

Check against delivery!

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Excellencies,
Ladies and Gentlemen,

Introduction

I am glad to report to the Permanent Council on the OSCE's Ninth Human Dimension Implementation Meeting, which took place from the 4th to the 15th of October in Warsaw. The HDIM is the major occasion to review the implementation of the Human Dimension commitments in the whole OSCE area; it also provides an opportunity for the exchange of ideas and suggestions on specific topics of particular relevance. Presentations, interventions and discussions covered an enormous range of issues, some referred to encouraging achievements, others to areas of concern.

The HDIM was now for the third time organized under the new modalities adopted in 2002, allowing for a more specific thematic focus during the second week of the HDIM. Suggestions were, however, made in view of even further enlarging and focusing debate and discussion.

To make the HDIM successful, strong and active involvement from participating States, International Organizations, OSCE institutions and representatives of civil society is an absolute pre-requisite. I am therefore pleased that this year's HDIM was able to attract some 1000 participants, which represents a 20 per cent increase compared to last year.

Of these, some 300 were representatives of more than 220 NGOs who made use of the opportunity to contribute to the discussions on an equal footing with government representatives, thus enriching the debate and making exchanges more relevant and constructive. I would like to take this opportunity to thank participating States who made particular efforts to ensure that a large number of independent voices were heard for their contributions.

37 representatives of 12 International Organizations were present, often making valuable contributions on the work done by their Organizations in the Human Dimension field and thus facilitating a coordinated approach of international actors. The presence of staff from other OSCE institutions and all but one OSCE field mission was also of great value for these discussions.

Almost all participating States were represented at the meeting, and I am grateful in particular to those who were able to send larger delegations, including experts from capitals who are so necessary for a focused debate. Sadly, not all participating States were represented, and although a number of issues concerning the situation in Turkmenistan were raised, Turkmenistan chose not to be represented at the HDIM for yet another year. As cooperation and dialogue are the basis for our Organization's success, I appeal to all participating States to participate in such fora aimed at advancing human security in the whole region.

The state of human rights and democracy in our region

During the first week discussions focused on the implementation of OSCE commitments in the Human Dimension. Delegates reviewed the state of human rights

and democracy in the OSCE region and covered almost the entire spectrum of human dimension concerns. We collected 35 pages of recommendations from implementation review during the first week, and about two dozen pages the second week, from the three “Special Days” and the discussion of Human Dimension Activities, projects and programmes. Recommendations we have received this year do appear in general to be more focused, more realistic, more capable of implementation. This is helpful because it will assist the participating States as they discuss the ideas which emerge from HDIM and as they work through the next few weeks to prepare Decisions for the Ministerial Council meeting in Sofia.

As all recommendations from the meeting will be found in a separate compilation as well as in the Consolidated Summary, allow me to highlight several key recommendations that I regard as particularly relevant for follow-up in the coming year.

On the human dimension generally

First of all, the meeting underlined, once more, the continuing importance of the human dimension, its topicality, relevance, and urgency. Full implementation of commitments in this field is recognized as a prerequisite of achieving the comprehensive security concept of our Organization. The protection of human rights was discussed as constituting an essential element of successful conflict prevention and conflict management; cooperation among governments and international organisations and between them is crucial in this regard.

As far as complementarity among international organizations is concerned, this should not only be pursued among these institutions themselves – which is already the case -, but also among governments. One example mentioned in this context concerned the possibilities for creating closer links between sessions of the HDIM and the UN Commission on Human Rights. Joint planning, joint assessments, and joint implementation were also identified as important for implementing common goals both on thematic as well as on country-specific grounds. The fight against terrorism in full respect for human rights is one area where I would see the special utility of such a joining of efforts among different players on the international scene.

Rule of law

A core concept of commitments in the human dimension is the rule of law, a concept encompassing a broad range of legal, institutional and practical measures necessary to ensure an independent judiciary; effective access to justice, including to defense lawyers; and fair trials. These fundamental criteria are seen as essential not only for security and stability within and among countries, but also as a prerequisite for sustained democratic development.

In this context, particular emphasis was laid on the need for implementing a zero-tolerance-policy on torture; this can be achieved by investigating all allegations of torture and holding perpetrators of torture accountable to promote a culture in which torture is regarded as unacceptable, criminal behavior. A number of concrete elements for the prevention of torture have been identified – such as making evidence or

confessions extracted through torture inadmissible in court; they need to be followed up by all governments.

It was also recommended that participating States should accept visits from and comply with the recommendations of the UN Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions and on Torture. The OSCE should ask all participating States to explain incidents of death in detention and work with other organizations to put pressure on States not to employ systematic torture.

Human rights - and trafficking in human beings

Despite much international effort, and many successes in the fight against modern slavery, trafficking in human beings persists. More worrisome still, is the fact that too often, human rights of victims of trafficking are not effectively protected. The Action Plan and the establishment of a Special Representative have achieved much in highlighting the urgency of finding solutions. However, the time has not yet come where we can sit back and check off the subject as ‘done’.

Coordination should be strengthened among all relevant OSCE structures engaged in anti-trafficking efforts (ODIHR, OCEEA, SPMU, etc.) under the aegis of the OSCE Special Representative, who should facilitate the development of the “Alliance against trafficking” into a platform of cooperation among all relevant actors that combines efforts and avoids duplication. The ODIHR will continue its focus on the perspective of victims as well as its efforts to help creating National Referral Mechanisms in participating States.

The OSCE should develop specific guidelines that take into account the special needs of trafficked children with a view of adopting them at the next Ministerial Council in Sofia. I am glad that we have already seen quick action in the time since the HDIM in this regard, and look forward to working together with all partners to develop appropriate responses

Capital punishment

Those participating States that use capital punishment should reduce the scope and number of crimes eligible for the death penalty. They should abolish it entirely for persons who were under the age of 18 at the time the crime was committed and for those who are mentally ill, and should continue an open dialogue about the possibility of implementing a moratorium or entirely abolishing capital punishment. All participating States should refrain from extraditing persons accused or convicted to countries where they might be subject to torture or execution. Participating States which retrain the death penalty should notify legal counsel and family members well in advance of the date and location of planned executions and burials.

International Humanitarian Law

It was felt by many participants that the participating States should incorporate in their legislation the crimes and principles of international criminal law enshrined in the Rome Statute and other international instruments such as the Geneva Conventions and its Additional Protocols. The ODIHR and OSCE field operations should work in close

co-operation with governments, regional organizations, NGOs and other interested actors to incorporate in their daily work the implementation of the Rome Statute into national law, as a part of the mandate to strengthen domestic justice systems. The ODIHR should consider appointing a focal point to gather the relevant experience of the field missions in the areas of transitional justice and the rule of law in post-conflict societies, in particular, information about OSCE efforts to monitor and assist national judiciaries in their efforts to prosecute violations of human rights and humanitarian law in a fair and effective manner, and should compile this information in a “lessons learned” report. Further projects and activities should be developed in order to strengthen national judiciaries in the handling of war crimes prosecutions.

Participating States should ratify the Rome Statute and the Agreement on Privileges and Immunities of the ICC, and those participating States which ratified the Rome Statute should contribute to promotion of the universality of the Court, pay their assessed contributions in order to ensure the functioning of the ICC, and make voluntary contributions to the Trust Fund for Victims. Participating States should cooperate fully with the ICTY, including arrest of war crimes suspects, access to relevant documents, facilitation of interviews with witnesses and provision of protection for witnesses.

Democratic governance

Democratic governance and democratic institution building is increasingly recognized as an overall and broader orientation for the activities in the human dimension, encompassing also measures to ensure strong democratic institutions, democratic culture, and vibrant discourse within societies, making full use of participatory elements including the work of non-governmental organizations.

Election observation is seen in this context as a crucial tool to evaluate progress in the democratic process and to identify areas for enhanced cooperation. It was pointed out that ODIHR Election Observation Missions are meant to be constructive and should not amount to, or be seen as, finger pointing. States were urged to respond constructively and follow-up systematically on recommendations in ODIHR election observation reports, which should also be subject to a general discussion among the 55 participating States.

Participants at HDIM agreed on the importance of the OSCE/ODIHR’s Elections Observation, Assessment and Assistance activities in helping participating States meet their commitments. Governments should ensure fulfillment of commitments regarding transparency of election procedures, candidates’ registration, the media, election commissions, the voters’ list, polling procedures, the use of public officials and public funds in the campaign, and the rights of domestic and international observers. They should allow active participation of the opposition, allow journalists to work freely and grant access to observers, including national and international NGOs.

At the HDIM it was again found that participating States should enter in a negotiation process to elaborate additional commitments on elections, to supplement the existing ones from the Copenhagen Document with a view to adoption at the Sofia Ministerial Council. The concept of “Copenhagen Plus” has been described as an effort to complement existing commitments and as a possible way to strengthen governments’

commitments vis-à-vis new challenges in this field. I am glad that we are moving quickly on this issue and look forward to the next concrete steps in this regard, in particular in preparation for the Sofia Ministerial Council.

Freedom of assembly and of association

A commitment to honour the freedom of assembly and association is one of the oldest cornerstones of the human dimension in the OSCE. While many years have passed, we can still not take it for granted that this fundamental human right is effectively guaranteed and is used in accordance with a democratic culture. It remains of vital importance that participating States do not view human rights NGOs as political opposition but recognize the indispensable contribution of human rights defenders and civil society to the development of democratic societies. Any limitations of the right of assembly and association must comply with strict requirements, including those of necessity and proportionality. Often, criticism we hear from non-governmental groups are not what governments want to hear. I do not want to be romantic about it: we all know that some NGOs are not helpful, constructive or responsible. But this is not enough to justify silencing them, or for eliminating them altogether.

More concretely, States should not use minor technical failings to suppress NGOs, but should ensure that the process of establishing NGOs is quick, simple and inexpensive and that all decisions on registration or dissolution of NGOs are taken in a transparent manner and that the right to appeal against such decisions is guaranteed.

The OSCE was asked to consider incorporating into its commitments the Council of Europe's Fundamental Principles on the Status of NGOs in Europe and may consider setting up guidelines for the OSCE Field Missions and Institutions on monitoring compliance with the right of assembly and association similar to those adopted by the European Union. The OSCE may also consider paying more sustained attention to the freedom of assembly and association and human rights defenders, and could organize regional conferences on how best to protect human rights defenders, including through assistance in preparation of legislation.

Gender equality

Equality between men and women is another fundamental element of participatory democracy. It should be made a priority and integrated into training and education activities, including civil service, judiciary, and law enforcement. Special measures should be adopted that would ensure women's participation in decision-making. A particular effort is seen necessary to effectively confront domestic violence, which is a human rights violation that needs to be criminalized. Unfortunately, much work remains to be done in this regard. It was also recommended that the participating States should improve the gender balance by nominating more qualified female candidates for seconded positions in all OSCE institutions and field missions, especially at the managerial level.

Let me add that the ODIHR has been contributing actively to the elaboration of the Action Plan on Gender Equality, which will hopefully be finalized soon, and will give an important signal throughout our region that the OSCE takes these issues seriously and recognizes the importance of gender equality in achieving lasting security. The

ODIHR has been asked to work with the participating States to ensure that commitments within the draft Action Plan are adopted by the OSCE Permanent Council and translated into concrete action through sustained implementation. In this context it was suggested that advantage should be taken of the unique OSCE position as a security organization to work toward implementation of UN Security Council Resolution 1325 (2000) on “Women, Peace and Security”.

Freedom of the media

The freedom of the media is also seen as a key to democratic governance. States should decriminalize libel, which is often used to harass journalists. The media should not be subject to administrative harassment. All incidents of physical violence or threats against journalists should be promptly investigated and perpetrators brought to justice. Confidentiality of journalistic sources should be respected. States should provide equal access of all candidates to the media during election campaigns. The OSCE should promote and support adoption of codes of journalistic norms.

Minorities

The High Commissioner on National Minorities continues to address minority situations in the context of security and conflict prevention. A distinction was made between the technical or juridical concept of a “national minority” and the simple question of numerical minorities in a given society. The HCNM emphasized the role of education and of cultural rights in integrating minorities in multiethnic states. Noting recently-issued guidelines on this topic, participating States were urged to develop policies that address the use of minority languages in the media, based on a real assessment of the needs of those who belong to ethnic, religious or linguistic minorities to maintain and develop their identities. All States were urged to ratify and implement the Framework Convention on Protection of National Minorities, which is also open to non-Member States of the Council of Europe. Participating States should implement measures to curb incidents and aggression against all minorities within their territory.

Human Rights Education and Training

Participating States should develop programmes aimed at the elimination of negative stereotyping in school books, notably in the teaching of history, in relation to minorities and neighbouring countries. Participating States should ensure that persons with disabilities and special needs have access to human rights education on equal terms with other groups in society. The OSCE and its institutions and field missions should engage in education and training in human rights and international humanitarian law, both in school curricula and in training for military and civilian officials, and should initiate pilot training seminars for trainers in this area. The OSCE, in its work on countering terrorism, should continue diffusing information on international humanitarian law. The OSCE should encourage and financially support NGOs in their efforts to develop and implement human rights education programmes in post-conflict areas.

Tolerance and non-discrimination

In the field of tolerance and non-discrimination, the meeting brought together, in one of its Special Days, the results from the conferences on Berlin, Paris and Brussels. The particular attention for this day not only demonstrated this area as a major new focus for our work, it also brought a number of concrete recommendations for taking the results of these conferences forward, and for doing so in an action-oriented manner. I see the need for fostering respect and inclusion as a key objective in this regard. Among efforts at further substantiating priorities, attention to the area of migration and integration has been described as a key element. I would welcome this focus as expression of both a response to a pressing issue as well as of this organization's capacity to respond rapidly.

As far as concrete activities of governments, the organization and, in particular, my institution are concerned, many participants pointed towards the need to focus on three areas in particular: (1) legislation, (2) law implementation and enforcement, and (3) education: areas where distinctive needs in participating States can be identified and met with focused support.

A number of participants asked for the establishment of special mechanisms in order to be able to address the challenges in this field more fully. Let me underline, in this context, that the new ODIHR Programme on Tolerance and Non-Discrimination is designed to provide the institutional long-term basis for this important undertaking.

OSCE and ODIHR work in this field should also include the issues of Freedom of Religion or Belief, treatment of migrants, refugees, asylum seekers and the internally displaced, as well as issues of discrimination faced by the Roma and Sinti. States should move promptly to develop and implement appropriate legislation, reporting, education and training programmes in compliance with the MC and PC Decisions. The role of ODIHR, including its Tolerance and Non-Discrimination Programme and the Advisory Panel on Freedom of Religion or Belief, should be strengthened and utilized, including best practices and lessons learned. States must provide the ODIHR with the information required to perform its assigned tasks.

Roma and Sinti

While implementation has begun, the pS have not yet taken full advantage of the OSCE Roma and Sinti Action Plan. Special emphasis should be given to the political participation and social rights of Roma at local, national and international level. Education of Roma children and youth should be a long-term priority, and special attention should be paid to Roma women and to gender aspects when planning and implementing Roma and Sinti related policies. The OSCE Contact Point on Roma and Sinti Issues (CPRSI) should continue to support the establishment by the Council of Europe of the European Forum for Roma and Travellers, giving technical assistance in the selection processes for national representatives and in training of the representatives. The participating States should provide the ODIHR with adequate resources to furnish this assistance.

OSCE bodies, in particular the Field Missions, should pay special attention to involve Roma communities in their awareness raising and prevention campaigns on trafficking in human beings, in particular in prevention of child exploitation in various forms of income generation and economic activities. The CPRSI and the OSCE Representative for Freedom of Media should step up their resources to implement the provisions on Media in the Action Plan to facilitate establishment of European Roma Radio; and to encourage, prepare and educate Romani journalists for employment in the mainstream media.

Governments were called upon to make full advantage of its provisions. Special emphasis should be given to the political participation and economic and social rights of Roma at local, national and international level. Education of Roma children and youth should be a long-term priority, and special attention should be paid to Roma women and to gender aspects.

As mandated, the ODIHR will report to the Permanent Council on the implementation of relevant provisions, and I think that a special occasion should be provided for a more detailed discussion in the coming weeks.

Human dimension activities and OSCE field work

As I have said during the HDIM, activities in the human dimension are the primary responsibility of participating States, and in fact this is what's happening, although many activities are not pursued in an OSCE context or with a human dimension label on it. It would therefore be wrong to look at the implementation of human dimension commitments only by looking at what the ODIHR does, or what field missions are doing when they label activities as 'human dimension'. Nevertheless, we use this extremely useful occasion to gather so many partners from the field at our seat in Warsaw, and look at where the OSCE as an organization has specific strengths and advantages.

In fact, OSCE field missions are partners for us in implementing activities in the field, as well as in arranging assessment and observation missions. The OSCE field missions look to the ODIHR for substantive guidance in the fields of human rights, elections and democratization. I am grateful that so many missions as well as the CPC were able to send representatives to participate in the meeting.

Concrete next steps

The meeting is of course only as good as its follow-up. This may be regarded as a banality, but it is always important to remember that meetings and conferences are not ends in themselves, but only serve to sharpen our tools and inject impetus to our commitment to bring about effective change in the reality we live in. As the result of two weeks of intensive, constructive and highly fruitful debate, we have come up with a long list of recommendations of which I have only been able to give you a short overview. We have a duty to Organization, recognized by many as one of the most operational in the world, to now take these recommendations into the field.

Implementation of commitments and OSCE decisions lies primarily with governments. The ODIHR, as well as the other Institutions, are designed to serve as

reminders and toolboxes for participating States. Political will by States to effectively implement commitments, as well as to work with us in this regard, is a prerequisite for the ODIHR to make sense and best use of its resources. I therefore invite you to further enhance your response and feed-back to us, and offer you to do our best to implement our own mandate as best we can.

We will of course provide support and assistance, as much as we are able to within our modest parameters, and help you find assistance in other places whenever we can. We will also continue to work closely with other parts of the Organization, in particular the Institutions, the Secretariat and the field missions.

To this end, we will have to ensure follow-up to this year's discussions and I am grateful to those Delegations who have already volunteered to host conferences taking up some of the issues mentioned. I have also to thank those delegations that have provided ideas and thoughts for next year's Human Dimension events, many of which I have just listed. As for the many encouraging recommendations regarding the work of my Office, I am confident that participating States will take these into account in the upcoming discussions on next year's budget, ensuring that sufficient resources are available to ODIHR in order to meet your high expectations.

Our budget submission not only reflects our ongoing efforts to strengthen focus, capacity and structure of my office; it also aims at preparing for next year's priorities as they emerge from your discussions and decisions.

Ladies and Gentlemen,

These are days of intensive work for you and us alike. In the run-up to Sofia, we have no time to waste. We are busy preparing plans and budgets for next year's activities focused on implementing mandates and operationalizing decisions. We are also working with the incoming Chairmanship and delegations to develop the best framework for human dimension priorities in the coming year, some of which I have just mentioned. In a year when we celebrate the 30th anniversary of the Helsinki Final Act our Organization will be particularly called upon. I believe that this year's Human Dimension Implementation Meeting laid a good foundation for that.

Finally, let me at this point extend my most heartfelt thanks to the Delegation of the Chairmanship, in particular to Ambassador Ivo Petrov and to Selver Yumer for the great support they have provided in the preparations for and the conduct of this HDIM. I look forward to now taking the outcome of the meeting forward into the next year. For this I again count on you, Ambassador Petrov, as well as on the incoming Slovenian Chairmanship and all participating States so that we can convert the results of our deliberations into concrete action.

Thank you.