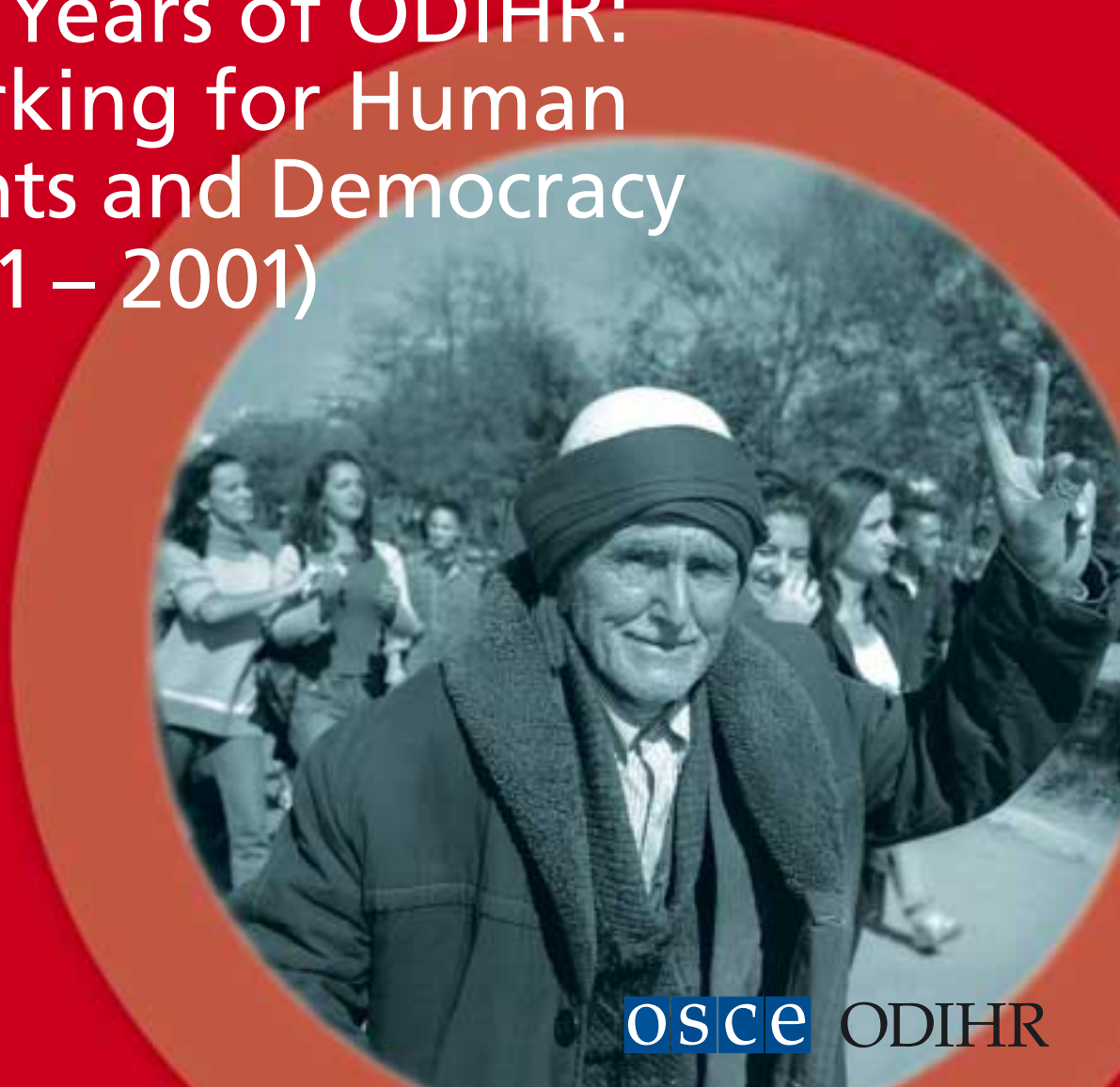


Ten Years of ODIHR: Working for Human Rights and Democracy (1991 – 2001)



osce ODIHR

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Working for Human
Rights and Democracy
(1991 – 2001)*

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Introduction

In 2001, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) celebrated its tenth anniversary. A decade after its opening, the ODIHR today is a key player in international efforts to promote democracy and human rights in the OSCE area.

This publication, issued as a supplement to the Annual Report 2001 on the occasion of the ODIHR's tenth anniversary, is intended to give an insight into some examples of our work on the ground and the concepts and strategies behind it. It contains a diversity of feature stories, articles, case studies, interviews, and personal accounts from the field. The contributions are written from different perspectives, reflecting not only the views of the ODIHR, but also those of our partners in the field and other beneficiaries.

It is not the purpose of this publication to give a full account of the broad range of activities carried out over the past years – a complete presentation of all project activities can be found in the ODIHR's yearly Annual Reports. However, by featuring a number of key areas of our work in more detail, we hope to contribute to a better understanding of the human dimension of the OSCE and the ODIHR's work to promote human rights and democracy in the region.

Ambassador Gérard Stoudmann
Director of the ODIHR

The Human Dimension of the OSCE



Human rights and democracy as a main pillar of the OSCE's comprehensive security concept

Why the OSCE is uniquely placed to tackle new risks and challenges for European security.

By Ambassador Gérard Stoudmann

In 2000, the Organization for Security and Co-operation in Europe (OSCE) commemorated the 25th anniversary of the signing of the Helsinki Final Act, the birth certificate of the OSCE. Since the beginning of the Helsinki process in the early 1970s – called the Conference for Security and Co-operation in Europe (CSCE) at that time – the CSCE/OSCE has changed fundamentally. What began as a forum for East-West contacts and a loose sequence of conferences has evolved into an operational pan-European security organization which – on the basis of a comprehensive security concept – deals with preventing conflicts and restoring peace and stability in a region that spans from Vancouver in the West to Vladivostok in the East.

From the beginning, the so-called human dimension of the security concept that emerged from Helsinki – human rights, democracy and the rule of law – has played a key role in the Helsinki process and the OSCE conflict

prevention and resolution efforts. This reflects the strong conviction that security and respect for human rights are closely linked – a connection which was sadly underlined by the recent violent conflicts in South Eastern Europe and elsewhere. The political and social changes that followed the end of the cold war in Europe have shown clearly that respect for human rights, functioning democratic institutions and the rule of law are key preconditions for stability as well as both internal and external security.

RESPECT FOR HUMAN RIGHTS IS A PRECONDITION FOR STABILITY AND SECURITY

The Helsinki process 1975–1989

When the Helsinki Final Act was signed on 1 August 1975 by the heads of state or government from 33 European countries, the United States and Canada after 32 months of tough negotiations, few observers foresaw the importance this document would acquire during the following years.

It was heavily criticized by parts of the Western media. Many people thought the West was fooled by the Soviet Union – a wrong assumption as became evident later. In fact the idea of convening a pan-European security conference can be traced back to a Soviet proposal made

in the early 1950s. The Soviet Union above all hoped for the formal recognition of the post-war status quo through such a conference and also attempted to push the United States out of the European security structures. In the course of the détente at the end of the 1960s, the West finally agreed to convening a European security conference, provided the United States and Canada could participate and human rights would be put on the agenda.

Initially, all main actors seemed to be satisfied with the document that was signed in Helsinki in 1975. The Soviet Union and its allies succeeded in obtaining recognition of the division of Europe and of Soviet hegemony in Central and Eastern Europe. The neutral states were allowed to sit at the table as equal partners together with the great powers and their allies.

THE CSCE COUNTRIES CONCEDED TO ALLOW EACH OTHER TO BUTT IN WHENEVER HUMAN RIGHTS ARE VIOLATED

And the West could hope that the provisions relating to human rights and human contacts contained in the Helsinki document would undermine Communist rule in Central and Eastern Europe and make the Iron Curtain a bit more permeable.

It was this very aspect that makes up the Final Act's historic significance. The development of a comprehensive security concept, which goes beyond the classic politico-military area by including economic, ecological, and, above all, human rights issues, can be considered as the CSCE's most momentous innovation. The Helsinki Final Act is the first multilateral security agreement containing provisions on the protection of human rights at the same level as traditional international law principles such as non-interference in internal affairs or respect for territorial integrity.

Since Helsinki made human rights a legitimate subject of international relations, criticism of human rights violations could not be rejected easily as “interference in internal affairs” any more. In particular the Communist regimes in Central and Eastern Europe had to put up with inconvenient questions in this respect, not only by Western democracies, but also increasingly by their own citizens. At the time, every individual in the CSCE region was given the chance to read what their government had agreed to, as the Communist countries agreed that they would make the final document public in response to last-minute demands from the West that threatened to collapse the conference. With reference to Helsinki, dissidents and human rights groups such as Charter 77 in Czechoslovakia could now effectively point out the obvious discrepancy between their governments' international commitments and the actual human rights situation in their countries. The Helsinki commitments

thereby empowered human rights groups to contribute to the moral undermining and the subsequent collapse of Communist rule in Central and Eastern Europe.

The CSCE/OSCE after the Cold War

Because of its purely political character and despite the often-criticized consensus principle, the CSCE reacted much faster than other international organizations to the end of the Cold War and the new opportunities and challenges.

THE OSCE WITH ITS 55 PARTICIPATING STATES IS PARTICULARLY WELL-PLACED TO TACKLE THE NEW RISKS AND CHALLENGES

Important breakthroughs were achieved at the CSCE Summit in Paris in 1990 with the adoption of the “Charter for a New Europe” and the conferences of Copenhagen (1990) and Moscow (1991) at which the CSCE's standard-setting process reached its peak. The end of East-West confrontation and the changed security situation in Europe made possible a qualitative leap with regard to the refinement of the CSCE's normative basis and the development of instruments to monitor the implementation of commitments.

The Copenhagen Document of 1990 in particular contains a unique set of human dimension commitments

which do not only concern the relationship between governments and citizens, but beyond that regulate in great detail questions relating to constitutional systems and the interaction between state institutions. This far-reaching concept reflects the conviction that a functioning democratic system based on the rule of law is a necessary precondition for the respect for human rights. The CSCE also played a pioneering role in developing basic standards for democratic elections and for the protection of national minorities.

In the Moscow Document, adopted in the wake of the failed August 1991 coup attempt, another important innovation of the Helsinki process was explicitly confirmed. The governments “categorically and unequivocally” declared that the commitments undertaken in the field of the human dimension were “matters of direct and legitimate concern to all participating States” and therefore were not confined exclusively to the internal affairs of the state concerned. In other words, the CSCE countries mutually conceded to allow each other to butt in whenever human rights are violated anywhere in the CSCE area.

Soon after the Paris Summit, which was so much marked by post cold war euphoria, it became evident that with the end of the division of Europe not all problems disappeared. To the contrary, the disintegration of Yugoslavia and the Soviet Union brought a number of hidden conflicts back to the surface and constituted a new and very serious threat to European security. The attempts to cope with the new challenges led to a shift of focus in the CSCE’s work from

standard-setting to implementation. It also led to a gradual institutionalization of the CSCE process which to date had been a loose sequence of conferences. By 1994, the CSCE was transformed into an operational international organization with permanent structures, institutions and instruments. This development was reflected in the decision of the 1994 Budapest Summit to rename the CSCE the Organization for Security and Co-operation in Europe (OSCE).

Today, a number of forums and institutions within the OSCE’s newly developed institutional framework deal with further refining the commitments, monitoring their implementation, or assisting the participating States with putting the commitments into practice. These include the political decision-making bodies: Summits, Ministerial Council meetings, as well as the Permanent Council in Vienna, which provides a permanent forum for the discussion of human rights issues. Annual Human Dimension Implementation Meetings scrutinize the progress made by participating States in implementing their commitments.

OSCE institutions such as the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw, the High Commissioner on National Minorities in the Hague and the Representative on Freedom of the Media in Vienna were created to assist the participating States with implementing their commitments. The OSCE chairmanship, in charge of co-ordinating ongoing affairs, can raise human rights issues of concern with the relevant governments at the highest



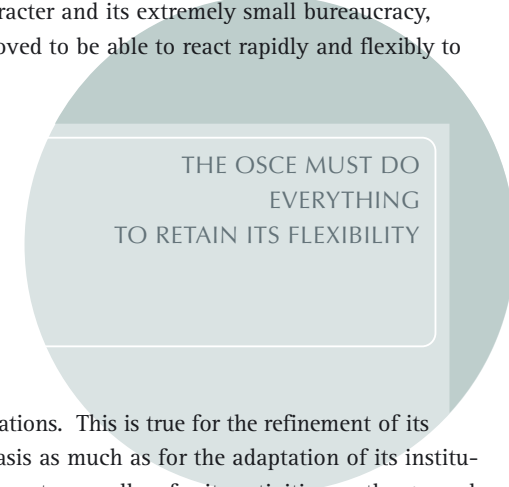
political level. Finally, the more than 20 OSCE field operations in Central and Eastern Europe, South Eastern Europe, the Caucasus and Central Asia have evolved into important instruments for early-warning, the prevention or management of conflicts or for the restoration of peace and stability.

The OSCE at the beginning of the 21st century: New risks and challenges

At the beginning of the 21st century, European security structures face numerous new risks and challenges. Internal conflicts, often triggered by human rights violations, increasingly take the place of classic wars between countries. Religious and ethnic tensions, international terrorism, violent extremism and the spread of light arms jeopardize the fragile democratization processes in the OSCE area and also have the potential to threaten the stability of developed democracies. Phenomena like trafficking in human beings, organized crime, corruption and drug smuggling demand a strong response by the international community. The so-called frozen conflicts in Abkhazia, South-Ossetia, Nagorno-Karabakh and Transnistria need to be resolved peacefully and permanently. Finally, reinforced efforts are needed to succeed with the post-conflict rehabilitation on the Balkans and the Caucasus.

The OSCE with its 55 participating States is particularly well-placed to tackle many of these challenges. Unlike similar international organizations with partly overlapping mandates, the OSCE can make use of its unique, comprehensive security concept, its broad regional scope, its large

number of participating States and its co-operative approach based on equality and consensus. Because of its purely political character and its extremely small bureaucracy, the OSCE proved to be able to react rapidly and flexibly to



changed situations. This is true for the refinement of its normative basis as much as for the adaptation of its institutional instruments as well as for its activities on the ground. In particular when it comes to dealing with new types of internal conflict, the OSCE can do a lot. Just to mention in this respect the above-mentioned invalidity of the non-interference principle and the OSCE's co-operative, non-confrontational character. The fact that OSCE activities – because of their complexity or preventive character – often are not in the public spotlight is conducive to the participating States willingness to ask the OSCE for assistance. With its many field operations, the OSCE is present on the ground in many places where security and stability are at risk. The ODIHR and other institutions have evolved into effective instruments to promote human rights and democracy in the OSCE area.

What can the OSCE do to further improve its capabilities to react to new risks and challenges? First, the professionalization of the OSCE's personnel has to continue. As regards field personnel, the 1999 Istanbul Summit made an important step by creating Rapid Expert Assistance and Co-operation Teams (REACT), a reservoir of qualified experts which can be deployed quickly in crisis situations.

Secondly, the OSCE must do everything to retain its flexibility, one of its greatest comparative advantages. This means that the OSCE should stick to a small and cost-efficient administration and to the current decentralized structures marked by relatively autonomous field operations and institutions. An active and skilful chairmanship can use the substantial room for manoeuvre that this function entails to contribute to mitigate the disadvantages that come with the consensus principle. By creating REACT and a permanent operation centre within its secretariat the OSCE already enhanced its ability to rapidly deploy qualified experts to crisis areas.

Thirdly, the co-ordination of international efforts in the field of conflict prevention and post-conflict rehabilitation needs to be further improved in order to use the resources available more efficiently and to ensure political and operational coherence among the different actors. The adoption of the "Platform for Co-operative Security" at the Istanbul Summit marked an important step in the right direction. Improving co-operation with financial institutions such as the European Bank for Reconstruction and Development is of particular importance, especially if these institutions

subscribe to the principle of conditionality and link their support to respect for human rights, democracy and the rule of law. This is all the more important as the OSCE itself is not in the position to supplement its democratization assistance with economic incentives.

Finally, the OSCE should not forget about refining and improving its normative basis. Since its inception the CSCE/OSCE has played a pioneering role in the field of standard-setting by developing politically binding commitments which later were used as basis for the creation of legally-binding instruments. There are still a number of gaps to be closed, for example in the field of children's rights.

Even though more than 25 years have passed since the signing of the Helsinki Final Act, the OSCE is still a young, dynamic and flexible organization. Provided it can retain these strengths, the OSCE will continue to respond effectively and creatively to the new challenges we face at the beginning of the 21st century.

The author is Director of the ODIHR.

A Decade of Work for Human Rights and Democracy



The ODIHR celebrates its 10th anniversary

When the Office for Free Elections (OFE) opened in 1991, few people could have foreseen what the Office, renamed Office for Democratic Institutions and Human Rights (ODIHR) in 1992, would have evolved into a decade later. “The ODIHR today is the lead agency in Europe in the field of election observation, and a highly respected partner in international efforts to help transition countries in the OSCE region with building sustainable democracies in which human rights and the rule of law are fully respected”, says Ambassador Gérard Stoudmann, Director of the ODIHR since 1997.

From OFE to ODIHR

The beginnings of the Office were modest. Established under the 1990 Charter of Paris for a New Europe, the Office opened in Warsaw in May 1991 with only two international staff (the first Director Ambassador Luchino Cortese and one Officer), a small budget and the narrow mandate to “facilitate contacts and the exchange of information on elections within participating States”.

Against the background of the violence that accompanied the disintegration of the Socialist Federal Republic of Yugoslavia and the Soviet Union, the Office’s mandate was subsequently broadened to include human rights and democratization issues. This decision reflected the conviction,

already spelled out in the 1975 Helsinki Final Act, that respect for human rights and the principles of democracy is a precondition for security and stability in Europe. The ODIHR was tasked to help participating States with building structures and in-country capacities necessary for an open and democratic society.

During the following years, the ODIHR’s main activities consisted of observing elections and organizing conferences on various democratization and human rights issues, in Warsaw as well as in the transition countries of Eastern Europe, Central Asia and the Caucasus. From 1994 to 1997 the Office was headed by Ambassador Audrey Glover.

New democratization and election programmes

In 1997 the Office was completely restructured and its scope of activities significantly broadened. New democratization programmes were developed to focus on small but highly effective training and public awareness programmes targeting certain key groups such as the legal community or young people. The overall objective of these programmes, which continue to expand, is to strengthen democratic institutions, promote respect for human rights and the rule of law, and support the development of civil society. The Office also further improved its unique election observation methodology which combines long-term election observation missions with assistance projects aimed at improving the framework for elections in OSCE countries. Since 1991, the ODIHR has observed more than 100 elections in the OSCE area.

“The high level of expertise and professionalism developed by the ODIHR over the past years has made the Office a credible and highly respected partner for governments as well as for other international organizations and NGOs”, says Ambassador Stoudmann.

The ODIHR today employs more than 80 staff from over 30 countries across the OSCE area. The Office’s budget in 2001 exceeded €12,5 million, including €6 million in voluntary contributions by participating States and other donors.

Responding flexibly and rapidly to emerging needs

Over the past years, the ODIHR has proved its capability to respond rapidly and effectively to emerging needs and opportunities in the OSCE area – one of the Office’s comparative advantages. “Despite its relatively small size and its limited resources, the ODIHR, as a highly flexible and cost-efficient office, has had considerable impact in a number of clearly defined target areas”, says Ambassador Stoudmann. This was also the conclusion of an external evaluation of ODIHR project work carried out in 2000.

Looking ahead

Following several years of steady expansion, the ODIHR has entered a phase of consolidation. The focus is now on refining the existing programmes and ensuring proper follow-up, while retaining flexibility.

In the years to come, the ODIHR will remain committed to assisting OSCE countries with facing the challenges of tran-

sition. “We will also pay increased attention to the growing number of human rights problems affecting all countries across the OSCE region such as xenophobia, racism and intolerance”, says the ODIHR Director. “In doing so, we will do our best to retain our characteristic strength: Flexibility and expertise that give the capability to react quickly and unfettered by bureaucracy when our advice and assistance is requested anywhere in the OSCE area.”

ODIHR HISTORY IN BRIEF

1991 OPENING OF THE CSCE OFFICE FOR FREE ELECTIONS. FIRST DIRECTOR: AMB. LUCHINO CORTESE (ITALY). FIRST ELECTION OBSERVATION.

1992 BROADER MANDATE AND NEW NAME: OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS. FIRST DEMOCRATIZATION PROJECTS AND FIRST HUMAN DIMENSION SEMINAR IN WARSAW.

1994 AMB. AUDREY GLOVER (UNITED KINGDOM) APPOINTED ODIHR DIRECTOR.

1997 AMB. GÉRARD STOUDMANN (SWITZERLAND) APPOINTED THIRD ODIHR DIRECTOR. NEW ELECTION AND DEMOCRATIZATION PROGRAMMES DEVELOPED.

1998 INAUGURATION OF NEW OFFICE PREMISES. NUMBER OF STAFF EXCEEDS 40.

2000 AMB. STOUDMANN RE-APPOINTED. ODIHR IMPLEMENTS OVER 100 PROJECTS AND OBSERVES 100TH ELECTION SINCE 1991. NUMBER OF STAFF EXCEEDS 80.

2001 ODIHR CELEBRATES 10TH ANNIVERSARY.

Improving Elections in the OSCE Area



A diagnostic tool to detect deeper structural problems

How the ODIHR observes elections and helps reforming electoral frameworks.

Recognizing the importance of well-conducted elections for a democratic society, the observation of election processes has emerged in recent years as an important task in support of democratic transition and universal human rights. “I see the observation of elections as a diagnostic tool to detect deeper structural problems in a country and as an early warning instrument”, says Hrair Balian, the Head of the ODIHR’s Election Section. “It also provides the opportunity to get in touch with many actors of the society across the country and feel the pulse of the people. This helps to understand better societies in transition and identify areas where the international community can do something.”

Europe’s leading election observation agency

The ODIHR has evolved over the past decade into the lead agency in the field of election observation in Europe and Central Asia. It has observed more than 100 elections in the OSCE region, and sends thousands of observers to OSCE states every year to assess whether an election is in line with domestic legislation and international commitments. The field operations are co-ordinated by a team of eight election experts based in the Warsaw headquarters.

ODIHR ELECTION OBSERVATION

· HEAD OF SECTION: HRAIR BALIAN

· 8 ELECTION EXPERTS BASED AT WARSAW

· HEADQUARTERS

· OVER 100 ELECTIONS OBSERVED SINCE 1991

· THOUSANDS OF LONG- AND SHORT-TERM

· OBSERVERS DEPLOYED EVERY YEAR

Flawed elections

With the adoption of the Copenhagen Document, all OSCE countries have committed themselves to hold democratic elections. Nevertheless, there are a number of elections and other electoral events in the OSCE area every year that fall short in one or more respects of meeting OSCE commitments. In some instances, elections are still marred by fraud such as ballot stuffing or falsification of results, as well as by lack of transparency and accountability, flawed legislation, restrictions of fundamental freedoms and intimidation of voters. The ODIHR highlights such shortcomings in its election reports and has developed technical assistance projects to help institute safeguards and remedy problems.

Unique ODIHR methodology

Tasked by the OSCE participating States, the ODIHR has developed a unique election observation methodology which aims at monitoring the election process as a whole, including the legislative framework, the work of election commissions, the media, the campaign of political parties and the voting and counting procedures on election day. To this end, the ODIHR not only sends observers to monitor the conduct of elections on election day itself, but also deploys expert teams more than a month before the elections to observe and analyse the long-term aspects of the election processes. Following the election, the ODIHR offers assistance with addressing the shortcomings identified by its observers.

The main basis for the ODIHR's assessment of an election is the 1990 Copenhagen Document, which contains a unique set of detailed commitments on how elections should be conducted in an OSCE country. At the 1999 Istanbul Summit, the participating States agreed to "follow up promptly the ODIHR's election assessment and recommendations" which are included in the reports the ODIHR publishes after each election it observes.

"Over the past years, the administrative and legislative frameworks for elections have improved considerably in many OSCE countries, not least due to our assistance programmes", concludes Mr. Balian. "But more effort and, in particular, a genuine political will is needed in several OSCE states to address remaining problems such as lack of transparency in the election process, lack of accountability in the work of election commissions, interference by the authorities in the electoral process and restrictions of fundamental freedoms."

More effort needed for better elections

The ODIHR has come a long way in the past ten years in improving its election observation methodology. What is still lacking is the political will on the part of some governments to improve their elections.

By Hrair Balian¹

Early 1990s euphoria

Ten years ago, the CSCE Charter of Paris for a New Europe established the Office for Free Elections, the predecessor of ODIHR, to “foster the implementation” of the Copenhagen Document’s election-related commitments. The Office opened for business in May 1991 with a staff of only two. Within a year, its responsibilities had been expanded beyond elections and the Office became the ODIHR.

In those euphoric early 1990s, the CSCE countries foresaw a fresh era of “democracy, peace and unity” (Charter of Paris), where “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government” (Copenhagen

¹ Edited version of an article first published in Helsinki Monitor 2001 no. 3. The views expressed in this article are the author’s personal opinions and do not necessarily reflect those of the ODIHR.

Document). However, the Charter of Paris euphoria was short-lived. Although impressive progress was made in several countries, “peace and unity” could not be maintained everywhere across the OSCE region, and some rulers chose to ignore the will of the people they had so solemnly committed to uphold. Thus, one of the principal tenets of the Charter of Paris was flouted – the integral link between, on the one hand, intra-state peace and stability and, on the other, democratic development. Not surprisingly, those who chose to ignore the will of the people in general were often the ones to also undermine, *inter alia*, the rights of minorities, and to pilfer economic opportunities.

Observing the election process

In the early years, the ODIHR could only deploy modest missions of one or two experts for a few days, documenting as well as possible both the progress and disappointments of developments, albeit in the limited field of elections. Gradually, the resources available to ODIHR grew to accommodate the added responsibilities. From only two missions during the first year, observing only the election day, the ODIHR could increase its short missions to as many as ten by 1994, the year its mandate was expanded by the Budapest Summit to include observations before, during and after the day of the election.

An appropriate methodology for election observation was lacking in those days, and the output was not consistent. But, with the added responsibilities, the need for a consistent approach became more and more obvious. The ODIHR

developed this methodology by 1997, summarized in its Election Observation Handbook, or the “blue book”. Since then, in advance of an election observation mission, the ODIHR prepares an analysis of the legislative framework for elections and the broader human rights and political context. Once an election observation mission is established five to six weeks before election day, a team of experts deployed in the capital and in important regions monitor the registration of voters and candidates, the election campaign, the conduct of the media, and the election disputes resolution through the administrative and judiciary processes. Around election day itself, a larger number of short-term observers, seconded by participating States, monitor the polling and vote count. A statement of preliminary findings is issued on the day after the election, and a comprehensive report with recommendations is prepared shortly thereafter. These recommendations serve as the basis for later technical assistance programmes.

During most parliamentary and some presidential elections, the parliamentary assemblies of the OSCE and the Council of Europe, as well as the European Parliament, join the ODIHR election observation missions in the field for monitoring the last stage of the electoral process, the election day proceedings. In earlier years, competition for visibility between these organizations prompted each to issue, at separate press conferences, their separate documents detailing findings and conclusions which frequently diverged, at times significantly. Understandably, the divergent views expressed encouraged the states under observation to play one international

An old woman signs the voter register at the 2001 presidential elections in Belarus



organization against the other and to forum-shop. As a result, the effectiveness of the international community to encourage change through election observation and follow-up work was seriously compromised.

During the past few years, however, all relevant election observation exercises have been conducted jointly by the ODIHR and the parliamentary assemblies, issuing joint statements at joint press conferences. In the recent rare cases where the United Nations has been involved in electoral observations in the OSCE region (i.e., Tajikistan), this organization too has joined efforts with the ODIHR. An exception has been the Commonwealth of Independent States' Parliamentary Assembly which deploys separate observation missions. Generally speaking with one voice, the international community has been much more effective with the political and technical assistance follow-up to these observation missions. Notable examples include Albania, Montenegro/FRY, Croatia, and to a more limited extent Kazakhstan.

The methodology has served the ODIHR well. A little over 50 per cent of the 102 elections the ODIHR has observed in the past ten years were conducted since 1997 (as of May 2001). Beyond mere numbers, this represents the greater substance of the ODIHR's effort and experience in the field. The blue book methodology has permitted the ODIHR to be more consistent and thorough in its analysis, making its reporting less susceptible to political pressure or double standards, and therefore more credible. The blue book has also served to inform election observers beyond the OSCE region.

Some statistics concerning the elections observed during the past ten years could be instructive. The bulk of ODIHR observations have focused on parliamentary elections (64), followed by presidential (21), municipal or other local elections (11), and referenda (6). In terms of regions, Central and Eastern Europe leads with 45 observations, South Eastern Europe follows with 34, the Caucasus with 13, and Central Asia with 12. Over the past years, thousands of observers and experts were deployed across the OSCE region, probing every aspect of an electoral process. During 2000 alone, the ODIHR deployed more than 3,000 observers and experts to monitor 15 elections in 12 OSCE participating States.

Value added?

What value have these observation missions added, and what end have they served beyond the obvious documentation function? In the first place, these missions have served ODIHR and others to develop a more informed strategy for assistance projects in the field of building democratic institutions and promoting democratic elections. These projects have primarily targeted the election legislation, election administration, civic education, and the training of domestic observers.

In some cases, the missions have helped mitigate crises and conflict, and to raise early warnings in others. Often, these early warnings point to underlying problems far beyond the elections. At times, opposition candidates would not have taken part in an election without the minimum margin of

Voters mark the ballots during the 2001 Albanian parliamentary elections

safety provided by the presence of international observers. Likewise, domestic observers would not have been able to function as effectively or at all without the presence of international observers. At least occasionally, international observer missions have deterred the most blatant cases of fraud. And most importantly, international election observation missions have been an element of stability in some sensitive and highly contested elections.

The ODIHR is often asked, at times accusingly, why it limits observations to the developing democracies only. And why it does not observe elections in developed democracies as well. Surely, there are problematic elections in the US, Italy, France, and others. The response is simple: can the ODIHR add value in those states? Can the ODIHR add anything in terms of building confidence, deterring violations, raising early warning, mitigating conflict, and providing assistance? The answer is no. Others, including developed civil society organizations in those countries are better placed to address the manifest problems. In addition, the judiciary and administrative processes in some countries are better equipped to address the problems than foreign observers. This is why the ODIHR chooses to employ its limited resources only where it can add value.

The resources available to the ODIHR election mandate are indeed modest – eight election experts and a direct budget of around three million Euro – for headquarters staff and overheads, more than a dozen observation missions and an

equal number of technical assistance projects. The cost of observers seconded by participating States must be added to these resources.

However, even these modest resources would be wasted if election observation and assistance missions did not in the end serve to improve the electoral process and contribute to the development of democratic institutions. Indeed, ODIHR election observations and assistance projects, together with others, have improved the administrative and legislative framework for elections throughout the region. The assistance projects have often been implemented in collaboration with specialized NGOs, notably the US-based National Democratic Institute (NDI) and International Foundation for Electoral Systems (IFES), and the UK-based Electoral Reform International Services (ERIS). This work has contributed to preparing the ground for democratic elections. However, these improvements alone are not sufficient. What is most lacking in many countries is the political will to hold genuine, democratic elections. Where this will is present, even an otherwise defective framework can produce the desired outcome. Serbia's December 2000 parliamentary election is an example.

The damage at times caused by the deployment of an international election observation mission must also be considered. Sometimes, an electoral process is so tainted from the outset that international observers only add certain unintended legitimacy to the process and not much more.



This could be the case when an incumbent President is the only viable candidate because all other credible candidates have been prevented from registering or campaigning effectively (e. g., Uzbekistan and Tajikistan), or when alternative candidates to those advanced by the governing authorities of a state (e. g., Turkmenistan) are simply not allowed in a parliamentary election.

In such cases, where the election is only a facade, the ODIHR declines to deploy an observation mission of any level even if invited, thus avoiding giving legitimacy to the event. In other cases where there are severe legislative, administrative, and political restrictions placed on an election, but some level of competition is possible or candidates have some opportunity to appeal to the electorate, the ODIHR may deploy a limited or technical assessment mission, often foregoing election day observation because the outcome has already been decided by then. At times, the possibility of limited missions has prompted governments to improve the legislative and administrative framework of elections in order to “deserve” a full observation mission. Though admittedly not a precise instrument, the flexibility to limit the scope of an election mission or not to deploy one at all has served the ODIHR well since this tool was introduced in early 1999.

The authorities of the participating States do not always respond positively to critical ODIHR election observation conclusions and recommendations. At times, they refuse

any dialogue, adamantly arguing that the conclusions are biased and that the specific circumstances of the country are not adequately considered. Others agree with the conclusions and pledge full co-operation with the ODIHR in order to improve the shortcomings noted in the report, but in the end ignore the recommendations.

However, positive responses can also be noted. In the Balkans, Albania’s electoral framework was improved during the local government elections in 2000 and the parliamentary elections in 2001 after a considerable and joint assistance effort from the international community. In the Caucasus, the legislative framework in Armenia and Azerbaijan benefited from assistance projects conducted by the ODIHR. In the case of the latter, for the first time the opposition could take part in the administration of elections at the highest level during the 2000 parliamentary elections, albeit the effort was not so successful in the end. In Kazakhstan, after the seriously flawed 1999 parliamentary elections, the ODIHR, the OSCE Parliamentary Assembly, and the OSCE Centre in Almaty jointly organized a series of round-table discussions on how to improve the legislative framework of future elections. An important feature of these round tables was the participation of opposition political forces for the first time.

To be certain, these projects could not remedy all the shortcomings noted in previous elections and could not possibly transform overnight future elections into events that satis-

fied OSCE commitments for democratic elections. Indeed, the assistance projects could only produce modest results and incremental improvements. Also, in some cases these projects failed altogether as a result of less than adequate co-operation from the authorities, or as a result of poor implementation on the part of ODIHR. Nonetheless, in most cases, value was indeed added.

The road travelled in the past ten years

The next obvious question is then the following: what trends has the ODIHR observed during its missions in terms of democratic development? First, regional trends.

With the exception of Belarus and the Ukraine, elections in Central and Eastern Europe present a much improved picture in terms of legislative, administrative, and political processes. In this region elections are largely in accordance with the standards set by the Copenhagen Document – they are mostly free, fair, equal, universal, accountable, transparent and universal. The main remaining shortcomings include the fairness of the media and campaign financing, weaknesses which are shared with the developed democracies. In the Russian Federation, though the administration of elections at the federal level has improved considerably during the last years, at the lower federal subjects level, the electoral processes are still marred with serious violations. In addition, the remaining Soviet-era institutional traditions, a less than professional media, and weak political parties also prevent elections in the Russian Federation from fully meeting democratic standards. Nonetheless, the number

of countries where election observations and assistance are necessary in this sub-region is shrinking rapidly.

In South Eastern Europe, the picture is more mixed, but steadily improving. Although observation will still be needed in a number of states, this number is shrinking as well, and the severity of the shortcomings observed are diminishing, as noted during recent observations in Croatia, Montenegro/FRY, and Serbia/FRY. The picture in this sub-region is brighter, especially when one considers that only recently a number of states, including Serbia, were able to step back from the brink of disaster. Elections played an important part in these transitions. However, concerns about minority and displaced persons’ participation in elections, especially in the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, will keep the region high on the agenda of ODIHR observation priorities.

The Caucasus represents a more complex picture. Limited progress has been noted in all three states – Armenia, Azerbaijan and Georgia –, but much more remains to be done to meet the standards for democratic elections. In all three cases, progress is needed in the legislative field and the administration of elections. But, above all, the varying degrees of illegal interference on the part of executive authorities in electoral activities must be stopped before any further progress can be obtained. The risks of nationality conflicts and collapsing state structures cannot be ignored in this sub-region.

Elections
sometimes take
place in a tense
environment



Finally, Central Asia presents the most challenging picture in terms of elections and the observance of human rights in general. It is worth remembering that the OSCE has never observed elections in Turkmenistan. In this respect, Turkmenistan remains the worst offender of OSCE commitments for democratic elections. In the other four countries of the region, progress is needed in all fields. The legislative and administrative framework, illegal interference by executive authorities in elections, severe restrictions on the freedoms of expression, association and assembly, and insufficient civic education are endemic problems. Most importantly, the region in general is far from respecting the will of the voters, and results have often had nothing to do with that will. Here too, the risk of nationality or ethnic and religious conflicts is present.

Lessons learned

In terms of substantive trends, while progress is evident in many participating States, the fundamental challenges which the ODIHR encounters in a number of countries include: (1) a general erosion of human rights, the under-pinning for any election; (2) national, regional and local executive authorities illegally interfering in the electoral process to the benefit of those in power; (3) competition in elections reduced through artificial obstacles; and (4) transparency severely restricted, making an audit of the vote count and tabulation of results impossible. Regrettably, in too many elections, Stalin's admonition is still relevant – *it matters not who votes, but who counts the votes!*

An important challenge which has been observed is a trend in a number of participating States indicating an increasing level of intolerance for, and a deterioration of, fundamental freedoms, in particular during the period immediately before, during, and after elections. Too often, the freedoms of speech, association and assembly are being curtailed, making any level of genuine election campaigning impossible, and robbing voters of their choice in an election. Too often, credible opposition candidates are eliminated from the competition based on bogus charges.

Non-partisan domestic election observation organizations and their activists are persecuted, harassed, or intimidated, in an attempt to silence their independent voice. These non-partisan local observers have no other interest but to ensure that the outcome of the poll reflects the will of the voters. They work with minimum resources and often under dangerous conditions, without the protection of foreign passports, risking their livelihood, freedom, and at times more.

In some cases, these local or domestic non-partisan observers play a critical role in detecting or deterring fraud on election day, or in organizing civic education campaigns during the period leading up to an election. The role that domestic observers assumed during the September 2000 federal elections in Yugoslavia is a case in point. Thousands of observers documented the fraud committed in the election, and produced a parallel vote count that discredited the initial results announced by the Milosevic regime.

However, too often, and in an increasing number of countries, non-partisan domestic election observers cannot function – either they are banned outrightly from observing, they are not allowed to receive outside help without which they cannot work, or they are otherwise harassed, intimidated, and persecuted by the authorities. This repression against local election observers usually follows a critical assessment issued by their organization, and is a part of, or an important indicator for, the general deterioration of human rights in those countries.

If the international community some day expects to put an end to international election observer missions and technical assistance, domestic observation efforts must be provided with more effective political support and resources. More significantly, if civil society is to develop at all in developing democracies, domestic observers, who must be viewed as human rights defenders, must be given far more political support. Incidentally, some developed democracies in the West, including the United Kingdom and Italy, do not allow non-partisan domestic observation in their elections. It is high time that they too change their practice and provide for this commitment enshrined in the Copenhagen Document.

The result of these failures in a number of states is an increasingly frustrated and polarized society that cannot be conducive to stability and economic development. On the positive side, it appears that the frustration of people denied the right to choose has limits, and elections can play an important role in changing the *status quo*. At the same time, however, elections are not a panacea to remedy all the ills of a society.

Pledge to follow up

What can be learned from these observations and trends? First and foremost, without the political will for genuine elections, even the most technically perfect electoral framework, if such a framework exists at all, could not possibly produce democratic elections. As such, and in the first place therefore, significant political follow-up is essential to observation missions and recommendations. However, change will not be forthcoming without the collective persuasive powers of the OSCE as a whole and other inter-governmental organizations, including international financial institutions, as well as individual states in their bilateral relations.

At the 1999 OSCE Summit in Istanbul, participants solemnly pledged “to follow up promptly ODIHR’s election assessments and recommendations”. Almost two years on, however, this pledge has remained problematic in a number of participating States. How can this be turned into deeds and not remain merely a well-intentioned declaration? Could the political leadership of the OSCE, the Permanent Council, review every few months the implementation of recommendations made by ODIHR observation missions and perhaps require that the subject participating State submit a formal report detailing the measures which had been undertaken? Could the Permanent Council submit reports to the Ministerial meetings or Summits for follow-up if a participating State fails to respect its commitments to follow up election recommendations? In their bilateral relations, could participating States take into account more consistently another state’s failure to comply with its commitments?

The ODIHR observes all stages of the election process, including the vote count

Other international organizations, in particular financial institutions, can assume a significant role in the promotion of democratic elections and institutions. The activities of international financial institutions will not depend solely on the degree of democracy in a given state. Indeed, many other factors are at play, in particular stability. Nonetheless, without democratic elections and institutions, good governance will remain a distant dream; and without good governance, stability and economic development are unlikely. The European Bank for Reconstruction and Development (EBRD), the European Commission, and the Organization for Economic Co-operation and Development (OECD) already take these factors into account when considering development assistance. ODIHR documents, including election observation reports, are an element which they take into account. Mindful that economic development is not only predicated on democratic elections and good governance, and that challenges to good governance are not limited to developing democracies, the correlation between democratic elections, rule of law and good governance, on the one hand, and economic development, on the other, cannot be ignored. Good governance and democratic elections increase transparency and accountability, both of which underpin the rule of law and economic development. In the long term, these activities lower political risk and create an environment conducive to a wide variety of development activities.

Equally valid is the observation that, if conducted in accordance with democratic standards and in a timely fashion,

electoral events can foster stability by promoting the greater participation of the political, ethnic, linguistic and religious spectrum in a country. However, in order to benefit from this potential, early warnings of challenges developing under the surface which are often detailed in election observation and other monitoring reports must be taken more seriously and heeded with imaginative remedies. The flip side, of course, must also be considered – that is, if elections are not conducted in accordance with international standards and if they are not timely, stability can indeed be endangered.

What next for ODIHR?

How can ODIHR build on its ten-year record and are any adjustments required to render its work more effective?

At the 2001 OSCE Human Dimension Seminar on Election Processes, the ODIHR was urged to continue its efforts to improve the legislative framework for elections, focusing in particular on enhancing the transparency and accountability of the electoral process. ODIHR was urged to continue working on the legislative framework through round-table processes or workshops, where possible with the participation of the authorities and civil society, and by attempting to build consensus around key elements of the framework. This approach was tried during the past year with varying success in Albania, Armenia, Azerbaijan, Kazakhstan and Serbia. Beyond the concrete task of developing a new legislative framework, round tables have also, and perhaps more importantly, provided a forum for the opposition and



governing parties to debate publicly concrete measures aimed at remedying fundamental problems plaguing their society, rather than engaging in a perpetual cycle of mutual recrimination.

The ODIHR's broader normative efforts were also strongly endorsed at the meeting. Over the past months, the ODIHR has published three guidelines to make its advisory work more consistent and more effective. The first guideline focuses on how to resolve election disputes, the second on how to review legal frameworks for elections, and the third on assisting the participation of national minorities in electoral processes.

The ODIHR's expanded election monitoring scope also includes gender balance in the electoral process. In the OSCE region as a whole, women have a disproportionately low representation in the national parliaments. Yet, participating States have committed themselves to "encourage and promote equal opportunity for full participation of women in all aspects of politics and public life" (Moscow Document). The ODIHR launched a pilot project to monitor more methodically, and to explore ways to promote, the participation of women in elections with a view to developing guidelines in this area.

Another guideline being developed relates to domestic non-partisan election observers. In May 2001, the ODIHR invited representatives from 23 such NGOs from across the developing democracies in the OSCE region to a first-of-its-kind

meeting in Warsaw. The NGO representatives met to work on the guidelines and to develop a network as a more effective response to the increasing pressure they are experiencing in some countries. The guideline is intended to assist domestic observers in their efforts, providing a framework for a more consistent methodology.

During its field work, the ODIHR has often found members of election administration bodies deadlocked in disputes over every aspect of their work, even when performing the most routine tasks. Often, these disputes paralyze their work, causing the commissions to miss critical deadlines during the administrative preparation of elections, compromising the integrity of the electoral process. The ODIHR is developing a programme aimed at mitigating some of these disputes through building the conflict management skills of election administrators.

These and additional normative programmes will form the backbone of the ODIHR's election assistance and observation effort for the period ahead. In addition, the ODIHR intends to continue to provide the technical assistance programmes already developed and underway. New areas of activities, such as assistance with voter registers, media regulations during elections, and more are under consideration.

Need to redouble and refocus efforts

The ODIHR has come a long way in the past ten years. It has developed into the leading agency in Europe and Central

Asia in the field of elections and an important player in building democratic institutions and promoting human rights. The ODIHR election reports, recommendations, and assistance projects are accepted as credible and effective tools. The challenge for the period ahead is to ensure that the ODIHR can maintain these high standards and respond effectively to the emerging needs.

To accomplish this, not only must the international involvement continue and a greater creative effort with more resources must be devoted to South Eastern Europe and the participating States bordering the next wave of European Union candidates, but more urgently to the Caucasus and Central Asia. Only then can the New Europe of "democracy, peace and unity" promised in Paris ten years ago have a chance for the whole OSCE region. Democratic development in the Caucasus remains embryonic at best and is even less developed in Central Asia. The threat of collapsing state institutions cannot be ignored in both regions and the risks of internal conflicts are present.

To be sure, elections are not a panacea to solve all these problems, but can be an important tool, among others, for fostering the stable environment in which the modest accomplishments of the past ten years can be nurtured and new ground broken. To make this potential a reality, the efforts of the past ten years must be redoubled in terms of political follow-up and commitments, and they must be refocused towards the regions at risk.

The author heads the ODIHR's Election Section.

THE ODIHR'S FINAL ELECTION REPORTS, AS WELL AS THE PUBLICATIONS MENTIONED IN THIS ARTICLE, CAN BE FOUND ON THE ODIHR WEBSITE AT

WWW.OSCE.ORG/ODIHR



An Albanian farmer on election day

Personal account.....

A little bit pregnant?

As the old Mercedes battles its way over dusty mountain roads towards the next polling station, Michaela Küfner, sent by the ODIHR as a short-term observer to monitor the 2001 parliamentary elections in Albania, learns that there are some “in-betweens” in this country.

I sat uncomfortably on the plane to Tirana – nothing against Austrian Airlines’ seats – but I should not have left those vaccinations until the last minute.

All I had read about Albania’s lack of infrastructure and decades of isolation under communist leader Enver Hoxha seemed inappropriate for this: A turquoise coast set against a dramatic backdrop of snow-capped mountains was my first sight of Albania. Isolated this country might have been, but with such natural beauty it is easy to imagine that Hoxha didn’t have too hard a time convincing his people that there was no better place to be.

Main concerns

The ODIHR’s long-term observers were well past first impressions and gave the around 120 short-term observers a perceptive and down-to-earth assessment of the political situation. The main concerns ahead of the first round of elections were the accuracy of the electoral register and

Bus wrecks next to the mountain road leading to the next polling station

attempts by the main parties to pass off some of their candidates as “independents” – a way to beat the maths of the election rules and secure extra seats.

While Albania’s Central Election Committee was still debating the issue, the Director of the ODIHR, Ambassador Gérard Stoudmann made clear at a press conference the ODIHR’s view that you can no more be “a little bit independent” than you can be “a little bit pregnant”.

On the way to Kukes

In the briefing room at the Hotel Tirana, “exam result” curiosity suddenly set in amongst us observers as team lists were put up. Time to find out where I was going and who would be my partner throughout the mission. “Kukes” and “Michael” were the key pieces of information next to my name.

Kukes is a town in the far north of the country near the borders with Kosovo and the former Yugoslav Republic of Macedonia. At around 200 kilometres distance from the capital, Kukes it is no real distance as the crow flies. But these 200 kilometres translate into eight hours drive on Albania’s dusty mountain roads.

There are good reasons not to look out of window too much. First you’ll realize that the “road” is little more than a ledge cut into a rubble-strewn cliff-face rising above you and plunging precipitously into the valley below. Sooner or later you will also notice that the coloured stones scattered right along the edge of the route are little memorials to those who have lost their lives in accidents.

An important day for Albania

On arrival in Kukes the local OSCE staff together with the ODIHR long-term observers located in the region gave more detailed information about our particular electoral zones and possible hazards. Michael and I were to visit a few small villages in zones 10 and 11, which stretch along two deep valleys. We were warned that some factions would be none too pleased to see us. In order to find and avoid the right villages in the mountains, the local knowledge of our driver Bashkim and our translator Ram were vital.

THERE WAS A SENSE OF
EXCITEMENT IN THE AIR.
EVERYBODY WAS AWARE THAT
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DAY FOR ALBANIA

Before setting off I decided to begin some team-building with a little small talk, so I asked Ram: “So, what is the main trade of the region – what is it famous for?” “Unemployment”, he replied with a smile. From this moment Michael and I realized that we were in for some concise translation.

Our first assignment on election day was to observe the opening of a polling station in Kukes at the local Avzi Nela



school. Some points to watch out for were whether there was any campaign material immediately outside the polling station and whether the police presence was in any way intimidating. There was a sense of excitement in the air. Clearly everybody here was aware that today was an important day for Albania.

Illusion of time-travel

We left Kukes behind us and headed for the mountains. When Michael told Bashkim where we wanted to go first, he said, “So today I will take you close to heaven, then.” And indeed I had never been closer. For over two hours the old Mercedes battled its way over rocks and through potholes towards the bright blue sky. Again, looking out of the side window was a bad idea.

Our destination was a small village with a population of no more than 100 people. Had the children not been wearing Mickey Mouse T-shirts, the illusion of time-travel would have been perfect. Our appearance at such a remote village had aroused the suspicions of the village elder. When I explained our mandate as impartial observers, the concept was greeted with an unconvinced but polite smile.

The ritual of visiting polling stations

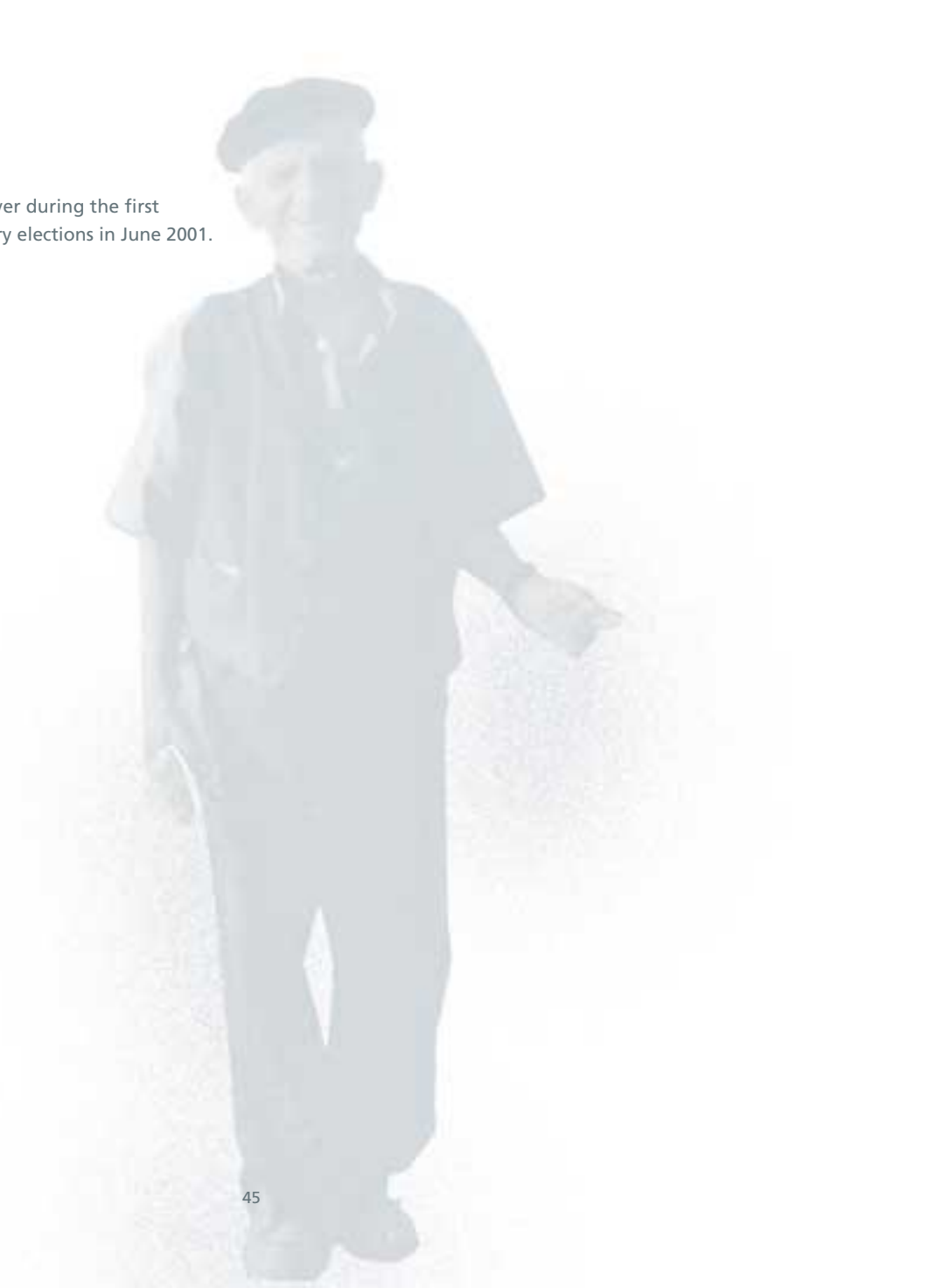
The villages became more populous as we headed back on the road towards Kukes and we managed to observe quite a

few polling stations in what quickly became a ritual. If I did the talking, Michael would fill out our reports on whether procedures were being followed – and vice versa. The right to vote is a relatively new one in Albania so that proper training of the committee members as well as posters demonstrating the procedure of voting were vital to ensure a smooth conduct of the polls.

We made sure we got back to Kukes in time to observe the closing of a local polling station and the counting of 300 ballot papers. There was lively debate over which ballots were considered “spoiled”. Two hours and several discussions later agreement was reached. The result together with all election materials was carried across the road to the Zone Election Committee responsible for the region. We followed this procession into the small room where all results of the zone were being recorded. Our job was done, time for another team to take over for the rest of the night.

On my last evening in Tirana I was present as a local explained his understanding of Albanian politics: “In the West”, he said and looked at me as if he needed to excuse the following remark in advance, “you say that you are either pregnant or you are not. You see, here, there is a lot in-between.”

The author was a short-term observer during the first round of the Albanian parliamentary elections in June 2001.



Assisting Democratization Processes



Facing the challenges of the next decade

The ODIHR's democratization work targets specific groups and issues in transition countries where the Office can make a real difference – with the ultimate goal being the creation of self-sustainable structures.

By Eric Rudenshiold

The ODIHR conducts a wide range of democratization projects designed to build and enhance capacity in transition countries. These projects promote a comprehensive view of security which includes the human dimension, and the implementation of OSCE commitments. ODIHR democracy projects seek to develop self-sustainability and to strategically address difficult development issues by using the added value and credibility of the OSCE name.

Thematic fields

The ODIHR's democratization work is primarily conducted across six thematic fields of work: rule of law, civil society and non-governmental organizations, equality between men and women, trafficking in human beings, freedom of movement and migration, and freedom of religion. A special grass-roots programme initiative provides rapid assistance to micro-projects in the field.

Self-sustainability

ODIHR democratization projects have been very successful, reflecting a high measure of continuity and commitment to both governmental and non-governmental partners. Many projects have successfully evolved over several years of implementation to address new and developing issues of concern to governments and civil society in a number of different

ODIHR DEMOCRATIZATION SECTION

- HEAD OF SECTION: ERIC RUDENSHIOLD
- OVER 20 STAFF
- CLOSE TO 100 DEMOCRATIZATION AND HUMAN RIGHTS PROJECTS (2001)

countries. Some target groups and project activities have already progressed towards self sustainability and began to work independently which has been one of the ultimate goals of the ODIHR – to develop and foster indigenous capacities.

Target groups

In implementing its projects during the past years, the ODIHR sought to target specific audiences in its work such as the next generation of leaders, vulnerable and at-risk groups, or specific governmental partners. But we also tried to link

and build co-operation between our work and that of other, related developmental projects and international organizations. This form of strategic co-operation and co-ordination has created and amplified a “multiplier effect”, increasing programme impact, as well as overall programme cost efficiency.

There are four overall, strategic objectives that the ODIHR uses in defining its priorities and agenda for democracy programme activities. These overarching, corporate objectives define and provide the basis of continuity between all programmes and precede all country and regional development strategies, and help defining activities for the future:

Civil society and governments

First, to develop, educate and empower civil society in the OSCE region by targeting key groups (younger generation, legal community, academia, etc.), working to enhance the maturity and capacity of society in general, seeking to engage civil society in political processes, and fostering a broader understanding of responsibility within civil society.

Second, to enhance capacities and governmental compliance with OSCE human dimension commitments by increasing rule of law capacities, enhancing accountability and transparency of governmental institutions, promoting the role of governments as guardians of civil society, stressing the roles of the state and the citizenry with respect to each other, fostering the democratic development of each of the three branches of governments, and encouraging flexibility and compromise in decision making.

SOME PROJECT ACTIVITIES HAVE ALREADY PROGRESSED TOWARDS SELF-SUSTAINABILITY – ONE OF THE ODIHR'S ULTIMATE GOALS

Human rights and a comprehensive view of security

Third, to promote and develop awareness of and adherence to OSCE human rights commitments by stressing the universality and indivisibility of these principles, seeking to integrate and institutionalize human rights into governmental policies, promoting the security enhancing aspect of human rights compliance, and operationalizing and increasing the capacity of human rights institutions and mechanisms.

Fourth, to develop a comprehensive view of security among participating States which includes the human dimension by stressing security as dependent upon compliance with human dimension commitments; stressing the importance of inclusivity for national security enhancement; encouraging dialogue, debate and co-operation within and between countries; and promoting human dimension commitments in conflict prevention, resolution, and rehabilitation.

Maintaining flexibility

And finally, the ODIHR is determined to continue to maintain flexibility and its ability to respond rapidly to identified

needs through various programme and other activities. The ODIHR will continue to prioritize and consolidate its overall project portfolio in the future in order to maintain capacity to focus on key strategic areas of development and new issues and priorities for the OSCE.

The kind of work we do generally does not produce rapid results. It instead requires changes in processes and ways of thinking. This can be a very slow, but also eventually a more valuable process. Building on our experiences from the last ten years, I believe that the ODIHR is well positioned to face the challenges of the next decade.

The author heads the ODIHR's Democratization Section.

CIVIL SOCIETY

Case study.....

Training human rights defenders

The Polish Helsinki Foundation for Human Rights, together with the ODIHR, is training human rights defenders in Central Asia and the Caucasus to better monitor and report on human rights problems in their countries.

By Zuza Fialova

In many countries of the former Soviet Union, international human rights standards are taught at schools, universities, special institutes, or by non-governmental organizations (NGOs). However, professional training on how to undertake effective actions for the protection and promotion of human rights is still rare.

As a result, the many people in the former Communist countries who are ready to devote their time, energy and talent to improving the human rights situation in their respective countries often lack practical skills and experience on how to do this in an effective way. One does not have to be a politician to contribute to the reform of laws and their application. But to do so, one needs certain knowledge and skills in order to be able to better identify structural problems and legal flaws, and

to take steps to address them. These skills also help to avoid getting lost in view of the often overwhelming multitude and shocking nature of specific cases and individual violations.

Skills for effective monitoring

The Human Rights Monitoring and Reporting project, which we are implementing together with the ODIHR and OSCE field operations in Central Asia and the Caucasus is designed to provide non-governmental human rights defenders and relevant state officials with skills to carry out effective human rights monitoring and to take appropriate follow-up action aimed at a concrete improvement of the human rights situation.

The project is being carried out in Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan and Uzbekistan, and consists of two phases. The first phase includes two training workshops on how to plan and conduct monitoring and how to use the results. During the second phase the participants are asked to carry out their own monitoring exercise under the supervision of our experts.

Two-phase approach

This two-phase approach has been developed based on our experience with human rights monitoring as well as the experience of other human rights NGOs, governmental agencies such as Ombudsman offices, and international organizations such as the OSCE. The programme was tested several times, and was successfully implemented in the Russian Federation and in the Ukraine in past years.

During the initial two training sessions, the participants exercise strategic planning skills. They learn how to define the goal of the monitoring, how to identify the human rights areas where the introduction of changes is needed and at the same time realistic, and how to choose the type of action that is most likely to lead to the desired changes.

The participants are also trained to recognize what information is necessary to be able to take effective follow-up action. They learn about research techniques and instruments and how to evaluate the collected data, both quantitatively and qualitatively. There are also lessons on how to write and disseminate human rights reports, as well as on planning concrete actions to promote specific changes.

One of the great advantages of the programme is its adaptability. Participants work on real examples using the constitution and the international law in force in their country. Guided by the trainers, the participants then try to adapt tested techniques to the conditions prevailing in their country.

Concrete follow-up

With the introduction of a follow-up phase, we have adopted an innovative approach in the field of human rights training. At the end of the training workshops, the participants propose small monitoring exercises, several of which are subsequently carried out together by the participating organizations in each country. The Helsinki Foundation for

Human Rights and the ODIHR support these exercises financially and provide advice during the various stages of implementation.

THE PROJECT PROVIDES
THE OPPORTUNITY FOR
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The follow-up exercises not only give the participants an opportunity to test in practice their newly acquired skills, but they also encourage them to co-operate among themselves. It often happens that the networking between different organizations participating in the seminars results in attempts to set up joint project initiatives. The follow-up phase offers a concrete opportunity to co-operate on a specific project, strengthen professional and personal links, and to achieve joint successes.

We believe that with the human rights monitoring and reporting projects, the Helsinki Foundation and ODIHR have a concrete impact on improving the human rights situation in a number of countries by enabling domestic human rights defenders to effectively monitor and report on human rights

problems – an important precondition for working for legislative and practical changes. The projects also provide the opportunity for the participants to achieve first, small but concrete successes, the importance of which cannot be overestimated in the difficult fight for human rights.

The author is member of the Helsinki Foundation for Human Rights, Warsaw.

Combating torture

The ODIHR helps governments to eradicate one of the most serious human rights violations.

Torture still is one of the most serious human rights concerns within the OSCE area. Recent reports suggest that torture and other forms of inhuman and degrading treatment or punishment occur persistently and frequently across the whole OSCE region. Beating, electric shocks, and rape are among the most common forms of torture, often used to extract confessions from detainees. Vulnerable groups such as Roma and Sinti, illegal immigrants or asylum seekers are particularly at risk of falling victim to ill-treatment.

International anti-torture efforts

Every year on 26 June, the UN International Day in Support for the Victims of Torture brings this serious human rights violation into the spotlight. Like other international and national organizations and NGOs, the OSCE also contributes to this worldwide effort to focus on supporting torture victims and ending torture by organizing a variety of activities aimed at raising awareness of the problem.

The ODIHR, together with OSCE field operations and its international partners, assists governments with developing

effective strategies or action plans to fight torture. Advised by a panel of prominent experts, the ODIHR carries out numerous anti-torture activities in the OSCE area, including legislative review and prison reform projects.

OSCE commitments

The OSCE participating States have committed themselves unequivocally to eradicate torture. They also have agreed on a comprehensive set of standards and safeguards against torture. “OSCE commitments and other international standards prohibit torture at any time and under any circumstances, including during war and under the threat of terrorism”, says the Director of the ODIHR, Ambassador Gérard Stoudmann.

Although international law requires effective remedies for torture victims and punishment of perpetrators, this happens rarely. The result is a culture of impunity which leads to further instances of torture and ill-treatment. “As long as there is no political will to address this issue, torture will continue to occur”, says Ambassador Stoudmann.

Threat to democracy and rule of law

The occurrence of torture in a society often indicates broader, structural deficiencies such as the lack of checks and balances and separation of power between the executive and the judiciary. The lack of accountability further undermines the rule of law. “Every allegation of torture is a litmus test for the state of democracy and rule of law in

a given country”, says Gerald Staberock, the ODIHR’s Rule of Law Officer. “As long as torture is tolerated, democracy and rule of law will not be able to flourish.”

Positive trends

Among the positive developments is that there is today an international legal framework prohibiting torture, and increasingly effective international procedures for monitoring

“AS LONG AS TORTURE IS
TOLERATED, DEMOCRACY AND
RULE OF LAW WILL NOT
BE ABLE TO FLOURISH”

the compliance with international standards. Also, awareness is slowly building that torturers can be brought to justice in all states that adhere to the UN Convention Against Torture.

On the other hand, moving from standard setting to actual implementation in the respective countries becomes increasingly important, so that the citizens can start to feel the effect of international documents in practice. Key to this is the recognition of the problem at the top political level, which then should lead to a thorough review of the system of legal safeguards and procedures. An important element also is the transparency of state institutions, in particular of closed institutions such as penitentiaries and police stations.

Ultimately, preventing torture is an issue for a society as a whole. It should involve lawyers, prosecutors and judges as much as human rights groups, journalists and even the medical community. “It is important that all relevant groups of civil society discuss and review their country’s compliance with international anti-torture standards”, says Mr. Staberock.

An ODIHR public awareness campaign poster produced for the international anti-torture day

Подвергая людей пыткам



палачи подписывают себе приговор

ООН объявила 26 июня международным днем солидарности с жертвами пыток.

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Interview.....

“Torture creates societies shaped by apathy and fear”

Douglas Johnson, member of the ODIHR anti-torture advisory panel, says ill-treatment is used to silence dissent

•••• *Mr. Johnson, you work with the victims of torture. What is the effect that torture has on individuals?*

Torture is defined by international law as the use of pain – or the threat of pain – both physical and psychological, by persons in authority to gain information, extract confession, or for any other purpose. International law prohibits torture and cruel and inhuman punishment for any purpose whatsoever.

Over the past 20 years, we’ve learned a lot about the short and long-term impact of torture on the survivors and society. We know that many, if not all, survivors have severe symptoms throughout their lives, including physical pain, depression, anxiety disorders, panic attacks, depression, suicidal tendencies, nightmares, intrusive re-experiencing of the trauma, paranoia, and so forth. These patterns are so well documented and consistently reported across cultures that many national courts accept their diagnosis as direct evidence of torture.

“THE FUNCTION OF TORTURE IS THE DESTRUCTION OF LEADERSHIP, MAKING IT INOPERABLE FOR A LIFETIME”

•••• *How would you describe the repercussions of torture for society?*

On an individual level torture is about shame and humiliation. On a larger, systemic level it is about silencing dissent and stripping communities of their leaders. The profile of the torture victims we have treated shows this clearly. Over 60 per cent had a university education. But even those who did not – perhaps those of peasant and worker back-

“TORTURE IS THE USE OF TERROR TO ENFORCE STATE CONTROL”

grounds – were leaders in their communities: labour leaders, business leaders, religious leaders, human rights activists, opposition party officials, health care workers and doctors.

What distinguishes this group is their role as leaders in a society that seeks to restrict leadership to narrow classes and groups. They are, by their intent or by their ideas, leaders of opposition to autocratic authorities seeking to control the state for their own enrichment and power. The function of torture is the destruction of leadership, making it inoperable for a lifetime. Yet it is still more than that. By targeting

and disabling leadership, repressive regimes are also sending a message to their communities, using the network of leadership to send a chill of fear throughout society. The combination of eliminating leadership and the transgenerational effects makes torture an effective tool of cultural transformation. Torture creates societies based on apathy and fear – societies in which citizens withdraw from civic engagement and participation, thus enabling repressive elements to exert their control for generations.

•••• *What forms does torture take? Is it a problem of developing countries or also of developed democracies?*

In our experience, and in the experience of our colleagues worldwide, torture is practiced without regard to ideology. And although we most often think of torture as being practiced primarily in the developing world, it is in fact also practiced in developed democracies as well.

The list of possible types of torture reported by our clients is very long. It includes all kinds of physical assaults, deprivation of humane conditions, sensory over-stimulation, and various psychological forms of torture.

•••• *Do you believe that a valid argument can be made that torture and ill-treatment is an issue of different cultural values?*

The direct answer to this question is no. For those who argue that this is an issue of different values, let me make some observations. Firstly, torture has similar effects on the victims,

across cultures and nationalities. From the view-point of the victim suffering the abuse, the pain and many of the symptoms remain the same across cultural differences. There are no particularities or national traditions that justify its use. Torture is the use of terror to enforce state control. It is those who use the weapons of torture that argue its cultural relativity, not the victims. The cultural difference is the degree of respect and support given to victims.

Secondly, cultures are not static. In fact, torture is a tool of cultural change. Repressive governments use torture to shape society by fear. They teach the public to be uninvolved in civic life. It's disingenuous for those in power to argue to protect their cultures, when they are in fact using torture to continuously reshape their cultures for their own ends.

•••• *What concretely can we do for victims of torture? And what is the value of having a special day designated to the victims of torture?*

The special day dedicated to torture victims by the United Nations is a powerful symbol to torture survivors everywhere. It says, "We believe you and we care". Torture victims need protection, a secure environment, and the opportunity to heal. They should have access to justice and accountability as an important component of each of these needs.

We can heal the wounds of torture, both physical and psychological, when a safe place can be established and the

breakthroughs of knowledge developed over the past two decades are applied. The Convention Against Torture requires all signatory states to provide "as full a rehabilitation as possible", as well as access to protection and legal recourse. All of these components are essential.

Douglas Johnson, Executive Director of the Center for the Victims of Torture in Minneapolis, United States, is a member of the ODIHR's Advisory Panel for the Prevention of Torture.

The Advisory Panel, created in 1998, provides advice and guidance to the ODIHR on developing programmes and activities to combat torture in the OSCE area. The Panel consists of five of the world's leading anti-torture authorities, each of whom serves on the Panel in his or her personal capacity.

A useful tool for building democracy and rule of law

The ODIHR supports the establishment of Ombudsman institutions in transition countries.

By Jens-Hagen Eschenbächer

Ombudsman institutions, originally a Swedish creation, have been a true success story in many countries of Central and Eastern Europe. Established there in the aftermath of communism, Ombudsman and other national human rights institutions have played an important role in the transition processes in the region. Where regular legal remedies have been either non-existent or ineffective, they have taken up human rights cases and they have made the work of the authorities more transparent, for example by having full access to institutions such as prisons, which are usually hidden from the eyes of the public.

Special relevance for transition countries

In view of the positive experience with Ombudsman institutions in Central and Eastern Europe, the ODIHR supports the establishment and work of national human rights institutions in transition countries across the OSCE area. "Ombudsman institutions can be a very useful tool in all democracies, but they often have special relevance for transition countries where well functioning legal structures

In transition countries with human rights problems, Ombudsman institutions can play an important role

are not yet fully established”, says Gerald Staberock who is in charge of the ODIHR’s Ombudsman programme. The ODIHR assists governments in developing the legal framework for the creation of Ombudsman institutions and in training of staff. Currently, the ODIHR is engaged in such projects in Albania, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Montenegro and the Russian Federation. For some of its projects, the ODIHR co-operated with experts from the Ombudsman offices of Poland and Slovenia.

Criteria for successful work

There are certain criteria that must be met for an Ombudsman institution to be able to work successfully. “Most importantly, an Ombudsman institution must be independent”, explains Dean Gottehrer, an Ombudsman expert who works for the ODIHR. “The institution’s staff must be sure that it will not be dismissed after unpopular interventions.”

For the citizens of a transition country to develop trust in the new institution, true independence from the executive branch of government is essential. The ODIHR therefore supports the creation of Ombudsman institutions which are accountable to parliament rather than being part of the government structure. “The question of independence can be seen as a test for whether there is a real intention to create an effective institution or whether pledges are made more as lip-service to human rights protection”, says Mr. Staberock.

Another key aspect is the integrity and personality of the person heading the Ombudsman institution, in particular as

the authority of an Ombudsman or an Ombudswoman usually is more of recommendatory nature and is not legally enforceable. The success of a new institution therefore depends to a large extent on the energy and skills with which the incumbent takes on the role of advocating the people’s rights.

“OMBUDSMAN INSTITUTIONS MUST BE GENUINELY INDEPENDENT FROM THE EXECUTIVE”

A truly new institution

While Ombudsman institutions can play an important role in defending human rights and furthering democracy and the rule of law, the limits of such institutions must be seen realistically. They can hardly exist in the complete absence of at least basic legal structures, and there must be a genuine commitment to a meaningful democratic transition process by the government. Like any other mechanism for the protection of human rights, Ombudsman institutions depend on the general environment they operate in. “We strongly stress the involvement of civil society in the process of establishing an Ombudsman institution”, concludes Mr. Staberock. “As a truly new and different type of institution, Ombudsman offices only can be effective if the public is informed about the scope of their work, and if the people accept these institutions and make active use of them.”

The author is the ODIHR’s Spokesperson.



Interview.....

Information and assistance – just a phone call away

The ODIHR helps trafficked victims by supporting the non-governmental organization La Strada to establish a nation-wide anti-trafficking hotline network in Ukraine. Kateryna Levchenko, the National Co-ordinator of La Strada Ukraine, says the network has assisted at-risk individuals with making informed choices about migration, as well as trafficked persons with their return and reintegration.

••• Ms. Levchenko, with support from ODIHR you have started to establish a network of anti-trafficking hotline services across Ukraine. What has been achieved so far?

The network currently covers seven regions of Ukraine: Kyiv, Kharkiv, Lugansk, Odessa, Sevastopol, Ternopil, and Uzhorod. In Kyiv, we run the hotline service ourselves, in the other regions we work together with local NGOs which form part of the anti-trafficking hotline network. Within the network, we share information and collect data, assist each other with handling concrete cases of trafficking and organize training seminars and public awareness activities.

•••• How can the hotline network help?

We receive two kinds of calls: emergency calls and informational calls. In the case of emergency calls, we try to help trafficked persons by contacting the authorities, police, embassies, or other non-governmental organizations. We also assist with the repatriation of trafficked persons.

As regards informational calls, we advise persons who would like to work abroad about legal job opportunities. We also inform them about the potential risks of migrating abroad. We have a whole list of questions we ask in order to find out whether a certain job offer could entail a risk of trafficking or ending up in involuntary working conditions. If we have the feeling that this might be the case, we warn the caller and advise him or her not to accept the offer.

The establishment of the network also allowed us to better co-ordinate with state authorities and other local NGOs to provide direct social, medical and legal assistance for trafficked persons.

•••• Who are the counsellors working in the hotline centres?

At the moment, some 30 consultants are available through the hotlines in the regions, six hours per day, five days per week. The consultants usually have a human rights background. In addition, they receive specific psychological and practical training on how to provide counsel, assess the information received and take appropriate follow-up action.

•••• Has the hotline service been well received by the target groups?

Absolutely. We have received more than 8,000 telephone calls from across Ukraine through the La Strada hotline since November 1997. Our partner NGOs received an additional 5,500 calls since last September. Most calls came from the Kyiv region, but a very high number also come from Ternopil in the west of Ukraine, where many people want to work abroad. Our local partner NGO in Ternopil has been very successful in raising awareness about trafficking in human beings. These activities have resulted in a considerable increase in the number of calls that their hotline receives. This shows how important it is to combine hotline services with public awareness raising programmes.

EVERY CALL WE RECEIVE
MEANS HELPING A TRAFFICKED
PERSON OR PREVENTING
SOMEONE FROM POTENTIALLY
FALLING VICTIM TO TRAFFICKERS

•••• How would you assess the impact of your work?

Every call we receive means that we have the opportunity to either concretely help a trafficked person or prevent someone from potentially falling victim to traffickers. In the past months, we thus have been able to assist many people to find a legal and safe way to work abroad, or to safely return to Ukraine.

A poster announcing the exhibition that accompanied a major ODIHR anti-trafficking conference in Berlin in October 2001



GENDER EQUALITY

Case study.....

Eradicating violence against women

An ODIHR conference placed the problem of violence against women on Azerbaijan's agenda and triggered the first broad discussion of the issue.

By Dr. Kamilla Dadashova

One of our major achievements, since our foundation as the first non-governmental organization in the region focusing specifically on violence against women, was a joint project with ODIHR on violence against women. This culminated in a highly successful conference on this topic in spring 2000.

An important event for Azerbaijan

The conference "Say no to violence" was a very important event for Azerbaijan, a country where traditions and mentalities are very much dominated by the role model of male dominance over women. For the first time the issue of violence against women was discussed publicly among a

broad audience which included representatives of the Government, parliamentarians, state officials from various ministries, as well participants representing domestic NGOs and international organizations. As a result of the conference, recommendations for a national plan of action on the elimination of violence against women were developed.

I am convinced that our joint project with ODIHR made an impact on the attitudes towards violence against women in our country. The general public became interested in this problem for the first time, and the number of NGOs working on violence against women has increased. A number of international NGOs working in Azerbaijan have approached us with requests for training for their staff following the conference.

Prospects for change

It can also be said that the conference, which received a lot of media coverage, contributed greatly to a change in attitude among affected women. Whereas before their situation seemed hopeless, the conference gave them confidence that something can be done to raise awareness and eradicate violence against women. It was generally felt that if the government and such high profile international organizations as the OSCE are concerned about the issue, then there are prospects for change. Following the conference, a large number of women started to contact us and expressed their wish to work as volunteers.

The members of “Symmetry”, now the leading NGO in Azerbaijan dealing with violence against women, started working on this problem long before they established the organization. Working as doctors and nurses, we had often come across women patients who had been subjected to violence, especially domestic violence, and had witnessed the fear and hopelessness in their eyes. It was these experiences which spurred us to work to combat this problem. Today we can say that we have learned a lot and much has been achieved.

The support of institutions such as the ODIHR with its international authority in the field of human rights and democracy-building and its highly respected experts has been crucial for us, as well as for gender-related work in Azerbaijan in general. With support from ODIHR we hope to be able to focus on strengthening preventive measures in the future by working with the police, lawyers, and different state structures. Our co-operation with the ODIHR encourages us to reinforce our efforts aimed at the protection of, and support for, victims of violence as well as the elimination of violence against women in the region.

The author is President of the NGO “Symmetry”.

The ODIHR trains women to lobby for their rights, including in Central Asia

FOR THE FIRST TIME,
THE GENERAL PUBLIC BECAME
INTERESTED IN THE PROBLEM OF
VIOLENCE AGAINST WOMEN



Prisoners take part
in a special needs voting
programme

FOCUS ON SOUTH EASTERN EUROPE

Prisons – a measure of democracy

The ODIHR helps reform prison systems by training prison officials.

By Jens-Hagen Eschenbächer

“Show me your prisons and I shall say in which society you live.” Linking the conditions in prisons with democracy, this quote by Winston Churchill could be the motto of the ODIHR’s work in the field of prison reform.

“Prisoners belong to the most vulnerable groups in a society”, says Michael Meyer, an ODIHR Adviser co-ordinating the Office’s prison reform programme in South Eastern Europe. “In prisons you have maximum influence of the state on the individual with only limited control mechanisms.” Reforming prison systems also contributes to conflict prevention. In particular in fragile transition countries, crisis situations in prisons such as hunger strikes or riots can easily turn into a general political crisis and instability. However, due to limited resources, prison reform programmes are rarely among the policy priorities in transition countries.



The ODIHR carries out prison reform projects in a number of OSCE countries. South Eastern Europe is a regional focus of the ODIHR's work in this field. In Croatia, for instance, the ODIHR carried out a prison reform programme which led to the establishment of a national training college for prison personnel and a series of training workshops for the teachers at the college and prison officials.

A new generation of prison officials

“Training of prison staff is absolutely crucial”, says Peer Colliander, a former prison governor from Sweden who works for the ODIHR as a prison expert. “Prison officers have enormous power vis-à-vis the prisoners in their daily work. It is our experience that well-trained officers are likely to treat prisoners well and respect their human rights. They also tend to create a positive working atmosphere among themselves which in turn has very positive effects on the prison conditions as a whole.”

The new prison college in the Croatian town of Lipovica, opened in October 1999, has been very successful in training a new generation of prison officials. All newly recruited prison personnel go through a three-month training programme which includes courses on the human rights of prisoners and mechanisms for dealing with crisis situations. The ODIHR advised on the curriculum and administrative issues, and conducted training for the trainers of the college. “We learn here how to cope with all the problems we will face in our daily work in the prisons and how to communi-

cate with the prisoners”, says Mirela Lizacic-Mundjer, a social worker and future prison official participating in the training programme. “What I particularly like here is the friendly atmosphere and the team spirit among the trainees.”

Improving relations with the public

Increasing the transparency of prisons is another important aspect ODIHR assistance projects focus on. In many transition countries, prisons have been completely closed off from the public. Consequently, both the prison management and the media have little experience with dealing with each other, and often there is an atmosphere of distrust and suspicion between both sides.

“It is in the interest of the prisons themselves to improve their relations with the media”, explains Peer Colliander at one of the ODIHR training workshops in Zagreb. “Prison governors often complain about the aggressiveness of journalists and a lack of objectivity in media reports about prisons. After this workshop I think they understand better that it is the legitimate role of the media to inquire and to present views that are not necessarily the views of the prison management. Often behind the alleged lack of objectivity is not bad will but simply lack of knowledge on the part of the journalists.”

As a result of the workshop, the prison governors, who represented 22 out of 24 prisons in Croatia, agreed to improve their relations with the media in an attempt to increase the transparency of their prisons.

Another regional focus of the ODIHR's work in this field is Central Asia. In 2000, the ODIHR organized a similar seminar as part of its prison reform project in Kazakhstan. The seminar brought together Kazakh prison officials and journalists for the first time and was very successful in establishing lines of communication between the prison system and the media. “The seminar was characterized by an openness between the two sides that seemed to surprise even themselves”, concluded Donald Bisson, the ODIHR Adviser who is in charge of the Office's prison reform project in Kazakhstan. “Both sides were encouraged by the discussion and are eager to continue the dialogue.” During the seminar, the journalists were allowed to visit a prison, and the prison authorities promised that they would grant the media greater access to prisons and prisoners in the future.

Models for other transition countries

In both Croatia and Kazakhstan, the prison reform has been so successful that the ODIHR now increasingly focuses on using these countries' experiences as a model for similar reform programmes in other transition countries within the OSCE area – in line with the ODIHR's general policy of identifying best practices and making them available to others.

The author is the ODIHR's Spokesperson.

Improving trust in police during crisis situations

A series of crisis management workshops helped establish contacts between security forces and local authorities in the former Yugoslav Republic of Macedonia.

By Michael McNamara

Not that anybody needed to be reminded of the seriousness of the situation, but it was driven home on the way to the first workshop when we met a convoy carrying a destroyed military vehicle outside Skopje on the highway north to Tetovo.

We later learned that it was carrying three soldiers from the Bitola area who lost their lives when the vehicle was attacked. Two members of the OSCE Spillover Monitoring Mission to Skopje attending the OSCE crisis management workshop had to leave for Bitola as a result of the rioting and looting of minority-owned shops that followed the news.

Learning from the Northern Ireland example

The first of a series of seven workshops, organized over the summer of 2001 by the ODIHR and the OSCE Mission to improve the ability of local authorities and security forces to manage crisis situations, was held in Mavrova in the north west of the former Yugoslav Republic of Macedonia. The

workshop featured a presentation by representatives of the Royal Ulster Constabulary, the police service of Northern Ireland, and a KFOR representative about the role of the police and army in crisis situations respectively.

“The workshops were designed to focus the participants on how consultation and co-operation between them could be developed,” said Superintendent Roy Fleming of the Northern Irish police service. “This was achieved by my sharing policing experiences from Northern Ireland and inviting the participants to consider, within the Macedonian context, how the trust and confidence in the police, so vital in a democratic society, could be improved”, he explained.

The workshops also included an ODIHR presentation on the international legal norms relevant in a crisis situation. “Respecting international humanitarian and human rights obligations should not be understood as an impediment to the operations of security forces, but rather as an essential part of a strategy that aims at de-escalation and the moral isolation of the armed groups,” said Michael Meyer, then ODIHR Balkans Adviser.

Desire to improve co-operation

At the workshop held for the western parts of the country, Gostivar, Kichevo and Debar, it emerged that the level of co-operation between municipal authorities and security forces varied greatly from one town to another. What also emerged in many cases was a general desire to improve liaison even if this often was accompanied by a reluctance

to take the first step. As a direct result of the workshop, the first meeting between the mayor and the police commander of one town was held.

Mr. Slavomir Ukropec, a Field Monitor with the OSCE Mission said another result of the workshops was that co-operation between security forces and the monitors in the field improved. “The previous negative perception of the OSCE that existed in the villages, especially amongst Slav Macedonians, was dispelled,” he said.

Encouraged by the atmosphere of the first, it was agreed to hold continue with workshops for other sensitive areas, first in the North, the Tetevo area, the Greater Skopje area and the Kumanovo area, the later hastily organized to take advantage of the cease-fire, and subsequently in the South.

Establishing regular communication

According to Imer Selmani, the Mayor of Saraj, the atmosphere of the meeting he attended was very positive. Saraj is a predominantly ethnic Albanian village between Skopje and Tetevo, which in the weeks which followed the seminar became an area of ethnic conflict. He said he was pleased with the “positive approach of the other mayors, especially of the [Slav] Macedonian mayors.” He added that “relationships were improved in a sense that after establishing first contacts there is regular communication now”.

The mayor of Kumanovo, Slobodan Kovacevski, was especially pleased with the information shared and the concrete examples given. Inspired by the workshop he organized a

similar meeting in Kumanovo, in which the role of NGOs and international organizations was discussed. “After our workshop people were able to better understand the role of these organizations”, he said.

The workshops have also greatly assisted in raising awareness at local level throughout the country of the OSCE’s role in the former Yugoslav Republic of Macedonia. According to Harald Schenker, Media Adviser at the Mission, the OSCE has been subjected to a concerted campaign of misinformation by certain media in the country. Standards vary hugely in the deregulated sector and according to Mr. Schenker, “it cannot be said that the media played a positive role in this crisis.”

Fostering dialogue between communities

The final round of workshops, in the south of the country, had the additional task of explaining the framework agreement, signed two weeks previously, in particular the aspects relating to local government and policing reform.

Mr. Andreas Raab, Political Adviser at the Mission, was pleased with the workshops’ results. “In some instances the workshops brought about the first exchange of ideas between mayors and the police,” he said. “The workshops fostered dialogue between different communities, and helped create a better atmosphere in the relationship between the police and security forces and the international community.”

The author works as Monitoring/Public Affairs Officer with the ODIHR.

Abolishing restrictions on freedom of movement

It is not the kind of work that grabs headlines, but the long-term engagement by the ODIHR to help reform propiska – the cumbersome registration procedures for foreigners and citizens – will improve the lives of millions.

By Dr. Vladimir Shkolnikov

It was a long day for the young Canadian traveller sitting next to me on a Kyiv-bound plane from one of the European capitals. He had started his journey in wee hours in Montreal, and had yet another flight to take, from Kyiv to Simferopol in the Crimea, where the Canadian's Ukrainian wife was visiting her parents.

Hours of standing in line

“At least once I get to Simferopol, I do not have to register with the police anymore”, said my seat neighbour with a sigh of relief. Until 1 July 2001, anyone coming to Ukraine for longer than three days and staying with friends or relatives had to include on his or her itinerary a visit to the Ministry of Interior's Department of Visas and Registration. This visit often took hours of standing in lines, and involved filling out numerous forms and paying registration fees. A failure to register could lead to detention and a fine if a visitor was to be stopped for a document check by police.

On 1 July the situation changed due to a Presidential Decree issued two weeks prior. Now foreigners coming to Ukraine can bypass the unpleasant procedure described above. A simple border guard stamp is now sufficient evidence to establish that a foreigner is staying in Ukraine legally. The young Canadian did not know that the person seated next to him in the plane listening politely to his story was an adviser with the ODIHR, which has carried out a project with the Ukrainian Presidential Administration to review registration procedures for both foreigners and citizens of the country.

A Soviet legacy

Ukraine is not unique among the OSCE states in retaining cumbersome registration procedures for foreigners and its own citizens, failure to follow which could result in fines and even jail time. These registration procedures are a legacy of the Soviet period when the state restricted freedom of movement and choice of place of residence. This system, best known by its Russian name *propiska*, made it illegal for citizens of the Soviet Union to reside and hold jobs anywhere but the part of the country where a person was registered, i.e. had *propiska*. This system, introduced for the purposes of planned economy, deprived people of their basic human right of choosing a place of residence. Changing one's place of residence was virtually impossible.

The legacy of this system has proved to be enduring in the former Soviet states. Many people understood that the *propiska* system contravened the international standards

on freedom of movement and choice of place of residence. However, the vexing part was that this system served many other purposes. It was used, for example, to keep records for the provision of social services and as a basis for voter registers.

Challenging the propiska system

Many people started challenging the *propiska* system, either in courts or in real life by moving to places where new opportunities emerged. Even though the *propiska* system was no longer enforced as stringently as during the Soviet period, people who moved from their original place of residence frequently found their rights violated. For example, people who had moved from the places where they had *propiska* were prevented from their right to vote because their names were not in the voter registers. Even more desperate was the plight of people who had to leave places of their residence due to internal conflicts and human-made disasters. Many of them found that they could not access vital services due to lack of registration while the state officials were confounded by the prospect of having to manage large-scale population movements.

There was a dearth of expertise on how long-established democracies manage to register their citizens while not restricting freedom of movement and choice of place of residence. This is why the ODIHR offered assistance to a number of participating States in the reform of their registration systems.

Legislative reform

Such a project can not produce immediate results, of course. The work in Ukraine was preceded by a two-year engagement in the review of human rights legislation by the ODIHR and the Office of the OSCE Project Co-ordinator in Ukraine. The choice of partners for the freedom of movement review proved to be critical. The Department of Citizenship of the Presidential Administration took the lead in this project on the Ukrainian side. In addition to the review, two training visits were organized. The first visit was to Denmark, a country with one of the first systematic population registration systems in the OSCE region (the registration system works so well, the country does not need to conduct censuses anymore). The second was to Moldova, one of former Soviet countries that has been in the forefront of the reform of the registration system (the Constitutional court of Moldova found the *propiska* system as contrary to the right to freedom of movement and choice of place of residence). The trips provided first-hand experiences on how the reform can be implemented.


Impact felt by the average people

The experience of the Ukraine project shows that democratic changes do not happen overnight. Yet when the political will is supplemented by well-targeted assistance, changes are possible. Citizens as well as foreigners, including investors, no longer have to worry about registration. Democratic changes do have benefits for the economy in seemingly small but important ways.

The ODIHR had similar experiences of long-term engagement with a number of the OSCE participating States. In early 2000 the ODIHR held a meeting of NGO and government representatives in Almaty on the issue of freedom of movement. One of the main recommendations of the meeting was to abolish the so-called exit visas for citizens of Kazakhstan travelling abroad. The OSCE maintained a dialog with authorities of Kazakhstan on this topic, and very recently exit visas made their exit thanks to a decree by the Government of Kazakhstan.

Similarly, the ODIHR is engaged in a number of countries where it continues to work on development of migration legislation. It is not the kind of work that immediately grabs headlines, but the overall impact is felt by the average people, including the young Canadian travelling to Ukraine.

The author is the ODIHR's Migration/Freedom of Movement Adviser.



DEMOCRATIC CHANGES
BRING ABOUT BENEFITS
FOR THE ECONOMY
IN SEEMINGLY SMALL
BUT IMPORTANT WAYS

Promoting the Rights of Roma and Sinti

Interview.....

Towards a political Roma nation

Nicolae Gheorghe, appointed by the ODIHR in 1999 as the first full-time international official working solely on Roma issues, is one of the key actors in shaping the current Romani identity-building process in Europe. He says only a Romani “nation” created along political rather than cultural or ethnic lines can reflect the immense diversity of the groups commonly referred to as “Roma” or “gypsies”.

•••• *Mr. Gheorghe, before you joined the ODIHR in 1999, you worked as an activist on Roma affairs for many years, both in your home country, Romania, and internationally. What was it that made you go in this direction?*

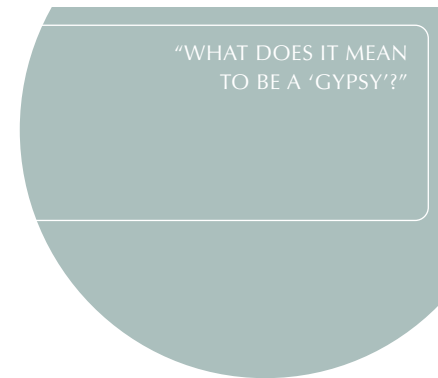
Since the early 1970s, I worked as a researcher at the Institute for Sociology in Bucharest, mainly on regional planning and rural development. This brought me in contact with Roma communities all over Romania – partly for professional reasons, partly because of a strong personal interest. I was permanently in search of my identity, and I still am today. What does it mean to be a “gypsy”? What does it mean for others? It was not something to be proud of; it was a stigma. I learned during my childhood from the children on the street, the neighbours, that I was not only different, but also regarded as less than others. This is something I internalized when I was a child, and, frankly, I believe it will remain with me for the rest of my life.

In my contacts with Roma communities, I discovered the immense cultural and social diversity of the different groups which share the name “Roma” or “gypsies” but very often have not much more in common than that. While discovering this diversity, I realized the solution to my own problem and what eventually became the underlying motivation of my activism: the need to eradicate stereotypes and negative prejudices against Roma by making clear the diversity behind the stereotype when you look at different groups and individuals.

It was not until the 1980s, however, that I became actively involved in defending the rights of Roma. At the time, the Romanian authorities tried to enforce the state gold monopoly and systematically and often forcefully deprived the Roma of their gold. You have to know that collecting gold is an integral part of Roma tradition. It was then that I started my career as an activist by writing letters to the authorities protesting against police abuse in connection with the gold raids.

•••• This was also the time when you got in closer contact with major Roma leaders?

Yes, I worked as personal secretary of Ion Cioaba who later proclaimed himself the king of all Roma. We fought for the official recognition of the Roma as a national minority in Romania at that time, but it was not until after the 1989 revolution that we managed to register the first Roma association.



In the 1980s I also started to establish contacts with European Roma leaders such as Romani Rose, Rudko Kawcinski, Andrej Mirga and others, and we managed to get involved in the international Roma movement.

•••• After the fall of the wall you started to lobby international organizations to put the difficulties of Roma on their agenda. How successful were these efforts?

I think they were quite successful, in particular within the CSCE/OSCE. I was invited to attend a side meeting of the CSCE Copenhagen Meeting in 1990 and ended up staying for seven weeks lobbying state delegations for the inclusion of commitments on Roma in the final document. Eventually, only one sentence was included in the Copenhagen Document, but it was a major breakthrough: for the first time the particular problems of Roma were recognized at the international level.

Those weeks in Copenhagen were an essential experience for me. Encouraged by the success of Copenhagen, I continued my lobbying at various CSCE/OSCE forums, and more commitments were added during the following years.

•••• Did these commitments have an impact on the situation on the ground?

I believe in the positive effects of words. It is a first step. They influence political mentalities, then institutions and eventually real life. Just look at the OSCE: what started with one sentence in 1990 has evolved by now into concrete programmes on the ground, managed by the OSCE Contact Point for Roma and Sinti Issues, which was established within the ODIHR in 1994 and expanded in 1998. In general, there is much more awareness of the problems Roma face today than ten years ago. And much more is done by governments, NGOs and international organizations to concretely solve these problems.

•••• In addition to your work at the international level, did you remain engaged in Romania?

Very much so. Immediately after the 1989 revolution, anti-Roma violence erupted in many places in Romania. Many Roma were expelled from their villages and their houses burnt down. I started to document what happened, and tried to bring the Roma back to the villages they were expelled from. I talked to non-Roma villagers, negotiated

with the local authorities, and listened to their complaints for hours and hours. I wanted them to accept the Roma, and we tried to get justice and compensation through the court system. On the other hand, I had to convince the Roma to comply with the legitimate demands of the authorities. Eventually we could start to rebuild the houses and many Roma returned and were reintegrated into their villages. I wasn't aware of the term at the time, but this was a successful example of what we now call confidence-building in our projects.

•••• The Roma of Europe are currently undergoing a development which can be described as a nation-building process with attempts to develop Romanes into a modern and commonly used language or to create a Roma representation at European level. Will this eventually lead to the creation of a Romani nation, or even nation state as some Roma leaders suggest?

A Romani nation or nation state created along ethnic lines would be an artificial construction given the enormous cultural and social diversity of what we usually refer to as “Roma”. I have become highly suspicious of all concepts that are based on the ideas of ethnic nation or national unity, etc. The Roma themselves have suffered a lot from the implementation of such concepts by others throughout their history. Copying these concepts would not only be artificial, it would also mean becoming as exclusive and intolerant as those we have been criticizing for their exclusiveness and intolerance. This cannot be the solution.

•••• *So what is your vision then of the future of the Roma in Europe?*

I see the future of the Roma as a transborder, non-national minority in Europe organized not along ethnic, but political, civic lines. I believe that the current process leads to the creation of a Roma nation as a complex political entity consisting of a multitude of different public associations, groups, political parties and also identities at all levels: local, national and international. As a political nation based on the will of the individual rather than on ethnicity, the Roma will find their place in a complex world made up of nation states, NGOs and international organizations.

Our projects on the ground contribute to this process by promoting the participation of Roma in public life, strengthening the capacities of Roma associations, and bringing different, sometimes hostile groups together. This aspect perhaps has been the greatest challenge in my work, but there now exists a momentum to bring people together, to create alliances, not for eternity, but for a moment, a political moment, when you manage to capture their interest, their imagination and direct it towards a common goal.

“ONLY ONE SENTENCE WAS INCLUDED IN THE COPENHAGEN DOCUMENT, BUT IT WAS A MAJOR BREAKTHROUGH: FOR THE FIRST TIME THE PARTICULAR PROBLEMS OF ROMA WERE RECOGNIZED AT THE INTERNATIONAL LEVEL.”



A school boy in class
at a Roma community
camp in Kosovo

Returning to Pristina

With ODIHR support, Azir Jasari, a Roma refugee from Kosovo, managed to overcome his trauma and work for reconciliation between Roma and Kosovar Albanians.

By Jens-Hagen Eschenbächer

Azir Jasari was one of the last to leave. During the power vacuum that followed the withdrawal of Serbian forces and the arrival of KFOR peace-keepers in Pristina in June 1999, most of the Roma left the city.

The Roma of Pristina, a once thriving community of more than 20,000 people, had now become targets of attacks by returning ethnic Albanians who had fled Prishtina in fear of atrocities committed by Serbian forces during the NATO air strikes. They were suspected of having collaborated with the Serbs.

Fleeing Pristina

Before the war, relations were very good between Roma and ethnic Albanians in his neighborhood, remembers Azir, an intellectual who worked as a journalist for a Romani TV station before the war. The Roma of Kosovo were generally well integrated into society. Pristina was once an important European centre of Romani culture and emancipation.



This ended in the immediate post-war period. Roma were attacked on the street and in their houses, women and girls were raped, and houses were looted and burnt down. After two weeks of fear and uncertainty, Azir finally decided to leave Pristina with his wife and three daughters.

Horrible images

A month later, he secretly returned to Pristina, helped by an ethnic Albanian friend. He saw only strangers on the streets of his former neighborhood. His house was burnt down. He returned to Serbia, where he had found refuge, the same day; the day the sleeplessness began.

He consulted several doctors, took many pills, but to no avail. Horrible images reappeared over and over. He says he was in a state of mental despair when he received an invitation for a meeting of Roma journalists in Poland in late August 2000, where he met Nicolae Gheorghe, the ODIHR's Roma and Sinti Adviser, for the first time.

His idea to document what happened to the Roma in Kosovo immediately grabbed Gheorghe's attention. He advised Azir to develop a concrete project proposal and come to Vienna for an OSCE meeting on migration and internal displacement to discuss the details.

Looking back, he sees his stay in Vienna in September 2000 as a decisive turning point in his recent life. Encouraged by Gheorghe to proceed with his documentary project, and shaken up by the highly-respected Chairman of the Austrian

NGO Romano Centro, Dragan Jevremovic, who reminded him of the key Romani traditional obligation to take responsibility for one's life and family, he left the OSCE meeting with the determination to deal with his trauma by returning to his former profession as journalist.

Breaking down the barriers of hatred

Supported by the ODIHR and the Open Society Institute, he started to collect testimonies by other Roma refugees from Kosovo. He diligently recorded on video what they experienced before and after they had to flee their homes, but also their memories of how life was before things went so terribly wrong in Kosovo. At the International Festival of Ethnographic Films in Belgrade in September 2001 he presented what has become an impressive example of oral history on the life of Roma in Kosovo and the hardships they have faced.

Azir feels this project got him back on his feet. He sees it as an important step to overcome what he experienced and wants to continue on this path, possibly by showing the documentary in Kosovo to an ethnic Albanian audience. Perhaps, he says, this would contribute to breaking down the barriers of hatred and distrust which so much mark the relationship between Roma and the Kosovar Albanians today. And perhaps it would thus contribute to what remains his greatest hope for the future: returning to Pristina.

The author is the ODIHR's Spokesperson.

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