



Remarks of Ambassador Janez Lenarčič,  
Director of the OSCE Office for Democratic  
Institutions and Human Rights (ODIHR)

at the

Third Meeting of the  
Mediterranean Contact Group

Vienna, 13 May 2011

Check against delivery!

Excellencies,

Some of our OSCE partner countries are undergoing profound transformations. Citizens of these countries are demanding freedom, justice and dignity – the very values that underpin our organization. There are, therefore, many reasons why I think this is a very good moment to discuss how our Office, and the OSCE as a whole, can intensify the cooperation with Mediterranean Partners for Cooperation (MPCs) and support the process of democratic change.

## **Introduction**

As you know, the ODIHR is the OSCE's specialized institution for promoting democratic elections, strengthening democratic institutions, and protecting human rights. A number of other areas of activity, such as promoting gender equality, tolerance and non-discrimination and supporting civil society, are equally designed to improve basic human security across the OSCE region. The underlying philosophy of pursuing these goals is this: democracy and the protection of human rights are the best guarantees for creating fair and open societies, and ensuring long-term stability by preventing possible crises and conflicts from emerging or from causing harm to the stability of the OSCE area.

ODIHR has been called upon to contribute to the OSCE's Mediterranean dimension from early on. This relates mainly to providing expertise, liaising with partners, and promoting knowledge about and visibility of the OSCE and its standards through seminars or conferences. As a former OSCE Chairmanship put it in its Progress Report to the Ministerial Council: "*The human dimension is ... a field for potential constructive co-operation with the MPC. The OSCE could utilize experience gathered by the ODIHR...*" (Oslo 1998).

## **Offer of assistance**

What does this 'experience' look like which we could offer? Allow me to go a bit more into detail on our possible involvement with MPCs.

In short, OSCE/ODIHR can assist with its acquired expertise in the following seven areas: elections, political party legislation;

independence of the judiciary; national human rights institutions, human rights and combating terrorism; hate crimes; and facilitating participation in OSCE meetings.

### *1. Elections*

With regard to elections, there are a number of areas where ODIHR could make a useful contribution. In the short term, it could more widely disseminate its series of handbooks on elections. To date and in line with its mandate, ODIHR has developed a comprehensive election observation methodology, described in the Election Observation Handbook and further delineated in the Handbook for Domestic Election Observers and the Handbook for Monitoring Women's Participation in Elections. Translations of these documents into French and/or Arabic could be provided, if requested.

In the medium term, ODIHR could assist by reviewing electoral legislation, a field in which it has considerable experience. Within the OSCE, ODIHR has provided support to electoral reform efforts to ensure that legislation and practices meet international obligations and commitments. ODIHR could also contribute with its long expertise in training election observers; its developed methodology can be readily adopted by domestic observer groups, where applicable. It is widely recognized that domestic election observation can help to deter violations and promote confidence in the honesty and integrity of the electoral process. and this is an area in which ODIHR could add value. Finally, ODIHR also has a long experience of media monitoring in an election observation context and these principles could also be meaningfully applied in supporting and building capacity for domestic election observation efforts.

### *2. Review of Legislation*

Democratic transformations warrant changes to the legislative framework. ODIHR experts could provide legal assistance in reform efforts. The assistance would be provided in the form of assessments of draft and/or current legislation against international standards to which MPCs are a party, as well as in light of OSCE commitments. Such legal assessments, or opinions, would contain recommendations for

reform of the legislation in question and could be followed up by expert consultations. I could envisage activities in the following fields:

- ODIHR could review the legal framework relating to *freedom of assembly*, based on the Revised ODIHR-Venice Commission Guidelines on Freedom of Assembly. The ODIHR Panel of Experts on Freedom of Assembly could be engaged to support work in this field.
- The legal framework governing *political parties* could be reviewed, based on the ODIHR-Venice Commission Guidelines on Political Party Regulations. The ODIHR Core Group of Experts would be engaged to provide such assistance.
- ODIHR could review the legal framework on gender equality, with a particular focus on the democratic institutions in place for ensuring gender equality. Additionally, the legal framework governing political parties can be reviewed from a gender perspective, to identify legal and internal party barriers to women's political participation.

### *3. Independence of the judiciary*

OSCE/ODIHR could provide practices/ recommendations in the area of judicial independence, resulting from the development of the Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus, and Central Asia. This could also involve follow-up activities on judicial reform involving ODIHR and Mediterranean experts.

### *4. NHRIs*

ODIHR has in the past years increased its support for those on the ground mandated to protect and promote human rights - the NHRIs. These independent bodies legitimized and funded by a state can be crucial players to assist their governments in implementing OSCE commitments and other international standards. ODIHR engages in establishing new institutions by providing legislative and technical assistance and supports networks of already established institutions. We could offer assistance also to support the further development of NHRIs within MPCs.

Just last month I returned from a successful OSCE Supplementary Human Dimension Meeting on NHRIs where almost 200 participants from all OSCE pS, NHRIs and civil society reviewed the state of affairs of NHRIs and developed a set of recommendations on how to strengthen these bodies in the future. In the meanwhile, we have already been in contact with the NHRI from Morocco and shared some of the results of the SHDM with them. But this is only the beginning. In July, ODIHR - again together with the OSCE Chairmanship - will organize a Conference in Vilnius to further look into possibilities on how to strengthen NHRIs. NHRIs from all OSCE participating States will be invited to come and I would like hereby to invite the NHRIs from MPCs to participate in this event as well.

### *5. Human Rights and Combating Terrorism*

The recent terrorist attack in Marrakesh demonstrated how relevant this issue continues to be. ODIHR stands ready to support MPCs to combat terrorism while protecting human rights. ODIHR's Human Rights and Anti-Terrorism Programme offers a complete package of activities, which include: expert advice and analysis; capacity building; and legislative assistance. In particular, ODIHR has developed a specific training module that aims at providing public officials and counter-terrorism experts – in police academies, judicial institutions, etc - with a better understanding of the main human rights issues that arise while combating terrorism.

ODIHR could also facilitate the exchange of knowledge and experiences between government officials, practitioners, experts and civil society on the prevention of violent extremism and radicalization leading to terrorism.

### *6. Hate Crimes*

ODIHR has developed expertise in the area of preventing and responding to intolerance and discrimination, with a particular attention to hate crimes. The recent deadly violence in Cairo has underscored the seriousness of the issue. Manifestations of intolerance and discrimination constitute a pernicious threat to the cohesion of democratic societies and should thus be prevented and responded to in a comprehensive manner. ODIHR can provide expertise with regard to

the adoption and revision of anti-discrimination and hate crime legislation. Since an effective application of the law is crucial, ODIHR could also accompany relevant public stakeholders in MPCs - such as law enforcement and human rights bodies - in their efforts to apply legislation properly.

ODIHR can also offer assistance in the area of freedom of religion or belief, in particular with the review of legislation and the organization of seminars for government officials focusing on the compliance with international standards.

### *7. Participation in OSCE meetings*

As you very well know, some of you from personal experience, all Human Dimension meetings are fully open to the Partner States (both Government representatives and civil society/NGO representatives, as is the case for the participating States). I would like to invite you to make much more active use of this opportunity, starting next week with the Human Dimension Seminar on the Role of Political Parties in the Political Process. In particular, the involvement of civil society representatives from Partner States in Human Dimension related-meetings would not only be beneficial and conducive to sharing information and building on partnerships, but has become an essential element of what makes these meetings productive and interesting.

### **Procedure**

With regard to support for domestic election observation, ODIHR has already been in touch with Tunisian authorities and civil society in preparation for the CIO visit on 16 April. I myself have been invited to visit Rabat later this month to discuss how ODIHR expertise could be shared with the authorities there.

With regard to all seven areas I have enumerated, I would be grateful for your ideas and am ready to discuss them further. In all fields, ODIHR stands ready to support our MPCs in their democratic transitions.

Three conditions should, however, be in place:

- a request from the authorities will have to be addressed to the OSCE Chairmanship;
- we will have to be mandated by the Permanent Council to do deliver a certain type of assistance,
- and, finally, we would need extra-budgetary contributions.

## **Conclusion**

Excellencies,

I believe that assistance from the IC is instrumental in the process of democratic transition. While MPCs are managing their transition, they are not – strictly speaking – bound by OSCE commitments. However, we do share universal values, including those contained in the UDHR and the ICCPR which underpin the ODIHR’s work in the human dimension. At the same time, let me recall that that the invitation made to OSCE Partner countries to “voluntarily” take on OSCE commitments (*cf. PC.DEC/571, 2 Dec 2003*) is a serious one. To do so would be a serious and far-reaching undertaking. The standards contained in these commitments, in particular in the human dimension, are high – actually, among the highest in the world when it comes to human rights, democracy and the rule of law, and they have been translated into Arabic . I wish to repeat my assurances that ODIHR stands ready to support and advise OSCE partners. All you need to do is ask.

Thank you.