

## **HDIM 2012**

### **Working Session 15: Democratic institutions, including:**

- Democratic elections

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Working Session 15 focused on democratic elections and emphasized the role that the Office of Democratic Institutions and Human Rights (ODIHR), specifically its Elections Department, plays in election observation. ODIHR Director, Ambassador Janez Lenarčič introduced the session. Amb. Lenarčič noted that elections are central to viable democratic institutions. Elections test the State's fundamental commitment to democracy, to pluralism, and to fundamental freedoms and human rights. Amb. Lenarčič said that participating States have agreed on a wide range of commitments, which are within reach for all States. Elections can expose the weaknesses within a democracy: the lack of genuine pluralism, unequal suffrage, unequal access to the media, insufficient oversight of campaign finance, and lack of timely and effective legal remedies. ODIHR continues to strengthen its election methodology, widen its geographic coverage, diversify its pool of observers, and strives to maintain the highest professional standards. In July ODIHR released two new handbooks: one on voter registration and the other on media monitoring. ODIHR also launched an e-learning platform for election observers that Amb. Lenarčič encouraged participants to explore.

Special guest of the session, the OSCE Secretary General Lamberto Zannier said that Human Dimension commitments are the life blood of the OSCE and that free and fair elections are vital elements of democratic governance. By following a country's elections, one can see the strengths of a democracy and spot where improvements are needed. Ambassador Zannier encouraged a transparent partnership between ODIHR and the OSCE Parliamentary Assembly (OSCE PA). Amb. Zannier said that the OSCE region constitutes a community of shared values and shared responsibilities to assist each other in the implementation of commitments. Amb. Zannier concluded that HDIM is an essential component of this peer-review system.

Participants made 35 interventions, 20 of which came from non-governmental organizations (NGOs). Six participating States exercised their right of reply.

Kazakhstan spoke first and offered recommendations for election monitoring. Specifically, ODIHR should: 1) observe all participating States equally, with the same mandate; 2) limit number of observers to 50; 3) let the OSCE Permanent Council (PC) determine the head of mission (HoM) from an annually approved list; 4) have monitors come from all participating States, with no State exceeding 10% of total; 5) not permit HoM to serve more than once in 2 years; 6) not permit observers in the same country more than once every three years; 7) abide by the non-interference doctrine; and 8) have reporting procedures established by the PC. Norway, Switzerland, and Canada responded that these proposals would destroy ODIHR election monitoring.

Germany (on behalf of the EU), the United Kingdom, and the United States observed that democracy is the key to guaranteeing human rights. Many participating States congratulated Georgia for their elections this week and urged Ukraine, Tajikistan, Bosnia and Herzegovina, and Azerbaijan to follow Georgia's example. The United States noted that elections are not just about the election day, but about the democratic environment that leads up to and follows an election.

Belarus and the Russian Federation noted their own elections were fair, despite the biased reports from ODIHR. Russian Federation criticized ODIHR noting that its recommendations have not been followed and criticized the United States for lacking direct presidential elections. Despite criticism from Belarus and Russian Federation, the United Kingdom, Germany (on behalf of the EU), Norway, Slovenia, Canada, Switzerland, and the United States said ODIHR should be proud of its recent work and continue as "the gold standard" of election observation organizations.

NGOs were consistent in their inconsistency. Several sought greater democratic participation for Russian speakers in Baltic States. Elections in Belarus, Tajikistan, Turkmenistan, and Azerbaijan were criticized for being less than free and fair. The United States and United Kingdom were likewise criticized for flaws in their election processes. But some NGOs expressed gratitude for ODIHR's efforts in the recent Georgia and Belarus elections and were hopeful that ODIHR's work will ensure a better election in Ukraine.

#### **Recommendations to the participating States:**

- Urge Baltic nations to hasten the citizenship process for non-citizen Russian speakers living within their borders;
- Ask participating States with upcoming elections to work with ODIHR, observe commitments, and strive for free and fair elections;
- Continue the peaceful democratic process in Georgia;
- Use ODIHR's e-learning tool for election observers;
- Seek reform of ODIHR's election monitoring, reducing numbers of participants and referring a greater number of issues to the PC for consensus decisions;
- Impose severe economic sanctions on Belarus.

#### **Recommendations to the OSCE, its institutions and field operations:**

- Ensure harmony and cooperation between ODIHR and the OSCE PA based on the 1997 agreement;
- Harmonize the number of election observers east and west of Vienna;
- Permit no lowering of ODIHR election observation standards;
- Request the OSCE and Council of Europe coordinate their advice on election legislation;
- Ask ODIHR to respond to the ban of Communist Party symbols and closure of a private television channel in Moldova.