

International Human Rights Day and OSCE

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The Universal Declaration of Human Rights marked the mid of the 20th century. The first half of that had seen the hitherto most disastrous wars and mass slaughtering ever in history. With the Declaration's adoption on 10 December 1948 in Paris, a new page of an old and fundamental issue was opened: the absolute universality of the ideas and principles of Human Rights, as enshrined in the Declaration. The OSCE is, to a large extent, based on that.

The importance and the mission lies in bringing the Declaration to life, even in the last and most hidden corner of this planet. Since 1948, several international and regional conventions, such as the European Convention on Human Rights, have strengthened and deepened the legal commitments and obligations of States to protect the fundamental rights and freedoms of human beings living in their area. In effect, worldwide, these noble principles starting with the right to life, equality before the law and the right to liberty and security of the person, have since been transformed into concrete inalienable legal rights and obligations.

In the 21st Century, when living in Western countries, reference to the protection and promotion of human rights has become very common, a political catchphrase where everybody seems to agree. Indeed, are we not all committed to the protection of human rights? Nevertheless, the true protection of human rights requires more than just goodwill and a detailed legal framework. It is something that has to be part of our own life, starting in our own family.

The OSCE promotes, in the human dimension, the highest level of commitments, which in many instances go far beyond some of the legally binding human rights instruments. In its avant-garde role, the OSCE human dimension links human rights with the institutional and political system of a modern State: democratic pluralism based on the rule of law is the only system of government suitable to effectively guarantee human rights. As such, the protection and promotion of human rights and fundamental freedoms is, as the 1990 Charter of Paris puts it, "the first responsibility of government".

Albania, as a participating State of the OSCE, has adhered to these commitments. These include the respect for rule of law, protection of freedom of expression, the prevention of torture and the principle of non-discrimination. Albania has shown its commitment to respect human rights through the ratification of most international human rights instruments and by enshrining the respect for fundamental human rights and freedoms in the Constitution. As in all countries in the world, this is a constant task, needing the full support of all State institutions and the support, if not to say, the requests of all citizens.

The OSCE Presence in Albania provides support to fulfil Albania's OSCE commitments and, in particular, to also enhance the protection of individual rights. Protecting human rights includes providing a mechanism to oversee the implementation of human rights principles. The 1998 Constitution created the Office of the People's Advocate to "defend the rights, freedoms and legitimate interests of individuals", giving it wide powers of investigation and rights to make recommendations when violations of human rights and freedoms are found. This institution, supported by the OSCE Presence, has gained wide public trust and has

contributed to the accountability of Albanian State institutions. It is, therefore, crucial that the office of the People's Advocate remains strong with the appointment of a new head and that all State institutions implement the People's Advocate's recommendations for an improved human rights situation in practice.

The 1998 Constitution also abolished the death penalty. This was a crucial step, giving the clear signal to protect the most fundamental of all human rights, the right to life. Let us stress that a State's obligation to respect the right to life of all individuals is the most basic right of all. If one could be arbitrarily deprived of one's right to life, all other rights would become illusory. State and the community of states have today the obligation to protect life, and not to take lives away. The protection of life obliges States also to verify and, when necessary, to investigate all cases of death thus ensuring the accountability of those responsible. As the European Court of Human Rights states, what "is at stake here is nothing less than public confidence in the state's monopoly on the use of force". Of particular concern were reported cases last year of domestic violence ending in murder, showing the need of stronger social policies and more effective legal mechanisms. I have said it publicly already, and it is worth restating to be fully respected: the protection of Human Rights is also a duty of every single human being, it starts in the own family. It is often said that a society should be judged by the way it treats the most vulnerable of its members, the children. If the individual fails, the State has to step in. If the State repeatedly fails, the International Community comes into play.

Another vulnerable group in Albanian society remains the Roma community. While Albania joined the Decade for Roma Inclusion 2005-2015 and adopted a National Action Plan, Roma continue to be a marginalised group, facing discrimination, particularly regarding access to education, employment and medical care. Only full access to these rights will enable the Roma community to contribute in a meaningful way to Albanian society.

Vulnerable are also those arrested or convicted persons, who, while being deprived of their liberty, remain under the protection of fundamental human rights. In Albania, important steps have been taken to protect those in police custody and prisons against torture and ill-treatment. Moreover, conditions in prisons and other detention facilities have improved, and in particular, over-crowding prevalent in these facilities just a few years ago has reduced. This could be seen as a result of an increased use of alternative sentences and the establishment of a probation system. It is important that Albania continues to follow this path by further improving the severe conditions in prisons, pre-trial detention centres and police stations, and by providing special attention to mentally ill prisoners.

The OSCE Presence in Albania observes many indicators that protection of human rights is at the forefront of Albania's endeavours and that Albania is fully committed to integrate human rights principles into its policies in implementation of its modern and highly commendable legal framework. To this effect, and to provide full protection of human rights, some brave new steps are still required to be taken by the State.

Let me again invite us all not to forget that, at the individual level, while we are entitled our human rights, we should also respect the human rights of others at all times. We as individuals can actively help to make a difference.

**Ambassador, Head of the OSCE Presence in Albania*