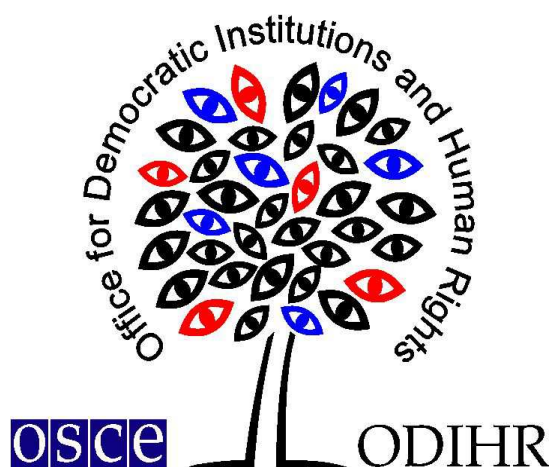


Address at the last HDC meeting of 2014

Vienna, 15 October 2014



Michael Georg Link

Director of the Office for Democratic Institutions and Human Rights

Check against delivery!

Ladies and Gentlemen,

It is a pleasure to be here with you today for what is the last HDC this year, and my first. And I very much appreciate this opportunity to take stock as I soon will complete my first six months in this post.

During my half year with ODIHR, I continue to be impressed with the level, breadth, and depth of expertise this institution has developed. Even more so do I find that the Office's overall output is overwhelming. That "so few staff are able to produce so much for so many for so small a budget", is no doubt a testament to their professionalism, but also a legacy of the stewardship of former ODIHR Directors.

ODIHR's ability and capacity to assist and support the participating States have been built, brick by brick, over many years. Towards the end of my address today, I will share with you some thoughts on the challenges but also opportunities for how I and we can continue to build on that great tradition.

But as this is the time of year when the books are consolidated, allow me to give you just some of the highlights of what ODIHR has done this year. Believe me, there's a lot more than the time today would allow for.

Ladies and Gentlemen,

Just as all commitments are equally important, so are the mandated areas of our work. Let me therefore present these this time in alphabetical order, starting with our work in the area of **Democratization**.

Last week ODIHR concluded its **Georgia Trial Monitoring** activity with the publication of its Report. ODIHR monitored 327 hearings in 14 selected criminal cases, involving high-ranking officials of the previous Georgian Government. ODIHR's Trial Monitoring Report analyses the compliance of the monitored cases with international fair trial standards, and includes recommendations to address

shortcomings on a number of specific fair trial rights, both in law and practice. The Trial Monitoring Report is a good example of ODIHR's ability to provide rule of law assistance and expertise upon request in the spirit of good co-operation, as we had with the Georgian authorities in their efforts to reform their criminal justice system.

In November ODIHR continued its established practise of promoting an exchange of experience and expertise among Central Asian criminal justice experts. The **Fifth Expert Forum** gathered over 70 law- and policy-makers, judges, lawyers, prosecutors, academia and NGOs. Key aspects of fair trial rights and criminal procedure were discussed. This included investigative actions during the pre-trial phase, the use of pre-trial detention and alternative measures, evidentiary rules and the impact of gender on justice delivery.

ODIHR has just completed the joint **ODIHR/Venice Commission Guidelines on Freedom of Association**. These Guidelines aim to outline international standards and good practices in this vital area of human rights. The Guidelines on Freedom of Association are the latest in a series of Guidelines issued by ODIHR in recent years in key areas of fundamental human rights including *Freedom of Religion or Belief*, *Political Party Regulation* and *Freedom of Assembly*. These publications are increasingly recognised by the European Court of Human Rights and the UN as useful reference guides for the interpretation of international standards in these fields.

This year, ODIHR continued to receive an increasing number of requests for **legislative assistance**. This led to 19 legal opinions on a wide range of human dimension topics, including the rule of law and the judiciary, freedom of religion or belief, gender equality, domestic violence and political party funding, as well as on cybercrime and anti-corruption issues. ODIHR assistance in 2014 focused in particular on providing expertise to EU member States on key draft legislation (Austria, Latvia and Malta). Particular attention was also given to Ukraine, for whom ODIHR issued five legal opinions, highlighting the good cooperation with Ukrainian counterparts in the ongoing process of legal reform in the country.

With the publication of the ***Handbook on Promoting Women's Political Participation in Political Parties***, ODIHR highlighting the role and responsibility of political parties in advancing women's participation in party structures. The Handbook aims to encourage political party leaders to support integration of gender aspects into internal decision-making as well as to assist in developing capacity of women politicians to advance their careers. Given the increased demand for ODIHR expertise in the field of gender, ODIHR organized 20 events on women's political participation, reaching out to more than 900 stakeholders from across the OSCE region this year. Because local politics often serves as the springboard to national elected office, ODIHR has begun to collect comparative data on women's representation in local councils and mayoral offices in the OSCE region. With an average of only 12 per cent women in mayoral positions in selected States, it is clear that efforts must be strengthened in this regard. In addition, on the occasion of the 20th Anniversary of the 1995 Beijing Declaration and Platform for Action, ODIHR is planning an Expert Meeting titled "Beijing +20 Review: Women's Political Participation in the OSCE Region," to be held in Warsaw, Poland in March 2015.

Complementing the Swiss CiO focus on youth, ODIHR implemented the project "***Promoting and increasing youth political participation and civic engagement in the OSCE region***". In its framework, ODIHR held two Youth Leadership Forums resulting in a number of recommendations to improve mechanisms of youth engagement in political and public life across the OSCE region. In 2015, ODIHR will continue its engagement with young leaders and civil society to explore ways of enhancing youth participation in the OSCE region.

Following up on the recommendations made at the 2013 SHDM on Freedom of Movement, ODIHR developed the ***Baseline Study on Cross-Border Mobility in the OSCE region*** on the current situation of cross-border travel in the OSCE region. The Study aims to facilitate expert discussions on visa facilitation and the promotion of cross border human contacts across the OSCE region. ODIHR looks forward

to continue its co-operation with OSCE pS in this field in 2015 and to the promotion of the Study at national levels.

In response to an increasing number of requests from OSCE pS, ODIHR continued its capacity building in the field of **migrant integration** in 2014 benefiting a total of 228 participants.

In March 2015, ODIHR will organise a **Regional Roundtable on Electoral Dispute Resolution**, in Warsaw. This will allow a range of stakeholders in Eastern Europe and the South Caucasus to exchange at the regional level their experiences in implementing commitments and standards on Electoral Dispute Resolution (EDR).

Ladies and Gentlemen,

2014 was yet another **unpredictable and challenging election** year. And the year was made even more challenging due to the late adoption of the UB, and the accumulated net decrease in resources and funding due to several years of ZNG. ODIHR nevertheless conducted 11 needs assessment missions¹ and deployed 12 election observation activities,² publishing almost 50 reports.

ODIHR's timely response to **Ukraine's** early presidential election in May and early parliamentary elections in October demonstrated our commitment and support for Ukraine's democratic process. The election observation missions deployed were two of the largest missions in the organization's history. For the May election, more than 1,200 observers from 49 countries were reporting across the country. ODIHR will published its report on the October elections shortly and looks forward to working with the authorities in further strengthening electoral processes in the post-electoral period.

Following an invitation from **Afghanistan**, the OSCE Permanent Council tasked ODIHR to deploy an Election Support Team to prepare

¹ Afghanistan, Belgium, Bosnia and Herzegovina, Bulgaria, Hungary, Latvia, Lithuania, Moldova, Tajikistan (2015 parliamentary elections) Turkey, Uzbekistan.

² Afghanistan (EST by PC mandate), Bosnia and Herzegovina, Bulgaria, Hungary, Latvia, former Yugoslav Republic of Macedonia, Moldova, Serbia, Turkey, Ukraine (early presidential and early parliamentary), Uzbekistan.

a report, including recommendations, on the 2014 presidential and provincial council elections. This was the fifth consecutive activity deployed by ODIHR to an Afghan election.

ODIHR recognizes the most **valuable contribution of parliamentarians** to election observation, and in particular the good co-operation with the OSCE Parliamentary Assembly. In the past several months, we have re-doubled our efforts in ensuring the co-operation runs smooth. For our larger observation missions, we also see the clear benefit in deploying Heads that possess both governmental and parliamentary experience.

In the 1999 Istanbul Document, the pS committed to the importance of constructive post-electoral engagement and **follow-up**. The utility of election observation can only be maximized if the recommendations offered in a final report are given serious consideration, and if they are effectively addressed. That is why follow-up to election recommendations, again, has been an important element of our work in 2014. Visits to present final reports and discuss recommendations took place in Georgia, Iceland, Norway, Mongolia, Tajikistan, Turkmenistan and Ukraine. We have also undertaken regular **joint opinions** on election legislation, together with the Council of Europe's Venice Commission. This year, these have included reviews of legal frameworks in Bulgaria, the Kyrgyz Republic, Malta and Moldova. Here, the HDC could play an increased role in institutionalizing and adopting a co-ordinated approach to follow-up.

ODIHR continuously works to enhance its observation methodology. This year, ODIHR has published two new handbooks and a third will be published just after the New Year (all from generous ExB contributions):

- Handbook on observing and promoting the participation of national minorities in electoral processes (jointly with HCNM);
- Guidelines for reviewing a legal framework for elections, in its second edition;

- ODIHR will publish a Handbook on observing campaign finance in Jan 2015.

Overall, ODIHR continues to observe a mixed picture regarding pS implementation of commitments for democratic elections. **Positive practices** include:

- Improved legal frameworks that aspire to respect commitments in the letter of the law;
- Greater awareness and attention to the issue of women's participation and representation;
- Increasing awareness of the importance of regulating and ensuring oversight of campaign finance.

Shortcomings that require **further attention** include:

- Undue restrictions on electoral rights;
- Practices running contrary to the principle of separation between the party and the State;
- Unequal access to the media and/or lack of balanced coverage of election contestants by the media;

(In 2015, the ODIHR election calendar, to date, includes elections in Afghanistan, Albania (local), Andorra, Azerbaijan, Belarus, Canada, Croatia, Denmark, Estonia, Finland, the Kyrgyz Republic, Moldova (local), Poland (presidential and parliamentary), Portugal, Spain, Sweden, Switzerland, Tajikistan, Turkey, the United Kingdom, and Uzbekistan.)

Ladies and Gentlemen,

As you know, ODIHR together with the HCNM deployed a **Human Rights Assessment Mission** to Ukraine this spring, following an invitation from the Ukrainian Government. The final report attested to an escalation of tensions in a number of regions of Ukraine, which

resulted in a deteriorating human rights situation in the country in general. It offered a range of recommendations for the Ukrainian authorities as well as the parties to the Geneva Accords.

In one of my first trips after I assumed responsibility for ODIHR, I visited Kyiv to discuss possible follow-up to both the HRAM recommendations as well as those stemming from our election observations reports and other expert assessments. Based on the discussions in Kyiv and consultations within ODIHR and with other partners, it was clear a holistic approach had to be designed, and a **large ODIHR ExB-project** is now being launched. In order to ensure policy consistency and close coordination with other stakeholders, first and foremost other OSCE structures, it will be coordinated by the Direction of ODIHR but with each department responsible for the delivery of support and assistance within their respective area of expertise.

Another highlight of this year has been the launch of the ***OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders*** in Berne. The conference was organized jointly by ODIHR and the Swiss Chairmanship with the support of the incoming Serbian Chairmanship. Since the publication, ODIHR has carried out a number of activities to disseminate the Guidelines. Moreover, we have followed closely the worrying situation of a number of human rights defenders in the OSCE region.

In furtherance of OSCE commitments to facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law, ODIHR held the first **NHRI** Academy this year.

On the margins of the HDIM, ODIHR also launched its ***Guiding Principles on Human Rights in the Return of Trafficked Persons***. With this, ODIHR has developed yet another pioneering publication in its catalogue promoting the rights of victims of trafficking.

I am also pleased to report that ODIHR has completed the second cycle of **monitoring peaceful assemblies** in the OSCE area with 19 assemblies observed in six pS this year alone. The report will be

launched at an event here in the Hofburg tomorrow. I am grateful to Albania, Bulgaria, the Czech Republic, France, Greece, Montenegro, the Netherlands, Portugal and Spain for facilitating our observation.

Allow me also to highlight our fruitful cooperation with the OSCE's **Forum for Security Co-operation**. These events addressed such topical issues as the condition of service and human rights of the members of the armed forces and the freedoms of expression and association of the men and women in uniform.

Last but not least, we have several major publications in the process of being finalised. These include the **Guantanamo** report; the OSCE/ODIHR-Venice Commission of the Council of Europe **Guidelines on the Legal Personality of Religious or Belief Communities** and a **Human Rights Training Guide to Policing Assemblies**, in co-operation with the SPMU. In line with our mandate to provide assistance to pS to ensure that their counter-terrorism policies and practices meet the OSCE human dimension commitments, we will also look into human rights compliant responses to the highly topical phenomenon of foreign fighters.

Ladies and Gentlemen,

With regard to ODIHRs work on Roma and Sinti, I would like to highlight the key activities of this year, which focused on **Roma in crises situations, enhancing public and political participation of Roma and Sinti communities, including Roma and Sinti women and youth, and, on Roma and security**. These topics reflect ODIHRs ability to quickly react to new developments and emerging crisis situations. It is well known that the vision of the OSCE Action Plan on Roma and Sinti is not fulfilled yet. Effective, meaningful participation of Roma and Sinti in our societies is one of the missing links along with political will, to achieve this goal.

ODIHR has a strong mandate to pro-actively assess and analyze **the situation of Roma in crisis situations**. ODIHR responded immediately with a specific monitoring exercise, when we received reports on

attacks on Roma in Ukraine. Similar to other conflicts the OSCE region has seen in the past, Roma remain a particularly vulnerable population due to lack of civil or residence registration documents. This has a particular negative impact on them during displacement and hampers their access to humanitarian assistance, or their recognition as IDPs according to the law. Some OSCE pS have done considerable progress in ensuring birth certificates or other documents for undocumented persons and their experience should be shared.

Another priority for ODIHR is centered on enhancing **public and political participation of Roma and Sinti**. Roma and Sinti continue to be severely underrepresented in decision making bodies at national and particularly at the local level. Despite the slight increase of Roma in politics, their role remains often symbolic or they have limited competences in addressing the needs of their communities. Meaningful public and political participation of Roma and Sinti also has the potential to counteract widespread anti-Roma rhetoric. Such rhetoric are particularly damaging and leads to insecurity of these communities during electoral campaigns.

This was also one of the outcomes of the **Roma and Sinti Youth Initiative** Conference in Belgrade recently. The conference brought together 50 young Roma and Sinti from 18 countries and builds on the ODIHR's previous Roma youth initiatives, and developed in the context of Swiss and Serbian OSCE Chairmanship priorities. ODIHR stands ready to share the concrete outcomes of this conference early next year.

In all its activities ODIHR's Roma and Sinti programme ensures **gender mainstreaming** and paying attention to the role and needs of Roma and Sinti women. This was also demonstrated by the joint visit to Albania with the Special Representative on Gender Issues, paying particular attention to violence against Roma and Egyptian women.

Violence faced by Roma and Sinti women but also in general violence and racist attacks faced by their communities remains a concern and priority. This includes work on building trust between police and

Roma and Sinti at local level, - an area in which co-operation between ODIHR, the HCNM and the OSCE TNT/SPMU has been strengthened.

Finally, let me underline that **combating racism and discrimination** is a priority and cross-cutting element for all support activities implemented by ODIHR. Teaching about the persecution of Roma and Sinti in the past is key to counter the prevalent racism and discrimination these communities face today. ODIHR is finalizing its report about teaching and commemorating the Roma and Sinti genocide which will be shared early next year. Moreover, together with the Swedish government, ODIHR promoted the “White Paper on abuses and rights violations of Roma during the 1900s – Towards a better understanding of human rights challenges faced by Roma and Sinti in Sweden”. I would like to encourage more pS to follow this example.

Ladies and Gentlemen,

The **High-Level Commemorative Event on anti-Semitism** brought challenges of contemporary anti-Semitism to the attention of pS and civil society. Commemorating the 10th anniversary of the Berlin Declaration, it brought together more than 550. Organized by the German Federal Foreign Office, in co-operation with the Swiss Chairmanship and ODIHR, this major event helped adopt the Ministerial Council Declaration on Combating anti-Semitism.

The OSCE is the only international organization that has a specific portfolio and mandate to focus on and address anti-Semitism and other forms of intolerance. The **MC Declaration** renews the political will of all pS in developing a comprehensive response to hate crime and addressing different manifestations of intolerance. It acknowledges contemporary challenges related to anti-Semitism. It thus strengthens ODIHR’s mandate to support OSCE pS in addressing this issue, including through the facilitation of best practices. This document provides a renewed impetus for ODIHR to help raise also the overall profile of the OSCE in this area, within a human rights

approach. The approach should be inclusive, fostering dialogue between different religious, cultural and belief communities. ODIHR also welcomes that the Declaration highlights the significant role played by civil society.

While the adoption of the Declaration presents a positive development, much more needs to be done. Attacks targeting Jews, Muslims, Christians and members of other religions or beliefs motivated by racism, xenophobia and intolerance remain a challenge throughout the OSCE region. ODIHR's **Hate Crime Reporting website** was launched in June to present ODIHR's annual hate crime report. It brings together information provided by OSCE pS, international organizations and civil society. The new platform presents hate crime data collected from across the OSCE region and is organized thematically and by country.

ODIHR has continued to offer assistance to pS to strengthen their response to hate crimes. In 2014, ODIHR continued to implement its Training Against Hate Crimes for Law Enforcement (**TAHCLE**) programme in Italy and Montenegro in line with the previously-signed MoUs. More are to come.

ODIHR co-operates closely with civil society organizations, and conducted ten training sessions for more than 200 civil society representatives to respond to hate crimes. ODIHR also oversaw the finalization of several small scale projects, including a seminar for women of **Muslim** and African descent focusing particularly on the disproportionate impact of hate crimes targeting these groups. In collaboration with the CiO, ODIHR organized expert conference on addressing the security needs of Muslim communities in the OSCE region. We are looking forward to organizing similar events focusing on the security needs of **Christian** and Muslim communities in 2015.

Ladies and Gentlemen,

As I noted, these are only some of the activities carried out in 2014, and will continue carrying out next year, in line with our mandate.

Before I conclude, allow me now to share some reflections I've made while having the challenging privilege of being ODIHR's Director.

With the ongoing crisis in and around Ukraine, no one is any longer questioning the relevance of the OSCE and its institutions, or the importance of a comprehensive concept of security, the very cornerstone of our organization. While this came as no surprise to either ODIHR or all the immediate beneficiaries of our support over the year, the crisis in and around Ukraine made it clear that the OSCE and its structures had largely disappeared from the focus of policy-makers in the capitals, mainstream media and the broader public in most of our countries. The crisis in and around Ukraine also demonstrated the negative impact of several years of budgetary constraints on the Organization's ability to effectively respond in line with the decisions made in Vilnius three years ago on the conflict cycle.

I therefore cannot agree with those who challenge the continued importance of OSCE commitments and the relevance of the structures set up to assist with their implementation. Instead, I believe it is more about the inter-linked challenges and opportunities of **visibility and communication**.

During my first months as ODIHR Director, I have not only made it a priority to get to know the OSCE, but also to help **visualize** for the capitals the valuable tools they have in the OSCE and ODIHR. In my visit to capitals, I have also made it a principle to have meetings not only with the governmental side, but also with the parliamentary and civil society organizations. I intend to continue making such courtesy visit to more capitals next year, in close cooperation of course with the delegations.

Second, I also believe that there is no dilemma between safeguarding ODIHR's mandated autonomy on the one hand, and the closest possible **communication** and coordination on the other. As one important step in this direction, I am pleased to inform you that I decided to deploy Mr Jan Haukaas, who many of you already know, as ODIHR's liaison and my representative in Vienna. He will not only

serve as a “resident link” to ODIHR for the Delegations and other OSCE Structures, but also with other international organizations in Vienna that we seek further and closer cooperation and coordination with. We are also working on finding ways of strengthening our communication and coordination with other international partners, as a way of making available and visible what ODIHR has to offer, and to avoid unnecessary duplication and overlap in the use of scarce public resources.

We can't do more than we have the **resources** for. I know my predecessor frequently raised the issue of dwindling resources in real terms due to the series of ZNG budgets, and I have in my short time seen the impact it has on our ability to respond to unforeseen events. In my discussions with the participating States, it is clear that not all share the same priorities, or the same order. Rather than seeing the budget negotiations as an ever-shrinking zero-sum game, I do hope that in the discussions currently ongoing, that consensus can be found for a timely adoption of the UB for 2015, but also that more can get more of their highest priorities. For that, the cake would first have to be baked bigger, be it even slightly bigger.

Ladies and Gentlemen,

In conclusion, allow me to briefly touch upon the issue of **Human Dimension Event** reform, not least because it is on the agenda later in this meeting. While the decision of course rests with the participating States, there are a couple of points that remain very important for ODIHR as the organizer. First, it is absolutely important that HDIM no longer coincides with other major international events, such as the UNGA. Secondly, ODIHR needs sufficient time and predictability to deliver the HDIM you deserve and expect from us. Third, what already has made HDIM a unique platform should not be lost in the process. While the decision is yours', let me assure you that ODIHR will continue to make the best HDIM we can, by making it more attractive, interactive and visible.

With this, I remain at your disposal and thank you for your attention.