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**BACKGROUND PAPER ON**

**ADDRESSING TRANSNATIONAL THREATS AND  
CHALLENGES IN THE OSCE REGION:  
THE HUMAN DIMENSION**

**OSCE Annual Security Review Conference  
Vienna, 26 – 28 June 2012**

## **INTRODUCTION**

In the 2010 Astana Commemorative Declaration<sup>1</sup>, the OSCE participating States reaffirmed that the OSCE's comprehensive, co-operative, equal and indivisible approach to security remains indispensable.

This approach is at the foundation of the OSCE and recognizes that security goes beyond politico-military issues to include, as integral parts, economic and environmental issues as well as human rights and democracy<sup>2</sup>. It does not call for the balancing of liberty and security, or suggest that liberty, or aspects of it, should be sacrificed to achieve security. On the contrary, the OSCE has placed the respect for human rights, fundamental freedoms, democracy and the rule of law at the very core of any comprehensive and effective response to security threats.

Today, in a world faced with a multitude of new transnational threats and challenges, the OSCE comprehensive approach to security is more relevant than ever. As these threats are multi-dimensional in nature, the OSCE approach provides the participating States with a comparative advantage to address them effectively, by linking the respect for human rights with the duty of each participating State to ensure the security of individuals within its jurisdiction.

The areas of activity of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) are designed to assist participating States in guaranteeing democracy, respect for human rights and the rule of law to prevent security threats from emerging or from causing harm to the stability of the OSCE area. They also provide support to participating States in complying with their human rights obligations and commitments while pursuing security objectives.

The 2012 OSCE Annual Security Review Conference provides an opportunity for participating States to explore ways to reinforce their efforts in the politico-military dimension of security. It should also allow participating States to reflect on potential enhanced co-operation among the three dimensions and thereby strengthen the comprehensive security concept of the OSCE.

On this occasion, the purpose of this paper is to highlight the importance of the human dimension in addressing transnational threats and challenges. This paper also underlines the main commitments undertaken by the OSCE participating States to respect human rights while countering security threats as well as subsequent mandates and activities of the OSCE/ODIHR in this area.

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<sup>1</sup> Astana Commemorative Declaration: Towards a Security Community, Astana, 2010.

<sup>2</sup> OSCE Helsinki Final Act, 1975.

## **1–THE HUMAN DIMENSION APPROACH TO TRANSNATIONAL THREATS AND CHALLENGES**

The OSCE participating States have recognized that security is not merely the absence of conflict, and establishing or maintaining a secure environment in the region is not solely a political or military question focusing on the security of states and governments but fully encompasses the security of the individual human being. Security cannot be achieved without effective law enforcement and border security agencies, without economic development, or in the absence of a democratic state abiding by the rule of law.

Therefore, the OSCE has endeavored to address security issues with a multi-faceted strategy combining the politico-military and the economic and environmental dimensions with work in its human dimension.

The human dimension can be found in all transnational threats currently encountered in the OSCE region, such as terrorism, organized crime and border security. Victims, first and foremost, are human beings and the OSCE participating States have the primary responsibility to ensure the security and integrity of individuals within their jurisdiction.

The human dimension of security also relates to the crucial role of human rights and the rule of law in preventing and addressing transnational threats. Security relies on strong democratic institutions, respect for human rights and fundamental freedoms as well as the rule of law. The OSCE participating States have recognized that states' failure to fulfill these conditions may give rise to instability and insecurity in the OSCE region<sup>3</sup>.

Upholding human rights and the rule of law is in itself one of the most useful tools to counter global challenges to security as demonstrated in the following areas:

### **The human dimension in the security sector reform**

Threats to stability can arise through a security sector in which human rights and gender obligations are not properly fulfilled or the presumed objective of protecting state security is too narrowly defined. The OSCE participating States have acknowledged<sup>4</sup> the importance of the “human security” approach which places the rights of individuals at the heart of the security functions and recognizes that the primary aim of security sector institutions is to adequately and effectively provide service to all individuals in the community. Thus, while implementing its functions, security sector institutions should respect and protect the rights of men and women, regardless of their race, ethnicity, religion or any other status.

By fulfilling their defence and national-security functions, the armed forces play a key role in enabling a security environment that allows individuals to enjoy the inalienable rights and freedoms to which they are all entitled as human beings. As representatives of the state structure, armed forces personnel are bound to respect human rights and international humanitarian law in the exercise of their duties. But only when their rights

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<sup>3</sup> OSCE Strategy to Address Threats to Security and Stability in the 21<sup>st</sup> Century, Maastricht, 2003.

<sup>4</sup> *Ibid.*

are guaranteed within their own institution will armed forces personnel be likely to uphold these in the discharge of their tasks — both in the barracks and during operations.

Security institutions, policy, and programmes should reflect the needs and interests of both men and women in order to be effective. This can only be assured through “gender mainstreaming” which consists of having women present in all ranks of security sector institutions and in peacekeeping efforts. Furthermore, in order to better service their communities, all security sector personnel should be equipped to address the needs of women before, during and after conflicts and, thus, should be sensitized to the issues that predominantly affect them. It is therefore crucial to train all security sector personnel (law enforcement, armed forces, border management, security policy makers, etc.) on specific issues such as domestic violence and trafficking in persons.

### **The human dimension in preventing instability**

Violent manifestations of discrimination, prejudice and intolerance continue to pose a threat to security and stability in the OSCE area.<sup>5</sup> Hate crimes<sup>6</sup> and incidents motivated by racism, xenophobia, or related intolerance, including against specific religious groups, can escalate rapidly into broader social unrest, which can be particularly dangerous in post-conflict situations in which ethnicity played a part in the conflict. However, such incidents can escalate into wider disturbances even in countries with no recent history of conflict. This danger of escalation into broader unrest is a particularly relevant issue for a security organization such as the OSCE.

### **The human dimension in countering terrorism**

Terrorism is one of the major transnational threats faced by the OSCE participating States. They have legitimate reasons and the duty to take all appropriate measures necessary to prevent and counter this threat, including as part of their positive obligation to ensure the protection of the fundamental rights and freedoms, in particular the right to life. Counter-terrorism measures must be consistent with human rights standards to ensure that their implementation does not undermine their very purpose, which is to protect and maintain a democratic society. Therefore, a targeted and proportionate counter-terrorism strategy would not only be effective in achieving security but would also comply with a state’s human rights obligations.

This inextricable link between human rights and counter-terrorism has been recognized by the OSCE participating States as well as at the international level with the 2006

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<sup>5</sup> This link between practices related to discrimination and intolerance and insecurity has been recognized by the participating States in the OSCE Strategy to Address Threats to Security and Stability in the 21<sup>st</sup> Century, Maastricht, 2003.

<sup>6</sup> Hate crimes are criminal acts committed with a bias motive. These may include any criminal offence targeted at a person or group because of their ethnicity, “race”, religion or other status. Specific definitions of hate crimes differ under domestic laws in different participating States. In some countries, hate crimes are not separate offences, but a bias motive may be considered as an aggravating circumstance in an “ordinary” crime, requiring a stronger penalty.

United Nations (UN) Global Counter-Terrorism Strategy<sup>7</sup> and at the regional level with the relevant Council of Europe instruments<sup>8</sup> which regard human rights as useful tools to both prevent and counter terrorism.

By protecting human rights, states address the conditions conducive to the spread of terrorism and reduce its threat.<sup>9</sup> By developing and implementing human rights-compliant measures, states prevent the spread of terrorism. Counter-terrorism strategies that are compliant with human rights not only avoid certain legal pitfalls, but may also prove more effective in the long term at winning the ideological battle against terrorism than those strategies that themselves violate human rights.

## **2-OSCE HUMAN DIMENSION COMMITMENTS ON ADDRESSING TRANSNATIONAL THREATS AND CHALLENGES**

Recognizing that genuine security can only be achieved where security measures are effective, proportionate and respectful of human rights and the rule of law, the OSCE participating States have committed themselves to a comprehensive catalogue of human rights and democracy norms. These norms form the basis of the human dimension of security and express the OSCE participating States' political promise to comply with these standards.

Such human dimension commitments underline that effective security measures and the protection of human rights are not conflicting but mutually reinforcing goals. They reflect international human rights standards and principles and thus provide a framework that satisfies public security concerns and protects human dignity and the rule of law. Indeed, international human rights law has emerged with the aim to prevent future violations of rights, respond to security concerns and provide the mechanisms to ensure peace and stability.

Unfortunately, human rights continue to be curtailed for the presumed benefit of security throughout the OSCE region. The presumption that certain human rights violations may be permissible under certain circumstances, including in the context of security threats, is mistaken. Human integrity and dignity cannot be compromised under any circumstances.

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<sup>7</sup> For example, in the Resolution 1963 (2010) of 20 December 2010, the UN Security Council recognizes that development, peace and security, and human rights are interlinked and mutually reinforcing and that all measures taken to combat terrorism should comply with international law.

<sup>8</sup> The Council of Europe's main legal instruments related to the fight against terrorism are the Revised European Convention on the Suppression of Terrorism (1977), the Convention on the Prevention of Terrorism (2005) and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005). In addition to the 2002 Guidelines on human rights and the fight against terrorism, the Committee of Ministers of the Council of Europe adopted Guidelines on the protection of victims of terrorist acts in 2005.

<sup>9</sup> See e.g. OSCE Charter on Preventing and Combating Terrorism (2002): the OSCE participating States "20. Are convinced of the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty (...)".

## **The OSCE Human Dimension commitments on security sector reform**

In accordance with the OSCE approach to security, the OSCE Code of Conduct on Politico-Military Aspects of Security<sup>10</sup> links human rights, and specifically the rights of armed forces personnel, to security: “Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms as reflected in [O]SCE documents and international law, in conformity with relevant constitutional and legal provisions and with the requirements of service”<sup>11</sup>.

The ‘citizen in uniform’ approach implies that armed forces personnel, whether professional or conscripted, are entitled to the same rights and protections as all other persons, subject to certain limitations imposed by military life. This means in practice that human rights do not stop at the barracks. However, States take different approaches in how they limit the enjoyment of human rights of armed forces personnel. In some cases rights are severely limited or virtually non-existent. For instance, there are still OSCE participating States where conscientious objection is not recognized and there are no civilian alternatives to military service. Although women’s military opportunities have expanded over the past thirty years in the OSCE region, women’s full participation is far from achieved with only up to 15 per cent female military personnel even in the militaries with the highest participation of women. In summary, there is a range of human rights that should be protected including: (1) civil and political rights; (2) rights related to equal opportunities and non-discrimination in the armed forces; (3) rights related to military life; and (4) procedural rights related to implementing and ensuring human rights in the barracks.

United Nations Security Council (UNSC) Resolution 1325 on Women, Peace and Security first coined the principles of gender mainstreaming and gender sensitizing the security sector in 2000. Subsequent UNSC Resolutions, the Convention on the Elimination of All Forms of Discrimination Against Women and OSCE commitments, such as OSCE Ministerial Council Decision No. 14/05 on “Women in Conflict Prevention, Crisis Management, and Post-Conflict Rehabilitation,” have provided reinforcement and serve as a comprehensive “call to action” in this area. These documents represent resolve on the part of also OSCE participating States to support gender equality in the security sector.

## **The OSCE Human Dimension commitments on promoting tolerance**

The OSCE participating States have committed to take appropriate measures to combat intolerance, in particular hate crimes. Such commitments include the enactment of tailored legislation against hate crimes which include effective penalties, the adoption of appropriate measures to encourage victims to report hate crimes and to facilitate the contribution of the civil society. Commitments to combat hate crimes also call for

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<sup>10</sup> OSCE Code of Conduct on Politico-Military Aspects of Security was adopted in 1994 at the Budapest Summit.

<sup>11</sup> *Ibid*, para. 32

providing victims of hate crimes with access to legal assistance and to justice and for further developing professional training and capacity-building activities for law enforcement, prosecution and judicial officials dealing with hate crimes.<sup>12</sup>

The OSCE has taken a leading role in recognizing the significance of the problem related to intolerance as well as in initiating various forms of action to deal with it. A major focus has been on strengthening the rule of law as a fundamental aspect of democratic and pluralistic societies. As part of this effort, the OSCE has worked to reinforce the role of criminal legislation and law-enforcement agencies in addressing and responding to bias-motivated criminal conduct. The OSCE as an organization and participating States individually have worked to publicize and condemn hate crimes. At the same time, the OSCE has recognized that effective action to combat hate crime must be multi-faceted, including not just law enforcement, but also tolerance education, protection of and outreach to vulnerable communities, prevention of discrimination, access to justice for victims, availability of social services for victims, and building community confidence.

### **The OSCE Human Dimension commitments on preventing and countering terrorism**

The OSCE participating States have repeatedly reaffirmed the utmost importance of the human dimension in preventing and countering terrorism and have pledged in their commitments to fully respect international law and human rights standards in the fight against terrorism. The OSCE Bucharest Plan for Combating Terrorism (2001) and the OSCE Charter on Preventing and Combating Terrorism (2002) affirmed that responses to the threat of terrorism must not unlawfully infringe upon, damage or destroy the very standards, principles and values of human rights, rule of law and pluralistic democracy.<sup>13</sup> Moreover, the OSCE participating States have firmly affirmed that the struggle against terrorism is not a war against religions or peoples<sup>14</sup> and that anti-terrorist action is not

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<sup>12</sup> OSCE Ministerial Council, Athens, 2009.

<sup>13</sup> The main OSCE Commitments related to the protection of human rights while combating terrorism are: **Bucharest Ministerial Declaration, 2001:3.** (...) We reiterate that the struggle against terrorism is not a war against religions or peoples. We reaffirm our commitment to protecting human rights and fundamental freedoms. 4. We are determined to protect our citizens from new challenges to their security while safeguarding the rule of law, individual liberties, and the right to equal justice under law; **Bucharest Decision No. 1 on Combating Terrorism, 2001:** (...) The OSCE participating States will not yield to terrorist threats, but will combat them by all means in accordance with their international commitments (...) They will defend freedom and protect their citizens against acts of terrorism, fully respecting international law and human rights. They firmly reject identification of terrorism with any nationality or religion and reconfirm the norms, principles and values of the OSCE; **OSCE Charter on Preventing and Combating Terrorism, 2002:** The OSCE participating States (...) 6. Reaffirm their commitment to take the measures needed to protect human rights and fundamental freedoms, especially the right to life, of everyone within their jurisdiction against terrorist acts; 7. Undertake to implement effective and resolute measures against terrorism and to conduct all counter-terrorism measures and co-operation in accordance with the rule of law, the United Nations Charter and the relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law (...).

<sup>14</sup> Bucharest Ministerial Declaration, 2001: 3. (...) We reiterate that the struggle against terrorism is not a war against religions or peoples (...).

aimed against any religion, nation or people.<sup>15</sup> They underlined the need to adopt a comprehensive approach to prevent and counter terrorism, which includes addressing the factors that may engender terrorism.<sup>16</sup>

They also recognized the crucial role played by civil society in anti-terrorism efforts and identified that genuine partnerships between civil society and governments are key to effectively prevent and combat terrorism. The OSCE participating States consequently committed themselves to enhance their co-operation with civil society.<sup>17</sup>

Finally, the OSCE participating States are committed to solidarity with victims of terrorism by exploring the possibility of introducing and enhancing appropriate measures, subject to domestic legislation, for support, including financial support, to victims of terrorism and their families.<sup>18</sup>

However, States have had the tendency to pit the ideas of human rights and counter-terrorism against each other, considering that human rights must give way before the imperatives of security. The fight against terrorism has put at risk a number of fundamental rights and freedoms over the past years and has been used by some participating States as a way to justify clampdowns on the civil society and infringements on a number of fundamental freedoms.

Key human rights issues in the anti-terrorism context include discriminatory preventive tools such as profiling which target specific groups considered to be a threat to security. Some OSCE participating States have engaged in profiling on the basis of religious, ethnic or racial criteria for a number of law enforcement purposes<sup>19</sup>. Profiling may be an admissible law enforcement tool when descriptive and based on detailed profiles, evidence and specific factors which are statistically proven to correlate with certain criminal conduct<sup>20</sup>. However, profiles which are broad and based on stereotypical assumptions that persons of a certain religion, ethnicity or expressing radical views are particularly likely to commit terrorist acts are incompatible with the principle of non-

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<sup>15</sup> OSCE Charter on Preventing and Combating Terrorism, 2002: The OSCE participating States (...) 2. Firmly reject identification of terrorism with any nationality or religion and reaffirm that action against terrorism is not aimed against any religion, nation or people.

<sup>16</sup> OSCE Charter on Preventing and Combating Terrorism, 2002, para. 20

<sup>17</sup> See e.g. Ministerial Council Decision 10/08 on Further Promoting the OSCE's Action in Countering Terrorism: 'participating States are encouraged to continue to exchange ideas and national best practices about their strategies and measures to counter violent extremism and radicalization that lead to terrorism as well as to enhance their co-operation with media, the business community, industry and civil society'.

<sup>18</sup> OSCE Permanent Council Decision No. 618, Solidarity with victims of terrorism, 1 July 2004.

<sup>19</sup> Profiling has been used in a number of different contexts, for example by selecting individuals for screening at airport security checkpoints, selecting individuals for stop and search, data mining, immigration controls and other law enforcement purposes such as surveillance and phone tapping.

<sup>20</sup> A distinction should be made between *descriptive profiles*, i.e. designed to identify those likely to have committed a particular criminal act and thus reflecting the evidence the investigators have gathered concerning this act; and *predictive profiles*, i.e. designed to identify those who may be involved in some future, or as-yet-undiscovered, crime.



discrimination<sup>21</sup>. Such profiles are not only non-compliant with human rights but also prove to be non-effective to prevent terrorism. Anti-terrorism measures have also had a negative impact on the freedom of religion or belief more broadly, with religious communities not engaged in terrorism facing excessive restrictions on the basis of vague concepts such as ‘extremism’.

Investigation of suspected terrorist crimes also raises concerns with regard to the respect for human rights. Arbitrary and/or prolonged detention, rendition, secret detention, coercive interrogation techniques resorting to torture and other forms of ill-treatment have been used throughout the OSCE region for the presumed benefit of security. Human rights are not the enemy – nor even just a mere obstacle – of effective police work and law enforcement. Rather, they are an integral element of all police operations and their practical application is an essential part of any successful investigation.

Some participating States have conducted activities infringing on the right to a fair and public hearing within a reasonable time before an independent and impartial tribunal. Practices such as extended pre-trial detention, administrative detention, limited possibilities to review the legality of detention, the increased reliance on intelligence information, including originating from third countries without regard to their origins and the trials of civilians in military or special courts are contrary to the equitable, impartial and independent administration of justice.

### **3 - OSCE/ODIHR ACTIVITIES TO PROMOTE THE HUMAN DIMENSION IN TACKLING TRANSNATIONAL THREATS AND CHALLENGES**

The OSCE human dimension commitments constitute also the framework in which ODIHR operates, recognizing that without progress to promote the rule of law and democracy, there is little hope for any lasting progress in the politico-military and economical and environmental dimensions. ODIHR assists the OSCE participating States in the implementation of their human dimension commitments and acts as part of the OSCE's network of early warning and conflict prevention, as well as post-conflict rehabilitation in order to prevent the re-occurrence of conflict<sup>22</sup>. ODIHR recommends solutions to particular – often entrenched – human rights issues and hence contributes to conflict prevention in the OSCE area.

#### **OSCE/ODIHR activities to promote democratic policing**

Developments in the area of freedom of assembly in recent years in the OSCE area have warranted a closer and more comprehensive look. In order to support participating States in the implementation of their commitments on freedom of assembly<sup>23</sup>, ODIHR started in

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<sup>21</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, A/HRC/4/26, 29 January 2007.

<sup>22</sup> OSCE Helsinki Decisions on the Human Dimension, 1992

<sup>23</sup> Key OSCE commitments on the freedom of assembly include: Sofia 1989, Vienna 1989, Copenhagen 1990, Paris 1990, and Helsinki 2008; OSCE commitments relevant to ODIHR's monitoring mandate include: Helsinki 1992, Rome 1993, Budapest 1994, Oslo 1998, Istanbul 1999 and Maastricht 2003.

May 2011 a year-long monitoring exercise in order to assess the state of freedom of assembly in the OSCE area. The results of the monitoring will be collected in a thematic report with the aim to highlight emerging trends, good practices and challenges in managing and policing public events and will be launched at the Supplementary Human Dimension Meeting on freedoms of assembly and association in November 2012.

In accordance with its mandate, ODIHR provides its expertise in encouraging the promotion and protection of human rights and fundamental freedoms in schools and other national educational institutions<sup>24</sup>, as well as in supporting the competent authorities responsible for education programmes to design effective human rights-related curricula and courses for students at all levels, including those attending military, police and public service schools<sup>25</sup>. In particular, ODIHR is elaborating Guidelines on Human Rights Education for Law Enforcement Officials<sup>26</sup> which compile good practices from the whole OSCE region, providing a framework for comprehensive planning and implementation of human rights education<sup>27</sup> in formal and non-formal education. The guidelines will be launched at the upcoming Human Dimension Implementation Meeting.

ODIHR also continues its efforts in supporting national human rights institutions which play an important role at the national level in ensuring that fundamental rights are upheld. ODIHR has undertaken activities to raise the profile and strengthen the capacities of such institutions, including in the prevention of torture<sup>28</sup>, as well as conducted legal reviews to promote their effective, independent and pluralistic functioning.<sup>29</sup>

### **OSCE/ODIHR activities to protect Human rights in the security sector**

In 2008 ODIHR and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) produced the Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel<sup>30</sup>. This handbook has enabled ODIHR to engage participating States and security sector stakeholders on a range of human rights issues in the armed forces. To date the handbook has been presented and utilized by ODIHR in Albania, Armenia, Austria, Azerbaijan, Belarus, Georgia, Bosnia-Herzegovina, Kazakhstan, Serbia,

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<sup>24</sup> OSCE Vienna Document, 1989.

<sup>25</sup> OSCE Moscow Document, 1991.

<sup>26</sup> ODIHR resources also include [\*Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice\*](#). Guidelines on Human Rights Education in the Secondary School System are also currently under preparation.

<sup>27</sup> Human rights education can be defined as the education, training and information aimed at building a universal culture of human rights. A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life.

<sup>28</sup> ODIHR organized a regional conference on the role of national human rights institutions in eradicating torture in Dushanbe, 2011. The OSCE commitment to eradication of torture and ill-treatment dates back to the Vienna Meeting (1989). It was restated at the Paris Summit (1990) and reaffirmed and refined at the Copenhagen Meeting (1990), the Moscow Meeting (1991) and the Budapest Summit (1994)

<sup>29</sup> The OSCE participating States have committed themselves “to facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law [...]”, OSCE Copenhagen Document, 1990.

<sup>30</sup> OSCE Code of Conduct on Politico-Military Aspects of Security (Budapest, 1994)

Switzerland, Turkmenistan and Ukraine in launching and follow-up events, Regional Seminars on the Code of Conduct and other forums.

ODIHR assists OSCE participating States by providing training based on the OSCE/ODIHR, DCAF and UN INSTRAW *Gender and Security Sector Reform Toolkit* to law enforcement, border management, and armed forces personnel<sup>31</sup>. To date, such training has taken place in Georgia, Moldova, Montenegro, Kyrgyzstan, Serbia, and Tajikistan. The Toolkit is a comprehensive educational tool which is used to strengthen the capacity of national security institutions on gender issues. Furthermore, ODIHR reviews national action plans for the implementation of UNSCR 1325 and encourages their widespread development in the OSCE region.

### **OSCE/ODIHR Activities to combat hate crime and intolerance**

In accordance with its mandate<sup>32</sup>, ODIHR supports OSCE participating States in combating all forms of intolerance and in strengthening law enforcement capacities in dealing with hate crimes.

In 2011, ODIHR consulted police experts from throughout the OSCE region on its programme Training against Hate Crime for Law Enforcement (TAHCLE). TAHCLE is a successor of ODIHR's Law Enforcement Officers Programme (LEOP). It is tailored to the needs and experiences of each country with the aim of being integrated with other training efforts. TAHCLE draws on existing resources and curricula of police training institutions and can be delivered directly to police or as a training of trainers for pre-service or in-service training curricula. ODIHR helps authorities to maximize the results of their training efforts through the provision of support in identifying, developing and enforcing measures necessary for police to use the skills acquired during the training. The implementation of this multi-year programme includes monitoring the delivery of training and evaluating the impact of the training programme.

ODIHR first piloted TAHCLE in Kosovo<sup>33</sup> with the support of the OSCE Mission in Kosovo (OMiK). Investigators and police trainers were trained on identifying hate crimes and providing adequate and quick responses to them. Following the signature of a Memorandum of Understanding in Bulgaria in 2011, the authorities established an inter-government working group to support the implementation of TAHCLE. The TAHCLE programme was then delivered to police officers, mostly investigators, during a training-of-trainers session in Bulgaria. This year, the TAHCLE programme was also presented in Poland and Croatia.

### **OSCE/ODIHR activities in upholding human rights while countering terrorism**

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<sup>31</sup> OSCE Ministerial Council Decision No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation (Ljubljana, 2005)

<sup>32</sup> Ministerial Council Decision 4/03 on Tolerance and Non-discrimination (Maastricht, 2003); Ministerial Council Decision on Tolerance and Non-Discrimination: Promoting Respect and Understanding (Brussels, 2006), Ministerial Council Decision 9/09 on Combating Hate Crimes on hate crimes (Athens, 2009).

<sup>33</sup> All references to Kosovo are within the framework of UN Security Council Resolution 1244 and without prejudice to its status.

Recognizing the challenge of protecting human rights and effectively countering terrorism, the OSCE participating States tasked ODIHR to offer technical assistance and advice for the appropriate implementation of anti-terrorism policies in line with their international human rights obligations and commitments.<sup>34</sup>

- *Capacity Building*

ODIHR has developed a specific training module on human rights and anti-terrorism as well as a set of expert resources, in particular a manual on *Countering Terrorism, Protecting Human Rights*. The training module provides senior public officials and counter-terrorism practitioners with a better understanding of the main human rights issues that arise while addressing terrorism and ways to ensure the protection of human rights in line with international standards and OSCE commitments. 19 training courses have been successfully delivered in the OSCE region since 2005.

ODIHR supports the integration of this training module as a sustainable component of national training programmes of participating States. ODIHR is implementing such a project, together with the OSCE Office in Tajikistan, to support the development of a specific course on human rights and counter-terrorism for its future integration into the curricula of the training institutions of the Ministry of Internal Affairs and the State Committee on National Security of Tajikistan.

ODIHR has developed, in co-operation with the OSCE Border Management Staff College (BMSC), based in Dushanbe, a one-week training on “Human rights, counter-terrorism and border security” and has delivered the gender and human rights sessions of the OSCE BMSC periodic Staff Courses for border officials from the OSCE participating States and Partners for Co-operation.

ODIHR, in cooperation with the OSCE TNT/Strategic Police Matters Unit (SPMU), is currently developing a practical training module for law enforcement officers on *Human Rights and the Investigation of Terrorist Crimes*. It focuses on the different sequences of counter-terrorism investigations and their possible impact on human rights. Its primary target audience is law enforcement personnel working on counter-terrorism issues and prosecuting authorities supervising or involved in the prosecution of terrorist related crimes.

ODIHR is currently elaborating a training module aimed at familiarizing government officials involved in the fight against terrorism with international standards on freedom of religion or belief. The training will highlight the importance of upholding these standards as a way to effectively counter terrorism.

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34 OSCE Bucharest Plan of Action Bucharest 2001 (Annex to Decision No. 1 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism)

- *Expert advice and analysis*

ODIHR, the OSCE Secretariat's TNT/Action against Terrorism Unit (ATU) and the OSCE Gender Section organized two expert roundtables, respectively focusing on preventing women terrorist radicalization (12 December 2011) and the role and empowerment of women in countering violent extremism and radicalization that lead to terrorism (12-13 March 2012). These events gathered counter-terrorism, human rights and gender equality experts from civil society, academia and national authorities in a view to acquiring an enhanced understanding of women terrorist radicalization and identifying ways to empower them in preventing terrorism.

ODIHR and TNT/ATU will also jointly organize a roundtable on the role of victims in the prevention of terrorism, in October 2012.

ODIHR, the TNT/ATU and the TNT/SPMU are jointly developing a Guidebook on *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: a Community Policing Approach*. The aim of the guidebook is to provide guidance on how to use community policing – or police-public partnerships – as part of an effective human rights-compliant and gender-sensitive approach to preventing terrorism and countering violent extremism and radicalization that lead to terrorism (VERLT). The guidebook will be directed at policy-level officials, senior police professionals and community leaders from the whole OSCE region.

- *Legislative assistance*

ODIHR assists OSCE participating States, upon request, in drafting anti-terrorism legislation and strengthening existing legislation in line with international human rights standards and practices. ODIHR has developed an online legislation database ([legislationline.org](http://legislationline.org)) which is intended as a resource for lawmakers in the OSCE region, while also guiding ODIHR's work in providing technical assistance to participating States with respect to the implementation of the relevant UN Security Council Resolutions, the UN Global Counter-Terrorism Strategy and international conventions and protocols on anti-terrorism.

## CONCLUSION

Human rights cannot be set aside in order to achieve security. Human rights and security are not competing, but complementary and simultaneous obligations. The international protection of human rights derives from a need for security. The provision of security of individuals within their jurisdiction is in itself a duty of States under international law, in particular with regard to the protection of the right to life.

The 2012 Annual Security Review Conference is tasked with identifying common grounds on how participating States can further co-operate on transnational threats related issues in order to fully realize the vision of a comprehensive, co-operative and indivisible community throughout the OSCE region. In this regard, it is of particular relevance to put an emphasis on OSCE guiding principle that security can only be achieved and maintained through the promotion and protection of human rights as well as the respect of the rule of law.

This approach is not only a matter of principle but has been recognized as vital by the OSCE participating States to the success of security policies. Ensuring respect for human rights while creating a democratic environment is the best long-term guarantor of security.

ODIHR is uniquely placed to foster the human dimension element of the OSCE's comprehensive security approach and to assist OSCE participating States in addressing the challenge of balancing respect for human rights with their duty to protect individuals from instability and insecurity.