

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

**517th Meeting of the Permanent Council
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Excellencies,

Ladies and Gentlemen,

It is again a great pleasure to report to you in the middle of a very active year, for my office and the whole Organization. Let me start by thanking the Bulgarian Chairmanship, and in particular Ambassador Ivo Petrov for the strong support they have provided us throughout this year.

2004 - a year of implementation

The ODIHR welcomes the priority identified by the CiO, Minister Solomon Passy, declaring 2004 to be a year of implementation. Implementation, first of all, means the realization of commitments undertaken by the participating States themselves. In addition, implementation can also refer to the mandate of my institution in assisting States in this obligation - we have been receiving, for this purpose, a number of new tasks. Corresponding to this *leitmotif*, my Office has been working hard, therefore, to meet the expectations set at the Maastricht Ministerial Council as well as at previous occasions. Let me present a brief overview on our current activities in this regard, starting with the new Action Plans and other new taskings.

- Implementation of the AP against THB

In our work on Combating Trafficking in Human Beings, the ODIHR focuses on awareness raising, on capacity building of national stakeholders and local NGOs, on working with media, and on coordination of anti-trafficking efforts. We welcome the appointment of Dr Helga Konrad as the Special Representative on combating trafficking in human beings as a sign of participating States' political commitment to take concrete and political action on this important issue. The ODIHR has worked closely with Dr Konrad in the past and will continue to support her in the activities she is now developing.

As tasked by the OSCE Action Plan on Combating Trafficking in Human Beings, the ODIHR continues to assist participating States in designing and implementing National Referral Mechanisms (NRM). Last May, we published a Handbook on NRMs, developed together with national experts and OSCE field operations; it provides a practical overview on practical tools for countries, both governments and NGOs, to meet challenges connected to victims of trafficking in human beings. Key aspects of National Referral Mechanisms, such as co-operation between police and non-governmental service providers, constitute good practice which will allow others to benefit from these experiences.

Together with the Finnish Government, we are now preparing the Conference "Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking" to be held on 23-24 September 2004 in Helsinki. The Conference's goal is to raise awareness about these challenges and to look for new strategies to effectively ensure human rights protection for trafficked persons in countries of destination. This follows up to the 2001 Berlin Conference "Europe against Trafficking in Persons". The conference will address gaps in the human rights protection of trafficked persons in countries of destination. Trafficked persons often share the fate of illegal migrants and thereby face the same consequences. Even for acknowledged victims, the provision of

adequate medical and psychological treatment remains problematic. Most notably, it is rare for an acknowledged victim to be permitted to stay, even temporarily, on the territory of the destination country. Many victims risk being re-trafficked after having been repatriated to their country of origin. All these factors indicate the need for stronger and well-coordinated protection measures for victims.

- Implementation of the AP on Roma and Sinti

The ODIHR, and in particular the Contact Point on Roma and Sinti Issues, has also started to implement taskings of the Action Plan on Improving the Situation of Roma and Sinti. As the Maastricht Ministerial requires that I report regularly on its implementation, I would like to highlight some of our recent activities, to illustrate the scope and focus of our ongoing work.

In regard to the AP's taskings on organizing training for NGOs and encouraging participation in political processes, we have carried out numerous activities in the first half of the year. A conference was organized in March together with Czech authorities in Prague, to examine practices of inclusion of Roma in appointed positions within local and regional administrations. In April, we organized a conference together with the Romanian Parliamentary Chamber of Deputies in Bucharest on increasing the participation of Roma and minority women in politics. Both conferences yielded a number of practical and useful recommendations and follow-up action.

The ODIHR has also conducted training for Roma and Sinti in methods of electoral observation and research, so that more Roma and Sinti may be involved in the future as election officials, ODIHR observers or domestic observers. We have also begun assessment studies in several Balkan countries on participation of Roma in elections. Upon invitation of French authorities, similar research has been conducted during the recent elections in France, building upon past work in 2002.

In regard to conflict prevention and early warning, our CPRSI remains in contact with local and national authorities in several states in order to share information about potential tensions and to offer assistance in bringing together NGOs, experts and policy-makers.

In cooperation with the Representative on the Freedom of the Media, we are currently elaborating criteria for identifying good practices in the media sector for addressing stereotypes and for including Roma. In addition, work is now underway to develop a database on good practices across the OSCE area; this project should serve as a resource to states and media institutions in examining how media can promote healthy inter-ethnic relations.

Together with the Council of Europe, the ODIHR organized a meeting in Strasbourg to review draft statutes and to discuss issues of contention in the draft structure of the European Forum for Roma and Travelers as tasked in the Action Plan. Currently we are following up together with the CoE and participating States on the national level.

We also continue our work on advising participating States. In Bosnia and Herzegovina for instance, we work with the National Council of Roma to carry out a series of policy roundtables focusing on electoral laws and their impact on Roma as candidates and voters. In Moldova, the CPRSI has co-operated with Roma NGOs and the Ministry of Health in a forum on possible models for improving access of Roma to health care. The

Ministry of Health and certain NGOs are studying, with CPRSI consultation, the prospect of replicating a model of Roma health mediators which has had some success in Romania.

In line with our clearing-house function, the ODIHR continues to offer services in disseminating any efforts or practices that might interest other States, in particular to assist in highlighting implementation efforts which States may wish to promote, also during OSCE events and conferences.

- Tolerance and Non-Discrimination: Implementation of ODIHR taskings

We have been active to implement our taskings under the Maastricht Ministerial Decision and the Permanent Council Decision on Combating Anti-Semitism.

In order to start a systematic collection of information, the ODIHR has sent out four Notes Verbales, since January, requesting participating States to provide information and statistics on hate crimes, including violent manifestations of racism, xenophobia, discrimination and anti-Semitism as well as an overview of relevant legislation and good practices. States have also been asked to indicate the authorities responsible for the collection and provision of information to the ODIHR. We have also sent out such requests to relevant NGOs.

Contrary to the response from NGOs, governments' reactions to these notes have been limited: so far, only 22 participating States have started to provide us with information. The ability of the ODIHR to serve as a collection point and to report to the PC and the HDIM will be hampered until we receive the requested preliminary information from all participating States.

A specific focus of our Tolerance and Non-Discrimination Programme has been to identify ways in which the OSCE can complement the work of the UNCERD, ECRI and EUMC as well as other organizations active in this field. We are currently finalizing a comparative study on their and our respective mandates and activities, which we will present at the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination on 13-14 September in Brussels. To discuss the full scope of cooperation among these different institutions, we are convening a high-level inter-agency meeting just before the Conference.

In this context, we are establishing a list and timetable of all reports participating States have submitted to ECRI, EUMC, UNCERD, the UN Special Rapporteur and the OHCHR Anti-Discrimination Unit. The information compiled will be shared with other agencies and States and should be useful for streamlining information and avoiding unnecessary duplication.

In order to facilitate effective and coordinated follow-up to the Maastricht Ministerial Council Decision and the PC Decision on Combating Anti-Semitism, we are also in regular consultations with all other parts of the Organization, particularly the Institutions and the Secretariat.

In line with our Maastricht taskings in this field, we are also in the process of compiling legislation from the participating States regarding crimes fuelled by intolerance and discrimination and publishing this data on the ODIHR's Legislationline website. Here too, we rely on your input.

Later this year, we will organize a workshop for government authorities and NGOs on hate crimes legislation.

In the context of the OSCE Conference on Anti-Semitism held in Berlin (28-29 April), the ODIHR was given the additional task by the Permanent Council to closely follow anti-Semitic incidents in the OSCE area. In order to begin implementation of this tasking, we have asked you to provide an overview of anti-Semitic incidents in 2004 and the responses to these incidents in your countries and to continue to inform the ODIHR, on an ongoing basis, about such incidents as they arise. To-date, we have received no additional responses from governments.

However, we are receiving regular reports from NGOs, and have been able to set up a media monitoring programme in order to track incidents and the government responses to such incidents.

The ODIHR is also in the process of collecting information on best practices for preventing and responding to anti-Semitism, which, along with an overview of anti-Semitic incidents, will be presented to the HDIM and the PC.

Based on the recommendations from the July 2003 SDHM we have reformed our Advisory Panel of Experts on Freedom of Religion or Belief to more effectively carry out its taskings. A new Advisory Council to the Panel has now been formed and will meet in Brussels in September in conjunction with the Brussels Conference.

The larger Panel of Experts will continue to be an important forum for processing information and analyzing specific issues. I would urge those States who have not yet done so to nominate experts, in particular State authorities and institutions dealing with communities of religion or belief.

In line with the role assigned to the ODIHR in the Maastricht Ministerial Decision No. 4/03, the Panel has developed universal guidelines for reviewing new legislation affecting Freedom of Religion or Belief in OSCE Participating States, which were also endorsed by the CoE's Venice Commission on 18 June.

We are currently also developing a training module on freedom of religion or belief. Designed primarily for civil society leaders, this training would also benefit employees of State authorities and security services in some OSCE participating States. Training will be carried out in conjunction with interested NGOs and State authorities.

In follow-up to the OSCE Meeting on the Relationship between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes held in Paris (16-17 June), my Office is in the process of compiling a list of good practices relating to efforts to combat on-line dissemination of racism, xenophobia and anti-Semitism. The ODIHR is also working in cooperation with NGOs to develop lists of websites harboring racist, xenophobic and anti-Semitic propaganda.

We are looking forward to the Brussels Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination to provide a high focus occasion to take a holistic view of the fights against discrimination and our efforts to work for integration and inclusion.

Finally and overall, the HDIM in October will provide the opportunity to assess implementation needs of the recommendations arising from the three OSCE conferences

and for identifying the necessary follow-up for the Ministerial Council Meeting in Sofia.

- Ongoing work on Gender AP

The ODIHR strongly supports the current review of the OSCE Action Plan on Gender Equality and we want to thank the co-chairs of the Informal Working Group on Gender Equality and Anti-Trafficking for their excellent work and good cooperation. The ODIHR has taken active part in its discussions so far and is looking forward to the revised plan.

In relation to this Gender Action Plan review process, and in fact directly related to this, the ODIHR is now developing its office wide gender mainstreaming policy and framework for all our activities. At the same time we are also continuing to implement specific programs and initiatives on promoting gender equality.

- Terrorism and Human Rights

When we speak of implementation we also look back to previous years' decisions, including the OSCE Charter on Preventing and Combating Terrorism, the Bucharest Plan of Action and the Bishkek Programme. These documents reconfirm the OSCE commitment that all measures to prevent and combat terrorism must be carried out in full accordance with international law, in particular human rights, humanitarian and refugee law.

To ensure human rights protection in the fight against terrorism remains a priority, for all participating States as well as for the activities of the ODIHR.

In March the ODIHR organized a workshop in Copenhagen on the protection of human rights while countering terrorism, supported by Canada and Denmark. We also presented a food-for-thought paper on "Preventing and Combating Terrorism: The New Security Environment" at the 2nd OSCE Annual Security Review Conference. It includes a number of recommendations made at the workshop: that the OSCE seek to formalize its endorsement of the Council of Europe's Guidelines on Human Rights and the Fight against Terrorism and that the Organization increase its efforts to address the underlying factors of terrorism and extremism.

On 1-2 July, the ODIHR and the OSCE Centre in Almaty, in co-ordination with the ATU, organized a roundtable on combating extremism. The event, conducted with the participation of the Council of Europe's Venice Commission, tackled the difficult issue of addressing the rising threat of religious and political extremism. It was the first in a series of events to be held over the coming months. The ODIHR looks forward to assisting the relevant actors in Kazakhstan with improving legislation relating to this important and sensitive subject.

- Field activities

Let me now turn to some of the results of our cooperation with participating States in the area of democratic institution-building and the Rule of Law. This year's Human Dimension Seminar ON Democratic Institutions and Democratic Governance provided useful concepts and ideas for our further work in this area, including establishing

standards or benchmarks on democratic structures and practices as well as enhancing civic awareness, understanding of democratic processes and on-going civic education.

In Kazakhstan, after many years of fruitful cooperation, we welcome the promising discussions on the transfer of sanctioning powers from the Prosecutor's Office to the judiciary and hope that this decision will be made in the near future. We also encourage Kazakhstan to ratify the International Covenant for Civil and Political Rights without reservations and stand ready to provide related advice and training.

The ODIHR is also encouraged by the positive attitude of the authorities in Tajikistan to the introduction of alternatives to imprisonment.

In Armenia, the ODIHR welcomes the recent creation of an institutional public monitoring system of civil society monitors for the prison system. This has the potential to become a model for other countries in the region and beyond, if the monitoring board will be allowed to operate independently and with unhindered access. I would encourage the Armenian government to use the progressive reform momentum and establish a similar monitoring system for police detention places.

Welcoming the establishment of an Ombudsman institution in Armenia, my office will continue to closely follow and support the development of this institution. We hope to see it grow into an effective and meaningful human rights institution. We are encouraged by our recent discussions with the newly appointed Ombudsman who recently visited the ODIHR.

On a more general note, let me express our satisfaction that women's organizations in Caucasus and Central Asia are increasingly taking action to advocate for women's rights and promote the participation of women in leadership positions and politics. These NGOs have an essential role in democratization and need to be included and supported.

As one very specific example of our activities, let me expand on a project which is currently underway in Azerbaijan.

In co-operation with the OSCE Office in Baku and in co-ordination with authorities, the ODIHR is implementing a Trial Monitoring Programme in Azerbaijan. Under the Programme, the ODIHR has trained 20 monitors in trial monitoring, reporting techniques and national and international fair trial standards and coordinated their subsequent monitoring of the trials of the 128 persons detained in connection with the election-related disturbances in Baku in October 2003, the last of which are still ongoing. The findings of this programme, including an analysis of compliance with national and international fair trials standards and recommendations, will be presented by the ODIHR to national authorities in Baku.

At the same time, we are encouraged by developments in Azerbaijan in the recent passing of the Law on the Advocates and Advocates Activities by Parliament. Although there are areas where the law could be improved, the ODIHR encourages its full implementation after it is signed into law by the President. We remain concerned by the acute shortage of lawyers (advocates) who are able to handle criminal defense in Azerbaijan and we are hopeful that this law will be one step in the direction of addressing this problem. Our trial monitoring project in Azerbaijan showed very clearly the impact of the lack of access to legal counsel in the cases that were monitored. We know from experience that the lack of access to lawyers has far reaching impact, well

beyond these cases, and that the shortage of advocates is a real and practical impediment to the development of rule of law in the country.

In an effort to draw upon the particular strengths of the OSCE as a security organization, the ODIHR has started developing a project aimed at producing a Handbook on Human Rights in the Armed Forces. The Handbook will aim to assist participating States with the implementation of the human rights-related provisions of the OSCE Code of Conduct on Politico-Military Aspects of Security. This project builds on OSCE commitments in both the human and the politico-military dimensions and I see this initiative as a cross dimensional effort, demonstrating the value of OSCE's comprehensive security concept. I am grateful to Ambassador Tabibian for inviting me to address the FSC next week when I will be able to provide more details of our work in this regard.

- Outreach

The ODIHR continues to develop its outreach to partners beyond national institutions, including OSCE Missions, cooperation with other institutions, as well as developing outreach to other dimensions, as well as to external partners.

The ODIHR continues to develop its activities in support of OSCE field staff in the human dimension. To-date, two Human Dimension Induction Trainings have been held with almost 40 human dimension officers from different OSCE field missions with overwhelmingly positive feedback. We are also ready to provide more focused seminars at the request of Missions.

The ODIHR is also developing its capacity as an institutional memory for the organization in the human dimension through the collection of tools developed by the missions such as databases and training materials.

We continue to respond to requests for supporting anti-trafficking activities from the OSCE Participating States and field presences, in particular from the Caucasus, Central Asia, and South Eastern Europe. We are undertaking special efforts to ensure that OSCE field Missions consult with the ODIHR during project planning and to alert them of the possibility of submitting proposals to special funding mechanisms such as our Anti-Trafficking Project Fund.

Let me add that our cooperation with the CPC on all this has been exemplary and that the Heads of Mission meetings they organize provide a good opportunity for meaningful exchange of views and experiences also on Human Dimension issues.

- This years' EOM reports and follow up

Let me now turn to our activities in the field of elections.

Along with the elections we had anticipated last autumn, a number of unexpected elections were scheduled, most notably in Georgia that required consistent and extended ODIHR involvement.

Since my last report to the Permanent Council, the ODIHR therefore has conducted Election Observation Missions for the presidential and later the parliamentary elections in Georgia, the presidential election in the Russian Federation, the unexpected presidential elections in the former Yugoslav Republic of Macedonia, as well as those in

Serbia/Serbia and Montenegro. In addition, we have conducted assessments in Spain and Slovakia. All final reports have been or will shortly be published on our Website. Although the ODIHR did not send a Mission to observe the elections to the European Parliament, we did issue a pre-election overview on certain aspects of the elections which was distributed among Delegations.

The year is far from over, in fact I can now predict the busiest autumn for ODIHR in the sphere of elections ever. Upcoming are in particular parliamentary elections in Kazakhstan on 19 September, municipal elections in Bosnia and Herzegovina on 2 October, parliamentary elections in Belarus and municipal elections in the Former Yugoslav Republic of Macedonia, both on 17 October, and presidential election in Ukraine on 31 October. Based on reports of Needs Assessment Missions held earlier this year (also accessible on the ODIHR website), the ODIHR is preparing to deploy full-scale missions for the observation of these elections.

This will mean the deployment of some 170 long-term observers and nearly 1800 short-term observers, in four countries in the course of six weeks. For this we rely on participating States to support the implementation of its election-related mandate through the secondment of these observers. We will be circulating some written information which gives further details on the timeline for the deployment which should make it easier for the seconding authorities to prepare for the autumn.

The ODIHR also considers involvement in the presidential/Congressional election in the United States of America on 2 November, and the presidential and parliamentary elections in Romania on 28 November following invitations from these two countries. Moreover, the ODIHR is considering eventual involvement in a number of other elections planned for this year, including Azerbaijan, Kyrgyzstan, as well as Turkmenistan and Uzbekistan, pending needs assessment visits.

The ODIHR has already received invitations from Kazakhstan, Romania, Ukraine and the United States to consider observing the elections in these countries. We expect that other invitations will be forthcoming in due time to permit us to act in accordance with our recognized standard election observation methodology.

In addition, the ODIHR continues to conduct assessments of elections to examine specific issues and promote best practices among participating States, and to continue to support OSCE field missions for political assessments when full-scale EOMs are not deployed. In addition, we are pursuing the new election related tasks accorded us in last year's Maastricht Ministerial Council.

I need not mention that all this is putting an enormous strain on the ODIHR's resources - human, material and financial alike. We shall be addressing the Permanent Council shortly with a request for supplementary funding of this extremely important activity due to the additional unforeseeable elections added to this year's schedule.

In this context, I would like to briefly mention our continuing management reform, about which I have reported in more detail at the beginning of the year. As a number of delegations have been able to observe during their visits to Warsaw, we have made good progress in further enhancing our programming, managerial and operational capacity. Thus, we are proud to be providing excellent return on investment, both with regard to the core budget and to extra-budgetary contributions.

- SHDMs

As you will recall, the first Supplementary Human Dimension this year on Human Rights Education and Training echoed the CiO's emphasis on the importance of Education. The meeting gave us all a wealth of concrete recommendations and ideas on where to take our work. It also illustrated the importance of the OSCE's traditional function as a bridge between governments and civil society. We will also continue our efforts to ensure that human rights education also reaches more vulnerable groups in society, including Roma and Sinti.

Let me also remind you of the ongoing preparations for this year's HDIM in Warsaw. In this context, we have sent out a questionnaire to the Delegations requesting information and legislation relating to freedom of assembly and association, which will be the subject of a special day in the second week. Let me take this opportunity to thank you in advance for your efforts in supplying us with this information which we rely on as a basis for discussions in October. In addition, we have circulated letters requesting assistance in identifying experts from government authorities and civil society on Freedom of Assembly and Association.

This afternoon we will begin our second SHDM, this time centering on Electoral Standards and Commitments. We will have a large number of interesting speakers and participants and I can only encourage you to take an active part in the discussions on this highly topical issue.