

# Remarks by Michael Georg Link

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## Report to the OSCE Permanent Council

Vienna, 14 April 2016

Excellencies,  
Ladies and Gentlemen,

It is a great pleasure for me to present to you today the yearly report of the activities of the OSCE Office for Democratic Institutions and Human Rights. As you certainly know, 2016 is a very special year for us at ODIHR. It is the year of our 25th anniversary.

Established by the 1990 Charter of Paris, and originally named the Office for Free Elections, ODIHR's activities have significantly expanded over the past 25 years. ODIHR has grown from its first, small office in Warsaw, with just a single employee, into the leading election observation institution in the OSCE region and an active provider of assistance to governments and civil society in OSCE participating States in the strengthening of democratic institutions and respect for human rights, and promoting tolerance and non-discrimination, and the rule of law.

When the Heads of State or Government of the 34 participating States of what was then still the Conference for Security and Co-operation in Europe (CSCE) gathered for the Paris Summit in 1990, they were faced with the challenges and opportunities created by the disintegration of Yugoslavia and the Soviet Union. They were looking for ways to support democratic transitions in and co-operation with the new states which had emerged as a result. By founding ODIHR in response to these challenges, they created the first and largest home for the human dimension of the OSCE's comprehensive concept of security.

If we look back at the founding documents of our Office, and particularly the Charter of Paris, we will find some truly remarkable language, inspired by the enthusiasm at the end of what the historian Iván Berend described as the “short 20th century”, a period of roughly 75 years marked by violence and terror. Hoping that this period would be followed by a time of peace and prosperity, the signatories used some very bold and powerful words.

We read that „human rights and fundamental freedoms are the birth right of all human beings“, and that they are „inalienable and are guaranteed by law“. We also learn that the signatories of the Charter declared their „respect for human rights and fundamental freedoms to be irrevocable“. We read that “security is indivisible”. And, finally, we see that the signatories committed themselves to “fully implement and build upon the provisions relating to the human dimension of” what today is the OSCE.

In brief, the Charter of Paris reminds us that, within the framework of the comprehensive concept of security, human rights are always indivisible, inalienable and irrevocable, and that we should never cease to strive for the full implementation of our commitments.

Ladies and Gentlemen,

If we look at what has been achieved over the past 25 years, we will soon realize that there is still a yawning implementation gap in the OSCE region for most of the fundamental rights and freedoms sometimes referred to as „primary“ human rights. These are, among others, the freedoms of thought, belief, opinion, expression and assembly, and many more.

But this certainly does not mean that we should shy away from addressing other or even completely new issues. Some might argue that these other human rights, those that are not at the centre of the debate, are secondary and, thus, less important. Here, again, one of the “I”-words from the Paris Charter needs to be invoked: I am firmly convinced that human rights are indivisible and, thus, shouldn't be ranked or prioritized.

This certainly applies to topics that are currently at the centre of everybody's attention, such as the human rights of refugees or migrants, where we as ODIHR have from very early on proposed a catalogue of possible measures to our participating States. We are looking forward to realize these and other projects together with our colleagues from the other OSCE executive structures, as discussed in the Informal Working Group on Migration.

But it also holds true for topics that are not in the spotlight, and those that are sometimes even neglected, such as the rights of children or of people with disabilities.

Indeed, this subject is an interesting case in point in an area in which we already work - in the area of elections. Here, we regularly assess the accessibility of polling stations for people with disabilities. But it is also a field where we in the OSCE could certainly expand our activities.

Ladies and Gentlemen,

When I argue that we shouldn't start to rank or prioritize human rights, I also mean that we should refrain from playing one against another. Indeed, we should be very careful to always keep a holistic perspective.

Here, we can also refer to the Paris Charter, for example in the field of Tolerance and Non-Discrimination. In the Charter, the commitment is made „to combat all forms of racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds“. In listing these examples without putting them into a particular order, the authors took a holistic perspective on questions of Tolerance and Non-Discrimination. I am firmly convinced that such an approach is paramount in order not to risk losing ourselves in one or another of these „-isms“, thereby neglecting the rest.

Take our newly created project called “Turning words into action”, conceived in our Department of Tolerance and Non-Discrimination and very generously funded by the German Government, for which I would like to extend my personal thanks. When the Chairperson-in-Office decided to make the fight against anti-Semitism one of his programmatic priorities, his intention certainly was not to neglect the need to counter other forms of intolerance. Everybody knows that Germany has a terrible past in this respect and therefore a particular responsibility to address this issue. But the rise of anti-Semitism is not a phenomenon confined to Germany. It is a challenge that is more and more evident all over the OSCE region.

We see an increase of far-right populist assemblies all over the OSCE, where a toxic mission of anti-refugee sentiment mixes with xenophobia, intolerance against Muslims, anti-Semitism and, increasingly, the glorification of the terrible crimes of Nazism. It is my intention to take up this topic in the next assembly-monitoring cycle, and take it up from a holistic perspective, monitoring the duties of the authorities to guarantee freedom of speech and assembly, but also of the participants not to misuse freedom of speech as a tool to propagate hate and violence against others.

Equally, one important part of our program for the fight against anti-Semitism is about creating networks between Jewish and other communities, and building strong coalitions in civil society. Here, again, we are trying to take a holistic perspective by being as inclusive as possible in order to best achieve our goals.

Ladies and Gentlemen,

This leads me to the cornerstone of my report, presenting the highlights of our work in the past twelve months. Allow me to begin with two of the politically most relevant issues, the OSCE's response to the refugee crisis as well our activities in Ukraine.

### ODIHR's response to the refugee crisis

Within the last year, we have organized several regional events and workshops, aimed to facilitate first-hand exchanges of experts as well as to strengthen the capacity of relevant national institutions and civil society actors in the OSCE region in the current crisis. Furthermore, I should underline that we continue to be ready to deploy our teams to provide assistance concerning the human rights situation of migrants, asylum seekers and refugees at the borders of OSCE participating States.

### ODIHR's activities in Ukraine

In Ukraine, we continue to provide legislative advisory support in partnership with the Venice Commission. We furthermore regularly organize a large number of confidence and capacity building events aimed to improve public trust in State institutions, to build capacities for better human rights monitoring, for example in the area of hate crime and bias-motivated violence (on which we have also published a handbook), as well as in the area of trial monitoring. We support the parliamentary ethics reform and remain active in the area of strengthening women's voices and women's participation in public and political life. Furthermore, we have implemented a large Project on "Promoting Security for Religious Communities and Others in the Regions of Ukraine" in two Ukrainian pilot regions. Finally, in follow up to the 2014 field assessment report on the situation of Roma in Ukraine in the context of the current conflict, ODIHR continues to promote the inclusion of Roma communities in Ukrainian society. This leads me to our further work on Roma and Sinti:

### CPRSI

On the occasion of the 70th anniversary of the end of World War II, we presented our publication: *Teaching about and Commemorating the Roma and Sinti Genocide*. This publication presents an overview about practices to teach about and commemorate the experience of Roma and Sinti during the Holocaust. 34 OSCE participating States have contributed to this publication and given insight into their national practices and experiences. In line with the OSCE Ministerial Council Decision 4/13, and in support of OSCE Chairmanship priorities, we are continuing to promote the participation of Roma and Sinti youth and women and enhance their capacity to act as agents of change for their communities through various workshops, trainings and events, one of which resulted in the publication of a report on "Activism, Participation and Security among Roma and Sinti Youth". Finally, in addressing the issue of hate crimes against Roma and Sinti remaining largely underreported, we began developing a draft curriculum to train police on effective and human rights-compliant policing in relation to Roma and Sinti communities at the local level.

### Hate Crimes

ODIHR continues to support participating States in their investigation, prevention and punishment of bias-motivated crimes. In this field, we have recently prepared a number of legal analyses pertaining to hate crime legislation. We have furthermore continued our efforts to assist participating States in building the capacity of law enforcement to address hate crime through our Training Against Hate Crimes for Law Enforcement (TAHCLE). We have also begun the implementation of our Prosecutors and Hate Crimes Training (PAHCT) programme. In November 2015, we launched

our reporting on hate crimes in the OSCE region for 2014. This last report was based on hate crime statistics and information on legislative, policy or other initiatives received from 44 participating States.

### Assembly Monitoring

As part of our third cycle of assembly monitoring, we have in 2015 observed assemblies in five participating States. More deployments are planned this year and a comprehensive report with the monitoring findings will be published at the end of 2016.

### Human Rights reporting

In September 2015, ODIHR and the OSCE High Commissioner on National Minorities (HCNM) presented a joint Report of the Human Rights Assessment Mission on Crimea, which was conducted upon the request of one participating State in July 2015. The report presented a comprehensive examination of the human rights situation in Crimea and made a series of recommendations.

In November 2015, we have published our report on the Human Rights Situation of Detainees at Guantánamo, following a comprehensive human rights assessment conducted from 2012-2015. The report examines human rights issues surrounding the conditions of, and treatment in, detention at Guantánamo, and of the proceedings before the military commissions. It also explores challenges related to the closure of the facility, accountability and redress for human rights violations that may have occurred in the Guantánamo context.

### Political Participation of Women

A new ODIHR publication examining the progress made in achieving gender equality in politics was presented in February 2016 during the OSCE Parliamentary Assembly's Winter Session. The *Compendium of Good Practices on Advancing Women's Political Participation in the OSCE Region* presents good practices for enhancing women's participation in public and political life in the OSCE region. We have furthermore continued promoting women's participation in political parties as a means to enhance gender equality within political party structures and processes through the Gender Audit of Political Parties methodology.

### Legislative Support

We continue to provide legislative support to OSCE participating States by reviewing draft laws and laws for their compliance with key OSCE commitments and international human rights standards. Thus far in 2016, recent legal opinions have focused on draft legislation pertaining to hate crimes amendments (Moldova), elections (Georgia) and national human rights institutions (Poland).

### Elections

In the field of elections, we have in the last year, despite certain improvements, observed challenges with the implementation of numerous election-related OSCE commitments, such as unreasonable limitations of suffrage rights, freedom of expression and the media environment, or a lack of transparency of the electoral process. We furthermore encourage participating States to attribute greater attention to following up on our electoral assessments and recommendations, and I remind you that we stand ready to assist in the follow-up process.

This leads me to my concluding remarks, which I would like to use to give you a brief outlook into what we expect for the near future.

It is in the field of elections where we have two equally challenging and important events coming up, nation-wide polls in the two largest participating States of the OSCE. I am grateful to both the Delegations here in Vienna as well as both governments for their co-operation in the run-up to these elections and would like to use this opportunity to remind all of you, that maintaining openness to elections observation is the only way that we can have a real value added in the implementation of your commitments. I would also like to remind those participating States that will not have elections this year that we rely upon their support, financially as well as through secondments, in order to be able to conduct these and many other of our activities. Quite often between these walls, we here talk about alleged “double standards”, and a purported “regional bias”. It has always been my position that any participating State, be it east or west of Vienna, can profit from our recommendations and that we stand ready to assist whenever necessary. But in order to do so, you must provide us with sufficient resources.

Last year, you have provided us with a budget for the observation of local elections in certain areas of the Donetsk and Luhansk regions. We are still ready to conduct this observation under the conditions which I have spelled out many times before: A secure environment in which observers are able to operate unhindered, unrestricted, unarmed and unannounced, and with full access to all locations and stages of the process; the guarantee of adequate financial and human resources, including those necessary to guarantee the security of the mission, and a clear definition of what the voting population for the elections will be.

Finally, in order to be able to assist you, we are not only dependent on adequate financial resources, but also on good working modalities. Allow me to express our appreciation to the Chairperson-in-Office for his determination to further pursue the reform of the human dimension and achieve consensus on the topics and dates of the upcoming human dimension events. How and whether it will be possible to realize these reforms this year, depends on you, the OSCE participating States. I trust that you will choose to further increase our capacities to do what we were created to do 25 years ago: to assist you in the implementation of your very own commitments.

Before coming to an end, I would like to say some words of appreciation. I wholeheartedly thank the dedicated and exceptionally able staff of ODIHR for their excellent work. I thank the Troika for their support, even in difficult times. I thank the Secretariat and its leadership, the CPC, the Field Offices, as well as the other executive structures in the human dimension, the High Commissioner on National Minorities as well as the Representative on Freedom of the Media, for the excellent co-operation. And finally, last but not least, I thank the OSCE PA and its leadership for the superb collaboration and partnership, not only in the field of election observation, but also in the entire human dimension and beyond.