

ODIHR.GAL/73/09
29 October 2009
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Rights (ODIHR)

778th Meeting of the Permanent Council
Vienna, 29 October 2009



Check against delivery!

Excellencies,
Ladies and Gentlemen,

It is a great pleasure to see you in this more formal setting, after having had the honour of contributing to discussions on the Corfu Process two days ago.

In today's report, I would like to mainly focus on two issues: 1) report on the 14th Human Dimension Implementation Meeting, which took place from 28 September to 9 October in Warsaw and 2) report on the implementation of Ministerial Council Decision 19/06. I will also use the opportunity to briefly outline ODIHR's activities since my last report to you, as well as some of the upcoming events and challenges.

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1)

As in previous years, we managed to gather over 1000 participants at the Human Dimension Implementation Meeting, almost 500 from governments, and another 500 from about 400 NGOs. We also had many participants from OSCE institutions and field operations, as well as other intergovernmental organizations.

The wide participation at the HDIM proves that this continues to be an important forum for States and civil society to review the implementation of human dimension commitments. It provides a platform for discussion, ensures an exchange of views and enables contacts on different levels.

Taking into account the vivid debate in most of the sessions, the record number of side events organized, and the feedback we received so far from different quarters, I dare to say that the meeting was overall successful. I will, however, join those who have said on occasion that this meeting could be further improved. It is up to participating States to review the existing modalities so that this event better meets all your expectations.

Allow me to draw your attention to the main points that should in our view be specifically singled out this year.

- **Freedom of Religion and Belief:** This session raised issues of over-restrictive religion laws, discrimination and persecution on religious basis, including of members of non-traditional religious groups, lack of understanding of religious freedom issues by law enforcement personnel, as well as negative media coverage and limitations of freedom of assembly.
- **Tolerance and non-discrimination.** This included discussions with the three personal representatives of the Chairman-in-Office and the issue of **hate crimes**. Here, I wish to note the positive feedback we received on the latest hate crimes report, but have to also say that data collection and reporting on hate crimes still needs much improvement.
- Among other sessions drawing great interest were the session on **rule of law**, focussing on the abolition of capital punishment, prevention of torture and protection of human rights, and the special day **on freedom of expression, free media and information**.

- Special days on **Roma and Sinti**, with a focus on early education for Roma and Sinti children, and on **human rights education** were marked by exchanges of views on good practices. These were gathered through the ODIHR questionnaire on early education for Roma children and the freshly published *Compendium of good practices in human rights education* developed jointly with the Council of Europe, the Office of the UN High Commissioner for Human Rights and UNESCO.
- The issue of **gender** remains high on the agenda of the participating States, and some elements in the discussions can serve as a valuable input for the upcoming SHDM on this topic.
- The issues of human rights defenders and the risks faced by journalists, including individual cases, were raised repeatedly in numerous sessions throughout the HDIM.

Let me stop here, and allow you to make your own assessment and evaluation after reading the HDIM consolidated summary, which was distributed today to all of you on a CD ROM. Let me particularly draw your attention to the long list of recommendations included in the report. For our part, ODIHR will be studying the recommendations carefully to find new and practical ideas for activities and other suggestions that could be taken forward.

I would once again like to thank everybody, and in particular the Greek Chairmanship, who made this event a success. We look forward to working closely with the incoming Chairmanship of Kazakhstan on following up on this year's recommendations and decisions.

I also would like to acknowledge the important contribution that civil society makes to our human dimension events. While initially I did not intend to raise the issue of NGO participation, I am aware of some recent statements in this distinguished forum. I wish to reassure everybody that, as for all issues, ODIHR follows the rules decided upon by the participating States, in this case as stipulated in the Helsinki 1992 Summit declaration.

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Let me now turn to the second point: the implementation of Ministerial Council Decision 19/06, in particular its paragraph 13, on which ODIHR is tasked to report. We continue to take these taskings very seriously, and are continuously considering new ways of making improvements, as I have again stated at the Chairmanship Election Seminar in July here in Vienna.

Geographical coverage

Since my last report to the PC in March, we had 13 election activities: in the **former Yugoslav Republic of Macedonia** for presidential and local elections on 23 March, **Montenegro** early parliamentary elections on 29 March, **Moldova** parliamentary elections on 5 April and early parliamentary elections on 29 July, **Iceland** general election on 25 April, **European Parliament** elections on 4-7 June, **Albania** parliamentary elections on 28 June, **Bulgaria** parliamentary elections on 5 July, **Kyrgyzstan** presidential election on 23 July, **Norway** parliamentary elections on 14 September, **Germany** parliamentary elections and **Portugal** parliamentary elections, both on 27 September, and **Greece** parliamentary elections on 4 October.

We are now preparing for the **Romanian** presidential election on 22 November (1st round), and parliamentary elections in the **Ukraine** on 17 January next year. A needs assessment mission was sent to **Uzbekistan** just last week and is to give recommendation on a potential election activity in the coming days. In next weeks, we will deploy needs assessment mission to Croatia and Tajikistan.

In addition to this, ODIHR deployed an election support team (EST) to **Afghanistan**. As is now known, the second round of the presidential election will take place on 7 November. As mandated by the PC, the EST will prepare a report within a month after the election, and the head of the EST, Mr Nordbø, is prepared to present it in the PC, should you so desire. We will be in touch with the Chairmanship on this possibility.

Looking at this list of election observation activities, I can conclude that by the end of 2009 we will have covered at least 15 different elections in 26 participating States – ten of them visited for the first time by the Office - and in one Partner for Co-operation. This number includes the countries we visited during the unique exercise of sending an expert group to assess the European Parliament elections.

I can not predict what will happen next year, but I can inform you that the election calendar for 2010 currently includes six presidential, eight parliamentary, one local and two general elections in 16 countries. Next year's elections calendar is available on our website and is continuously being updated.

We do not know yet which particular election activity we will conduct next year. This decision is dependent on findings and recommendations of needs assessment mission, as well as on the resources available. In this context, let me draw your attention to our budget proposal in which we plan for up to ten Election Observation Missions and up to six Election Assessment Missions.

Follow-up

So far this year, we undertook follow-up activities in Belarus, Georgia, Montenegro, and Kazakhstan, and we plan others in Albania, Moldova and Kyrgyzstan. We also prepared comments on electoral legislation in Albania, the former Yugoslav Republic of Macedonia, Serbia and Ukraine.

Diversification of observers

This year, until now, representatives of 52 participating States and three Partners for Co-operation participated in different functions – as core-team members, long- and short-term observers – in our election assessment and observation missions.

In 2009, core team members have been drawn from 40 participating States. Let me add to that our heads of election assessment and observation missions were from the following countries: Bulgaria, Canada, Germany, Latvia, the former Yugoslav Republic of Macedonia, Norway, the Russian Federation, Slovenia, Switzerland, United Kingdom, and United States. I would like to emphasize that vacancy notices for these core team positions are published on our website, to ensure transparency and allow experienced individuals to apply.

I thank all participating States for their important contributions to our election activities, and hope this support will continue. In this context, I also want to thank those participating States that contribute to the diversification fund for election observers, and encourage you to continue and possibly increase such contributions.

Strengthening methodology

I wish to report that ODIHR, in its election observation activities, adheres faithfully to the Principles of International Election Observation, which call for responsible, professional, impartial, and depoliticized observation, based on facts. I am glad to note that the UN Secretary-General's latest report on promoting democracy encourages those entities involved in election observation that have not done so, to join the emerging consensus by endorsing these principles.

In addition to what I would call classical election observation, we continue to look into complex issues such as voter registration, electronic voting, and campaign financing, also with a view to provide further guidance for observers.

Methodology is further developed on the ground, such as for example, during the European Parliament elections, which was an unprecedented exercise, where we needed to develop an efficient way to follow several simultaneous national elections to a supranational body, and the otherwise well-suited methodology needed an adjustment in this case to allow for meaningful findings.

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Let me end by outlining some of our other activities in the past seven months.

Two **Supplementary Human Dimension Meetings** were organized here in Vienna under the auspices of the Greek Chairmanship, on the topics of *Hate Crimes*, *Effective Implementation of Legislation* and on *Freedom of Religion and Belief*. Preparations for the third SHDM this year, on yet another highly relevant topic, *Gender Equality with a Special Focus on Violence Against Women*, are in their final stages, and I look forward to seeing you here again next week on that occasion. The Human Dimension Seminar in May on *Strengthening the Rule of Law* gathered a considerable number of experts in Warsaw.

I participated in the Economic Forum in Athens in May on the invitation of the Co-ordinator for Economic and Environmental Activities and the Chairmanship, where the issue of **migration** was discussed. This is an important issue for ODIHR, especially in the current economic downturn, and I would particularly emphasize this event due to its cross-dimensional nature.

Last month, ODIHR, together with the ICTY and UNICRI, in The Hague, publicly released a report outlining the needs for the judicial systems of countries of the Western Balkans under jurisdiction of the ICTY, in dealing with **war crimes**. This report will serve as the basis for identifying activities for supporting the transition process and knowledge transfer in light of the completion strategy of the ICTY.

Among my **visits to the participating States**, I would like to highlight:

- Kazakhstan in April, where my primary focus was preparations for the 2010 Chairmanship and potential for co-operation towards fulfilling Kazakhstan's Madrid commitments.
- In July, on the margins of the OSCE PA annual meeting in Vilnius, I met the Foreign Minister of Lithuania, the incoming Troika member and Chairman-in-Office in 2011.
- I visited Stockholm, Moscow and Washington last month to discuss, among other things, preparations for the Athens Ministerial Council, and possibilities for future co-operation.

I am also very glad that I had the opportunity to meet with representatives of many other participating States in the margins of the HDIM. I very much welcome such bilateral contacts, where I and our Office receive feedback of participating States on our activities as well as on events here in Vienna and in Warsaw.

I would like to thank those participating States, who following my call back in March, nominated experts to the **Moscow mechanism**. To date, the list comprises 40 experts, and I wish to remind you that the requirement is 45.

Last year at this time I reported on a major activity that our Office was conducting – namely visiting the war-affected areas of conflict in **Georgia** with a view to report on the human rights situation there, as was requested by the then Chairman-in-Office. I wish to note with satisfaction that the findings from that report were extensively quoted on numerous occasions in the report commissioned by the European Union, prepared by the mission led by Ambassador Heidi Tagliavini. I hope her report will motivate all partners to look again at the recommendations included in the November 2008 report. The situation on the ground remains troubling, and ODIHR continues to stand ready to follow-up on its report's recommendations.

I will refrain from asking for support for our budget proposal for next year, since I presented it and made this plea just two days ago in the ACMF.

Allow me to conclude with the thought that I already elaborated in more detail two days ago in a meeting on the Corfu process. We are fully convinced, as I am sure is everyone around this table, that the implementation of commitments, agreed upon by all, is possible and desired, and that the OSCE, and within it, ODIHR, can make a valuable contribution to move closer to the ultimate goal of a free and democratic society in all participating States. This is the goal that was some decades ago decided upon by participating States, and they need to individually and collectively, strive to reach it. ODIHR is there, ready to assist on this journey.

Thank you.