# THE OSCE/ODIHR HUMAN DIMENSION: QUO VADIS?

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**Abstract**

In the scientific research was analyzed the importance role of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The activity spectre are support, assistance and expertise to participating States and civil society for promoting democracy, rule of law, human rights and tolerance, and non-discrimination. The article gives comprehensive study of the main point Office: elections, review legislation and government advices on how to develop and sustain democratic institutions. The author underlines the ODIHR training programmes for government and law-enforcement officials to assist and monitor human rights.

We showed how ODIHR has developed a collection of resources and steps to raise awareness about discrimination, hate crimes, anti-Semitism and other forms of intolerance. We also examined, all in all, questions connected with the place and role of the Office in the architecture of the European security receive equal attention.

## INTRODUCTION

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and non-discrimination. ODIHR observes elections, reviews legislation and advises governments on how to develop and sustain democratic institutions. The Office conducts training programmes for government and lawenforcement officials and non-governmental organizations on how to uphold, promote and monitor human rights.

The ODIHR was set up in Warsaw and its tasks include facilitating contacts and exchange of information, election monitoring, practical support in consolidating democratic institutions, respect for human rights and civil society, the rule of law, and increased contracts with international organizations and NGOs. The ODIHR participates in an advisory capacity in PC

meetings, reporting regularly on its activities and providing information on implementation issues. In close consultation with the Chairman, the Director of the ODIHR Matteo Mecacci, was appointed in December 2020, may propose further action in any human dimension issue, if considered of relevance. As a fundamental tool for the pursuit of human dimension objectives within the OSCE, the ODIHR became the main institution of the human dimension. By the monitoring of the implementation of human dimension commitments within the OSCE area, the ODIHR plays a valuable early warning and conflict prevention role, extending its assistance to the OSCE missions in the field [1].

All ODIHR's activities are carried out with the aim of benefiting the 1.2 billion people who live in the OSCE region to enjoy the rights and freedoms enshrined in the OSCE commitments and the values in the Universal Declaration of Human Rights. The ODIHR's main activities are: ✓✓ Elections; ✓✓ Democratization; ✓✓ Human Rights;

✓✓ Tolerance and Non-discrimination; ✓✓

Contact Point for Roma and Sinti Issues [2].

While much of the year was overshadowed with the COVID-19 pandemic, 2020 saw the OSCE's participating States mark 30 years of the landmark 1990 Copenhagen Document, which was to become a milestone in the protection of human rights and democratic values across the entire region. The far-sighted and courageous agreements signed in Copenhagen and in Paris later the same year remain of paramount importance and are relevant more than ever. It contains key OSCE commitments for democracy, including free elections and the rule of law.

Despite the many challenges to its work, ODIHR is able to provide advice and expertise to strengthen the democratic institutions and processes central to governments' responsibilities to their people, especially in times of crisis. ***Winston Churchill's words:" Never let a good crisis go to waste."*** [3] Even the dark cloud of this situation in the whole World offers some silver lining by way of opportunities: good breadth of knowledge, fresh perspectives. ODIHR therefore continues to play a unique role within the OSCE, supporting participating States and civil society in strengthening democratic institutions and respect for the human rights of every individual across the OSCE region, amid pandemic.

**The ODIHR's resilience and ongoing commitment of mandate**

ODIHR carries out election observation in OSCE participating States to assess the extent to which elections respect fundamental freedoms and are characterized by equality, universality, political

pluralism, confidence, transparency and accountability. Across the OSCE, elections continued to be held, courts continued to rule and laws continued to be made, despite, and often in response to, health risks. ODIHR increased its efforts to support states in upholding democratic standards following the introduction of emergency measures, suggesting ways to ensure our democracies could continue to function.

Office for Democratic Institutions and Human Rights continued election observation through the COVID-19 pandemic. The Office has deployed more than 380 election observation missions to almost all OSCE participating States. Missions range in size depending on the needs of the given state, and are complex undertakings that sometimes involve hundreds of observers to reach the furthermost corners of a voting country. In the course of 2020, the COVID-19 pandemic presented numerous security, safety and logistical challenges, but elections continued to take place. ODIHR deployed a total of 16 election observation and assessment missions to a wide range of countries, including Azerbaijan, Georgia, Kyrgyzstan, the Republic of Moldova, North Macedonia, Serbia, Ukraine and the United States.

Democracy is a government by the people exercised either directly or through elected representative. Democracy intends legality and legality intends the democratic state with the Power Institutions high level of function, impartial justice system and maintenance of main humanity rights and freedom. But it can be possible some deviations from the harmonious connection between the Law and democracy and the rules of law have narrow group content and deviation the Law from the democratic statutes.

When we say “democracy”, we only mean “elections” but election don’t automatically foster democracy, may instead prevent or destroy it. The words “election” and “democracy” have become synonymous [4]. The electoral democracy intends conditions for free will without compulsions. Electoral competitors must be in equal conditions in mass media and in maximal “exemption limits” of electoral costs, cannot be discriminated in the process people-competitors. Naturally, the integrity of the election process is fundamental to the integrity of democracy itself. ***“While democracy must be more than elections, it is also true it cannot be less” former Secretary General Kofi Annan once said (Annan, 2000).*** In the wake of the COVID-19 outbreak, governments introduced measures to contain the spread of the virus, making use of executive powers that often significantly restricted a number of human rights. At the same time, in crisis situations, pre-existing patterns of discrimination, marginalization and vulnerability are

exacerbated. Women and men, girls and boys have experienced the effects of the crisis itself, and of the extraordinary measures taken to counter it, in very different ways. People in situations of vulnerability became even more vulnerable and invisible due both to the public emergency and state responses.

ODIHR brings governments and civil society organizations together to work towards full respect for human rights, fundamental freedoms and democracy. By equipping civil society to play a productive part of democratic decision-making processes and providing opportunities for authorities to engage around human rights issues, the Office works to strengthen the security of the entire region. The impact stories here emphasize ODIHR's work providing human rights defenders with tools to safely fulfil their monitoring roles to protect equal rights women and men, people with disabilities, children.

On tolerance and non-discrimination, ODIHR supports OSCE participating States in their response to hate crimes and racism manifestations, xenophobia. All activities in this area focused on: reporting, response to incidents, as well as educational activities to promote tolerance, mutual respect and understanding [5]. ODIHR has developed a collection of resources and programmes to raise awareness about discrimination, hate crimes, antiSemitism and other forms of intolerance, including against Muslims, Christians and members of other religions. Through advising on policy and the training of law enforcement personnel and educators, the Office works to build the capacity of governments in preventing and responding to this problem [6].

Racism and discrimination against the Roma and Sinti continue to occur in many forms across the OSCE area. Since the outbreak of the COVID-19 pandemic, there has been a sharp surge in racism, adding to the vulnerability that Roma already faced long before this health crisis. ODIHR has several mandated tasks stemming from "the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area" to combat racism and discrimination, including activities to address media bias and help to build strong Roma and Sinti civil society.

In 2020 and nowadays continue, ODIHR further developed the capacity-building initiatives it started in 2019 in Ukraine, aimed at strengthening the human rights monitoring capacity of Roma human rights defenders, by expanding them to another six participating States (Bulgaria, Czech Republic, Hungary, North Macedonia, Romania and Slovakia). The training also aimed at assessing the human rights situation of Roma in the respective countries by supporting human rights monitoring activities.

This programme for Roma human rights defenders increased participants' knowledge and skills to successfully monitor human rights, with a methodological focus on safety and security. ODIHR has developed a number of educational materials to effectively prevent antiSemitism both in and through education. The Office again joined forces with UNESCO and launched a four-volume publication Addressing Anti-Semitism in Schools: Training Curricula, developed with the support of the University College London Centre for Holocaust Education.

ODIHR's mandate derives from a number of international instruments, adopted by the OSCE:

- *DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE (1990)* [7];
- *CHARTER OF PARIS FOR A NEW EUROPE (1990)* [8];
- *ISTANBUL SUMMIT DOCUMENT (1999)* [9];
- *CHARTER FOR EUROPEAN SECURITY(1999)*[10];
- ***OSCE Ministerial Council final documents, including****:*
  - ✓✓ *CSCE BUDAPEST DOCUMENT 1994 TOWARDS A GENUINE PARTNERSHIP IN A NEW ERA* [11]; ✓✓ *TENTH MEETING OF THE MINISTERIAL COUNCIL PORTO 2002* [12]; ✓✓ *DECISION No. 4/03 TOLERANCE AND NON-DISCRIMINATION, Maastricht 2003* [13];
  - ✓✓ *DECISION No. 13/06 COMBATING INTOLERANCE AND DISCRIMINATION AND PROMOTING MUTUAL RESPECT AND UNDERSTANDING, Brussels 2006* [14].

The **Office for Democratic Institutions and Human Rights** (**ODIHR**) is the principal institution of the Organization for Security and Cooperation in Europe (OSCE) dealing with the "human dimension" of security. The Human Dimension is one of the three pillars of the OSCE security concept. It was established initially in the Helsinki Final Act of 1 August 1975 [15], the founding document of the OSCE, as it was to become. It particularly emphasizes respect for and protection of human rights as a precondition for security and stability. Since then the CSCE – today OSCE – participating states have adopted a comprehensive catalogue of commitments in the field of human rights, democracy, rule of law, protection of minorities and tolerance [16].

**ODIHR in the Republic of Moldova**

The OSCE Mission to Moldova was established in 1993 to assist in negotiating a lasting political settlement of the conflict between the Republic of Moldova and Transdniestria. The Mission is also mandated to provide advice and expertise on human and minority rights, democratic transformation, and repatriation of refugees within the "Human Dimension". The Mission expanded its human dimension portfolio in 2003 to work to combat trafficking in human beings and promote gender equality [17].

We can conclude that the current situation in the Republic of Moldova is poverty, inadequate public services, high levels of unemployment, discrimination against women and lack of parental care are factors that make the country of origin for trafficking in human beings. Most identified victims are women and girls trafficked for sexual exploitation. More than 90 per cent of these had experienced violence at home before being trafficked. The OSCE Mission to Moldova aims to enhance the capacity of government and civil society in the fields of combating trafficking in human beings, preventing domestic violence, promoting gender equality, protecting and assisting victims of trafficking and domestic violence. The Mission sponsors training sessions for judges, prosecutors and law enforcement officers throughout the country. As well as has contributed to the development of:

- COMMENTS ON THE DRAFT LAW OF THE REPUBLIC OF MOLDOVA ON PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS [18];
- Draft Law on Preventing and Combating Discrimination (not yet adopted), in cooperation with the OSCE Office for Democratic Institutions and Human Rights, ODIHR [19];
- Urgent Joint Opinion on draft Law No.263 AMENDING THE ELECTORAL CODE, THE CONTRAVENTION CODE AND THE CODE OF AUDIOVISUAL MEDIA SERVICES [20].

We consider ODIHR was created to facilitate contacts and exchange of participating States election information. ODIHR's election monitoring methodology takes account of the situation before, during and after election. All aspects of the electoral process are considered to include a review of the legal framework; the performance of elections officials; the conduct of campaigns; the media environment and equitable media access; the complaints and appeals process; voting, counting, and tabulation and the announcement of results. Recently, ODIHR has further expanded its methodology to explore the participation of women and national minorities.

In turn, we would like to assess the early parliamentary elections in the Republic of Moldova that took place on the 11th of July 2021. According to *STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS* [21] and being a short-term observer, we consider that the 11 July Early Parliamentary Elections were well administered, competitive and fundamental freedoms were largely respected. While lower-level commissions enjoyed trust, key decisions of the Central Election Commission brought into question its impartiality. Candidates had ample opportunities to campaign and voters were provided a wide range of alternatives.

Following an invitation from the Ministry of Foreign Affairs and European Integration of the Republic of Moldova (MFAEI), and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 3 June. The EOM, headed by Mr. Tamás Meszerics, consisted of an 11-member core team based in Chisinau and 28 long-term observers deployed throughout the country from 10 June. Mission members were drawn from 24 OSCE participating States. The ODIHR EOM included 15 experts in the capital and 28 long-term observers deployed throughout the country. On election day, 313 observers from 41 countries were deployed, including 221 long-term and short-term observers deployed by ODIHR, as well as a 59-member delegation from the OSCE PA, a 22-member delegation from the PACE, and an 11-member delegation from the EP. Opening was observed in 115 polling stations and voting was observed in 1,154 polling stations across the country.

We hope the Early Parliamentary Election results will change instability and political deadlock in the Republic of Moldova Will find solutions to the shortcomings. Despite the deep polarization, society did their decision for further reinforce trust in the government system, for shaping the future. ***"Trust has to be earned over and over again. Trust is 'sine qua non' for stability", said***

***Peter Launsky-Tieffenthal, Secretary General for Foreign Affairs of Austria (Launsky-Tieffenthal, 2021).***

The OSCE Mission to Moldova activity on "human dimension" in times of COVID19 was continued. Were organized online webinars on non-discrimination, inter-ethnic relations and national minorities. The Mission's webinars provided civil society actors guidance on how they can support national minorities in enjoying basic human rights, especially to accurate, easy-to-understand and timely information, highlighting the importance of preserving the freedom, promoting inter-ethnic harmony [22].

**CONCLUSION**

The interest in studying of the organization further activities allows us to identify certain trends in current activities and the OSCE/ODIHR methodology improvement, has increased in recent years. The representatives of the Office do not tire of calling it "***gold standard***" of international election observation. Hopefully, we could scientifically prove the ODIHR's value as an instrument for finding sustainable solutions to the difficulties facing our democracies, as a bridge builder between state authorities and civil society as well as the many diverse communities around the OSCE region. The OSCE has established a number of tools to monitor the implementation of commitments that participating States have undertaken in the field of human rights and democracy "human dimension".

***So, to sum it up,*** the OSCE commitments, which are the fundament and source of ODIHR's mandate, continue to form the basis on which the Office could move forward in assisting states to uphold democratic standards and human rights, despite the enormously challenging circumstances of the pandemic, the Office will work for the benefit of everyone, living in the OSCE region. This year, the ODIHR is celebrating the thirtieth Anniversary! The Office will have an opportunity to highlight some of the many accomplishments achieved throughout the years. We believe that the 2021 Human Dimension Implementation Meeting would be a good opportunity for this.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) is one of the world's principal regional human rights bodies, promoting democratic elections, respect for human rights, tolerance and non-discrimination, the rule of law, and spanning a region from Vancouver to Vladivostok. ODIHR is mandated to assist OSCE participating States to "ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of

democracy and ... to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society." (Helsinki Document, 1992)

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