



United States Mission to the OSCE

Response to the Report by Director of ODIHR Michael Link

As delivered by Ambassador Daniel B. Baer
the Permanent Council, Vienna
March 12, 2015

Welcome back to the Permanent Council, Director Link. It is impressive how much the Office for Democratic Institutions and Human Rights accomplishes each year with a small staff and – in real terms – an ever smaller budget. The United States supports ODIHR’s desire to do even more because we believe that our comprehensive security requires it.

ODIHR’s mandate, expertise, and experience are robust, and should be used to their fullest potential to help participating States implement their OSCE commitments in the Human Dimension. That mandate includes our OSCE commitments from Bucharest (2001) and elsewhere that commit us to “constructive cooperation” with ODIHR for it to “provide early warning of and appropriate responses to” violence, intolerance, extremism, discrimination, and human rights violations. This is perhaps most relevant in times of crisis. The crisis in and around Ukraine illustrates the critical importance of the implementation of our OSCE commitments to our collective security.

Director Link, I am going to take a slightly different approach today than I normally would in responding to your report. Rather than highlighting the many successes of ODIHR’s work since its last report to the Permanent Council, I would like to offer some thoughts – just a few, not a comprehensive list – on how ODIHR might use its toolkit to its fullest potential to address serious concerns related to human rights and fundamental freedoms, as well as the rule of law across the OSCE space. I do so not to be critical of the efforts of you and your excellent team, but quite the opposite. I do so to answer those participating States that unfairly criticize or seek through other means, including your budget, to undermine ODIHR. I do so to assure you that you have the full support of the United States to execute your independent mandate.

First, I encourage ODIHR to undertake a human rights assessment mission in Crimea, as invited by Ukraine. Such a mission should be provided full access throughout Russia-occupied Crimea, but that, regrettably, may be obstructed by the occupying authorities. We note that important assessment activities and reporting could still be undertaken even if ODIHR is not given access to the peninsula.

Second, we encourage ODIHR to continue to engage in monitoring human rights concerns, including those pertaining to fair trial rights, surrounding Russia’s detention of Ukrainians

including Nadiya Savchenko. We reiterate that Russia, and the separatists its backs, must honor the commitments made in Minsk to release all hostages and detained persons.

Third, we look forward to comprehensive monitoring by ODIHR of local elections held in accordance with the Ukrainian law in the Donbas region, as agreed in the February 12 Minsk Package of Measures. ODIHR's independent standards-based comprehensive assessment of the pre-election environment, technical preparations for voting itself, voting day and so on, are what makes ODIHR and the Parliamentary Assembly the gold standard for election observation. As I will note in my statement later today on Russia's ongoing disregard for OSCE principles and commitments in Ukraine, Russia and the separatists it backs must strictly observe the ceasefire. A real and lasting ceasefire is necessary to create an environment in which such elections can proceed and be fully monitored.

There are a number of other fruitful areas for ODIHR to explore including "providing early warning of and appropriate responses to" violence, intolerance, extremism, discrimination, and human rights violations throughout the OSCE space. That list includes increasing hostility toward independent voices in some OSCE participating States where we see a shrinking space for civil society, independent media, and political opposition. We ask you to monitor the freedoms of peaceful assembly and association, which allow citizens to express their dissatisfaction and disagreement non-violently with their governments. We urge you to keep a watchful eye on participating States that label citizens as terrorists or extremists merely for seeking to exercise their freedom of religion or belief.

Finally, we observe a trend of rising authoritarianism in some participating States which erodes the rule of law and democratic institutions. We urge you to continue to objectively and impartially monitor elections in the participating States – and I appreciate your update today on that front. As agreed in Brussels in 2006, ODIHR must continue "to ensure accountability, objectivity, transparency and professionalism of election observation."

Director Link, the United States supports your work – even when we ourselves face criticism from ODIHR. ODIHR's mandate is clear: to assist OSCE participating States to respect human rights and fundamental freedoms; abide by the rule of law; promote principles of democracy; build, strengthen and protect democratic institutions; and promote tolerance throughout our societies. We have heard of your invitation to participating States to task you with new work and we look forward to consulting with you and others. Certainly we have often heard a call for a fact-based analysis without double standards and without excluding anyone of us from its focus, and ODIHR's expertise could help us in that regard.

As you made clear in your opening remarks the work of ODIHR and the OSCE commitments to which it connects are neither politically nor practically optional. They are central prerequisites for durable security. ODIHR's contributions are a key component of the OSCE's approach to comprehensive security and deserve our full support.

Thank you, Mr. Chair.