

ODIHR.GAL/10/06
24 February 2006

ENGLISH only

Check against delivery

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

Winter Session of the
OSCE Parliamentary Assembly
Vienna, 24 February 2006



Mr. President,

Madam Chairwoman,

Honorable Members of the PA,

Ladies and Gentlemen,

It is again a great privilege and pleasure for me to be invited to address the Parliamentary Assembly at the Winter Session for 2006.

The OSCE PA and ODIHR are natural partners, partners in building democracy and its institutions and processes.

We owe particular gratitude for the support we have received in this regard from the sequence of Chairmanships.

We acknowledge the efforts made by the Parliamentary Assembly to support us in our work and to ensure that our activities are strengthened through political support.

In the past year, we have continued our work in the human dimension, in promoting democratic elections, strengthening democratic institutions, and protecting and promoting human rights. Through a combination of monitoring compliance, on-the-ground visits, human dimension meetings, and hands-on assistance activities we have made a strong effort to assist States fulfilling their commitments. Of course we must all bear in mind that the responsibility for implementing commitments lies with the States themselves, not with the OSCE or any of its Institutions.

With regard to elections, in 2005, we successfully deployed some 3,750 election observers from an increasingly wide array of OSCE participating States. We also continue to promote the implementation of OSCE election-related commitments through legislative reviews and other assistance activities.

I want to thank the numerous election observers among you who have found time in your busy schedules to participate in election observation missions and encourage you to continue this. In fact, I look forward to seeing some of you in Belarus and Ukraine next month.

I would also like to express my sincere appreciation for the support we have received in the form of the resolutions the OSCE PA has adopted in your last Annual Session in Washington. In particular the resolution urging States to meet the existing OSCE commitments on holding free and fair democratic elections helps us to reaffirm the fact that we need a genuine political commitment to conduct democratic elections.

I take this opportunity to thank you also for the support pledged to my Institution in your resolution urging the OSCE to provide adequate funding to the ODIHR to fulfil its broad mandate.

An important contribution from the PA can be made through the active participation at human dimension events. It is the presence of Parliamentarians and NGOs that gives the debate during these meetings particular closeness to reality. We will be organizing a number of other events this year at which the contribution of parliamentarians would be equally valuable and most welcome.

In 2005, we were able to organize arguably the most successful HDIM ever, given the record number of participants, side events, and very positive feedback. We hope to be able to continue with this trend to make the HDIM an even more effective forum on the human dimension which remains relevant for all sub-regions of the OSCE. I would like to take this opportunity to invite you to participate in the human dimension meetings we have planned for this year, which all, I believe, offer a role to members of the PA to make valuable contributions.

- On 30-31 March, a Supplementary Human Dimension Meeting on Human Rights Defenders.
- On 11-13 May, we will be holding our annual Human Dimension Seminar in Warsaw, focusing on the Rule of Law in Criminal Justice.
- Of course the two-week HDIM, beginning 3 October, marks the highlight of our meeting year and I look forward to welcoming many of you to Warsaw.
- In November, we will gather again in the Hofburg to discuss the role of parliaments at the third Supplementary HD meeting.

Let me go into a little more detail on this last item. This year, the last Supplementary Human Dimension Meeting is entitled *Democratization: Strengthening Democracy through Effective Representation*. This meeting will be following on a Human Dimension Seminar on Democratic Governance that was held in Warsaw in 2004. As in 2004, we will be requesting assistance and high level participation from the OSCE Parliamentary Assembly as the meeting will naturally have to include the subject of empowerment of legislatures and parliamentary infrastructure. There are issues that are seen as technical, but when not addressed, become a real obstacle to proper work of legislatures and thus weaken the overall democratic process. These include Rules of Procedure, -- empowerment of parliamentary committees, parliamentary research capacity and support staff to ensure equality with the executive branch, financial and ethical oversight, parliamentary ethic and codes of conduct.

We have noticed through our numerous activities in the field that legislative work does not only mean legislation that meets OSCE and other international standards. If legislation process is not transparent or accessible to the public, the compliance with and even legitimacy of legislation can be problematic. Thus, during the SHDM we plan to have a discussion on topics related to the concept of legislative transparency, policy development, public hearings, input of civil society into the legislative process, readings of drafts, principles of passage of laws as well as adoption, implementation and monitoring of adopted legislation. In its legislative support work, the ODIHR not only

passively reviews draft legislation upon the request of the participating States, but also encourages transparent and inclusive legislative processes. Parliaments, of course, have a key role in ensuring this openness and inclusiveness. And, we will also be discussing this issue during the SHDM.

As Parliamentarians are active members of political parties, you may be interested in ODIHR's political party development. The ODIHR, in co-operation with the Netherlands Institute for Multi-Party Democracy and the Caucasus Institute for Peace, Democracy and Development, is completing an interactive assessment of the political party environment in Georgia. This project enabled the 6 leading parties in Georgia, including the ruling party, to engage in a critical discussion of functioning of political parties in the country, involving issues such as party identities, human and financial resources of political parties, internal democracy, participation of women in political life, elections for party posts and campaigning and international support.

These examples must suffice today to illustrate how the ODIHR follows up its election observation work by assistance programmes.

Ladies and Gentlemen,

Gender equality

I know that the PA has always played a particularly strong role in promoting gender equality in the Organization. I am therefore pleased to report to you that planning and programming of all our activities and human dimension events now include an enhanced element of gender mainstreaming, following the Action Plan on the Promotion of Gender Equality, adopted in Sofia. The ODIHR will present a report on its implementation later this year. We will also continue to assist States to implement their commitments under the Action Plan, including protecting and promoting women's rights, combating domestic violence and to develop, implement and manage self-sustainable programmes promoting the equal participation of women in democratic processes. Our activities in this field are continuing. Following the taskings from the Ministerial Council in Ljubljana the ODIHR will also conduct workshops on UNSCR 1325 on the role of women in conflict prevention, crisis management and post-conflict rehabilitation.

Individual programmes

The ODIHR will also continue to strengthen its capacity for the promotion of tolerance and non-discrimination. Through our programme, established in 2004, the ODIHR will continue to raise awareness and develop measures to counter prejudice, anti-Semitism, intolerance and discrimination and provide expertise and to share best practices in the field.

We will continue our work in establishing the capacity to collect, compile, analyze and report on information and statistics on hate crimes. This includes developing a comprehensive information management system and disseminating the information via the internet.

We will also continue to provide support and assistance in areas such as legislative support, training of government officials, strengthening data collection mechanisms, awareness-raising and educational activities to promote tolerance and non-discrimination. In order to identify best practices and identify areas where support is needed, we will undertake an assessment of educational initiatives and programmes to promote mutual respect and understanding in the OSCE region. In January we launched Guidelines on Remembrance of the Holocaust which we produced in cooperation with Yad Vashem in Jerusalem.

Our Law Enforcement Officer Programme on Combating Hate Crime continues and has now been extended to Croatia and Ukraine. Substantial results can also be achieved by the exchange of best practices between the participating States, as well as NGOs, on how to eliminate all manifestations of hate and intolerance. The ODIHR will assist this by organizing and facilitating further NGO training workshops.

Our Advisory Panel of Experts on Freedom of Religion or Belief will continue to support participating States in their efforts to promote religious freedom and enact legislation in accordance with international standards and OSCE commitments. The Panel will also continue its work in developing a training module for religious leaders and NGOs.

In this work, ODIHR will continue its close co-operation with the three Personal Representatives of the Chairman-in-Office on Tolerance.

The ODIHR's Contact Point on Roma and Sinti Issues will continue to put the implementation of the Action Plan on Improving the Situation of Roma and Sinti at the core of its activities in 2006. This includes maintaining contact with authorities and NGOs and providing targeted assistance projects as well as raising awareness of these issues. While the Action Plan puts forth strategies for OSCE participating States, implementation at the local level has remained at a rather low functional level.

To address these challenges, a joint conference with other government and inter-governmental organizations was held in October 2005 in Warsaw. We explored the implementation of policies and action plans for Roma, Sinti and Travellers, and measures against the anti-gypsyism phenomenon in Europe. A follow-up conference is planned for May 2006 with the aim of creating a set of guidelines and recommendations by international organizations for national implementation of Roma related policies.

The ODIHR will continue to mainstream Roma and Sinti concerns through all its programmes. This includes analyzing the participation of Roma and Sinti in electoral processes, encouraging their participation as observers as well as activities on voter registration, the empowerment of Roma women and combating intolerance and discrimination of Roma and Sinti. In addition, the ODIHR will again make use of other OSCE events to mainstream these concerns into the activities of the wider organization.

Our democratization programme aims overall to help develop capacities which are of critical importance to the consolidation of democratic culture. It provides democratization and institution building expertise to participating States and OSCE

field operations and offers training programmes for governmental officials and legal professionals.

We are continuing our support for democratic governance practice, including enhancing multi-party systems and inter-party dialogue as well as strengthening of analytic capacities of the parliaments. As I mentioned before, the third SHDM in November will offer an opportunity for discussing this issue with experts.

The ODIHR will continue to facilitate the transfer of lessons learned in the Human Dimension from the field operations in South Eastern Europe to those in other parts of the region. For example, the ODIHR will remain a resource on lessons learned in criminal justice reform and trial monitoring in this context and, as in previous years, plans to hold another expert level meeting on this issue in 2006 for OSCE field staff.

We will also continue to provide advice and recommendations on legislation to ensure consistency with OSCE commitments.

The ODIHR work in the field of migration is expanding as demands for assistance in this area from participating States grows. In addition to the development of programmes in a number of CIS countries, we are looking forward to the regional expansion of migration related activities. For example, the ODIHR in co-operation with the OSCE Presence in Albania is assisting and consulting the Albanian Government on the project on the Modernization of the Civil Registry System.

Other examples include assistance in improving voter registers by concrete projects on improving civil registration systems as well as activities in the rule of law area.

The ODIHR, within its rule of law programme, is implementing its taskings from the Ljubljana Ministerial Council Decision on Upholding Human Rights and the Rule of Law in Criminal Justice Systems as well as the Decision on Combating Transnational Organized Crime. Within the context of the new focus of the Chairmanship on issues of criminal justice and organized crime the ODIHR will also continue to highlight the challenges faced by defense bars and defense lawyers in addition to judicial and prosecutorial reform. I would like to bring your attention to the Human Dimension Seminar on *Rule of Law in Criminal Justice Systems* that takes place on May 10-12 in Warsaw. During the Seminar we will discuss all parts of the criminal justice “chain”: the police, the judiciary, the prosecutors, and the frequently neglected role of defence lawyers. We hope that the Seminar will produce useful recommendations that could lead to improvements in the functioning of justice systems in the OSCE region.

The ODIHR's torture prevention work will continue in 2006. In addition to work on the transfer of power to sanction arrest, the ODIHR will provide workshops on the Optional Protocol on the Prevention of Torture (OPCAT) and continue being a resource on torture prevention activities for the OSCE field missions.

The overall goal of the human rights programme is to contribute to enhanced respect for human rights and fundamental freedoms across the OSCE region. The ODIHR will

continue its systematic and thematic monitoring of the key OSCE human dimension commitments.

The ODIHR underlines the importance of adhering to international obligations on human rights and the rule of law when combating terrorism. The ODIHR has highlighted that the right to a fair trial and the prohibition of torture cannot be modulated by the necessity to fight terrorists. We will continue to provide States with assistance and legal and practical advice in this regard. In line with the PC decision last year we are also in the process of compiling and analyzing national legislation on the protection of victims in order to identify best practices.

In anti-trafficking the ODIHR will continue to promote the rights of victims as part of its work in securing a rights-based approach in anti-trafficking responses. We are currently conducting a series of national referral mechanism assessments in a number of countries across the region, countries of origin and of destination, in order to evaluate anti-trafficking structures, policies and practices on the identification of trafficked persons, the protection of rights and their access to justice. There is no doubt that we all have to strengthen our efforts further to effectively curb this modern slavery, to better prevent it and to protect victims more effectively, especially also from being re-trafficked.

We will also carry out the ODIHR's specific mandated function as repository for states of emergency.

In the area of Human Rights Training and Education one focus has been to enhance the professional capacity of civil society to monitor and report on the situation of human rights. We also offer training activities for public officials, including trainings in human rights well as on securing human rights in the fight against terrorism. Pilot-trainings in this area have taken place in Kyrgyzstan and in Austria and we encourage more countries to follow this year.

Allow me now to return to **elections**:

Of all of the ODIHR's mandates and activities, our role in monitoring the implementation of the 1990 Copenhagen commitments for genuine and democratic elections is perhaps the most well-known, and perhaps also the most discussed these days. It is therefore a good opportunity for me to elaborate on this subject. I would also like to underscore the fact that the high level of interest often afforded to our election observation activities, including by the public, is not due solely to the fact that ODIHR is an OSCE institution, but also to the realization of the quality and credibility of election observation provided by ODIHR as an autonomous institution within the OSCE.

The ODIHR serves as the OSCE's focal point for all election-related matters, including election observation, technical assistance and support, and the review of electoral legislation. As I said, OSCE commitments agreed upon by all participating States require them to invite other OSCE States to observe their elections; the ODIHR provides the methodology and coordination framework for such observation.

Each year, the ODIHR deploys thousands of observers to monitor elections throughout the OSCE region in order to assess participating States' compliance with OSCE election-related commitments. In recognition of the fact that an election is not a one-day event, the ODIHR received an enhanced mandate for long-term observation in 1994. Since 1996, it has implemented a unique and carefully developed methodology that provides a comprehensive insight into all elements of an electoral process: before, during, and after polling day.

The ODIHR fields teams of experts to observe the entire electoral process and to determine whether an election is designed and implemented with respect for the following principles: universality, equality, fairness, secrecy, freedom, transparency, and accountability. Long-term observers, seconded by participating States, are deployed throughout the host country for approximately six to eight weeks to assess the election administration, the political campaign, and election-related human-rights issues. Short-term observers arrive just prior to Election Day, are briefed, deployed throughout the country to observe voting, counting and tabulation procedures, and are debriefed.

The ODIHR analyses its preliminary findings in close co-operation with the OSCE Parliamentary Assembly, from whose ranks the OSCE Chairman-in-Office regularly appoints, upon proposal by your President, a Special Coordinator for the Short-term observation, as well as the Parliamentary Assembly of the Council of Europe, and the European Parliament, when invited and present. After Election Day, a preliminary statement is issued, normally in the form of a joint statement with those organizations who have deployed within the OSCE/ODIHR framework and who subscribe to the ODIHR election observation methodology. The ODIHR publishes a final election report with recommendations within approximately eight weeks after the completion of the electoral process. Election reports and other documents related to ODIHR election observation are public.

The ODIHR also provides election assistance to participating States, including the review of election-related legislation, advice on specific topics such as effective voter registration, exchange of experience with domestic observer networks, and overall assistance in the implementation of recommendations made in the final election observation report. The ODIHR does not provide election assistance immediately prior to, or during, the election observation period.

In 2005, the OSCE/ODIHR deployed 8 standard OSCE/ODIHR Election Observation Missions (EOMs). The OSCE/ODIHR also deployed two Election Assessment Missions (EAMs), a more limited exercise that examines specific issues and promotes best practices among participating States, including in advanced democracies. In 2006, the ODIHR expects to deploy up to 10 standard OSCE/ODIHR Election Observation Missions and up to 5 Election Assessment Missions. The ODIHR continues to support OSCE field missions through Election Expert Support Missions when full-scale EOMs are not deployed. There has been an increasing interest in ODIHR's possibility to observe referendums, and the ODIHR is willing to discuss and respond to this issue.

Ladies and Gentlemen,

Over the years, the methodology, which the ODIHR has developed, has permitted it to report accurately on the major trends of every election it has observed, and its methodology is world renowned. The methodology is explained in a handbook which we are regularly updating and distributing widely. [*You will find some copies outside.*] Based on the premise that an election is much more than a one-day event, the ODIHR methodology has moved well beyond the often simplistic, short-term and impressionistic assessments of elections that characterized the pre-1996 period, and which some organizations still engage in, and now attempts to follow the entire election process as much as resources permit, including the way the political contest unfolds, the performance of the election administration, the election campaign and related civil and political rights.

The effectiveness of the ODIHR methodology has not only served the OSCE well, but has been adopted and adapted by certain other organizations, including the European Union. Most recently, the ODIHR experience has been extensively drawn upon to elaborate a Declaration of Principles and a Code of Conduct for International Election Observers under the aegis of UN Secretary General Kofi Annan and endorsed recently in New York by practically all international governmental and non-governmental organizations which are seriously involved in this activity.

While ODIHR's election observation findings may not always make for easy reading for all election stakeholders, it is the duty of the ODIHR to offer realistic assessments of participating State compliance with OSCE commitments. Those participating States who wish to focus attention away from the picture that emerges as a result of ODIHR's independent observation, and onto the photographer, do so at the risk of a continuing cycle of flawed, and potentially fraudulent, elections. While the ODIHR is committed to assisting participating States in realizing their election-related commitments, in order for real progress to be achieved, a commensurate level of political will by the respective participating States, and the will to seriously discuss ODIHR's election findings, must be evident.

In addition to the mechanics I have already described some moments ago, our single standard best practices on election observation can be summed up as follows:

- Full transparency of methodology (described in an official publication), funding (taken from the OSCE core budget), recruitment (based on a database of experts) and reporting (by public needs assessment reports, interim reports, statements of preliminary findings and conclusions, final reports);
- Efficient communications with all election stakeholders in the field which enable us to draw objective conclusions resulting from listening to all sides involved in a potential dispute and
- Political discretion which dictates that we never comment on the political outcome of the election – a rule we have always abided by.
- The OSCE/ODIHR election observation is process oriented and is only interested in election results to the extent that they are reported honestly and accurately, and in a timely and transparent manner.

However, in the course of these missions, we continue to observe a number of trends that raise concerns:

- attempts to limit competition of parties, candidates, and ultimately their ideas, which may result in diminished possibilities for voters' choices;
- refusal of registration and/or de-registration of candidates in unclear proceedings with the potential to impose disproportional sanctions for minor violations;
- misuse of state administrative resources by the incumbent;
- pressure on the electorate to vote in a specific manner;
- media bias, particularly with regard to state-controlled media, in favor of the incumbents;
- election administrations whose composition is not sufficiently inclusive to ensure confidence;
- lack of sufficient voter registration guidelines and safeguards to prevent abuse;
- lack of transparency and accountability during the vote count, the tabulation of the vote and the announcement of results;
- complaints and appeals procedures that do not always permit a timely and effective redress of complaints;
- the introduction of new voting technologies that sometimes lack transparency;
- lack of sufficient will to rectify identified shortcomings.

This last point is of particular concern. While recognizing that substantive and organizational challenges to the implementation of OSCE election-related commitments can occur, the ODIHR has also observed situations where more political will was needed to ensure such implementation. The problem is not only limited to the political will to implement elections in line with OSCE commitments, but we sometimes are confronted with efforts to establish ill-conceived methods in order to engage in deliberate and pre-meditated attempts to influence results. In such cases, modifying the legislative and administrative framework for elections is not sufficient to guarantee elections in line with OSCE commitments. The conduct of democratic elections can only be established and maintained through a genuine political commitment.

Although the OSCE/ODIHR election observation methodology has enjoyed broad support for almost a decade, we recognize that some participating States have, recently, decided to question our approach to this important activity. While the ODIHR stands ready to engage in discussions, or to review if and where operational modalities may be improved, let me state that the ODIHR will not accept that the integrity of its election observation activities be compromised or undermined in any way.

I take very seriously any concerns conveyed to me by participating States with regard to ODIHR's election related activities, and the ODIHR has been in continuing contact with participating States, both individually as well as collectively, on these as on any other of our activities. I am committed to clarifying the facts of ODIHR election observation, and addressing any misunderstandings or misconceptions. But I am also concerned about the possible motivation for some of the issues that have been raised. While the ODIHR welcomes a sincere discussion on its findings, it cannot welcome measures that

only serve as a distraction from the real issues of prompt follow-up to ODIHR's recommendations.

Such an exercise, therefore, should not squander the possibility to address the most urgent election-related topic in the OSCE, and that is the implementation of OSCE commitments. As I have already stated last year, the ODIHR is still observing a number of elections in which participating States are not meeting their commitments, or in which manipulation of the election process is attempted. This remains the real election emergency in the OSCE region today, and I thank the PA for the expressed support in this regard.

Already in 1999, participating States agreed "to follow up promptly the ODIHR's election assessment and recommendations". While the ODIHR will continue to its efforts in order to assist States in implementing their commitment to follow-up, the ultimate responsibility in this regard lies on the shoulders of the participating States.

The deployment of ODIHR election observation and assessment missions for 2006 is already well underway, with an assessment mission to the January parliamentary elections in Canada having been completed, and full observation missions currently on the ground for the 19 March presidential election in Belarus and 26 March parliamentary elections in Ukraine.

I encourage you to continue and further develop the strong partnership with us in our common effort to raise awareness of Human Dimension commitments and to ensure their effective realization. In this, our two institutions share objectives and responsibilities. We should strengthen our capacity to share concrete activities in this regard.

Thank you for your attention.