CONFERENCE:

60 Years of the Universal Declaration of Human Rights: the Defenders Take the Floor

European Parliament
Brussels 7-8 October, 2008

“So each time I go there, people tell me things. They do so in the sincere hope that, if I record what is actually happening, it will lead to change, to peace. Obviously, I am not to blame for what is going on, but the more I think about it, the more I would be betraying these people if I walked away. The only thing to do is to take this to the bitter end, so that no one can say that when things became difficult, I ran away.”
Anna Politkovskaya

Executive Summary

The inter-institutional initiative launched by the European Commission, the European Parliament and the United Nations to celebrate the 60th Anniversary of the Universal Declaration of Human Rights (UDHR) reaffirmed and illustrated its recognised universality and transcendence. Divided into two panels, one focussing on the instruments for the protection of Human Rights and the other on the right to freedom of expression, the conference highlighted the singular admiration for all those working for other's rights.
Tuesday 7 October

Opening Speeches

Mr Jacques Barrot, Vice-President of the European Commission, opened the conference by underlying the importance of the 60th anniversary of the Universal Declaration of Human Rights (UDHR) and the 10th anniversary of the Human Rights Defenders (HRDs) Declaration as cornerstones of the defence of human rights worldwide. He recalled that the EU has aligned itself with the protection of those defending human rights through the approval of the EU Guidelines on HRDs.

On behalf on the French Presidency, Ms Rama Yade, French Minister of State responsible for Foreign Affairs and Human Rights, took the floor and pointed out the significance of the UN Declaration on Human Rights Defenders giving some examples of countries with poor records of human rights protection. One of those was the Democratic Republic of Congo when there is currently a grave humanitarian crisis.

The hostilities in the Eastern part of the country have taken a devastating toll on civilians. At least 250,000 civilians have been displaced and there have been extensive reports on the unlawful killings of civilians, the forced recruitment of soldiers, looting, and the widespread of rape of women, which has effectively become a weapon of war. She affirmed that the EU has sometimes not been effective enough in helping people in need of human rights protection, or in supporting HRDs in the work that they do. However, in this context she advanced a workshop organised by Frontline and sponsored by the French government that may serve to provide solutions to this problem. She underlined the role of journalists as "watch dogs" for human rights and the importance of the right to freedom of expression, condition sine qua non for real democracy.

Finally, "Stories on Human Rights" was projected. This project, coming from the Office of the High Commissioner for Human Rights (OHCHR), was chosen to produce a long-feature film consisting of a series of short films directed by filmmakers and video artists to convey the timeless significance of human rights and their underlying values. With <The mango tree>, the film-maker Mr Idrissa Ouedrago showed through a metaphor how even in difficult situations hope and confidence in one's projects may transform into a reality, towards a prosperous future.

Opening Remarks

The Vice-President of the European Parliament, Ms Luisa Morgantini, began by pointing out the EU’s obligation to overcome poverty, not as an act of charity but of
justice. She stated that it was 'high time' to update the UDHR after 60 years. Breaches of international criminal law by Multinational Corporations, the denial of reproductive rights and LGBT rights, and the detainees of Guantanamo Bay demonstrate new modus operandi through which human rights are debased, and require the adjustment of international instruments to reflect the reality. She talked about her personal experience of visiting HRDs in Colombia and the state of human rights there, and she also emphasized the dramatic Palestinian-Israeli conflict.

Following this address, the 93-years-old Ambassador Stéphane F. Hessel, one of the few remaining authors of the UDHR took the audience back to a very unique period in history: when the UDHR was drafted. In a very impassionate speech, he said that we should not allow the Declaration to be confined to history books, but should instead ensure that it remains relevant today. According to Ambassador Hessel, the current challenge is to courageous fight for the full recognition and protection of economic, social and cultural rights. Such courage, he said, and courageous people are needed today to explicitly denounce violations and fight for human rights, and to explicitly denounce situations such as the Israeli occupation.

Ms Souyer Belhassen, President of the International Federation for Human Rights paid tribute to Olga Marina Vergara, feminist and pacifist leader, assassinated in her house in Medellin on 24th September 2008. She posted Ms. Vergara's photograph on the slide projector and during her speech she highlighted the necessity of "opening our ears to HRDs' words".

Mr Eric Sottas, Secretary General of the World Organisation against Torture began his intervention by noting that the declaration approved 60 years ago and the HRDs declaration approved 50 years after, illustrate the paradox in which we live today. The need to issue a declaration on the rights of those defending the rights of others demonstrated a contradiction with international politics. The defender, the person who acts to protect the rights of others, often acts contrary to doctrines employed by states and national security bodies, and may therefore be criminalised for what is considered propaganda against the government. Nevertheless, apart from claims coming from Communist countries dismissing its universal character, the UDHR has demonstrated its vocational character as an instrument to protect
defenders and victims worldwide.

Finally, Ms Margaret Sekaggaya, a Ugandan lawyer and recently appointed UN Special Rapporteur on the situation of HRDs, called on the need to look at human rights as those rights intrinsic to the individual and to be enjoyed on a daily basis. It is in a little remote village, in cities, amongst the grassroots, and in any context of human life that this Declaration must apply. Unless human rights have meaning in these places, they will fail to have meaning anywhere. Many times Governments use propaganda against HRDs because they are often the ones who challenge economic interests and conservative practice. She finished by explaining her mandate, and inviting everybody to submit cases of offences against HRDs.

The opening remarks were closed with the presentation of excerpts of the Yan Arthus Bertrand initiative "6 Billion others" for the 60th Anniversary.

**First Working Session:**  
**Human Rights Defenders: Activist for Democracy in Danger**

Ms Helene Flautre, Chairwomen of the European Parliament Subcommittee on Human Rights highlighted the importance of eliminating double standards. Talking about the European Instrument for Democracy and Human Rights (EIDHR), she explained that the EP has been looking forward to the implementation of this flexible tool which may be adapted to all kinds of situations. Flautre called on the recognition of all those HRDs and organisations that are not accepted in their own countries.

Mr Kenneth Roth, executive Director of Human Rights Watch, made a very inspiring intervention, where he began by saying that today more than ever before the UDHR is an instrument full of energy.
The importance of creating spaces for HRDs and the distinction between democracy and the existence of democratic elections were part of his intervention.

Elections are needed but several countries have demonstrated that the non-existence of many other human rights leave democracy without its content. He also called upon the EU to urgently improve its coherence and consistency when it comes to human rights and external relations, giving as an example the rule of Islom Karimov in Uzbekistan, specifically the massacre in Andijan and the sanctions imposed upon the country. The EU, he said, must use its influence in commercial and diplomatic issues to push for reform, such as the abolition of death penalty.

Ms Vasila Inoiatova, the chair of Ezgulik, one of the two registered human rights organizations in Uzbekistan, illustrated the situation in her country. Sentenced to two years in prison in 1993 by the Supreme Court for insulting the president in an article about the killing of about 100 students by the Uzbeki authorities, she was released under an amnesty, and then held again for 16 days in administrative arrest to prevent her from travelling to the United States. This human rights defender strongly criticized the deficit of the Uzbek legislative framework for human rights which enables practices such as the widespread of torture of prisoners, as those inflicting harm enjoy impunity. She called on her government to hold democratic elections, to release prisoners of conscience and to cease the harassment of human rights lawyers and organisations.

A personal testimony of Ms Evita Gosa, from the Latvian organisation Mozaika discussed the repression of homosexuals in Latvia. Mozaika was founded in Riga in 2006 in reaction to the extremely negative attitudes expressed by members of the government, church leaders and the general public around the Pride Parade in 2005.

She illustrated the rarely publicised situation of human rights violations occurring within EU borders.

After Gosa, the Special Advisor to the Commissioner for Human Rights of the Council of Europe (CoE), Ms Ulrika Sundberg took the floor. She remarked upon the similarities between the declaration adopted by the Committee of Ministers of the
Council of Europe for enhanced protection of HRDs, and the UN instrument on HRDs. On the issue of HRDs, these normally focused on a five-pillar program: Awareness raising and campaigning; strengthening of national protection systems; support to ombudsman persons to make them understand their role in promoting and assisting HRDs; and media.

**Mary Lawlor**, Director of the organisation Front Line, extended a greeting "to friends here whose life's work inspire us" and explained rapidly the work done by her organisation. She offered five concrete recommendations to improve the protection of HRDs and to support their work: Support for the UN and Regional Mechanisms for the protection of HRDs; to train officials and diplomats at all levels on the protection of HRDs; Involve HRDs in the preparation, conduct, evaluation and follow up of EU-third countries dialogues; improve protection of HRDs fleeing extreme insecurity, for rest and respire; and to develop a HRDs based approach to development.

Next was the turn of **Ms Claudia Samayoa**, from UPDDH in Guatemala, who gave an overview of the work carried out in the field in a country where HRDs work under extreme conditions. Some of their activities carried out by her organisation include monitoring HRDs' actions, granting them protection and promoting policies.
Wednesday 8 October

Second Working Session:

Mr Horacio Verbitsky, an Argentinean journalist opened the session by illustrating the role of journalists during the Argentinean dictatorship (1976-1983). He named Pedro Joaquín Chamorro, a critical journalist during the Somoza dictatorship in Nicaragua, and Miguel Vivanco, director of Human Rights Watch in Venezuela, recently expelled from the Chavez-governed country. Verbitsky finished his speech by calling on the EU to reconsider their partnerships with national governments in third countries with regard to financial aid. It was his belief that a much more efficient management of funds and projects would take place if the monetary aid were to be given directly to organisations based within the country, which have already demonstrated a sincere commitment to justice.

Next, the Mexican journalist Ms Lydia Cacho took the floor to tell her personal story as a victim of illegal imprisonment and torture by Mexican officials for denouncing the exploitation of children and women and the involvement of public figures. She illustrated alleged links between Mexican drug trafficking, police corruption and impunity and showed the extreme fortitude that keeps her working in her country despite several threats and the offer of asylum.

Mr Ali al-Atassi, journalist of the Lebanese daily An-Nahar, described Syria's repression of freedom of expression, and restrictive conditions under which journalists are forced to work. He declared that no one in Syria dares to condemn the government's actions as it may result in threats becoming a reality.

Mr Andrei Lipsky, from the Novaya Gazeta newspaper, illustrated the plight of journalists in Russia. Two hundred and eleven journalists have been killed over the last 15 years. Anna Politkovskaya's murder in October 2006 and Igor Dominikov's alleged poisoning in 2000 provide examples of the fate of journalists who do not produce yellow press, as most journalists do in Russia to avoid reprisals, but rather, speak out against the government's corruption. Mr Lipsky gave examples of the numerous sophisticated methods employed by the Russian Government to repress and control the media.
Closing Session

Mr. Hans-Gert Pottering, the President of the European Parliament introduced the long-awaited and newly-appointed UN High Commissioner for Human Rights, Navi Pillay. He named the European Parliament's initiatives to award and protect HRDs such as the Sakharov Price and the EU Guidelines on HRDs. He stressed that the European Union must always speak out when breaches of human rights take place. We, in the European Parliament can fairly claim to take the lead on this fundamental issue. Talking of the role of the European Parliament, he further stated that parliamentary and diplomacy means speaking blankly and publicly when it comes to violations of human rights. The European Parliament may fairly claim to be the most prominent of the EU institutions when it comes to denouncing human rights breaches. (See Annex I).

Ms Navi Pillay offered the audience a very inspiring discourse on the respect of religion and belief, the protection from torture, the right to due process and the exceptional role played by HRDs in democratic processes. She noted that thanks to the recently approved Universal Periodic Review (UPR) mechanism, it is possible to have an assessment of the HR records of member states. It is a cooperative mechanism based on objective and reliable information and on interactive dialogue, where the specific state hands out the documentation required and civil society groups and the OHCHR may contribute with additional information. She defended the universality of the UDHR and the role played by the Office for the High Commissioner for Human Rights. (See Annex II).

Ms Veronique Arnault, Director of the Multilateral and Human Rights unit at the European Commission, talked about the need for political consistency within the EU to avoid accusations of double standards. An intensified dialogue is needed between the UN, the CoE and the EU to better protect human rights and to develop methods to "help people to defend their rights". On response to the criticism on the passivism by the European Commission in human rights, she stressed that there are agreements which are not done publicly, particularly in the defense of human rights, as public diplomacy often works against one's aim on the issue. But it does not mean nothing is being done. As a public body there is a need to be pragmatic and realistic bearing in mind two elements: human rights and economic disposal. She called for the reinforcement and development of regional instruments for the protection of human rights.
rights. The whole conference was illustrated by the cartoonists Mr. Jean Plantu and Mr. Ali Dilem who, by using satirical images, gave the conference not only a space for reflection but also provided comic relief.

Further, the following individuals whose participation fed the conference with enthusiasm, energy and inspiration, must also be mentioned, amongst them being:

Ms. Alapini-Gansou, Commissioner and Special Rapporteur on Human Rights Defenders in Africa, African Union; Ms. Suad Ata Al Qedsi, Women’s Forum for Research and Training, Yemen; Mr. Eduardo Cojulum, Magistrate, Guatemala; Ms. Nassera Dutour, President, SOS Disparus, France; Mr. Ahmed Herzenni, President, Conseil consultatif des droits de l’Homme, Morocco; Mr. Pierre Legros, Avocats Sans Frontières, Belgium; Ms. Frances Lovemore, Director, Counselling Services Unit, Zimbabwe; Mr. Paco Audije, Deputy Secretary-General, International Federation of Journalists; Mr. Jean-François Julliard, Secretary-General, Reporters Without Borders, France.
Discourse of Hans-Gert Pöttering, President of the European Parliament

Mrs. High Commissioner for Human Rights, Navanethem Pillay, Mrs. Vice-president of the European Parliament, Louisa Morgantini, Madame chairman of the Subcommittee, DROI, Dear Madame Flautre, dear colleges, dear representatives of the civil society, ladies and gentleman.

We are here today to celebrate the 60th anniversary of the Universal Declaration of Human Rights. The adoption of this declaration by the General Assembly of the United Nations on the 10th December 1948 was the major victory of our modern civilization. This historical text subsequently led to the adoption in 1966 of two complementary Covenants on Civil and Political Rights and on Economic Social and Cultural Rights. Article 1 of the Declaration: all human beings are born free and equal in dignity and rights. Its acquiescence of the common values of all of us in this room: Representatives of NGOs and civil society, parliamentarians and officials are committed to. This co-principle is both the origin and aim of our political action.

In 1948, when the text was adopted, none of the 56 participant states voted against the text even if 8 abstained. Yet, in spite of our increasing democratization worldwide and the endorsement of the UDHR by the 1993 Vienna World Conference on human rights, one can legitimately doubt of the likelihood of such an agreement today on a declaration like the one adopted in 1948. Marking anniversaries is always an occasion for reflection on achievements and challenges. Unfortunately, the 60th anniversary of the UNHR is the time to sound the alarm. We live in a world where values included in the 1948 Universal Declaration face stronger challenges than ever before. Last year at least 1,252 people were executed in 24 countries, whilst torture and restrictions to democratic freedoms remain widespread. In 1958, the European continent became divided in its very heart in central Europe. In 2008, we live in a peacefully reunified Europe at least as far as the European Union is concerned. And we should not forget that the European Union is not the whole of Europe, and that there are other parts of Europe as well. In 1948, the United Nations also adopted the convention on genocide. Genocide is a word that had tried to be invented to describe the horrors of the Second World War. Yet, genocide is a practice that we see continuing today, mainly in Africa, and we have witnessed its re-emergence within Europe itself in the 1990s.

In the name of the European Parliament, I want to express my support and thanks to the organizers of the conference. It was very important to enable the defenders of human rights to take the floor during the conference. There are many NGOs here present today. I want to thank you all, not only for your contribution yesterday and today, but above all for the strong dedication in your day to day commitment to the protection of basic human rights worldwide.

Allow me to use the words of Irene Kahn in a statement on behalf of Amnesty International on the occasion of the 60th Anniversary of the UDHR. She said: This is a time to celebrate. It is also a time to challenge world governments who have failed...
to live up to the promises they made in 1948. The challenges to human rights today are so great that all of us have to work together, NGOs, the European institutions and the UN network in order to raise public opinion attention whenever human rights are violated, and to do all we can to improve the situation of mankind. Where human rights are disregarded, human dignity is trampled upon. The commitment to the common European values of democracy and human rights have significance consequences on the external actions of the European Union.

The European Union must always speak out when this happens. This is the lesson we have learnt from the painful history of totalitarianism, dictatorship, injustice and bondage on the European continent. Promoting these values is the whole mark of the European Union external relations. This is not just a moral obligation. We know that economic and social progress and human development are impossible without human rights and the rule of law. We, in the European Parliament can fairly claim to take the lead on this fundamental issue. We can be diplomatic but for me, parliamentary and diplomacy means speaking blankly and publicly. Our votes and resolutions on human rights are taken in public.

As president of the European Parliament, I have given a high priority to the fight against human rights breaches. I often discreetly initiate steps, but I also do not hesitate to speak out as I did last Monday in the case of Aung San Suu Kyi and Troy Davis, a death row prisoner in the United States. Tomorrow, the 10th October is also the World Day against the Death Penalty. I want once again to reiterate the Parliament's and the European Union's strong opposition to the death penalty. The fight for the protection of human rights has been mainstreamed into all parliamentary activities. We defend them in our committees, in the framework of our parliamentary relations with third countries and through hearings and interventions. As parliamentarians, we must speak plainly.

Also, is now the impact of our petitions is potentially stronger with the global web streaming of our work. Our hearings in human rights can now be followed all around the world, literally in real time. To underline even more the priority given to the defenders of human rights, the European Parliament awards every year since 1988, the Sakharov price to personalities or organizations that have shown particular courage and commitment in defending our common values of freedom of thought and human rights. Shortly, after December 10th, the precise anniversary of the Universal Declaration, we will hold the 20th Sakharov price award ceremony. The 2007 winner was Salih Mahmoud Osman for his support and commitment to the victims of the crisis in Darfur. This man was the voice of Darfur. This year as always, choosing one winner is not easy, the process in under way.

The work of human rights defenders, your work, our work, is also not easy. Courage and personal sacrifice are often the price you pay for your bravery. I am glad therefore, that during these two days, we have been able to give the floor to the Human Rights Defender in our European Parliament. The final speaker at this excellence has been or will be the new High Commissioner for Human Rights, Navanethem Pillay. Your personal history started in South Africa. I am sure it has prepared you for the enormous challenges of your new role. I want to express to you my support and the strong support of the European Parliament. We hope to see the United Nations play a growing role in defending the values of the UDHR and I want
to welcome you Ms Pillay to the European Parliament. We do have our concerns on certain developments in the Human Rights Council. But we also need to be constructive for better and more effective protection of human rights. We need to work together closely and complement each other's work. To conclude let us remember that the UDHR is not a World War relic. It is a text based on universal human values drafted by experts from all continents, and most importantly, many religions and philosophical traditions. A few weeks ago as part of our contribution to the year of intercultural dialogue the Nobel Prize Wole Soyinka was with us here in Brussels. He reminded us that we, in our different continents do not live separately. He said and I quote: A common humanity remains our eternal bond, and so, as an imperative of that bond and in the spirit of the histories of affirmation, that classes as part of the family of ethical values, we are obliged to insist on the adoption of universal minimum norms that does not admit of any form of relativism in rulership conduct.

This does not require a re-invention of the wheel since those who claim to be members of the world's community of nations, are already signatories to that comprehensive document known as a declaration of fundamental human rights. It is in this spirit of obligation that I have the honour to thank you for being here today and I wish you all the best for the continuation of your work. It was foreseen that I should say the final words for what should have been to close the meeting. I wish you all the best and I wish you well defending human rights and I wish you well personally, thank you so much for your attention.
ANEX II

Discourse of Navenethem Pillay, United Nations High Commissioner for Human Rights

Mr. President of the European Parliament, Distinguished Members of the European Parliament, Council and Commission, Dear Colleagues,

It gives me great pleasure to meet you. It is an honour to speak after such a distinguished group of panellists and add some of my thoughts to their in-depth and enlightening contributions to your debate. This meeting takes place at a very auspicious moment, as this year marks not only the 60th anniversary of the Universal Declaration of Human Rights, but also the 10th anniversary of the Declaration on Human Rights Defenders. This is indeed an opportunity to celebrate and honour their vital work.

I am also pleased that you had the opportunity to get a preview of “Stories on Human Rights.” Commemorating the Universal Declaration’s sixth decade, this artistic production is a collaboration of the OHCHR and Art for the World. It gathers twenty short films by award-winning directors from around the world. I wish to express my gratitude to the European Commission for their financial support, as well as the French Government and Business Social Services of Sao Paulo in Brazil, together with all the other partners, who have contributed in kind to this unique project.

Works such as those collected in “Stories on Human Rights” challenge us not only to contemplate and consume, but also to reflect on how civil society can be a powerful agent of the change that the Universal Declaration envisaged for everybody everywhere. Indeed, the principles underpinning the Universal Declaration can be found in virtually all cultures and traditions. Conversely, at all latitudes tyranny abhors the free expression of the human spirit and its aspirations. Yet, coercion can be defied and ultimately defeated. Inequity can be challenged in all its aspects. That is the hard work that human rights defenders in civil society, international organizations and even in government undertake on a daily basis.

I underscore as often as I can the centrality of their role. Mine is not just a ritual tribute, but the expression of a deeply-held conviction. I have put that conviction into practice many times in my life not only as a human rights defender and the co-founder of an international nongovernmental organization. As a judge and a UN official I also strove to be an available and attentive interlocutor of civil society as, at heart, I remain a human rights defender.
Giving effect to the principles of the Universal Declaration, human rights defenders have very much kept alive the momentum, the focus, and the pressure for change. They are at the frontlines in early warning—by reporting emerging and potentially escalating patterns of abuse; in monitoring—by pointing to deviations from international human rights and humanitarian law; in transition facilitation—by challenging impunity, strengthening the rule of law, devising measures to flesh out best democratic practices, and establishing principles of good governance in societies emerging from conflict or transitioning to democracy.

Their work is fraught with risks, which they face in full awareness that their advocacy and objectives may remain long unheeded. Defenders of women's rights are often as vulnerable to attacks as those they strive to protect. Many defenders pay with their lives the ultimate price of dedication. Our collective responsibility is to ensure that these defenders’ efforts are matched with concrete action and timely remedies.

To this effect, I will continue to draw extensively from these advocates’ expertise and recommendations, as well as from the wisdom, experience and knowledge of the Special Representative on Human Rights Defenders. The Civil Society Unit of OHCHR was created precisely to harness and maximize these essential contributions, assist and facilitate our interaction, and ensure that civil society’s voice resonates with stakeholders and duty bearers alike.

Let me also point out that OHCHR field presences are increasingly developing their outreach and cooperation with those diverse civil society actors on the ground who are frequently at the forefront of human rights protection and monitoring. In the year-long campaign launched by the Secretary General to celebrate the 60th anniversary of the Universal Declaration, the opportunities for our interaction have intensified. We have also mobilized our staff and partners to reach out to detainees in an effort that this week will draw attention to the rights of detainees, including prisoners of conscience.

Ladies and Gentlemen,

Freedom of association, assembly and expression are fundamental tenets of the Universal Declaration. They underpin the very existence of civil society everywhere and in all walks of life. Your presence here testifies to the vitality and enduring appeal of these principles, as well as to the gradual, but unstoppable expansion of civil society in its numbers, sphere of action, and influence.

Yet, in many countries a worrisome trend is emerging or re-emerging. I refer in particular to laws that aim at curtailing civil society’s scope of action. I am fully aware that some of these laws have been used to harass and obstruct the work of human rights defenders, hinder the registration and regulation of NGOs and their activities, and ban or hamper the receipt of financial support from abroad. This legislation often carries direct or indirect limitations that effectively render moot the right to freedom of association.
Not only may restrictive NGO-focused laws freeze the incisiveness and effectiveness of civil society domestically. They also retain the potential of both undermining international campaigns that are predicated on broad partnerships between governments and civil society, as well as of disabling solidarity networks which are crucial to human rights work. In worst case scenarios, some NGO-related legislation is used to discredit or even criminalize the work of human rights defenders.

Likewise, in too many countries in the world the press continues to be constrained by restrictions that are inimical to freedom of expression. Although the roles of human rights defenders and the press are different, both are crucial to sustaining healthy checks and balances on those who hold power.

Rest assured that I intend to keep monitoring these worrisome trends and will seek to counter them to the best of my ability. This said, let me also point out that human rights law allows for certain restrictions of certain rights and freedoms. But let’s make no mistake: Article 29 of the UDHR clearly states that these limitations can be invoked solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. They should be narrowly defined and cautiously applied in order not to jeopardize rights themselves. In particular the existence of a fully independent judiciary is fundamental to check the potential for government abuse, including arbitrary applications of limitations to freedom of expression.

Against this background, it is also of grave concern that freedom of expression has recently been denounced as antithetic to freedom of religion or belief, another fundamental right under the UDHR, when used irresponsibly and with a view of undermining peaceful coexistence among diverse communities. Freedom of religion cannot exist in an environment where freedom of expression is not respected.

Allow me to be clear on this score. It is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. It is incumbent upon all to promote tolerance to foster understanding for diversity so that even contrasting views and convictions can be freely and respectfully expressed in the public arena.

Expressions that constitute incitement to racial or religious hatred should be acted upon in an urgent but proportionate manner. However, speeches that criticize religions, even vehemently, do not automatically constitute incitement. At the same time, violent and abusive criticism against a particular religion is likely to create a threatening and discriminating context for the followers of that creed who, consequently, may become afraid to openly express their beliefs. Each case should be assessed on its own circumstances, and in accordance with all relevant international human rights standards.
It is crucial to protect the rights of religious minorities and of non-believers, as well as other groups or vulnerable individuals, including women and girls. In addition, we should be mindful that individuals belonging to a majority religion are not always free from pressure to adhere to a certain interpretation of that religion, or to change or renounce their religious affiliation. Their freedoms of religion and expression must also be protected by creating an environment conducive to frankness and debate, rather than imposed conformism.

To clarify the contours of this vital debate my Office has held an expert seminar on October 2-3 specifically on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights.

Colleagues,

Upholding freedom of association and freedom of expression is of crucial importance at all times, including when communities are either exposed to severe threats or undergo delicate transitions.

Without any doubt, terrorism represents one such severe threat and a profound challenge to human rights. No one could quarrel with the fact that States have a duty to protect their populations against terrorism. In response to legitimate security concerns, however, many governments expanded executive power at the expense of those of the legislature and the courts. This has caused concern as experience shows that if checks and balances are not adequate, the margin of abuse is high. I caution against such tendencies.

Against this background, let me welcome a U.S. court order last Tuesday to free 17 Chinese Muslims held at Guantanamo Bay.

Let me also underscore that in introducing new or amended legislation to counter this challenge, States must avoid vague, unclear or overbroad definitions of terrorism which may lead—and have already done so in some cases—to inappropriate restrictions on the legitimate exercise of fundamental liberties, such as freedom of association, expression and peaceful political and social opposition.

Furthermore, some States have included non-violent activities in their national definitions of terrorism, which has increased the risk and the practice of prosecuting individuals who are legitimately and peacefully exercising and advocating rights enshrined in international law.
In my view, human rights should be placed at the core of international cooperation in counter-terrorism. States must ensure that measures taken to combat crimes of terrorism comply with their obligations under international human rights law, in particular the protection from torture, cruel, inhuman or degrading treatment, arbitrary detention, the right to recognition as a person before the law, due process and non-refoulement.

This approach, grounded in international law, is of vital importance in our increasingly interdependent, multiethnic and multicultural societies where the risks of discrimination and stigmatization of minorities is ever present and may be exploited to pursue dubious political agendas. Such agendas often reflect ingrained and easily manipulated prejudice against perceived diversity, rather than a genuine concern for communal security. They also have automatically conflated ethnic origin with disruptive intent and capacities, and dangerously stoke suspicions for purely political gain.

In this regard, the work of defenders, particularly concerning the rights of migrant workers and of minorities—individuals and groups that can be either long-established or newly settled—is crucial in alerting against the potential and the actual manifestations of abuse, as well as in ensuring that the rule of law and due process are uniformly and equitably applied.

Ladies and Gentlemen,

In a different way, political transitions also pose challenges of great magnitude. At such times, human rights defenders have an essential role to play as evaluators and guarantors of democratic progress: their voices must be protected. They play an important role in assessing whether citizens have the right and the opportunity to take part in the public affairs of their country and whether they can access public services, as required by human rights law. There is also the issue of periodic elections that are a pivotal moment in democratic transitions. However, in some States the electoral process has seen governments placing overt restrictions and limitations on the freedoms of participation, assembly, association, opinion, expression and information. Practices of arbitrary detention, ill-treatment and the lack of due process have been adopted against those not towing the government’s line, including opponents and human rights defenders.

Coordination and partnerships with the United Nations, regional organizations, States and civil society are crucial to developing and sharing a wide range of available experience and expertise that can help build democratic institutions and respect for human rights and the rule of law while political transitions are ongoing.

Distinguished Participants,
In light of your discussion, as well as developments that continue to take place in all regions of the world, it is quite clear that civil society should be constantly vigilant and jealously defend its prerogatives and rights. In doing so, it should take advantage of the human rights mechanisms which can assist individuals and organizations in this vital task. I refer in particular to mandate holders of special procedures, namely those experts that are mandated by the Human Rights Council to investigate and report on specific human rights situations, including emergencies and chronic conditions of human rights abuses. I also refer to the Universal Periodic Review that the Human Rights Council, the intergovernmental body mandated to promote and protect human rights, has put in place. At regular intervals, the review provides an assessment of the human rights record of all UN Member States and it is open to nongovernmental organizations’ contributions.

Let me reiterate that civil society is one of OHCHR's valued partners. Indeed, the High Commissioner can and should be considered as perhaps the most visible among the human rights defenders, and as such OHCHR will also keep the channels of communications open and platforms for joint action available.

In concluding, I wish to underscore that a global culture of human rights is predicated on the universality of human rights and their connection with security and development and welfare for all. We should never accept the argument that some rights fit the traditions of certain cultures, but are antithetical to other customs. Universality is anchored in our common humanity, and not on those mutable historic, cultural, economic and geographic circumstances that critics of universality invoke to shore up their views. At all latitudes, human rights defenders have known this simple, but fundamental fact. The fight for universality will continue to inform and shape their action. Rest assured that my Office will always be ready to assist them in their vital work.

Thank you.
Conference: «60 years of the Universal Declaration of Human Rights: The Defenders Take the Floor»

European Parliament

Brussels, 7-8 October, 2008

Programme

Tuesday 7 October (Room Paul-Henri Spaak 3C050)

09h00-10h00 Registration

10h00-10h30 Opening speeches
   Mr Jacques Barrot Vice-President, European Commission
   Ms Rama Yade Minister of State, France

10h30-11h00 Presentation of selected films from the project: "Stories on Human Rights" by filmmakers, artists and writers on the occasion of the 60th Anniversary of the Universal Declaration (introduced by Mr Idrissa Ouedraogo, Film Director)

11h00-12h30 Opening remarks

Chair: Ms Hélène Flautre, Chair, Sub-Committee on Human Rights, European Parliament

Ms Luisa Morgantini Vice-President, European Parliament
Mr Stéphane F. Hessel Ambassador
Ms Souyer Belhassen President, International Federation for Human Rights
Mr Eric Sottas Secretary-General, World Organisation Against Torture
Ms Margaret Sekaggya UN Special Rapporteur on the situation of Human Rights Defenders
12h30-13h00 Presentation of excerpts of the Yann Arthus Bertrand initiative “6 Billion others”, for the 60th Anniversary of the Universal Declaration

13h00-15h00 Lunch (European Parliament, 5th floor, space G)

15h00-18h30 First Working session: Human Rights Defenders: Activists for democracy, in danger

Chair: Ms Hélène Flautre, Chair, Sub-Committee on Human Rights, EP
Discussant: Mr Kenneth Roth, Executive Director, Human Rights Watch

Video Interview with Mr U Win Tin, Burma/Myanmar

15h30-16h00 Testimony:
Ms Vasila Inoiatova, Ezgulik, Uzbekistan
Ms Evita Goša, Mozaika, Latvia

16h00-16h45 Panel:
Ms Ulrika Sundberg, Special advisor to the Commissioner for Human Rights, Council of Europe
Ms Mary Lawlor, Director, Frontline
Ms Claudia Samayoa, UPDDH, Guatemala

16h45-18h30 Discussion

Special guests:
- Ms Reine Alapini-Gansou, Commissioner and Special Rapporteur on Human Rights Defenders in Africa, African Union
- Ms Suad Ata Al Qedsi, Women’s Forum for Research and Training, Yemen
- Mr Eduardo Cojulum, Magistrate, Guatemala
- Ms Nassera Dutour, President, SOS Disparus, France
- Mr Ahmed Herzenni, President, Conseil consultatif des droits de l’Homme, Morocco
- Mr Pierre Legros, Avocats Sans Frontières, Belgium
Wednesday 8 October (Room "Hemicycle")

09h00-11h00 Second Working Session: Journalists: Human Rights Defenders for the right to the freedom of expression

Chair: Mr Horacio Verbitsky, journalist, Pagina 12, Argentina
Discussant: Mr Jean-Paul Marthoz, journalist, Belgium

09h30- 10h00 Panel:

Ms Lydia Cacho Ribeiro, journalist, La Voz del Caribe, Mexico

Mr Ali al-Atassi, journalist, An-Nahar, Lebanon

10h00-11h00 Discussion

Special guests:

- Mr Paco Audije, Deputy Secretary-General, International Federation of Journalists
- Mr Jean-François Julliard, Secretary-General, Reporters Without Borders, France
- Mr Jean Plantu, Dessins pour la Paix, France
11h00-12h00  **Closing session**

*Co-Chairs: Mr Jacek Saryusz-Wolski, Chair, Committee on Foreign Affairs, European Parliament*

*Mr Josep Borrell Fontelles, Chair, Committee on Development, European Parliament*

**Concluding remarks**

Ms Véronique Arnault, Director Multilateral Relations and Human Rights, European Commission

Ms Hélène Flautre, Chair, Sub-Committee on Human Rights, European Parliament

**Key-note speech**

Ms Navanethem Pillay, UN High Commissioner for Human Rights

Mr Hans-Gert Pöttering, President, European Parliament

12h15-13h00  **Press Conference**

Ms Navanethem Pillay, UN High Commissioner for Human Rights

Ms Luisa Morgantini, Vice-President, European Parliament

13.00-14h30  Lunch (Restaurant Autoworld Brussels)

**The Conference proceedings will be illustrated by:**

*Mr Jean Plantu and Mr Ali Dilem, cartoonists*

*The Blue Cape of Human Rights, by the French artist Nicola L., an ephemeral and living mobile monument dedicated to each individual in every part of the world, will be also presented on the occasion of the Conference***
For information: on 7 October 2008, 18.30 (Room 3C50)

On the occasion of the European Day Against Death Penalty, which is celebrated on 10 October, all participants are cordially invited to attend a special event on the world moratorium against death penalty, chaired by Ms Morgantini, Vice-President of the European Parliament responsible for Human Rights.

During the conference, the short movie “15 Seconds” will be screened. Gianluca Petrazzi, director and author, and Raoul Bova, actor and producer, will speak at the conference.