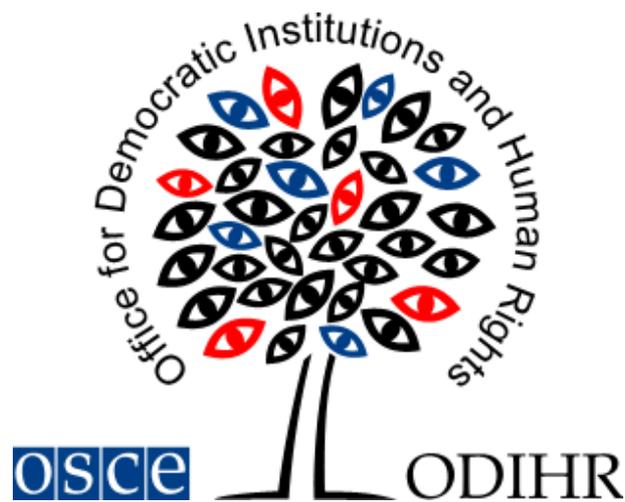


Address by Ambassador Christian Strohal,
Director of the OSCE Office for Democratic
Institutions and Human Rights (ODIHR)

672nd Session of the Permanent Council
Vienna, 28 June 2007



Check against delivery!

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Excellencies,
Ladies and Gentlemen,

It is again a pleasure to report to you in the middle of a busy year for us at the ODIHR. Let me start by thanking the Spanish Chairmanship for the strong support they have been providing to us. I am confident we will continue to work together effectively throughout the rest of the year.

Since my last report in February, we have continued our work in the human dimension, in promoting democratic elections, strengthening democratic institutions, fostering respect and combating discrimination as well as protecting and promoting human rights.

In addition to the ODIHR's existing mandate and taskings, which already cover almost fifty pages, we have received additional tasks at last year's Ministerial Council in Brussels. We take pride in the confidence participating States place in us by entrusting us with new responsibilities; for Brussels, this regards your decisions on combating organized crime, on intolerance and non-discrimination, and on sexual exploitation of children, as well as on strengthening the effectiveness of the OSCE. I shall come back to these taskings separately and in more detail at the end of my report.

Elections

Since the beginning of the year we have already fielded missions to Serbia, Albania, Estonia, France, Armenia, Ireland, Belgium, and, most recently, to the local elections in Moldova. Earlier this week, we also opened an Election Assessment Mission in Ankara to cover the upcoming parliamentary elections in Turkey.

I take this opportunity to thank all these States for inviting and receiving our missions as well as the overwhelming majority of participating States that are seconding observers to our missions.

At the 29 May meeting of the Human Dimension Committee, dedicated to election issues, we again brought to Delegations' attention the reports which the ODIHR has produced over the last months; these reports constitute an effort to support States in implementing their commitments made in Istanbul and Maastricht, among others, "to **follow-up** promptly the ODIHR's election assessment and recommendations." Over the past years, we have been

contributing to follow up efforts addressing our recommendations in a considerable number of countries throughout the whole OSCE region.

In addition to our election observation activities, we will continue to promote the implementation of OSCE election-related commitments through follow-up visits and activities, legislative reviews and other work such as inclusive roundtables or seminars to enhance our support to participating States.

The 39-page package of resource documents distributed at that occasion also includes a discussion paper laying out ideas on how to enhance the follow-up activities of States within the OSCE framework, and we are ready to discuss this issue further.

I am glad to report that we are currently involved in concrete follow-up work in a number of countries. Only last week, we received a visit to Warsaw by a Delegation from the Central Election Commission of Kazakhstan, including its Vice-Chairman, with whom we were able to continue discussions on implementation. Two weeks ago, three of our election staff traveled to Moscow to meet and establish direct ties with the new Central Election Commission of the Russian Federation and its new Chairman, with whose predecessor we had established a close working relationship.

As suggested in our report *Common Responsibility*, we have also been involved in some outreach on electoral issues beyond the OSCE region, including by agreeing to share our experiences with the African Union.

You have also received, ahead of the 29 May Human Dimension Committee, a list of the 34 legal reviews my Office has undertaken over the last three years, the most recent of which were joint opinions with the Council of Europe's Venice Commission on amendments to the electoral codes of the former Yugoslav Republic of Macedonia and the Republic of Armenia.

Tolerance and non-discrimination

Given your continuing high political interest in, and taskings on, fighting discrimination, Anti-Semitism, racism, and xenophobia, we have also been strengthening our efforts to assist States in the implementation of relevant commitments and to further fulfill the taskings we have received over the last years.

We will continue efforts to support OSCE states in preventing racial or religious hatred from dividing communities and in combating race- and faith-based hate crimes. This includes strategies for addressing the exclusion of Muslims, including isolation within schools, communities and places of work; examining the alienation of youths; and supporting the engagement of Muslims as key participants in public life. We also stand ready to support the Chairmanship in the substantive preparations for their Conference to be held in Cordoba later this year.

As I have reported on previous occasions, we continue to develop teaching materials that address anti-Semitism in its historical and actual context, together with national experts and the Anne Frank House in Amsterdam. So far, seven participating States have developed and adopted these materials and we are currently working with a further three to do the same.

We have followed and reported on incidents of discrimination against Christians and members of other religions. The ODIHR's Advisory Panel of Experts on Freedom of Religion and Belief has, in addition, provided commentaries and other expertise pertaining to the laws regulating freedom of religion. The ODIHR will continue its activities in these areas, putting additional emphasis on participatory dialogue and public education promoting respect and understanding.

These and other ODIHR activities need the continued commitment and support from governments. The collection of data and their analysis is an important precondition to combating discrimination effectively, as is the development of appropriate legislation, law enforcement training, and international cooperation. The ODIHR is active in all these areas and committed to further strengthen its support. In this regard, I would like to use this opportunity to highlight TANDIS, the ODIHR's Tolerance and Non-Discrimination Information System which provides access to reports and publications, practical initiatives of governments and civil society and specialized corners for experts with practical tools and resources.

Let me use this occasion to reiterate our invitation to you all to a briefing this afternoon at 16.30 in room 201, to discuss the first draft of our report *Hate-Crimes in the OSCE Region – Incidents and Responses* which was distributed last week. I take this opportunity to express my appreciation for all the excellent input that has been sent to my Office by many of your

Delegations as well as the nominated National Points of Contact on Combating Hate Crime. This will also be an opportunity to provide you with a briefing on priority activities of our Tolerance and Non-Discrimination Programme, which had originally been scheduled to take place in Bucharest.

Of course we continue to work in close co-ordination with the three Personal Representatives of the OSCE Chairmanship, other OSCE Institutions and particularly field operations and with our key partners in the United Nations, the Council of Europe and the European Union (ECRI, EUMC, UNCERD and UNOHCHR) as well as with civil society.

Roma and Sinti

Recently, we were able to give you a comprehensive overview of the many concrete activities our Contact Point is undertaking, both to support State authorities, as well as in its mandated clearing house function. Complementing our concrete assistance work on the ground, the ODIHR's Contact Point for Roma and Sinti has, over the past year, compiled information on the implementation of the OSCE Action Plan on Roma and Sinti in the period between 2004 and 2006. Some of the main findings of the status report have already been shared with you in draft form at the briefing on 26 April.

We have now received additional input from participating States and will launch the report at the occasion of the HDIM. Overall, the report concludes that while many governments are succeeding in developing and adopting national strategies for improving the situation of Roma and Sinti, there remain substantive shortcomings with regard to their effective implementation at the local level.

One area of particular concern is the absence of institutional mechanisms at the national and local levels to provide sustainable support for Roma and Sinti integration programmes. Other key concerns relate to the use of disproportionate force by the police against members of the Roma community as well as to forcible evictions - an issue highlighted at a side-event at the recent High-level Meeting in Bucharest.

As in the past, we also ensure that Roma and Sinti issues remain mainstreamed throughout the activities of ODIHR's different departments.

Democratization

ODIHR's Democratization Programme has continued its broad range of long-term capacity-building activities. These include legislative reviews, support for democratic governance practices, efficiency and transparency in lawmaking, multi-party democracy and interaction between civil society and the state. Over the last 3 years we have completed a total of 90 legal reviews, 10 of which were conducted in the first half of this year alone. I am encouraged by the growing number of requests for our assistance and can only encourage you, in turn, to advertise with your authorities the use of our legislative website, legislationline.org, which is now available in Russian language, too.

In follow up to last year's Seminar on Criminal Justice Systems, we are now in the final stages of editing our Reference Guide on Trial Monitoring which we hope to publish soon. This will be complemented by workshops and other activities in addition to our ongoing long-term work on supporting the introduction of jury trials and transfer of sanctions to arrest from the prosecutors to the judiciary.

The Office will also continue its work on facilitating interstate dialogue and co-operation on labour-migration issues and the human rights of migrants, as well as our support to participating States in the area of civil registration. I am glad to report that we have now concluded our work in assisting Albania in the development of a new strategy for implementing new civil registration and address systems; we look forward to its timely implementation.

Following the Human Dimension Seminar which was held in Warsaw in May on *Effective Participation and Representation in Democratic Societies*, we are strengthening our capacity to assist state authorities, Parliaments and civil society in developing inclusive democratic processes.

As was highlighted in the recommendations of this Seminar, we are currently conducting comprehensive expert assessments of the legislative systems at the request of Georgia and the former Yugoslav Republic of Macedonia. These assessments cover legislative processes from the policy development stage all the way to measures taken by lawmaking bodies to monitor their implementation by the executive. Three further States have recently expressed interest in receiving similar support by the ODIHR in this field.

We are continuing our long-standing work on promoting the participation of women in political processes as well as support for women's NGOs and networks. Most recently we have been sponsoring the exchange of experiences and lessons learned between actors in South Eastern Europe and the South Caucasus.

Human rights

The ODIHR is continuing its systematic and thematic human rights monitoring and assistance programmes. Moreover, we will maintain our regular human rights training for government authorities and civil society.

In line with the Spanish Chairmanship's focus on combating terrorism, our work in this area addresses the respect for international human rights law and OSCE human dimension commitments in the context of counter-terrorism strategies. In accordance with PC decisions Nos. 756 and 778 we will be organizing, in coordination with the Spanish Chairmanship, a High Level Meeting on Victims of Terrorism on 13-14 September 2007, preparations for which have already begun. I encourage all States to participate actively, in particular by inviting experts from capitals and encouraging NGOs to participate.

In this context let me remind you of the ODIHR "Questionnaire on the practice of OSCE participating states on solidarity with the victims of terrorism", which was sent out to you in February. Only if we receive a sufficient number of responses will we be in a position to adequately fulfill the tasking of PC Decision 618.

We are finalizing the consolidated version of the manual on human rights in the fight against terrorism which will be published in time for the HDIM. Similarly, our Handbook on Human Rights in the Armed Forces is being prepared for publication later this year, for use in national training programmes as well as in follow-up seminars and workshops.

Let me also draw your attention to two trial monitoring reports which we have prepared for Kazakhstan and in Kyrgyzstan earlier this year. We look forward to working together with the authorities of both countries in taking our recommendations forward and addressing the issues raised.

Our work in the area of trafficking in human beings has the human rights of the victims at its core. In co-operation with the Special Representative, we

promote the implementation of the concept of National Referral Mechanisms (NRMs), and develop strategies to identify, protect and assist trafficked persons, including victims of labour exploitation and those from especially marginalized communities. This includes supporting trafficked persons' access to justice and remedies. Currently, we are in discussions with authorities of France, the Russian Federation, Belarus, Turkey, and the United Kingdom on the outcomes of our NRM assessments.

Further to Ministerial Decision No. 14 on Women in Conflict Prevention, particular emphasis is given to this subject in our work relating to UN SCR 1325. We are at this moment hosting a second series of roundtables in Central Asia on this topic.

The ODIHR will, as mandated, continue to monitor developments regarding the death penalty in all 56 participating States with the aim of facilitating exchanges of information, increasing transparency, and encouraging compliance with international safeguards. At the HDIM we will again publish our annual review, *The Death Penalty in the OSCE Area*.

The first Supplementary Human Dimension Meeting of this year focused on Freedom of Assembly, Association and Expression. The Final Report on this meeting, containing a large number of very concrete recommendations, was distributed in April and I do hope that further attention will be given to follow up to this meeting in your deliberations either in this forum or in the Human Dimension Committee, so that concrete progress can be identified at the HDIM.

Participants highlighted the challenges to Freedom of Assembly faced in many parts of the region through the forced breakup of a number of peaceful demonstrations and rallies. Similarly, the Freedom of Association is undermined by the imposition of restrictive NGO legislation, unnecessarily burdensome registration requirements, cumbersome reporting obligations, complex bureaucratic procedures, and the abuse of regulations, as well as in many cases, direct threats to NGOs. Attention was also drawn to the role of restrictions such as tighter legislation on extremism in further restricting NGO activity. In this context, let me point to the Guidelines on Freedom of Peaceful Assembly which we had developed, together with a panel of experts, and presented at the meeting. These guidelines will be available in Russian language in time for the HDIM.

Our next SHDM, which will be held here in two weeks, will focus on the Promotion and the Protection of Human Rights and I take this opportunity to encourage you all to participate actively and with relevant experts. Our Focal Point on Human Rights Defenders would particularly welcome the participation of National Human Rights Institutions and Ombudspersons.

The same goes of course for the two-week HDIM, beginning September 24, which marks the highlight of the meeting year in the Human Dimension. We look forward to welcoming you to Warsaw and to again achieving a strong and active participation.

Finally, our specific Human Dimension trainings for OSCE staff have continued, two such courses have been held in the last months and a further two are planned later this year.

Gender equality

Since the implementation of the Action Plan on the Promotion of Gender Equality, gender mainstreaming has become an integral part of all phases of ODIHR's activities from planning to implementation and follow-up. A detailed account of how gender aspects are mainstreamed into the activities of all Departments as well as descriptions of our activities with specific focus on gender has been submitted in connection with the OSCE report on the Action Plan last month.

Mr. Chairman,

Let me mention one point relevant to practically all our programmes:

Much of our work is of course only possible with the support we receive through voluntary contributions from participating States; so I would like to take this opportunity to express our appreciation to those who contribute regularly, enabling us to plan our assistance with a view to long-term engagement.

We take your continued voluntary financial contributions for our work – from more than 30 pS - as proof of the high relevance of the assistance the ODIHR offers. At the same time, we are witnessing a continuous growth in demand for our expertise.

Mr. Chairman,

Let me at this point, as indicated earlier, turn more specifically to the taskings given to us at the 2006 Brussels Ministerial Council.

Implementing Decisions of the 2006 Brussels Ministerial Council

As I mentioned at the outset, additional taskings were given to the ODIHR at last year's MC, on which I am glad to report, seven months after we were able to submit our report *Common Responsibility* to Ministers. Four of the Decisions taken at the Council contain tasks directed at the ODIHR.

In line with MC Decision 5/06 on Organized Crime, the ODIHR gives special attention to criminal justice systems in our rule of law activities, as is demonstrated in our Criminal Justice Reform Programme. To give just two recent examples, the ODIHR jointly with the UNODC Russia and Belarus Office held a two-day expert workshop at the Duma in late May to share with the Russian parliamentarians, judges, and officials best practices in upholding judicial integrity. In early June, an ODIHR regional conference brought together academics and legal professionals from throughout Central Asia to discuss criminal prosecution and the use of conciliation procedures in Almaty.

We will continue to work with the Secretary General and his Task Force on Organized Crime in collecting lessons learned and in implementing this decision, bearing in mind also the need for building on and consolidating the existing knowledge and experience on criminal justice. For more detail, the Secretary General and the ODIHR will be presenting a joint report on the implementation of this Decision in July.

MC Decision 13/06 encourages the ODIHR to further strengthen the work of its Tolerance and Non-Discrimination Programme and its Advisory Panel of Experts on Freedom of Religion or Belief in providing support and expert assistance to participating States. Within the consolidated Programme, support is now being given to an increasing number of States in the areas of education, law enforcement and prosecutorial training and legislative assistance in order to support a strengthened response to hate-motivated crimes and incidents and to ensure freedom of religion or belief.

Within the same Decision, the ODIHR was also tasked to continue its close co-operation with other relevant inter-governmental agencies and civil society working in the field of promoting mutual respect and understanding

and combating intolerance and discrimination, including through hate crime data collection.

Regular high-level and working-level inter-agency meetings are held between the ODIHR and the FRA, ECRI and UN OHCHR/CERD in order to ensure strong co-operation and co-ordination. The ODIHR held a working-level meeting on hate crime data collection with the other organisations in order to solicit their input and involvement in the OSCE Tolerance Implementation Meeting on “Addressing the Hate Crime Data Deficit.” The ODIHR also receives from ECRI its recommendations from its country-by-country reports in order to identify ways in which our assistance tools and programmes can support States in implementing the ECRI’s recommendations. Regarding support for civil society, the ODIHR is now developing a training manual aimed at increasing the capacity of civil society to monitor and report on hate crimes and incidents. The ODIHR has also facilitated the active participation of civil society in OSCE conferences and meetings through the organisation of preparatory meetings which consistently produce comprehensive recommendations to participating States and OSCE Institutions on how to strengthen the implementation of existing OSCE commitments.

Also under MC Decision 13/06, the ODIHR was tasked to continue serving as a collection point for information and statistics on hate crimes, as well as relevant legislation provided by participating States and to make this information publicly available through its Tolerance and Non-Discrimination Information System (TANDIS). TANDIS is now up and running and under further development. Special corners for civil society and data experts have been added and the web interface is now being translated into Russian. Each month, more than 3,000 visitors access the site. Links to hate crime-related legislation and practical information are also available on TANDIS.

MC Decision 13/06 also called upon the ODIHR to strengthen its early warning function to identify report and raise awareness on hate-motivated incidents and trends and to provide recommendations and assistance to participating States, upon their request, in areas where more adequate responses are needed. The ODIHR’s report on Challenges and Responses to Hate-Motivated Incidents in the OSCE has now been made into an annual publication. By identifying areas where OSCE participating States continue to face challenges in responding to hate incidents, and highlighting available

tools to support States in strengthening their responses, the report serves an early warning function. The ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief is also increasingly following incidents involving potential violations of religious freedom and offering its support and technical/legal expertise to States in helping them to address such cases at an early stage.

MC Decision 15/06 encourages the ODIHR to devote attention to the area of sexual exploitation of children, including its link to trafficking in human beings.

We are currently in the midst of preparing the Supplementary Human Dimension Meeting on Combating Sexual Exploitation of Children which will be held in Vienna on 18-19 October 2007. This Meeting is certainly expected to indicate concrete ways of strengthening the resolve of authorities in this combat and to identify areas for concrete co-operation. The ODIHR has little specific expertise with regard to combating sexual exploitation of children. It is therefore important to invite key child rights stakeholders to assist in identifying thematic priorities for shaping the agenda of this SHDM.

Therefore, we will organize an expert meeting together with the Special Representative with key actors in this area, such as UNICEF, ECPAT, Terre des Hommes and ILO-IPEC. Lessons learned from the work of child rights organizations and institutions, such as the need for comprehensive prevention and child protection at the local and national level will be taken into account. We will also continue consultations with relevant parts of the Secretariat, relevant mission focal points and interested delegations.

Ministerial Council Decision 19/06, in addition to providing general guidance, also contained a number of tasks specifically directed at ODIHR, including a task to report on the implementation of the recommendations concerning election related activities contained in the report *Common Responsibility*. As my last address to the PC was only shortly after the Ministerial Council, I am now glad to report to you on what I believe constitutes substantial progress in implementing this Ministerial Council Decision:

- Strengthen observation methodology and assistance

In order to maintain the high standard of professional, impartial, and comprehensive election observation, we have been further strengthening our methodology, most recently publishing the Long-term Observer (LTO) Handbook which was presented to you at an informal briefing in May.

We are also currently finalizing Guidelines for Media Assessment during Election Campaigns as well as revising and updating the existing ODIHR Guidelines on Reviewing of Election Legal Framework. Together with the Office of the High Commissioner on National Minorities, we are also updating the Guidelines on the Participation of National Minorities in the Electoral Process.

As far as strengthening general input from our observers is concerned, already since last year our EOMs have included feedback forms in observer information packs and we are engaged in systematic evaluation of these forms.

Furthermore, the ODIHR has begun work on Guidelines on Observation of Voter Registration; we have also initiated expert consultations on observing elections where new voting technologies are employed.

Finally, the Institution will continue to participate in meetings with other international organizations involved in election observation to exchange experiences and ideas on how to support democratic elections and on the refinement of observation methodology.

- Ensure wide geographical coverage in election activities

As I have indicated at the outset, by increasing the number of Election Assessment Missions from 5 to 8 in the 2007 budget submission, the ODIHR now plans to cover 18 elections (compared to 15 in 2006) and can ensure wider geographic coverage within the resources put at its disposal under the Unified Budget.

The ODIHR also now deploys an increased number of Needs Assessment Missions, thereby also further broadening the geographic scope of election activities.

- Further diversify participation of observers

We continue to encourage States' participation in the diversification fund, which, as we laid out in our report, is a most useful tool in promoting the diversification of our missions. The ODIHR continues to pay special attention to diversification when recruiting experts for core teams, a point which I will cover in more detail in a minute. We are certainly looking forward to continuing contributions to the Fund.

The overall trend over the past years is very encouraging. While core team members we recruited in 2001 only came from 16 countries, we were able to hire core team staff from 34 countries in the course of last year and have already had staff from 32 countries in the first months of this year, almost as many as the 33 nationalities currently represented among the ODIHR permanent staff. This demonstrates our attempts to identify available expertise from a broader range of participating States as well as the fact that this expertise has expanded visibly over the past years throughout the region.

In addition, we have been able to reach very high levels of diversity among long-term observers and short-term observers. At the Election Observation Mission to the 12 May elections in Armenia we were able to field observers from 44 countries and, even more recently in Moldova, from 45 States, both figures significantly higher than at previous observations. I believe that these numbers already reflect a very strong geographic diversity, and thank you once more for broadening our human resource base.

- Further increase transparency of recruitment

Since the beginning of the year, we have set up a public, open, competitive and transparent recruitment process for all EOM core team positions, including heads of EOMs. This new procedure has already been put in place and used for the two most recent EOMs in Armenia and Moldova, where 78 and 54 valid applications were received respectively.

This open recruitment process now offers experts from all participating States the possibility to apply for any EOM position through a specific recruitment webpage on the OSCE website. In addition, our database has been advertised extensively in periodicals (including the Economist, Moscow Times, Kommersant, and European Voice) to encourage applications and further expand our pool of experts.

- Support training networks

We have, within the existing budgetary resources at our disposal, reinforced our training capacity. Our last STO training took place on 14-16 June 2007 in Bishkek, in cooperation with the OSCE training Section and the OSCE Academy.

Discussions with participating States on their training needs as well as their national training curricula are ongoing, including a recently agreed programme to be hosted by the Russian Diplomatic Academy. I would also encourage more participating States to develop national observer training efforts; we stand ready to support such work.

- Enhance linguistic inclusiveness

The ODIHR is now offering simultaneous translation of STO briefings, as well as other language versions of EOM briefing materials. Latest examples were the EOMs in Armenia and Moldova, where observers were offered simultaneous translation, although at times little use was made of this option.

The ODIHR also translates law reviews, interim reports, preliminary statements and final reports into languages widely used in the country observed. The STO training in Bishkek is conducted with Russian simultaneous translation. Publications like the Observer Handbook, which is available in eight languages, are also translated widely. All elections publications are also available in Russian, some in other languages as well, resources permitting. The Russian version of our most recent publication, the LTO Handbook, will be published this summer.

Our Report *Common Responsibility* is now also available in Russian.

- Continue to work in partnership with the Parliamentary Assembly

Parliamentarians have an important role to play in their respective national electoral processes and can therefore make a valuable contribution to complement ODIHR's election observation efforts. ODIHR continues to reach out to the OSCE PA and to encourage involvement by Parliamentarians, not only in observation missions, but also in early visits as well as in follow up activities. Our successful co-operation during EOMs on the basis of the 1997 Agreement has been demonstrated most recently at the May parliamentary elections in Armenia. I am grateful to the OSCE PA as

well as to the Chairmanship for their efforts and initiatives to restore a successful collaboration, in line with the established framework. We also appreciate the continuing support from our other parliamentary partners.

- Effectiveness of assistance to participating States

The ODIHR has stepped up efforts to engage States in follow-up to their recommendations; a discussion paper on this issue was circulated at the Human Dimension Committee on 29 May. Further plans to enhance follow-up, including by involving parliamentary partners, are being elaborated.

In the same Decision, the PC was tasked to address the implementation challenges outlined in *Common Responsibility* as well as to advise on the report's suggestions relating to additional commitments in time for the Madrid MC. Let me stress also on this occasion that the ODIHR stands ready to assist you in both endeavors. Relevant materials have been distributed to Delegations in advance of the 29 May discussions in the Human Dimension Committee.

Excellencies,

Ladies and Gentlemen,

I hope that this comprehensive report, although it is by no means exhaustive, has given you a good overview of the manifold activities my Institution is currently undertaking and of the seriousness with which we are pursuing the tasks and mandates we have been given.

I have said on previous occasions that the structural setting for the ODIHR is fundamental to the implementation of its mandate. The very essence of an Institution in our Organization is that it is free from polarization and not subject to political pressures, but rather that it can focus on reliable, predictable, and long-term implementation of its mandate and taskings.

We at ODIHR stand ready to assist States in meeting their Human Dimension commitments. We will continue on this path and to work in good faith to further improve the effectiveness of our work, but, and you have all heard me say this before, the responsibility for implementing commitments ultimately lies with participating States and requires a commensurate level of political will.

In this regard, we still have a busy semester ahead of us, and I look forward to working with all of you.

Thank you for your attention.