



Address by Ambassador Janez Lenarčič,
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Institutions and Human Rights (ODIHR)

at the
905th Meeting of the Permanent Council

Vienna, 15 March 2012

Check against delivery!

Excellencies,
Ladies and Gentlemen,

It is a great pleasure to report to the 905th Meeting of the Permanent Council on the activities undertaken by ODIHR since my last appearance here last October.

I would like to outline the most prominent issues that have occupied us during the last few months and provide an overview of planned activities for this year.

In addition, I wish to make as well a few remarks on the issue that is occupying you these days mostly: the reform of Human Dimension events.

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Ladies and Gentlemen,

With regard to **elections**, 2011 has been another busy year for the ODIHR. We have covered **19 participating States** (to Kazakhstan twice) to observe or assess their elections. This included the deployment of **6 Election Observation Missions (EOMs)**, **4 Limited Election Observation Missions (LEOMs)**, and **8 Election Assessment Missions (EAMs)**. In addition, we sent election support teams to the local elections in Kyrgyzstan and Norway.

In 2011, ODIHR published a total of **69 election-related reports**, including needs assessment mission reports, interim reports, statements of preliminary findings and conclusions, final reports and legal reviews, in line with the objective of fulfilling its mandate in a transparent and accountable manner.

This year promises to be as busy. ODIHR observed the 15 January parliamentary elections in Kazakhstan and is currently concluding its EOM to the Russian Federation. At this point I would like to thank the Russian Federation for not charging our long-term and short-term election observers for their visas. I think this is an example that hopefully would be followed by other participating States.

We are getting ready to deploy an **EOM** to observe the **6 May parliamentary elections in Armenia** as well as an **LEOM** to observe the **6 May parliamentary elections in Serbia**.

Notwithstanding the OSCE/ODIHR NAM recommendation to deploy an Election Assessment Mission to Turkmenistan, the OSCE/ODIHR regrettably did not receive an invitation to observe the presidential election on 12 February 2012. Mindful of the declared interest of the authorities of Turkmenistan to maintain a dialogue with the OSCE/ODIHR, the OSCE/ODIHR sent four election experts to support the OSCE Centre in Ashgabat in its reporting.

Let me highlight that we have already conducted Needs Assessment Missions this year to Armenia, Serbia, Slovakia and France. Further NAMs are planned to, for example, the USA and Ukraine and ODIHR stands ready to send NAMs to other participating States where elections are scheduled this year. In order to facilitate ODIHR's planning of its election observation activities, **early invitations** to observe an election or to conduct a NAM are important. In this regard, I would like to thank the United States for issuing an invitation to ODIHR 10 months before the elections are taking place. Also,

Serbia has issued a preliminary invitation which enabled us to conduct a NAM in a timely manner and provides us with sufficient time to prepare an observation activity.

Equally important for our observation activities is the continued support we receive from participating States in **seconding long-term and short-term election observers**. Unfortunately, there has been a growing gap in the past years between the number of LTOs and STOs requested by ODIHR and those seconded by the participating States. In 2011, we requested in total 236 LTOs (including Kazakhstan 2012 EOM) but only 164 were seconded (70 per cent). For STOs the ratio is even more problematic. We requested 2010 STOs (including 400 for KAZ 2012 EOM) but only 1211 were seconded (including 209 for KAZ 2012). This is only 60 per cent of the requested number.

I would also like to reiterate that we continue to be committed to assist the participating States' efforts in **follow-up to recommendations** made in election observation mission reports. ODIHR has embraced the practice of presenting the final report with its findings and recommendations during a separate visit. Such follow-up visits serve to discuss the ODIHR's election recommendations as well as possible areas of future co-operation and assistance. Most recently visits to present our final reports have taken place in Kazakhstan (September 2011), Albania (September 2011), the former Yugoslav Republic of Macedonia (November 2011), Estonia (November 2011), and Moldova (16 to 17 February 2012). Visits are scheduled for Kyrgyzstan (19 to 23 March) as well as to Slovenia, Bulgaria, Latvia, and Finland during the upcoming months.

Following such visit, and upon invitation of the Speaker of Parliament, ODIHR has been providing election expert advice on reforming the electoral code in Albania, and has sent an expert team to assess the Moldovan voter registration system and provide technical recommendations, upon invitation of the Central Election Commission.

Let me also inform you that ODIHR has completed the development of an **e-learning course for short-term election observers**, which was supported by generous extra-budgetary contributions. The course is now in the final stages of testing, including at our upcoming training for STOs eligible for the Diversification Fund. The course will be made available to users within the upcoming weeks.

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Ladies and Gentlemen,

With regard to our **democratization** activities, I wish to note that there were important positive developments during the reporting period.

In the area of rule of law, ODIHR completed last October the **War Crimes Justice Project**. It started in May 2010 and was funded by the EU and implemented in partnership with the ICTY and the United Nations Interregional Crime and Justice Research Institute (UNICRI) as well as the OSCE Field Operations in the region.

Let me reiterate that a four-million EUR project was successful for two reasons:

- it provided the training and resources judiciaries and others really need to do their work in line with fair trial standards; and

- it targeted the full range of professional groups involved in war crimes trials, including judges, prosecutors, defence lawyers, investigators and witness support providers.

Therefore we have decided, in co-operation with our project partners, to continue enhancing the capacity to process war crimes cases through a multi-year follow-up project to begin in 2012 which will build on some of the major achievements of the project's first phase.

I am also glad to inform you that ODIHR released on 26 January 2012 a report that is available in English and Arabic on our website, summarizing the discussions and the recommendations agreed at the **OSCE – Mediterranean Partner Countries' Civil Society Conference**, held in Vilnius on 4 and 5 December 2011 ahead of the OSCE Ministerial Council. The report can provide a useful input for the enhanced dialogue on the basis of the OSCE MC Decision No. 05/2011 (“Partners for Co-operation”).

In their joint recommendations, conference participants stressed that at a time of rapid change and transition, Mediterranean Partner states could benefit from greater OSCE engagement in strengthening capacities of civil society organizations, and called on the OSCE participating States to become more involved with the Partners, including through providing expertise and training and other capacity-building activities in such areas as election observation, gender equality, work with young people and minorities.

In anticipation of possible increased engagement of OSCE with the Mediterranean Partner Countries, ODIHR stands ready to provide support upon request based on ODIHR's established methodologies and tools, including our Guidelines on Freedom of Assembly and Political Party Regulation, which will be available in Arabic in April.

At this point I would also like to highlight that the newly-appointed **Special Representative of the Irish Chairmanship on Gender Issues, Ms. June Zeitlin**, and the **new Senior Adviser on Gender Issues, Ms. Miroslava Beham**, visited ODIHR on 9 and 10 February 2012, and held a series of meetings with ODIHR programmatic staff. The Special Representative, the OSCE Gender Section and the ODIHR Gender Team have committed to strengthening communication and collaboration in the promotion of gender equality within the OSCE and among participating States, and identified concrete areas of co-operation, particularly in the sphere of combating violence against women and domestic violence.

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Ladies and Gentlemen,

In the field of **human rights**, many important developments occurred in the OSCE area. One that has been subject of particular concern to us relates to the situation in Belarus. Between March and July 2011 ODIHR monitors observed **trials in Belarus** of individuals who were criminally charged in the aftermath of the events in Minsk, following the December 2010 presidential elections. Trial monitoring was carried out to assess compliance of proceedings and relevant domestic law with OSCE commitments and other international fair trial standards, identify possible shortcomings in the criminal justice system, and present the Belarusian authorities with recommendations aimed to improve the administration of criminal justice. The

monitoring findings were published in a **comprehensive report on 10 November**, which was shared with all participating States. As we have stated many times, ODIHR is ready to work with the Government of Belarus in order to help the competent authorities in addressing the recommendations of this report.

The work that ODIHR continues to do on **Human Rights Education** also promotes the objectives of the World Programme for human rights education and the recently adopted UN Declaration on Human Rights Education and Training. ODIHR is currently finalizing the development of the Guidelines on human rights education for secondary schools, law enforcement officials, public health professionals as well as Recommendations for human rights activists.

In a number of participating States, there continue to be challenges in the implementation of commitments on **freedom of peaceful assembly**. In 2011 and 2012, ODIHR monitors have observed assemblies in a number of participating states across the OSCE area to identify gaps, as well as examples of good practice, in regulating and policing assemblies. The findings from ODIHR assembly monitoring will be presented in a comprehensive report to be prepared by the end of 2012.

Support to **human rights defenders** continued this year under our general work with civil society. In 2011 we noted with regret that Kyrgyzstan's Supreme Court upheld the life sentence of Azimjan Askarov, a prominent human rights defender, and this after a trial that ODIHR monitored and which did not comply with fair trial standards. On a positive note, this year we welcomed the release in Kazakhstan of Yevgeniy Zhovtis, who is a member of ODIHR's Panel of Experts on Freedom of Assembly.

ODIHR will continue its co-operation with the TNT Action against Terrorism Unit (ATU), Strategic Police Matters Unit (SPMU) and Borders' Unit in advancing human rights-compliant **anti-terrorism policy** and measures. Such cooperation resulted in joint TNT/ATU-Gender Section-ODIHR expert meetings on the prevention of women terrorist radicalization. ODIHR, the TNT/ATU and the TNT/SPMU also envisage the publication of a guidebook on community policing in the prevention of terrorism by the end of 2012.

I would also like to highlight that ODIHR is currently finalizing **the Guide on Human Rights Protection in the Return of Trafficked Persons**. The Return Guide, which will be published later in the year, will outline international standards and good practices on return. The Guide will assist States to ensure that the return of trafficked persons is safe, dignified and in compliance with the individual's human rights.

ODIHR looks forward to **continue close co-operation on anti-trafficking matters** with the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ms. Maria Grazia Giammarinaro, with whom ODIHR staff recently held consultations ahead of the High-Level Conference on Combating Trafficking in Human Beings that the Special Representative will host this October.

Ladies and Gentlemen,

Regarding **freedom of religion or belief**, I would like to announce our plans for an **institutional overhaul of our Advisory Panel of Experts on Freedom of Religion or Belief**. It has become evident that the current 60-member Panel is too large to manage from a financial and practical perspective. The size of the Panel will be reduced to twelve members, selected on the basis of expertise in the area of freedom of religion or belief.

ODIHR will seek to identify new members of the Panel, and will take into account both gender balance and the diversity of the OSCE region. We will request eminent personalities to assist us in the selection of new members. In drawing up a list of potential members, ODIHR will engage in a wide-ranging consultative process, including with participating States, partner international organizations, civil society actors and with the OSCE bodies.

OSCE States will soon be receiving a formal request to suggest members of the Panel and I encourage all participating States to put forward their proposals. I am convinced that the appointment of this renewed Panel will allow us to improve the efficiency of our work and to maintain the highest standard of assistance in the area of freedom of religion or belief.

In order to address the deficit of reliable data on **hate crimes**, ODIHR is preparing a guide with practical examples on how to collect data and develop effective policies to address this issue. Additionally, we are developing a web-based interface to present the information on hate crimes submitted by participating States and civil society for the annual report on hate crimes. I am confident that this initiative will improve the visibility of the report and we are planning to consult with key actors, including the representatives of participating States.

We are also preparing **the Supplementary Human Dimension Meeting on Racism, Intolerance and Discrimination in Society through Sport**. The meeting should provide a platform to examine contemporary manifestations of racism, intolerance and discrimination. The event will analyze how sport can be used to promote integration and equality and also as a tool to build confidence and combat discrimination, prejudice and stereotypes. Prior to the SHDM, ODIHR will convene a roundtable discussion for civil society organizations who have regularly contributed to ODIHR's annual hate crimes report. The event will give an opportunity for civil society to exchange good practices on how to monitor and respond to hate crimes and violent manifestations of intolerance. It will draw on their previous experiences with monitoring hate crimes and include discussion on how to improve the quality of information submitted to ODIHR.

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Ladies and Gentlemen,

The situation of **Roma and Sinti** and, in particular, hate crimes and anti-Roma protests in several participating States, are of great concern to ODIHR.

Most recently, on 15 February, ODIHR's Senior Adviser on Roma and Sinti Issues testified at the US Helsinki Commission on **violence and intolerance against**

Roma and Sinti in participating States. **On** this issue and the struggle with hate crime against Roma and Sinti, OSCE commitments will need to be reiterated and followed up.

ODIHR will further raise awareness on issues of **equal access to quality education of Roma and Sinti children** as required by Helsinki MC Decision No. 06/2008. In 2012 ODIHR's Contact Point for Roma and Sinti Issues (CPRSI) plans to conduct a field assessment visit in the Czech Republic. The ODIHR team will attempt to assess the status of implementation of the European Court of Human Rights ruling in the case of *D.H. and Others vs. Czech Republic* on discrimination against Roma children in education, review the impact of measures introduced by the government to ensure equal access and quality education and identify main barriers and factors that hinder the reform process to overcome segregation. The report's findings and recommendations may have a value for the wider OSCE region. The ODIHR led-team will be joined by a representative of the High Commissioner on National Minorities.

In this regard, please let me also take this opportunity to thank the Swiss chair of the Human Dimension Committee for giving ODIHR twice the chance to highlight the current trends and challenges with regard to Roma integration and inform the Committee of follow up to ODIHR field assessment visits and recommendations. We are looking forward to enhancing ODIHR assistance and co-operation with participating States in implementing these recommendations.

Providing assistance and sharing expertise with participating States on Roma and Sinti integration, remains a core activity of our office. I would like to underline our fruitful co-operation with Moldova's government in working out a new governmental strategy for Roma integration; ODIHR is committed to support implementation of this policy document in this year.

ODIHR will prepare a **new Status Report on the Implementation of the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area**, four years after publication of the first such Status Report in 2008.

I am also glad to inform you that ODIHR has started on 1 January 2012 with a 3.3-million EUR EC-funded project called **Best Practices for Roma Integration (BPRI)** that will last for 23 months. I wish to thank the participating States that have pledged to provide the matching funds (10 per cent).

The BPRI project aims at contributing to the integration of Roma and, more specifically, improving the quality of life and access to rights of the Roma communities in the Western Balkans. ODIHR will implement the project in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and the Former Yugoslav Republic of Macedonia, as well as in Kosovo,¹ in close cooperation with OSCE field operations where applicable.

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¹ The mentioning of Kosovo here does not imply any pronouncement regarding its status.

Ladies and Gentlemen,

We welcome and support the efforts led by the Human Dimension Committee on the potential **reform of the Human Dimension Events**. We also welcome the efforts of some States to table options for formalized and robust follow-up to the recommendations coming out of the Human Dimension events.

These events give the OSCE an excellent opportunity to discuss, assess, and make recommendations in a peer-review manner on efficient implementation of the human dimension commitments.

Since ODIHR is the main institution responsible for organization of the Human Dimension Events, I wish to draw your attention to a few points for your consideration within this process.

1) Lack of sufficient time for preparation

In their PC Decision No. 476/2002, participating States, among other things, agreed that the Chairmanship should be able to distribute the overall annual calendar of Human Dimension Events by 15 February at the latest and that it would adopt the agenda of the Human Dimension Implementation Meeting four months prior to the event. In reality, it has now become a tradition for the final calendar to be distributed after the set date and for the agenda of the HDIM to be adopted at the very last PC before the OSCE summer recess. This regularly creates serious management problems and does not leave us sufficient time to make all the necessary arrangements and make sure that we have the best speakers.

Within the ongoing review, the participating States may wish to consider different solutions to that, such as abolishing annual approval of the specific HDIM and HDS modalities and instead adopting general guidance on a one-time basis. Within such general guidance, the HDIM agenda could be developed dynamically on the basis of real issues and the interest of participants.

2) Lack of time for discussions

The efficiency of Human Dimension events depends on the quality of discussions taking place in working sessions. Many will recall the contrast between sessions on topics of extraordinary interest, when participants have to be limited to two minutes of speaking time and other sessions attracting fewer speakers, where the available time is not fully utilized. This contrast is caused by the practice of strict time allocation for sessions, mandated by the PC with no scope for adjustments by the organizers of the meetings. In this regard, the participating States may wish to consider measures to introduce more flexibility into the agenda, which could be structured in a way to allow for more quality and value-added discussions with enough time.

3) Follow-up

Efficient follow-up is essential for Human Dimension events to remain relevant. This issue could be well addressed by the ongoing reform. Recommendations emanating from Human Dimension events could feed into Ministerial Council discussions and serve as a basis for draft MC decisions, as well as for the work of the OSCE Human Dimension in the year after HDIM. A few months ago, the Lithuanian Chairmanship set a good practice by presenting a perception paper outlining the priority issues based

on Human Dimension Events of 2011. Now it is up to the Permanent Council (and its Human Dimension Committee) to follow-up on this paper and make the best use of it.

That said, I wish to note that we look forward to receiving the findings of the study from the consultant working under the auspices of the Swiss Chair of the Human Dimension Committee with different options on how to improve the organization and modalities of the Human Dimension Events. In the meantime, we stand ready to contribute our views and inputs for the success of this significant endeavour.

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Excellencies,
Ladies and Gentlemen,

As usually, I have tried to give an overview of our main ongoing activities. 2012 will certainly be a busy year for us. The continually increasing demand for our assistance demonstrates that we are on the right track. But even more importantly, it indicates that participating States, too, are engaging with our experts on finding solutions to challenges in the human dimension, both old and new ones.

We are looking forward to working with the Irish Chairmanship on numerous human dimension events and special chairmanship events this year.

I take this opportunity to once again thank you for this co-operation and in particular to express our appreciation to those States who support our work through voluntary contributions. We at ODIHR look forward to working closely with all of you in facing the many challenges ahead.

Thank you.