

S P E E C H

Konrad-Adenauer-Stiftung e.V.

RULE OF LAW PROGRAM
SOUTH EAST EUROPE
THORSTEN GEISSLER

July 2011

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“International Summer School Sarajevo 2011 – Human Rights and Transitional Justice”

SPEECH HELD AT THE OPENING OF THE 5TH INTERNATIONAL SUMMER
SCHOOL SARAJEVO 2011 (18-28 JULY 2011)

On behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation I welcome you to this year's International Summer School in Sarajevo. Together with our partner organisation, Pravnik, we are celebrating a small jubilee this year as it is the 5th Summer School we are organizing here, in Sarajevo.

Over 160 candidates applied to be given the chance to attend this summer university but only 30 could be selected. You were selected because of your outstanding qualifications and it is a pleasure for me to congratulate you on that. I am sure you will enjoy this event as much as the four generations which attended the previous summer universities did. On this note, I am happy that this year we organize the first alumni conference because it shows that this project made an impact on participants and that they are committed to continue researching and working in this field.

Let me start with a few facts about the organization I work for. Konrad Adenauer Foundation is a German non profit NGO

which is affiliated to the Christian Democratic Movement. We stand for the Christian Democratic values of freedom, solidarity and justice.

The Rule of Law Program exists since 1990 and consists of five regional programs, one for Latin America, based in Mexico City, one for Asia, based in Singapore, one for Sub-Saharan Africa, based in Nairobi, one in South East Europe, which was founded in 2005 and is based in Bucharest and one for North Africa is currently being set up and will be based in Tunis.

A well organized and independent judiciary is a condition for the Rule of Law and such is the respect for Human Rights. During the forthcoming two weeks both topics will be discussed extensively and we will hopefully all go home with a broader perspective.

Transforming a country from a dictatorship to a democracy can be relatively easy – as it was in my country. From one day to the other the constitution of the Federal Republic of Germany, the sub-

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stantive and procedural law, including the provisions on the work of the prosecution and the court system were enforced in what was formerly the German Democratic Republic. And the old socialist elite in the law sector could be replaced, by well trained West Germans who spoke the same language and were familiar with the structures of a modern open Western democracy.

In the other formerly socialist countries things were much more difficult. Of course there was a lot of foreign support, and both expertise and money were provided. But there was no second Croatia, Albania or Bosnia-Herzegovina that could help with almost unlimited manpower.

If you are not for example familiar with the principle of separation of powers it is not easy not only to write a constitution but also to build up democratic institutions and make sure that they work professionally. If you are not used to universities in which you have an open, free and controversial debate and dialogue it takes time to change them. If you are used to a single party system it is not easy to build up different parties which stand for different values, ideas and concepts and compete with each other. And if you are used to a judiciary that is a "tool of the working class" it is not easy to build up a judiciary which is independent and whose independence is respected by other institutions – and which works professionally under completely new circumstances.

And we should not forget that some of these countries – and we are today in one of them – were faced with a tremendous problem after the collapse of the socialist world, first ethnic tensions and then civil war. Building up a democracy and an independent judiciary under such unfavourable circumstances is even harder.

However, more than twenty years after the revolutionary changes in Europe we do certainly not exaggerate if we summarize: In South East Europe a lot has been achieved during the past twenty years and we should all appreciate this and be grateful to those who worked hard for improvements. However, a lot still needs to be done and that is why you are so important because you are future leaders and decision makers and that is why we gladly support you.

As the Rule of Law Program of the Konrad Adenauer Foundation it is not our objective to provide this support to young people who only want to be or are mere good technocrats. We stand for values and you were selected because we are convinced that you are future leaders with a clear ethical concept and of uncompromising and unquestionable integrity.

Respect for human rights is one of the values we stand for and this is why the protection of human rights is of such a great importance to us and why this is one of the topics of this summer university.

If you expect me to merely list up all the international human rights instruments that means all the treaties and other international documents relevant to international human rights law and the protection of human rights I would exhaust you and you would have to wait a long time for your cocktail. I will not do that but I will give you a few examples.

We have declarations adopted by bodies such as the United Nations General Assembly, which are not legally binding although they may be politically so, the most well known possibly being the Universal Declaration of Human Rights passed in 1948, but also the Declaration of the Rights of the Child, the American

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Declaration of the Rights and Duties of Man, the Cairo Declaration of Human Rights in Islam, the Vienna Declaration and Programme of Action, the Universal Declaration on Cultural Diversity, the Declaration of the Rights of Indigenous People and the UN declaration on sexual orientation and gender identity.

And we have lots of Conventions which are legally binding instruments, partly globally partly regionally, the two most famous ones possibly being the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.

Thematically perhaps almost everything is covered: The Right of Self-Determination, Freedom of Association, Asylum, Marriage, Abolition of Slavery, Rights of Indigenous peoples, women, children, older persons, persons with disabilities, migrants, prevention of discrimination, human rights in the administration of justice, prevention and punishment of war crimes and genocide. And we have a so called "Third Generation" of human rights, subject to controversial debate, housing international agreements on for example, social welfare, progress, development health and the protection of the environment.

And we have monitoring organisations and systems, we have international courts such as the International Criminal Court and the European Court of Human Rights.

So what are we here for? Do we not live in a wonderful world?

Unfortunately we don't.

Because listing up all the violations of human rights that have happened every day since the aforementioned documents

were adopted would be even more exhausting, which is a sad fact.

In 2010 one of the most important NGO working in the sector of human rights, Amnesty International, recorded and investigated human rights abuses in 157 countries and territories.

The results are depressing:

- unlawful restrictions of freedom of expression was observed in 89 countries;
- cases of torture and ill-treatment were registered in 98 countries;
- two thirds of people in the world do not have access to justice which is neither corrupt nor discriminatory;
- In 54 countries unfair trials were investigated.

The study of the Country Reports on Human Rights Practices issued by the US State Department in 2010 is not a pleasant one either. The report list up the countries in which for example

- security forces commit unlawful killings
- people are incarcerated on political grounds
- the escalation of violence, persecution, and official and societal discrimination of minorities continue
- repressive governments seek to control and stifle the debate on sensi-

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tive political and social issues

- democracy and human rights defenders are singled out for particularly harsh treatment
- governments have sought to pass restrictive laws and regulations, hampering the ability of organizations promoting human rights to register, operate freely, or receive foreign funding.

Africa, but democracy and freedom will prevail.

And it's my sincere hope that more and more people in the world will enjoy what at present still is a privilege, to live in a country in which human rights are respected and in a society in which people respect and support each other, not although they are different but because they are different.

Let us work together in that direction, I count on your support, and I thank you very warmly for your attention.

But there are fortunately also encouraging trends the first being the fact that the countries that have abolished the death penalty has increased from 16 in 1977 to 96 in 2010.

And technological progress does not stop. Today there are more than two billion people with Internet access spread across most of the countries of the world and around five billion mobile phone subscriptions. Of course people use these technologies to gather and impart information on human rights and to communicate with other activists and they organize themselves – as we have seen recently in North Africa.

On the other hand an increasing number of governments are spending more time, money, and attention in efforts to curtail access to these new communication outlets, using a combination of regulatory restrictions, technical controls on access to the internet, and technologies designed to repress speech and infringe on the personal privacy of those who use these technologies.

At the end of the day- and this is my deep conviction – these governments will not succeed, as we have seen in North