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Address by Ambassador Christian Strohal,
Director of the OSCE Office for Democratic
Institutions and Human Rights (ODIHR)

Meeting of the Permanent Council
Vienna, 28 July 2005



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Excellencies,
Ladies and Gentlemen,

It is again a pleasure to report to you in the middle of a busy year for us at the ODIHR and at a moment of considerable significance for the future of the Organization. Let me again start by thanking the Slovenian Chairmanship, and in particular Ambassador Lenarcic and his dedicated team for the strong support they have been providing to us. I would say that the relationship we enjoy with this Chairmanship is exemplary, and I am confident we will continue to work together effectively throughout the rest of the year.

Since my last report, we have continued our work in the human dimension, in promoting democratic elections, strengthening democratic institutions, and protecting and promoting human rights. Through a combination of monitoring compliance, on-the-ground visits, human dimension meetings, and practical hands-on assistance activities we have made a strong effort to assist States in the fulfillment of their commitments as foreseen in our mandate.

The last six months have again been a busy time for us at ODIHR.

Elections

As you will recall, we deployed over 5500 election observers last year, and our election related activities this year have continued to keep us busy. We have already deployed election observation missions in Tajikistan, Kyrgyzstan (twice), Moldova, Albania and the former Yugoslav Republic of Macedonia as well as assessment missions to the United Kingdom and Bulgaria. Only last week our EOM to the Presidential elections in Kyrgyzstan has been winding up; of course, we continue to be ready to accompany further election-related reform in Kyrgyzstan.

I expect that the election reports will help participating States in addressing shortcomings and in implementing their commitments. ODIHR continues to stand ready to assist States in implementing their commitment made in Istanbul and Maastricht “to **follow-up** promptly the ODIHR’s election assessment and recommendations.” Over the past years, we have been contributing to efforts addressing our recommendations in a considerable number of countries throughout the whole OSCE region.

I am glad that a number of members of participating States' Delegations have also participated in some of these Missions as observers to familiarize themselves with the way we work and I encourage your continued interest in such participation.

We have further developed efforts on our part to diversify the composition of election observation missions, both in the core team composition and through the special voluntary Fund for Diversification of Election Observation Missions. We encourage knowledge of languages widely used in the region where a particular observation takes place. I must continue to call on all participating States to second observers to participate in our EOMs, in particular those who so far have not been able to second observers.

Our next EOM will most likely be deployed to the 6 November Parliamentary elections in Azerbaijan. We have circulated a note to Delegations with a request to second 28 long-term and 500 short-term observers. The elections will provide an opportunity for Azerbaijan to demonstrate progress towards meeting OSCE commitments; preparations are being followed closely not only by the OSCE, but also by the Council of Europe and our respective Parliamentary Assemblies. President Aliiev has in a recent decree indicated his resolve that these elections be conducted fairly and transparently, and in accordance with the law. In the light of the difficulties identified in previous elections, we hope that serious progress can be made. I expect that the Needs Assessment Report we have published will provide a useful tool to indicate areas where measures can still be taken in advance of the elections.

In addition to our election observation activities, we also continue to promote the implementation of OSCE election-related commitments through follow-up visits and activities, legislative reviews and other work such as inclusive roundtables or seminars to enhance our support to participating States. We have already started our follow-up work in the Ukraine and Kyrgyzstan and, among others, look forward to begin follow-up in Moldova, the USA, and Albania.

In response to renewed interest from participating States, we have also been involved in some outreach on electoral issues to countries outside the OSCE region:

Together with the Secretariat, we have begun preparations to deploy an Election Support Team to Afghanistan for the parliamentary elections on 18 September 2005. We have sent out a note verbale to participating States requesting the secondment of 36 qualified team-members. An information sheet with logistical details has been circulated to all Delegations. However, we would need a firm budget as soon as possible to finalize contracting election staff for the Team. The Election Support Team will analyze the key elements of the election environment and will prepare a set of recommendations for improving future elections in Afghanistan, and for transferring the election administration process to the national authorities.

Following an invitation by the Palestinian authorities, the Chairman-in-Office requested the ODIHR, together with the Secretariat to send a Training Needs Assessment Team to the Palestinian Territories on 7-13 January this year. The Team concluded that Palestinians face a number of challenges as they prepare for the upcoming elections to the Palestine Legislative Council later this year. The ODIHR stands ready, if requested, to contribute to the electoral process with legislative expertise or in providing a network for sharing information for domestic observer groups.

Let me underline, however, that elections are only one important part of the democratic process. I believe that in case that we want to continue our outreach activities, we should aim to become more systematic and comprehensive; therefore, we should include other human rights elements as well as activities from other dimensions in such outreach. All our activities are based on the assumption that the States in which we operate not only endorse the OSCE's fundamental principles, but are also ready to be held accountable for them.

As you will recall, we also held a Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures on 21-22 April here in Vienna. I am glad that the SHDM has received such great interest among Delegations.

Already since the 2004 SHDM on elections standards, we have been supporting participating States in building on the Copenhagen Document and examining a possible set of additional commitments, supplementing the existing ones ("*Copenhagen Plus*"). The ODIHR also provided a framework for discussion on additional commitments, most notably in its discussion

paper prior to the July 2004 SHDM. I hope that the discussions at the SHDM have helped participating States identify what additional commitments such a document would encompass; I am grateful to the Chairmanship for the guidance they provided on the follow-up to the SHDM.

In line with preparatory work and the SHDM, the ODIHR recommends focusing further work on the “*plus*” on principles of transparency, accountability, universal suffrage and confidence, as well as implications of new voting technologies such as electronic voting. Needless to say, a full reconfirmation of the entire Copenhagen Document, which rightly puts democratic elections in the context of democratic governance, human rights and the rule of law, as well as a renewed and reinforced commitment of all participating States to implement the provisions of the Copenhagen Document should certainly be the starting point of any drafting process. The 15th Anniversary of this important Document, which some have called the most significant text on the subject since the Magna Charta, and which is certainly central to the relevance of our Organization for the world today, would provide an additional opportunity for reconfirming and highlighting what is our fundamental *acquis*.

As mentioned, additional commitments, supplementing the existing ones, should also comprise the potential challenges of new voting technologies. These new technologies present also distinct new challenges to election observation.

Allow me in this context to draw your attention to the OSCE Parliamentary Assembly’s recently adopted resolution on improving the implementation of electoral standards and, in general, to the role of Parliamentarians in ensuring the implementation of all OSCE commitments.

Tolerance and non-discrimination

We have also been strengthening our efforts to assist States in the implementation of the OSCE tolerance and non-discrimination commitments and to implement ourselves the taskings we have received over the last years. The recent adoption of the Unified Budget for 2005 has finally allowed us to set up a department in the ODIHR to deal with this highly topical issue. Let me also take this opportunity to thank those States which have additionally supported our activities with extra-budgetary contributions. This has allowed us to be operational in the meantime. We will of course, as in most of our activities, continue to rely on voluntary

contributions for supplementary funding in order to continue our work in areas such as law enforcement training on hate crimes, legislative assistance and tolerance education.

Following the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance in Cordoba last month, the ODIHR is placing special emphasis on the implementation of the recommendations from the reports we launched on Hate Crimes and on Education on the Holocaust and Anti-Semitism. This includes the need for a further effort, on the side of participating States, to fully respond, in accordance with Ministerial decisions, to our continuing request for receiving data and information.

After the publication of our Hate Crimes Report, we are currently developing a standardized template for States to use when submitting data on hate crimes. We will also convene experts groups to support states in improving the quantity and quality of their data on hate crimes and are working on increasing the capacity and number of NGOs monitoring and reporting on hate crimes.

Let me also point to an incident which illustrated the importance of effectively combating hate crimes. In the 3 days after 7 July bombings, police in London alone recorded 180 racial incidents; by July 13, the number rose to over 300 hate attacks, including one death, the desecration and arson of mosques, brutal physical assaults, and calls by rightwing extremists for persons to attack and 'exact revenge' on Muslims. The backlash has and continues to cause widespread fear and injury and is not confined to the UK, but is of concern to the entire OSCE region.

Fortunately, the measures taken in the immediate aftermath of the attacks have been commendable. Authorities reacted quickly to condemn the terror attacks but distinguish them from the mainstream Muslim community, while community leaders, both Muslim and non-Muslim, have joined together to denounce the attacks. Ambassador Ömür Orhun was quick to react to these incidents, and called for building bridges between communities. We remain in close contact with him and the Chairmanship on our activities in this regard.

The ODIHR intends to further intensify its efforts to support OSCE states in preventing racial or religious hatred from dividing communities and in combating race and faith-based hate crimes. This includes strategies for

addressing the exclusion of Muslims, including isolation within schools, communities and places of work; examining the alienation of youths, and supporting the engagement of Muslims as key participants in public life.

We are also continuing to work on the development of practical tools in assisting States implement Holocaust education and educational programmes to combat anti-Semitism. Here we work together with international institutions such as Yad Vashem Israel and the Anne Frank House Amsterdam, as well as experts from the region.

The ODIHR has also continued its efforts to provide legislative assistance to OSCE States and has, since the Cordoba Conference, engaged our Panel of Experts on Freedom of Religion or Belief to review legislation in two states. We are also working on guidelines for reviewing legislation to enhance combating hate crimes.

We will of course continue to work in close co-ordination with the three Personal Representatives of the OSCE Chairmanship, other OSCE Institutions (particularly field missions) and with our key partners in the United Nations, the Council of Europe and the European Union (ECRI, EUMC, UNCERD and UNOHCHR) as well as with civil society.

Roma and Sinti

The ODIHR's Contact Point on Roma and Sinti Issues is continuing to implement our taskings of the Action Plan on Improving the Situation of Roma and Sinti in 2005 and to support participating States in the implementation of their commitments. In doing so, it will, wherever appropriate, combine resources and instruments with the new tolerance programme, while retaining its distinct role.

Specific activities we are planning to undertake include work on civil registration of Roma in South East Europe, including IDPs and returnees. We are also working on building bridges of communication between representatives of Roma communities, NGOs, local authorities and law enforcement agencies in a Police and Roma project. We have recently concluded a Memorandum with the Ministry of Interior of Romania to this effect as well as with the Ministry of Health on health mediation. In conjunction with our Anti-Trafficking Programme, we also focus specifically on trafficked Roma children and unaccompanied minors, whose rights as victims of trafficking are particularly in need of protection.

Let me point to the fact that we have increasingly been mainstreaming Roma and Sinti issues into the work of the whole Office. In all our EOMs in countries with sizeable Roma populations, we have paid specific attention to the participation of Roma, both as candidates as well as voters, and included Roma as observers or as minority experts within the core team in a number of our missions.

As recent elections have often shown, Roma communities deserve particular attention in this regard. Too often, their largely marginalized condition has led to the Roma community being especially targeted by vote-buying schemes, while the lack of proper identification documents is another source of abuse. Roma are also vulnerable, in this context, to threats of losing employment and social benefits.

Through direct contacts with Roma community leaders, NGOs, local authorities and law enforcement bodies, the ODIHR's Contact Point is first and foremost an early warning and conflict prevention mechanism.

Democratization

Our democratization programme aims at the consolidation of democratic culture, through a broad range of capacity-building activities. These capacities are developed and strengthened especially in institutional frameworks for promoting democracy, the rule of law, and human rights.

In countries which have recently undergone political changes, we have been experiencing even greater demand for support in these areas, particularly in the area of democratic governance. In Georgia, we have embarked on a set of innovative activities including support to enhance the Parliament's analytic capacities, to enhance the transparency of the legislative process as well as an effort to strengthen multi-party democracy. Moreover, we are continuing our work to enhance the participation of women in political life and to strengthen women's NGOs in a number of countries.

The ODIHR is committed, where possible, to a methodology based on using experience from countries which have undergone transition and lessons-learned from the activities of field missions, in particular in South Eastern Europe. 75% of our experts used in the area of democratic institution building - lawyers and penitentiary system officials, women –

parliamentarians, ombudsman staff or migration experts – come from transition countries.

At the same time, the democratization activities, as those of other ODIHR programmes, take into account developments throughout the whole OSCE region. We will also continue our activities aimed at encouraging the participation of women in political processes. We see this not just as an instrument to combat discrimination but also a means to ensure democratic stability.

Human rights

The overall goal of our human rights programme is to contribute to increased respect for human rights and fundamental freedoms across the OSCE region, especially also by providing expertise on emerging challenges in this regard. The ODIHR will continue its systematic and thematic monitoring and will implement assistance programmes. Moreover, we will continue our regular human rights training for government authorities, civil society and OSCE staff. Specific priority areas for 2005 include human rights and anti-terrorism, trafficking in human beings, monitoring the right to a fair trial, the freedom of association and assembly, human rights and the armed forces, women's rights, and human rights training and education.

One pillar of our human rights activities, as in our other programmes, is our work with civil society and NGOs, to whom we provide training on human rights issues including on how to conduct monitoring of places of detention and trial monitoring. Let me use this opportunity to express our concern with regard to the deteriorating conditions that NGOs are facing in a number of OSCE participating States. Legislative restrictions (as in the case of Belarus), but also administrative hurdles such as onerous reporting requirements (as recently introduced in Tajikistan) are making it very difficult for NGOs to operate. In this context, I welcome the decision of the President of Kazakhstan not to sign two draft laws on NGOs but to first subject them to constitutional review. Civil society is a fundamental pillar of democratic stability; its free operation is in the best interest of participating States.

One issue which has recently been given additional attention is the need of protecting human rights in the fight against terrorism. Effective counter-terrorism strategies cannot exist without careful attention to an equally effective protection of human rights and full preservation of rule of law.

Two weeks ago at the SHDM, we explored the issues of freedom of religion, the prohibition of torture and the role of civil society in the fight against terrorism. In the coming months, we plan to follow up a number of issues raised. These include the development of a new programme on victims of terrorism and of a training manual for public officials on protecting human rights while countering terrorism; we are also ready to conduct pilot training courses on such issues in different parts of the OSCE region. In addition, we will continue ongoing work on alternatives to 'anti-extremism' legislation as well as in offering technical and legislative assistance in this field. In all these activities we will continue to work closely with the ATU in Vienna.

In the fight against trafficking in human beings, we have continued our activities focused on the identification, protection and assistance to victims of trafficking. We are currently developing a best practice guide on the identification of victims, their access to justice and the protection of their rights for the benefit of both origin and destination countries. Our assistance to participating States in establishing National Referral Mechanisms and anti-trafficking structures has included action in Switzerland and the UK alongside efforts in Kazakhstan, Russia, Belarus, Armenia and Albania.

Let me mention another particular activity that has recently received attention, namely the report on the events in Andijan, which occurred in May of this year. The fact that human rights concerns are not purely domestic issues which should be left to individual States, but that they are collective security concerns is not only obvious in today's globalized world, but was already "categorically and irrevocably" declared in the 1991 Moscow Document 15 years ago. Monitoring the implementation of OSCE human dimension commitments by participating States therefore continues to be an important early warning and conflict prevention tool.

The ODIHR, in consultation with the OSCE Chairman-in Office, monitored the situation in the aftermath of the events in Andijan to the extent possible and reported about its preliminary findings to the Chairmanship and subsequently to OSCE participating States. We regret that we were not able to send any staff to Uzbekistan itself to verify facts. The remaining option for the ODIHR was to conduct in-depth interviews with refugees from Andijan who have crossed the border into Kyrgyzstan after the events.

The ODIHR report therefore does not claim to give a full account of the violent events on 13 May. The findings of the report have been published

and widely discussed. Subsequently, the UNHCHR has also published a report which is fully commensurate with our findings.

Our key recommendation to the OSCE participating States is to continue to call for the establishment of an independent international investigation into the events of 13 May in Andijan, which a significant majority of the 55 OSCE participating States have already called for.

The ODIHR has also joined a large number of States in urging extreme caution in extraditing suspects in the context of these events and reminded participating States of their international obligations – OSCE commitments, as well as international refugee law and international human rights law – in this regard.

In Washington, the Chairman-in-Office has stated to the OSCE Parliamentary Assembly that he believes that we should be ambitious and follow up our considerable engagement in the region with a more comprehensive strategy for assisting all the states of Central Asia on their path to full democracy. Focused attention by participating States, in particular also the countries of the CIS region, to the challenges faced by Central Asian countries, including through a greater OSCE presence in the region will contribute for the OSCE to play a constructive role in the area. Such a role should, in my view, be focused on what is at the core of the OSCE's mandate and experience, namely early warning and conflict prevention, crisis management and targeted assistance in areas where the OSCE can make a difference.

Human Dimension Implementation Meeting

The two-week HDIM, beginning September 19, marks the highlight of our meeting year and we look forward to welcoming many of you to Warsaw. Last year's meeting was able to attract a record number of participants, including more than 300 participants from 222 NGOs. This year's special topics will be

- promoting tolerance and combating discrimination,
- the freedom of the media and
- the prevention of torture.

This year's meeting, the 10th HDIM since its introduction, will be held in the context of the 30th anniversary of the Helsinki Final Act, as well as the 15th anniversary of the Charter of Paris and the Copenhagen Document on the

Human Dimension. We will therefore present an updated version of the “*OSCE Human Dimension Commitments – Reference Guide*” a comprehensive and useful guide to the rich set of commitments our Organization has accrued in the Human Dimension over the years.

The last Supplementary HD Meeting of the year will be held in Tbilisi in November and will focus on defense lawyers. The holding of the meeting in the South Caucasus region should contribute to highlighting the importance of the rule of law, and allow additional participation of experts from the region, without diminishing the involvement of the Permanent Council.

Gender equality

Planning and programming of all our activities now includes an enhanced element of gender mainstreaming, following the guidance provided by participating States in the **Action Plan on the Promotion of Gender Equality**. Following the OSCE’s renewed focus on this area, mirrored by the recent Vienna meeting on the implementation of UN Security Council resolution 1325, as well as the meeting on Violence Against Women in Paris, the ODIHR will continue to accompany states in the follow-up to these events.

Excellencies,

Ladies and Gentlemen,

Before concluding, I would like to share with you some preliminary observations on OSCE reform. We were glad to receive the **Panel of Eminent Persons on Strengthening on Strengthening the Effectiveness of the OSCE** at our Office in Warsaw in spring and to be given the opportunity to provide information relevant to the drafting of their report which has now been presented. If I may add at this point again my heartfelt condolences on the passing away of Ambassador Afanasievsky who while at his duty station as Ambassador to Poland was a source of rich experience and advice to the ODIHR even before his appointment to the Panel.

The Panel report has reinforced my conviction that the very structural setting for the ODIHR is fundamental to the implementation of its mandate. Institutions can only be efficient and effective if they retain their autonomy under the general leadership and guidance of the Chairmanship and the Permanent Council. The very essence of an Institution in our Organization is that it is free from polarization and not subject to political pressures, but

rather that it can focus on reliable, predictable, and long-term implementation of its mandate and taskings.

In this anniversary year, I think we at the OSCE have the right to congratulate ourselves on what has been achieved and to look to the future with optimism. We at ODIHR stand ready to continue to do all we can in helping States to live up to the many Human Dimension commitments undertaken in these past 30 years.

Thank you.