



REPORT ON THE SIXTH BUDAPEST HUMAN RIGHTS FORUM

7- 8 NOVEMBER 2013

MINISTRY OF FOREIGN AFFAIRS OF HUNGARY

I. INTRODUCTION

The Sixth Human Rights Forum organized by the Ministry of Foreign Affairs of Hungary took place on 7-8 November 2013 in Budapest, Hungary. Four central human rights areas were addressed in panel discussions:

- Human Rights and Sustainable Development Goals
- Freedom of religion or belief
- Human Rights and Media
- Protection of vulnerable groups - the Human Rights perspective

Ms. Ágnes Hevesi, Head of the Human Rights Section at the Ministry of Foreign Affairs of Hungary acted as Chair of the Forum.

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

II. OPENING STATEMENT

In his opening statement of the conference, **Mr Szabolcs Takács, Deputy State Secretary for Security Policy** outlined that the Budapest Human Rights Forum is organised with the aim of providing opportunity and space for dialogue on pertinent human rights issues among representatives of the academic life, international, civil and governmental organizations. Mr Takács highlighted that since the previous forum the world witnessed several encouraging developments in the field of human rights and democracy, like the start of elaboration of the Sustainable Development Goals by the United Nations Open Working Group. He also mentioned the EU Strategic Framework and Action Plan on Human Rights and Democracy adopted by the Council of Ministers and the new Fundamental Law of Hungary entered into force in 2012, and the establishment by the Government of an inter-ministerial working group on human rights.

Mr Takács confirmed Hungary's strong commitment to the protection and the respect of human rights, democracy and the rule of law. In this spirit, the MFA keeps up with its initiative of organizing the Budapest Human Rights Forum, which became a kind of Hungarian brand in international relations. It is a Hungarian initiative, but it is not exclusively about Hungary: its objective is to contribute to the European and global efforts to promote and protect human rights and democracy through dialogue and exchange of best practices.

III. KEYNOTE SPEECH

The Keynote Speech was delivered by **Mr Ibrahim Salama, the Director of Human Rights Treaties Division of the Office of the High Commissioner for Human Rights**. He addressed the importance of the Forum as it enables dialogue. Human rights law brings together the international actors but the civil society also. Mr Salama praised the potential ambition of the Post-2015 Agenda and Sustainable Development Goals. As for its realization, the whole agenda should be built on human rights norms and standards, human rights should be central to sustainable development. The agenda should also be global, based on universal norms and universal objectives, and address both sides of the development equation. The imperative of equality and non-discrimination must have a place in the new agenda. A new Global Partnership should be built with a strong accountability framework.

Mr Salama also covered the main topics the Forum is dedicated to. As for the issue of freedom of religion or belief, he expressed his concerns on religion-based violence. He stated that freedom of expression and freedom of religion should be mutually dependent and reinforcing, not in tension or contradiction. Free and critical discussion in open debate is needed, and the malicious portrayal of certain religions should be avoided. Religious and political leaders play an important role in fighting against religion-based violence. Any action against incitement to hatred should be applicable to legal norms.

On the issue of media and human rights, Mr Salama shared the issue of the increasing restrictions placed on journalists working outside of armed conflict situations. He was also concerned about the increasing use of criminal law on defamation, slander or libel to mask the determination of political and economic power, and also the increasing number of attempts to regulate the Internet and regulate online access. Before turning to his last point, he shared the High Commissioner's concerns with respect about the successive legislative changes taking place in Hungary which may have adverse effects on the independence of the judiciary. Finally, he raised the issue of the vulnerable groups, especially the children and the internally displaced persons. He called for attention from governments to these issues and also shared his hope with the introducing mechanism on the issue

IV. VIDEO MESSAGE

Mr Salama's speech was followed by a video message from **Ambassador Remigiusz Henczel, President of the United Nations Human Rights Council**. Mr Henczel welcomed the open discussion provided by the Forum, and also praised Hungary's work and commitment in the human rights issues, mainly in the Human Rights Council. He addressed the various dimensions of human rights covered by the Forum, which are in the frontline of the Human Rights Council's attention: for example the issue of the status of women, the freedom of religion and belief, or the freedom of expression and media. He outlined that the UN's core pillars - human rights, development and peace and security – should be the guiding principles for the international community.

V. PANEL DISCUSSIONS

The Forum continued with the first panel dedicated to the issue of human rights and sustainable development, moderated by **Ambassador Csaba Kőrösi, Permanent Representative of Hungary to the United Nations and Co-chair of the UN Open Working Group on Sustainable Development Goals**.

The very first panellist was **Mr Sarwar Hobohm, the Director of the Strategic Planning, Donor Partnerships and Quality Assurance Branch at the UNIDO**. He addressed the various linkages between human rights and development, which has origins from the post-World War II era. The world has seen massive development in many areas for example in eliminating violence or poverty. However, despite this success, development and human rights trends followed parallel but independent paths in both concept and action: the way of economists, social scientists and policy-makers, and the other one of lawyers and philosophers. Their merging has been present in the recent years. The two agendas of human rights and development cooperation first began to converge in the 1970s, later understanding also developed. A large body of research has evolved finding evidence for the linkages between economic development and the respect for human rights.

He stated that economic development remained critical for the achievement for many of the articles of the Universal Declaration of Human Rights. The development pillar of the UN is essential to generate the economic well-being and the resources that would be needed for these rights to be met. The three pillars of the UN are mutually reinforcing each other: if peace and economic prosperity deteriorates, then human rights will suffer too, so economic growth plays an important role, with inclusivity and equitability. He expressed that industrial development should be conducted in a way which meets all the human rights principles related to social inclusion, to social equity; and which is also environmentally sustainable.

Mr Hobohm was followed by **Ms Valerie Ndaruzaniye, the President of the Global Water Institute**. She started with describing her personal experiences on water-caused conflicts in Jordan, Madagascar and Zambia. She stated that she would cover four points in relation to the issue of water and sustainable development and stability in dry-land areas. The right to water is derived from the right to an adequate standard of living, and related to human dignity. The human right to access water and sanitation is seen as a third generation human right. She addressed the concern that half of the Earth's population must live without access to clean water and sanitation. Water insecurity is also an issue to be dealt with. In some areas, mainly in Africa there are many difficulties for people to have accessible water, as water is not well distributed. Water issues are also connected to gender issues, especially in the dry lands. Although there has been some development and promotion of the role of women in Africa, no big step has been taken forward.

Mr Tobias Schmitz, a board member from WaterLex took the floor as the third panellist. He focussed on world poverty and the relationship between people and their natural resources. Since the establishment of the environmental discourse in 1987, a lot of improvement has been seen. However the development in the standards of living puts great pressure on natural resources. Many marginalised groups' right to access natural resources has become threatened, mainly in the right to access lands. For example, the soil frontier in Latin America drives the rainforests back, and the same happens in Southeast Asia. Mr Schmitz mentioned the huge social and environmental risk of the growing number of wastes through industrial production. The greater the growth of the global production system, the greater the environmental and social risk is, so it needs to be incorporated into the issue of sustainable development.

He emphasised the fact that the emergence of human rights are associated with different kinds of historical periods. On the issue of human rights obligation related to the enjoyment of the safe, clean, healthy and sustainable environment, two points have been pointed out. First, environmental degradation affects the enjoyment of a broad range of human rights, including the right to life, health, food and water; second, exercise of certain rights influence environmental policymaking resulting a better environmental protection and as a consequence greater protection of the human rights. As water is essential to all life, its access is fundamental to the realisation to all other sustainable development goals. He stressed out the importance of monitoring the realisation of sustainable development goals and also of the including in the monitoring principles of the sustainable development goals. As for the issue of sanitation, half of the progress can be linked to China and India, and it also disproportionally oriented between urban and rural areas and also among different social classes. However, the poorest of the world has remained in the same situation. Mr Schmutz called for a legally binding and universally excepted framework to treat this issue.

The fourth panellist of the session was **Ms Anita Orbán, Ambassador at Large for energy security at the Ministry of Foreign Affairs**. She stated that access to energy is as much a human right as access to water; however, a considerable number of people lack energy services worldwide. This issue has also been addressed by the UN, by calling for sustainable energy for all and also setting up initiatives. Ms Orbán stressed out the triple goals to achieve. The first one is to have access to energy for all, which contains the access to electricity, to heating, to cooking. The second goal is to double the share of renewable energy in our use, also through the increasing use of renewable energy in the post-2015 Development Framework. The third one is to double the global rate of improvement in energy efficiency. Even though energy has been the source of numerous conflicts and wars, it also needs to be a source of international cooperation, as it crosses borders.

She emphasised Hungary's commitment to regional cooperation through the Visegrád Cooperation, the Central European Initiative and also the Danube Strategy. Ms Orbán pointed out that a lot of work should be done in the developed world. The target to reach certain share of renewable energy has become more reachable. But also there have been discussions to make this target sustainable and competitively sound. Europe is mostly lagging behind in the case of energy efficiency, and that's why much larger leadership is needed. She concluded with emphasising Hungary's commitment to cooperation to reach the global UN targets of sustainability.

Ms Luisa Cruz, the Legal Officer of the Food and Agriculture Organization of the UN started her presentation with evaluating the development of the Millennium Development Goals. One of the MDGs was to achieve the eradication of hunger and poverty by all member states. The estimates of SOFA show that the states have been going in a positive direction, but the decreasing results are not enough. Ms Cruz highlighted that the right to food is one of the most important human rights and is recognised in the international human rights law (Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Right). Ms Cruz also talked about the work of FAO and the importance of food security. The major pillars of food security are the availability of food and the access to food. FAO estimates have been telling that the food production needs to be increased by 70 per cent till 2050 because of the population growth. The human rights perspective of that needs to be considered is how we are going to be able to achieve this food production. With the right amount of food production the adequate distribution of the food around the world is a major problem.

So Ms Cruz stressed the importance to be aware that this food production needs to be sustainable: in terms of economy, economic impacts, in terms of social impacts and of course in terms of environmental impacts. Ms Cruz felt the importance to share another challenge which is the importance of adequate nutrition systems in the world. The consumption patterns are changing, it is not enough to produce food and to have access to food, but this food has to be nutritious and adequate. Ms Cruz mentioned the sustainability, and the need of monitoring at national, regional, and international levels. Ms Cruz ended her presentation by highlighting that the human rights are cornerstone for development and it should be reflected in the post-2015 Agenda. The goals in this agenda should not only be goals, but they should be implemented through concrete actions.

The final panel speech was delivered by **Mr Hamish Jenkins, the Programme Officer of the United Nations Non-Governmental Liaison Service**. He welcomed the fact that mainstreaming human rights and sustainable development is taken up to the highest level. It

has been made clear by the international community that human rights really needed to be emphasised. As for the sustainable development, there are at least three areas where strategically human rights are very important. The first is to overcome the problem that averages mass discrimination and major differences in terms of gender, ethnicity, age, geographical location and class. The development in poverty reduction does not match to the development in human rights. The second one is that human rights actually do provide very effective guiding, frameworks for policy, help to guide policy in a right direction. Thirdly, the human rights become even more essential in terms of the major transformation need to happen over the next few decades.

Mr Jenkins expressed his concern regarding the consideration of human rights as solely civil and political rights, as they also need to be taken on social economic and cultural level. Some breakthrough has been present in this issue. He mentioned some underlying principles of the Covenant on Economic, Social and Cultural Rights: for example the principle of progressive realisation of rights within maximum available resources, or the principle of non-regression. Despite the relatively high level of growth, there has been a constant pattern of growing in equalities, persistent mass unemployment especially for young people and growing economic insecurity, uncertainty. He pointed out the lagging of the implementation of the sustainable development, as countries taking it individually but also collectively proved not to be effective. He urged for a new economic strategy that can meet these multiple challenges. Mr Jenkins' presentation was followed by an intense and fruitful debate on the issues mentioned in the presentations or linked to the topic.

The second panel of the Forum was dedicated to the Freedom of religion or belief, moderated by **Mr Gergely Pröhle, Deputy State Secretary for EU Bilateral Relations, Press and Cultural Diplomacy of the MFA**

The first panellist of the Forum, **Ms Jennifer Welsh, the UN Secretary-General's Special Advisor on the Responsibility to Protect** focused on the religious minorities within the framework of the principle of the responsibility to protect (R2P). According to the first pillar of R2P, states are the primary holders of responsibility for protecting their populations, this refers to all people living within a state's territory whether citizens or not, including national, ethnic, religious and linguistic minorities. However, reports from all around the world show that religious minorities are often marginalised, stigmatised and discriminated.

Ms Welsh emphasized that the states have the responsibility to take positive actions in order to protect religious minorities such as engaging with the minorities and developing understanding of their situation and security concerns, monitoring non-state actors that have insight of the religious intolerance and violence, establishing relevant oversight procedures over the security forces and also states have an obligation to prevent, investigate and punish violence against members of religious minorities. Ms Welsh also shared a few of the initiatives that they have developed in the Joint Office of the Special Advisor on the Prevention of Genocide and the R2P. They organised an expert meeting as part of the 22nd session of the Human Rights Council, and also elaborated a Plan of Action.

Ms Welsh was followed by **Christophe El-Kassis, Human Rights Expert of the Holy See**, who gave a general review about the challenges facing freedom of religion and suggested ways to deal with such challenges. Mr El-Kassis stressed the importance of the freedom of religion describing it as the pinnacle of all other freedoms; it is sacred and rooted in the dignity of the person. Unfortunately, influential studies reveal important and alarming data of

violations of the right to freedom of religion worldwide, and however Christians are not the only victims, but they are statistically shown to be the most persecuted. Pope Benedict XVI pointed out that the world is at present experiencing two opposing trends which run counter to freedom of religion: violent fundamentalism and secularization. Mr El-Kassis expressed his feeling regarding the fundamentalism saying that fundamentalism and violence are a falsification of religion because the task of religion is to educate, to illuminate and to make people capable of dialogue, of reconciliation and of peace.

Regarding secularism there has to be a constructive relationship between politics and religion. Mr El-Kassis also stressed the responsibility of the state to protect of its citizens and all persons. National legislation must be effective in protecting the rights of all persons within its jurisdiction. This implies that in the educational system, in the judicial system, in political participation, in access to employment, religion must not be a reason for discrimination. The key to upholding freedom of religion is the recognition that it is grounded in the transcendent dimension of human dignity. The freedom of religion cannot be reduced simply to its political or even civil dimension. It is a freedom that imposes a limit upon the state, and protects the conscience of the individual from the power of the state. For this reason, when a state safeguards it properly, freedom of religion becomes one of the sources of the state's legitimacy, and a primary indicator of democracy. Mr El-Kassis stressed the need of cooperation between the state and the Church for the good of the citizens.

Ms Nazila Ghanea, Professor at Oxford University emphasized the importance of the recognition that freedom of thought, conscience and religion is one of the foundations of a democratic society, it is one of the vital elements fostering the identity of believers, and their conception of life. Although the right to freedom of religion or belief is a fundamental human right unfortunately its violation shows a globally increasing tendency. Freedom of religion or belief is not only the right to have, adopt or change one's religion or belief, but also the manifestation that religion or belief through various instruments including also the protection regarding religious minorities. She emphasised that states have the primary responsibility to ensure the enjoyment of all human rights including the freedom of thought, religion or belief and they have the primary responsibility to create an environment of respect, tolerance and religious coexistence. She also mentioned a notable example about violent acts against religious minorities and the role of the governments in this regard in Iran, especially the failure of the state to satisfy its principal obligations. Ms Ghanea also drew the attention to the responsibility of the international community and other actors to ensure the protection of religious minorities and the freedom of religion or belief, to implement further mechanisms and possible measures and to strengthen the protection in such case when the state falls in the fulfilment of its duty.

Ms Rita Izsák, the UN Independent Expert on Minority Issues referred to the key priority areas of her mandate. She mentioned the huge amount of complaints coming from religious minorities and her privileged situation of receiving first-hand information from people who are actually undergoing and experiencing religious intolerance and violations. Ms Izsák pointed out that social and economic inequalities combined with inequality in access to political decision-making and inequality in cultural status it adds to further risk factor and that almost invariably the rights of subordinate groups are insufficiently respected, the institutions of government were insufficiently inclusive and the allocation of societies resources favours the dominant faction over others. Human rights interlinking, interrelating and interdependent so increasing awareness to the freedom of religion discourse and engaging with governments to promote human rights, to protect minority rights and to institute political arrangements in

which all groups are represented. The key message is to cooperate with the states to construct a framework, which is the minority rights-based approach. She underscored that states are obliged to create favourable conditions to enable religious minorities to express their characteristics and to develop their culture, customs and religions and their right to participate effectively in decisions that affect them and to establish and maintain peaceful contacts with other members of their group as well as with citizens of other states to whom they are related.

She also called attention to the importance of initiatives fostered by states that helps to build the culture of understanding, acceptance and trust, and helps to prevent tensions from emerging and deteriorating into violence and conflict. Her annual report focussed on the protection and promotion of essential minority rights for religious minorities which is more than reacting to incidents of violence. It requires positive and preventative actions, which include active engagement with religious minorities, full understanding of their situation and security concerns, the monitoring of non-state actors who incite religious hatred and the establishment of appropriate procedures and concrete measures for the protection, because too often state actions to prevent violence are inadequate and responses to violent incidents are too modest and come too late. To achieve this, states have the duty to invest solidly and consistently in educating the wider society about minority rights and the values offered by diversity within our societies.

Mr Jean-Bernard Bolvin, Policy Officer of the European External Action Service in his presentation focused on the work of the EEAS within the European Union. He drew attention to the work of the Informal Task Force of COHOM, the Council Working Party on Human Rights, in which EU Member States have been engaged to promote freedom of religion or belief (FoRB) in accordance with the EU Foreign Affairs Council conclusions on FoRB. A specific plan of action elaborated by the Informal Task Force specifies countries of concern or showing potentials to strengthen cooperation with the EU on multilateral level. This Task Force tries to raise awareness among EU diplomats on the issue, to engage on a systematic manner with the authorities of the partner countries on FoRB, especially with those where it was perceived as a major issue, to develop contacts with local human rights defenders working on such rights. The adoption of EU Guidelines on FoRB was one of the objectives set by the EU Strategic Framework on Human Rights and Democracy and its Action Plan. The Strategic Framework is basically a political declaration recalling the EU position on freedom of religion or belief, while the Action Plan is a technical document giving guidance to EU Delegations, EU Member State Embassies and people working in HQs on how to promote and defend freedom of religion or belief. The EU Guidelines on FoRB are based on universal standards. Mr Bolvin also mentioned that the EU established a very cooperative relationship with churches, religious associations and communities, as well as philosophical and non-confessional organizations in order to promote freedom of religion which was institutionalised in the Treaty of Lisbon (TFEU). With regard to the Guidelines Mr Bolvin also emphasised the importance of their implementation on the ground by the EU Delegations and Member States diplomatic representations. He also pointed out, that issues related to FoRB are consistently raised by the EU in bilateral human rights dialogues and other bilateral engagements with third countries and also at multilateral level. The panel discussion was followed by an interactive debate.

The third panel was dedicated to the matter of “Human rights and media”. **Mr Tamás Lattman, Adjunct Professor of the National University of Public Service** acted as moderator of this panel discussion.

Mr Attila Péterfalvi, President of the National Authority for Data Protection and Freedom of Information presented the new project of the National Authority for Data Protection and Freedom of Information in the field of children's rights, supporting the efforts of the Ombudsman to counter the bad practices of the media. Children's Online Privacy Project is the first long term project targeting teenagers between the age of ten and sixteen with the aim to raise awareness in connection with the use of the Internet. The project is mapping the most serious issues and threats affecting teenagers. Cyber bullying is one of the most common problems, which affects the everyday life of children. Sexting considered also as a dangerous issue, which affects mostly teenager girls. The Authority imposed this year serious fine against Internet dating service providers where children are allowed to register and offer personal and other data like sexual services without any control. On-line games are considered also as another serious problem, because in most of the cases they require payment for the registration and this could affect also the financial situation of the parents. He also mentioned the compilation of best practices by partner organizations and the good example they set up, to show teenagers in which extent the violation of privacy can negatively affect their mental health, private life and interpersonal relations.

Ambassador Thomas Hajnoczi, Permanent Representative of Austria to the UN Office in Geneva stressed the lack of frameworks and the mechanisms to protect journalists. In the last few years many journalists were killed during the exercise of their work. But this is just a tip of the iceberg, because journalists are facing many other threats, like intimidation, torture, arbitrary arrest, detention, physical harassment and enforced disappearance not only in the context of armed conflicts but in the context of coverage and investigation of cases of corruption, and the locked level reporting about organised crime. From a human rights perspective, independent reporting of journalists is essential requirement for the freedom of the media of democratic societies.

He stated that Austria together with civil society would like to draw attention and make the issue of the safety of journalist part of the international agenda. He also referred to the Resolution adopted by the Human Rights Council in September 2012, which explicitly recognizes the importance of all forms of the media, including bloggers and people who are active on the Internet. States have to be active to promote the safe and enabling environment for journalists and need to build conditions for safer environment to journalists to perform their work independently, which is a fundamental pillar of the freedom of the press and the universal inalienable right to freedom of expression. He also pointed out the importance to clearly condemn attacks against journalists.

He highlighted that the ability of the state to protect journalists largely depends on general appreciation of the importance of free speech and on the rule of law, as well as on the political will. He mentioned the importance of cooperating with other fora, for example the OSCE, UNESCO or the Council of Europe and the implementation strategies for the UN Plan of Action on the Safety of Journalist. He concluded by quoting Dunja Mijatović, OSCE Representative on Freedom of the Media: "no security without free media", as the key issue of the topic.

Mr Jerry Timmins, the Director of the GMT Media Ltd. emphasised the role of the media by challenging wrongdoing, having considerable power to inform and to influence the public opinion. The press and the media had proved that without them we would not get to know about war crimes, corruption in business or politics. Mr Timmins also highlighted media loses all force and is no longer the forum through which new arguments and new ideas can be

argued out, if a culture within a society is one of fear or ambivalence. So there is a new consensus to be forged. Great journalism holds a mirror up to all parts of society and constantly reminds everyone of the issues and challenges that different people face. However, when society begins to fall apart through lack of proper political leadership or because external forces overwhelm individual rights, the media's ability to hold things together can be very limited. As the notable example of Rwanda showed the media in itself is only as good as the people who run it.

He also mentioned a few examples about the new media regulation trends across Europe. Regarding to the special treatment and protection of journalists he underlined that they should approve the same standards and nobody - nor journalists, nor judges or politicians - should be outside the law, and everybody should be treated under equal standards. He also mentioned the importance that any person should have the right to publish any information of public interest. Trying to define the difference between a journalist and a member of the public who uses the Internet to reveal information is a waste of time. Journalists are not a special breed, they are sometimes very brave but fundamentally not different from any blogger or committed person who posts information on the Internet by conviction to serve public interest.

Ms Lia Petridis Maiello, Journalist and Editor from Global Action to Prevent War held a presentation about the media journalists as watchdogs in times of increasing extreme-right sentiments, new challenges and new responsibilities. She drew attention on the increasing tendency of growing right-wing sentiments in some European countries and the widespread presence of those sentiments in the political and social middle of the society, but manifested also by government officials or intellectuals. She said that besides xenophobia and anti-Semitism, anti-gay, anti-gypsy and lately islamophobia have become a new playground for right-extreme parties.

She stressed that the watchdog role the press should ideally focus on counteracting those sentiments through diligent reporting. But also on how racisms can be a problem within the European media, for example through the choice of sources, or by simply not hiring a representative number of minority journalists into their newsrooms.. She also emphasised another important consequence of this issue, which results ethnic voices are heard to infrequently and minorities are too often described as passive, anonymous victims. It is also a key issue that news about immigrants are focusing too often solely on negative topics, the migration and arrival of non-Europeans being defined as a fundamental problem, if not a threat to the nation or national identity. Integration is defined as problematic, if not impossible especially because they do not want to integrate. Immigrants are often associated with deviance, illegality, crime, violations or terrorism, and refugees and the asylum-seekers with the abuse of social services.

Governments, civil society and media need to cooperate more effectively on educational campaigns that seek to humanize whatever group might be at the centre of discriminatory or even violent attention at a given moment.

Ms Kate Coyer, Executive Director of the Center for Media and Communication Studies at the School of Public Policy at Central European University stated that democracy does not and cannot exist without a free and open media. She defined The Universal Declaration of Human Rights provides for a framework not only of the rights to hold opinions and to free expression, but also of their communication element: the right to seek, receive and impart information and ideas through any media regardless of frontiers. She stated that the role of the

states with regard to media is not to (over)regulate its content but also to support and encourage an enabling environment and access to the digital and analogue platforms for diversity and pluralism of news, information and entertainment.

She specified the issues and the challenges for journalists' safety and protection as one of the key areas. She emphasised the importance of the independence of the media regulator and media authority, an open and free Internet, diversity and pluralism of both content and ownership and also a community media, which in Europe often referred to as the third sector of media alongside public and commercial broadcasting. She was also concerned about the high number of deficient media law and media policy across Europe and the increasing prison sentences for defamation. Restrictive legal and policy environments impose limitations to the rights of journalists and enable self-censorship, putting journalists in a very precarious situation. She pointed out the role the European institutions can play in supporting and encouraging safeguards and stronger standards for media freedom across Europe and involving governments in negotiations on media laws.

Mr Hannes Tretter, Associate Professor for Fundamental and Human Rights Law at the University of Vienna held a presentation on the legal framework of the freedom of expression and the Public Service Media (PSM). Referring to Article 10 of the European Convention of Human Rights, which contains the basic guarantees of freedom of expression, and also to hold, receive and impart, disseminate information and in that regard also freedom of the media, he stressed that this freedom may be subject to restrictions that are necessary in a democratic society for the protection of public interests and freedoms and rights of others. According to the case-law of the European Court of Human Rights this means the obligations of principle of proportionality, what tells us, that any restrictions of the freedom requires a justified reason, reasoning and a fair balance between the given rights, the conflicting rights and interests.

He also stressed the General opinions of the Strasbourg Court, which indicates that freedom of expression is an essential foundation of a pluralistic, democratic society and one of the basic conditions for the progress of democracy and for the development of every human being. He also noted the "public watch-dog" role of the media. He highlighted the need of Public Service Media to be independent and impartial, informing the public about all political, cultural and educational items, which are in the public interest. Public Service Media have to be a forum for a pluralistic and diverse public discussion and it should integrate society and should promote and support social cohesion. Mr Tretter also underlined the call of the European Parliament for accepting and recognising Dual Broadcasting Service which shall be part of European Union *acquis* in negotiations on the accession of candidate countries to the European Union. Concluding his presentation he emphasised the current threats for PSM in Europe such as the competition with private media, the acts of governments trying to influence PSM to report in favour of them and put political pressure on PSM. The panel discussion was followed by an interactive debate.

The fourth panel was dedicated to the matter of the "Protection of vulnerable groups from the Human Rights perspective", moderated by **Dr. Erzsébet Kardos Kaponyi, Habil Professor at Budapest Corvinus University**.

Ms Montserrat Feixas Vihe, Regional Representative of the UN High Commissioner for Refugees Regional Representation reminded that the 1951 Convention on the Status of Refugees and the Convention was grounded on the Universal Declaration of Human Rights.

She emphasised the importance of Article 14, specifying that everyone without the distinction of any kind is entitled to “the right to seek and to enjoy in other countries asylum from persecution” as well as the right to return to one’s country. She also highlighted UNHCR’s mandate for stateless persons and human rights, because stateless people are people who are forgotten because they have no national identity. She emphasised the current trends like the increasing number of internally displaced people over refugees; the higher number of internal conflicts; the location of the refugees, which results that the vast majority of them are outside of Europe; and the increase of long-standing conflicts, conflicts that are protracted and which seem practically endless, referring to the situation in Afghanistan or in Somalia.

She stressed that there is an overall increase in the number of asylum seekers. In 2012, in Europe there were 479 000 new asylum-seekers. She also referred to the challenges that we see the refugees are facing, such as racism and xenophobia, or the criminalisation of refugees, asylum-seekers, but migrants in general in many countries where the economic situation is deteriorating. They are also becoming a scapegoat for the extremists of the societies. She was concerned about the sexual and gender-based violence, which is probably the major threat to the safety and security of asylum-seekers and refugees. And while xenophobia concerned everyone sexual and gender-based violence concerned primarily, but not only, women and members of sexual minorities. She also mentioned among pertinent, challenging issues the detention of asylum-seekers and refugees as well as trafficking in and smuggling of human beings. She drew attention to the social integration of refugees and asylum-seekers which is one of the biggest challenges.

Ms Mária Herczog, Sociologist and Member of UN Committee on the Rights of the Child quoted the Council of Europe’s very important statement that “*children are not mini adults with mini rights*”, meaning that we should consider children as human right holders and human beings. It is a very challenging issue to decide whether our approach is towards them as human beings need extra protection or as competent young persons, who should have a say. She mentioned that the UN Convention on the Rights of the Child is the most well-known and the most widely ratified human rights. She stressed the need to work closer together with the other treaty bodies and to have better mechanisms to strengthen the human rights-based approach by gathering all those issues that are overlapping. She talked about the new General Comment on the harmful traditional practices, which was prepared together with the CEDAW Committee.

She emphasised the four general, important principles of the Convention like the right to life and survival, development have to ensure that all children are having access and appearance to the needed services. The second is one of the most challenging and most questionable issues - *the best interest* as a primary consideration, by adding that the Committee had finalized its new General Comment in February 2013 on the best interest of the child. The third principle is the right to non-discrimination and the fourth is the right to participation. She highlighted that according to UNICEF children require particular attention due to their dependence upon adults to survive, their vulnerability to physical and psychological trauma and the developmental needs the best way to ensure normal growth and development. She stated that in most of the countries there hadn’t been enough discussion on the fair share of responsibilities between the families, communities and the State, despite of the very clear message of the Convention. Although it is obvious that parents are the primary caregivers of children, states have a very clear obligation to support and empower the parents in all possible ways. This is a very controversial issue and generates a lot of debates on the question of whether the state has or not an obligation to intervene into the family life. She also stated the

deprivation of family care, as a challenging issue, which is absolutely essential for children in their childhood. Abusing and neglecting are also very concerning issues.

Within these issues she focused on the more striking number of children who are left behind, in all areas of the world, but mostly in South East Asia. She also pointed out the vulnerable situation of Roma and disabled children, and also shared her concerns about offending children who in most instances are victims themselves, are criminalized and often punished very harshly despite of all the initiatives that the Committee and other bodies have already tried to introduce. She also stressed the importance to listen to the children and respect their views. Finally she mentioned the new Optional Protocol or Communications Procedure for Children which indicate that children can submit individual complaints to the CRC Committee.

Ms Vera Fonseca, Coordinator of the European Institute for Gender Equality (EIGE) in her presentation addressed the importance to speak about gender equality, to have a gender perspective and recognise the impact it has on the lives of women and men. Equality between women and men is one of the fundamental principles of the European Union. She emphasized that EIGE as an autonomous body of the EU contributes to strengthen the promotion of gender equality including gender mainstreaming in all EU policies and the fight against gender based discrimination, as well as to raise EU citizen's awareness of gender equality. She highlighted the role of the knowledge centre on gender equality issues by providing support for better informed policy making at the EU and Member State levels with expertise. She also referred to The Gender Equality Index, launched in June of 2013, which is the first synthesizing measurement of gender equality and comprehensive map of gender gaps in the EU and designed to offer policy makers and other stakeholders facts and evidence to monitor and improve policies and speed up the process of achieving a gender equal Europe and to strengthen the commitment to the core values of the EU.

The structure of the conceptual framework consists of eight domains (health, money, work, time, knowledge, power, two satellite area: intersecting in the qualities and violence), which are themselves sub-divided into sub-domains. It is also important to say that women and men are not homogeneous groups, it is important to consider other characteristics that may influence their experience. She underlined that EU remains far from reaching its gender equality aim although its overall score shows that it is half way there. But there is much room for improvement. She also mentioned the contribution of EIGE to the Beijing Platform for Action – which is a United Nations level commitment –, and their latest support to the EU presidency. She stressed that in everyday realities gender stereotypes remain deeply ingrained, very vivid and consistent. EIGE is identifying the reality of women and men in the EU, analysing the reasons why there is still such inequality present in order to be able to support solutions towards equality. Good practices are often used for promoting gender equality and sharing experiences on mainstreaming gender into all policies and programmes

Mr Adrian Berry, Barrister from Garden Court Chambers emphasised the importance of the protection of fundamental rights of homeless people in both the regional Council of Europe system and also in the national framework. He stressed that we have to isolate: how fundamental rights affect and can be used on behalf of homeless persons within national territorial jurisdictions. He underlined the protection of free movement rights within the European Union, including the migrant's welfare issue, the housing of asylum-seekers and other elements migrants are seeking in the national protection systems. He focused on civil and political rights, as the first interest of homeless people, who might be seeking a shelter,

access to food, access to essential living needs and also on economic and social rights, protection that exist within our regional system. He highlighted the problematic issues such as penalisation of homelessness, right to access to secure food, accommodation or essential living needs, the right to freedom of assembly, the right to liberty and security, to the right to freedom from arbitrary detention, the right to respect for privacy, the right to respect family life, the right to have a vote are enshrined in the International Covenant on Civil and Political Rights and the European Convention on Human Rights.

He also pointed out that some of them might not seem like the most obvious in the context of homeless persons, but these are fundamental human rights and everybody deserves to have these rights. He also stated the revised Social Charter with a view to ensuring effective access to housing, adequate standards of housing, the gradual elimination and redaction of homelessness and making housing accessible to those without adequate resources. He said there are both in social and economic rights and in civil and political rights common principles, whether they come from constitutional rights, where fundamental rights are protected under constitutional legal order or whether they come from international legal instruments. The principle obligation of legislator is to ensure principled legislation and effective protection of those rights before we get to the stage of the violation of rights.

Ms Erzsébet Földesi, Member of Board of Directors of the European Disability Forum (EDF) focused on the role of a European regional organisation in the implementation of the United Nations Convention of the Rights of Persons with Disabilities. She recalled the motto of EDF: *“Nothing about disabled people without disabled people”* and actually it is enshrined in the UN Convention as one of the key principles. She stressed that the perspective of the human rights of the persons with disabilities has changed in the last few years. She also underlined that the European Disability Forum was involved in the elaboration of the text and also in the negotiation process of the Convention. Ms Földesi also emphasized that the key challenge is to get the Convention known beyond the closed circle of disability activists and decision-makers. She highlighted that the wider society needed to be involved in the implementation of the Convention and it is important to raise awareness of the obligations arising from CRPD and to adopt a new approach to disability.

She pointed out the need of special education in many countries, and that systems of guardianship and institutions for persons with disability are being refund even in Western Europe. She said while speaking about the rights of persons with disability then we speak about human rights in general as well. She told about the alternative report the European Disability Forum is preparing in cooperation with its national and European members but also with organisations promoting the rights of children, of women, of migrants, young and elderly people and also with those discriminated because of their sexual orientation, as well as with human rights leagues to cover all persons with disabilities and also to raise this agenda in the human rights issues in groups where they deal with human rights issues. EDF is also a member of the European framework for the protection, monitoring and implementation of the UN CRPD. She also emphasized the key priorities such as ensuring that legislation on fundamental rights like the directive package of the EU, which deals with the victims of crimes, contains several references to persons with disability, to protected and vulnerable groups which need to be protected by special provisions.

The European act on accessibility, which would be a framework legislation stipulating the generic definition of accessibility in terms of goods and services, could also identify the standards containing accessibility criteria for persons with disability. EDF tries to raise

awareness of legal practitioners on the UNCRPD and is also engaged in the capacity building of its members on the UN CRPD, but also on submitting reports to different treaty bodies and organised a number of capacity building events in several countries, including Hungary on the implementation of the UN CRPD. As conclusion she said we have to find a way, how to make know the obligations arising from the CRPD to all the stakeholders, having their part in the implementation, as well as to ensure that all the treaty bodies mainstream disability issues within their work.

Mary Michelle Connellan, Policy Officer at the Budapest Centre for the International Prevention of Genocide and Mass Atrocities underlined the three main points of the prevention of genocide and mass atrocities. These are the relation between gender and violence, masculinities and femininities; to unload the terms of the panel and look at the concepts and ideas of “protection” and “vulnerable”; and finally addressing the international legal framework on gender and sexual violence. She mentioned that we should be aware that the *access to and use of* violence as intrinsically gendered. She stressed that there is a need to broaden our theoretical understanding of the state, peace, war, security and democracy, to tackle mechanisms of gendered inclusion and exclusion. This involves both the material and the symbolic or discursive levels of power relations. The gendered practices of states and the construction of masculinities and femininities, what we need a multi-causal and multi-dimensional model of root causes of violence, sensitive to the gendered links between different types of violence and different stages of escalation.

She also underlined that we need to incorporate gender essential to both early warning systems, prevention of policies and post-conflict development. She draw attention that unless we take gendered behaviour and roles into account the root causes of violent conflict and their social and political context can be neither understood nor addressed in a transformative way. She also indicated that these materialisms reinforce women as caretaker, nurturer, only further intrinsic gender quality. We should have women in parliaments, governments, foreign and defence ministries and peacekeeping missions of the United Nations. At the same time there should be a goal to develop gender practices for men. She also talked about the notion of protection by underlining the consideration of the possibility that the construction of an “aggressive male” produces the idea of the threatened passive “femininity” that is in need of protection. And these discourses shape the male and female realms and create *power to violate* as well as *vulnerability*.

She addressed the nature of humanity implies our vulnerability. Human beings are inevitably dependent on each other, on relations of one to another. She also referred to the international legal framework on gender and sexual violence and the measures to improve its implementation. She stressed the realisation of these goals was to primarily reconceptualise “protection” and “vulnerability”, taking into account gendered dimensions and providing ways out of a cycle of repression into a future for empowerment. The panel discussion was followed by an interactive debate.

VI. CLOSING REMARKS

Mr. István Lakatos, Human Rights Ambassador of Hungary stated personal remarks on the four topics from a Geneva perspective. Regarding to the first topic he referred to the indispensable relationship between sustainable development and human rights and respect for human rights should be recognised as a prerequisite of development. Accountability, transparency, non-discrimination, equality between men and women, sustainability,

international cooperation and the attention to the most marginalised and vulnerable groups should be central features of a human rights-based approach to the development. He emphasised that we should learn that the achievements of Sustainable Development Goals should go hand in hand with the implementation of policies to fulfilling human rights. He pointed out the post-2015 Development Agenda should explore the relationship between development, conflict and mass atrocity prevention. According to the second topic he called attention to the vulnerable situation of persons belonging to religious minorities has attracted an increased attention in light of the recent violent attacks against them worldwide. It is important to emphasize that in human rights discourses the term religious minority is interpreted broadly to cover all relevant groups of persons including traditional and non-traditional as well, as atheistic and non-theistic believers.

The adaption of the EU Guidelines on the promotion and the protection of freedom of religion and believe by the Council of the European Union this June is an important and positive development, which inter alia stipulate the state obligations to investigate and to punish acts of violence against persons based on their religion or belief and underscore the limitations to the absolute right to change or relive on one's religion or belief, which are considered as a violation of freedom of religion or belief. Regarding to the third panel discussion he addressed two issues: Internet freedom has become critical for the future protection of freedoms and human rights in the world, and the safety of journalists. He drew attention according to the last panel discussion of the Forum to the few recently adopted initiatives by the Human Rights Council on vulnerable groups such as setting up Task Force on Accessibility for Persons with Disabilities, which was chaired by the Hungarian Delegation and agreed on several very concrete measures aiming at ensuring the accessibility of the UN Building and parallel there like using sign language interpretation during certain meetings or providing documents in Braille format upon a request. And also the OHCHR started to make its website more accessible.

Other important initiative of the HRC was the adaption of several resolutions regarding the rights of vulnerable groups, like to hold a panel discussion on preventing and eliminating child early enforced marriage, to request the Human Rights Council Advisory Committee to prepare a study on the situation of human rights of persons living with albinism, to appoint independent experts on the enjoyment of human rights by older persons, and to place Female Genital Mutilation on the agenda of the Human Rights Council. He called attention to a very alarming phenomenon that human rights defenders and other persons cooperating with the UN had to face reprisals by their governments. The UN Secretary-General emphasised that the reprisals and intimidations against individuals cooperating with the UN is unacceptable, because these individuals help the UN to do its work, which based on the Charter and the Universal Declaration of Human Rights, but also because reprisals aim to discourage others from working with the UN.

PROGRAMME
OF THE SIXTH BUDAPEST HUMAN RIGHTS FORUM
7- 8 NOVEMBER 2013
Venue: Budapest, MFA, Conference Hall

CHAIR OF THE FORUM: Ms Ágnes Hevesi, Deputy Head of the Department of International Organizations and Human Rights, MFA of Hungary

RAPPORTEUR OF THE FORUM: Mr Balázs Rátkai, Senior Advisor, Ministry of Foreign Affairs

7 NOVEMBER 2013
09.00–09.30 OPENING CEREMONY

OPENING STATEMENT BY H. E. MR SZABOLCS TAKÁCS DEPUTY STATE SECRETARY FOR SECURITY POLICY

KEYNOTE SPEECH IBRAHIM SALAMA, DIRECTOR HUMAN RIGHTS TREATIES DIVISION, OHCHR

VIDEO MESSAGE BY H.E. MR AMBASSADOR REMIGIUSZ HENCZEL, PRESIDENT OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

09.30–11.00 FIRST PANEL HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

MODERATOR: H.E. Mr Csaba Kőrösi, Ambassador, Permanent Representative of Hungary to the United Nations, Co-chair of the UN Open Working Group on Sustainable Development Goals

PANELLISTS:

- **Ms Anita Orbán**, Ambassador at Large for energy security, Ministry of Foreign Affairs
- **Mr Sarwar Hobohm**, Director, Strategic Planning, Donor Partnerships and Quality Assurance Branch, UN Industrial Development Organization
- **Ms Luisa Cruz**, Legal Officer, Food and Agriculture Organization of the UN
- **Ms Valerie Ndaruzaniye**, President, Global Water Institute
- **Mr Tobias Schmitz**, Director of Operations, WaterLex
- **Mr Hamish Jenkins**, Programme Officer, United Nations Non-Governmental Liaison Service

11.00–11.20 Q&A

11.40-13.10 SECOND PANEL FREEDOM OF RELIGION OR BELIEF

MODERATOR: H.E. Mr Gergely Pröhle, Deputy State Secretary for EU Bilateral Relations, Press and Cultural Diplomacy, Ministry of Foreign Affairs of Hungary

PANELLISTS:

- **Ms Jennifer Welsh**, UN Secretary-General's Special Advisor on the Responsibility to Protect
- **H.E. Mons. Christophe El-Kassis**, Human Rights Expert of the Holy See
- **Ms Nazila Ghanea**, Professor, Oxford University
- **Ms Izsák Rita**, UN Independent Expert on Minority Issues

- **Mr Jean-Bernard Bolvin**, Desk Officer, European External Action Service
- 13.10-13.30 Q&A

15.00-16.30 THIRD PANEL HUMAN RIGHTS AND MEDIA

MODERATOR: **Mr Tamás Lattmann**, Adjunct Professor, National University of Public Administration

PANELLISTS:

- **Mr Attila Péterfalvi**, President of the National Authority for Data Protection and Freedom of Information
- **Mr Jerry Timmins**, Director, GMT Media Ltd.
- **H.E. Mr Thomas Hajnoczi**, Ambassador, Permanent Mission of Austria, Geneva
- **Ms Lia Petridis Maiello**, Journalist and Editor, Global Action to Prevent War
- **Ms Kate Coyer**, Executive Director, Center for Media and Communication Studies at the School of Public Policy, Central European University
- **Mr Hannes Tretter**, Associate Professor for Fundamental and Human Rights Law at the University of Vienna

16.30-17.00 Q&A

8 NOVEMBER 2013

9.30-11.30 FOURTH PANEL PROTECTION OF VULNERABLE GROUPS - THE HUMAN RIGHTS PERSPECTIVE

MODERATOR: **Ms Erzsébet Kardos Kaponyi**, Dr. Habil Professor Budapest Corvinus University

PANELLISTS:

- **Ms Mária Herczog**, Sociologist, United Nations Committee on the Rights of the Child
- **Ms Montserrat Feixas Vihe**, Regional Representative, UN High Commissioner for Refugees Regional Representation
- **Ms Vera Fonseca**, Coordinator, European Institute for Gender Equality
- **Mr Adrian Berry**, Barrister, Garden Court Chambers
- **Ms Erzsébet Földesi**, Member of Board of Directors, European Disability Forum
- **Mary Michelle Connellan**, Policy Officer, Budapest Centre for the International Prevention of Genocide and Mass Atrocities

11.30-11.50 Q&A

11.50-12.00 CLOSURE OF THE FORUM

CLOSING REMARKS by **H.E. Mr István Lakatos**, Human Rights Ambassador of Hungary