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Institutions and Human Rights (ODIHR)

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Check against delivery!

Excellencies,
Ladies and Gentlemen,

It is my pleasure to deliver my 6th Report to the OSCE Permanent Council, after nearly three years since participating States have entrusted me with the responsibilities of ODIHR Director. As per usual practice, I would like to outline some of the most important issues that have occupied us during the past few months and provide an overview of planned activities for this year.

This is also my first PC address after the Astana Commemorative Declaration was adopted at the last year's Summit. We can not but be pleased that OSCE participating States again categorically and irrevocably reaffirmed, this time at the highest level, that commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned; that participating States value the important role played by civil society and free media in helping them to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law. I very much hope that these principles will continue to be 'brought to life' in activities that ODIHR is undertaking jointly with participating States and partners within our Organization and beyond.

With the impending move of ODIHR's offices, I would further offer a few thoughts on our relations with our host country Poland.

In addition, I wish to make a few remarks with regard to the relevance, to the OSCE region, of the events we currently see unfolding in Southern Mediterranean.

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1. ODIHR Activities

Elections

In terms of elections, our Office has had an extraordinarily busy autumn and winter season; we saw a record 21 election activities in 2010. This unprecedented and unexpected schedule also warranted a supplementary budget to be approved in order to be able to deploy an election observation mission to Belarus. I am very grateful to all participating States for having provided commensurate resources in 2010 both financially and in terms of the number of seconded observers despite the persistent difficult economic situation. This proved yet again the strong ability of OSCE to respond to the needs as they arise.

Although 2011 initially looked quieter, recent months have thrown up a number of unanticipated elections, including early elections in Andorra, Ireland and Kazakhstan. While an election observation mission is ongoing in Kazakhstan for the early presidential election, we are actively preparing for the deployment of a similar mission to Albania for the upcoming local elections in May. Likewise, the election assessment mission to Estonia is now completed and another one is being fielded to Finland.

Most of these election missions have been preceded by needs assessment missions (NAMs). In addition to Albania, Estonia and Finland, we have completed three NAMs for Ireland's early parliamentary elections and Cyprus' poll in May. Another three NAMs will go to Andorra, Moldova and to Turkey in the coming weeks. In sum, this quiet year is turning into another busy one indeed. The NAM to Andorra marks a milestone for ODIHR; it was one of the four remaining States of 56 in which ODIHR had not previously held an election activity. With this visit, the tally has increased to 53 States that have hosted ODIHR election activities; quite an accomplishment of diversity.

In accordance with its mandate, ODIHR continues to work with participating States on **follow-up** to election observation activities and the subsequent recommendations offered. We continue to provide participating States with expert advice and assistance in implementing their commitment to follow-up on ODIHR's findings and recommendations.

In addition to publishing legal reviews, ODIHR took part in various meetings, roundtables and seminars organized throughout a number of participating States. This included visits to the Netherlands, Georgia, Kyrgyzstan, and Tajikistan. In addition, ODIHR intends to conduct follow-up visits in States where ODIHR observed elections in the second half of 2010, including Azerbaijan, Belarus, Bosnia and Herzegovina, Latvia, and the United States of America, and we hope these countries will welcome this. We also hope to receive an invitation to present the Election Support Team's final report on the September 2010 parliamentary elections in Afghanistan.

ODIHR has regularly attended a working group set up by the Ukrainian president to reform the electoral legal framework, with the intention of adopting a consolidated electoral code in line with democratic standards. Topics where ODIHR was able to provide expert input have included the formation of election commission, campaign finance issues, boundary delimitation, the role of observers, and complaints and appeals mechanisms. ODIHR stands ready to provide a similar support to the process of public consultations of new election legislation in Kyrgyzstan in close co-ordination with other actors in the field. In addition, ODIHR intends to provide a legal review of this new draft code.

Turning to issues of **professionalism and diversity of election observers**, which are among the specific taskings of Ministerial Council decision 19/06, ODIHR has made another important step, launching its first training event for Long-Term Observers from the 17 participating States eligible to benefit under the 'fund for diversification'. The week-long event saw 25 participants trained in important elements of ODIHR's election observation methodology, international standards, and the working environment of an LTO. A number of those that participated in this training are already putting their theory into practice in election missions currently deployed. The next bi-annual training for STOs is on track for May.

ODIHR continues to engage with a number of participating States in the area of **new voting technologies**; in this period, we have held consultations with Belgium, Estonia, Norway, the United States, and the Russian Federation. Interestingly, some participating States have decided to return to pen and paper after having used new

voting technologies for a number of years. This is the case most recently in Kazakhstan, as well as in the Netherlands and in many US states following problematic experiences or national review processes. ODIHR will continue to engage also in this area as developments in this field occur.

Democratization

The ODIHR *Guidelines on Political Party Regulation*, completed in October last year, were presented to the Human Dimension Committee in February. ODIHR is currently editing the Russian translation of the Guidelines, which will facilitate the document's widest possible dissemination and use across the OSCE space. Once the editing and publication are completed, ODIHR plans to organize a series of follow-up events to increase public awareness of the Guidelines and to ensure that they remain a "living document". The Guidelines will serve as our key input for this year's Human Dimension Seminar, which will be covering the topic "The role of political parties in the political process". In parallel to the development of the Guidelines, in 2010 ODIHR worked to foster analysis and dialogue on existing frameworks for political party regulation in participating States. It did so by partnering with leading non-partisan think tanks, and assisting them as they drafted in-depth analytical reports on political party regulation and consulted these with local stakeholders – in particular political parties themselves, parliamentarians, civil society, and regulatory authorities.

In response to requests of OSCE participating States or OSCE field operations, ODIHR continues to prepare **legal reviews** of draft or current legislation, covering increasingly diverse subject matters which ranged from detention conditions to combating domestic violence, from the right to liberty and security of person to respect for private life, and from access to information to freedom of religion or belief, to name but a few. Some requests were prompted by reports prepared by ODIHR election observation missions. All legal reviews prepared by ODIHR aim at providing OSCE participating States with legal expertise and recommendations on how they can meet the international standards and commitments which they have undertaken.

ODIHR also continues to offer **expert assessments** of OSCE participating States' law-making systems. Recent developments in this field include the completion of the comprehensive legislative assessment in Moldova, in September 2010. I again invite you to use the ODIHR's legal resource website for lawmakers and legal practitioners (www.legislationline.org) that continues to be updated regularly.

ODIHR continues to assist participating States in developing policies for **reforming their residency and civil registration systems**. The assistance is provided with the aim to support participating States in developing their frameworks for residency registration that guarantees freedom of movement. Based on recommendations by election observation missions the support extends to reforming population registration systems aiming to increase accuracy of data that is provided to the election authorities in the process of compiling voter lists. In this context, ODIHR for example assisted the State Registration Service of Kyrgyzstan in identifying shortcomings of its current population registration system and in developing a

strategy document to reform it. As part of this activity ODIHR facilitated a visit for the officials of the State Registration Service to the Ministry of Interior of Lithuania in order to familiarize them with population registration reforms undertaken by Lithuanian authorities.

Another issue stemming from election observation that we plan to develop further is the use of judicial and non-judicial mechanisms to resolve electoral disputes, in line with OSCE commitments to provide effective remedies.

We continue our work to promote **judicial independence**. I have previously highlighted to you the *Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia* issued last year. In the last few months, we have supported discussions on how to implement the recommendations in several participating States, with government and judicial participation. We are encouraged by positive responses to the recommendations by senior judicial officers, academics and civil society in several countries, including Moldova and the Russian Federation. Further events to discuss implementation of the *Kyiv Recommendations* are planned for Armenia, Georgia, and Azerbaijan.

Last week I was in Armenia to review the follow-up process to the Trial Monitoring Report, one year after the report was issued. We welcome the readiness of authorities to work with us on a number of identified shortcomings, and we together with the government and civil society reviewed progress achieved and remaining issues to address.

Speaking of **trial monitoring**, I want to mention the ongoing trials related to the events of 19 December 2010 in Belarus. We will have to look carefully to what extent the court trials, which have started last week, are conducted in line with OSCE commitments, especially with regard to the independence of the judiciary, but more generally with regard to broader fair trial guarantees. ODIHR staff has now monitored three trials, and our activities will continue. We do not intend to comment on individual trials; we intend to conclude the activity by publishing a consolidated report based on the findings from all observed trials.

Human Rights

Compliance with commitments on **freedom of assembly** remains a challenge for number of participating States. The second edition of the Guidelines on Freedom of Peaceful Assembly provides participating States with a tool for finding good practices to fulfil international commitments, including OSCE ones, in this area. We are ready to provide training and other activities to relevant bodies, including law enforcement, to assist States in improving the record in this sensitive field. While maintenance of public order is an important task for enforcement bodies, it should not come at expense of the fundamental freedom to assemble peacefully.

In the equally challenging area of **freedom of association**, ODIHR continues to foster dialogue and cooperation between civil society and government authorities. By way of example, one opportunity for exchange in this regard was in Almaty last November, where ODIHR and the OSCE Centre in Astana convened a regional

Roundtable on 'Exchange of Good Practices and Experiences on Government-NGO Cooperation in Central Asia.' The roundtable culminated in the development of specific action plans by each country delegation geared toward improving the mechanisms for cooperation.

We are pleased to see **National Human Rights Institutions** among the priorities of the Lithuanian Chairmanship, and we look forward to discussions that will take place during the first SHDM on this important topic.

ODIHR continues to work with the civil society, including by providing training on human rights monitoring.

The work continues in other areas of our mandate – human rights and anti-terrorism (training of law enforcement officials, training on human rights and border security etc.), gender and security (eg. training for senior and mid-level border management officials from Afghanistan, Belarus, Kyrgyzstan, the Russian Federation, and Tajikistan in Dushanbe in December), human rights in armed forces, anti-torture, and human rights education. As for the latter, the *Compendium of Good Practices in Human Rights Education* is now available in Russian, and we plan to start developing recommendations for human rights training of police, civil servants, civil society and secondary school students. Such recommendations, which are based on good practice and experience, aim to help educators design the training programme and develop criteria to evaluate program effectiveness.

With regard to **anti-trafficking**, ODIHR continued enhancing awareness about the rights of trafficked persons and persons vulnerable of being trafficked, through support of outreach activities, as well as empowering victims to access justice and remedies, with a particular focus on labour exploitation. It has supported legal assistance, including to claim compensation, as well as medical and social assistance as required, in Azerbaijan, Bosnia and Herzegovina, Serbia, Albania, Moldova and within the European Union. An important aspect of ODIHR's work has been developing the cross-border information exchange, networking and co-operation between legal practitioners and non-governmental organizations from countries of origin and destination, aimed at securing victims' access to assistance and rights.

Tolerance and Non-discrimination

Our tolerance and non-discrimination activities continue apace with the busy schedule of last year. Together with the Chairmanship, we are organizing a High Level Expert Meeting on Confronting Anti-Semitism in Public Discourse in Prague on 22-23 March. Similar events devoted to addressing Intolerance against Christians and Intolerance against Muslims will take place later this year. Still in the framework of the support provided to the Chairmanship, ODIHR accompanies Personal Representatives of the CiO on Tolerance issues, on country visits, for example when the Personal Representative on Combating Anti-Semitism visited the Russian Federation and the Netherlands.

The focus on **hate crime prevention and response** has intensified with ODIHR receiving an increasing number of requests for assistance from a wide range of

interlocutors. ODIHR conducted hate crimes workshops for state officials, law enforcement, and civil society representatives in Georgia and Turkey, as well as OSCE field staff for Missions in Bosnia and Herzegovina, Moldova, Serbia and Kosovo. ODIHR also made presentations on hate crimes in Bulgaria, Denmark, Germany, Italy and the Netherlands to raise the awareness of civil society on hate crime and to encourage a variety of approaches to addressing the problem.

It is worth mentioning that ODIHR has been seeking to intensify **strategic partnerships** in the battle against hate crime. For example, ODIHR relaunched its Training Against Hate Crimes for Law Enforcement (TAHCLE) programme (the initiative formerly known as LEOP) with training for Georgian Police organized in collaboration with the European Commission Technical Assistance and Information Exchange (TAIEX). ODIHR's *Practical Guide: Prosecuting Hate Crimes* is being developed in close cooperation with the International Association of Prosecutors. In that regard, I would like to mention that the draft document will be presented for discussion at the HDIM.

As regards **teaching materials on anti-Semitism**, existing country versions of teaching materials were further disseminated and introduced in Lithuania, Poland and Ukraine through the organization of seminars for teachers. New country versions are currently under way in Austria, Hungary and Latvia. I wish to encourage other participating States to consider developing and adopting such teaching materials.

ODIHR has finalized the first draft of the **guidelines for educators** on how to address **intolerance against Muslims** in close co-operation with the Council of Europe and UNESCO. Educators, civil society organizations and government representatives will be consulted on the document in May in Vienna.

ODIHR continues its work on providing legislative and practical assistance in the area of **freedom of religion and belief**, drawing on the experience of the Advisory Panel of Experts on Freedom of Religion and Belief. ODIHR piloted a training programme for civil society organizations on freedom of religion or belief on 8 December, just before the Supplementary Human Dimension Meeting (SHDM) on Freedom of Religion or Belief on 9-10 December. Following the tremendous interest in such a training, ODIHR plans to facilitate similar seminars for government officials and for civil society upon availability of resources.

Finally, allow me to also use this opportunity to recall that the deadline for participating States to submit their completed questionnaires for this year's **Hate Crime Report** is 25 March. Based on the recommendations presented last November during the Annual Meeting of National Points of Contact in Warsaw, ODIHR has amended the content and the format of the questionnaire. It is now available online; submissions from previous years can be consulted, revised and completed as appropriate on a dedicated page of our TANDIS website.

Roma and Sinti

Thanks to the efforts of the Lithuanian Chairmanship and Swiss Chairman of the Human Dimension Committee, our Contact Point for Roma and Sinti Issues (CPRSI) had a chance to present in detail our activities as well as the situation and trends in this area just some two weeks ago. Unfortunately, we can not report much progress in participating States regarding the implementation of the 2003 Action Plan on Improving the Situation of Roma and Sinti and subsequent MC decisions (Helsinki MC Decision 6/08 and Athens MC Decision 8/09). We are planning on preparing a new Status report, with the intention to have it ready next year. I am, however, afraid that many, if not most, of the issues from the 2008 Status report will remain unchanged.

We have positive examples of States co-operating with our Office in following-up our reports, namely in Italy and in Hungary, and we hope that this political commitment will remain, and translate to yielding results in improvement of worrisome situation of Roma population throughout Europe.

I wish to outline a few issues with regard to Roma that in my view are of particular relevance.

1) **Early education.** In realizing objectives of the Helsinki MC Decision 6/08 the ODIHR CPRSI is an active partner of the recently established *International Task Force on the Education of Roma* together with the Council of Europe, European Commission, UNICEF, UNESCO, and others. Following last year's report on access of Roma and Sinti children to early education processes, the CPRSI aims to support national tools for promoting access to early education and raise awareness among Roma communities about the importance and benefits of early education. Moreover, ODIHR will continue to address the need for implementing effective desegregation policies in the field of education, raise awareness on the specific vulnerable position of Roma and Sinti, and assist in efforts aimed at eradicating the practice of systematic placement of Roma children into special schools or classes meant for children with mental disabilities and learning difficulties.

2) **Building trust** within communities. The OSCE Strategic Police Matters Unit (SPMU) manual developed in co-operation with ODIHR on best practices for building trust between police and Roma and Sinti is now also available on the ODIHR website in Russian language while further translations into Romanian and Hungarian are being finalized. The ODIHR CPRSI plans to organize, in co-operation with respective authorities, launching events and seminars aiming at introducing elements of the manual into educational and training curricula for the police academies, schools and 'front-line' officers and raising the number of Roma and Sinti in enforcement bodies in Romania and Hungary.

3) In order to enhance the **participation of Roma in public and political life**, last year ODIHR supported Roma NGOs in raising awareness among Roma communities on the right to vote and the importance of exercising this right, as well as monitoring and assessing the media coverage, the portrayal and representation of Roma and Sinti during election campaigns and on election days. ODIHR will continue supporting Roma and Sinti communities in enhancing their capacities with regard to political participation and will especially target Roma and Sinti youth, particularly through facilitating their access to mainstream media.

4) **Migration** of Roma and Sinti communities has become a key challenge in Europe today. ODIHR remains concerned with public discourse on Roma migrants who are increasingly categorized as an issue for 'public security'. The issue of 'securitization' of Roma migrants, efforts to penalize begging or presenting begging as a cultural characteristic of Roma – all of these reinforce sometimes old stereotypes and prejudices and fuel intolerant views of majority population.

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2. Host Country Relations

Let me also say a few words about, and praise, the relations with our host country, Poland. Having been notified in late 2009 that we would have to vacate our current headquarters in Aleje Ujazdowskie, the Ministry of Foreign Affairs has invested vast efforts to arrange for a **new office building**, into which all ODIHR offices and staff – which were hitherto scattered throughout the city – can now finally be consolidated. Besides our main building our staff has been working in three other locations – one that is housing the TND department and Roma and Sinti Contact Point, one for the war crimes justice project, and one for the archives.

I would like to express our deep gratitude to the Ministry of Foreign Affairs of Poland, which has proven to be a reliable partner throughout this process, eventually providing us with sufficient office space in a historic building in the center of Warsaw. I am pleased to say that we have been treated – and continue to be treated – by our hosts in line with the very best international practice.

We also thank the MFA for sharing with us a new version of the **draft Law** on ODIHR which seeks to regulate ODIHR's legal status in Poland and we have provided our comments as requested. While the already mentioned effort of Poland to accommodate ODIHR in new premises shows in no uncertain terms its *de facto* commitment, we look forward also to the adoption of legislation that would solidify the *de jure* status of ODIHR in Poland in line with that enjoyed by the OSCE Secretariat, other OSCE institutions, and, say, the United Nations headquarters in their host countries. Such legislation would certainly make the basis of the daily operations of our Office even more clear.

This year is a special year for ODIHR as we are celebrating our **20th anniversary**. We are planning an event in May to mark this occasion and - at the same time – the formal opening of our new offices. An invitation will be sent to you as soon as the date is confirmed, and we hope to be able to welcome you for this event in Warsaw.

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3. Human Dimension of Security: Lessons from our Neighbourhood

Ladies and Gentlemen,

Let me take the opportunity, after almost three years of service at ODIHR to share a few remarks with you that I deem important for the overall security situation in the OSCE region. It is about the cardinal Helsinki principle that the respect for human

rights and fundamental freedoms is “an essential factor for the peace, justice and well-being...”. I deem this issue particularly relevant as we look – again – at the causes of crises and as we are – again – struck by the realization of how often the lack of respect for human rights lies at the heart of the problem.

This was particularly the case in the past couple of months, which saw two of our OSCE partner countries undergo rapid and seismic transformations. Egyptians, like Tunisians before them, have prevailed over autocracy and have done so in the name of freedom, dignity and justice. It is my sincere hope that this is the beginning of a process leading to the establishment of genuine democracies in these two OSCE partner countries and beyond.

Citizens of these countries would now like to see an end to oppression, restoration of basic human rights and a peaceful transfer of authority to a more representative government.

In this wish, they are not alone. In fact, this is precisely what OSCE commitments demand from each and every participating state of the OSCE: that the protection and promotion of human rights is the primary responsibility of governments.

Clearly, OSCE commitments formally do not apply to our Mediterranean Partners. But universal values do. And, equally clearly, the security of OSCE is inextricably linked with the security on the southern shores of Mediterranean.

And it is in this context that the events in the past couple of months bring important messages for those working on such issues in the OSCE region. Let me dissect what I believe to be two powerful lessons.

First, cultural specifics: We have heard that certain countries are not ready for democracy and human rights because of their specific traditions and history. More than often, this argument – often employed by those who resist domestic change – is nothing but a lazy stereotype. Tunisians and Egyptians, along with others, have shattered this notion. There is no such thing as a “structural lack of the desire for freedom” in any culture.

People are always ready for freedom everywhere, from Ottawa to Dushanbe, between Reykjavik and Nicosia, and beyond.

Yes, country-specific traditions and history do matter. They have to be taken into account when choosing and developing an appropriate political and institutional system. OSCE commitments do not prescribe any specific system of governance. But they prescribe certain principles that need to be applied, no matter which system is chosen. And this includes the protection of universally agreed human rights standards.

So the argument that some are better suited to living under autocracy is derisible at best. At worst, it is bigoted. Recent events point to the fact that ‘cultural specifics’ cannot justify the sustained closing of political space for discourse, unaccountable government, repression and torture.

Nothing can stop an idea whose time has come. These findings are so plain, but they escape so many: people all over the world desire the same thing – freedom, justice, dignity, and a say in the way their lives are governed. All those who seek to stem the tide of democracy and human rights will, sooner or later, be held accountable; either before the ballot box or before discontented masses and their frustrated expectations. The time for democratic reforms is always now, and not at some time in the distant future.

That, for me, is the first lesson that is relevant also for our, OSCE part of the world.

A second and similar myth claims that stability can be purchased at the expense of liberty. According to this view, abrupt changes in government spell out a dangerous formula that could lead to catastrophe in particular geographic settings. What events in the Arab world show is that it is this very status quo - based on the 'stable' denial of individual rights and freedoms – that is the real problem. For the lives of the people affected, but also for long-term stability and security in our region.

The line of thinking that bases itself on the false trade-off between stability and human rights is, frankly, bankrupt. Pursuing stability at the expense of democracy will achieve neither. The fetish of stability cannot trump the benefit of open societies and where democracy cannot flourish, circumstances will remain stagnant, citizens resentful and the threat of violence a distinct probability. In the end, such systems are likely to collapse quite abruptly, more often with a bang than with a whimper.

These two lessons are critical for us in the OSCE. They actually reinforce the important messages contained in the 2010 Astana Commemorative Declaration: first, democracy remains the only system of government that ensures the respect for human dignity and freedom. Second, our community is safest and most stable when human rights, fundamental freedoms and the rule of law are upheld.

ODIHR stands ready to support Egypt and Tunisia, as OSCE Mediterranean partners, in their democratic transitions should we be requested by their authorities and mandated by the Permanent Council to do so.

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Ladies and Gentlemen,

As usually, I have tried to give an overview of ongoing activities. For ODIHR, it will certainly be another busy year. The increasing demand for our assistance demonstrates that we are well 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. In order to further facilitate this work, we will publish this year an updated edition of *OSCE Human Dimension Commitments*.

We are looking forward to working with the Lithuanian Chairmanship on numerous human dimension events and special chairmanship events this year. And we very much welcome the interest of delegations in our work, which we have the opportunity to describe in more detail during Human Dimension Committee meetings under the able chairmanship of Ambassador Greminger.

I take this opportunity to once again thank you for this cooperation 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.