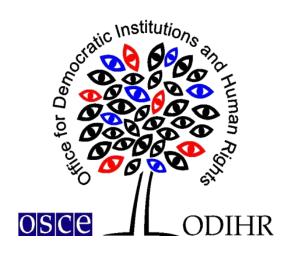
# **Report to the OSCE Permanent Council**

# Vienna 6 April 2017



# Remarks by Michael Georg Link

Director of the Office for Democratic Institutions and Human Rights

CHECK AGAINST DELIVERY

Excellencies,

Ladies and Gentlemen,

It is a privilege and an honour for me to present to you today this annual report on the activities of the Office for Democratic Institutions and Human Rights in 2016.

Before starting with my report, I would like to offer my deepest and sincerest condolences to the people of Russia for the despicable terrorist attack which took place on Monday evening in St. Petersburg. My thoughts are with the victims, their friends and their families. Please join me in condemning this act of violence and terror.

Attacks like these demonstrate how vulnerable all of our societies are. In times like these, it is important to stand together in solidarity, but also to be considerate in choosing the right consequences. These terrorists want to incite fear and hatred, these terrorists want us to overreact, and if we reply with violence and repression, they will achieve their goal.

The openness and peacefulness of our societies is what makes us stronger and better than these terrorists. As stated in the 2004 "Ministerial Statement on Preventing and Combating Terrorism", we are "convinced that respect of human rights and fundamental freedoms is an important element of ensuring peace and stability and prevention of terrorism", and we should also remind ourselves, as stated in the "OSCE Charter on Preventing and Combating Terrorism", of the "need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty".

### Ladies and Gentlemen,

Allow me to continue now with my annual report. I will start with the part of our work which remains the most visible: **Election observation**. During the last year, ODIHR has deployed 15 election-related activities to a total of 13 OSCE participating States. These included 11 fully-fledged Election Observation Missions with long-term and short-term observers, including the missions to the elections in the Russian Federation and the United States of America, both with record numbers of deployed STOs and deployed in close co-operation with our partners from the OSCE Parliamentary Assembly. This year, we have already deployed missions to Turkmenistan, Armenia, Bulgaria, Turkey, Serbia and the Netherlands, all guaranteeing unlimited and unrestricted access for ODIHR's observers.

As you can see, this has been a very busy start of the year. As observers, we do not have control over the electoral calendar and we are quite often faced with snap elections, announced at a very short notice, or important elections which happen at the same time. You as our participating States and most important stakeholders have every right to expect from us to deal with these challenges, and we do it to the best of our abilities. But allow me to add that the non-adoption of the OSCE Unified Budget makes it very difficult for us to respond to all election observation needs of OSCE participating States. Our methodology is well-established and respected throughout the election world. You all follow the reports from our Needs Assessment Missions before elections, where our experts determine the need for and the scope of a potential election observation activity. Having to make tough choices where not to observe, purely on the basis of our finances, thereby invalidating the findings of our Needs Assessment Missions, cannot be a satisfactory situation, neither for you nor for us.

I would like to use this opportunity to remind all participating States that we not only rely upon their financial support through the Unified Budget, but also through secondments, in order to be able to conduct election observation and many other of our activities.

ODIHR responds to your needs as participating States and strives to support you by observing elections and assisting you in your efforts to follow-up on election assessments and recommendations. In doing so, we always strive to maintain a 360 degree perspective, observing elections wherever it is needed, anywhere in the OSCE region, East and West. But in order to be able to continue with our high quality work, and in order to be able to observe in the entire region, you must provide us with sufficient resources and secondments.

The importance of this becomes even more evident if we look at the greater trends and the general state of human rights and democracy in the region. Through our missions and our broader monitoring work, we observe a growing number of challenges with the implementation of numerous election-related OSCE commitments, such as unreasonable and disproportional limitations of suffrage rights, lack of the necessary conditions to allow parties and candidates to compete on a level playing field, and a shrinking space for civil society, including citizen observer organizations. We also note that well established principles such as the division of powers and the rule of law are increasingly questioned, both East and West of Vienna, and that the use of intolerant rhetoric in election campaigns is on the rise.

Another highlight last year was our seminar on electoral issues, now an annual event, in which we were glad to welcome Ms. Ella Pamfilova, CEC Head of the Russian Federation, thus highlighting the positive co-operation during the observation of the 2016 Russian State Duma elections.

### Ladies and Gentlemen,

We will continue to observe and to report on these developments and strive to have our observations and our recommendations heard both domestically as well as internationally. As I mentioned many times in this and other fora, election observation is a very valuable activity

of our Office, but it is not an isolated event. Rather, elections mark the culmination point and the re-starting point in the electoral cycle, and this electoral cycle is the very pulse of functioning democracies. I encourage participating States to attribute greater attention to following up on our electoral assessments and recommendations, and I remind you that we stand ready to assist in the follow-up process. Importantly, all OSCE participating States have committed to do so in 1999 in Istanbul. ODIHR can and will be of assistance, but the States should take the lead on this. That is why ODIHR invests more and more energy in the follow-up on our Final Electoral Reports.

### Ladies and Gentlemen,

I would now like to continue my report with our work in the field of **Democratization.** 

Our Democratic Governance and Gender Unit used the last year to continue its efforts to promote the strengthening of democratic institutions with regards to transparency and accountability, as well as inclusive political participation and gender equality. A particularly interesting example of their work is the International Forum of Women Leaders, which we organised in June 2016 in Minsk, gathering more than 100 participants from 21 OSCE participating States, including all the CIS countries. There, the Minsk Declaration of Women Leaders was adopted, calling for the establishment of a Network of Women Leaders from the CIS region to provide for regular exchange of experiences.

Our Legislative Support Unit continued to assist OSCE participating States by reviewing draft laws and laws for their compliance with key OSCE commitments and international human rights standards. In 2016, we completed 13 legal opinions based on requests from 9 participating States, focused on six different human dimension topics. Assessments of legislative processes also continued in three participating States: Armenia, Georgia and the Kyrgyz Republic. We further continued our assistance in the structural reform of legislative processes. One highlight was the finalization of the National Regulatory Reform Roadmap in Armenia, which contained concrete action points for the reform of the law-making process.

Our Rule of Law Unit continued to support participating States in meeting their commitments on rule of law through exchange of good practices and research in the areas of judicial independence, trial monitoring, fair trial rights including in times of emergency, and criminal justice reform. ODIHR also launched a new programmatic area focussing on gender, diversity and justice. As the continuation of a successful tradition, in November 2016 ODIHR co-organized the Sixth Expert Forum on Criminal Justice for Central Asia in Tashkent. Here, around 100 judges, prosecutors, lawyers, government officials and civil society organizations from Central Asia and beyond discussed good practices and challenges in criminal justice reform efforts in Central Asia. The Forum remains a leading regional platform for expert discussions on criminal justice and human rights since it was first organized in 2008 in Kazakhstan.

Finally, allow me to re-iterate our offer to support the Turkish authorities by monitoring the trials in the aftermath of the unscrupulous attempt to overthrow its elected government. We firmly believe that such an activity would allow the Turkish government to demonstrate its commitment to transparent judicial procedures and help to restore public confidence in the rule of law.

We encourage participating States to more actively make use of this crucial and unique ODIHR instrument that constitutes our Trial Monitoring methodology.

In the field of Migration and Freedom of Movement, ODIHR delivered trainings and workshops to over 500 migration authorities across the OSCE region on the protection of migrant rights and migrant integration, responding to a surge in interest and requests from OSCE participating States. We also supported the State Migration Service of Ukraine in introducing more efficient processing of requests for ID and travel documents.

Another highlight of last year was the launch of the inception project on promoting participation of persons with disabilities in political and public life. The work draws very much on ODIHR's past work on political participation of under-represented groups. In addition to the HDIM side-event on the topic organized in co-operation with the OSCE Missions of Finland, the Russian Federation as well as the United States of America, one of the highlights was a high-level expert seminar organized in October in Helsinki, Finland. There, around 140 participants discussed challenges and good practice examples from the OSCE region.

### Ladies and Gentlemen,

Let us continue to the field of **Human Rights.** Here, ODIHR continued to maintain an overview of human rights developments across the OSCE region, with a view to identifying trends, challenges and examples of good practices in the implementation of human dimension commitments. Moreover, ODIHR offered capacity building and expert advice to State and non-State actors on human rights issues through the organization of events and training activities. Freedom of religion or belief, the protection of human rights defenders, the strengthening of national human rights institutions and human rights education were the focus of a number of such activities. Other issues covered included human rights and counterterrorism, the policing of public events and freedom of peaceful assembly, mainstreaming gender and human rights in the security sector and the prevention of torture.

I am very pleased to say that have been able to reactivate our anti-trafficking portfolio at the end of 2016 and we're planning the delivery of activities, closely co-ordinated with the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, in 2017.

One aspect particularly worth mentioning in the field of human rights is the completion of the third cycle of assembly monitoring and the publication of the third report on *Monitoring Freedom of Peaceful Assembly in Selected OSCE Participating States*. The report covers

observations of 24 assemblies carried out in Austria, Cyprus, Germany, Ireland, Latvia, Poland and Sweden between April 2015 and July 2016. As ODIHR is currently planning its next cycle of assembly monitoring, starting this year, we hope to continue to enjoy good cooperation with participating States in facilitating our monitoring work.

In the area of torture prevention, in 2016 ODIHR organized *its First Annual Meeting of National Preventive Mechanisms* under the optional protocol of the UN Convention against Torture (NPMs). The event was organized jointly by ODIHR and the Association for the Prevention of Torture.

We are also very keen to explore new technologies and new approaches in human rights work, with a particular focus on human rights education. In 2016 we organized a first meeting of experts on "Human Rights Education in the Digital Age", hosted by the Massachusetts Institute of Technology. We are developing further some of the ideas gathered at the event, with a view to implementing innovative activities in this area.

Finally, allow me to re-iterate our call to get access to the illegally occupied territory of Crimea. We remain ready to conduct a human rights monitoring there, but in order to do so we need physical access of our experts to the peninsula.

### Ladies and Gentlemen,

Let us continue with **Tolerance and Non-Discrimination**, where we used the last year to pursue our efforts to counter hate crimes and intolerance through complementary data reporting and capacity-building efforts. In November 2016, we published data on hate crimes and incidents across the OSCE region. This was complemented by the continued delivering of training programmes for law enforcement officials, prosecutors and civil society groups. The Training against Hate Crime for Law-Enforcement (TAHCLE) programme was expanded to three new countries, Finland, Iceland and Turkey, while the implementation of the Prosecutors and Hate Crime Training (PAHCT) programme is underway in Bulgaria, Georgia, Iceland and Poland. These activities were strengthened through the annual meeting of the national points of contact on hate crime in November and a conference dedicated to countering intolerance and hate crimes against Muslims and Christians, held respectively in February and in December.

2016 also marked the beginning of the three year "Words into Action to Counter Anti-Semitism" project, which was launched with a big side event during HDIM, in the Polin Museum for the History of Polish Jews. The project, generously funded by the German government, centres on three areas: addressing the security needs of Jewish communities, through guidelines drafted in consultation with government and community experts; addressing anti-Semitism with education and developing education policy guidelines; and fostering coalition building among communities to help mobilize tolerance.

Finally, ODIHR is currently launching a project to address hate crime through a comprehensive approach that includes capacity building for law enforcement, prosecutors

and by strengthening the ability of states to record and collect hate crime data. This multiyear project, conducted with partners in Bulgaria, Greece, Italy and Poland, is financed by the European Commission and the United States. The lessons drawn from these countries will then feed into a toolkit that can be used across the European Union and beyond.

### Ladies and Gentlemen,

In the area of **Roma and Sinti issues**, ODIHR continued to focus on enhancing participation of Roma and Sinti, including women and youth, and to build on capacity of law enforcement for the protection of Roma and Sinti communities. ODIHR also supported participating States in the implementation of their relevant OSCE commitments, by visiting the Transcarpathia, Odessa and Kharkiv regions of Ukraine, to assess the implementation of the country's strategic framework for Roma, and also by publishing a field assessment visit report on the housing rights of Roma in Miskolc, Hungary. Women and youth from Roma and Sinti communities were promoted via activities such as an international conference on "Forced and Coercive Sterilization of Roma Women: Justice and Reparations for Victims in the Czech Republic', or implementing youth-targeting projects in Croatia, Hungary, Georgia and Serbia. The geographic focus of our work was further expanded with an international consultation meeting on "The Situation of Roma and Related Groups in the South Caucasus and Central Asia Regions: Experiences and Way Forward", held in Tbilisi in June 2016.

Another culmination point was the high-level international event on "Confronting Anti-Gypsyism", hosted by the German Chairperson-in-Office in Berlin, in September 2016. The event, supported by the Council of Europe and the Central Council of German Sinti and Roma, brought together over 140 participants to discuss ways to confront anti-Roma rhetoric and sentiment in mainstream society and electoral campaigns, and to promote diverse leadership by networking between political parties and Roma and Sinti civil society. Furthermore, in October 2016, following an HDIM working session devoted to participation of Roma and Sinti, ODIHR organized a consultation meeting in Warsaw on "Political Participation of Roma and Sinti." Furthering its work on enhancing security for Roma and Sinti communities, ODIHR also developed a training course on "Effective and Human Rights-Compliant Policing in Roma and Sinti Communities" that strengthens the capacity of police officers working in Roma and Sinti and mixed communities. In the course of 2016, the course was piloted in two international events in Warsaw, three trainings for police officers in Romania, and a training for police officers in Ukraine.

### Ladies and Gentlemen,

Finally, in 2016 we had five large scale **human dimension meetings.** We worked very hard to continue the path of modernizing these meetings, by making them even more interactive and more appealing. At last year's HDIM, we have for the first time organized a panel debate

during the opening session, with prominent personalities from the human rights community. Moreover, we also continued our efforts to bring the conference to a wider audience through the use of new technologies. During the course of HDIM, over 11 000 tweets were sent, reaching almost 60 million Twitter users. Additionally, during the speakers' presentations, relevant OSCE commitments were displayed in the hall, a reminder of what participating States have agreed to implement. Finally, the introduction of the HDIM app allowed us to provide participants with regularly updated information on speakers, the agenda as well as all side events, making access to information more convenient and at the same time saving precious resources.

In total in 2016, we had much more than 2000 participants and more than 100 side events at these human dimension meetings, more than ever before. The participants of these events, representing participating States, OSCE Partners for Co-operation, National Human Rights Institutions (NHRIs), international organizations, the OSCE institutions and executive structures, civil society representatives, academics and media, made hundreds of recommendations on how to advance human dimension commitments – and at the same time to keep them open for civil society participation, as stipulated in the modalities given to us by you, and at the same time to make scrupulous efforts to safeguard the orderly conduct of the meeting.

One of the unique features of human dimension meetings is that civil society representatives take a very active role in these meetings, forming the largest group of participants. In 2016, there was a record number of 970 various representatives of civil society attending – among them big international non-governmental organizations, small citizens groups, human rights activists and defenders. Their participation is particularly valuable and important given the role civil society plays in the monitoring and safeguarding of human dimension commitments in the OSCE area, by reporting human rights violations and helping to translate human dimension commitments into practice in local communities. ODIHR's human dimension meetings provide a unique opportunity for these individuals and organizations to meet face-to-face and have their voices heard by their own governments as well as the international community.

This is all the more important as we are unfortunately witnessing a prolonged halt in the expansion of democracy and freedom in the world, with a decline in democratic freedoms recorded for the past decade. Additionally, we see an increasing number of conflicts in the entire region.

The OSCE has always been able to open channels for dialogue based on mutual understanding and respect, in the most difficult times. As agreed by the OSCE participating States in the Charter of Paris, 'we undertake to build, consolidate and strengthen democracy as the only system of government of our nations.' The acceptance of liberal democracy as the form of government best serving the needs and interests of its citizens — and of an international system built on democratic ideals — is today under great threat.

We are witnessing attempts in different countries to alter the balance of democratic powers, and to ultimately favour the establishment of a dominant executive power at the expense of effective legislature and judiciary. It is our duty to state that no majority government is above the law. Let me go further: "No one is above the law, not even an elected government." Yet, controversial constitutional referenda as well as restrictive political reforms undermining the democratic separation of powers seem to be growing stronger and more frequent. I am in the good company of many of the most influential political philosophers when I warn you about the dangers of such a possible "tyranny of the majority", because no government is above the law.

The cascading effects of all these challenges are coming at a time of growing public mistrust, rising populism, nationalism as well as increasing polarization, intolerance, and xenophobia. These are matters of direct and legitimate concern to all of us and these challenges and — as it has been re-stated in the OSCE numerous times - do not belong exclusively to the internal affairs of any state.

In times of crisis our Organization requires clear and principled voices willing to speak up in defence of the OSCE human dimension commitments. We should not be silent when OSCE commitments are violated or close our eyes when our fellow parliamentarians or human right defenders are harassed.

It is our collective responsibility to protect the basic principles of democracy such as the separation of powers, the rule of law, political pluralism, independence of the judiciary and fundamental freedoms. History has taught us that when these values were diluted and disregarded, dangerous times followed.

### Ladies and gentlemen,

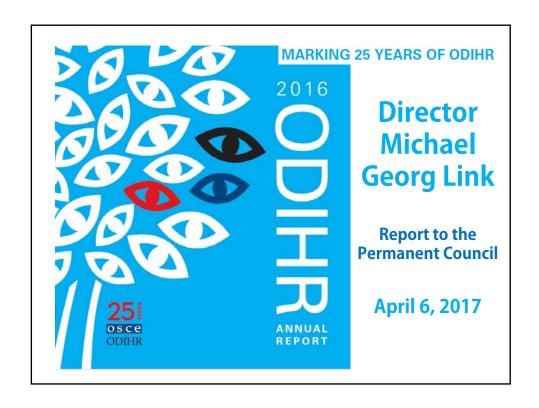
History also shows that protecting human rights makes our societies stronger and is the best safeguard against conflict and instability. ODIHR was created to support you in maintaining this freedom. I urge you to support us in this important work in every way you can. It is in your own interest.

### Ladies and Gentlemen,

Before coming to an end, I would like to say some final words of appreciation.

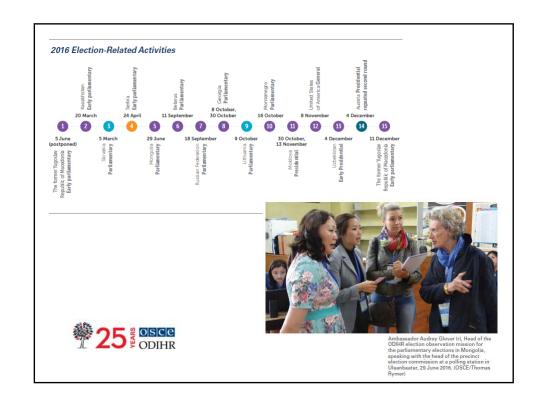
I thank the Troika for their support, even in difficult times. I thank the Secretariat and its leadership, the CPC, the Field Offices, as well as my dear colleagues from other executive structures in the human dimension, the High Commissioner on National Minorities as well as the Representative on Freedom of the Media, for the excellent co-operation. I would like to thank the OSCE PA and its leadership for the superb collaboration and partnership, not only in the field of election observation, but also in the entire human dimension and beyond.

And finally, I wholeheartedly thank the dedicated and exceptionally able staff of ODIHR for their excellent work. It is a true privilege to work with this team of committed professionals, and a pleasure to know that all our staff truly believe in the exceptional value of their work.













Angela Patrick, a barrister with Doughty Street Chambers, U.K., participating in a working group during an ODIHR meeting focusing on the implications of states of conflict or emergency on fair





25 S ODIHR

Identity management experts from OSCE participating States, international organizations and industry discuss good practices at ODIHR offices in Warsaw, Poland, 6 December 2016. (OSCE/Agnieszka Rembowska)

Alice Thomas (c),
Chief of ODIHR's Legislative Assistance
Legislative Support
Legislat





# Human Rights Women made up 45 % of participants at Human Rights events in 2016. \*\*\* 25 \*\*\* ODIHR\* \*\*\* 25 \*\*\* ODIHR\*





Stephanie Selg, the OSCE/ODIHR Advisor on Torture Prevention, addressing participants in an OSCE workshop on rehabilitation for victims of torture, 12 October 2016, Vienna. (OSCE/





Adam Bodnar, the Polish Commissioner for Human Rights, addressing participants in an expert meeting on strengthening the independence of national human rights institutions in the OSCE region hosted by OSCE/ODIHR, 28 November 2016, Warsaw. (OSCE/Maria Kuchma)

## Tolerance and Non-Discrimination

Women made up 45% of participants at Tolerance and Non-Discrimination events in 2016.







ODIHR Director Micheal Georg Link, speaking at the seminar organized by ODIHR in Budapest for youth activists from across the OSCE region, as Cristina Finch ODIHR Head, Tolerance and Non-Discrimination and Rabbi Andrew Baker, Personal Representative of the OSCE Chairperson-in-Office on Combatting Anti-Semitism listen, 4 November 2016. (OSCE/ Kondella Miai)

> Participants at an ODIHR-organized meeting on anti-Semitism, in Brussels, 16 June 2016. (OSCE/ Michael Chin)













