



United States Mission to the OSCE

Session 1: Democratic Processes: Elections and Human Rights

As delivered by Dr. Michael Haltzel
to the OSCE Copenhagen Anniversary Conference
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Thank you, Madam Moderator.

A tidal wave of democratic change swept across Europe in the fall of 1989 and the spring of 1990. Germans from East and West brought down the Berlin Wall, the Velvet Revolution carried a former prisoner of conscience into the president's office in Prague, and Soviet domination over Eastern Europe was rapidly waning.

Against this historic backdrop, delegations from 35 participating States gathered in Copenhagen in June 1990 for the second of three conferences on the human dimension. In three weeks, the delegations harnessed the political energy and dynamism surging on the continent – forces of hope that the Helsinki Process itself had helped to unleash – and produced a concluding document charged with the aspirations for a new European order rooted in democracy, human rights, and the rule of law.

Indeed, the Copenhagen Document was a blueprint for a democratic Europe governed by the rule of law and committed to the protection of human rights. Delegations welcomed “the commitment expressed by all participating States to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.” This marked the first time in the Helsinki Process that the participating States explicitly embraced the concept of “pluralistic democracy.”

All participating States, including those that joined the Helsinki process subsequently, have agreed that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.” Making this fundamental principle operational, participating States agreed to “hold free elections at reasonable intervals,” to “guarantee universal and equal suffrage to adult citizens,” and to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.” Unfortunately, some participating States continue to hold elections that do not fulfill their commitments. Procedural flaws on election day, as well as uneven playing fields in the media environment, use of administrative resources in support of incumbents, and, at times, violence and harassment against political and civil society activists, tarnish elections in some parts of the OSCE space. The United States strongly urges meaningful improvement in these areas.

The Copenhagen Document also solidified the role of foreign and domestic election observers, at the invitation of the participating States, to enhance transparency in the electoral process. The OSCE has set the standard for election monitoring worldwide. But it is useful always to consider what we can do better: the United States supports the development of additional commitments to build upon those in the Copenhagen Document, especially in addressing new technologies that could improve electoral participation, and to increase public

confidence in elections through transparency and accountability. We have also endorsed a food-for-thought paper in the Corfu Process discussions on the human dimension that would strengthen ODIHR's ability to follow up on its election observation recommendations in support of the participating States.

The United States will not agree to any proposals that would call into question ODIHR's election observation methodology, or its autonomy, or otherwise weaken existing commitments. We believe that ODIHR's current methodology is transparent and objective, and that is precisely why it enjoys credibility among the vast majority of OSCE participating States, other international organizations, non-governmental organizations, and domestic observer groups throughout the world. That credibility also rests on ODIHR's autonomy and on the ability of ODIHR election experts to do their job without political interference. I would also note the significant contribution of the OSCE Parliamentary Assembly in election observations.

Chapter II of the Copenhagen Document reaffirms many commitments on human rights and fundamental freedoms from previous documents. It also endorsed the establishment and activities of human rights NGOs, by ensuring "that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups," and affirming "the right of individuals or groups acting on their behalf to communicate with international bodies with competence to receive and consider information concerning allegations of human rights abuses." In my own country, NGOs have been vital engines for positive social development. We urge all participating States to provide space for NGOs to associate and play this critical role and to end all harassment and unnecessary restrictions against them.

A few participating States have voiced concerns in the past about the active NGO participation in OSCE meetings and events. Several participating States have suggested that new constraints be imposed on NGO participation. The United States strenuously opposes such initiatives. The participation of NGOs on an equal footing with government officials is what makes OSCE conferences -- such as the annual Human Dimension Implementation Review, and this conference here today -- such valuable fora.

The Copenhagen Agreement confirmed our collective commitment to a democratic political framework based on the rule of law. It recognized that such a framework guarantees full respect for the free expression of the legitimate interests and aspirations of our citizenry, including the right to receive and impart information and ideas without interference by public authority and regardless of frontiers. When governments erect unjust laws to control what its people can and cannot read -- in print, on the internet -- or hear through television or radio, it is a step in the wrong direction and away from these cherished principles.

In the twenty years since we pledged ourselves to these commitments, media freedom remains imperiled across large parts of the OSCE. Journalists continue to face grave dangers -- particularly in an environment of "legal nihilism" where an air of impunity pervades. On this important anniversary of the Copenhagen Document, we call upon all participating States that continue to criminalize free speech to take legislative action to remove this vestige of a bygone era.

In some OSCE participating States, some authorities still view opposition parties and civil society -- exercising freedoms of association and assembly essential to any democratic society -- as a threat to stability. Quite the opposite is true: it is the consistent and persistent deprivation of these freedoms and the suppression of civil society that will foster instability over the long run. True stability results from society's being able to draw from different sources of information and allowing citizens to pursue their own individual aspirations.

As agreed by participating States 20 years ago in Copenhagen, the U.S. reconfirms its commitment to the fundamental freedoms of assembly and association, for all, including members of NGOs and opposition political parties. Respect for such fundamental freedoms for all contributes to a healthy system of checks on government power, which is critical to democratic governance.

We call upon all participating States to comply with their commitments to consolidate pluralistic democracy, to respect fundamental freedoms and human rights, and to foster the rule of law.

Thank you, Madam Moderator.