

OSCE Human Dimension Seminar on Improving OSCE Effectiveness by Enhancing its Co-operation with Relevant Regional and International Organizations, Warsaw, 12-14 May 2014

Working Group Session I: Statement by Walter Kälin¹

The OSCE and the United Nations share a longstanding interest in the protection of human beings and their rights as part of their respective missions. The two organizations also share a long history of co-operation in these areas. Just four days after I assumed my office as Representative of the UN Secretary-General on the human rights of internally displaced persons in November 2004, my very first official appearance was as a keynote speaker at an OSCE Supplementary Human Dimension Meeting on “Internally Displaced Persons” in Vienna. Later, I had the honour and pleasure of being invited by several OSCE participating States to carry out official missions and working visits to study the situation of the large numbers of women and men who had been forced to flee their homes due to conflict and violence or in some cases disasters caused by natural hazards and provide recommendations on how to better address their needs as well as rights in areas such as housing, livelihoods, education, pension and other social rights, and access to livelihoods or restitution of property and to find durable solutions ending their displacement. I recall many fruitful discussions with and direct support provided by OSCE representatives during such visits and repeatedly referenced work done by the OSCE in my reports to the UN Human Rights Council.

Cooperation between If organizations committed to the protection of human rights want to be effective they have to cooperate for at least two reasons: *Speaking with one voice* is necessary were a government lacks the political will to protect, respect and fulfil the rights of a person. *Acting as one* – or at least in a concerted way – becomes a necessity whenever a particular state wants to address human rights problems but lacks the capacity and resources to do so.

Taking a more systematic view at the ways the OSCE and the UN work together on human rights, there are three areas of cooperation that can be distinguished: (1) exchange of information, (2) standard setting and interpretation of standards, and (3) implementation of these standards.

Information sharing

Speaking with one voice is only possible on the basis of shared information. Much was said about information sharing during this morning’s Opening Session, and I do not need to repeat that. My own experience as member of UN Human Rights Committee – the expert body monitoring the implementation of the Covenant on Civil and Political Rights – shows how fruitful it is to have detailed and reliable information from the OSCE when we are preparing and conducting our examination of state reports submitted by OSCE participating States. Such information helps us to focus on real issues and be specific in our dialogue with delegations of the state under review. Often, such information is contained in reports specifically prepared by OSCE/ODHIR for the Universal Periodic Review and also made available to us.

Setting and interpreting standards

Speaking with one voice requires a common understanding of the standards invoked. The OSCE and the UN have influenced each other’s human dimension and human rights standards in many and complex ways. Simply put, the two intergovernmental institutions have contributed both to the *development* and the *interpretation* of the standards of the other organization.

Thus, the OSCE has repeatedly recommended to OSCE participating States to ratify certain UN human rights treaties² and it has endorsed UN human rights standards. The OSCE and the UN also have

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influenced the interpretation of each other's standards. For example, when spelling out what actions consist of trafficking in human beings, relevant OSCE human dimension commitments refer to the definition of human trafficking of the UN Anti-Trafficking Protocol.³ On the other hand, the detailed OSCE guidelines on freedom of assembly helped the UN Human Rights Council to interpret the right to peaceful assembly contained in Article 21 of the 1966 UN International Covenant on Civil and Political Rights. Similarly, UN treaty bodies that regularly address trafficking should take into account the very important work of the OSCE in this area as they help to come up with specific and principled recommendations in their Concluding Observations on reports submitted by OSCE participating States.

Implementing standards

Acting as one – or at least in a concerted way - obviously requires close cooperation at different levels. The most common way to do so is by *restating recommendations* made by the other organization. Examples are references to recommendations from OSCE reports in the outcome reports by the UPR Working Group or by UN Special Rapporteurs who reiterate recommendations from OSCE reports in their own recommendations. OSCE institutions also often restate and refer to UN recommendations in their reports.

A second important area of cooperation is the *development of tools* assisting states, civil society and other relevant stakeholders in the implementation of existing commitments and standards. The OSCE/UNHR Protection Checklist Addressing Displacement and Protection of Displaced Populations is an excellent example. Another is the OSCE Self-Assessment Tool for Nations to Increase Preparedness for Cross-Border Implications of Crises to which UN agencies and other organizations contributed in very significant ways.

At times, the measure is more field-based, such as *providing technical assistance* to authorities of a specific country. A particularly noteworthy example is last year's support by the OSCE Mission to Serbia and OHCHR to the authorities to develop a follow-up mechanism for recommendations on the situation of human rights and UN treaty bodies' decisions on individual petitions.⁴

Principles for cooperation

Cooperation between the OSCE and the UN on human dimension commitments and human rights law is a fact. It takes place through (1) information sharing, and in the areas of (2) standard setting and the interpretation of standards as well as (3) the implementation of these standards. Such cooperation, however, could be strengthened and improved. In my experience, cooperation between the OSCE and UN works well and creates real synergies if the relevant actors are mindful of, in particular, the following principles:

- *Commonality*: While the UN and the OSCE play different roles and bodies within each organization have diverse priorities and mandates, all share a strong focus on the protection of the human person. Cooperation, therefore, should always be mindful of and focus on advancing this common interest.
- *Complementarity*: Understanding the comparative strengths of the other organization and its human dimension/human rights structures helps to define how and when cooperation reinforces each other's work. Likewise, such an approach also helps reducing incoherence and duplications. This

² For example, in 2005 the Ministerial Council recommended to the participating States to become a state party to the UN Protocol against Trafficking in Human Beings and to the UN Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, both from 2000. See OSCE Ministerial Council Decision No. 15/05 (Ljubljana 2005) on Preventing and Combating Violence against Women

³ See OSCE Permanent Council Decision No. 557/Rev.1, Action Plan to Combat Trafficking in Human Beings, 7 July 2005, section II.

⁴ See OSCE 2013 Annual Report, pp. 96-97.

can, for instance, be ensured by respective early consultations on work plans, programs or specific projects.

- *Independence*: Respecting each organization's independence and mandate as well of each UN or OSCE human rights body or institution must be part of any form of cooperation. This ensures that cooperation is guided by mutual respect and is not compromising the work of the different bodies and institutions.

Recommendations

Based on my experience, I would like to make a few recommendations:

1. Cooperation between the OSCE and the UN on human rights in the form of *information sharing* should be continued and become more systematic and targeted. Contacts could be institutionalized, for instance by regular meetings between the chairpersons of the UN treaty bodies and the UN special rapporteurs during their annual meetings with relevant OSCE human dimension counterparts.
2. While respecting the different OSCE and UN human rights bodies' mandate and independence, a more methodical approach to the use of each other's *standards* for further developing and interpreting its own standards would further strengthen OSCE human dimension commitments and UN human rights treaty law. This could happen, for example, by jointly developing tools providing guidance to relevant stakeholders or by putting OSCE and UN standards respectively on the checklists of staff of both organizations drafting relevant documents.
3. As regards monitoring and implementation of standards:
 - a. Relevant OSCE bodies and organs should continue to provide and systematize targeted input into the UN's Universal Periodic Review process and the examination of country reports by UN treaty bodies.
 - b. Where parallel or similar mandates exist, OSCE experts and UN Human Rights Council Special Rapporteurs should strengthen cooperation by exchanging information, complementing each other's work and follow-up on each other's recommendations in order to harmonize their approaches to a specific situation.
 - c. OSCE field missions and UN country teams should more systematically cooperate in following-up to recommendations by UN treaty bodies and special rapporteurs, including by developing together with the government overarching human rights action plans or providing specific technical support to relevant authorities.
4. A joint ad hoc working group with representatives OSCE/ODHIR and OHCHR could follow up to this seminar by taking stock of current forms of cooperation and discussing concrete measures on how to implement recommendations coming out of this seminar.