

Address by Ambassador Christian Strohal,
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Institutions and Human Rights (ODIHR)

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Check against delivery!

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Excellencies,
Ladies and Gentlemen,

As foreseen in your 2002 decision, I am glad to be able to report to you on the OSCE's Twelfth Human Dimension Implementation Meeting, the fifth one we have organized since I started at the ODIHR in 2003. I will also take this opportunity to present to you another report on Ministerial Council Decision 19/06 and its implementation.

2007 Human Dimension Implementation Meeting

Once again the HDIM was a unique forum for government representatives, international organizations as well as civil society groups otherwise so rarely involved in regular meetings of our Organization. We were again witness to a fruitful two weeks of exchange of different views, ideas, and good practices, as well as of concerns, challenges, and common solutions.

For the second time in a row, we registered more than 1000 participants, including representatives of 51 participating States, 9 International Organizations, of OSCE Missions and Institutions, as well as - again a record - 334 non-governmental organizations. The numbers speak for themselves; the interest in the HDIM has been growing steadily over the past years. This balanced participation also contributes to one of the unique features of the Meeting: the dialogue between representatives of governments and of civil society.

At the outset, let me thank those of you who attended yourselves and in particular those States which were able to send larger delegations, including experts from capitals who are so necessary for a focused debate and for concrete follow up. Special thanks go to those Delegations who not only contributed to the discussions but also shouldered some of the work in providing moderators or rapporteurs so crucial to the success of the meeting.

This year again, the situation of human rights defenders was a theme that appeared throughout the discussions. Our keynote speaker, the Executive Director of the International Helsinki Federation, paid tribute to the important role played by human rights defenders and I am glad that discussions are ongoing to take this important issue forward to the Ministerial Council in Madrid.

As in previous years, you had this year again decided to modify the sequence of the sessions. I will at this point not attempt to give even a cursory summary of the two weeks of intensive discussions, but rather highlight some of the issues raised. A comprehensive report on the meeting, together with a compilation of all the recommendations made at the HDIM is available on our website, which since this year is accessible also in a

Russian language version. We have also put them onto CD ROMs which have been distributed to your pigeonholes.

The meeting began with a discussion on National Minorities, where policies and best practices for the effective integration of persons belonging to national minorities were discussed. Equitable representation in public administration as well as political participation and representation were featured prominently. I am certain, that Amb. Vollebaek, who attended for the first time in his new capacity as High Commissioner, will be able to give you a more detailed account of the session.

Our first special day focused on combating intolerance, discrimination and mutual respect and understanding. It provided an opportunity to review the implementation of the numerous decisions of Ministerial Councils and related Conferences of the past years. It was a welcome occasion for us to launch our report "*Hate Crimes in the OSCE Region: Incidents and Responses*". I believe it provided a useful basis for discussing some worrying trends and incidents as well as effective response strategies. I hope that it will also serve to encourage States to intensify their efforts to work in partnership with civil society to monitor and respond to hate-motivated crimes and incidents. Calls were made for joint efforts by Parliamentary Assemblies to highlight the important role of parliamentarians in the fight against intolerance and discrimination. We were also able to launch the new Russian language version of our specialized website TANDIS. I am glad that all three personal Representatives of the CiO were present at the HDIM and look forward to further discussions on the subject together with them.

Discussions on Freedom of Religion or Belief were again lively this year and a number of concrete cases were raised. The session featured input from our Panel of Experts on this topic, with an overview of their work as well as a preview of the *Guiding Principles on Teaching about Religions and Belief* which we are currently finalizing.

The session on migration again raised the necessity to protect the rights of migrants, particularly preventing discrimination and identifying effective measures for their integration. Emphasis was given to the need for inclusive procedures, including trade unions, employers, government and migrants themselves, when developing policies for integration of migrant workers. The particular situation faced by women migrants was also scrutinized.

The second special day was on the implementation of the OSCE Action Plan on the Situation of Roma and Sinti. Four years after its adoption, such an in-depth discussion was certainly overdue. Numerous representatives from Roma, Sinti and traveler communities throughout the region were involved in the deliberations. Particular attention was given to questions of political participation as discussions highlighted barriers that prevent Roma and Sinti from effective participation in public and political life.

The HDIM also followed up on the 2006 SHDM on *Democratization: Strengthening Democracy through Effective Representation*, discussing issues related to the separation

of powers between the executive and legislative branches and establishing systems of checks and balances. Emphasis was given on preventing an over-concentration of powers in the executive branch and granting national legislatures the authority to effectively represent the citizenry and oversee the executive. Models for increasing the inclusiveness and public understanding of legislative processes were also discussed.

As every year, one working session provided an opportunity for the exchange of information on capital punishment. Our annual publication on the death penalty in the OSCE region was submitted as a basis for these discussions.

The persistence of torture, cruel, inhumane and degrading treatment was also discussed and ways to prevent torture through the training of law enforcement personnel and detention centre staff examined. Statistics were brought forward on the number of investigations launched and decisions and punishments imposed. Ministerial Council Decision 12/05 of 6 December 2005 to give 'early consideration' to signing and ratifying the Optional Protocol to the UN Convention against Torture was recalled. A large number of participants also stressed the importance of upholding human rights in the fight against terrorism, while a number of cases where this principle is breached were brought forward.

The third specifically selected topic, gender aspects of security, gave a comprehensive opportunity to review the participation of women in public and political life, the fight against domestic violence, and the implementation of UN Security Council resolution 1325. Of course, gender issues were discussed throughout the HDIM throughout all the working sessions as important aspects of all topics under discussion.

The session on trafficking in human beings this year gave particular emphasis on trafficking for the purposes of labour exploitation and possible additional commitments in this regard. I am glad that this issue is being taken forward actively by the Spanish Chairmanship in their preparations for the upcoming Ministerial Council.

As every year, talks were also held on key aspects of ensuring the Rule of Law, such as the state of judicial independence in our region, the modalities for the selection and appointment of judges, rules for admission to the bar as well as the importance of securing a level playing field for the defense and the prosecution in criminal proceedings. Trial monitoring was highlighted as an important tool for ensuring transparency. I hope that the upcoming ODIHR's *Trial Monitoring Reference Manual* will be used as a useful tool in this regard.

In the working session on democratic institutions, the need for continued implementation by participating States to honour their commitments in the field of democratic institutions was again highlighted and a number of recurrent shortcomings in this area discussed. Many participants highlighted the important role that independent election monitoring can play in identifying these shortcomings and stressed the need for political will to address these challenges and in implementing the recommendations of ODIHR election missions. The importance of post-election dialogue was underscored. I am glad to note

that recently a number of participating States have welcomed our reports and signaled readiness to follow-up on our recommendations here in the PC.

In this context, I have just concluded a follow-up visit to Armenia to discuss the Final Report we issued on the May parliamentary elections; I plan to visit Kazakhstan next week on a similar mission. I look forward to further such activities in a wide range of participating States. Let me also stress the important role that OSCE field operations as well as our parliamentary partners, in particular the OSCE Parliamentary Assembly, can play in this regard.

Discussions on the freedom of expression, led by my colleague Miklos Haraszti, highlighted the difficult plight still faced by journalists in parts of the OSCE region, including threats, harassment, and at times even murder. Libel and defamation offences are still covered in some countries in the criminal rather than the civil law domain. Discussions also covered issues concerning access to information, the role of media self-regulation and pluralism on the internet.

Discussions on the freedom of association and assembly highlighted the many challenges faced by NGOs in parts of our region as a result of restrictive legislation and regulations forcing civil society groups to constrain their activities. The role played by independent national human rights institutions in this regard is crucial. This year's first SHDM had already provided important input into these deliberations and I note with satisfaction that the Spanish Chairmanship has also here taken the initiative of bringing the issue of the plight of human rights defenders to the attention of Ministers at this year's Ministerial Council, in particular in the light of the laudable initiative taken by the OSCE PA in its Summer Session in Kiev this year.

This working session also allowed us to present the new *ODIHR Guidelines on the Freedom of Peaceful Assembly* which we hope can serve as a useful tool for States, both in formulating laws in relation to commitments on freedom of assembly and in their execution. Our Expert Panel stands ready to provide further expertise and assistance on this issue.

Excellencies, Ladies and Gentlemen,

This year's HDIM has again highlighted considerable progress in the implementation of OSCE commitments, but this progress remains uneven and further individual and collective efforts are necessary. We at the ODIHR are ready to offer instruments and tools to address many challenges but we cannot substitute for a lack of political will to implement OSCE commitments.

I have of course only been able to give you a short glimpse of the many fruitful discussions held over two weeks, but a much more detailed summary awaits you in the report we have distributed. I now look to you to take these recommendations forward and turn them into action - as I have said after every HDIM, any meeting is only as good as the follow-up it generates. I take this opportunity to again thank the Spanish

Chairmanship for the importance they have been giving to the issues raised at the meeting and for their willingness to take some of them forward to the Madrid Ministerial Council later this month.

As every autumn, these are days of intensive work for you and us alike. Even during the HDIM, our regular assistance work has continued, and we were able, for example, to field an EOM with more than 600 observers to the parliamentary elections in the Ukraine as the discussions in Warsaw were ongoing. In the meantime, we have also deployed missions to the 21 October elections in Switzerland and in Poland. Currently, we are preparing for the deployment of a limited EOM to Croatia's upcoming Parliamentary elections, which will be on 25 November. We are grateful for the support we have received from the Croatian authorities in our preparations already before the elections had been formally set. Sadly, Uzbekistan has refused to accept our proposed Needs Assessment Mission for this week citing some "pressure". We look forward to following the upcoming Duma elections set for 2 December; assuming the receipt of a formal invitation, all efforts must be made, in particular also by the authorities in the Russian Federation, to allow rapid deployment of observers without any further delays.

2006 Brussels Ministerial Council Taskings

Mr. Chairman,

Let me use this opportunity, as indicated earlier, to also reflect on the taskings given to us at the 2006 Brussels Ministerial Council, in particular on **Ministerial Council Decision 19/06**, on which I am once again glad to report.

Following our submission of the report *Common Responsibility* to Ministers, they took a two-pronged decision: First, Ministers reaffirmed their commitment to ensure effective implementation of OSCE commitments and tasked the PC to address the implementation challenges outlined in our report, and to advise on possible new commitments. In this context, let me reiterate the ODIHR's readiness to work with you all in the fulfillment of this tasking.

Also, the ODIHR was tasked to report on the implementation of the recommendations concerning election related activities contained in the report. As in my previous address to the PC, I am again glad to demonstrate what I believe constitutes substantial progress in implementing this Ministerial Council decision; let me present this progress and our continuing work following the order of the decision.

We have continued to further strengthen the observation methodology and assistance programmes:

1. Following the publication of our Long-term Observer (LTO) Handbook presented to you in May, we have started to use it intensively as a resource for our EOMs.

2. We have made further progress on finalizing *Guidelines for Media Assessment during Election Campaigns* and revising and updating the existing ODIHR *Guidelines on Reviewing of Election Legal Framework*.
3. I also look forward to concluding, in cooperation with the new High Commissioner on National Minorities, an updated version of the *Guidelines on the Participation of National Minorities in the Electoral Process*.
4. We have continued our work on *Guidelines on Observation of Voter Registration*.
5. We have been collecting and analyzing the feedback forms in observer information packs in our Missions to Armenia, Moldova, Kazakhstan, and most recently in the Ukraine and have been adjusting our practical preparations to further facilitate the work of LTOs and STOs.
6. We continue to participate in meetings with other international organizations involved in election observation, most recently with the European Parliament and European Commission. I will also be traveling to Washington for an exchange of experiences at the Second International Meeting on the Implementation of the Declaration of Principles for International Election Observation hosted by the Organization of American States.
7. For 2008 we have planned to begin drafting guidelines on Observing Election Campaign Financing and a call for voluntary contributions to this project has been included in our programme package for 2008 which we distributed to you at the HDIM.
8. Similarly, we have included a project for a seminar on International Election Observation: Lessons Learned and Good Practices.
9. We will of course continue to regularly provide briefings for OSCE delegations on aspects of the ODIHR election observation methodology.

To ensure as wide as possible geographical coverage in ODIHR's election activities:

1. We had budgeted to cover up to 18 elections in 2007, three more than in 2006, thereby covering a wider group of participating States, within the resources we are given through the Unified Budget.
2. So far we have conducted Election Assessment Missions in 2007 to seven participating States, more than half of them for the first time.
3. We have also deployed 7 Election Observation Missions, with a busy autumn still ahead of us.
4. We have been deploying an increased number of Needs Assessment Missions (NAMs). So far, 14 NAMs were deployed, including before each of our assessment and observation missions, with one exception. One NAM recommended no observation activity be undertaken by ODIHR.

We have been further diversifying the participation of short-term, long-term and "core team" observers based on increased support of a wider range of participating States, by encouraging the participating States to contribute to the diversification fund, by supporting national training efforts, and by developing OSCE-wide networks of election observation practitioners:

1. We continue to increase the number of LTOs (up to 4) and STOs (up to 20) deployed through the voluntary Fund for Diversification, resources permitting. I encourage your participation in the diversification fund, a very useful tool in promoting the diversification of our missions. We are grateful for continuing contributions to the Fund by some participating States and hope to be able to maintain and further strengthen this tool in 2008.
2. We continue to pay special attention to diversification when recruiting experts for core teams.
3. The overall trend over the past years is very encouraging. While core team members in 2001 only came from 16 countries, we had core team staff from 34 countries last year and have already had staff from 36 countries this year, more than the total number of nationalities of my permanent staff at ODIHR.
4. Our core team in Kazakhstan alone comprised 18 nationalities, including experts from six CIS countries.
5. At the EOM to the parliamentary elections in Armenia, observers from 44 participating States were taking part, from 45 in Moldova and most recently, from 47 in the Ukraine. I believe that these numbers already reflect a very strong and consistent geographic diversity and thank you for making this possible.
6. We continue to support national training efforts – our most recent cooperation has been with the Russian Diplomatic Academy in Moscow in September this year.
7. We have also continued to conduct trainings at the OSCE Academy in Bishkek, where we have trained over 100 observers to date. Our most recent training course has just started a few hours ago in Bishkek today.
8. We have been systematically evaluating these trainings to draw lessons and improve the output and continue to develop our training standards in cooperation with the Secretariat's training section.
9. For 2008 we have foreseen a project on establishing an annual training of LTOs, the resources for which we have requested through our Programme Package.

We further increase transparency of recruitment:

1. As you are aware, we have set up a public, open, competitive and transparent recruitment process for all EOM core team positions, including heads of EOMs. This new procedure has been operational and systematically used in preparation of all our EOMs and we have received substantial interest, with a record so far of 94 applications for the EOM to Kazakhstan.
2. This open recruitment process now offers experts from all participating States the possibility to apply for any EOM position through a specific recruitment webpage on the OSCE website.
3. In addition, our database for experts for all our election related activities has been advertised extensively in periodicals. The pool of experts registered on our database has now grown to over 2,100.

We continue to enhance linguistic inclusiveness:

1. Since the beginning of the year, we are offering simultaneous translation at STO briefings and debriefings, although at times little use is made of this option.
2. In additions, briefing materials, including presentations and slides, as well as observer forms have been made available in Russian language where applicable.
3. We translate law reviews, interim reports, preliminary statements and final reports into languages widely used in the country observed.
4. The STO training in Bishkek I have just referred to is conducted with Russian simultaneous translation.
5. Our Observer Handbook is available in eight languages, and all elections publications are also available in Russian, including, since this summer, the LTO Handbook.

We continue our work in partnership with the Parliamentary Assembly:

- ODIHR continues to reach out to the OSCE PA and to encourage involvement by Parliamentarians, not only in observation missions, but also in early visits and in follow-up activities.
- Cooperation at the parliamentary elections in Armenia, Kazakhstan and most recently in the Ukraine, at which Vice President Tone Tingsgaard was appointed Coordinator of the Short-term Observers by the CiO, as well as on all the other EOMs since my last report have shown that this partnership can work well. I am grateful to the OSCE PA as well as to the Chairmanship for their efforts and initiatives to ensure a successful collaboration, in line with the established framework.
- The support from our other parliamentary partners, in particular the Parliamentary Assembly of the Council of Europe and the European Parliament, continues to be of great value for our work.

In addition, we are also pursuing other measures as outlined in *Common Responsibility*, in order to further strengthen our election-related activities.

Overall, we are also tasked to “give utmost attention to the independence, impartiality and professionalism of ODIHR’s election observation”. It is indeed these three principles which guide all our work and which are supported by the ODIHR election methodology - in deploying experts on Needs Assessment Missions, in publicly and competitively recruiting experts for our core teams, in setting up and deploying missions, in ensuring that the Code of Conduct is adhered to by all our observers, as well as in reporting promptly and publicly on our observations.

I am glad that the Ministerial Council Decision has again reminded us of the importance of upholding and further strengthening these cornerstones of our work: independence, impartiality and professionalism. It is precisely to uphold these principles that the participating States have decided to entrust a special institution of our organization with guiding the OSCE’s election observation activities. I am convinced that they have been at the core of the success of my Institution and hope that participating States will continue to support us in asserting these principles.

Excellencies,

Ladies and Gentlemen,

The ODIHR continues to implement its taskings faithfully, diligently, and in good faith. All our activities, including those related to elections, aim to assist in the implementation of OSCE commitments, both individually by States and collectively. For this, the ODIHR as an institution must be allowed to act free from polarization and not subject to political pressures, so that that we can focus on reliable, predictable, and long-term implementation of our mandate.

In our work, we of course rely on participating States to facilitate our activities. Thus, for example, we can only enhance our long-term observation – “election monitoring before, during and after elections”, as tasked in Budapest in 1994 – if we receive invitations to observe in a timely manner. Similarly, assessing the free and independent functioning of the media during electoral campaigns (also Budapest 1994) requires an early deployment of our missions, while competitive open recruitment of core team staff necessitates sufficient time for technical preparations before deployment.

We will continue on our path to work in good faith to further improve the effectiveness of our work, but, and you have all heard me say this before, the responsibility for implementing commitments ultimately lies with participating States and requires a commensurate level of political will. In this context, I am looking forward to continue discussing all aspects not only of ODIHR’s activities, but also of participating States’ efforts in the human dimension.

Thank you for your attention.