

Address by Ambassador Janez Lenarčič

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“The Role of the OSCE/ODIHR in Promoting the Human Dimension of the OSCE”

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Mr. President,
Madam Chairwoman,
Honorable Members of the PA,
Dear Colleagues,

It is a great privilege and pleasure for me to be invited to your Fall Meeting. I regret not having been able to participate in your Summer Session in Astana, but as I took up my new office in Warsaw in the middle of it, it was unfortunately not possible. I am nevertheless pleased to be able to share my ideas about the role of my Institution in the human dimension of the OSCE this early in my tenure. I am even more delighted to be able to meet with you all as colleagues and friends – the reception last night provided for a good first opportunity here in Toronto to meet both old and new friends, and I am looking forward today for more of the same.

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Let me start by underscoring how crucial a role the parliamentarians – all of you - are playing within the OSCE system. As elected officials you are in a position of directly translating our joint commitments into concrete action by drafting and re-drafting legislation, creating policies, raising awareness of central issues, and bringing new concerns to the table. The political support the Parliamentary Assembly itself, and all of you as its individual members in your home countries, can give to back our initiatives and activities make the OSCE PA and the ODIHR natural partners in our united effort to improve the human rights situation and to further strengthen democracy in the entire OSCE region.

In order to show true leadership on human rights one must start at home. This is where all of you come in. The norms against which each State's actions are measured are the same for all OSCE participating States. It is on the basis of our own country's performance within the

‘human dimension’ that we should be developing our stance vis-à-vis our international partners.

There can be no double standards in this work. But at the same time, we have to recognize that democracies develop at different speeds and from different starting points. Democracy is not a prize or a trophy that once won can be passed on from generation to generation; it is unfinished business everywhere. The Helsinki Final Act and the following commitments from Copenhagen, Paris and Moscow have set the goal, but we should not be discouraged by reversals and setbacks but instead refocus our efforts on the task at hand.

It is also in this vein that I also propose that we shed the labels of ‘young’, ‘new’, and ‘old’ democracies, as well as ‘East’ and ‘West’ of Vienna. They serve no purpose and distract us from the genuine dialogue needed. It is in this dialogue that Parliaments and Parliamentarians are in a prime position to remind both their own governments at home as well as those of the other participating States of the commitments we have all voluntarily chosen to implement.

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Dear Colleagues,

One of the obvious areas where our two institutions have partnered, and which is the most visible to the outside world, is of course election observation. In the past 12 months, the ODIHR has followed elections in Armenia, Croatia, Georgia, Kyrgyzstan, the Former Yugoslav Republic of Macedonia, Italy, Montenegro, Poland, Serbia, Spain, Switzerland and Uzbekistan. We have currently deployed Election Observation Missions to Belarus and Azerbaijan, and will soon send our observers to cover the U.S. presidential and congressional elections. In half of these countries we have joined forces with the PA.

The value of the contribution of parliamentarians to election observation cannot be underlined enough. I want to thank the numerous election observers among you who have found time in your busy schedules to

participate in election observation missions in the past. I would encourage you to continue to bring your unique experience into this key activity. As I have emphasized before, ODIHR attaches high value to our cooperation which must be based on a genuine partnership, as prescribed by the participating States in the Brussels Ministerial Council Decision 19/06. We are bound to work in this spirit of cooperation and partnership, on the basis of the 1997 Agreement.

All ODIHR election observation missions result in final reports which include a wealth of findings and concrete recommendations which we hope the participating States would use to bring their elections in line with OSCE commitments. All of these reports are public and available on our website. I am mentioning this to illustrate another area where you as parliamentarians can play an important role in making an impact in your home countries.

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Ladies and Gentlemen,

The OSCE's approach to promoting democracy has never been a one-way street. The OSCE is not about one-way value transfer or imposition of values. Moving opposing positions closer through dialogue and exchange has always been the approach chosen by this organization – sometimes in incremental steps but nevertheless in an ongoing process.

It is this approach that has allowed ODIHR over the past decade to bring human rights to the field and to deliver concrete results. By way of example, let me elaborate on a sample of activities our office has been undertaking this year:

Human rights defenders are one of our top concerns. Over the past years, we have seen serious violations of the rights of human rights defenders – ranging from indirect and subtle to the most violent of methods. Our office will publish the second report on the situation of defenders by the end of this year, which will again highlight challenges and obstacles. However, it will also contain a number of good practices detailing how to

respect, protect, engage with and facilitate the work of defenders, in line with the commitments States made in Budapest 1994. The first report was inspired by the PA's resolution on human rights defenders during your Summer Session in Kiev 2007, highlighting another manner our activities converge and support each other.

After the tragic events in Yerevan in March this year, the ODIHR, together with the Council of Europe's Venice Commission, engaged in discussions with the Armenian authorities on the amendments that were hurriedly made to the Law on Meetings and Demonstrations. We were able to convince the Armenian authorities that these amendments were not in line with international standards and encouraged changes that would provide for a more enabling environment for holding rallies and assemblies. *The Guidelines on Freedom of Peaceful Assembly* – which were prepared by ODIHR's Expert Panel – were a very useful tool for conducting discussions in Yerevan. They provided examples on how to ensure the respect for the right to peaceful assembly while accounting for the need to maintain public order. After these discussions the Armenian Parliament brought the law closer in line with international standards. The ODIHR is currently conducting follow-up training on the monitoring of assemblies for human rights NGOs in Yerevan.

This is one of the examples to highlight our legislative assistance. In the past four years, we have given input to more than 100 further laws through legislative reviews, frequently in conjunction with the Council of Europe's Venice Commission. While these reviews address specific – and very relevant – issues, we have identified another obstacle in reaching and maintaining democracy in the region, namely the legislative process itself. Therefore, the ODIHR has developed a methodology to look into the system itself and provide advice in view of its improvement in terms of both efficiency and transparency. There are areas where progress can only be measured in the long term and achieved through domestic initiatives. We see our role as that of a facilitator, a centre of expertise and a forum for exchanging views and sharing know-how. These activities have obviously a direct relevance to parliamentary reform. A

good opportunity to further explore these questions is during the Supplementary Human Dimension Meeting on Democratic Lawmaking which will be organized in Vienna 6-7 November 2008.

ODIHR encourages transparency and inclusion in all legislative drafting, and parliaments have a key role in ensuring this openness. We were therefore encouraged by the PA emphasis on open and transparent legislative processes in the Astana Declaration 2008. As a general rule, the PA resolutions in the past few years frequently match the priorities of our office, as you will notice when I keep listing some of focus activities.

We are in the process of finalizing an overall assessment of the implementation of the OSCE Action Plan on Roma and Sinti, which will offer concrete recommendations as to how discrimination against these groups can be eradicated. We are fortunate this year as the Finnish OSCE Chairmanship has prioritized this issue and has paid particular attention to areas in which Roma face specific challenges: education, housing and employment. I may add that the urgency of these issues has been highlighted in Italy this year where we have undertaken a field visit to collect first hand data and highlight the positive measures for the long-term integration of Roma that should be taken without delay.

Our office has developed a wide array of tools to support States and civil society across the OSCE region in their efforts to prevent and combat hate crimes and other forms of intolerance. These include guidelines for legislators, training seminars for law enforcement and civil society as well as resource guides on specific communities. I will mention in particular the teaching materials on anti-Semitism which we have developed for 10 States, each version tailored to their specific histories and on contemporary manifestations of anti-Semitism. We have now started the implementation phase in Germany, Lithuania, and Ukraine, where training sessions for teachers are currently being held. The successful work in the area of combating anti-Semitism has allowed us to use the experience and plan for similar approaches to other areas of tolerance and non-discrimination.

The fight against trafficking – the heinous practice of modern-day slavery – has been a priority for our office since 1999. Since then, our office has worked hard to raise awareness that preventive and protective action is needed also in destination countries, where trafficked persons are exploited. Marginalized groups, including regular and irregular migrants, among them women and minorities, are often exposed or vulnerable to exploitation – which makes this topic highly relevant for the theme of your meeting today, namely migration.

This year our office has focused on an issue that is often being overlooked for those trafficked and exploited, namely access to justice. In May this year, we published a study on compensation for trafficked and exploited persons in the OSCE region which analyses the right to compensation in international law as well as in eight OSCE participating States. The study is already being used, both by governments and civil society, as a resource and guidance in their practical and policy work.

And last but not least, I would like to mention one of the activities linked to the theme of today. Our Migration/Freedom of Movement Unit have been responding to a specific request from the OSCE field offices which have a history of assisting the participating States in modernising their system of population registration. We are currently developing guidelines on this subject, with the aim of supporting both the OSCE missions as well as practitioners and decision-makers in the participating States with relevant expertise in modernizing their existing systems of population registration. An expert panel composed of members from the OSCE region is assisting us in this endeavour. We are aiming for a launching of the publication in early 2009.

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Finally, I would like to stress one further way for parliamentarians to contribute: through active participation in the OSCE human dimension events. Your particular experience will bring additional and valuable voices to our joint discussions. In just one week we will begin our annual two-week Human Dimension Implementation Meeting in Warsaw, where

all of you would be most welcome, but if this is too short notice, we have supplementary meetings on a rotational schedule throughout the year on different topics. These meetings provide for an opportunity for a number of actors, including the civil society, to meet and have frank discussions on the current situation of implementation of commitments. Your support in keeping the doors open at these events for all interested, particularly the civil society, is vital at a time when an increasing number of them are, in some participating States, facing political and administrative challenges which threaten their ability to continue their crucial work.

In closing, I would like to thank you most warmly for your invitation to address you and I look forward to cooperating with you throughout the term of my office. I will be ready to answer any questions you may have.

Thank you.