

*8<sup>th</sup> Winter Meeting of the OSCE Parliamentary Assembly*

## Remarks by Ambassador Janez Lenarčič

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and Human Rights (ODIHR)

at the

General Committee on Democracy, Human Rights and Humanitarian Questions



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Vienna, 20 February 2009

Mr. President,

Madame Chair,

Honorable Members of the Parliamentary Assembly,

Ladies and Gentlemen,

It is a great pleasure for me to address the Parliamentary Assembly at its Winter Session 2009 here in Vienna, for the first time during my tenure.

Thank you, Madame Chair, for inviting me to speak to this Committee today.

I am grateful to you personally, Madame Habsburg Douglas, for your active involvement in the OSCE's human dimension and your participation as keynote speaker at our last special meeting on democratic lawmaking in November.

You noted at that meeting that transparency and lawmaking are inherently linked. This is an important issue that is also prominently highlighted in Chapter III of the Parliamentary Assembly's Astana Declaration. I fully support your conclusion that while lawmaking is the prerogative of the national parliamentarians, it should be carried out in collaboration with civil society and, where appropriate, with the help of different OSCE structures and institutions, including the OSCE Parliamentary Assembly.

This example leads me to the broader issue of the role of parliamentarians in international efforts to promote democracy and human rights.

I firmly believe that the work of parliamentarians, elected by the people as they are, is not necessarily restricted to their national jurisdictions.

Parliamentarians are natural agents of reform and change beyond their borders.

The legitimacy they carry, and their expertise in ensuring transparency and exercising control of the executive, enable them to contribute to the promotion of democratic values elsewhere.

In the context of this Organization, we can say that OSCE parliamentarians are elected envoys to engage not only in dialogue abroad but, more importantly, actively assist in the implementation of OSCE commitments throughout our region.

Through its human dimension commitments, the OSCE has become not only a *community of values* but also a *community of responsibility*. From a parliamentary perspective, this responsibility does not only involve pointing out violations of human dimension commitments and democratic shortcomings in their own and other states, but brings with it a duty to assist each other in solving specific human rights problems.

An excellent example of such a forum for active review and follow-up is the US Congressional Commission on Security and Co-

operation in Europe. The Helsinki Commission is a showcase of how the consistent and effective monitoring of the implementation of OSCE commitments can be done by parliamentarians at the national and international level. In this respect, I would like to recognise Senator Cardin and would want to congratulate him on his recent appointment as Chairman of that Commission.

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Ladies and Gentlemen,

I would like to highlight here once more the importance of last year's Astana Declaration, which can – I believe – serve as a serious starting point for this wider enterprise of supranational democracy promotion.

I join you in your request to all 56 OSCE States to fully commit – “at the highest political level”, as you formulated it in Astana – to the full implementation of all OSCE commitments.

My institution, ODIHR, also supports your call to States to “make better use of the Parliamentary Assembly” as a key element in our collective efforts to promote democracy and human rights.

I also wish to highlight another document that I believe has added real value to the Organization: the 2007 Kyiv Declaration, which stands out in terms of clarity and precision of language

The Kyiv Declaration deplores that in a number of OSCE States, defenders “continuously work under extreme pressure from state

authorities and face restrictions, in particular in the exercise of freedom of expression, association and assembly”.

It also expressed “concern and disappointment with regard to the introduction of new legislation ... that places further restrictions and constraints on the activities” of defenders, “in particular by making them subject to unnecessary bureaucratic burdens, arbitrary detentions, assaults, ill-treatment, or defamation campaigns”.

We have been monitoring and reporting on the situation of defenders throughout the OSCE region, in particular since the establishment of ODIHR’s Focal Point on Human Rights Defenders in 2006, and we fully share your concern.

Despite our efforts to bring attention to this issue, and despite your groundbreaking Declaration, no OSCE Ministerial Council was able to adopt a decision in the same spirit.

I believe this unfortunate development not only highlights the importance of your resolution – it also should reinforce our resolve to keep this issue on the table and regularly remind States of their obligations to protect, rather than persecute, civil society activists.

The concerns that you expressed in 2007 have not ebbed away. They remain pertinent and I remain grateful that you have on numerous occasions within the Kyiv Declaration commended the ODIHR for having developed *Guidelines on Freedom of Peaceful Assembly* and recognized our expertise on this subject. We will, in 2009, follow up with a *Guidebook on Freedom of Association*,

which will add another dimension to the collection of best practices in the area of protecting the rights of defenders.

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Ladies and Gentlemen,

The OSCE PA has since its early days been a source for new ideas and an advocate to advance the Human Dimension. Many topics on which the OSCE has become more active in recent years were discussed in the PA at an early stage: strengthening the rule of law, trafficking in human beings, gender equality, tolerance and non-discrimination, transparency of law-making, and human rights defenders, to name just a few.

The example of human rights defenders – with both your political calls to protect and support them and the ODIHR's practical work – confirms to me again that the OSCE PA and ODIHR are natural partners.

We are in this together: building democracy, supporting its institutions, monitoring the implementation of commitments and providing assistance.

We are also partners when it comes to the difficult task of pointing out shortcomings to participating States who fail to meet their commitments.

In short: your support of our work, both individually as well as collectively through the OSCE PA, is essential.

Let me recall the principle of co-operation which has underpinned the work of the OSCE since its start – namely that human rights and pluralistic democracy are not to be considered an internal affair of a state.

As you know, OSCE States have "categorically and irrevocably" declared on the 1991 Moscow Document that the "commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned".

As far as pluralistic democracy is concerned, it is obvious that democratic elections constitute an essential pre-requisite.

It is precisely in this area in which the principle of partnership and comparative advantage of which I have spoken finds its strongest and most intense field of application.

The value of the contribution of parliamentarians to election observation cannot be underlined enough.

As I have already emphasized in Toronto last year, OSCE Ministers have recognized the complementary roles of the PA and ODIHR in Brussels Ministerial Council Decision 19/06. They asked us to work in this spirit of co-operation and partnership, on the basis of the 1997 Agreement.

You will not be surprised to hear from me that I want this partnership to work, in order to continue to produce a fact-based analysis and credible findings, the essence of our work.

You will agree with me that if we were to abandon our neutral, unbiased judgment on election-related issues, both before, on, and after election day, we could as well stop our work.

The partnership between the ODIHR and the OSCE PA has always worked when there was a will on both sides to make it work. I am committed to strengthen this partnership in the context of the upcoming observation missions and I count on a similar commitment on your side.

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Dear friends,

In the past year, ODIHR has, also under the leadership of my able predecessor, Ambassador Strohal, continued its work in the human dimension – in promoting democratic elections, strengthening democratic institutions, and protecting and promoting human rights, tolerance and non-discrimination. Through a combination of compliance monitoring, on-the-ground visits, human dimension meetings, and hands-on assistance we have made a strong effort to assist States in fulfilling their commitments.

One report clearly stands out among our many monitoring activities last year: the analysis we conducted together with the OSCE High



Commissioner on National Minorities on the human rights situation in the war-affected areas following the conflict in Georgia.

The report's recommendations highlight the following needs:

- for the parties to the conflict to create the conditions for voluntary return of displaced persons in safety and dignity,
- to investigate human rights violations that occurred during the conflict and its aftermath,
- and to begin a process of promoting reconciliation and confidence-building as a step towards a political solution to the conflict.

Another important report issued last year was the ODIHR's Annual Report on *Hate Crimes in the OSCE Region: Incidents and Responses*. In the report we identify a continued pattern of brutal attacks on visibly identifiable groups, often intended to degrade or humiliate the victims. The report also provides examples of racist and xenophobic political discourse, including during election periods and highlights how political leaders and can help to defuse tensions within society by speaking out against hate-motivated acts and incidents.

In this challenging environment, the OSCE, including ODIHR and the PA, have an active role to play to turn these recommendations into action. The report is available on our website.

Any enumeration of our monitoring activities would also be incomplete without mentioning our reports from ten election

observation missions and two assessment missions in 2008. We have also published numerous additional needs assessment reports and interim reports, as well as several legal reviews, in co-operation with the Council of Europe's Venice Commission.

As you know, all our reporting is public; it contains a wealth of findings and concrete recommendations which we hope States will use to bring their elections in line with OSCE commitments.

I am glad that a number of States are in close contact with us on implementing these recommendations, and I would like to highlight our good follow-up co-operation with the Republic of Belarus in the context of reforming the country's electoral framework.

This underscores the role of ODIHR as a tool of effective assistance and the relevance of our expertise. I hope this co-operation will continue to yield concrete results.

In 2009, we are facing a busy electoral calendar. In our budget submission, which has yet to be approved by the Permanent Council, we plan for up to ten fully fledged Election Observation Missions and up to eight Assessment Missions. In the coming weeks, we will have three EOMs on the ground simultaneously, in Montenegro, the former Yugoslav Republic of Macedonia, and Moldova. In all three instances, we are certain that the co-operation and partnership with the PA delegations will be fruitful.

In this context, I wish to sincerely thank the numerous election observers among you who have found time in your busy schedules

to participate in election observation missions and bring your special personal experiences to them. I encourage you to continue this engagement.

Finally, I wish to assure you that ODIHR stands ready to assist you in responding to the concerns of your constituencies, and to support the work of your national parliaments and your work.

My Office remains ready to be in regular contact with you, not only through the meetings of the OSCE PA, but also at the occasion of country visits.

I shall also repeat an invitation which some of you have already taken advantage of: please do come visit ODIHR in Warsaw, we are keen to strengthen our partnership with you.

I look forward to working together with you in all these important joint endeavors and thank you for your attention.