

Address by
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(ODIHR)

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Mr. President,
Madam Chairwoman,
Honorable Members of the PA,
Ladies and Gentlemen,

It is again a privilege for me to be invited to address the Parliamentary Assembly, in particular its Third Committee on Democracy, Human Rights and Humanitarian Questions, at the 6th Winter Session. I would like to take this opportunity to welcome the new Rapporteur of this Committee, Mr. Jesus Lopez-Medel. Having listened with great interest to your presentation on the preparation of your upcoming Report to the Summer Meeting, I hope that we will enjoy an equally close cooperation with you as we have had with Ms Anne-Marie Lizin and Ms Cecilia Wigström last year.

Also to my great pleasure, I have learned that the OSCE PA Assembly has chosen to devote particular attention to the issue of “Implementation of OSCE commitments” throughout the upcoming year, in particular by making this the focus of the Summer Meeting in Kiev. I therefore gladly take today’s opportunity to talk on the challenges in the implementation of existing commitments in the human dimension. Taking up common responsibility for deficiencies in implementation is key for the effectiveness of our organization. Your role and our partnership and joint efforts are crucial.

The OSCE commitments, are political rather than legal in nature and therefore often referred to as “soft law”. Nonetheless it is fundamental documents such as the Helsinki Final Act which have helped bring about historic changes and which marked its 30th birthday last year. Also last year, my Office fulfilled a tasking it had received at the 2005 OSCE Ministerial Council of Ljubljana by submitting a report to the 2006 Ministerial Council in Brussels. This report, “*Common Responsibility: Commitments and Implementation*”, aims to assist the OSCE community to again underline its collective values and recommit to them.

The red thread that runs through this report is the **commitment to implement**: the commitment, in other words, that all OSCE participating States took to implement their wide-ranging promises. Time and again,

participating States have underscored the importance of implementation and its link with conflict prevention. The *Common Responsibility* report seeks to underpin those earlier calls to take up this common responsibility, not only towards the international community, but even more importantly, towards every one of the citizens of the OSCE region. For it is them that are and will be the primary beneficiaries.

To demonstrate briefly what these benefits could and should be, I would like to take you back 10 years in time, to the first Heads of State Summit that took place under the new OSCE name. Indeed, it was at the **Lisbon Summit** that the OSCE participating States identified a number of acute problems in the human dimension as a danger to stability in the OSCE region. Certainly, in some of the areas substantial progress has been achieved. Regrettably however, in many regards the problems that were identified a decade ago remain just as obvious in the year 2007.

The concerns expressed in the Lisbon agenda included the need to urgently address considerable shortcomings and challenges with regard to **aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism**. Throughout the OSCE area, individuals and groups are increasingly subject to violent manifestations of hatred, discrimination, and violations of freedom of religion. We have also marked the rise of anti-Semitic, anti-Christian, anti-Muslim, racist, homophobic and other discriminatory discourse by political leaders as well as a growing tendency for such discourse by some political parties.

All this adds to a worrying climate of intolerance in a number of participating States. The ODIHR will therefore also in 2007 continue to strengthen its capacity for the promotion of tolerance and non-discrimination and will further develop its new programme for this purpose. Your continuous support of the work of the ODIHR Tolerance and Non-Discrimination Programme, as reflected by the adoption of resolutions at the OSCE PA Summer Meetings in Brussels, Washington and also Edinburgh, has been highly welcomed by my Office.

Also welcomed was the Supplementary item on **Co-operation with Civil Society and Non-Governmental Organizations** this Assembly adopted in Brussels. Its emphasis on the important role played by civil society in the

Helsinki process and the call for open exchange of views with non-governmental representatives by participating States and by OSCE parliamentarians should be fully taken into account indeed. The conviction that a vibrant civil society is at the heart of every democratic society is also at the heart of all ODIHR activities.

This conviction has recently been highlighted by the establishment within the ODIHR of a Focal Point for National Human Rights Institutions and human rights Defenders. This Focal Point will enhance the core activity of monitoring States' compliance with and implementation of numerous OSCE commitments relating to human rights and fundamental freedoms. Despite the improvement of the framework for civil society in many OSCE States, many shortcomings exist in the implementation of commitments in this regard. It has not and should not go by unnoticed that the recent past has been marked by a visible trend of alienation between human rights defenders and state authorities in a number of participating States.

Closely linked to the issue of continuous pressure on civil society and non-governmental representatives is the increasing **threat on the freedom of assembly and association** in some OSCE participating States. All 56 participating States have recognized the freedoms of assembly and association to be cornerstones of a free and democratic society. Excessively restrictive legal frameworks and national policies have contributed to a widening gap between civil society and governments of some OSCE States. The ODIHR is in the process of finalizing guidelines on Freedom of Assembly, which will be launched at the OSCE Supplementary Human Dimension Meeting on Freedom of Assembly, Association and Expression on 29 and 30 March. I use the occasion to invite you to participate in this Meeting.

Looking back at the Lisbon agenda listed a decade ago, I also note the issue of **involuntary migration**, in particular the protection of the rights of refugees and Internally Displaced Persons. To further run down this list of lingering shortcomings and challenges, there is the threat to the **independence of the media**. I am confident that my good colleague Miklos Haraszti, OSCE Representative on Freedom of the Media, will inform you duly about this when addressing this Committee in a few moments.

Furthermore, new issues of concern have emerged in recent years, in particular the **implementation of human rights commitments in the battle against terrorism**. The Chairwoman and members of this Committee have rightly underlined the importance of upholding international human rights commitments in the battle against terrorism.

Ladies and gentlemen,

The last shortcoming our Heads of State identified in Lisbon that I would like to look at with you today is **democratic elections**. Last year was the 15th anniversary of the 1990 Copenhagen Document, undoubtedly one of the main international texts setting forth principles for democratic elections in the OSCE region and, indeed, worldwide. Election observation has been flagship activity of the OSCE, known around the world. Our observation reports provide comprehensive assessments and focused recommendations to participating States to assist them in the implementation of these commitments. Real progress has been made in some areas, but as indicated in our *Common Responsibility* report, we continue to observe serious shortcomings in implementation throughout our election observation missions, including

- attempts to limit competition
- non- or de-registration of candidates
- misuse of state administrative resources
- pressure on the electorate
- media bias, particularly among state-controlled media, in favor of the incumbent
- non-inclusive election administrations;
- abuse of voter registration systems;
- lack of transparency and accountability during the vote count, the tabulation of the vote and the announcement of results;
- ineffective complaints and appeals procedures;
- lack of sufficient will to rectify identified shortcomings.

In some countries, we are still confronted with efforts to engage in deliberate and pre-meditated attempts to manipulate results. Attempts at discrediting observation should not detract from these facts. This is the *real* election related crisis in the world today and this crisis should get our focused and joint attention.

As rightly called for in the supplementary item on *Improving the Implementation of OSCE Electoral standards and Commitments and the Effectiveness of OSCE Election Observation Activities* at the Brussels Annual Meeting of the OSCE PA, the OSCE States should place particular emphasis on implementing OSCE election commitments.

Election observation has proven to be a unique and powerful instrument, capable of identifying these shortcomings, but more importantly, creating political will to change them. For this exercise to remain fully effective it must also remain fully credible. This does not depend on questions of leadership, but instead on the basis of our common responsibility – that of getting the facts right, first of all, so that we can maintain our support for our parliamentary partners.

The OSCE has invested for a decade in a process-oriented approach to election observation, based on a consistent methodology and above all, underscored by fact and findings. For all these and many more reasons, we must continue to be meticulous in compiling these facts, objective in drawing conclusions and consistent in presenting them.

The OSCE PA and ODIHR not only need to be partners in this important exercise, but also beyond. Starting with the follow-up to election observation recommendations, we need to be partners in building democracy, promoting and protecting human rights and monitoring and promoting the implementation of OSCE commitments in all areas. The effort of this Assembly to support the ODIHR in our work and the assurance that our activities are strengthened through political support is of crucial importance. The support of all of you, within this Assembly as well as in your national Assemblies, is key for the long-term success of these activities.

Looking beyond the challenges and shortcomings I have presented to you today, I also note our mutual interest in **combating trafficking in human beings** and the importance of full and true **equality between women and men**. As reflected in Resolutions adopted at a number of OSCE Annual Meetings on these issues, as well as reflected in the challenging work and mandate of my Office, all of this is essential to achieving security, prosperity, and sustainable democracy.

With your support and interest, enhanced **awareness** about the OSCE and its human dimension, can be raised among domestic constituencies. Politicians like yourself play an important role in making the Organization even more relevant to your citizens' life in a way nobody else can, since you have this unique responsibility in maintaining contact with the people you represent.

You also have an essential role with regard to implementation. Your efforts in actively monitoring and encouraging full implementation of the OSCE commitments can bring about necessary changes in your individual countries and your domestic legal framework and practice. In addition to that steps that can be taken within states, parliamentarians can also encourage action at the multilateral level.

The US Congressional Commission on Security and Cooperation, better known as the Helsinki Commission, is an excellent example of how successful review and monitoring of the implementation of OSCE commitments can be done by parliamentarians at the national and international level. I am convinced that its new chair, your previous President, the Hon. Alcee Hastings, will bring an added value of cooperation.

The ODIHR remains to stand ready to assist you in responding to the concerns of your constituencies, to support the work of your national parliaments and yourself. My Office remains ready to be in regular contact with you, not only through the meetings of the OSCE Parliamentary Assembly, but also at the occasion of country visits.

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