



United States Mission to the OSCE

Working Session I Democratic institutions, including address by the Director of ODIHR

As prepared for delivery by Ambassador Michael Kozak,
Head of Delegation
OSCE Human Dimension Implementation Meeting
Warsaw, September 19, 2016

Elections are an essential element of democracy and a cornerstone of democratic institutions. The United States greatly appreciates the OSCE's invaluable role in election observation – indeed, this organization has developed what is known as the “gold standard” for its methodology on evaluating elections. We value efforts to promote our shared commitments in election observation throughout the OSCE region.

In this context, the **United States** has invited OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the Parliamentary Assembly, and participating States to observe the November 8 general elections in the United States. The United States takes very seriously our commitments to democracy and transparency and looks forward to the OSCE's work in monitoring our electoral process. In addition, the Organization of American States, of which the U.S. is a member, recently named former Costa Rican president Laura Chinchilla as the head of its first Electoral Observation Mission to the United States.

My delegation is studying the just-released preliminary report of the ODIHR/OSCE Parliamentary Assembly observers regarding the Duma elections in the **Russian Federation**. We will speak to that subject later today.

We also look forward to ODIHR observation of other elections in the coming few months, including those in **Moldova**, which will be holding direct elections for the presidency for the first time in 20 years, and in **Georgia**. In both elections, a level playing field will be crucial.

We welcome ongoing efforts to implement the Przino Agreement, which represents **Macedonia's** best path out of its political crisis. We look forward to working with delegations and OSCE institutions to ensure that robust observation of the December 11 elections is possible.

Leaders who do not permit a free and fair election process not only reject the will of their citizens, but give the impression they fear it. There can be no free elections if the pre-election environment is unduly constrained, if an election campaign lacks a level playing field for all candidates, if the media are monopolized by one party, or if election committees at the national, regional, and precinct level are dominated by partisan supporters of the incumbent party. Not

surprisingly, where there is an undemocratic pre-election environment, more often than not, we also see election-day fraud.

We welcome the peaceful September 11 parliamentary elections in **Belarus**, which were marked by small improvements in the electoral process. Still, the elections fell far short of international standards and Belarus's stated commitment to free and fair elections, and we continue to urge Belarus to implement meaningful election reform in line with OSCE recommendations.

Moderator, we note that free and fair elections in separatist-controlled areas of **Donetsk and Luhansk** in eastern **Ukraine** are not possible in the prevailing environment, where combined Russian-separatist forces continue to systematically obstruct, intimidate, and threaten OSCE Special Monitoring Mission monitors. In these areas, there is a lack of security and a lack of respect for the basic freedoms of association, expression, including by the media, and the right to peaceful assembly. In Russia-occupied **Crimea**, by definition, no elections conducted by the occupation authorities and/or under Russia law, have any legitimacy.

Although **Kosovo** is denied its rightful place here at the table, a matter we call on OSCE participating States to address without delay, we note the democratic election of a new President. However, we also regrettably note concerns regarding the use by some political parties of violence and anti-democratic tactics in parliament and on the streets, darkening Kosovo's political landscape. The United States supports peaceful political dialogue and debate within Kosovo's established institutions to decide the country's path.

The OSCE has observed a number of elections since we met in Warsaw last fall. As OSCE observers noted, **Kazakhstan's** March parliamentary elections were efficiently organized and showed some progress in certain areas. Unfortunately, observers also found a substantial absence of genuine political choice and a variety of serious procedural irregularities. More egregious problems included indications of ballot box stuffing, a very high number of names added to voter lists on Election Day, and group and proxy voting. The United States encourages Kazakhstan to implement the reforms necessary for democratic elections in a genuinely free, fair, and competitive environment, in keeping with its international obligations and commitments, including with respect to the exercise of fundamental freedoms. In particular, we urge the government to do away with laws that establish criminal liability for those who criticize the President.

We are concerned that some of the changes approved during **Tajikistan's** May 22 referendum may jeopardize democratic progress as well as government accountability to the people. A series of constitutional amendments essentially grants the President the right to run for office an unlimited number of times and bans non-secular political parties. In addition legislation adopted last December awards him the title "Leader of the Nation" and immunity from prosecution for life. In total, 41 changes were part of a single vote, rather than separate votes. This runs counter to the democratic principle that the will of the people is the basis of the authority of government and the need to hold elected officials accountable to their citizens. The United States urges the government of Tajikistan to respect its OSCE and international commitments fully, and work towards strengthening democratic institutions in the country.

We welcome the pending Venice Commission's opinion on **Azerbaijan's** constitutional amendments in advance of the September 26 referendum, and urge the government of Azerbaijan to take into account the Opinion before proceeding with the referendum. We also urge the authorities to foster an environment conducive to open public discussion about the proposed amendments and respect the freedoms of association and expression, and the right to peaceful assembly.

We would like to highlight the importance of ensuring that historically marginalized populations, such as persons with disabilities, are included in elections on an equal basis with others. When segments of society are excluded from or face significant obstacles to participating in this essential democratic exercise, we fall far short of our OSCE commitment to ensure the equal opportunity of all to participate fully in the life of their society. In this regard we welcome ODIHR's ongoing efforts to address voters with disabilities in its elections monitoring.

Finally, the United States reiterates its support for ODIHR and other OSCE institutions supporting democratic reforms including the Representative on Freedom of the Media and the High Commissioner on National Minorities. We value their independence and their mandates, and commit to continuing our strong support for the OSCE's election observation missions.