different concepts of the right to privacy. Online rights, norms and behaviours also differ worldwide, which creates difficulties on a judicial basis. Regarding the addressing of these issues, he drew attention to the importance of cooperation, through creating initiatives and agendas, and using the multi-stakeholder model. Mr Seidler emphasised that internet and human rights are interlinked issues, which creates a strong need for a dialogue.

Ms Elizabeth B. White, Research Director of the Centre for the Prevention of Genocide at the US Holocaust Memorial Museum started with addressing the problem of fighting hate speech while protecting the right of free expression. Hate speech can evolve into 'dangerous speech', which has the capacity to condition audiences to accept, condone or commit genocide or collective violence. 'Dangerous speech' has many aspects and factors: the alienation and dehumanization of the target group, the influence of the speaker, a medium of dissemination, the context of the speech, and also a receptive audience. The states' common reaction by banning these kinds of speeches has not been very successful. Ms White emphasised the importance of the 'counter-speech' to prevent audiences from being receptive to the message of 'dangerous speech'. Developing critical thinking and creating empathy for others are necessary, as well as the presence of the leaders in the media and communication technology can play a key role. She praised the German Chancellor, Angela Merkel, who had made a firm statement in terms of fighting hate speech. Through changing norms of discourse, behaviour can also be influenced, creating opportunity for constructive dialogue. Ms White promoted her Centre's guide for designing counter-speech programs, hoping it would be useful for many actors on the international stage. She also shared her hope to fulfil the promise the world made with the 1947 Genocide Convention.

The next panellist was **Mr András Koltay, a member of the Media Council of National Media and Infocommunications Authority of Hungary**. His presentation focused on the difficulties of the regulation of the new media services. Applying the same legal assessment to them as to the traditional media would be unjustified, as their activities are different; but they must respect certain rights such as freedom of the press. He mentioned the legal issues raised by over-the-top media services and smart platforms: the difficulties of their legal definition, or regulation. Net neutrality is also an issue: although the no-blocking policy and the providing of equal access seem to be essential, concerns about the real motivation of the net providers could be arisen. Internet search engines, such as Google, publish the content of others in the order dictated by the company's algorithms, which can serve political and business interests. Mr Koltay emphasised the importance of net regulation within appropriate limits. He called for international efforts to assess regulation on the fluid world of Internet: it should be the task of the EU or the international community.

Ms Elda Brogi, Scientific Coordinator in the Centre for Media Pluralism and Media Freedom at the European University Institute, started by describing the wide range of areas covered by the work of the Centre. Ms Brogi emphasised the importance of the freedom

of expression as a pillar for democracy in the EU and a key factor in the enlargement process. The restrictions on freedom of expression should be limited to the absolute minimum necessary to maintain a democratic society. The same rights should be guaranteed online and offline. She expressed the EU's commitment to the freedom of expression and freedom of media through different ways of implementation: guidelines, soft law documents. However, the new digital environment has also raised many concerns: the safeguarding of privacy, the problems of surveillance, the responsibility of intermediaries, the access to ICTs and the net neutrality are issues that should be addressed. Referring to Mr Koltay's presentation, she underlined the task to apply old principles for a new environment, and to share solutions on international level. Ms Brogi also talked about the project of her Centre, the aim of which is to implement media pluralism monitor to assess the risks on media pluralism across EU member states.

Mr Tomaso Falchetta, Legal Advisor to Privacy International in London stressed that privacy is a fundamental human right essential to autonomy and to the protection of human dignity, a condition that opinions cannot be formed and shared freely without. Privacy of communication is challenged by the development in technologies related to digital communications, as digital surveillance is increasing through unprecedented access to personal communication. The international stage must face significant challenges: applying existing standards to new communication technologies, or regarding the interference to the right of privacy through interception and collection of metadata. However, right to privacy is not an absolute right, it must comply with the principles of legality, necessity and proportionality, and its restrictions needs to comply with international standards. Mr Falchetta pointed out the lagging of national legislations behind with the changes in technology. He raised concerns about the issue of mass surveillance: the interception of communication, content and data on a large and indiscriminate scale. Private sector can play an important role in this case, and it needs to comply with certain principles: doing no harm, and resisting the states' pressure to apply surveillance. Mr Falchetta underlined the overarching principles of legality, necessity and proportionality to be followed on these issues in the international human rights framework.

Mr Péter Buzás, an expert from the Hungarian National Authority for Data Protection and Freedom of Information stated his presentation would be about the recently appeared security and privacy debate. Referring to the previous panellists, he talked about the double nature of digital revolution: the impact on everyday life and the prospect of surveillance. Recently, the public has been more aware regarding this issue (e.g. the Snowden-case). As for security, it means at the same time the protection of people and the values of freedom and democracy. In this aspect, it means the protection of the individual against unwanted state interference. Privacy is also a basic condition for human life, but its meaning has shifted to the ability to control personal data in the digital area. According to Mr Buzás, three arguments are in the debate of security and privacy: the 'just-trust-us', the 'nothing-to-hide' and the 'security wins', approaching the question from different aspects. He argued that a balance should be found between security and privacy. Certain measures should be used to enhance both at the same time: accountability, proper and trustful oversight, public awareness, freedom of information and also the respect of data protection. While trust in the government is really essential to the states' operation, it can be easily harmed by the state surveillance becoming the tool of oppression.

During the Q&A session most participants agreed that security and privacy should be balanced and be a part of the same constitutional framework. Answering a question about

media censorship by governments, Mr Seidler raised his concerns about some states' techniques of censorship and isolation of their own national network as it could lead to the fragmentation of the internet and the loss of free access to it worldwide. Another question was posed about the regimes that reject any international obligations and organizations in the cases of internet surveillance and governance. In his response, Mr Falchetta emphasised the importance of putting pressure to the surveillance-provider companies in order to reason these governments. Mr Seidler added that even without legal protection, the internet community could find a way to protect itself. The last question raised concern about the legal consequences of the inappropriate uses of freedom of opinion (e.g. hate speech), and its usage as a form of offence. In her answer, Ms Brogi stressed the existence of the safeguard measures and standards deciding which forms of expression could be considered under the umbrella of freedom of expression.

The final, fourth panel took part on 21 November 2014, dedicated to the topic of the relation between human rights and the Post-2015 development agenda. The moderator of this session was **Mr Tamás Kuntár, Acting Head of Department of International Organizations** in the Ministry of Foreign Affairs and Trade of Hungary. Mr Kuntár emphasised that the abovementioned agenda was to define the direction of international development for the next 15 years.

Mr János Zlinszky, Director of the Sustainable Development Academy of Regional Environmental Centre stressed the importance of the new agenda. He emphasised the role of the economic performance in the well-being of the world's population, but also the popping issue of human rights. Mr Zlinszky shared his concerns about the challenges of the global sustainability: the planetary boundaries and the limits of the physical and biological systems. A 2009 scientific report carved out the safe operating space to humanity in terms of the exploitation of natural resources; however it seems that at least three of these potential tipping points (climate change, nitrogen cycle, biodiversity) have been already passed. Mr Zlinszky emphasised the existence of the social tipping points, for example the great tension created by the unequal and imbalanced distribution between the economies of the North and South. The international community has expressed its concerns about this urging issue in many conferences and documents. Another major problem is that in our efforts to develop sustainability, we have to navigate between social and planetary boundaries. We need to balance economic development and human needs in order not to pass the environmental ceiling, while maintaining a social minimum. The many dimensions of the right of life must form the foundation of development. The issue of the right to life is not technological, but ethical, as many world leaders have argued. The Rio outcome has a strong ethical context bearing this principle in mind: it calls for respect to all human rights, and also a balance among the needs of the present and future generations. Mr Zlinsky praised the new policy development of the Post-2015 agenda, citing its evidence-based and consensus-seeking approach. He also mentioned its great ambition of covering many issues of sustainable development and human rights.

Ambassador Olof Ehrenkrona former Senior Advisor to the Minister of Foreign Affairs acknowledged the important linkage between development and human rights, stating that his presentation would focus on the link between knowledge and growth in the modern digitalized society and also the connection between the intellectual freedoms and economic and social development. Mr Ehrenkrona considered the access of knowledge as a necessary condition for development. The current technological mega shift – the immerse digitalization – leads to extraordinary development, which is quite different from the previous technological

developments. The simultaneous advance in many technologies (e.g. ICT, biotechnology robotics etc.) leads to cumulative effects. He emphasised the importance of coding, which moves the physical reality through algorithms. It affects our core technologies giving the possibility to create new materials by changing the structure of the atom, or the use of very advanced medical technology from distance. Many of these important and essential technologies are implemented around the world. As for capacity, he stated that it would depend on the efficient handling and combination of big heaps of data, where finding the information would be enabled by smart algorithms. Access to data is under the right to distribute and gather information, and if it is not free, it will result in lagging development. Mr Ehrenkrona emphasized that digitalization and digitalized education would be the modern tool for development, and open societies with respect for human rights and rule of law would be in the first row in this development. He called for appropriate constitutional approach to incorporate human rights into development goals as human rights and freedom of creativity are consequently both expressions and conditions for development.

Ms Rosamaria Elizabeth Kostic Cisneros, President of Drom Kotar Mestipen described the work of her institution. The main goal of Drom Kotar is to have the voice of the stigmatized Romani community heard. They use education as a tool to empower, to engage and to offer solutions to stop victimization of the Roma community. Drom Kotar works at the local, national, regional and international level. Ms Cisneros stated that the problem with current Roma policies is that there are made without the Roma and based on assumptions. As a Roma women's institution, Drom Kotar provides opportunity and structure for Roma women to get together, talk and decide the changes for themselves. Family problems, women's issues and students' challenges are also discussed. Policy makers, researchers, academics, experts and non-experts from a Roma and non-Roma heritage are invited. Dom Kotar is also engaged in many European projects with the idea of lifelong learning using and introducing digital technologies to vulnerable groups to enhance their education. The effects it has on them ultimately change their socio-economic reality. Ms Cisneros stated that working through the inter- and intra-generational Roma family structure, getting together the elders and the young ones have a great added value. Drom Kotar has seen success with this approach as these kinds of working groups produced a declaration used by the European Women's Lobby and also implemented by the Spanish parliament. She shared her conviction that this approach could be used with any vulnerable group.

Mr László Lovász, member of the UN Committee on the Rights of Persons with Disabilities emphasised the importance of the Convention on the Rights of Persons with Disabilities, but also expressed his concerns about its worldwide implementation. As for the Post-2015 development agenda, he described the five main sheets of the abovementioned document. The first one is 'leaving no one behind'- eradicating extreme poverty from Earth by 2030. The second one is covering the issue of sustainable development, which is also important for the United Nations Committee on the Rights of Persons with Disabilities. More jobs and inclusive growth are under the umbrella of the third sheet, and the fourth sheet covers peace and effective, accountable institutions, open and more inclusive governance. The fifth one emphasises global partnership and understanding human rights. Mr Lovász expressed his opinion that smart devices could create a smarter world. Referring to a study by International Telecommunication Union that showed a massive increase in the number of mobile phone and internet users in the last twenty years, he expressed his hopes that smart devices could generate higher standard of living and better opportunities in the long run, as they are appearing in many areas of life: households, working, travelling and shopping. Mr Lovász believed that smart devices could ease the burden of people with or without

disabilities and improve their situation in many areas of everyday life such as transportation, administration etc. He emphasised that risks are also be identified. Like the urbanization in the 19th and the industrialization in the 20th century today's AI revolution has created new challenges. In conclusion he expressed his concerns about the situation of people with disabilities having less opportunity in every area of life. Ageing will be a similar problem in the developing as well as in the developed world. He called for common action to avoid the disintegration from the society of elderly people and people with disabilities.

Ms Haley St. Dennis, Research & Legal Affairs Project Manager in the Institute for Human Rights and Business described her institution as a small but global think tank which focuses on advancing the global business and human rights agenda by engaging international, regional and national actors. IHRB has also arranged cross-cutting work in many areas such as ICT, financial and banking sector. She welcomed the incorporation of the role of the private sector into the human rights aspects of the Post-2015 framework. It provides an important opportunity to link the business and human rights agendas with that of sustainable development. Business should contribute to growth while respecting human rights. UN guiding principles were adopted in 2011, and these have been integrated into a range of exiting frameworks. On the issue of integrating business and human rights into the new sustainable development goals framework, Ms St. Dennis covered four aspects. First, she promoted the approach of integrating human rights principles and processes into all the goals, rather than create a separate stand-alone goal focused on human rights. Second, SDGs should build on partnerships between the public and private sectors to address governance challenges, even if making these partnerships effective and accountable faces challenges. Third, she welcomed the initiatives promoting mandatory corporate reporting on financial as well as non-financial risks as part of the sustainable development goals. The fourth issue is to achieve policy coherence across major international frameworks. Ms St. Dennis highlighted the importance of interlinking human rights, climate change and the development agendas in the post-2015 architecture, having also an emphasis on business-covered areas. She shared her hope that SDGs could set the vision and goals for international capital markets that will shape the values of societies in the long term. The guiding principles make it very clear that human rights impacts by companies cannot be offset by doing good elsewhere, socially sustainable and equitable development starts with respecting the rights of people affected by their activities.

The **Questions and Answers** session started with a comment about Slovenia's work and commitment on the development agenda. To a question on the role of Roma men in the work of Drom Kotar, Ms Cisneros stated that it was initially created to have Roma women a space in the Roma community, and even though there has been a will to include men, they decided to keep it as a women's space. However, this doesn't mean that they avoid dialogue with other partners. Mr Ehrenkrona added that women's rights are high priorities for Sweden, and expressed his concerns about gender equality and women's rights in the Middle East, the authoritarian regimes but also in the developed world. There were two other questions; one on the ICTs not being a standalone goal in the agenda, and the other on the incorporation of human rights in binding legal documents, on which Mr Zlinszky responded. As for ICT, he mentioned that there are a lot of references in the 17th chapter of the agenda. He also emphasised the many references on HR treaties in the SDGs, mainly in the preamble. The last questioner wondered if there could be a world without hunger, violence, poverty and the lack of essential services through the implementation of the new development agenda. Mr Zlinszky stated that the previous Millennium Development Goals' outcomes were controversial, as there was some development in certain areas, but nothing in others, and also there were a

geographical disparity. The new agenda not only incorporates the concrete methods of the MDGs, but also the unresolved issues in order to have an improvement. Mr Ehrenkrona emphasised the importance of national policies in regard of the development of communication and other technologies. With occurring problems, some countries are lagging behind and this leads to a political gap between the developed and developing countries. Good governance is essential to assist development and to bridge the gap.

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**PROGRAMME
OF THE SEVENTH BUDAPEST HUMAN RIGHTS FORUM
20-21 NOVEMBER 2014**

**Venue: Budapest, Ministry of Foreign Affairs and Trade of Hungary (MFAT),
Conference Hall**

CHAIR OF THE FORUM: Ms Ágnes Hevesi, Head of the Human Rights Section, Department of International Organizations, MFAT of Hungary

RAPPORTEUR OF THE FORUM: Mr Balázs Rátkai, Senior Advisor, Department of International Organizations, MFAT of Hungary

20 NOVEMBER 2014

09.30-10.00 **REGISTRATION**

10.00–10.30 OPENING CEREMONY

OPENING STATEMENT BY H. E. MR ZOLTÁN ÁDÁM KOVÁCS, DEPUTY STATE SECRETARY FOR INTERNATIONAL COOPERATION, MINISTRY OF FOREIGN AFFAIRS AND TRADE OF HUNGARY

VIDEO MESSAGE BY H.E. MR NDONG ELLA, PRESIDENT OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

KEYNOTE SPEECH BY H.E. MR BARNA BERKE, STATE SECRETARY FOR COOPERATION IN EUROPEAN AND INTERNATIONAL AFFAIRS, MINISTRY OF JUSTICE, VICE-PRESIDENT OF THE HUMAN RIGHTS WORKING GROUP OF HUNGARY

10.30-11.00 **COFFEE BREAK**

11.00–12.00 FIRST PANEL: HUMAN RIGHTS AND HUMANITARIAN LAW - DILEMMAS IN THE CONTEXT OF THE PRINCIPLES OF PREVENTION AND RESPONSIBILITY TO PROTECT

MODERATOR: Ms Réka Varga, senior lecturer, Pázmány Péter Catholic University, Budapest

PANELLISTS:

1. Ms Marialaura Marinozzi, lawyer, coordinator of the European Master Program on Human Rights and Genocide Studies
2. Ms Aline Sierp, Assistant Professor, Maastricht University
3. Mr Cyril Lucci Legal Advisor, International Criminal Court, the Hague
4. Mr Tamás Lattmann, Associate Professor, National University of Public Service, Budapest

12.00–12.30 **Q&A**

12.30-14.00 **LUNCH IN THE MINISTRY**

14.00-15.30 SECOND PANEL: THE HUMAN RIGHTS OF NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES – INDIVIDUAL RIGHTS EXERCISED IN COMMUNITY WITH OTHERS OR COLLECTIVE RIGHTS OF COMMUNITIES FORMED BY INDIVIDUALS?

MODERATOR: Ms Anna-Mária Bíró, President and CEO of the Tom Lantos Institute, Budapest

PANELLISTS:

1. Ms Rita Izsák, United Nations Special Rapporteur on Minority Issues
2. H. E. Mr Helmut Tichy, Ambassador, Legal Adviser, Federal Ministry for Europe, Integration and Foreign Affairs, Austria
3. Ms Tove Hansen Malloy, Director, European Centre for Minority Issues
4. Mr Rainer Hofmann, Professor, University of Frankfurt, the former President of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities

15.30–15.50 **Q&A**

15.50-16.15 **COFFEE BREAK**

16.15-17.45 THIRD PANEL: FREEDOM OF OPINION AND FREEDOM OF SPEECH - ONLINE AND OFFLINE CHALLENGES

MODERATOR: Mr Tamás Lattmann, Associate Professor, National University of Public Service, Budapest

PANELLISTS:

1. Ms Elizabeth B. White, Research Director, Center for the Prevention of Genocide, US Holocaust Memorial Museum on genocide and related crimes against humanity
2. Mr András Koltay, Member of the Media Council, National Media and Infocommunications Authority of Hungary
3. Ms Elda Brogi, Scientific Coordinator, Centre for Media Pluralism and Media Freedom, European University Institute
4. Mr Tomaso Falchetta, Legal Advisor, Privacy International, London
5. Mr Péter Buzás, Hungarian National Authority for Data Protection and Freedom of Information
6. Mr Nicolas Seidler, Policy advisor, The Internet Society, Geneva

17.45-18.10 **Q&A**

19.00-21:00 **DINNER (WITH BOAT TRIP ON THE DANUBE) – HOSTED BY H.E. DR. ISTVÁN MIKOLA, STATE SECRETARY FOR SECURITY POLICY AND INTERNATIONAL COOPERATION**

21 NOVEMBER 2014

09.30-10.00 **REGISTRATION AND COFFEE**

10.00-11.30 FOURTH PANEL: HUMAN RIGHTS AND THE POST-2015 DEVELOPMENT AGENDA

MODERATOR: Mr Tamás Kuntár, Deputy Director, Acting Head of Department of International Organizations, MFAT of Hungary

PANELLISTS:

1. Mr János Zlinszky, Director, Sustainable Development Academy, Regional Environmental Center
2. H.E. Mr Olof Ehrenkrona, Ambassador, former Senior Advisor to the Minister of Foreign Affairs of Sweden
3. Ms Rosemary Elizabeth Kostic Cisneros, Romani Association of Women Drom Kotar Mestipen
4. Mr László Lovászy PhD, Member of the UN Committee on the Rights of Persons with Disabilities
5. Ms Haley St. Dennis, Research & Legal Affairs Project Manager, Institute for Human Rights and Business

11.30-11.45 **Q&A**

11.45-12.00 CLOSURE OF THE FORUM

12.00-13.30 **LIGHT BUFFET LUNCH IN THE MINISTRY**