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

at the  
800<sup>th</sup> Meeting of the Permanent Council

Vienna, 25 March 2010

Check against delivery!

Excellencies,  
Ladies and Gentlemen,

It is a great pleasure to report to the 800<sup>th</sup> Meeting of the Permanent Council on the activities undertaken by ODIHR since my last appearance here in October. I would like to outline the most prominent issues that have occupied us during the last few months and provide an overview of planned activities for this year.

Before doing that, let me say a few words on this year's human dimension events. ODIHR, as I have said before, is in the hands of participating States as regards topics and dates of events. But we ask for your understanding that the organization of an event takes time and cannot be done on short notice, not least because moderators and introducers need to be notified well in advance and many participants need to obtain visas to travel to Warsaw or Vienna. ODIHR will do its part in assisting the Chairmanship in the preparation of these events, but we all will have to make an extra effort to build on last year's events, also given that three of the four meetings are addressing very similar topics.

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## 1. Elections

I will not elaborate on current election observation activities; the calendar of forthcoming elections is posted on our website, as are our Needs Assessment Mission reports. I will report on the further implementation of MC Decision 19/06 later this year; let me only mention that, with regard to its tasking to ODIHR to "ensure as wide as possible geographical coverage in election activities", we have been engaging in a staggering 52 out of 56 participating States.<sup>1</sup> This includes needs assessment missions, the assessment of European Parliament elections at the national level, and other forms of assessments. I would like to thank all participating States for seconding long- and short-term observers and for contributing to the Diversification Fund, despite the difficult economic situation.

Today I would like to focus on two aspects: observation methodology and follow-up.

I am pleased to announce that we are working on the 6<sup>th</sup> edition of the *Election Observation Handbook*, or what most of us refer to as the '*Blue Book*'. In line with the taskings received, we are in the process of updating our standard methodology. The new edition will take account of developments in field practices that have evolved since 2005, such as observing new voting technologies. It will include details on follow up to ODIHR election-related recommendations, media and statistical analysis as well as post-election observation. We are also working on updates of our *Guidelines on Reviewing a Legal Framework for Elections*, and the *Handbook to Assist the Participation of National Minorities in Electoral Processes*. Also in preparation are new guidelines on media monitoring during elections. All these publications should be launched in 2010, so on this front we have a busy time ahead of us.

On observation methodology, I would want to draw your attention to a significant development that occurred in December 2009. Under the Swedish EU presidency, the

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<sup>1</sup> The only participating States not covered so far are: Andorra, Monaco, San Marino, and the Holy See.

Council of the European Union endorsed the *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*. Over 35 organizations active in the field have now pledged their commitment to assuring integrity and transparency in election observations.

Second, follow up. As you all know, it has been recognized time and again, not least during last OSCE Summit in Istanbul, that election observation can only have a lasting impact if the recommendations provided by the ODIHR are given serious consideration. The impact and usefulness of election observation activities could be multiplied by an effective follow-up process.

Our Office has been striving to engage in follow-up activities with participating States, with a focus on legal reform, often in co-operation with the Council of Europe's Venice Commission. In addition, ODIHR has systematically undertaken other follow-up activities including supporting OSCE field operations on targeted election technical assistance, deploying election expert teams, and participating in relevant roundtables and seminars to discuss recommendations.

Recently, our Office has increased its efforts to support States that have expressed interest in engaging with ODIHR experts on electoral matters after an election observation activity. We have looked at innovative ways to make follow up more meaningful and more systematic through, for instance, fostering partnerships and most importantly improving internal co-ordination and co-operation – particularly with ODIHR's Democratization Department, which has adjusted its focus even more towards election follow-up. I will touch upon this in a minute.

We have learned that one of the preconditions for ensuring success in this endeavour is that national authorities are committed to and remain at the centre of follow-up efforts, from the time of the presentation of our Final Report, through the period of exchanging views among all relevant stakeholders, to, finally, the point of implementation of recommendations.

Despite the Istanbul commitment, however, too frequently ODIHR's offers for electoral reform support remain unanswered, or they come too late – and often too close to the next election to address identified shortcomings in a meaningful way.

Let me illustrate some of our follow-up activities with recent examples from Belarus, Moldova and Norway:

- **On Belarus:** When I presented the Final Report on the 2008 parliamentary elections to the authorities in Minsk, in January 2009, we agreed that follow-up work should centre around seven priority recommendations. Several expert meetings on draft amendments to the election legislation followed, involving ODIHR and the Central Election Commission. We are currently preparing an opinion on the amendments to election legislation adopted last year and we are looking forward to sharing it with Belarusian authorities beginning of April.
- **On Moldova:** In response to strong interest expressed by the Moldovan authorities to engage in follow-up to recommendations on 2009

parliamentary elections, an ODIHR team consisting of representatives of three departments visited Chisinau last month. The delegation had a series of meetings that will result in a workplan, outlining major areas of work that will be conducted with the Moldovan authorities and together with the OSCE Mission to Moldova.

- **On Norway:** Following ODIHR's assessment of the 14 September 2009 parliamentary elections in Norway, our Office has been working with Norway's authorities to address the recommendations included in the final report. Follow-up has fed into Norway's regular post-election review process, beginning with a presentation of the report to the authorities in Oslo in January and a discussion with municipal authorities as part of their annual election forum in March. Further activities will include a visit of officials to Warsaw in April to discuss draft amendments that the ministry intends to send to parliament this summer.

We were also pleased to receive letters from the **German Minister of Interior**, indicating that Germany will take ODIHR's recommendations into account when amending the Federal Election Act; from the **Portuguese Ministry of Interior** with detailed comments and steps to be taken with regard to recommendations, and the **Electoral Commission of the United Kingdom** informing us that the amended Code of Practice for electoral observation has incorporated the majority of ODIHR's suggestions for improvement. I should add that **Iceland** announced at the Ministerial Council in Athens that the government platform pledges to amend the Election Act in line with ODIHR recommendations.

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Ladies and Gentlemen,

I am truly encouraged by these developments and what can be termed 'best practice in follow-up'. I have seen similar developments with regard to our activities that are clustered under

## **2. Democratization**

I mentioned before the more targeted focus of our Democratization Department towards election follow-up. We have sharpened the Department's focus since we believe that the mere provision of electoral assistance is not sufficient for a meaningful follow-up to recommendations. We see election observation recommendations as feeding into in the wider range of ODIHR's democracy assistance activities in fields such as gender equality, democratic governance, rule of law, legal reform and population registration.

Central to this approach is the support provided by ODIHR to participating States with civil registration systems in place, such as in **Kyrgyzstan** and more recently in **Moldova**. Both governments approached ODIHR with requests for assistance in improving the quality of voter lists through reform of their population registration systems. Such reforms have been recommended in ODIHR election observation reports for these countries. Beyond their obvious impact on the elections, these activities are also essential in that population registration reform is instrumental to

securing citizens' rights to freedom of movement and free choice of place of residence and to ensuring their access to employment, social services and healthcare.

Equally crucial is ODIHR's work on **political party issues**. Over time, our observations of the electoral cycle have emphasized that political parties play an essential role within a democracy. How to best encourage political parties to maximize this essential role might be answered with alternative models that have proven to work well in different OSCE participating States. In this spirit, ODIHR, together with the Council of Europe's Venice Commission, initiated last year a process of expert consultations to develop a greater understanding of challenges faced in the implementation of OSCE commitments relating to political parties. These consultations, the last round of which took place last month in Brussels, will feed into new *Guidelines on Political Party Legislation* highlighting common standards and good practices. The guidelines will be complementary as well as instrumental to ODIHR's assistance in legal reform through the provision of advice on new, or amendments to existing, legislation.

Election observation recommendations also feed into the wide range of assistance activities in the field of **gender equality and democratic governance**. For instance, ODIHR is currently engaged in integrating gender-equality aspects in policy-making processes at the local level in Ukraine. Other participating States – e.g. Moldova and Georgia – have recently solicited expertise on political party financing and the prevention of abuse of state resources. Here we see our role as that of a non-partisan expert provider with no bias towards any particular system who facilitates discussions among local and regional leaders in political parties and civil society.

Another way of follow-up is monitoring other developments than electoral events. While the role of short-term election observers often begins and ends at the doorstep of the polling station, ODIHR is mandated to monitor and report on incidents or more serious developments that may affect not just the outcome of an election, but the broader situation within a country. As a recent example let me mention our **activities in Armenia**. In the aftermath of the 1-2 March 2008 post-election violence, 37 ODIHR experts monitored 93 criminal cases involving a total of 109 defendants in trials directly related to these events. The report on these trials was released two weeks ago and highlights shortcomings in Armenia's justice system, while making detailed recommendations on how to address them. This report must also be seen as an offer of assistance. I will travel to Armenia early next month, also to affirm that the ODIHR stands ready, together with the OSCE Office in Yerevan, to provide expertise and support in the areas identified in the report.

Our focus on strengthening justice systems is also reflected in our engagement in a major international co-operation programme to **build capacity of justice systems** of Western Balkan countries in dealing with war crimes, in view of the ICTY completion strategy. This programme involves the ICTY of course, but also United Nations Interregional Crime and Justice Research Institute and most OSCE field operations in South Eastern Europe. Transfer of experience and materials are at the core of activities foreseen based on a study launched last year in The Hague. Designed with our partners, the programme is funded by the European Commission. The € 4 million received as extra-budgetary contribution will enable us to start implementing the programme in May.

Finally, it is worth noting the interest expressed by governments and parliaments from an ever-increasing number of participating States in ODIHR's "**democratic lawmaking**" expertise. In the former Yugoslav Republic of Macedonia, a two-year process led to the development of a "reform package", which is expected to contribute to improving the efficiency and transparency of the legislative system. Interest for a similar process has recently materialized in Serbia, Albania, Moldova and Armenia. This is particularly welcome considering how rule of law and democracy depend on a home-grown reform process focused on removing obstacles to good legislation.

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### 3. Human Rights

In the field of human rights, one of our focus areas has been providing support to **National Human Rights Institutions** (NHRIs). As there is an increasing tendency in the OSCE region to choose NHRIs as the bodies that monitor the implementation of the Optional Protocol under the UN Convention against Torture (OPCAT), ODIHR has begun supporting NHRIs in establishing National Preventive Mechanisms, in co-operation with civil society and other international organizations such as the Council of Europe and the office of the UN High Commissioner for Human Rights.

In an effort to foster dialogue and co-operation between human rights defenders and government authorities on **freedom of association**, ODIHR in October 2009 organized a roundtable in Bishkek with governmental officials, parliamentarians and civil society representatives from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. In this context, ODIHR is working on an online *Guidebook on Freedom of Association* compiling international standards, jurisprudence and good practices from OSCE participating States.

With regard to **freedom of assembly**, our Office is planning to expand the monitoring projects that have been successfully conducted in Armenia and Kazakhstan to other participating States. Based on the work in this field, ODIHR is developing a *Handbook on Monitoring Freedom of Peaceful Assembly*, to be published later this year.

The Compendium on **Human Rights Education**, published in 2009, has been well received and we intend to make it as widely accessible as possible, publish a Russian version, and hold training sessions for Russian speaking audiences.

One focus of ODIHR's work on **human rights and terrorism** has been a series of activities leading to the integration of relevant standards into the curriculum of the Tajik Ministry of Interior's Academy.

With regard to **anti-trafficking** activities, ODIHR has been engaged with national authorities in Poland, Uzbekistan and Azerbaijan to enhance capacity to identify cases of trafficking and respect the rights of victims, including the right to compensation. In 2010, activities aimed at strengthening human rights protection in the return of victims of trafficking to countries of origin will continue: workshops planned for April and June will review the country studies, commissioned by the

ODIHR, on this issue and will contribute to the development of human rights standards in the return process.

We intend to continue to organize discussions on issues referred to in the *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, in particular with regard to gender equality in the armed forces, legislation on freedom of association, and freedom of religion. As part of our **women and security programme**, we have assisted participating States in complying with UN Security Council Resolution 1325. Activities included an evaluation of the situation of women in the national security structures of Georgia, the promotion of the *Toolkit on Gender and Security Sector Reform*, and the establishment of the South Eastern Police Women Network in close co-operation with the Southeast Europe Police Chiefs Association, an initiative which will be further developed in 2010.

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#### **4. Tolerance and Non-discrimination**

Tolerance will feature high on the OSCE's agenda for 2010, and ODIHR works closely with the Chairmanship on organizing the High-level **Conference on Tolerance and Non-Discrimination** in Astana in June.

Following a tasking by the Athens Ministerial Council, ODIHR organized this week an expert meeting on the potential link between **hate on the Internet and hate crimes**. The meeting aimed at identifying challenges met by practitioners, including legislators, prosecutors, civil society and the Internet industry, when facing manifestations of intolerance on the Internet.

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. Additionally, ODIHR works closely with the Venice Commission in order to update the *Guidelines on Reviewing Legislation pertaining to Freedom of Religion or Belief*.

As regards teaching materials on **anti-Semitism**, ODIHR has facilitated teachers' seminars in Ukraine, Croatia and Lithuania in the last six months and will continue in Ukraine and Croatia in 2010. Additionally, experts from those 12 participating States where ODIHR teaching materials are already in use will meet in May in Berlin in order to discuss ways to improve ownership of the materials by the relevant authorities. The success of the teaching materials has prompted us to consider developing guidelines for teachers on how to respond to **intolerance against Muslims**. ODIHR is liaising with the Council of Europe on this, and the plan now is to have these guidelines launched in the beginning of 2011.

Allow me to also use this opportunity to thank the National Points of Contact that have returned the questionnaire for this year's **Hate Crime Report** within the deadline set for last Friday.

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## 5. Roma and Sinti

The ODIHR, through its Contact Point, continues to assist participating States in implementing their commitments to improve the situation of Roma and Sinti. Helsinki Ministerial Council Decision 6/08 gave renewed impetus to ODIHR's work on enhancing access of Roma and Sinti to **education**, and early education in particular, in order to prevent their further marginalization and exclusion. Activities in this field included consultation meetings on best practices and preparations for a regional awareness-raising campaign on access to early education. A comparative report on the participation of Roma and Sinti children in early education based on the responses of participating States and NGOs to the ODIHR-developed questionnaire will be issued in 2010.

Another focus area has been building trust between the **police** and Roma and Sinti communities. A manual containing best practices on this issue is currently being developed by the OSCE SPMU and ODIHR. National roundtables are planned to introduce the manual to policymakers, relevant officials, police representatives and civil society.

In line with Athens Ministerial Council Decision 8/09, which further strengthens ODIHR's mandate to assist participating States to combat acts of discrimination and violence against the Roma and Sinti, our Contact Point will make the identification of best practices to **counter prejudices** and biased portrayal of Roma in the media one of its priorities for 2010.

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Ladies and Gentlemen,

As usually, I have tried to give an overview of our planned activities for this year. It will certainly be a busy year for us. The continually 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 ones.

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.