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HUMAN DIMENSION IMPLEMENTATION MEETING

CONSOLIDATED SUMMARY

Warsaw, 6-17 October 2003

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I. INTRODUCTION

The OSCE Human Dimension Implementation Meeting took place on 6-17 October 2003 in Warsaw. The Meeting, organised by the Office for Democratic Institutions and Human Rights, was the eighth of its kind. The Meeting was not mandated to produce any negotiated texts, but summary reports on the Working Sessions were prepared by the Rapporteurs appointed for the two weeks of the meeting.

The Meeting was the second of its kind organised in line with the modalities adopted on 23 May 2002 at the 395th Plenary Meeting of the OSCE Permanent Council (see attachment). According to these modalities, the meeting consisted of two parts.

During the first week of the Meeting, the implementation of the full range of OSCE human dimension commitments in all 55 OSCE participating States was reviewed. Thematically organised, as decided by the Permanent Council, these working sessions were devoted to the following themes: Democratic Institutions; Fundamental Freedoms I; Fundamental Freedoms II; Tolerance and Non-Discrimination I; Tolerance and Non-Discrimination II; Rule of Law I; Rule of Law II; and Humanitarian Issues and Other Commitments.

The second week of the meeting was meant to be devoted to forward-looking discussions with a view to fostering implementation of, as well as to refining and further developing, OSCE commitments. On the second Monday, participants discussed human dimension activities, with a special emphasis on project work. Also covered were OSCE mechanisms in the Human Dimension such as the Moscow Mechanism; the role of OSCE institutions and bodies including the Conflict Prevention Centre, the Special Police Matters and Anti-Terrorism Units of the Secretariat; the functioning of OSCE Missions and Field Operations; and training and capacity building. This was followed by discussions – each lasting one full day - of three specifically selected topics decided by the Permanent Council: Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism was discussed on Tuesday; National Minorities on Wednesday; and Migrant Workers on Thursday.

In accordance with the new modalities, all participants were encouraged to circulate their written statements in advance in order to stimulate a livelier debate during the working sessions. In addition, the participants were encouraged to make recommendations during the working sessions and were requested to circulate them in writing immediately, to ensure an accurate record of the HDIM and to facilitate follow-up. The ODIHR compiled, collated and circulated the recommendations to the participants in advance of the closing Reinforced Plenary Session at the end of the second week of the Meeting (See Compilation of Written Recommendations attached)

The Meeting gathered in total 790 participants, including 280 representatives of 208 Non-Governmental Organizations (NGOs). Particular efforts were made to foster NGO participation: the NGOs were given equal access to the speakers' list and could take seats specifically allocated to them around the main table, as could representatives of

International Organizations and of the Partners for Co-Operation and the Mediterranean Partners. With the support of financial contributions of the US, German and Swedish Governments, more NGOs were able to participate from the recently admitted participating States.

In recognition that broad attendance by representatives of all the participating States is essential, upon request financial assistance to the extent available was provided from the OSCE Voluntary Fund to foster the integration of recently admitted participating States. Sweden made a contribution to this fund and funded participation of several participants from Central Asia and the Caucasus. Germany also contributed to assist participation by government representatives. Only 4 out of the 55 participating States did not send a delegation to the Meeting. Turkmenistan did not send a Delegation for the third consecutive year.

Participants were encouraged to be represented at an appropriately high level, both from their OSCE delegations/missions and by those responsible in their Foreign Ministries for their policies relating to Human Dimension issues, in particular for the Reinforced Closing Plenary at the end of the second week. Turnout varied among delegations, but was higher-level than in some recent years.

The meeting was opened by a speech by the ODIHR Director, Ambassador Christian Strohal. The opening plenary continued with opening statements of the OSCE Chairman-in-Office, Minister of Foreign Affairs of the Netherlands, H.E. Jaap de Hoop Scheffer, and the Minister of Foreign Affairs of Poland, H.E. Włodzimierz Cimoszewicz. The Opening Plenary was also addressed by the Vice-President of the OSCE Parliamentary Assembly, Ms. Barbara Haering, the High Commissioner on National Minorities, Ambassador Rolf Ekeus and the Representative on Freedom of Media, Mr. Freimut Duve. Several speakers noted that Mr. Duve spoke for the last time at the HDIM in his current capacity. The Acting UN High Commissioner for Human Rights was supposed to deliver a key-note address and though he could not attend, he conveyed his written speech which is attached. (For all opening statements please see the ODIHR website at: <http://www.osce.org/odihr/meetings/2003/hdim/>)

At the Reinforced Closing Plenary the closing remarks were made by the Director of the Office of the Democratic Institutions and Human Rights, Ambassador Christian Strohal and the Representative of the Netherlands Chairmanship.

Moderators and Rapporteurs were appointed on the basis of proposals by the Chairmanship-in-Office and the ODIHR. As required by the modalities, particular attention was paid to appoint an “experienced and particularly qualified moderator to chair the working sessions” during the first week. This role was performed by the ODIHR First Deputy Director, Mr. Steven Wagenseil. For the second week, the modalities called for moderators with “particularly relevant knowledge to chair the discussions of each topic”. They were also tasked to sum up the discussions and seek common understanding concerning further work required, in particular with a view to preparations for the next OSCE Ministerial Council Meeting.

The following moderators were also involved in the facilitation of the meeting's process: Mr. Gerald Mitchell, Head of the ODIHR Elections Section; Mr. Nicolae Gheorghe, Advisor in the ODIHR Contact Point for Roma and Sinti Issues; Dr. Vera Gracheva, Counsellor of the Permanent Mission of the Russian Federation to the OSCE; Ms. Sirpa Rautio, Head of the ODIHR Human Rights Section; Mr. Eric Rudenshiold, Head of the ODIHR Democratization Section; Dr. Jolanta Ambrosewicz-Jacobs from Jagiellonian University in Krakow, Poland; Mr. John Packer, Director of the Office of the HCNM. Knowledgeable presenters who facilitated the discussions included the OSCE Special Police Advisor, Mr. Richard Monk; the OSCE Coordinator for Economic and Environmental Affairs, Mr. Marcin Swiecicki; Prof. Emmanuel Decaux, Rapporteur on Turkmenistan under the Moscow Mechanism; Prof. Hurst Hannum and Prof. Tibor Varady, who spoke on National Minorities; and Mr. Dietrich Willers, Prof. Ayhan Kaya, and Mr. Gagik Yeganyan, who addressed the session on Migrant Workers.

Five Rapporteurs compiled suggestions and recommendations made during the working sessions of the both weeks (see attachment).

A number of side events were organised by the participating States, OSCE, its institutions and NGOs, and highlighted a broad range of human rights topics. These format of additional dialogue largely contributed to the content and constructive nature of the discussions. The Annotated Agenda of the side events is attached to the present report (see attachment).

A list of documents distributed during the Implementation Meeting is available from the ODIHR upon request (see Index of Documents attached).

II. TIMETABLE OF THE 2003 HUMAN DIMENSION IMPLEMENTATION MEETING

Monday 6 October 2003	
<p>Morning <i>10.00-13.00</i></p>	<p>OPENING PLENARY <i>Chair:</i> H.E. Amb. Christian Strohal, Director, ODIHR</p> <p><i>Opening Statements:</i></p> <ul style="list-style-type: none"> - H.E. Jaap de Hoop Scheffer, Minister of Foreign Affairs of The Netherlands, Chairman-in-Office - H.E. Wlodzimierz Cimoszewicz, Minister of Foreign Affairs of Poland - Ms. Barbara Haering (Switzerland), Vice-President of the OSCE Parliamentary Assembly - H.E. Rolf Ekeus, OSCE High Commissioner for National Minorities - Mr. Freimut Duve, OSCE Representative on Freedom of the Media <p><i>Key-note address:</i></p> <ul style="list-style-type: none"> - Mr. Bertrand Ramcharan, Acting UN High Commissioner for Human Rights <p>Discussion</p>
<p>Lunch <i>13.00-15.00</i></p>	<p>SIDE EVENT:</p> <p>1. “Existing Commitments for Democratic Elections in OSCE Participating States” <i>Convenor:</i> Elections Section, ODIHR Plenary Hall</p> <p>2. “EUMAP working group on protection from religious discrimination – towards OSCE monitoring body” <i>Convenor:</i> Open Society Institute, Budapest <i>Meeting Room 2</i></p>
<p><i>Afternoon</i> <i>15.00-18.00</i></p>	<p>WORKING SESSION 1</p> <p>Democratic Institutions, including:</p> <ul style="list-style-type: none"> • Democratic elections; • Democracy at the national, regional, and local levels; • Citizenship and political rights; • Ombudsman and national human rights institutions. <p>Moderator: Mr. Gerald Mitchell, Head of Elections Section, ODIHR</p>
<p><i>Evening</i></p>	

19:00-20:30	Reception by Polish Ministry of Foreign Affairs, Foksal
	Tuesday 7 October 2003
Morning 10.00-13.00	<p>WORKING SESSION 2</p> <p>Fundamental Freedoms I, including:</p> <ul style="list-style-type: none"> • Freedom of expression, free media and information; • Freedom of association and the right to peaceful assembly <p><u>Address</u> by the Representative on Freedom of the Media, Mr. Freimut Duve;</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Lunch 13.00-15.00	<p>SIDE EVENTS:</p> <ol style="list-style-type: none"> 1. “Freedom of Association & Assembly” <i>Convenor:</i> ILHR and ODIHR Meeting Room 1 2. “Media in Central Asia” <i>Convenor:</i> OSCE RFOM Meeting Room 2
<i>Afternoon</i> 15.00-18.00	<p>WORKING SESSION 3</p> <p>Fundamental Freedoms II, including:</p> <ul style="list-style-type: none"> • Freedom of thought, conscience, religion or belief; • Follow-up to the 17 and 18 July 2003 Supplementary Human Dimension Meeting on Freedom of Religion or Belief; • Freedom of movement. <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
<i>Evening</i> 18.00-20:00	<p>SIDE EVENTS:</p> <ol style="list-style-type: none"> 1. “Human Rights Issues in the Armenia, Azerbaijan and Georgia” <i>Convenor:</i> IHF Meeting Room 2 2. “Elections in the Caucasus” <i>Convenor:</i> ILHR Meeting Room 3

	Wednesday 8 October 2003
Morning <i>10.00-13.00</i>	<p>WORKING SESSION 4</p> <p>Tolerance and non-discrimination I, including:</p> <ul style="list-style-type: none"> • Roma and Sinti; • Follow-up to the 10 and 11 April 2003 Supplementary Human Dimension Meeting on Roma and Sinti. <p><u>Presentation:</u> OSCE Draft Action Plan for Roma and Sinti Issues, H.E. Amb. Liviu A. Bota, Permanent Representative of Romania to OSCE</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR (Alternate: Mr. Nicolae Gheorghe, Advisor, Contact Point for Roma and Sinti Issues, ODIHR)</p>
Lunch <i>13.00-15.00</i>	<p>SIDE EVENTS:</p> <ol style="list-style-type: none"> 1. “OSCE Action Plan for Roma and Sinti” <i>Convenor:</i> Roma & Sinti Contact Point, ODIHR Meeting Room 1 2. “HR Training Results Presentation” <i>Convenor:</i> Helsinki Foundation for Human Rights, Poland <i>Meeting Room 2</i> 3. “Building Social Cohesion through Sport” <i>Convenor:</i> Canadian Heritage <i>Meeting Room 3</i>
Afternoon <i>15.00-18.00</i>	<p>WORKING SESSION 5</p> <p>Tolerance and non-discrimination II, including:</p> <ul style="list-style-type: none"> • Equal opportunities for women and men; • Follow up to the 13 to 15 May Human Dimension Seminar on Participation of Women in Public and Economic Life; • Prevention of aggressive nationalism, chauvinism and ethnic cleansing. <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Evening <i>18.00-20.00</i>	<p>SIDE EVENT:</p> <p>“The Human Rights Situation in Belarus, Moldova and Ukraine” <i>Convenor:</i> IHF Meeting Room 2</p>

	Thursday 9 October 2003
Morning <i>10.00-13.00</i>	<p>WORKING SESSION 6</p> <p>Rule of Law I, including:</p> <ul style="list-style-type: none"> • Legislative transparency; • Independence of the judiciary; • The right to a fair trial; • Follow-up to the 28 and 29 October 2002 Supplementary Human Dimension Meeting on the Role of Community Policing in Building Confidence in Minority Communities. <p><u>Presentation</u> on Community Policing by Mr. Richard Monk, Special Police Advisor, OSCE Secretariat (TBC)</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Lunch <i>13.00-15.00</i>	<p>SIDE EVENT:</p> <p>“The Chechnya Conflict from a Human Rights Perspective”</p> <p><i>Convenor:</i> IHF</p> <p>Meeting Room 1</p>
Afternoon <i>15.00-18.00</i>	<p>WORKING SESSION 7</p> <p>Rule of Law II, including:</p> <ul style="list-style-type: none"> • Exchange of views on the question of the abolition of capital punishment; • Prevention of torture. <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Evening <i>18.00-20.00</i>	<p>SIDE EVENTS:</p> <ol style="list-style-type: none"> 1. “Deepening Crisis in Central Asia: Can the OSCE really make a difference?” <i>Convenor:</i> ILHR Meeting Room 1 2. “Strengthening the ICC: Challenges for the OSCE Participating States” <i>Convenor:</i> Coalition for the International Criminal Court Meeting Room 2
	Friday 10 October 2003

<p>Morning 10.00-13.00</p>	<p>WORKING SESSION 8</p> <p>Humanitarian Issues and other commitments, including:</p> <ul style="list-style-type: none"> • Trafficking in human beings; <p>Moderator: Dr. Vera Gracheva, Delegation of the Russian Federation</p> <ul style="list-style-type: none"> • Migration, refugees and displaced persons. <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
<p>Lunch 13.00-15.00</p>	<p>SIDE EVENTS:</p> <ol style="list-style-type: none"> 1. “Death Penalty” <i>Convenor:</i> Open Society Institute Meeting Room 1 2. “Advocacy in Western Europe” <i>Convenor:</i> ODIHR Anti-Trafficking Unit <i>Meeting Room 2</i> 3. “Internally Displaced Persons” <i>Convenor:</i> Norwegian Refugee Council and Brookings-SAIS Project on Internal Displacement Meeting Room 3
<p>Afternoon 15.00-18.00</p> <p>-----</p> <p>16.00-18.00</p>	<p>WORKING SESSION 9</p> <p>Humanitarian Issues and other commitments, (cont.):</p> <ul style="list-style-type: none"> • Treatment of citizens of other participating States; • International Humanitarian law; • Any other business. <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p> <p>-----</p> <p>PLENARY SESSION</p> <ul style="list-style-type: none"> • Presentation of the outcome of the Working Sessions. • Preliminary discussion of the recommendations made, as a preparation for the Closing Reinforced Plenary Session. <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>

<p>Evening 19:00-21:00</p>	<p>Reception offered by the Netherlands Chairmanship Hotel Bristol, Warsaw</p>
	<p>Monday 13 October 2003</p>
<p>Morning 10.00-13.00</p>	<p>WORKING SESSION 10</p> <p>Discussion of human dimension activities, with a primary focus on project work, also <i>including</i></p> <ul style="list-style-type: none"> • Human Dimension mechanisms • The role of OSCE institutions and bodies, including the Conflict Prevention Centre, Special Police Matters and Anti-Terrorism Units of the Secretariat in Vienna • The functioning of OSCE missions and field operations • Training and capacity building <p>Moderators: Ms. Sirpa Rautio, Head, ODIHR Human Rights Section, and - Mr. Eric Rudenshiold, Head, ODIHR Democratization Section (see Annex A, below, for detailed programme)</p>
<p>Lunch 13.00-15.00</p>	<p>SIDE EVENTS:</p> <p>1. “Project Activities” <i>Convenor:</i> ODIHR Meeting Room 1</p> <p>2. “<i>Racism and the West</i>” <i>Convenor:</i> COBASE Meeting Room 2</p> <p>“Presentation of manual on Human Rights Education: Understanding Human Rights” <i>Convenor:</i> European Training and Research Centre for Human Rights and Democracy (Graz), Austrian Delegation Meeting Room 3</p>
<p>Afternoon 15.00-18.00</p>	<p>WORKING SESSION 11</p> <p>Discussion of human dimension activities, with a primary focus on project work. (see Annex A, below, for detailed programme)</p> <p>Presentation: Vienna Secretariat Training Section and ODIHR HR Section</p> <p>Moderators: Ms. Sirpa Rautio, Head, ODIHR Human Rights Section, and</p>

	- Mr. Eric Rudenshiold, Head, ODIHR Democratization Section
Evening	
	Tuesday 14 October 2003
Morning <i>10.00-13.00</i>	<p>WORKING SESSION 12 Specifically selected topic: Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism (see Annex B, below, for detailed programme)</p> <p>Moderator: Dr. Jolanta Ambrosewicz-Jacobs, Jagiellonian University, Krakow, Member ODIHR Advisory Panel of Experts on Freedom of Religion or Belief</p>
Lunch <i>13.00-15.00</i>	<p>SIDE EVENTS:</p> <ol style="list-style-type: none"> 1. Poland.pl –Bridges of Tolerance <i>Convenor:</i> Villa Decius Association Meeting Room 1 2. “Discrimination on the Internet” <i>Convenor:</i> International Network Against Cyber Hate Meeting Room 2 3. “Post-Soviet States Respond to Anti-Semitism” <i>Convenor:</i> NCSJ: Advocates on behalf of Jews in Russia, Ukraine, the Baltic States & Eurasia. Meeting Room 3
<i>Afternoon</i> <i>15.00-18.00</i>	<p>WORKING SESSION 13 Specifically selected topic: Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism (see Annex B, below, for detailed programme)</p> <p>Moderator: Dr. Jolanta Ambrosewicz-Jacobs, Jagiellonian University, Krakow, Member ODIHR Advisory Panel of Experts on Freedom of Religion or Belief</p>
<i>Evening</i> <i>18.00-20.00</i>	<p>SIDE EVENTS:</p> <ol style="list-style-type: none"> 1. “EU and the OSCE, Together for Human Rights” <i>Convenor:</i> EU Presidency/Italy Meeting Room 1

	<p>2. “Modern Anti-Semitism and Crisis in Human Rights” <i>Convenor:</i> COBASE Meeting Room 2</p> <p>3. “Minorities Rights and Security in the Balkans and Turkey” <i>Convenor:</i> IHF Meeting Room 3</p>
	Wednesday 15 October 2003
<p>Morning 10.00-13.00</p>	<p>WORKING SESSION 14 Specifically selected topic: National Minorities</p> <p>(see Annex C, below, for detailed programme)</p> <p>Moderator: John Packer, Director, Office of the High Commissioner for National Minorities</p> <p>Expert Presentation: Prof. Tibor Varady, Professor of International Law, Central European University, Budapest</p>
<p>Lunch 13.00-15.00</p>	<p>SIDE EVENTS:</p> <p>1. “Lessons Learned on Minority Protection from SEE” <i>Convenor:</i> MRG + UK + ERRC Meeting Room 1</p> <p>2. “Racism, Poverty & Sustainability” <i>Convenor:</i> COBASE Meeting Room 2</p>
<p>Afternoon 15.00-18.00</p>	<p>WORKING SESSION 15 Specifically selected topic: National Minorities</p> <p>(see Annex C, below, for detailed programme)</p> <p>Moderator: John Packer, Director, Office of the High Commissioner for National Minorities</p> <p>Expert Presentation: Prof Hurst Hannum, Fletcher School of Law and Diplomacy, Tufts University</p>
<p>Evening</p>	

	Thursday 16 October 2003
Morning <i>10.00-13.00</i>	<p>WORKING SESSION 16</p> <p>Specifically selected topic: Migrant Workers</p> <p>(see Annex D, below, for detailed programme)</p> <p>Expert Presentations:</p> <ul style="list-style-type: none"> - Mr. Dietrich Willers, Head of International Cooperation, German Federal Ministry for Economic Affairs and Labour - Prof. Dr. Ayhan Kaya, Head of the Department of International Relations, Bilgi University, İstanbul <p>Moderator: : Dr. Vladimir Shkolnikov, Head of the ODIHR Migration Unit</p>
Lunch <i>13.00-15.00</i>	<p>SIDE EVENT:</p> <p>1. “The new Italian law on immigration”</p> <p><i>Convenor:</i> Italy</p> <p>Meeting Room 2</p>
<i>Afternoon</i> <i>15.00-18.00</i>	<p>WORKING SESSION 17</p> <p>Specifically selected topic: Migrant Workers</p> <p>(see Annex D, below, for detailed programme)</p> <p>Expert Presentations:</p> <ul style="list-style-type: none"> - Ms. Valentina Leskaj, Minister of Social Affairs, Albania - Mr. Gagik Yeganyan, Head of the Migration and Refugee Department, Armenia <p>Moderator: : Dr. Vladimir Shkolnikov, Head of the ODIHR Migration Unit</p>
<i>Evening</i> <i>18:30-20:30</i>	<p>Reception offered by the ODIHR,</p> <p>Ulica Fredry 6</p>
	Friday 17 October 2003
Morning <i>10.00-13.00</i>	<p>CLOSING REINFORCED PLENARY SESSION</p> <p>Chair: Amb. Christian Strohal, Director, ODIHR</p>

III. PARTICIPATION

The Meeting was attended by a total of 790 participants (out of which 402 delegates from 51 OSCE participating States – apart from Andorra, Bosnia-Herzegovina, San Marino and Turkmenistan). Six delegates from five Mediterranean Partners for Cooperation (Algeria, Egypt, Israel, Morocco and Tunisia) as well six representatives from Korea, Japan and Thailand, were also present.

In addition, 30 representatives from nine International Organizations were represented: Council of Europe, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Labour Organization (General Secretariat in Geneva, ILO Team for Eastern Europe and Central Asia), International Centre for Migration Policy Development, Stability Pact for SEE, UN Development Programme (UNDP), UNESCO, UN High Commissioner for Refugees (UNHCR).

The meeting was attended by 280 participants from 208 NGOs of international, regional or national level, from almost all participating States.

There were 73 representatives from 23 OSCE Institutions and Field Missions. Almost all OSCE Field Missions were represented at the meeting.

IV. RAPORTEURS' REPORTS

The Human Dimension Implementation Meeting consisted of two parts. The first week was opened by a Plenary Session followed by nine Working Sessions to review the implementation of commitments. These sessions were thematically organized and together covered the full range of OSCE commitments in the human dimension as reflected in the agreed agenda. Rapporteurs appointed for the Working Sessions covered both weeks. The first part of the Human Dimension Implementation Meeting was concluded by a Plenary Session, which was moderated by the First Deputy Director of the ODIHR. This Plenary Session was devoted to the presentation of the outcome of the Working Sessions I-IX and to a preliminary discussion of the recommendations made during these sessions. Reports from the Working Sessions X-XVII were presented by Rapporteurs' during the Closing Plenary on 17 October 2003.

In developing and presenting their reports, the Rapporteurs focused on the specific recommendations emerging from the debate. These recommendations, however, were not formally adopted and therefore do not necessarily reflect the views of the OSCE. During preparation of the reports, Rapporteurs were invited to use notes prepared by the ODIHR notetakers during the Working Sessions.

The Rapporteurs were Ms. Eltje Aderhold, Counsellor, Permanent Mission of the Federal Republic of Germany to the OSCE (covering working sessions 1, 2, 3, 8 and 9), Mr. Bjorn Svenungsen, Second Secretary, Permanent Delegation of Norway to the OSCE (covering working sessions 4, 5 12 and 13), Mr. Fernando Nogales, Counsellor, Permanent Representation of Spain to the OSCE (covering working sessions 6, 7, 14 and 15) and Ms. Nilvana Darama, First Secretary of the Permanent Mission of Turkey to the OSCE (covering working sessions 16 and 17) and Ewa Chylinski, ODIHR project coordinator (covering sessions 10 and 11). The following is a consolidated report derived from the separate reports presented at the closing plenary session by the five Rapporteurs.

WORKING SESSION 1 - Democratic Institutions

A lively debate focused on free and transparent elections as a key pillar of democracy and indispensable component of pluralistic societies. Participants recognized that election standards are frequently violated in the OSCE area and that in some parts of the OSCE region we had expected quicker progress. Participants briefed on an ongoing practice of arbitrary lawsuits, harrassment, and an intimidation of opposition candidates and party activists in a number of participating States. Participants regretted the lack of follow-up to election observations and resulting recommendations. On the other hand, they felt that existing OSCE standards could be up-dated especially as far as transparency is concerned. Not only NGOs raised the issue of domestic election observation. Delegations expressed their appreciation and support for OSCE/ODIHR assistance in all election related issues.

Recommendations with broad support included the following:

- Participating States should endorse the ODIHR report on „Existing Commitments for Democratic Elections“ and consider the adoption of new election commitments supplementing existing ones.
- Participating States should support the translation of the „Existing Commitments for Democratic Elections“ into all OSCE languages.
- Participating States should adhere to their OSCE commitments and invite ODIHR to monitor their elections.
- Participating States should act upon recommendations provided by ODIHR and take a more active role in monitoring the implementation of election observation recommendations. The PC should be tasked on a regular basis with the issue of election observations follow-up.
- Participating States should permit effective access at all stages of the electoral process to domestic non-partisan election observer groups.
- Participating States in cooperation with ODIHR should more effectively promote the participation of women in all election processes.
- ODIHR should supply the PC with regular reports on follow-up activities.
- One delegation proposed that a special meeting of experts representing electoral commissions of the OSCE participating states should be held early in 2004 to identify priorities for joint endeavours in developing additional OSCE commitments for democratic elections. A group of delegations proposed to devote one of the SHDM in 2004 to elections.

Democratic Institutions:

Citizenship and political rights;

Ombudsman and national human rights institutions.

Following up on last year`s recommendations, some delegations briefed on their work concerning the creation and work of national Ombudspersons, discussing i.a. the independence of and countrywide access to Ombudspersons. The delegation of Poland drew attention to the special needs of children and briefed on the work of the national Ombudsperson for Children who had been appointed in 2000. Contributions on activities of National Human Rights Institutes highlighted the need to co-operate with other actors. The European Coordinating Committee of National Institutions presented current activities of their network.

Adding to last years discussion recommendations by participants included the following:

- Participating States should support expansion of field offices of Ombudspersons to improve access at the local level.
- The European Network of the National human rights institutions and the European Coordinating Committee of National Institutions should co-operate with the OSCE/ODIHR as it already does with the CoE, UN, other IGOs and NGOs.

WORKING SESSION 2 - Fundamental Freedoms I

In response to a briefing by the FOM on the office's current activities and challenges, participants expressed broad support for the work of the FOM - as a valuable early warning system. Participants commended the FOM for integrating gender perspectives in his work including the composition of his staff. The discussion focused on the issues of libel laws, the ability of governments to self criticism, the media and the use of the internet, media concentration and editorial independence, media in multilingual societies, training of journalists, and media legislation. A large number of recommendations adds to last year's debate.

Recommendations by many participants included the following:

- Participating States should not interfere with media, as they can endanger a free press but they cannot create free press.
- Participating States should ensure that full, transparent and timely investigations are carried out when media professionals are intimidated or harrassed.
- Participating States should not use criminal defamation laws in order to restrict freedom of expression. Participating States, the OSCE and the press could work out a unified norm in the OSCE region, mainly based on good practices, by creating opportunities to jointly discuss recommendations.
- Participating States should take into account the Amsterdam recommendations on freedom of the media and internet and foster access to digital networks and the internet.

- OSCE/FOM/ODIHR in cooperation with field presences should continue to focus on supporting freedom and plurality of the media and offer assistance to governments and media where useful, including through regional initiatives such as the Central Asia Media Conference.
- OSCE/FOM/OHDIR should continue to monitor the implementation of OSCE commitments and, in the case of violations, encourage reforms.
- OSCE/FOM/ODIHR should continue to support legislative reforms in co-operation with States and key actors, such as professionals associations and civil society.
- OSCE/FOM should continue to encourage media owners to subscribe to the principles proposed by the OSCE FOM for guaranteeing editorial independence.
- OSCE/FOM should continue work related to media in multilingual societies, taking into consideration the right of persons belonging to minorities to express themselves through media in their own language.
- OSCE/FOM/ODIHR should continue to improve the professionalism of journalists in transition states by providing training and improving their ability to gather information.
- OSCE/FOM should elaborate a „Best Practice Guide“ on freedom of the media and the use of the internet.

A broad number of delegations proposed to increase focus on media and to devote one of the SHDMs 2004 wholly to the fight against the misuse of the internet in relation to intolerance.

Freedom of association and the right to peaceful assembly:

The debate reflected that threats to freedom of association continue and in some countries constitute a deterioration or non existence of freedom of assembly. Contributions highlighted cases of arbitrary detentions, judicial and administrative harassment, closing down of NGOs, persecution for participation in peaceful street actions, and even cases of missing public figures. Participants also discussed freedom of association and assembly in relation to the fight against terrorism.

Recommendations by many participants included the following:

- Participating States should welcome NGOs as partners in implementing reforms and developing civil society and refrain from any measures that would place obstacles to the establishment and development of strong civil societies in their countries.
- Participating States should ensure that the process of establishing an association be quick, simple and inexpensive, and review the adequacy of existing legislation and analyze its implementation.
- Participating States should ensure that any possible ground for restricting the freedoms of association and assembly comply with the exhaustive list of legitimate aims that are listed in international and regional treaties.
- Participating States should take up the issue of freedom of association of active military personnel.

- OSCE/ODIHR in cooperation with field missions, where appropriate, should continue to facilitate the development of a culture of consultation between authorities and NGOs.
- OSCE/ODIHR in cooperation with field missions should continue to monitor the situation in the area of freedom of association in order to determine which restrictive measures are applied and continue to work to enhance freedom of association in those States where restrictions still exist.
- OSCE/ODIHR should provide an annotation of OSCE commitments in the area of freedom of association.

- One delegation proposed to consider Freedom of Assembly as a topic for one of next year's SHDM. Such a meeting could review the degree to which laws on Freedom of Assembly throughout the OSCE area are consistent with OSCE commitments and other international standards, and examine what more participating States can do to better implement OSCE commitments in this regard.

WORKING SESSION 3 - Fundamental Freedoms II

As in previous years, delegations noted as a major concern state-imposed administrative or regulatory obstacles restricting or even preventing the exercise of the freedom of religion or belief. In some countries there is still no law on alternative military service and those refusing to serve in the army on conscientious grounds are regarded as committing a criminal offence. As in previous years, delegations also noted mob violence targeting religious minorities and the failure of authorities to intervene to prevent or to react to it.

Following-up to discussions during the Supplementary Human Dimension Meeting recommendations by many participants included the following:

- Participating States should ensure that freedom of religion be enjoyed irrespective of whether registration has been sought or granted. If there is a registration system, the registration process should be done as transparently and open as possible. Setting up religious entities should be quick and simple and should not incur significant costs.
- Participating States should refrain from limiting the freedom of religion by indirect measures.
- Participating States in cooperation with OSCE/ODIHR should foster inter-religious and intercultural dialogue and maintain a dialogue with religious communities to better understand their preoccupations and promote mutual respect and develop tolerance.
- Participating States should ensure that their national legislation recognizes the right to be registered as a conscientious objector and that there are adequate provisions for alternative civilian service.
- OSCE/ODIHR should increase its monitoring and reporting on violations of OSCE commitments of the freedom of thought, conscience, religion or belief.
- OSCE/ODIHR in co-operation with participating states and non state actors should facilitate legislation and dissemination of information on legislation concerning the protection and guarantee of believers`rights, including those belonging to minority religions or beliefs.
- OSCE/ODIHR/FOM should pay particular attention to improving the professional standards of journalism when dealing with religious questions and regularly convene meetings involving mass media leaders on the issues of tolerance and ethics.
- OSCE/ODIHR should review OSCE commitments related to the problem of discriminatory registration policies.
- OSCE/ODIHR and the CoE should evaluate options of linking activities of the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief to the CoE Committee of Ministers thematic monitoring procedure.

Freedom of movement

As in previous years delegations discussed problems of movement between participating States, such as exit visa regimes and the situation of stateless persons holding „alien passports“, as well as impediments to internal movement, such as „Propiska“-regulations.

Reaffirming and adding to recommendations of last years, recommendations by some participants included the following:

- Participating States should implement OSCE standards in the area of freedom of movement.
- Participating States should reinforce efforts to normalize the status of stateless persons and to ensure that everyone can exercise the right to a citizenship and that no one should be deprived of his or her citizenship arbitrarily.
- Participating States should cooperate in order to ensure that all stateless persons having legal residence in a member state be allowed to travel to or via other member states.
- Participating States should place emphasis on preventive measures concerning migration, including exchange of information on best practices.
- OSCE/ODIHR should draw up guidelines for member states on the principle of the registration of citizens' place of residence.
- One delegation proposed to organize an international conference on the free movement of people, goods and ideas. One delegation proposed to consider holding of one of the SHDM next year on the issue of freedom of movement.

WORKING SESSION 4 - Tolerance and Non-discrimination I

The session before lunch was devoted to Roma and Sinti issues. Speakers noted that the Roma and Sinti population in the OSCE area still faces major difficulties and are subject to exclusion in our societies. A number of specific concerns were raised. Among those concerns were allegedly forced sterilization of Roma and Sinti women, lack of anti-discrimination legislation, and lack of participation of Roma and Sinti in the political decision making bodies. Several speakers also expressed concern over the situation for Roma and Sinti in South Eastern Europe. Speakers underlined the importance of giving extra attention to Roma and Sinti women and girls, as they often are subject to double discrimination. Increased participation, access and inclusion of the Roma and Sinti community were among the general recommendations. Speakers also noted satisfaction with the OSCE's efforts to elaborate an OSCE Action Plan to improve the situation of Roma and Sinti.

Recommendations included the following:

- Participating States should ensure proper anti-discrimination legislation.
- Participating States should include Roma and Sinti issues in the school curriculum and offer the option to learn Roma language in schools. Teachers should be trained in this respect.
- Participating States should establish mechanisms to monitor and evaluate the inclusion of the Roma and Sinti community.

- The OSCE should increase its role as awareness raiser on Roma and Sinti issues. This includes raising awareness among the police, politicians and other officials, as well as information to the Roma and Sinti population on rights and possibilities.
- The OSCE should train young Roma and Sinti women, in particular on health related issues and rights.
- The OSCE should elaborate monitoring mechanisms regarding discrimination, and may facilitate training of public officials in member states.

WORKING SESSION 5 - Tolerance and Non-discrimination II

Working session five, after lunch, was divided into two parts: One on equal opportunities for women and men, including follow up to the 2003 human dimension seminar on participation of women in public and economic life, and one part on the prevention of aggressive nationalism, chauvinism and ethnic cleansing.

In the session on equal opportunities speakers noted that gender equality is an integral part of a sustainable democracy, and that a vibrant democracy cannot exist without women's participation. Speakers expressed particular concern for the situation of women in armed conflicts and in post-conflict situations. Speakers also stressed the importance of addressing domestic violence as a human rights issue. Mentality and attitude was pointed out as major obstacles for progress in the area of women's participation, and the need for awareness raising and information was underlined by several speakers. The importance of focusing on men in order to improve the situation for women was also underlined.

Recommendations included the following:

- Participating States should eliminate laws hindering women's participation, and international obligations on equal opportunities should be adopted and implemented.
- The OSCE Institutions and field missions should help ensure women's participation in conflict resolution and post-conflict rehabilitation.
- The OSCE Representative on Freedom of the Media should raise awareness among journalists and media to avoid stereotypes.
- The OSCE should increase the number of women in high-level postings, both in the missions and in the secretariat.
- The ODIHR should work with member states on implementation of the UN Convention on Elimination on all forms of discrimination against women. One speaker proposed that the member states recommitted themselves to this during the Ministerial Meeting in Maastricht this year.
- The OSCE should increase its efforts in training women in leadership and management.

In the final session that day, on prevention of aggressive nationalism, chauvinism and ethnic cleansing, speakers noted the importance of cooperation with the ICTY. The issue of refugee return in some areas were a cause of concern to several speakers. Speakers noted that education is the most effective instrument to tackle aggressive nationalism, in addition to the legal framework. It was also noted that the fight against extremism places democracy before a dilemma in regard to freedom of expression. Two delegations expressed diverging views on the situation in one region in the OSCE area.

Recommendations included the following:

- In the effort to prevent extremism, the OSCE should intensify its cooperation with other international organizations.
- The OSCE should draw up a survey of best practices in the OSCE region on the issue of aggressive nationalism, chauvinism and ethnic cleansing.
- The OSCE should strengthen its role in preventing aggressive nationalism through special bodies, such as the High Commissioner on National Minorities.

WORKING SESSION 6 - Rule of Law I

Legislative transparency

Independence of the judiciary

Right to a fair trial

Follow-up to the 28 and 29 October 2002 SHDM on the role of community policing in building confidence in minority communities

Lively debate. Unanimity in recognizing Rule of Law in all its aspects as a primary component of a democratic society as well as a cornerstone of ODIHR's project activity. Particular attention to independence of the judiciary from government. ODIHR's work commended but many participants asked for an increase in the number of programs. Several participants highlighted incidents of police violence with a racial motivation, for example, against Roma. Senior OSCE Police Adviser highlights community policing as a key concept instrumental in changing police forces' culture.

Recommendations on Legislative transparency

- Parliamentary proceedings, including committees meetings, should be open to the public.
- Minutes and records should be entirely available to the public. Reading rooms and internet could be used to this end.
- ODIHR and other international organizations should provide technical assistance to Participating States in this field.
- Expert review of draft laws should be an essential component of the legislative process.

Recommendations on independence of the judiciary

- One delegation proposed that a meeting should be held next year to the topic “Rule of Law and the promotion of peace”.
- Judges, prosecutors and court personnel should be properly paid and trained.
- Particular attention should be paid to guarantee their knowledge of international human rights standards.
- The right of appeal to the highest levels should be guaranteed.
- The independence of lawyers, prosecutors and judges from the government, particularly local authorities should be guaranteed.
- Independent Bar associations should be established where they do not yet exist.
- Military courts should deal exclusively with military crimes. They should not be competent on civil or administrative matters when one of the parties is a military person or institution.
- Appointments, dismissals and promotions of judges and law enforcement personnel should be subject to a transparent procedure. In particular, promotions should not only be based on the numbers of convictions or detentions, since this may lead to irregularities.

Recommendations on the right to a fair trial

- Every Trial should be public. Special attention should be given to provide access to them by media and diplomatic representatives.
- Legislative clauses giving higher procedural status to pieces of evidence provided by government officials should be repelled.
- Since slow justice is bad justice, efforts should be devoted to improve the efficiency of the courts.
- Courts rulings, particularly in the civil jurisdiction, should be properly executed.
- Defendants defendant should enjoy not only legal, but also linguistic and psychological assistance where necessary.
- The defendant’s right to due compensation should be properly guaranteed.

Recommendations on Follow-up to the 28 an 29 october2002 SHDM on the role of community policing in building confidence in minority communities

- Attention should be paid to ensure the full accountability of police forces and to avoid any instance of impunity.
- Open exchanges between police and local communities should be encouraged, i.e., through advisory bodies or even national for forums.

WORKING SESSION 7 - Rule of Law II

At the beginning of the session, the first Deputy Director of ODIHR announced that a new version of the background paper “*The death penalty in the OSCE area*” had been produced by the office. It intends to provide a comparative overview of the death penalty throughout the OSCE region and to promote constructive discussion.

Exchange of views on the question of the abolishment of capital punishment.

Progress in this question in a number of countries was highlighted. This progress is seen in: a) outright abolition, b) narrowing of the cases for which such a punishment is foreseen, c) extension of the moratorium to implement the punishment, d) reduction in the number of executions by commuting the sentence to life imprisonment and e) more instances of presidential pardoning. Some countries noted, however, increase in extra-judiciary killings.

A few countries noted that they are de facto abolitionist and even their desire to make further progress by taking into account evolving perceptions by the public and their view that the death penalty has no impact in the crime rate. Other countries highlighted instances where death penalty had been linked to miscarriages of justice.

Recommendations on abolishment of capital punishment

- ODIHR should work on full respect of the provisions of article 6 the International Covenant on Civil and Political Rights.
- OSCE commitments should be equally respected, particularly by:
 - Providing information on its use to the public.
 - Providing prior information to the relatives of the victim about the time and place of the execution
 - Providing the relatives with the body of the executed.
- Prisons where people in the death row are kept should be upgraded to provide for humane conditions of incarceration.

Prevention of torture

The discussion took place on the eve of the Supplementary Human Dimension Meeting on “*Prevention of Torture*” that is going to take place in Vienna, November 6th and 7th.

Some participants highlighted how instances of police brutality are common in almost every country of the region. Particularly troubling would be the fact that these instances have frequent racial overtones. Several participants highlighted the intimate connection of this issue with professional standards of Law Enforcement personnel. Improper conditions in prisons and places of detention equally noted.

Recommendations included the following

- Independent experts should have full access to prisons and detention facilities.
- Participating States should sign and ratify international instruments in this field and to co-operate fully with competent international bodies, particularly the UN’s Special Rapporteur.
- The recommendations of the UN’s Special Rapporteur should be fully implemented.
- ODIHR should step up its efforts to promote greater compliance by Participating States with these recommendations.
- ODIHR should give new impetus to its *Advisory Panel on Torture*.

WORKING SESSION 8 - Humanitarian Issues and other commitments

Trafficking in Human Beings

Participants used this morning's debate to underline their commitment to fighting trafficking in human beings as a form of modern slavery and to express their full support for the CiO who has made the fight against THB one of its priorities. Participants welcomed the adoption of the OSCE action plan and expressed their appreciation of the work done by the co-chairs of the working group in Vienna, Ambassador Danielle Del Marmol and Ms. Vera Gracheva, as well as ODIHR and the SPTF, Ms. Helga Konrad. The Ambassador of Norway, Ms. Mette Kongshem, confirmed that she will take up the task as new co-chair of the group. The debate reflected the progress in discussions conducted by the CiO on follow-up to the Action Plan. Many delegations underlined their support for strengthening OSCE through an anti-trafficking mechanism. One delegation highlighted that in fighting all forms of organized crime there should be no prioritisation of one type over the other. The CiO announced that a formal proposal will be put on the table in Vienna later this month.

Recommendations with broad support included the following:

- Participating States should enhance their capabilities by strengthening legislation, particularly to ensure victim protection and appropriate penalties for perpetrators.
- Participating States which have not yet done so should ratify the UN Convention against Transnational Organized Crime and its Protocol on Trafficking in Human Beings, as well as that on smuggling of migrants.
- Participating States should adopt a comprehensive multi-dimensional approach in the fight against trafficking in human beings, including measures to address root causes as laid down in the Action Plan.
- Participating States should pay particular attention to training of specialized personnel of relevant government structures as well as NGOs. Participating States should develop close working relationships and strengthen their networks with NGOs.
- Participating States should ensure that adequate resources continue to be made available to support activities to fight trafficking in human beings.

- OSCE/ODIHR should further analyze patterns of trafficking in human beings in Central Asia and strengthen activities in the region.
- OSCE institutions should include awareness-raising campaigns and programs aimed at integration of victims into their programmes.

Migration, refugees and displaced persons

Many participants expressed concern over the situation of IDPs in the OSCE region, and discussed the roles of international and regional organizations as well as NGOs. Participants stressed the need for coordinated efforts and for a global approach encompassing the various angles of issues to be addressed with particular attention to countries of origin, transit and destination.

Recommendations included the following:

- Participating States should strengthen co-operation with a view to harmonizing migration policies. Participating States should promote an inter-state dialogue on migration policies with a view to elaborating a code of best practices.
 - Participating States should continue to respect the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.
 - Participating States should promote international co-operation with a view to harmonizing legislation and national practices related to asylum seekers.
 - Participating States should take concrete steps to allow displaced persons to return home safely on a voluntary basis.
 - Participating States should give priority to the problem of internal displacement as a human dimension issue and review situations of internal displacement at Human Dimension Implementation and other relevant OSCE meetings.
 - Participating States could raise the situation of IDPs at the ministerial level, including tools for addressing internal displacement such as the UN Guiding Principles on Internal Displacement.
 - Participating States should revise their legislation to reflect the UN Guiding Principles.
 - Participating States should consider extending the mandates of OSCE field presences to include IDPs.
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- OSCE/ODIHR should strengthen activities in the area of migration.
 - OSCE /ODIHR should strengthen in particular efforts to address the situation of IDPs in the OSCE region, taking into considerations the recommendations of the SHDM on Migration and Internal Displacement held in September 2000. ODIHR's migration unit should serve as a focal point within the OSCE for internal displacement issues. Activities of the OSCE Economic Coordinator should be reinforced, including activities aimed at temporary integration and improvement of living conditions of displaced persons.
 - OSCE/ODIHR should enhance its cooperation with the UN Representative on Internally Displaced Persons and other relevant International Organizations and regional bodies, such as the CoE and the EU.
 - OSCE/ODIHR should encourage the dissemination and application of the UN Guiding Principles on Internal Displacement by its staff, both at headquarters and the field, and by Participating States.
 - OSCE/ODIHR in partnership with other international organizations should engage in the elaboration and implementation of strategies for displaced persons in situations of armed conflict.
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- One delegation proposed to consider a SHDM on IDPs next year. A group of delegations proposed to held a meeting on migration policies bringing together state actors and civil society.

WORKING SESSION 9 - Humanitarian Issues and other commitments, (cont.)

Participants voiced their concern on the lack of respect of international humanitarian law and a growing number of flagrant violations of international humanitarian law. Participants discussed the proliferation of non state armed players and the privatization of violence as new challenges to humanitarian law. ICRC recalled that the application of international humanitarian law requires an armed conflict.

Recommendations included:

- Participating States should ratify and implement humanitarian law and disseminate laws.
- Participating States which have not yet done so should urgently ratify the Additional Protocols to the Geneva Conventions.
- Participating States should sign and ratify the ICC Statute. States which have signed and ratified the Statute should ensure full cooperation with the ICC.
- Participating States should ensure investigations into crimes against humanitarian personnel and bring perpetrators to justice.
- Participating States should ensure access of humanitarian personnel to those in need of assistance.
- Participating States should ensure that, as laid down in the OSCE Charter on Preventing and Combating Terrorism adopted in Porto, all measures against terrorism and all counter-terrorism measures and co-operation should be conducted in accordance with the rule of law, the UN Charter and the relevant provisions of international law, international standards of human rights and international humanitarian law.
- OSCE/ODIHR should elaborate a set of guidelines on the dissemination, application and respect of international humanitarian law in armed conflicts to be used for purposes of education and training of military personnel.
- OSCE/ODIHR should monitor and report on the impact of counter-terrorist legislation and counter-terrorist measures and practice.
- OSCE/ODIHR should report on situations of breaches of international humanitarian law.

WORKING SESSION 10 – 11: Discussion of Human Dimension Activities, with a Primary Focus on Project Work

General remarks:

The sessions addressed four major issues: 1) OSCE Human Dimension Mechanisms;

2) the role of the OSCE institutions and bodies, including the Conflict Prevention Centre, Special Police Matters Unit and Anti-Terrorism Units of the Secretariat in Vienna; 3) the functioning of OSCE missions and field operations, including training and capacity building; 4) project activities as a tool for operational approach to assistance in implementation of Human Dimension commitments.

1) Human Dimension Mechanisms

The OSCE has established a number of tools to supervise the implementation of commitments that the participating states have undertaken in the field of human rights and democracy: the formal mechanisms and forums: Vienna Mechanism (1989) and Moscow Mechanism (1991). They provide for the establishment of an ad hoc mission of independent experts to assist in the resolution of a specific human dimension problem. Until now, the Moscow mechanism has been established five times, the last time in December 2002-March 2003, invoked by ten OSCE States in relation to Turkmenistan.

The Moscow mechanism has been in use for the first time in 10 years. The Mechanism had been created in a time when the situation was different. Then there had been an atmosphere of co-operation and it was thought that a follow up wouldn't be necessary. World had changed but no real measures taken to review the Mechanism. No provisions for the publication of the findings, except that the report was open and could be distributed as well as published on the website. So far no follow up, but perhaps a discussion on the different instruments at the use of the ODIHR and OSCE would be in place. A reference was made by the EU on Turkmenistan, which called for the respect of human rights.

Recommendations from Professor Emmanuel Decaux about the Moscow Mechanism:

- The Participating States should complete and up-to-date the resource-list of experts of the Human Dimension Mechanism;
- The CiO should fulfil its special responsibility to assure the effective respect of par.6 al.2 the Moscow Document which stress that “the Participating States will refrain from any action against persons, organizations or institutions on account of their contact with the mission of experts or of any publicly available information transmitted to it”.

2) The role of the OSCE institutions and bodies, the effectiveness of and co-operation between field operations and institutions

The main issue raised in that part of the sessions was to highlight Human Dimension activities with a view to identifying lessons-learned and seeing where a greater focus from the OSCE Secretariat, Institutions, CiO and field missions could prove useful in pointing out trends and priorities for the future.

Democratic development was a precondition for growth, stressing the need for peace and stability. There is a need for more balance between the dimension, although the three dimensions were closely connected, especially regarding terrorism. The strength of the

OSCE lays in its field activities, although it is an important political forum. Through the field activities, the OSCE actively helps building democratic institutions. The OSCE field experience provided useful information for co-operation with other organizations, e.g. NGOs, continued partnership with the UN. In all these co-operative efforts, there is a need for proper and stable funding.

Human Dimension (HD) is the most important dimension with relation to staff training. More than 50% of staff today is active in Human Dimension or HD related fields, thus relations with the ODIHR are intensifying considerably in terms of activities both on substantive issues and through co-operation on diverse initiatives. In many cases using each other resources goal is to make more use of OSCE commitments in work of mission staff and NGOs. Production of OSCE manuals in combination with relevant training also helps clarify mutual role of institutions and missions in bigger OSCE context.

3) Training and capacity building

The need for and importance of training and capacity building for the Organization, particularly in the field of human rights has been repeatedly recognized. Functioning of the Training Co-ordinator in the Department of Human Resources, Vienna, aims at providing training in necessary skills in order to meet challenging tasks of the staff of the Organization. He elaborated on importance of training and gave an overview of trainings for international mission members (intl MM), starting from 100 intl. MM in 1995 to more than 3000 intl. MM in 1999. It started with the Kosovo Verification Mission (KVM) that showed serious shortcomings in preparation of mission staff, which was an alarm bell to start looking more seriously into training/preparation of mission staff for their tasks. Subsequently, there was a need for development of training strategy for 'in-service' training'. In 1999/2000 very ambitious REACT program was introduced providing for participating States (pS) to establish (national) expert pools for rapid deployment, which again showed the importance of adequate preparation and training. In this frame, many states established national *pre-deployment* training modules (Germany, Switzerland etc) where training is provided already in country of origin. In addition, there is the induction program in Vienna, where all MM go through a general training, to be expanded in 2004. A 3rd step, "in-service training" is foreseen for training staff in the missions on regular basis and expanding to mandate related training (for example: HR officer from country X with specialized professional HR background, but not familiar with property rights in mission area).

In the OSCE there is an issue of "lessons learnt" and an inherent problem of *institutional memory*. Study by OSCE research centre – CORE at the University of Hamburg Peace research Institute conducted a 1st study of such kind to be presented in early 2004, as more than 10.000 mission members in last 8 years went through OSCE (field missions and institutions). Human Dimension (HD) is the most important dimension with relation to staff training. Division of labour is necessary so that:

- all Human Dimension training under guidance of the ODIHR with joint training planned starting in early November 2003 for HD officers in Caucasus (Cau) and Central Asia (CA), with following reunion in Vienna to discuss best practices and challenges, this being a first time event, hoping to institutionalise it.

- Cooperation with High Commissioner on National Minorities (HCNM) increased, Together with colleagues from the ODIHR and the Council of Europe (CoE) working on manual for field staff on European Human Rights.

Thematic approach in training is necessary with the goal make work of field staff more efficient. Several topics were identified: **how to deal with individual cases**. A handbook for OSCE field personnel (on individual HR complaints) is prepared based on a survey, dealing with practical issues. It will contribute to confidence and trust of public in mission area; underline importance of *inter alia* of national systems, increase capacities of national institutions and governments, but *not* replacing them. Two trainings already completed in CA and Caucasus provided both to international and local staff and showing both importance for, and usefulness of even more training. Another effect is long-term *sustainability*.

Importance of reporting: reporting needs to be included the induction courses (preferably by inclusion of special reporting module). There are different types of reports (regular reports, spot reports etc), each demanding for special method in writing. Quality of reporting varies dramatically.

Admin issues: although not fitting here, important to mention: importance of administration when it gets to project management; this is *not* given enough attention. There is a clear identified need for a **better understanding of the OSCE** that MM work for in the field. On follow-up training after deployment: this is relevant, especially if new topics/areas for work come up (like terrorism, trafficking etc have been introduced as priority areas in recent years, affecting mission staff's work).

An area of special attention is **project management** (the Office in Yerevan had a demand for project cycle trainings, which were implemented this year in the Caucasus mission areas.)

Local staff training has a particular importance since it's ultimately contributing to national capacity building – an investment that returns with benefit to countries we're working in. **Regional coordination and cooperation in training:** fairly successful in South Caucasus mission areas, organised on individual HR complaints and project management, a good practice to show. Needs are different from big to small missions, but also from region to region (Balkans, Caucasus, CA etc).

Particular importance to be highlighted is **training of Roma** in skills to enable them to qualify to work for ODIHR electoral missions or domestic election observations. The ODIHR stands ready to advise in order to recruit trainees from relevant states.

Concluding remarks to point out:

- improved trainings, in both quantity and quality;
- advocate for better understanding of OSCE role in general and nature of political commitments in particular;
- one way of increasing cooperation and understanding of HD commitments is to have int'l MM (HDO fficers) to go via Warsaw for training.

4) Project activities

The OSCE has played in recent years a much more active role in seeking to strengthen democracy and human rights practices, as well as to promote the strengthening and compliance of HD commitments by OSCE participating States, through the development

and implementation of targeted activities and projects. They include specific assistance efforts for both governments and civil society in national and sub-regional groupings, as well as work at the international political level in consultations with other international organizations.

The EU attached great importance to the work of the ODIHR but stressed that continued effort was needed. The activities undertaken by the ODIHR must be put in a broader perspective coupled with continued co-operation with the field missions. While many projects were well designed there should be more innovative ways to look for funding. Looked forward to the approach to combat racism, xenophobia, anti-Semitism. Pleased with the German offer to host a conference on anti-Semitism in Berlin in 2004.

OSCE projects are very needed as many NGOs can learn better by doing. They should allow for wide public participation. There is a need to adjust projects to the conditions of the recipient countries and beneficiaries, with a longer-term prospect. Strengthening of local expertise through exchange with Western experts and best practices, but with better evaluation what does “best” really mean. Projects should not be organization or donor driven but also take into account local stakeholders (one of the goals of the Project Coordination Cell in Vienna). Another important area of focus should be the flow of information between civil society, media, Organization and governments for transparency. The importance of project work calls for better and durable funding prospects, in order to ensure continuity, but also for improved joint vision and strategy and possibly redefining the roles of ODIHR and the missions in the process of generating and consulting programming. The ODIHR role as a provider of expertise and advice. Also information should be going to the delegation of the recipient country for consultation before projects are in their final form. The issue of overlapping with other international organizations was explained as reinforcing and collaboration, as some organizations such as Council of Europe have better tools with legally binding nature.

Specific recommendations:

OSCE/ ODIHR:

- Human rights and democratization issues should be fully integrated into the work of all OSCE field operations, in fulfillment of the OSCE’s comprehensive concept of security, and in recognition that OSCE missions cannot be blind to OSCE Human Dimension commitments. The need to deal with Human Dimension issues should be taken more carefully into account when establishing or amending/adjusting/revising OSCE field missions’ mandates, especially in pre-conflict, conflict and post-conflict situations.
- OSCE Participating States welcome the ODIHR’s work begun in 2002 to develop guidelines on how to handle and respond to individual complaints of human rights violations. Training on this, as well as other HD issues for OSCE personnel, should be strengthened. The ODIHR’s role in this regard should be increased.
- The early-warning capacities of the OSCE, including in particular its institutions and field missions, should be enhanced by improving their capacities to monitor

and report on human dimension issues and through a rapid sharing of relevant information among them.

- OSCE political bodies should develop more effective and consistent means of follow-up to violations of OSCE Human Dimension commitments. In particular, OSCE participating States should put into practice the measures outlined in paragraph 36 of the Charter for European Security.
- To encourage the Participating States, the OSCE and its institutions to make available sufficient resources for the implementation of human dimension projects.
- ODIHR should build on the common values and commitments amongst participating States such as strengthening democratic values and institutions, judiciary systems, human rights and bilateral and multi-lateral co-operation and co-ordination to ensure that the HD goals, OSCE commitments, sustainability and conflict prevention can be achieved.
- The OSCE needs to further enhance its own “cross fertilization” between HD, Economic & Environmental issues and Security matters to secure sustainability and comprehensive security objectives. Clearer divisions of responsibilities among the central substantive bodies of OSCE, between the “center” and the “field” and among the field missions, as well as the development of modalities for closer co-ordination between those bodies are prerequisites for achieving enhanced efficiency and accountability.
- OSCE should create an electronic archive to house Best Practices from OSCE Missions and Institutions in specific Human Dimension activities, publications and other relevant documents. It is advisable to create a database for in-house experts and external consultants by substantive area. Both the electronic archive and the database will allow the capture of institutional memory.
- Moreover, OSCE should ensure that specially trained OSCE staff, both international and national staff, in HD matters can be transferred to other Missions upon request for short-term lectures and training programs.
- OSCE should continue to identify long-term national, sub-regional and regional HD goals and objectives, as well as develop “hand-over” strategies to local authorities and NGOs throughout the OSCE area.
- The OSCE should also continue to strengthen its co-operation, co-ordination and partnership with the host countries in on HD projects and program planning. The host countries need to see the OSCE Missions and Institutions as partners and a resource to further strengthen the democratic process and implementation of OSCE HD Commitments. OSCE should increase its efforts as a facilitator of further regional and sub-regional co-operation among Participating States.

- There is a need to create a substantive centre of excellence to provide strategic OSCE Human Dimension (HD) policy guidance and co-ordination of HD activities at national, sub-regional and regional levels. The ODIHR efforts to co-ordinate and provide substantive support for HD work should be expanded to all areas of the OSCE region.

OSCE Missions (Represented by Centre in Tashkent and Centre in Yerevan):

- We need to move away from discussing individual projects and start taking a much broader and more co-ordinated approach to our work. Projects are important, but they are only one of many tools to achieve our overall goals;
- To organize meetings with ODIHR and the Field Missions to discuss country approaches and a joint vision of our work. This has to be initiated by the Director in co-operation with the Heads of Missions or Centres.

WORKING SESSIONS 12 - 13 - Specifically selected topic: Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism

Tuesday's discussion on prevention of discrimination, racism, xenophobia and anti-Semitism provided us with a number of recommendations, many of which had already been proposed during the conferences in Vienna earlier this year, on Anti-Semitism and on Racism, Discrimination and Xenophobia respectively. In the interest of time only a few of the recommendations will be mentioned in my report today.

Speakers noted that the phenomena of anti-Semitism, racism, discrimination and xenophobia is on the increase in the OSCE region, and that it first and foremost is the state's responsibility to tackle this. Several speakers made reference to the Durban Conference on Racism in that respect. Hate-speeches and in particular hate-speeches and the spread of anti-Semitic and racist messages on the internet – cyber crime – were a cause of concern to several speakers. Holocaust denial was also singled out as a major concern.

It was noted that manifestations of hate continue in many forms, including silence. Speakers noted that the issues discussed that day were a challenge to our democratic societies built on respect and equal rights. It was recognised that there was a need to translate words into deeds, and to close the gap between commitments and the reality on the ground.

Some speakers noted that there was a distinct difference between anti-Semitism and other forms of racism, discrimination and xenophobia, and that these two issues should be dealt with separately.

Speakers stressed the need for preventive measures such as education, information and awareness raising. The importance of informing young people on what happened during the Holocaust was underlined, and it was noted that children do not only learn from theory, but just as much from attitudes and behaviour of adults.

The need for a strong legislative framework, access to the judicial system and efficient law enforcement was noted by several speakers.

The importance of monitoring hate-crimes, to extract information via statistics and to exchange information was stressed by several speakers. The need for close cooperation with other international organisations such as the United Nations and the Council of Europe was also underlined.

One delegation extended an invitation to an OSCE conference on anti-Semitism in Berlin next year. This conference would act as a symbol, a working conference and an operational follow-up. The invitation was welcomed by a large number of delegations. Furthermore, it was recommended that the Ministerial Council in Maastricht later this year would welcome and endorse the Berlin-conference.

It was also proposed to arrange a follow-up conference on racism, discrimination and xenophobia, a proposal that was welcomed by a large number of delegations. It was recommended that the Ministerial Council in Maastricht would welcome and endorse such a conference, and a host country for such a conference was called for.

Other recommendations included the following:

- Hate speeches should be clearly defined and criminalised.
- Participating States should develop and implement national strategies to combat all forms of discrimination.
- Participating States should ensure that education for tolerance is included in primary and secondary schools, and beyond. Education on this issue for the public administration, the police and the judiciary should also be ensured. Furthermore, it was recommended that the Ministerial Council urge all Participating States to ensure that their education systems accurately teach about the Holocaust and work to counter anti-Semitic stereotypes and attitudes. It was also proposed that the ODIHR should provide more active support to participating states in providing an educational program.
- The Ministerial Council should call for all Participating States to inform ODIHR of what legislation they have in place to penalise and punish the perpetrators of hate-crimes.
- Participating States should run statistics on hate crimes. The ODIHR should assist participating states with drafting legislation on hate crimes and the collection of hate crimes statistics. Where statistics are available, participating states should share that information with the ODIHR and other participating states, and appropriate OSCE meetings should be used to discuss these statistics. Appropriate, targeted OSCE programs and projects should be developed.

- The Ministerial Council should provide the OSCE with an effective mandate for addressing anti-Semitism.
- The Ministerial Council should urge those Participating States that have not already done so to join the Task Force for International Co-operation on Holocaust Education, Remembrance and Research, and to implement the provisions of the Declaration of the Stockholm International Forum on the Holocaust.
- The OSCE should instruct the ODIHR and/or the HCNM to collect data on anti-discrimination educational policies that have been implemented by OSCE participating States.
- The OSCE should create an action plan to combat racism, discrimination and xenophobia. The OSCE should also establish a database on good practices.
- The OSCE should provide a manual with guidelines on how to avoid hate-speeches and discrimination on the internet. It was proposed that a Supplementary Human Dimension Meeting in 2004 was devoted to the fight against all kinds of discrimination on the internet.
- The OSCE should encourage the media to establish a self-policing code of conduct to avoid anti-Semitic and racist messages in the media.

WORKING SESSION 14 - 15 – Specifically selected topic: National Minorities

Unanimity in highlighting the important contribution national minorities can play to a richer economic, social cultural and political identity. Equal appreciation of the array of international instruments and bodies on this question and their contribution to stability and peace. This very rich *acquis* can be applied with particular concern to specific circumstances but should be disseminated as widely as possible.

Unanimity in highlighting importance of political participation of national minorities, that should be imperative concerning those measures that may potentially affect them. Particular attention to the usefulness and sometime surprising success to this end of indirect means such as ensuring equal education opportunities.

Recommendations:

- Participating States should have an interest in issues relating to all minorities and not only of those minorities that share with them the same ethnic identity.
- Participating States are encouraged to sign and ratify the European Charter on Minority Languages and the Council of Europe Framework Convention on National Minorities, which is open to accession and ratification by non-member States.
- Participating States are encouraged to heed recommendations stemming from international organizations and bodies on standards on language for public signs, employment, education, etc.

- In particular, the Lund and other recommendations produced by the HCNM and ODIHR should be disseminated as widely as possible.
- International organizations working on this question are encouraged to work ever more closely, particularly when monitoring and prevention of conflict are concerned.
- Participating States should, where necessary, abolish parliamentary thresholds to allow greater parliamentary representation by members of minority groups.
- A country suggested devoting a meeting next year to '*Education and National Minorities*'.
- Provision of documentation and registration of people from minority groups is imperative to their enjoying political participation.
- Participating States are encouraged to consider how successful indirect measures, such as ensuring equal access to education, have been in achieving greater degrees of political participation by minority groups.

WORKING SESSIONS 16 - 17 - Specifically selected topic: Migrant Workers

During the last two sessions of the Human Dimension Implementation Meeting participants focused on the situation of migrant workers in the OSCE area. The debate was based on country specific examples and best practices. Input by both sending and receiving countries from different perspectives allowed for substantive discussions.

Participants welcomed the focus of these sessions, since the situation of migrant workers and migration on a broader sense constitute challenges for increasing number of OSCE countries. It was suggested that, with its comprehensive membership structure comprised of both sending and receiving states, the OSCE would be an appropriate forum for discussions on how to cope with the labour migration phenomena. Further exchange of experience and best practices within the OSCE in search for common solutions to the problems of migrant workers was encouraged.

Concern was expressed that tight migration policies and complexities of registration processes in receiving countries lead to the exploitation of the migrant workers, who ended up in illegal situations. The need for better managed migration policies and increased opportunities for legal migration was underlined. Some participants stressed that the solution lied in bringing work to people rather than taking people to work. Development of small and medium sized enterprises was identified as one best practice in this respect.

Integration related problems and discrimination against members of migrant communities were also touched upon. Enforcement of already existing regulations in this respect was mentioned as the weak point. Particular needs of second generation migrants were highlighted. Both sending and receiving countries were encouraged to consider measures allowing dual citizenship as a means for facilitating integration while at the same time preserving links with motherland. Taking into account the humanitarian aspect of the

situation of migrant workers, participating States were invited to facilitate family unification.

Afternoon session was devoted to push and pull factors in sending and receiving countries. Increased criminality in receiving countries and victimization of migrant workers and illegal migrants by organized crime networks were mentioned among consequences of irregular migratory movements. Role of the OSCE, particularly the ODIHR is underlined in analyzing the situation in sending and receiving states.

One Permanent Representative from Vienna drew attention to the specific nature of human rights and crime aspects of smuggling of migrants and called for OSCE attention to this phenomena.

As to specific recommendations:

- Participating states should become party to international instruments related to labour migration.
- Participating States should democratize their citizenship laws and grant dual citizenship as an efficient way of incorporating migrant communities.
- Family unification should be facilitated.
- Participating States should comply with their commitments in the field of freedom of movement and freedom to choose one's residence.
- Cultural centers in receiving countries in cooperation with the sending state and the civil society should be established to cater for the cultural needs of young members of the migrant communities.
- Participating States should take measures to ensure fair and safe return processes. Long waiting time in detention centers before deportation of illegal migrants should be avoided.
- Participating States should take measures to inform potential migrants on all aspects of migration processes including labour market conditions, visa and residency policies, safe methods of banking, health risks through awareness raising campaigns and education.
- Participating States should allocate adequate resources to the diplomatic missions to interact with employers and migrants in their dialogue.
- Simplified procedures should be developed for seasonal workers.
- Participating States should take measures to create incentives legalizing the situation of illegal migrants where possible.
- Access to vocational training for migrant workers should be facilitated.
- Training seminars should be organized for journalists to sensitize them with the problems of migrant communities. Responsible media broadcasting should be encouraged.
- Collective efforts should be made to fight against organized crime networks.
- Students and young trainees should receive temporary admission.
- Participating States should consider developing quotas to increase legal migration opportunities.

- Otherness should be recognized as a positive contribution to the diversity and richness of societies.
- Bilateral agreements should be conducted to combat migration related problems.
- Efforts should be concentrated to develop labour markets dialogue rather than “police methods” to make progress in the search for solutions to the migration related problems.
- Information pamphlets focusing on targeted geographical areas should be disseminated to migrant communities and potential migrants in their own languages.
- Participating States should allocate adequate resources to the diplomatic missions for interaction with employers and migrants in their dialogue.
- Bilateral and multilateral approaches instead of unilateral ones should be adopted in dealing with migration related problems.
- Participating States should take into account their demographic forecasts in preparing plans to compensate future labor shortages in a way not to repeat the past mistakes in procurement of migrant labor.
- Participating States, in conjunction with OSCE bodies, should address the problem of human smuggling separately from trafficking in human beings, and should develop measures to combat human smuggling.
- Participating States and the OSCE should fully engage in cooperation with international and regional organizations to develop dialogue on issues related migration.
- OSCE should provide forum for analysis and exchanges of best practices on the situation of migrant workers, particularly on integration related activities.
- OSCE should convene an international conference on this topic.

V. ANNEXES:

- **KEY-NOTE ADDRESS AND OPENING SPEECHES**

Please refer to: <http://www.osce.org/odihr/meetings/2003/hdim/>

- **MODALITIES FOR OSCE MEETINGS ON HUMAN DIMENSION ISSUES**

Permanent Council Decision No. 476, 23 May 2002 (Relevant Provisions)

The Permanent Council,

Recalling Decision No. 4 of the Bucharest Ministerial Council (MC(9).DEC/4), which tasked the Permanent Council with further reviewing the modalities of the human dimension meetings by 30 June 2002,

Further recalling the provisions of the Helsinki Document 1992, Chapter I and Chapter VI, paragraph (9),

Decides to adopt the modalities for the OSCE meetings on human dimension issues set out in the annexes to this Decision.

The modalities for the human dimension implementation meetings will, *mutatis mutandis*, be reflected in the human dimension segment of the Review Conference.

The Permanent Council may, in light of the experience gained, decide to make additional adjustments to the arrangements set out in the annexes, with a view to strengthening the effectiveness and attraction of the human dimension meetings further.

I. Human Dimension Implementation Meetings

The following modalities amend and complement the provisions of Chapter VI, paragraph (9), of the Helsinki Document 1992.

1. During each year in which a Review Conference does not take place, the ODIHR will organize a Human Dimension Implementation Meeting (HDIM) of all the participating States, at its seat, to discuss implementation of OSCE human dimension commitments. The HDIM will last 10 working days, unless otherwise decided by the participating States. The HDIM will be concluded by a Reinforced Plenary Session, in accordance with paragraph 10, below.

2. The participating States will endeavour to be represented at the Human Dimension Implementation Meetings at an appropriately high level, both from their OSCE delegations/missions and by those responsible in their Foreign Ministries for their policies regarding human dimension issues. The High Commissioner on National Minorities (HCNM), the Representative on Freedom of the Media (RFOM) and the

Director of the ODIHR, as well as their representatives, will also participate. The OSCE Parliamentary Assembly will be invited to participate. The ODIHR will be responsible for the distribution of written contributions and information material made available before the HDIM, and will endeavour to circulate such contributions and material well in advance for consideration by the participants.

3. The Human Dimension Implementation Meetings will consist of two parts. Each HDIM will start with an opening Plenary Session. The opening Plenary Session will, as a rule, be addressed by the Chairman-in-Office, a high representative of the host country, the Director of the ODIHR, the HCNM and the RFOM. The President of the OSCE Parliamentary Assembly will be invited to address this Plenary Session. A prominent international personality in the field of the human dimension may also be invited to address the opening Plenary Session.

4. The opening Plenary Session will be followed by eight Working Sessions to review the implementation of commitments. An experienced and particularly qualified moderator will be appointed to chair Working Sessions. Rapporteurs will also be appointed for the Working Sessions. The Working Sessions will be thematically organized and will together cover the full range of OSCE commitments in the human dimension. This will be reflected in the agreed agenda. Unless otherwise decided by the Permanent Council, the Working Sessions will be devoted to the following themes: Democratic Institutions; Rule of Law I; Rule of Law II; Tolerance and Non-Discrimination I; Tolerance and Non-Discrimination II; Fundamental Freedoms I; Fundamental Freedoms II; Humanitarian Issues and Other Commitments. (The HCNM or a senior representative of the HCNM will speak under Working Session Tolerance and Non-Discrimination I. The RFOM or a senior representative of the RFOM will speak under Working Session Fundamental Freedoms I.)

5. Where appropriate, Working Sessions may be opened with an overview presented by an expert from within the OSCE. The participating States, international organizations and NGOs are encouraged to make recommendations during the Working Sessions. The participants are requested to circulate their recommendations in writing immediately to ensure an accurate record of the HDIM and to facilitate follow-up. Written recommendations will be compiled, collated and circulated to the participants by the ODIHR well in advance of the Reinforced Plenary Session at the end of the second part of the HDIM. The participating States are also encouraged to circulate written statements in advance in order to stimulate a more lively debate during the Working Sessions.

6. The first part of the Human Dimension Implementation Meeting will be concluded by a Plenary Session chaired by the Director of the ODIHR. This Plenary Session will be devoted to the presentation of the outcome of the Working Sessions and to a preliminary discussion of the recommendations made during these sessions in order to prepare for the Reinforced Plenary Session, which will take place in accordance with paragraph 1, above, and paragraph 10, below.

7. All participants will have equal access to the list of speakers in order to provide their contributions to each Working Session. Interventions during Working Sessions should not exceed seven minutes. Interventions during the concluding Plenary Session should not exceed five minutes. As a means of facilitating dialogue, delegations intending to raise an issue related to a specific country are encouraged to notify that country in advance. The speakers' list will be opened one hour prior to the opening of each session, with a view to ensuring equal access to the speakers' list. When appropriate, moderators may call on speakers out of order to facilitate a genuine discussion.

8. The second part of the Human Dimension Implementation Meeting will be devoted to forward-looking discussions with a view to fostering implementation of, as well as to refining and - if necessary including in order to meet new risks and challenges - further developing OSCE commitments. This part will be divided into eight Working Sessions. The first two Working Sessions, each with a duration of half a working day, will be devoted to a discussion of human dimension activities, with special emphasis on project work. This discussion will be opened by a senior representative of the ODIHR, who will present key future projects and priorities. Senior representatives of other OSCE institutions and field operations will make similar presentations. International organizations and NGOs are invited to comment on the OSCE presentations and to present their own project priorities. The participants will be given the opportunity to direct questions or comments to the speakers and to present their views on OSCE priorities and project work. With the exception of the introduction presented by the ODIHR, contributions at these sessions should not exceed seven minutes. In summing up the discussion, the moderator of these Working Sessions will strive to identify trends in the discussion and priorities for the future.

9. The following six Working Sessions will be devoted to discussion of, as a rule, three specifically selected topics. These topics will be selected and prepared in advance by the ODIHR, as described in paragraph 12, below. Unless otherwise decided by the Permanent Council, two Working Sessions, each with a duration of half a working day, will be devoted to each topic. The discussion of each of these topics will be opened by a particularly qualified person who has been closely involved in the preparation of the HDIM concerning the relevant topic. The discussion will be forward-looking and aimed at concrete results. Particular attention should be paid to providing contributions to the preparation of the next OSCE Ministerial Council Meeting. Where relevant, presentation and discussion of concrete projects are also encouraged. For each topic, recommendations will be made with regard to the substance as well as to further follow-up. A moderator with particularly relevant knowledge will be appointed to chair the discussion of each topic. The moderator may propose to conduct parts of the discussion in an informal manner in order to stimulate more open deliberations. NGOs, specifically those with relevant experience, are particularly encouraged to participate in the discussion of the selected topics and to provide their suggestions and recommendations. The moderator of each topic will sum up the discussion and seek common understanding concerning further work required, in particular with a view to preparations for the next OSCE Ministerial Council Meeting.

10. The Human Dimension Implementation Meeting will be concluded by a Plenary Session reinforced by the participation of Human Rights Directors or similar senior officials responsible for human dimension matters in the Foreign Ministries of participating States, as well as OSCE Ambassadors. Heads of OSCE institutions will also participate and present their priorities for the future as well as their preliminary assessment of recommendations made during the HDIM. The Reinforced Plenary Session will receive reports from the work of the HDIM and review results and recommendations from the first and the second week. It will seek to provide direction with regard to follow-up of recommendations presented at the HDIM and with regard to the preparations for the next OSCE Ministerial Council Meeting.

11. The Chairmanship will organize a discussion in the Permanent Council within two weeks after the HDIM in order to discuss further the follow-up to the HDIM. The Director of the ODIHR will present a report from the HDIM. This Permanent Council will provide further direction required with regard to the follow-up to the results of the HDIM and to the recommendations made, in particular with a view to the preparations for the next OSCE Ministerial Council Meeting. It will also provide topics for the next three Supplementary Human Dimension Meetings (SHDMs), to be decided by 1 February. To assist the Permanent Council in its deliberations, the OSCE institutions and field operations will analyse the recommendations of the HDIM relevant to their activities and will present their views in writing prior to the above-mentioned Permanent Council meeting.

12. In January, the Director of the ODIHR will present proposals to the Permanent Council for the specific topics to be prepared for discussions during Working Sessions III - VIII of the second part of the HDIM. These proposals will take into account the results of the previous OSCE Ministerial Council Meeting and of the meeting of the Permanent Council referred to in paragraph 11, above. They will be presented following consultations with the Chairmanship and, as appropriate, with Heads of OSCE institutions. The Permanent Council will decide on the topics by 1 February. By the same date, it will also decide on the date of the HDIM. The Chairmanship will then task the Director of the ODIHR and Heads of other OSCE institutions, as appropriate, with carrying out preparations required to facilitate a result-oriented discussion of these topics at the HDIM. Such preparations may, *inter alia*, include the use of informal open-ended working groups and/or established OSCE human dimension events, including the SHDMs.

13. The agenda for the entire Human Dimension Implementation Meeting will be approved by the Permanent Council at the latest four months prior to the Meeting. An annotated agenda, including side events, will be prepared by the Chairmanship, in consultation with the ODIHR, the HCNM and the RFOM. This annotated agenda for the Meeting will be distributed at the latest one month prior to it.

14. The Human Dimension Implementation Meeting will be scheduled in such a way as to avoid competition with similar meetings of other international fora and to attract

higher-level participation, and to allow time for recommendations to be followed up, discussed and reflected at the next OSCE Ministerial Council Meeting.

15. The Chairmanship will ensure that other regular meetings, with the exception of matters requiring urgent attention, will be suspended for the duration of the HDIM.

16. The remaining provisions of Chapter VI of the Helsinki Document 1992 will continue to apply in their entirety.

17. For the purpose of the Human Dimension Implementation Meeting in 2002 only, the following specific rules and modalities will apply: The six working sessions stipulated in paragraph 9 will be reduced to four working sessions. Consequently, the discussions during these working sessions will be devoted to two specifically selected topics, with two Working Sessions for each topic. These topics will be selected and decided upon no later than 23 May 2002. This decision and the subsequent preparations will take place in accordance with the procedures described in paragraph 12, above. The entire agenda for the HDIM in 2002 will be approved no later than 6 June 2002.

[...]

III. General issues

1. By 15 February at the latest, the Chairmanship will distribute an over-all annual calendar of OSCE human dimension events, including the HDIMs, the SHDMs, the Human Dimension Seminar and other relevant events, in order to facilitate planning and participation by the participating States, OSCE institutions and field structures, other international organizations and NGOs. The participating States will make every effort to ensure appropriate participation in OSCE meetings devoted to human dimension issues, including by the NGO community. The topics for the second week of the HDIMs, the SHDMs and the Human Dimension Seminar will be chosen with the aim of ensuring that they complement and reinforce each other and in order to stimulate further progress. Particular attention will be given to providing inputs to the Permanent Council meeting referred to in Annex 1, above, and to the next OSCE Ministerial Council Meeting.

2. The participating States are entitled to exercise their right of reply in accordance with the provisions of paragraph 87 (Chapter 6) of the Final Recommendations of the Helsinki Consultations.

3. All non-governmental organizations having relevant experience in the field of the human dimension will be invited to participate, subject to the provisions contained in Chapter IV, paragraph (16), of the Helsinki Document 1992, following registration with the ODIHR.

4. The Partners for Co-operation, the Mediterranean Partners for Co-operation, international organizations and institutions, as well as non-governmental organizations,

are invited to ensure appropriate participation in OSCE meetings devoted to human dimension issues.

5. The moderators of the human dimension meetings are encouraged to adopt a proactive attitude to help ensure that the participants engage in a constructive debate aimed at improving the implementation of OSCE commitments and formulating recommendations, thereby reinforcing the relevance of the human dimension meetings.

6. Further contributions to the Voluntary Fund to Foster the Integration of Recently Admitted Participating States are encouraged in order to promote appropriate participation in OSCE meetings devoted to the human dimension.

- **TOPICS FOR THE SECOND PART OF THE HUMAN DIMENSION IMPLEMENTATION MEETING**

Permanent Council Decision No. 531, 30 January 2003

The Permanent Council,

Recalling Decision No. 476 (PC.DEC/476) of 23 May 2002, on the modalities for OSCE meetings on human dimension issues,

Decides to select the topics “Prevention of discrimination, racism, xenophobia and anti-Semitism”, “National minorities” and “Migrant workers” for the second part of the 2003 Human Dimension Implementation Meeting.

- **ANNOTATED AGENDA**

Please refer to:

http://www.osce.org/odihr/meetings/2003/hdim/index.php?sc=ann_agenda

- **ANNOTATED AGENDA: SIDE EVENTS**

Please refer to:

<http://www.osce.org/odihr/meetings/2003/hdim/index.php?sc=sideevents>

- **COMPILATION OF WRITTEN RECOMMENDATIONS**

(*Covering Working Sessions 1-17*)

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by working sessions and by what was submitted by Delegations/Organizations. Recommendations are compiled in the original language without any specific order.

Monday, 06 October 2003

WORKING SESSION 1 – Democratic Institutions, *including:*

Delegation of Norway:

- Participating States should ensure that access to the ombudsman is guaranteed, and that each individual who wishes to do so has the possibility to contact the ombudsman. Thus, field offices or regional centres of the ombudsman should be explored where this does not already exist. Where necessary infrastructure exists, access through the internet should be also explored.

Council of Europe:

- Participating States of the OSCE are encouraged to adapt their electoral law and administration to the Code of good practice in electoral matters.
- Participating States of the OSCE are encouraged to use the Election evaluation guide as a basis for the evaluation of the electoral process, in particular by international and domestic observers”.
- Participating States of the OSCE are encouraged to develop and strengthen local democracy by implementing the requirements of the European Charter of Local Self-Government.

Moldovan Helsinki Committee for Human Rights:

With regard to the existence of democratic institutions in Transnistria region of Moldova:
Moldovan authorities, Russian Federation authorities, OCSE and parties guarantors of the peaceful settlement of the Transdnistrrian conflict in Moldova should:

- effectively guarantee the establishment of the basic principles of the democratic institutions: the existence and functioning of the fair elections and guarantee the freedom to political association and expression, to guarantee the accountability of the de facto leadership of the region and its transformation into a civilian one rather than military and mafia based one, the existence of the independent judiciary;
- effectively contribute to the restoration of the legitimately and constitutionally elected authorities accountable to the people and abiding to the international principles of the rule of law and human rights;

International Helsinki Federation for Human Rights:

Recommends to the OSCE and the OSCE participating States:

- to make pressure on Russia to stop military operations in Chechnia and to give security guarantees to civilian population of Chechnia and to refrain from return of refugees while the security guarantees will not be ensured there;
- to put pressure on the Georgian government to refrain from extradition and deportation and/or forcible return of Chechen refugees to Russia, as there is no guarantee that their rights will be protected there, as they are at serious risk of being tortured or ill-treated and sentenced to longterm imprisonment following an unfair trial;
- to put pressure on the Georgian government to respect human rights, investigate and prosecute and punish all acts of unlawful detention, extradition and oppression of Chechen refugees in Georgia;
- to urge the Georgian authorities to ensure that local and international media and civil society representatives or other independent observers are given free access to Pankisi gorge;
- to put pressure on the Georgian government to take all reasonable steps to Improve humanitarian, social and economic status of Chechen refugees within its jurisdiction
- to put pressure on the Georgian government that Georgia, as a member of the OSCE and Council of Europe, adheres to its obligations and fulfills European human rights standards;
- We also urge the OSCE and its member States to support the strategy, adopted by the UNHCR, of resettlement of Chechen refugees to a safe third country - except Russia, and to encourage third countries to consider the issue of admission to their territories of Chechen refugees presently residing in Georgia.

DEMOCRATIC ELECTIONS

Delegation of the United States of America:

- The United States recommends that the participating States continue and, where necessary, intensify their efforts to implement the recommendations of ODIHR election observation missions.
- In particular, the United States recommends that Belarus hold elections that would meet international standards and OSCE norms and build on the recommendations resulting from the international workshop on International Standards for Democratic Elections and Election Law.
- The United States recommends that Azerbaijan take steps to ensure that its presidential election meet OSCE norms, including by allowing the full range of international election observers, improving administrative preparations, and preventing the disruption of opposition rallies.
- The United States recommends that participating States not cancel regularly scheduled elections and reverse measures which have extended the terms of office of certain political positions for long periods of time, such as "for life."

European Union:

- The EU urges all participating states to adhere to their OSCE commitments and invite ODIHR to monitor their elections.
- The EU urges all participating states to fully implement ODIHR Election Observation Mission recommendations
- The EU recommends that the Permanent Council takes a more active role in monitoring the implementation of Election Observation recommendations
- The EU looks forward to the early adoption of ODIHR's report on "Existing Commitments for Democratic Elections".

Delegation of the Russian Federation:

- Welcoming the elaboration of a progress report on "Existing commitments for democratic elections in the OSCE participating states" issued by the ODIHR in accordance with the 2002 OSCE Ministerial Decision, as well as activities of the ODIHR in this sphere, we recommend to hold a special meeting of experts representing electoral commissions of the OSCE participating states early in 2004 to study thoroughly the abovementioned document and to identify priorities for our joint endeavors in developing OSCE commitments for democratic elections.

Delegation of Switzerland:

- Recalling Decision No.7 of the Porto Ministerial Council, Switzerland recommends that the report of the Permanent Council to the attention of this years' Ministerial Council meeting urges the adoption of new election commitments supplementing existing ones. The new commitments should address the issue of transparency as it relates to the administration of elections, the transfer, receipt and announcement of election results as well as the consideration of election complaints and appeals.
- Switzerland is of the view that the Permanent Council should be tasked on a regular basis with the issue of election observations follow-up in order to strengthen the response of participating States to the recommendations of ODIHR. To this end, ODIHR could supply the Permanent Council with regular reports on follow-up activities.

Delegation of Ukraine:

- Необходимо оказать поддержку странам молодой демократии в утверждении таких законов о политических партиях, которые бы были пронизаны духом реализма и конструктивизма.
- Предлагается положительно решить вопрос о допустимой численности официальных наблюдателей на избирательных участках в день выборов. Скажем, группа близких по духу партий, группа близких по функциям общественных организаций выдвигают одного официального наблюдателя. Или, например, к

участию в избирательном процессе могут допускаться лишь общественные организации, близкие к решению социально-политических проблем.

- Предлагается помочь экстраполировать положительный опыт США относительно снятия с избирательных комиссий функций привлечения к ответственности, применения санкций и т.п. за нарушение норм избирательного законодательства. Необходимо, чтобы эти функции выполняли отдельные специальные органы.
- Предлагается при рассмотрении вопроса об участии женщин в избирательном процессе опираться на результаты конкретных социологических исследований и не исходить, как из единственно верного, из того предположения, что низкий уровень этого участия является результатом дискриминации.
- Предлагается создать эталон, некий идеальный образец Избирательного кодекса стран-участниц ОБСЕ.
- Предлагается предпринять усилия для придания Интернету на законодательном уровне статуса средства массовой информации во всех странах-участницах ОБСЕ.

Coalition for Democracy and Civil Society (Kyrgyzstan):

- Study the use of modern information communication technologies and extended national networks of computerised election results data collection and aggregation for their compliance with international standards and recommendations for improving their transparency and increasing public trust in their credibility;
- Review the draft Election Code of the Kyrgyz Republic for any potential limitations to activism of civil society organizations, not only related to the implementation of domestic non-partisan election observation campaigns, including those funded by outside sources in the spirit of OSCE Copenhagen Document, but also free participation of NGOs in election campaigning (Article 30 of the Election Code).

Association of NGOs and Non-commercial organisations (Kyrgyzstan):

- В ходе оценки по выборным процессам представителями ОБСЕ и БДИПЧ создавать экспертные группы из независимых юристов и делать выводы только на анализе местных законодательств. А не делать поспешные выводы, исходя из позиции той или иной стороны.
- Проводить количественный и качественный мониторинг до и после выборов. Не ограничиваться общими заявлениями.
- Оказать содействие в совершенствовании компьютерной системы мониторинга ЦИК в обеспечении качественными программами и программами защиты от взлома.
- Проведение обучения независимых наблюдателей и доверенных лиц под эгидой Академии ОБСЕ в Бишкеке.

- Проведение семинаров по обмену опытом и решению конфликтных ситуаций в процессе выборов.
- Образовательные семинары по формированию лидерских качеств среди женщин.
- Формирование сетей, включающих заинтересованные стороны по обсуждению документов и механизмов действий ОБСЕ-БДИПЧ на подобие таких сетей в системе международных донорских организаций.

Human Rights Watch:

We urge the OSCE to redouble its commendable efforts to engage governments in creating conditions for free and fair elections. Specifically, we urge it to:

- Reinvigorate the promotion of reporting to the Permanent Council on domestic monitoring groups;
- Call on governments to amend legislation that arbitrarily limits monitoring by domestic groups;
- Continue efforts to create balanced electoral commissions; and
- Call on governments to cease arbitrary lawsuits, harassment, and intimidation of opposition candidates and party activists.

International Helsinki Federation for Human Rights:

- The IHF calls on OSCE participating states to reaffirm their commitment to free and fair elections and to demonstrate this commitment in practice. Moreover, the IHF appeals to the OSCE, as an international organization, to take a firm stand against attempts to conduct elections or referenda -- such as the recent constitutional referendum in Chechnya -- in the absence of preconditions for a fair electoral process that reflects the genuine will of the citizens.

Norwegian Helsinki Committee:

- Calls on OSCE participating states to reaffirm their commitment to free and fair elections and to demonstrate this commitment in practice.
- Moreover, appeals to the OSCE, as an international organization, to take a firm stand against attempts to conduct referenda or elections – such as the recent presidential elections in Chechnya – in the absence of preconditions for a fair electoral process that reflects the genuine will of the citizens.

DEMOCRACY AT THE NATIONAL, REGIONAL AND LOCAL LEVELS

Coalition for Democracy and Civil Society (Kyrgyzstan):

- Study the so called Democratic Code adopted at the initiative of the Kyrgyz Government at the Global Kurultai of Kyrgyzs in August 2003 and widely promoted by the Kyrgyz government as a principal guideline for building democracy for its compliance with the international human rights and democratic governance standards;

Moldovan Helsinki Committee for Human Rights:

With regard to local and regional self-governance and local public decentralization in Moldova:

- Moldovan authorities should urgently stop the process of centralization of the local and regional powers and local public administration:
 - Reconfirm and implement in practice laws aiming at local autonomy and decentralization of decision-making, including financial of local and regional public authorities;
 - Adopt modifications in the Law on local public administration to empower local public authorities with effective and decentralized budget planning and execution, delegate a number of cultural, educational, media and other issue;
- Central Moldovan authorities (Parliament, President, Government) to respect the regional autonomy of Gagauzia self-governance:
 - refrain from exercise pressure and political influence on the electoral process of **election** of the elective bodies in Gagauz autonomy;
 - refrain from political unilateral intervention in the functioning of the political process in the Legislative Assembly and the Executive of Gagauzia.

CITIZENSHIP AND POLITICAL RIGHTS

UNHCR:

- UNHCR encourages OSCE participating States who have not yet done so to accede to, and to implement through national legislation, the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness.

FIDH:

- The FIDH insists that stability in the region depends on the respect of the rule of law:
 - The FIDH considers that the policy implemented by Georgia contradicts Article 2 of the EU-Georgia "Partnership and Co-operation Agreement", which states that "respect for democracy, principles of international law and human rights as defined in particular in the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe, [...] underpin the internal and external policies of the Parties and constitute essential elements of partnership and of this Agreement";

- The FIDH highlights the necessity for the European Union to be consistent with its previous commitments, as well as with the positions and recommendations of other European institutions, such as the Council of Europe and the OSCE. The FIDH further recalls that in June 2001, the Council's conclusions on the European Union's role in promoting human rights and democratisation in third countries reaffirmed the strong commitment to "mainstreaming of human rights and democratisation into EU policies and actions" and stated that "human rights and democratisation should systematically and at different levels be included in all EU political dialogues and bilateral relations with third countries." In addition, the Communication on human rights, adopted on 8 May 2001 by the European Commission states that "in all dialogues with third countries, the Commission will in the future seek to ensure that the discussion covers issues of concern relating to human rights and democracy" (..) "however a prerequisite for success is that these states are genuinely ready to cooperate. The EU should pursue this approach wherever possible, while recognising that in some cases, the third country may have no genuine commitment to pursue change through dialogue and consultation, and negative measures may therefore be more appropriate".
- The FIDH therefore urges the European Union to exert political and diplomatic pressure on Georgia for improving the human rights situation.

OMBUDSMAN AND NATIONAL HUMAN RIGHTS INSTITUTIONS

OSCE/ODIHR:

- OSCE participating States should establish, if they have not yet done so, National Human Rights Institutions such as Ombudsman Institutions. The legal basis of these Institutions should conform to the UN Paris Principles (GA Res. 48/134).
- Human Rights Institutions should have a sufficiently broad human rights mandate to effectively influence the human rights situation in the country. Such Institutions should have legal guarantees of independence from the Executive branch of Government. This relates in particular to the election process for the Ombudsman and strict limitations on his or her dismissal, functional immunity and budgetary autonomy. Wherever feasible they should be given constitutional status.
- The Institutions should be well funded and have the necessary human resources to effectively carry out their duties. Ombudsman field structures should be developed.

Tuesday, 07 October 2003

WORKING SESSION 2 – Fundamental Freedoms I, *including:*

Delegation of Norway:

- All states should fully implement the ILO Declaration on Fundamental Principles and Rights at Work of 1998.

FREEDOM OF EXPRESSION, FREE MEDIA AND INFORMATION

Delegation of the United States of America:

- In keeping with OSCE commitments, the United States urges any participating States engaged in obstructing access to foreign media, such as by jamming radio transmissions, to end such practices.
- The United States urges participating States to refrain from blocking internet sites of opposition parties and media outlets.
- The United States recommends that Ukraine allow independent media to operate free from governmental pressure, especially in the run up to the 2004 presidential elections.
- The United States urges Georgia to allow the independent Rustavi-2 TV station to operate free from official pressure, especially in the run up to the November parliamentary election.
- The United States welcomes the Joint Declaration issued last December by the OSCE Representative on Freedom of the Media and others calling for the abolition of all criminal defamation laws. We welcome proposed changes in Romania, and urge Armenia and other participating States to abolish such statutes.

Delegation of Switzerland:

Recommandations aux Etats:

- La Suisse recommande aux Etats participants à l'OSCE de respecter leurs engagements en matière de liberté des médias en vertu du Document de Copenhague (1990) - paragraphes 9 et 10 -, du Document Moscou (1991) paragraphes 26 et 28 -, du Document de Budapest (1994) - paragraphes 36 à 38 -, de la Déclaration de Lisbonne (1996) - paragraphes 9 et 11 - ainsi que de la Déclaration d'Istanbul- paragraphe 27.
- D'ailleurs, ces engagements reflètent également les obligations Etats participants en vertu des traités internationaux pour la protection des droits humains auxquels ils sont parties.
- La Suisse déplore les nouvelles formes de censure utilisées par certains Etats pour limiter l'accès à la publication de certaines informations sur l'Internet. La Suisse encourage les Etats participants à l'OSCE à tenir compte des recommandations d'Amsterdam sur la liberté des médias et Internet.

Recommandations à l'OSCE:

- La Suisse recommande à l'OSCE de continuer à veiller au respect par les Etats participants de leurs engagements et, le cas échéant, d'encourager les réformes nécessaires à assurer ce respect. Elle recommande également aux institutions et aux missions de l'OSCE de contribuer de par leur compétences, comme elle l'ont fait jusqu'à présent, au processus législatif en étroite collaboration avec les Etats ainsi que les autres acteurs clés, comme les associations professionnelles des médias et des représentants de la société civile.

European Union:

- The OSCE Representative on Freedom of the Media is our key Institution in the field of freedom of expression and media. It is unique in many aspects especially in its early warning capability. We appreciate his efforts to highlight many instances of threats and intimidation. We welcome his efforts to assist participating States in implementing their commitments. We encourage participating States to continue a constructive dialogue with him. His advice should especially be considered when drafting and passing new legislation.
- States should not use criminal defamation laws in order to intimidate journalists or in order to restrict freedom of expression. Insult laws that provide undue protection for public officials should be repealed. Criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws.
- States should ensure that full, transparent and timely investigations are carried out when media professionals are intimidated or harassed.
- Unrestricted access to the internet is central to the respect of freedom of expression and information in modern societies. States should not impose restrictions on internet service providers, provided that internet is not used *for* activities threatening human rights such as - among others - pedo-pornography, trafficking in human beings, racism and violent extremism. Access to digital networks and the Internet must be fostered. Internet literacy should be a primary educational goal in school. Criminal exploitation of the Internet cannot be tolerated. Following up to the Amsterdam seminar on freedom of the internet organized by the OSCE Representative on Freedom of the Media on 13 and 14 June, as well as discussions at the Conference on Anti-Semitism held in Vienna on 19 and 20 June and the Conference on Racism, Xenophobia and discrimination held in Vienna on 4 and 5 September, EU advocates the elaboration by OSCE of a "Best Practise Guide" on freedom of the Media and the use of the Internet
- OSCE Field Missions have an important role to play in supporting freedom and plurality of the media. They should continue to focus on this topic and offer assistance to governments and media wherever useful, including through regional initiatives such as the Central Asian Media Conference.
- We attach great importance to pluralism in the media. Minorities should enjoy the right to express themselves through media in their own language. Media in different languages are playing a crucial role in combating discrimination, promoting understanding and building stable peace in multilingual societies.
- Media owners have a responsibility to respect the right to freedom of expression and, in particular, editorial independence. Media play an important and indispensable role for the development of our democracies. We welcome the principles for guaranteeing Editorial Independence proposed by the OSCE Representative on Freedom of the Media based on the principle that the responsibility of the owners of journalistic media go far beyond other market oriented industrial products.
- The OSCE should encourage the development of public service broadcasting. States

should allow independent media to operate freely. States should ensure that state-owned media broadcast fairly and accurately.

- The EU urges the participating states to ensure the passage of media laws in line with international standards and to ensure the implementation of these laws.

International Helsinki Federation for Human Rights:

- The IHF appeals to all OSCE governments to refrain from any steps that may lead to unacceptable restrictions of freedom of expression, the operation of media outlets, and access to information. Utmost respect should also be paid to journalists' confidentiality of sources, a prerequisite of open and responsible reporting. In the face of new defamation and slander laws that have been adopted or are under consideration, we wish to stress that the international principles require that authorities, politicians and civil servants are expected to endure a higher level of criticism than ordinary people.
- In addition, we request that imprisonment and other criminal sanctions be abolished from defamation laws. In particular, we appeal for the immediate release of journalists, researchers and politicians who have been incarcerated for the exercise of freedoms granted to them by international instruments ratified by their governments. In any controversial case they should, at a minimum, be granted independent and impartial reviews.

Moldovan Helsinki Committee for Human Rights:

With regard to Freedom of expression in Transnistria region of Moldova:

- Moldovan authorities, Russian Federation authorities, OCSE and parties guarantors of the peaceful settlement of the Transdnistrian conflict in Moldova:
 - effectively contribute to the establishment of the freedom of expression and free media (printed and audiovisual) in the region that is de facto inexistence;
 - effectively contribute to the establishment of the freedom of political and social movement association to set up a political pluralism that is currently insistent,
 - effectively contribute to allow the association on religious, public interest basis and guarantee the unhindered and un-prosecuted activity and functioning;
 - effectively guarantee the existence of the right of peaceful assembly free from systematic prosecution and disappearance of the organizers;

With regard to Freedom of expression in Moldova:

- Review the practices of the various agencies regarding offering access to information so that they correspond in reality to the law, as well as give more efficient and faster remedies to the media in cases when access is denied;
- Ensure more transparency in all aspects of the government work;
- Review the defamation law, including the recently adopted Civil Code as well as the Criminal Code to remove the provisions of criminal defamation and heavy penalties and

unbiased civil defamation being far more restrictive regarding the freedom of expression and correspond to international standards;

- Review various legislative acts analyzed above, in order to eliminate ambiguity and possibilities of abuse against the media;
- Organize explanatory work with the various state agencies, especially the judicial system, on the need to observe international standards of freedom of expression and information, educational work needs to be done to ensure that national legislation is in reality observed in the actions and decisions of national authorities;
- Provide a regulatory framework for the independent and autonomous functioning of state local and regional printed and audiovisual media and provide editorial autonomy as well as equal access to various representatives of political and social movements;
- Revise the Law on holding of public manifestations and meetings to eliminate the procedure of excessive prior censorship on the intent to hold a public manifestation conditioned by the permit to be issued 15 days before the event by local executive power

Norwegian People's Aid, Norwegian Union of Journalists and Norwegian PEN:

- We will again recommend that the OSCE conducts a comparative analysis on the situation of freedom of expression in all OSCE participating states. The purpose of this study will be to identify common problems and obstacles, as well as country specific problems. This study will enable a more effective approach to solve the problems, both by national governments and international organisations. To conduct this study, financial support from the OSCE participating states must be required, as well as independent expert and NGO assistance. The study could also be used to elaborate and adopt international guidelines to national governments facing political and religious extremism.
- With reference to freedom of the media we will recommend that the OSCE establishes a consultative body where competent NGOs are represented on an informal or formal basis. We believe that the NGOs will contribute with valuable insight and concrete measures to the strengthening of freedom of the media in the OSCE region.

FREEDOM OF ASSOCIATION AND THE RIGHT TO PEACEFUL ASSEMBLY

Delegation of the United States of America:

Recommends:

- that Government of Belarus abolish the law, passed in August 2003, allowing authorities to ban political parties, trade unions and other organizations, or amend this law to comply with OSCE commitments;
- that Uzbekistan allow the registration of political parties and permit them to participate in political life;

- that Kazakhstan clarify the advance notification procedures necessary, pursuant to its February 2003 constitutional amendments, for public meetings, demonstrations and other assemblies;
- that Azerbaijan allow political parties to organize peaceful rallies, especially in the run up to the October presidential election; and
- that consideration be given to freedom of assembly as one of the topics for next year's Supplementary Human Dimension Meetings.

European Union:

- The participating States and the OSCE Partner States should, where relevant, consider acceding to and/or ratifying relevant international instruments pertaining to the right of association and the right of peaceful assembly. They should also examine ways in which to advance concrete respect for those rights, both in a domestic and an international context.
- Freedom of association is a prerequisite for a well-functioning civil society. Governments should welcome NGOs as partners in implementing reforms and promoting civil society. ODIHR in co-operation with field missions should continue to facilitate the development of a culture of consultation between authorities and NGOs, in order to promote representatives of civil society as partners in decision-making processes.
- The parliaments and civil societies of the OSCE participating States should seek to ensure that the right of association and the right of peaceful assembly are properly respected within each State, including through an examination of the adequacy of existing legislation and through comprehensive monitoring and reporting on implementation of legislation and respect for those rights in general.
- ODIHR in co-operation with field missions should continue to monitor the situation in the area of freedom of association in order to determine which restrictive measures are applied and continue to work to enhance freedom of association in those participating States where restrictions on this fundamental right still exist.
- The process of establishing an association should be quick, simple and inexpensive. Participating States should lift onerous registration requirements and over-regulation of independent NGOs, trade unions, political parties, and media.
- Prevention of peaceful gatherings and police violence against peaceful demonstrators constitute a violation of the right of peaceful assembly.
- As laid down in the OSCE Charter on Preventing and Combating Terrorism, measures against terrorism and all counter-terrorism measures and co-operation should be implemented 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. All OSCE institutions and Participating States are urged to integrate a human dimension component into relevant programmes, including in the area police assistance.

International League for Human Rights:

- To recommend to the OSCE participating States to introduce and strictly adhere to the principle of notification instead of the authorization when registering various types of NGOs. To abolish (in those States where this norm exists) mandatory registration of NGOs and administrative and criminal sanctions for non-registration.
- During drafting and adopting new legal provisions, pertaining to the issues of formation and activities of NGOs, special attention should be paid in order to ensure that new norms do not worsen, without legitimate reasons, the status of NGOs.
- When elaborating laws and during cooperation between the governmental and NGO structures, a clear distinction should be drawn between political activities and necessary and legitimate public activities of NGOs, aiming at fulfillment of the objectives set out in their charters. Such activities may include, in particular, such elements as:
 - organization of public campaigns, meetings, picketing, etc;
 - lobbying of laws and legal review of existing and draft laws from the point of view of their protection of human rights and legitimate interests of various groups of the society;
 - as well as appeals to the courts of all levels and full utilization of the judicial system for the achievement of their charter objectives.
- To prepare and publish official guidelines for the OSCE area on legislative standards and implementation best practices with regard to freedom of assembly and association, taking into account examples of all OSCE participating States.
- To review the existing legislation and implementation practices related to the exercise of freedom of assembly and association in the OSCE area.
- To suggest to the OSCE participating States, in which the situation with regard to the freedom of assembly and association raises concerns, to submit official reports:
 - on the practice of implementation of the right of citizens to association;
 - on compliance of the national laws with the “Fundamental Principles on the Status of NGOs in Europe”, which were adopted by the CoE in April 2003.
- To assist the OSCE participating States on a regular basis with the task to bring their national laws in compliance with international standards related to freedom of assembly and association and to train state officials and parliamentarians on the relevant norms and standards.
- To organize an OSCE Supplementary Human Dimension Meeting devoted to freedom of assembly and association.
- To call upon the OSCE participating States to stop clampdowns and repression against independent NGOs.

- To review the suggestion to the OSCE and the ODIHR to continue official contacts with those NGOs that have been denied registration by state authorities on the basis of political unsuitability or as a result of persecution.

Coalition for Democracy and Civil Society (Kyrgyzstan):

- Ensure that the Kyrgyz Government pledges and guarantees participation of domestic civil society groups in political life and refrain from using the new Constitution adopted at February 2003 referendum to limit NGOs' sphere of work;
- Call on the Kyrgyz Government to refrain its editorial offices (e.g. governmental newspaper Slovo Kyrgyzstana) from portraying NGOs as Western agents of destabilization and spying, harassing them for NGOs' independence and criticism;
- The law on public meetings adopted in Kyrgyzstan in June 2002 should be revised to comply with international standards. Decrees of local authorities, most notably of Bishkek City Council of April 2000 which limited the space for public meetings in Bishkek should be cancelled.

European Organization of Military Associations (EUROMIL):

- All OSCE governments excluding active military personnel from freedom of association (in respect to their professional and social interests) should explain to the next OSCE Human Dimension Implementation Meeting the legal background, the reasons that justify the restrictions, why the restrictions are proportional to the legitimate end pursued and which relevant and sufficient evidence there is to make restrictions;
- EUROMIL also appeals to all OSCE governments to accept EUROMIL as professional NGO and relevant social partner for all professional and social issues of active military personnel.

International Helsinki Federation for Human Rights:

- The IHF urges the OSCE member states to refrain from any measures that would place obstacles to the establishment and development of strong civil societies in their countries. Instead, the establishment and activities of NGOs should be encouraged and supported for the central role they play in contributing to the promotion and protection of the OSCE commitments.
- The IHF wishes to emphasize that the manner in which governments treat human rights activists and respond to assaults against them, is a clear indicator of the genuineness of their commitment to the protection and promotion of human rights.
- The IHF accordingly urges the OSCE participating states to fulfill their commitments under the Vienna Concluding Document's Principles 13.5 and 21, in which they pledge to respect the right of their citizens to contribute actively to the promotion and protection of human rights; to ensure that these exercises will not be subject to any restrictions except those provided by law and consistent to their obligations under international law; to allow human rights defenders to carry out their tasks unhindered; to bring to justice all

who in any way try to obstruct their activities; and to support their work with all possible means.

Norwegian Helsinki Committee:

- Urges the OSCE member states to refrain from any measures that would place obstacles to the establishment and development of strong civil societies in their countries. Instead, the establishment and activities of NGOs should be encouraged and supported for the central role they play in contributing to the promotion and protection of the OSCE commitments.

FIDH:

The OSCE participating States should:

- Commit to putting an end to this recurrent repression phenomenon against Human Rights Defenders,
- Fully recognize the major role of human rights defenders in the building of democracy and the rule of law,
- Conform with the provisions of the final document of Copenhagen (1990) and with those of the Declaration on Human Rights Defenders.
- Bearing these goals in mind, the Observatory reiterates its recommendations as regards the adoption of a regional monitoring and follow-up mechanism of protecting human rights defenders. This mechanism should solicit, question, and answer to the States.
- Further, this OSCE mechanism (a focal point or a Rapporteur) should also aim at assessing legislations relative to freedom of association.
- It will have to work in close partnership with the mandate of the Special Representative of the UN Secretary General on human rights defenders, Mrs. Hina Jilani, who has already exchanged views with the highest OSCE authorities.
- The creation of such a mechanism is included in the recommendations of the supplementary meeting on "Human Rights: Advocates and Defenders", 22 - 23 October 2001. These recommendations have, until now, not received appropriate follow-up action and have therefore not produced concrete results.
- This regional mechanism is absolutely necessary to sensitise States and to lead them to respect their commitments and to guarantee the freedom of action of human rights defenders. The OSCE must take into account the appeals of the civil society, all the more so as no improvement has been noticed on the ground as far as HRDs' freedom of action and association is concerned.

OSCE/ODIHR:

To the participating States:

- The participating States should ensure that the existing legislative restrictions on the exercise of freedom of association and the right of peaceful assembly are proportionate to the legitimate aims which the States are trying to achieve. This in particular relates to the need for the Participating States to lift onerous registration requirements and over-regulation of independent NGO's, trade unions, political parties, and media as well as overly restrictive regulations on holding demonstrations and meetings.
- The participating States should ensure that the grounds restricting these freedoms, provided for by the national legislation, comply with the exhaustive list of legitimate aims that are listed in international and regional treaties.
- The OSCE participating States should ensure that their law implementation practices fully conform to the existing national legal provisions. The central government authorities should oversee actions and decisions of the lower government bodies with regard to their strict compliance with national laws
- The OSCE participating States should review their legislation related to the freedom of association and assembly, with special attention paid to the severity of sanctions stipulated for violating these laws. Such sanctions should be justified and proportionate to the legitimate aims of the State. Consistency in application of these sanctions should be reviewed and existence of alternatives to the detention should be guaranteed.

To the OSCE institutions:

- The OSCE should explore in consultations with the participating States how to better assist them in implementing best practices when developing relevant legal and regulatory frameworks, including those affecting political parties, NGOs, trade unions and other civil society actors. OSCE should render assistance to the participating States in their efforts to establish a dialogue between authorities and civil society and increase of civil society's input into decision-making.
- The OSCE should continue to monitor the situation in the area of freedom of association and assembly in the participating States.

WORKING SESSION 3 – Fundamental Freedoms II, *including:*

FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF

Delegation of the United States of America:

- The United States encourages participating States and ODIHR to make greater use of the OSCE Panel of Experts on Religious Freedom to provide assistance and advice on freedom of thought, conscience, religion and belief, including on addressing violations through such things as review of legislation and the development of guidelines for reviewing legislation as well as laws, regulations and practices on religion to ensure they conform to international obligations, including OSCE commitments.

- The United States recommends that the participating States assure that registration requirements for religions are not burdensome or discriminatory. Such requirements should be *de minimis* in nature. In this regard, the United States would look favorably upon a new OSCE commitment addressing the problem of registration policies for religious commitments.
- The United States encourages all participating States to abandon the use of criminal penalties for administrative infractions regarding registration.
- The United States urges participating States to react promptly to violations of OSCE commitments on protecting the right of thought, conscience, religion and belief, in a manner consistent with the rule of law, and to take measures to prevent future violations.
- In particular, the United States recommends that Turkmenistan, Uzbekistan, Tajikistan, Azerbaijan and Kyrgyzstan comply with international standards and OSCE norms by punishing only criminal acts and not ideologies and allow adherents of different faiths to publicly and privately express their religious beliefs.

European Union:

- Freedom of religion should be enjoyed irrespective of whether registration has been sought or granted.
- If there is a registration system, the registration process should be done as transparently and openly as possible, on the basis of a legislation allowing little room for discretion in its application.
- Participating States should refrain from limiting the freedom of religion by indirect measures.
- Attention should be paid to improve the professional standards of journalism when dealing with religious questions.
- Legislation concerning the protection and guarantee of believers' rights, including those belonging to the members of minority religions or beliefs, should be facilitated in order for them to be informed about their rights

Delegation of Georgia:

Freedom of conscience in Georgia:

- The State should take effective steps to prevent and eradicate discrimination against religious groups often caused by the lack of legal status by some of these groups;
- The State should maintain a dialogue with religious communities to better understand their problems and promote mutual respect and develop tolerance;
- Religious organisations should have the right to registration and on that basis have the opportunity to worship all types of religion;
- Setting up religious entities should be quick and simple and, more importantly, should not incur significant costs;

- Review of documentation required for registering religious organisations with the Ministry of Justice and courts should be based on formal indicators and be devised in such a way that minimises the risk of interference into a religious doctrine;
- Chances for bureaucratic opportunities should be minimised through introducing such changes as provision of automatic registration following a definite, sensible period of time given no relevant decision is taken;
- The bodies responsible for registration should request a minimal number of documents;
- Appeal procedures should guarantee the possibility to refer to independent courts.

Holy See:

- Utiliser les Mission de l'OSCE pour monitorer la situation de la liberté religieuse dans le Etats membres, sous un triple profil: personnel, collectif, institutionnelle.
- Le résultat d'un tel monitoring devrait constituer une critère important pour evaluer les demandes d'adhésion à des organisations comme l'UE ou l'OTAN.

International Helsinki Federation for Human Rights:

- The IHF calls on the Bulgarian, Belarusian, Georgian, Turkmen and Uzbek governments as well as the governments of all other OSCE states to ensure that their citizens enjoy freedom to practice and profess their convictions, alone as well as in community with others. We especially appeal to the Belarusian government to refrain from any practices that are reminiscent of the forced indoctrination of the youth.
- Moreover, the IHF calls on the OSCE states to refrain from undue restrictions on the activities of minority religious communities, to take effective measures to promote understanding and tolerance toward such groups and to duly investigate and prosecute any case where a minority believer is subjected to discrimination or violence because of his or her convictions.

Moldovan Helsinki Committee for Human Rights:

With regard to Transnistria region of Moldova:

Moldovan authorities, Russian Federation authorities, OCSE and parties guarantors of the peaceful settlement of the Transdnistrrian conflict in Moldova:

- effectively guarantee the freedom of religious association;
- refrain from biased financial technical, logistic and administrative support offered to Russian Christian Church;
- refrain from acts of psychological, physical persecution of religious believers of Jehovah Witnesses, Pentecostal Church, Baptist Church in the region;

With regard to Right to Conscience, Religion and Thought in Moldova:

- Refrain from the adoption of the draft law on religious association that institute virtually unachievable criteria for the registration of religious associations;
- refrain from physical and psychological harassment, prosecution of Muslim religion (Spiritual Council of Muslims of Moldova) and register the Muslim religion;
- lift the ban for non-governmental organizations to propagate religious beliefs in the law on Non-governmental associations;
- enforce the final decision of the Supreme Court of Justice to register the True Orthodox Church of Moldova;

OSCE/ODIHR:

- Participating States should fully implement their commitments to take effective measures to eliminate discrimination based on religion or belief in all fields of civic, social, political and economic life.
- Participating States should repeal or amend legislation imposing excessive restrictions on the right to freedom of religion and belief. Registration requirements should not serve as preconditions to the exercise of freedom of religion and belief, and should be transparent, not arbitrary. Any restriction on the freedom to enjoy and exercise one's faith should be subject only to such limitations as were prescribed by law and in accordance with international standards.
- Participating States are encouraged to ensure that their national legislation recognizes the right to be registered as a conscientious objector at any time before, during or after conscription, or performance of military service, and that there are adequate provisions for alternative civilian service, which should be neither deterrent nor punitive in character.
- Participating States should implement their commitments to respect and safeguard the right of religious groups to maintain places of worship and to organize themselves according to structures dictated by their faith.
- Participating States and the OSCE should encourage inter-faith dialogue to promote tolerance; this is especially necessary in states where one religion enjoys special status.

To the OSCE and its institutions:

- The OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief is encouraged to continue its work related to study, analysis and dissemination of information, in particular regarding registration requirements for religious communities and conscientious objection to military service. Participating States which had not yet done so should be encouraged by the OSCE to enact the necessary legislation to honor the commitments made in the Copenhagen Document regarding conscientious objection. The Panel is encouraged to develop a more comprehensive program on tolerance promotion.

FREEDOM OF MOVEMENT

Delegation of Albania:

- Bearing in mind the Helsinki Declaration commitments, we recommend the OSCE/ODIHR to organize an international conference, with the participation of the representatives of EU, Council of Europe and Stability Pact member countries, on the Free Movement of the People, Goods and Ideas into a Europe without dividing lines and "papers curtains".

Delegation of the United States of America:

The United States recommends:

- that Turkmenistan remove all restrictions on freedom of movement, in particular the imposition of exit visas, which impede the right to leave the country, in contravention of OSCE commitments;
- that Uzbekistan enable all its citizens to enjoy the right to change residence and resettle in other parts of the country;
- that Belarus cease restrictions on the right to travel abroad, especially on those deemed to be political opponents of the government;
- that the Russian Federation end the Soviet-era "propiska" system and that the Russian Federation extend to Meshketian Turks their full rights under the Russian Constitution, normalize their status, and intervene to ensure that Krasnodar Krai officials desist in their discriminatory treatment of them;
- that OSCE participating States take steps to normalize the status of stateless persons within their countries' borders; and
- that a Supplementary Human Dimension Meeting be held on the issue of freedom of movement.

European Union:

The EU wishes to emphasize the following points:

- The Council aims at granting third country nationals rights and obligations comparable to those of EU citizens. Concerning migrant workers, several directives have tried to improve the co-ordination of the systems for employed and self-employed persons moving within the Community. Furthermore, it has extended those rights to legally residents third country nationals moving from one to another member State. The EU reaffirms the elimination of all kinds of (regular) border-controls within the borders of the Schengen-Area.
- Concerning migration, refugees and displaced persons with reference to the 1951 Geneva Convention the EU member States made the commitment of establishing a common European asylum system by adopting the Conclusions of the European Council at Tampere, thus securing swift and efficient protection for genuine refugees.

- The EU encourages, since The Supplementary Human Dimension Meeting on Migration and Internal Displacement -September 2000- the co-ordination and co-operation between OSCE and the other IOs, such as UNHCR, IOM, the ICRC, the CoE and the EC.
- Preventive measures concerning migration should be undertaken. The exchange of information on best practices is needed in the sense of harmonising the migration policies of the EU members. Nevertheless, the EU co-operates with countries of origin with a view to promote the voluntary return of refugees and helps the authorities of those countries to strengthen their ability to combat the trafficking and smuggling of human beings.

Legal Information Centre for Human Rights:

We would like to recommend the OSCE and ODIHR:

- To draw up guidelines for member states on the principles of the registration of citizens' place of residence;
- To cooperate in order to ensure that all stateless persons having legal residence in a member state be allowed to travel to or via other member states;
- To step up the monitoring of member states' compliance with international legal instruments with reference to freedom of movement and the choice of the place of residence within states' internal borders;
- To urge the member states concerned to refrain from applying visa requirement with regard to stateless residents of Estonia and Latvia.

OSCE/ODIHR:

To participating States:

- The participating States should remove obstacles to freedom of movement and free choice of place of residence within the country, such as *propiska* system.
- The participating States should remove all restrictions on the right to leave the country. Exit visas should be abolished.
- As to movement between OSCE Participating States, entry requirements should be consistent with the Madrid and Vienna documents and procedures for entry must be carried in good faith and without delay.
- Measures taken by the OSCE participating States to combat trafficking in human beings should not result in limitation of the freedom of movement, excessive entry requirements, violation of privacy and misuse of personal data.
- Measures taken by the OSCE participating States to combat terrorism and organised crime should not result in significant limitation of the freedom of movement, excessive entry requirements, violation of privacy and insufficient safeguards on personal data.

To OSCE and its institutions:

- For the ODIHR to continue working with governments of the OSCE participating States to ensure the respect of OSCE commitments on free choice of residence.

- The OSCE and ODIHR should give attention to the consequences on freedom of movement resulting from the EU enlargement.

Wednesday, 8 October 2003-10-07

WORKING SESSION 4 – Tolerance and non-discrimination I, including:

European Region of the International Lesbian and Gay Association (ILGA-Europe):

ILGA-Europe recommends that a strong call upon OSCE member states is made in order to bring, where necessary, their legislation in line with the human rights conventions and the relevant jurisprudence of the European Court of Human Rights and other competent international bodies. This must include:

- repeal of criminal code provisions that stipulate a total ban on homosexual behaviour. As this only concerns two OSCE members that are not members of the Council of Europe, i.e. Turkmenistan and Uzbekistan, we refer to the International Covenant on Civil and Political Rights and UN case-law: *Toonen vs. Australia*, UN Human Rights Committee, Doc. # CCPR/C/50/D/488/1992, decision of 31 March 1994);
- repeal of all criminal code provisions discriminating on the grounds of sexual orientation, in particular in the age of consent. Such provisions are in breach of the European Convention on Human Rights according to the ruling of the ECtHR, dated 9 January 2003, in *L. and V. vs. Austria* and *S.L. vs. Austria* (applications # 39392/98, 39829/98, and 45330/99). This concerns the following countries: Albania, Bulgaria, Greece, Ireland, Portugal, Serbia, United Kingdom (Gibraltar, Guernsey, Jersey, Isle of Man);
- legal equality between opposite-sex and same-sex cohabiting partners. Concluding from the landmark ruling of the ECtHR, dated 24 July 2003, in *Karner vs. Austria* (application # 40016/98), all benefits or rights granted to different-sex cohabiting partners must be granted to same-sex cohabiting partners too. This summer, the UN Human Rights Committee found a violation of Article 26 of the ICCPR in a similar case, *Young vs. Australia* (case # 941/2000). These decisions are relevant for all OSCE member states except Belgium, Canada, Croatia, Denmark, Finland, France, Germany, Hungary, Iceland, Netherlands, Norway, Portugal, and Sweden – although even the legislation in some of these countries may need to be amended to comply fully with this jurisprudence.

ROMA AND SINTI

Delegation of the United States of America:

The United States recommends that:

- the international community, including the OSCE participating States, continue to expand efforts to make Kosovo safe for Roma and other minorities;

- the OSCE participating States, consistent with the OSCE Istanbul Summit Declaration, adopt anti-discrimination legislation;
- national and public leaders condemn manifestations of racism and ensure that acts of violence and discrimination are appropriately investigated and prosecuted;
- that the OSCE facilitate efforts by participating States to address the lack of proper legal status of Romani individuals;
- the OSCE assist with voter education and get-out-the-vote campaigns in Romani communities.

European Union:

Noting the rich cultural, linguistic, historical diversity among Roma and Sinti people within the OSCE area as well as the diversity of national structures and traditions in the OSCE area:

- The EU looks forward to the adoption of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE in the Maastricht Ministerial Council in December 2003 and urges all participating states and OSCE institutions to implement the recommended actions and mainstream them into all relevant sectors.
- The OSCE Action Plan should include more reference to good ownership practices as well as being an incentive to them.
- The EU puts emphasis on respect of social rights of Roma and Sinti and urges governments, regional and local authorities to safeguard same services to all citizens.
- The EU urges approval of legislative measures to enhance implementation of the rights of persons belonging to Roma and Sinti and to alleviate discrimination.
- The EU urges participating states to encourage participation of Roma and Sinti in the decision-making processes concerning them at local, national and international level.
- The EU gives special attention to Roma and Sinti women and girls who are subject to multiple discrimination and urges participating states to prioritise the situation of women and girls who are often victims of trafficking in human beings and other forms of criminal acts.
- The EU recommends that OSCE institutions and governments make a special effort in awareness raising among decision-makers, parliamentarians and the civil society and training of national, regional and local public officials as well as police authorities and media.
- The EU recommends enhanced cooperation and complementarity in the work programmes of relevant organisations and actors concerning Roma and Sinti.

OSCE Mission in Kosovo:

- Participating States should implement measures aiming at improving the low health status among Roma and removing existing obstacles in their equality towards access to healthcare. Such measures should include:
 - a. training initiatives implemented for healthcare staff, so that they can recognise and respond to the specific needs of Roma;
 - b. dissemination of adequate information to Roma relating to health and to the availability of healthcare services;
 - c. supporting the development of community initiatives to disseminate such information;
 - d. inclusion of qualified Roma staff into healthcare facilities, which would increase confidence among Roma in healthcare providers.

- Participating States should, both at central and local level, implement outreach measures aiming at obtaining data about Roma children of school age in their territory and their school attendance. Awareness of such data would be crucial towards ensuring that the specific educational needs of Roma are met by the educational institutions, through the implementation of projects addressing those needs.

- Where it is still missing, participating States should include Romani language as a compulsory subject for Roma children in primary and secondary education and should provide for Roma assistant teachers to be deployed on a full time basis in support of Roma students.

- Sustainability of catch-up classes should be ensured by handover from NGOs/IGOs to educational institutions.

- Pre-school education, crucial to integration of Roma children in primary and secondary education, should be ensured through apposite budget lines.

- Participating States should, both at central and local level, implement affirmative action plans, leading to the enforcement of concrete measures enabling Roma to gain equal access to labour market at any level.

- The implementation of such measures must be done following a holistic approach: equal access of Roma to education and vocational training along with the elimination of discrimination and prejudice against Roma – undermining their entry into labour market – need to be included as key issues in a comprehensive and effective plan to be elaborated by participating States.

- The OSCE Field Missions in the Balkan region should establish a “best practices’ database” to include relevant information available at field level, which provide successful examples of integration of Roma through equal access to education, healthcare and employment. Such database would make available valuable information to OSCE Field Mission and/or Institutions planning to design/implement relevant projects and while providing advice to/building capacity of governmental institutions.

- Property issues are of considerable concern in relation to the protection of the Roma. Roma tend to live in informal settlements, without security of tenure of the property they use, nor do they often have access to public utilities or other essential services. These

Roma settlements are constantly subject to forcible evictions. The lack of security of tenure also hamper Roma who are displaced or refugees from returning into their homes and integrating into society. The OSCE Mission in Kosovo notes an increasing pattern of Roma, Ashkali and Egyptian refugees and displaced persons returning to Kosovo through forced returns.

- Framework principles formalising informal settlements and protecting the human rights of those who inhabit such settlements should be established by the participating states.
- Participating states should consider the vulnerable position of Roma in their countries of origin when evaluating refugee and temporary protection status.

UNHCR:

- To ensure that Roma in displacement gain access to documentation, in order to legalize their status and have access to socio-economic programmes.
- To ensure that Roma children at birth receive appropriate identity documents.

International NGO Training and Research Center:

- The OSCE should take an in depth look at monitoring and evaluation to identify a strategy of where it can add most value in a cost effective way.
- The OSCE should consider strengthening monitoring and evaluation mechanisms by promoting the capacity of Roma to participate effectively in the monitoring and evaluating programmes.
- The OSCE should consider new ways of drawing upon existing monitoring and evaluation results to promote new partnerships between Roma and governments to address and strengthen programmes.
- The OSCE should encourage resources for dialogue, training and support for both Roma NGOs and Government Officials in monitoring and evaluating programmes, emphasising practical ways of promoting the effective partnerships between governments and Roma NGOs.
- The OSCE should consider holding a workshop, in partnership with other international actors, on constructive ways to implement, monitor and evaluate social and economic programmes for Roma.

International Helsinki Federation for Human Rights:

- OSCE states must take immediate and effective measures to ensure that Roma enjoy full participation in the decision-making process, and in the design, implementation and evaluation of policy measures addressing issues of relevance to Roma, in particular by ensuring adequate levels of Romani inclusion in all levels of public administration. In addition, if states are to uphold -- and to be seen to be upholding -- their international law

and OSCE commitments, officials must ensure that Roma are protected from abuses of their fundamental rights, and provided with adequate remedy in the event that such rights are violated.

Crisis Intervention Society and Roma Women's Association in Poland:

ACCESS TO INFORMATION

- (...)To build proper competencies among members of Roma minority to enable them enjoy the access to information that can be relevant to them. It is also necessary that all the information is delivered to Roma in accordance to their culture (...);
- (...)To establish the process of informing Roma on permanent bases, for ex. in a form of regular meetings within a community (...);
- (...)In all projects and programs addressed to Roma it has to be reassured that the legal information is not denied at some point and there is financial transparency during and after realization of each project (...);

EDUCATION

- (...)To create educational tools for Roma enabling them to learn about Roma rich culture in other regions or parts of Europe (...);
- (...)To take into consideration Roma living and social conditions. An educational programme that would face needs of this group of people who are committed to their families and cannot participate in courses outside their settlements or homes would be of great importance (...);
- (...)The other form of professional education for Roma who cannot go to schools that teach a profession could be programs teaching Roma these skills that are necessary in traditional self-employment professions (...);

SITUATION OF WOMEN

- Projects addressed to Roma communities have to take into consideration specific role of women within Roma community and family, especially a situation in which Roma families care for their daughters and do not let them go to school as a result of foreseen difficulties and social exclusion and ostracism in case when a girl after having broken traditional rules, fails to finish school or does not succeed in other way. All the projects have to bear in mind the discrimination of Roma women, as women, as members of ethnic minority, extremely poor and uneducated people.

Moldovan Helsinki Committee for Human Rights:

With regard to Roma rural communities in Moldova:

It is considered extremely important that local and central authorities through positive measures include the following measures that will improve the situation of the people living in rural communities of Roma:

- Take measures that will provide Roma representative counselor in local administration and political bodies and local decision-making bodies;

- Eliminate discriminatory practices with regard to allocation of public finances on education and culture for rural communities of Roma;
- Assure minimal human conditions of existence including but certainly not limiting to, running and drinking water, electricity, telephone communication, access means to the community, medical care;
- Assure access to schooling system and create minimal conditions;
- Undertake measures for compensation of past injustices regarding the privation of majority of rural Roma communities of access to asset generation (access to land privatization);
- Guarantee access to education in Romani language in those communities where the need exists;

EUMAP:

- To reinforce the office of the ODIHR-CPRSI, to enable it to fully assume the new roles and responsibilities assigned to it in the draft Action Plan.
- As outlined in point 127, the draft Action Plan on improving the situation of Roma and Sinti within the OSCE area establishes that ODIHR-CPRSI will assume a pro-active role in analysing measures relating to Roma and Sinti in the OSCE participating States.
- As outlined in points 32, 126 and 127 of the Action Plan, ODIHR-CPRSI will also collect data for the purpose of developing more targeted resources, initiate monitoring of the implementation of national policies in OSCE participating States, produce regular reports and establish a database of best practices.
- The new roles and responsibilities assigned to ODIHR-CPRSI in the draft Action Plan are essential components of the framework required to ensure the actual implementation of the Action Plan and fulfilment of its most important purpose, as a real tool for change.
- The monitoring role assigned to ODIHR-CPRSI will be particularly important and will provide valuable information necessary for the regular review and assessment of progress towards realisation of the Action Plan. The draft Action Plan therefore addresses the EUMAP recommendation presented at the Supplementary Human Dimension Meeting on Roma and Sinti in Vienna on 10-11 April 2003, that the OSCE establish a "Roma Policy Monitoring Mechanism".
- The ODIHR-CPRSI will provide the only source of monitoring will directly based on the Action Plan. The ODIHR-CPRSI monitoring and reporting mechanism will also give valuable support for the systematic assessment of governmental commitments to improve the situation of Roma, as outlined in the Copenhagen Document (1990), the Geneva Document (1991), the Moscow Document (1991), the Helsinki Document (1992) and the Istanbul Charter for European Security (1999).
- EUMAP therefore recommends that OSCE member States ensure that the office of the ODIHR-CPRSI is provided with sufficient resources and staff to permit it to fully assume those roles and responsibilities it has been assigned in the Action Plan. As a first step, EUMAP would recommend that ODIHR-CPRSI establish the database of best practices and draw up a framework for initiating the monitoring and reporting process in

selected participating States.

European Monitoring Centre on Racism and Xenophobia - Romani Women and Access to Public Health Care:

- Governments, and inter-governmental organizations charged with supporting governments by funding national and transnational programmes and projects, should take steps to ensure that Romani women have the right to participate, on equal terms with Romani men, in all stages of policy-making on behalf of Roma:
 - Target Romani women to raise their awareness on the importance of participation in health care matters, build their capacity to participate and ensure their participation on an equal basis with men in all consultative mechanisms established and in the stages of policy-making on matters concerning Roma, in part through ensuring transparency in proposals, decision-making, and recruiting processes subject to appeal.
 - Designate a women's rights and gender adviser to ensure incorporation of a women's rights and gender perspective into policy-making and programmes on behalf of Roma. This adviser should be familiar with the situation of women and gender dynamics in diverse Romanic communities, and be afforded adequate resources and authority to ensure meaningful participation in the policy-making process.
 - Design and undertake training to improve Romani women's advocacy skills in order to enhance their effectiveness in policy-making and public administration

- Governments should take steps to ensure equal access to public health care for Roma on a non-discriminatory and culturally sensitive basis:
 - Educate as appropriate health care workers and authorities about diverse Romani traditions, cultures, living conditions and mobility patterns, and to recognize indirect and direct discrimination on the basis of race, ethnicity, and associated factors such as a travelling lifestyle;
 - Create a system of incentives for health care personnel to work in Romani communities with the aim of integrating these communities into mainstream services;
 - Create a system of incentives for health care personnel to work in Romani communities with the aim of integrating these communities into mainstream services;

- Governments should take steps to ensure equal access to public health care for Romani women without discrimination on the basis of ethnicity or gender and on a culturally sensitive basis. Taking special measures where necessary, governments should:
 - Include Roma, particularly women, in research on health status and needs, with attention to the situation of adolescents, rural and mobile populations;
 - Ensure access to reproductive and sexual health information and services with respect for privacy and confidentiality, and particular attention to the needs of adolescents, rural or isolated and mobile communities;
 - Ensure access to human rights education for all members of Romani communities, with particular attention to those rights associated with control over and freedom to decide on matters related to reproduction and sexuality;

- Governments should take steps to ensure equal access to identification documents and citizenship on a non-discriminatory basis. Taking special measures where necessary, governments should:
 - Adopt proactive and concrete measures to raise awareness among the Roma community of the importance and methods of acquiring documented legal status;
 - Streamline and facilitate access to documented legal status through the flexible application of eligibility requirements such as administrative fees or proof of residency that may be difficult for Roma to satisfy;
 - Ensure access to identity cards, birth certificates, and other official documents through provision of adequate information, reduced or no-cost registration for low-income persons, and monitoring of local authority discretion;

- Governments should take steps to ensure equal access to social protection on a non-discriminatory and culturally-sensitive basis. Taking special measures where necessary, governments should:
 - Identify, assess and review information, costs and barriers to accessing social benefits, particularly non-contributory health insurance, such as those associated with registration at unemployment bureaus, and eligibility criteria with the aim of combating discrimination and promoting equality;
 - Create and publicize effective appeals mechanisms to challenge assessments of eligibility for benefits;

- Governments should take steps to ensure equal access to education without discrimination on the basis of ethnicity or gender by encouraging cooperation among parents, teachers and education authorities to promote the education of Romani girls and women. Taking special measures where necessary, governments should:
 - Ensure access to literacy training and specific information to help promote the health and well-being of women and their families, including information on reproductive and sexual health, human rights and gender equality;
 - Ensure access to information on the personal and health risks of early marriage and childbearing, and to the education and means for Romani women to exercise their rights to decide freely and responsibly on the number and spacing of their children;

- Governments should take steps to ensure access to adequate housing and living conditions on a non-discriminatory and culturally sensitive basis. Taking special measures where necessary, governments should:
 - Ensure access to adequate housing, i.e., that which is habitable, has adequate availability of services, materials, facilities, and infrastructure, and has legal security of tenure. Particular attention should be given to rural or isolated communities and halting sites;
 - Recognize the actual dwellings of Roma as their permanent domicile for the purposes of access to public services.

WORKING SESSION 5 – Tolerance and non-discrimination II, including:

EQUAL OPPORTUNITIES FOR WOMEN AND MEN

Delegation of the United States of America:

- The United States strongly urges participating States to eliminate any laws and regulations that discriminate against women and prevent them from participating in the political process.
- The United States urges participating States to encourage political parties to seek qualified women candidates and to provide training on campaigning and parliamentary procedures .
- The United States recommends that the OSCE and its participating States support initiatives – including public-private partnerships – to teach women how to vote, advocate, manage and govern.
- The United States urges the OSCE, international organizations, and OSCE participating States to help create and support initiatives that teach women how to serve as elected and appointed officials.
- The United States urges the OSCE and its participating States to support educational programs that teach civic rights and responsibility.

Delegation of Canada:

- Gender equality needs to be more effectively and consistently integrated into the work of the OSCE institutions and missions.
- Regular review of the implementation the Action Plan is crucial, momentum must be maintained and accelerated.
- We encourage the ODIHR to work with participating states to achieve the full implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- We urge States to sign and ratify the Rome Statute of the International Criminal Court.
- We strongly urge the OSCE and its Member States to work toward the full implementation of UN Security Council resolution 1325 on women, peace and security.

European Union:

- Encourage and ensure women’s participation in conflict resolution and especially post – conflict rehabilitation. The OSCE Institutions and Field Missions should ensure that women are effectively included in negotiations and conflict resolution.
- Invite the participating States to develop and implement effective measures, as well as

sharing of best practices, aimed at increasing women's participation in political and public life and representation in parliamentary assemblies.

- Invite the OSCE, through its Representative on Freedom of the Media, to raise awareness, through the development of guidelines, among journalists and editors on the need to tackle discrimination against, and stereotyping of women.
- Invite the Office of the OSCE Economic and Environmental Activities to review the principles contained in the Bonn Document with the aim to determine how to allow a greater participation of women in economic life.
- Urge the Participating States to comply with the reporting and implementation requirements contained in their international obligations.
- The EU urges States and OSCE Institutions and Field Missions to strengthen the mainstreaming effort and ensure that gender perspective and programmes are systematically included in OSCE policies and activities.
- Continue to encourage and promote women's presence in the OSCE, by improving opportunities for them and facilitating their access to career advancement – especially in political posts and upper management and Heads of Mission, and by implementing the professional working environment policy.
- Focus on the gender dimension of trafficking with the aim to develop specific policies and mechanisms especially apt to tackle the gender facet of trafficking.

OSCE Mission in Kosovo:

- A specialised office on equal opportunities and gender issues should become an integral part of OSCE missions. Emphasis should be placed on building capacity of local staff of the specialised office through training and mentoring.
- The Participating States should continue to support financially and with human resources the implementation of the OSCE Action Plan on Gender Issues.
- The OSCE should continue its co-ordination role in enhancing the co-operation between the governmental bodies and civil society through advising these structures on realising sustainable projects.
- Gender balance considerations should be made at hiring/seconding staff level also within decision-making positions of the OSCE.
- Seconding OSCE staff to central governmental bodies on advising on gender issues should be continued.
- Participating States should consider the establishment of mandatory quotas or gender rules during elections.

- The establishment of gender quotas or rules or the lobbying for such quotas should be coupled with political education and preparation as well as capacity building support for women when assuming offices.

UNHCR:

- To ensure that all adult asylum seekers, regardless of their marital status or whether they are a family member, have equal access to advice and information, have the right to make an independent and separate application for asylum and registration of the claim, as well as receive separate personal identity documents.
- To ensure that refugee women have access to health care, including reproductive health care and family planning services. Particular attention should be paid to prevent and respond to sexual and gender-based violence.
- To enhance OSCE-UNHCR inter-agency cooperation through regular bilateral consultations, identification of country and regional level priorities and development of joint activities, including country-level action plans.
- To support communication and cooperation between the respective OSCE and UNHCR gender advisors and policy officers at Headquarters, regional and country levels.

International Helsinki Federation for Human Rights:

In particular, the IHF recommends that OSCE member states:

- *Promote* the integration of equal opportunities for women and men in all policies and activities in relation to education, vocational training and the labour market;
- *Promote* women's better integration into the labour market and their improved status in society;
- *Support* clear anti-discrimination legislation that holds both institutions and individuals accountable for violations;
- *Support* NGO research to identify discriminatory practices with a view to putting an end to unfair dismissal, unjustified special working conditions, etc;
- *Support* efforts to provide for equal opportunities to vocational training and re-training for women, especially after maternity leave or other absence from work;
- *Work* to implement the principle of equality for women and men as regards, in particular, access to employment, remuneration, working conditions, social protection, education, vocational training and career development;
- *Encourage* women to make use of these opportunities and support women in the advancement of their careers;
- *Encourage and assist* in the reconciliation of parental and professional responsibilities;
- *Promote* gender balance in decision-making processes and positions.

In addition, OSCE member states should work to ensure the following measures are implemented:

- The principle of equal treatment ought to be the founding principle of all labour policies;
- The principle of equal pay for equal work or work of equal value should be incorporated into labour legislation;
- A definition of indirect discrimination should be included in the labour law and other relevant legislation;
- Marital status should be included as a ground on which it is forbidden to discriminate against women;
- Discrimination on grounds of sex should be prohibited in the conditions, including selection criteria, for access to all jobs or posts;
- All laws and regulations contrary to the principle of equal treatment should be abolished;
- Employees should be informed in writing by their employers of their labour rights;
- Risks to women who are pregnant or breastfeeding should be assessed and workers should be informed of these risks and all measures to be taken concerning health and safety at work;
- Women should not be hindered by unjustified special conditions (i.e. prohibition of night work and business trips in certain cases) and should be free to exercise their own choice and judgment with regard to their ability to work;
- The judiciary should be trained to handle cases of discrimination based on sex;
- An institution should be appointed to monitor discrimination against women and the promotion of equal opportunities;
- Provisions on sexual harassment in the workplace should be included in the labour law;
- Part-time work for both men and women should be encouraged as a means of assisting in the division of labour within the home, and both parents should be encouraged to take 'parental leave'.

FOLLOW-UP to the 13 and 15 May 2003 HD Seminar on "Participation of Women in Public and Economic Life"

OSCE/ODIHR:

- The participating States should fully implement international standards and commitments governing equality, non-discrimination and human rights of women and they should report on their implementation to the relevant treaty bodies on regular and prompt basis.

- The participating States should strengthen the political will to more effectively implement their gender equality obligations and commitments recognizing the integral role of such efforts in progress towards stability and democracy. They should increase national and international efforts to promote women's active participation in public and economic life, democratization and peace-building processes.
- The participating States should enhance their policies and instruments to prevent and combat violence against women, and to ensure the provision of counselling services and shelters to victims of violence.
- The participating States should review the implementation and integrate the provisions of the OSCE Action Plan on Gender Issues into and through national gender policies.
- Gender issues should be incorporated and mainstreamed into all aspects of OSCE work: at headquarters, in the institutions, and in field operations. The participating States should provide more political and financial support to the organization to ensure that all the OSCE institutions mainstream gender into their work and complement this by increasing their activities in gender equality related fields. OSCE efforts on peace building and post-conflict transformation should involve women at all stages and should address their particular needs in the post conflict environment.
- The ODIHR should continue working with NGO and Government partners on strategies for the increase of women's participation at all levels of decision making, empowerment of women, as well as developing frameworks for equal opportunities and the protection of women's rights.
- The ODIHR should maintain its commitment and strengthen its efforts to develop and implement programs, in co-operation with participating States and NGOs, focusing on women's rights, women's role in leadership and decision making, equal political and economic participation and combating violence.

PREVENTION OF AGGRESSIVE NATIONALISM, CHAUVINISM AND ETHNIC
CLEANSING

Delegation of the United States of America:

The United States calls on the authorities in Serbia and Montenegro, Bosnia and Herzegovina, and Croatia to:

- Disavow and condemn those indicted by the International Criminal Tribunal for the former Yugoslavia;
- Apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia all persons indicted by that tribunal, particularly Radovan Karadzic and Ratko Mladic;

and

- Ensure the right of return for those who desire to return to their former homes in order to redress the tragedy of ethnic cleansing.
- The United States urges local authorities in these countries to support initiatives proposed by OSCE Missions and other efforts to help returning minority populations better integrate into their original towns and villages and restore multi-ethnic society.
- The United States encourages Croatia to match progress on its legislative and administrative framework for returnees with increased practical implementation.
- We urge the authorities in Kosovo to join the international community in condemning the violent incidents directed against ethnic Serbs in Kosovo and to punish those responsible.
- Finally, the United States calls on the international community to learn from its mistakes and to heed early warnings from the High Commissioner for National Minorities and others.

European Union:

- The EU supports multinational education, training and youth partnerships, exchange schemes and opportunities to learn abroad, innovative teaching and learning projects, networks of academic and professional expertise, and a framework to address cross-cutting issues, with the adoption of new technologies and international recognition of qualifications. The European dimension concerns all areas of education – from individual school classes, teachers, parents and students to managers, university rectors, professional organisations, experts and training in all forms, at all ages. The EU looks forward to sharing its experience with OSCE and its Institutions, to our mutual benefit, as well as to that of our people, in particular of our new generations.

Moldovan Helsinki Committee for Human Rights:

- ODIHR to develop or enrich the body of OSCE principles and commitments applicable to the situations where OSCE member-states assumed the position of guarantors of a conflict resolution process or a peaceful settlement process and where these parties have important leverages in influencing relevant processes, de facto authorities or actors.
- OSCE to strengthen its unique role in prevention of the aggressive nationalism and ethnic cleansing by investing the Decision-making bodies of OSCE (Security Council, etc) to consider (and adopt political measures) the situations of aggressive nationalism and ethnic cleansing reported directly by specialized bodies of OSCE (High Commissioner on National Minorities, Commissioner on Freedom of Media, etc).

Thursday, 9 October 2003

WORKING SESSION 6 – Rule of Law I, including:

Delegation of the United States of America:

- The United States urges participating States to take full advantage of OSCE assistance and expertise available to help reform their judicial systems and strengthen the rule of law.
- The United States recommends that Ukrainian authorities conduct a transparent and credible investigation into the case of journalist Heorhiy Gongadze, and bring any perpetrators to justice.
- The United States urges the Kyrgyz government to ensure that the charges against opposition leader Felix Kulov be reconsidered and that he receive a transparent and fair trial in which judicial authorities are not subject to government pressure.
- The United States recommends that Kazakh authorities grant journalist and human rights activist Sergei Duvanov a new trial that is transparent and provides adequate procedural safeguards.
- The United States recommends that Turkmenistan and Uzbekistan provide access to prisoners and information about them, especially to families. In particular, the United States calls on Uzbekistan to notify relatives of all prisoner deaths and return the bodies.
- The United States recommends that Georgian authorities arrest and try Basil Mkalavishvili for inciting and leading mob violence against non-traditional faiths.
- The United States urges OSCE participating States to provide individuals to international police missions and assistance programs who set an exemplary standard of professionalism. In particular, the United States recommends that states providing police officers for international assignments adopt a zero-tolerance policy toward their officers' involvement with trafficked persons.
- The United States urges participating States to ensure that the training and assistance they provide to other countries is not abused by host country governments to maintain political power. In particular, the United States recommends that:
 - Kyrgyzstan fully implement all elements of its comprehensive police assistance program with the OSCE; and
 - Armenia fully implement the police assistance Memorandum of Understanding it recently reached with the OSCE.
- The United States recommends that all participating States take steps to prevent abuses by police, including arbitrary detention, extortion of bribes, and unprofessional conduct, such as planting evidence and coercing confessions; ensure accountability when such abuses occur; and refrain for using police for political purposes. In particular, the United States recommends that Turkmen, Uzbek, and Tajik authorities end the physical abuse of prisoners and the practice of extracting forced confessions.
- The United States encourages Kazakhstan to continue its recent steps, such as the reform of prisons, to improve the performance of its security forces.

- The United States recommends that participating States separate the legal responsibilities of prosecuting and defending accused persons. The United States further recommends that compensation and promotions for judicial officials be separated from the number of cases they try or the number of convictions they secure.

European Union:

- the Rule of Law is the real test for the nature of every regime that claims the title of democracy; if it exists the answer is affirmative, whereas, if it does not exist the answer is negative; even if it carries the title of Democracy or Republic, and even if it puts on display parliaments and elections, this is not a real democracy;
- The test for the existence of the Rule of Law in a given society is relevant to the existence or not of certain specific fundamentals of fair legislative, legal and administrative practice.
- Another, equally important issue for the existence of the Rule of Law, is the independence of the judiciary. A perfect legislation is useless in case the courts are not allowed, or are not able to implement it.
- the most crucial point where the existence of the Rule of Law is proven is the right to a fair trial. The presumption of innocence for every citizen, irrespectively of the severity of the accusation made against him, until a court declares him guilty according to the law, is a universal and unalienable right. With no delay at all every person implicated with justice must be offered legal assistance. As a fundamental principle, subject to relevant national legislation or other guidelines, the prosecuting authorities, from the very first moment of his/her implication, must provide to his/her lawyers all the existing documents and, at the same time, allow full and unobstructed access to their client. The detention period must not, under any circumstances, exceed what the law prescribes. The trial must be open to the public and to the representatives of the mass media and the procedural rules must be observed scrupulously. Conviction for a criminal offence can be pronounced only by a court. The right to fair trial must be protected in accordance to national and international law. The conditions of the internment must be such that human dignity and the bodily and mental health of the incarcerated must not be endangered. Under the Rule of Law a convicted person does not cease to be a human being the rights of whom are to be respected.

Delegation of Switzerland:

- L'OSCE pourrait encore davantage tirer les leçons de son expérience unique en matière d'assistance à la (re)construction de l'Etat de droit et la partager avec des partenaires universels ou régionaux (p.exemple en relation avec le développement des réflexions à ce sujet dans le cadre du Conseil de sécurité de l'ONU).
- Un séminaire pourrait se tenir en 2004 sur le thème "Justice, Etat de droit et promotion civile de la paix" (prenant entre autres aussi en compte les acquis et recommandations du séminaire d'avril 2002 sur les systèmes judiciaires).
- Pour être crédible, efficace et conforme à ses objectifs déclarés, la réaction au terrorisme doit se faire dans le cadre des règles régionales et universelles qui protègent

la personne humaine. Le BIDDH a un rôle particulier à jouer pour s'assurer que les droits de l'homme et le droit international humanitaire sont pleinement incorporés dans les législations des Etats participants. Il pourrait, entre autres, développer des lignes directrices pour l'intégration des normes de droits de l'homme dans les législations anti-terroristes et continuer à attirer l'attention sur le fait que certains de ces droits sont indérogeables.

Council of Europe:

- Participating States of the OSCE are encouraged to call upon the Council of Europe Commission for the efficiency of justice (CEPEJ) when carrying out, nationally or internationally, actions aiming at assessing the performance of States' judicial systems and making any recommendations for improvements, in the light of the (qualitative and quantitative) indicators for the evaluation of the judicial systems agreed by the 45 member States of the Council of Europe.
- It is recommended that the OSCE, in the implementation of its assistance programmes, take into consideration the Council of Europe' standards and opinions relating to the independence of the judiciary which take into account, in particular, the European Convention on Human Rights and its case law.

Moldovan Helsinki Committee for Human Rights:

With regard to in Transnistria region of Moldova:

Moldovan authorities, Russian Federation authorities, OCSE and parties guarantors of the peaceful settlement of the Transdnistrian conflict in Moldova:

- effectively establish local and regional accountable authorities, within the constitutional order of Moldova, responsible for the legislative process at regional level;
- effectively establish in practice the constitutional regime for the representation of people residing in the region;
- effectively establish the independent from direct influence of regional regime judiciary system within the constitutional order of Moldova;
- effectively establish the existence of the independent regional legislative authority;

LEGISLATIVE TRANSPARENCY

Coalition for Democracy and Civil Society:

- calls on ODIHR and friendly OSCE governments to move swiftly and proactively by assisting the Kyrgyz Legislature to increase its technical capacity to take correct stenographic records, process them in timely and accurate manner and issue them in to the public domain through a limited number of print publications but most importantly through its own web-site.
- recommends ODIHR together with the Parliamentary Assembly to prepare a publication and run a seminar on the best practices of using information-communication technologies and Internet in parliaments throughout the OSCE region.

OSCE/ODIHR:

- Participating States should devote more attention to application and effectiveness of laws as well as to the strengthening of legislative oversight, notably by developing the skills and knowledge of legislators and legislative staff and by developing civil society's capacity to participate in legislative processes; legislative systems should be accessible to the civil society and, when appropriate, the concerned law practitioners and law enforcement personnel should be involved in the drafting of legislation;

International Helsinki Federation for Human Rights:

- The IHF urges all OSCE participating states to take immediate measures to bring laws in their countries up to the standards they have internationally committed themselves to, and to ensure that these laws are implemented in practice.
- Further, the IHF wishes to underscore that under no circumstances should OSCE member states adopt measures that curtail non-derogable rights. All extraordinary measures adopted in the context of the fight against terrorism should be prescribed by law and essential to a democratic society. Such measures should be proportionate, interpreted strictly in favour of the rights at issue and be subject to periodic review to ensure that their continued application is strictly necessary. States should, under all circumstances, be guided by the human rights principles contained in international law (see also IHF recommendations on counter-terrorist measures).

Moldovan Helsinki Committee for Human Rights:*With regard to independence of judiciary in Moldova:*

In view of deteriorating situation and further political process affecting the independence of the administration of justice:

- Transfer further functions for economic and financial self-administration of the judiciary to the Superior Council of Magistrates;
- Provide necessary and proportionate budgetary allocations for the functioning of the judiciary and respect budgetary allocations assigned and approved by the parliament;
- Revise the laws on the judiciary organization and statute of the judge to limit the excessive executive influence on the administration of the justice and the appointment of judges procedure;
- Refrain from practices of interference of the executive (President administration) in the appointment of judges;
- Urgently finalize the re-appointment of judges for life, as provided by law on the statute of judge, based on the professional competence as proposed by the Superior Council of Magistrates;

- Improve management capacity of the courts and raise the statute of court registers.

OSCE/ODIHR:

- Participating States must take steps to strengthen the independence of judiciary, in conformity with the UN Basic Principles on the Independence of the Judiciary (endorsed by GA Res. 40/32 and 40/146).
- Participating States must take steps to strengthen the role of the judiciary in the investigative process. In particular, those states that have not yet given mandatory authority over arrest and detention to judicial authorities should do so as a matter of urgency, in order to ensure compliance with their international obligations under the European Convention of Human Rights and the United Nations International Covenant on Civil and Political Rights. States should also review their legislation to ensure that intrusive investigative measures, such as house searches, wire-taping, access to confidential information, are authorized not only by the Prosecution or another investigative authority, but also by an authority exercising judicial control.
- The measures to ensure strong and independent judiciary must include civil and commercial tribunals. Participating states should also develop appropriate alternative dispute resolution mechanisms to create independent, efficient and reliable alternatives to the judicial process.
- Members of the judiciary should be offered possibilities for continuous training, participation in international meetings, exchanges with colleagues from experienced democratic states and visits to familiarize with other judicial systems.

THE RIGHT TO A FAIR TRIAL

OSCE Mission in Kosovo:

- In line with the defendant's right to be tried in his presence, participating States should ensure that statements taken of witnesses without the presence of defence counsel or the defendant shall not be admitted in the trial and cannot form the basis for a verdict.
- Participating States should ensure that material resources, including official translations of relevant international human rights instruments, is provided to all courts and relevant personnel, particularly defence counsel.
- The relevant authorities of the participating States should provide sufficient notice to defence counsel of any relevant hearings or investigative actions, particularly involving the taking of witness testimony. The respective legal instruments should provide that failings of defence counsel must not be attributed to the accused, and in cases where counsel fails to attend such hearings, whether with or without good reason, the relevant part of the investigation must be re-opened, if the interests of justice require. In exceptional cases involving, for example, repeated failures of counsel to attend without

good cause, the defendant may change defence counsel or the court may appoint new counsel to the case.

- The relevant authorities of the participating States must ensure that defence counsel have free access to relevant court documents and evidence, including the police files, at all stages of the criminal proceedings. Adequate facilities must be made available for defence counsel to copy any relevant files and evidence.
- To ensure that the rights of the accused to an effective defence during both the investigation and the trial phase are upheld, participating States should make sure that all relevant personnel, including judges, prosecutors and defence counsel, are being provided with enhanced practical training on their roles and responsibilities.

OSCE/ODIHR:

- Participating States must ensure compliance with their OSCE commitments and international obligations related to the right to fair trial, including the European Convention of Human Rights and the United Nations International Covenant on Civil and Political Rights.
- Participating states should take steps to insure that the regulations surrounding eligibility to practice law are fair and objective and that in practice all new lawyers are admitted who meet these qualifications.
- Participating States must create mechanisms to guarantee access to quality legal services. The right to free legal counsel in criminal cases must be ensured by adequate State funding to attorneys and institutions providing such counsel.
- Participating States should take steps to ensure reliable and accurate recording of court proceedings. Institution of verbatim court reporting should be considered as an important safeguard to ensure fair trials.

WORKING SESSION 7 – Rule of Law II, including:

Moldovan Helsinki Committee for Human Rights:

With regard to in Transnistria region of Moldova:

Moldovan authorities, Russian Federation authorities, OCSE and parties guarantors of the peaceful settlement of the Transdnistrrian conflict in Moldova:

- effectively guarantee that regional regime refrain from policies of extrajudicial executions of state regional regime sponsored actors;

With regard to Conditions of Detention in Penitentiary System in Moldova

- Pursue policies for significant lowering number of persons in detention by revisiting the understanding of the nature of penalty, elaborate forms of alternative non-private sanctions;
- Raise at least several times the expenditures for alimentation in accordance with laws of Moldova and international standards;

- allocate needed budgetary finance to the real needs of the medical service and for the places of detention integrally;
- improve hygiene conditions including running and hot water, electricity;
- provide adequate food, necessary infrastructure for cleaning and supporting the medical services to oppose the raising number of TB infected people in detention;

With regard to the torture and police abuses in pre-trial detention and effective investigation of them in Moldova:

Moldovan authorities, most notable, central authorities and politicians should strongly emphasize the inadmissibility of the practices of the use of force as a mean for carrying out the criminal and administrative investigation:

- establish a task force, with participation of the Center for Human Rights, parliamentary human rights commission, independent think tanks, Ministry of Interior, prosecutor office to identifying the needed steps to combat the widespread practices of beatings and extortion of the evidence in the pre-trial detention;
- public prosecutor and parliamentary advocates should work hand-in-hand to in effective investigation of the allegations of torture and developing specific recommendations on the effective investigation of torture and establishing the punishment for perpetrators;
- encourage and allow upon request monitoring of places of detention by independent human rights watchdog organizations.

With regard to security and liberty of person in Moldova:

- carefully review the legal provisions and practices with regard to use of the various administrative procedures affecting the security and liberty of person in order to repeal the existing practices;

With regard to legislative initiatives for combating the terrorism and tax procedural legislation in Moldova:

- carefully review the Law on combating of terrorism for specifically specifying the limits of it application, time framework, public inspection thru independent media and public interests watchdogs reporting be assured;
- substantially revise the procedural tax law to assure the compliance with the Council of Europe standards on security and liberty of persons, fair trial guarantees, privacy;

EXCHANGE OF VIEWS ON THE QUESTION OF THE ABOLITION OF CAPITAL PUNISHMENT

European Union:

- The EU urges all participating states which have not yet done so to abolish the death penalty as a matter of priority.
- The EU urges countries with moratoria on the use of the death penalty to take steps to abolish the penalty in law
- The EU urges those countries which continue to use the death penalty introduce an immediate moratorium on executions. Otherwise they should fully comply with the minimum standards established under international law, including not to execute persons who were under the age of eighteen at the time the crime was committed, or persons suffering from any form of mental disorder.

The EU calls in particular for:

- the worldwide abolition of the death penalty as a priority issue;
- a general moratorium on executions and a policy of non-extradition to countries that maintain executions in cases where an individual could face the death penalty, as a basic step;
- those countries with a “de facto” moratorium to implement a “de jure” abolition of the death penalty;
- those countries which have reduced the range of crimes and of perpetrators punishable by the death penalty, or which have restricted the judicial proceedings for its application, to take steps towards the complete abolition of capital punishment;
- those countries which have not yet abolished the death penalty to fully respect existing minimum standards, especially not to impose it on persons who were below 18 years of age or suffering from any sort of mental disorder at the time of the crime;
- those countries which have not yet done so to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, as well as Protocols 6 and 13 to the European Convention on Human Rights.

Delegation of Norway:

- Participating States should ratify the 13th Protocol to the European Human Rights Convention as well as the Second Optional Protocol to the Covenant on Civil and Political Rights.

Amnesty International:

- Amnesty International recommends that all executions should cease immediately. OSCE States that have not already done so should be encouraged to institute moratoria on executions;
- The OSCE should seek to secure compliance with existing OSCE commitments as regards capital punishment by investigating practical ways of assisting those Participant

States that still apply the death penalty to comply with these commitments. The OSCE should condemn disregard for existing standards on the use of the death penalty including the ECOSOC guidelines¹ and Article 6 of the ICCPR as well as Articles 9,10 and 14 of the ICCPR² and explore ways of assisting the five states which have yet to impose a moratorium on executions in order to ensure compliance with these standards;

- In particular, the OSCE should condemn the veil of secrecy surrounding the use of the death penalty in some of those states which still apply it, and should explore ways of assisting the authorities in these states to ensure statistical and other information on the death penalty is made public. The OSCE should develop guidelines for participating States as to what exactly the commitment to make information on the use of the death penalty available to the public entails. Such guidelines should also ensure that information about the pending execution of an individual be made available to the family of the prisoner in sufficient time to allow them to visit. In cases where prisoners have been executed, family members should be allowed to collect the prisoner's body and personal effects, and to bury the body. Relatives should have the right to regular and frequent private meetings with the prisoner at all stages after the death sentence has been passed;
- The OSCE should pay particular attention to the failure to implement OSCE commitments on capital punishment by Belarus, Kazakstan, Tajikistan and Uzbekistan. The OSCE should condemn the disregard for existing commitments, and should explore ways of assisting these states to ensure fair trials, including appeal processes. Consideration should be given to use of Human Dimension mechanisms to address this issue;
- The OSCE should also continue to work to ensure that the death penalty is not imposed on any person who was under the age of 18 at the time the crime was committed or on any person who suffers from any mental disorder;
- The OSCE/ ODIHR should continue to facilitate exchange of information on the question of the abolition of the death penalty through dissemination of information, publications and the organization of round tables and conferences;
- To help achieve these objectives, the OSCE political bodies should strongly back the efforts of relevant OSCE field operations to place the issue of the death penalty on the agenda for their dialogue with their host governments.

OSCE/ODIHR:

- Condemn the failure of a number of OSCE participating States to make information on the use of the death penalty available to the public, in violation of OSCE commitments. Encourage participating States to comply with their commitments by ensuring that statistical information and information regarding the identities of persons sentenced to death and executed is made public.

¹ ECOSOC Resolution 1984/50, adopted on 14 December 1984. Also see ECOSOC resolution 1989/64, adopted on 24 May 1989, and ECOSOC Resolution 1996/15, adopted on 23 July 1996.

² NB All participating states except Andorra and Kazakhstan have ratified the ICCPR.

- Participating States should comply fully with international standards and commitments on the use of the death penalty. In particular, express concern that the death penalty is imposed in certain participating States following trials which fail to comply with minimum fair trial standards.
- Participating States should take steps to ensure that the death sentence is not imposed upon persons who were below the age of 18 at the time of the crime and that the death sentence is not executed upon persons suffering from any form of mental disorder.
- The OSCE in conjunction with the participating States should facilitate an exchange of information on the issue of the abolition of the death penalty and alternatives to the death penalty.
- Participating States that have not already done so should ratify relevant international human rights instruments (e.g. the Second Optional Protocol to the ICCPR and Protocol No. 6 and Protocol No. 13 of the European Convention on Human Rights);

PREVENTION OF TORTURE

Delegation of the United States of America:

- The United States urges the political leaders of participating States to clearly communicate to the general public and law enforcement officials that torture will not be tolerated and that its perpetrators will be brought to justice.
- The United States encourages the Uzbek government to continue its frank dialogue with international representatives on the persistence of torture in Uzbekistan and to expedite the completion of an action plan to combat torture. As part of its efforts against torture, the United States recommends that the Uzbek government:
 - issue and widely publicize a clear, unequivocal condemnation of torture and other cruel, inhuman or degrading treatment;
 - expeditiously enact and implement measures providing for the right of habeas corpus;
 - ban the use of testimony extracted under torture in legal proceedings;
 - investigate and prosecute instances of torture; and
 - assist victims of torture and cooperate with international and non-governmental organizations in identifying torture victims and ensuring treatment for them.
- The United States recommends that Turkmenistan address allegations of torture by law enforcement and security officials, including those related to the November 25 attack against President Niyazov's motorcade. Turkmenistan should allow torture victims full access to medical care and investigate and prosecute perpetrators.
- The United States urges the OSCE to include training in preventing and punishing torture in its law enforcement training programs.
- The United States would welcome the reinvigoration of the ODIHR Experts Panel on Prevention of Torture.

European Union:

- The EU urges participating states to ensure that they have the necessary domestic legislation in place to fully implement their obligations under the Convention against Torture in particular to stop the use of uncorroborated confession legislation and to investigate all allegations of torture, prosecuting the perpetrators where evidence is found.
- The EU urges all states to consider to sign and ratify the Optional Protocol to the Convention-
- The EU urges Uzbekistan to fully implement the recommendations of the UN Special Rapporteur on Torture.

Delegation of Norway:

- All OSCE Participating States should sign the Optional Protocol to the UN Convention Against Torture

Amnesty International:

- All OSCE Participating States must ensure, among other things, that all persons deprived of their liberty are:
 - a) provided with information about their rights and how those rights can be accessed;
 - b) granted access to a lawyer, including during all questioning, and the opportunity to consult with their lawyer in confidence;
 - c) given the opportunity to notify or have notified their family or a third person of the fact of and the location of their detention;
 - d) provided with the opportunity to be examined by a doctor, outside the hearing of law enforcement officials;
 - e) treated with respect for the inherent dignity of the human person.
- All OSCE Participating States must ensure that all allegations of torture and ill-treatment are promptly and thoroughly investigated by a truly independent and impartial body, and that complainants and witnesses are protected from harassment and other forms of pressure.
- All OSCE Participating States must ensure that perpetrators of torture or ill-treatment are promptly brought to justice in proceedings which respect the suspect's right to a fair trial and the victim's right to information and to be treated with respect and dignity.
- All OSCE Participating States must ensure that victims of torture and ill-treatment receive adequate reparation.
- We also call on

- a) Andorra and San Marino, the two Participating States of the OSCE who have yet to do so, to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture);
 - b) the 53 OSCE Participating States, who have yet to do so, to ratify or accede to the Optional Protocol to the Convention against Torture; this treaty will enter into force 30 days after receipt of the 20th certificate of ratification or accession; and
 - c) all OSCE Participating States to submit timely periodic reports to the UN Treaty Monitoring Bodies and to publish the Conclusions and Recommendations of these bodies as well as the Recommendations of the Special Rapporteur on torture. We also urge governments to publish their plans for the implementation of these recommendations and regular progress reports on such implementation.
- We call on the OSCE political bodies to provide strong leadership in promoting greater political will for the eradication of torture and ill-treatment. We urge the incoming Bulgarian OSCE Chairmanship to declare the combat of torture to be among its highest political priorities. We ask them to be unwavering in their commitment to raising torture concerns whenever necessary, including in their bilateral discussions with governments in the OSCE region. We ask them also to place discussion about combating torture, including in specific countries as necessary, regularly on the agenda of the OSCE Permanent Council.
 - We consider that regular reporting by the Director of the ODIHR on the issue of torture and ill-treatment would facilitate discussion in the Permanent Council. The ODIHR Director should also be encouraged to bring concerns about torture and ill-treatment systematically to the attention of the Chairmanship, wherever the problem occurs in the OSCE region.
 - Amnesty International believes that an annual report, prepared by ODIHR's Human Rights Section, on the situation of torture and ill-treatment would be a useful tool in refining the existing project work of the ODIHR and the OSCE field operations in areas such as police, judiciary and prison service training. Such a report should be analytical, seeking to identify specific factors leading to torture, ill-treatment and impunity, and potential remedies.
 - Participating States should be encouraged to offer their full co-operation in providing information to the ODIHR for such an annual report on prevention of torture and ill-treatment. We recommend that the first such report should be prepared for the 2004 Human Dimensions Implementation Meeting.

Association for the Prevention of Torture:

- Participating States should give priority to the early ratification and implementation of the Optional Protocol to the UN Convention against Torture;
- Participating States should set up, designate or maintain one or several national preventive mechanisms to visit places of detention;
- National Preventive mechanisms must be guaranteed their functional independence, access to all places of detention, the opportunity to conduct private interviews and the

opportunity to publish their reports and recommendations;

- The OSCE/ODIHR should facilitate the exchange of experiences and promote best practices among participating States on the setting up and effective functioning of national preventive mechanisms.

On the European Committee for the Prevention of Torture:

- Participating States party to the European Convention for the Prevention of Torture (ECPT) should cooperate fully with its committee, the CPT;
- State Parties to the ECPT should authorise the publication of the CPT reports and translate it into their national language.
- State Parties to the ECPT should also formulate a comprehensive and global strategy for example by establishing an interdepartmental co-ordinating body mandated to monitor: all implementation activities.
- International organisations, including OSCE/ODIHR, should take a more proactive approach in assisting States in implementing CPT recommendations, in particular those with substantial financial implications.

OSCE/ODIHR:

- Participating States must demonstrate strong political commitment to eradicate torture. States are encouraged to formulate a broad domestic strategy for the eradication of torture and other forms of degrading and inhuman treatment.
- Participating States should step up their efforts towards actual implementation of international standards related to prevention of torture. Participating States should ratify the Optional Protocol to the UN Convention Against Torture (GA Res. 57/199). Participating States should take steps to comply with recommendations of the UN Committee Against Torture and the European Committee for the Prevention of Torture. Participating States should extend standing invitation to the UN Special Rapporteur on Torture and follow up on the Rapporteur's reports.
- Effective legal safeguards must be instituted for use of pre-trial confessions as evidence in criminal proceedings. Police evaluation and reward structures should be reviewed to prevent encouragement of torture in pre-trial investigation.
- Participating States must ensure that that all allegations of torture are fully and properly investigated and that all torturers are brought to justice. National Human Rights Institutions such as Ombudsman should increase their anti-torture activities and monitoring of places of custody, in particular police stations, where the risk for human rights violations is particularly high.

Friday, 10 October 2003

WORKING SESSION 8 – Humanitarian Issues and other commitments, including:

European Union:

Recommandations aux etats participants :

- Ratifier et mettre en oeuvre la convention des nations unies sur le crime organise transnational et ses protocoles additionnels (protocole de palerme), dont celui qui porte sur la traite des etres humains, et en particulier les aspects suivants:
 - Incrimination et repression de la traite des etres humains ;
 - Confiscation des produits de la traite et, s'il y a lieu, utilisation de ces produits pour l'assistance et la rehabilitation des victimes ;
 - Mesures visant au renforcement de la cooperation judiciaire et policiere ;
 - Assistance et protection des victimes dans les procedures judiciaires.
- Obliger par les moyens appropries et en conformite avec les normes internationales pertinentes les transporteurs commerciaux a s'assurer de la validite des documents de voyage de leurs passagers, y compris en prevoyant un systeme de sanctions.
- Poursuivre les campagnes de sensibilisation et les etendre aux petites villes et aux villages ainsi qu'aux populations susceptibles d'etre victimes de la traite.
- Adopter et renforcer les mesures legislatives, administratives ou autres sur les conditions d'operation des secteurs economiques particulierement utilises dans le cadre des activites de traite.
- S'assurer que les mesures adoptees pour prevenir et reprimer la traite des etres humains respectent les droits et la dignite des personnes.
- Ameliorer l'efficacite de la prevention et de la repression de la traite par un renforcement de la coordination des acteurs gouvernementaux et non-gouvernementaux. Nous soulignons l'importance de l'accompagnement des victimes en complement du travail de repression.

Recommandations aux structures de l'OSCE:

- Encourager les missions a faire rapport periodiquement au biddh et au coordinateur economique et environnemental sur l'ampleur et les caracteristiques de la traite et a promouvoir le plan d'action de l'osce aupres des autorites de leur pays et des representants appropries de la societe civile.

TRAFFICKING IN HUMAN BEINGS

Delegation of the United States of America:

- The United States recommends that OSCE States should strengthen their anti-trafficking capabilities at the national level by adopting and implementing legislation criminalizing trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution and providing appropriate and quality assistance to victims.

- The United States recommends that participating States should work closely with their neighbors, as well as with source and destination countries, to ensure coordinated actions.
- The United States recommends that participating States should work to develop relationships with NGOs, particularly concerning victim protection.
- The United States recommends that the OSCE create a new mechanism to combat trafficking aimed at raising the political profile of the issue, creating a framework for OSCE activities across the OSCE region, coordinating OSCE work across all three dimensions, and providing a contact point for work with other International Organizations.
- The United States recommends that participating States and international organizations adopt a zero-tolerance policy to ensure that international civilian, military, and police force personnel do not contribute to or participate in trafficking in persons.
- The United States recommends that destination States take efforts to address the demand for exploitation, as well as provide longer-term assistance and protection to victims who cannot return to their homeland.

Delegation of Azerbaijan:

- OSCE/ODIHR in cooperation with other international agencies should elaborate and conduct programs and trainings for representatives of relevant Governmental structures on illegal migration, examination of travel documents, victim protection and rehabilitation;
- Relevant trainings should be arranged for the representatives of law enforcement agencies, judges, public prosecutors and advocates by OSCE/ODIHR and other international agencies;
- Relevant trainings and programs should be elaborated and implemented for local non-governmental organizations dealing with combating in human beings in the field of awareness-raising, victim protection and rehabilitation;
- Awareness-raising campaigns among potential risk groups (vulnerable groups, such as refugees and IDPs, students and etc.) should be conducted by the OSCE/ODIHR and other international agencies;
- OSCE institutions, in particular ODIHR and Office of OSCE Economic Coordinator should elaborate and implement programs aimed at reintegration of victims of trafficking and vocational training.

Delegation of Norway:

- All OSCE Participating States should sign and ratify the UN Convention on Organised Crime and its related Protocols.
- Participating States should establish witness protection programmes

- The OSCE should establish a mechanism to monitor the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings. The mechanism should be able to raise the public and political awareness of the issue and co-ordinate all efforts in this area in all the three dimensions of the OSCE.

Delegation of Switzerland:

- Die Schweiz begrüsst die Bemühungen zur **Schaffung eines effizienten anti-trafficking Mechanismus** innerhalb der OSZE. Sie erachtet einen solchen Mechanismus als notwendig zur wirkungsvollen Umsetzung des Aktionsplans gegen Menschenhandel (PC.DEC/557, 24 July 2003) sowie zur Stärkung des Engagements der OSZE und Unterstützung der Teilnehmerstaaten im Kampf gegen Menschenhandel und zum Schutz der Opfer.
- Die wachsenden Migrationsströme und die damit einhergehenden transkontinentalen Probleme (irreguläre Migration, Menschenschmuggel, Menschenhandel) stellen Herausforderungen dar, denen nationale und regionale Ansätze nicht mehr gerecht werden können. Die Schweiz regt an, dass die OSZE der **Migrationsthematik** verstärkt Aufmerksamkeit widmet.
- Namentlich zum **Schutz intern Vertriebener** ist ein verstärktes Engagement der OSZE angezeigt. Die Schweiz regt an, die anlässlich des Supplementary Human Dimension Meetings on Migration and Internal Displacement (September 2000) erarbeiteten Empfehlungen als Leitprinzipien für einen verstärkten Schutz intern Vertriebener zu nutzen.

Delegation of Turkey:

- Taking into account the inter-linkages between various forms of organized crime, participating States should launch an overall fight against all forms of organized crime and terrorism, not prioritizing one over the other in the efforts for international co-operation and co-ordination.
- Participating States and international organizations should adopt a multi-faceted approach in the fight against trafficking in human beings, including appropriate social and economic measures which will address its root causes such as poverty, economic disparities and unemployment in the countries of origin, sexual exploitation and the demand for inexpensive, socially unprotected and often illegal labour in the countries of destination.

OSCE Mission in Kosovo:

- Victims of Trafficking (VoTs) should have the right to temporary residence regardless of their will to take part as witness in criminal proceedings. However, due to the current status of Kosovo, the possibility for a resident permit for VoTs in Kosovo may be difficult to implement at this stage.
- The victim should also not be deprived from her/his right to applying for asylum and should be able to work during her/his stay in the country.

- Training should be provided to the police, the judiciary and social workers focusing on victims' issues to enhance the protection of the confidentiality and privacy of personal data.
- Offices and facilities dealing with VoTs (in Kosovo: offices and facilities of the Centres for Social Work and the police) should be equipped with a private room adequate and available for interviews of VoTs when needed, as well as a lockable filing cabinet for storing of files.
- Awareness raising and training activities should target the local communities as well the the police, the judiciary, social and health workers.
- Participating States should continue to give strong support for counter-trafficking measures and assistance to VoTs.
- Relevant ministries should nominate co-ordinators to work on an action plan to combat trafficking and implement programmes and strategies.
- Re-education programmes should be offered for minors while in shelters and during reintegration programmes.
- Strategies to increase attendance and completion of secondary education for girls need to be developed.
- Strategies need to be developed for the empowerment of women (e.g. increasing the number of employment opportunities for women, particularly those vulnerable to trafficking).
- Ministries of Interior or Justice (for Kosovo: UNMIK Pillar 1, Police and Justice) of the region should find ways to join the existing legal agreements on judicial co-operation in South Eastern Europe order to facilitate the exchange of documents (i.e. statements taken abroad) for the needs of trials.

Council of Europe:

- OSCE participating States are encouraged to support strongly the drafting process of the European Convention on action against trafficking in human beings, which is currently being undertaken by the Council of Europe.

UNHCR:

- To ensure that trafficked children are not criminalized in any way (for example, through prosecution for status-related offences) and that age-sensitive and other appropriate measures are taken to reunite the child with her/his family or to otherwise meet her/his best interests, in line with the Convention on the Rights of the Child and its Optional Protocol. In this regard, Articles 34, 35 and 36 of the CRC specify that children have the right to the protection of the state, even where they are not national of the state in which they are located.

- UNHCR calls upon states to underpin their policies and actions with a solid basis of human rights concerns, including adequate attention to the relevance of asylum within broader responses to trafficking.

OSCE/ODIHR:

N.B: The main recommendation for all OSCE participating States, OSCE institutions and field operations is to fully implement the recently adopted *OSCE Action Plan to Combat Trafficking in Human Beings* (P.C. Decision No. 557) and the UNHCHR's *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, as well as the recommendations resulting from the OSCE Economic Forum and its preparatory seminar held in Ioannina.

Additional recommendations to stress for OSCE participating States:

Countries of destination:

- Participating States should support awareness raising campaigns in countries of destination in order to inform potential employers and clients of the violations involved in the trafficking process and the penalties that they may face if they are found to be engaged with or supporting components of the trafficking process.
- Participating States should furthermore implement information campaigns to raise awareness among the general public about the challenges faced by trafficked persons in countries of destination and to combat discrimination against migrants, including refugees and trafficked persons.
- Governmental actors engaged in the identification, assistance and protection of alleged trafficked persons should make sure that non-discrimination is the foundation of their work and access to services for all.
- Immigration services should systematically collect and record information regarding the number and type of residency permits issued to trafficked persons, especially concerning the number of persons who file complaints against traffickers.

Data protection

- States should provide and guarantee legal rights to confidentiality, in particular, this means instructing law enforcement agencies and the courts not to publish the names or addresses of anyone who has been trafficked or information that may easily identify a victim and thus jeopardise his or her safety.
- Immigration and police services in countries of destination should not reveal to authorities from the victim's country of origin that a person has been trafficked, without their explicit consent. This is especially important where there are concerns regarding corruption of local officials or, for those trafficked into prostitution, because of stigmatisation associated with prostitution. Rather, in assisting trafficked persons who are returning home, immigration and police services should provide them with contact

information for a law enforcement office in the country of origin that they can contact if a trafficker threatens them.

Freedom of Movement

- Measures taken by the OSCE participating States to combat trafficking in human beings should not result in limitation of the freedom of movement, excessive entry requirements, violation of privacy and insufficient safeguards on personal data.
- OSCE participating States should bear in mind that restrictions on legal migration can lead to abuses of the institution of asylum, resulting in an overburdening of the system, as well as a possible increase in trafficking of human beings.

Legal redress and compensation

[N.B. Article 6 of the UN Anti-Trafficking Protocol requires each state party to “ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.”]

- Law enforcement officials should inform trafficked persons of their right to a lawyer, the possibilities of obtaining compensation, and that lawyers can assist and inform them regarding the related procedures.
- Law enforcement officials should proactively pursue trafficked persons claims for compensation, especially through providing more in-depth information regarding compensation procedures and assist trafficked persons who wish to claim compensation from traffickers.
- States should ensure in all criminal cases that the status of the trafficked person as a victim of crime is acknowledged (as an injured party in civil law countries) to facilitate orders of compensation.
- Immigration services should permit trafficked persons to remain in the country whilst pursuing civil claims against traffickers.
- As proposed by the Council of Europe at the HDIM 2002, OSCE participating States should create a legislative framework for voluntary organizations that defend victims of trafficking, allowing them to take legal action against traffickers.

MIGRATION, REFUGEES AND DISPLACED PERSONS

Delegation of the United States of America:

- The United States recommends an OSCE Ministerial Commitment that welcomes the UN Guiding Principles on Internal Displacement as a useful framework for OSCE work and for OSCE participating States’ actions in dealing with internal displacement.

- The United States recommends that the international community, including the OSCE participating States, continue to expand efforts to assist all refugees and displaced persons.
- In particular, the United States urges the political leaders in Kosovo to actively encourage Kosovars to respect the rights of IDPs and refugees who wish to return home so that minority communities are included in Kosovo's economic, social and political life.
- The United States calls upon Croatia to adhere to its commitment to refugee returns by meeting its deadlines for the return of property and reconstruction, and requests the OSCE to monitor the situation and hold the Croatian government to its commitments.
- The United States calls upon Turkey to give all Kurdish villagers the opportunity to return to the southeast, and, to that end, to demobilize and disarm village guards and re-train its members for tasks appropriate to a post-war environment, and sponsor an international conference to discuss plans for a new return program and for the effective integration of those IDPs who do not wish to return.
- The United States calls upon the Russian Federation to respect principles of voluntary repatriation as concerns IDP returns to Chechnya, and to cease restrictions on the access of humanitarian aid workers to IDP camps.
- The United States calls upon Azerbaijan to allow the free movement of IDPs, including their relocation outside of camps and their integration into local communities.
- The United States calls upon Georgia to increase aid to IDPs on its territory and to work with appropriate parties toward the return of IDPs to Gali and to promote their safety and security.
- The United States recommends that the OSCE, ODIHR and OSCE field Missions increase their awareness of IDP rights, and in particular that they:
 - urge governments to ensure that IDPs have the right to vote as part of the OSCE's election monitoring activities;
 - promote national institutions protecting IDPs within OSCE's technical assistance programs; and
 - work with governments to improve the legal situation of IDPs with the assistance of OSCE/ODIHR projects.
- The United States recommends a Supplementary Human Dimension Meeting next year on the subject of internal displacement.
- The United States calls upon the OSCE High Commissioner on National Minorities to focus on IDPs belonging to marginalized national minority groups within the framework of his mandate.

Delegation of Azerbaijan:

- to establish in the ODIHR a post of an adviser on refugees and IOPs in order to reinvigorate the OSCE potential in this field and to streamline the process of interaction

- between the OSCE and its partner organizations at all levels;
- to intensify activity of all OSCE structures to address problems of refugees and IDPs;
 - to reinforce the activity of the Office of OSCE Economic Coordinator in solution of tasks aimed at provision temporary integration and improvement living conditions of refugees and IDPs, in particular in the field of education, health, micro-credits;
 - to involve efficiently OSCE Office in Baku in addressing existing problems of refugees and IDPs;
 - to engage OSCE in partnership with other international actors in elaboration and implementation special strategies for displaced people in situations of protracted armed conflicts;
 - to address the root causes of displacements of refugees and IDPs by full exploitation of the OSCE institutions' potential

European Union:

1. Migrations

Recommandations aux etats participants et aux etats partenaires de l'OSCE

- Mettre en œuvre des politiques adaptees de lutte contre les filieres d'immigration clandestine,
- Developper des strategies de partenariat, notamment au niveau des administrations competentes, en vue de renforcer la comprehension et d'optimiser le traitement de l'ensemble de la problematique migratoire,
- Associer plus systematiquement la societe civile au traitement de l'ensemble de la problematique migratoire.

Recommandations aux structures de l'OSCE

- Utiliser les missions de terrain pour etudier les phenomenes migratoires et leurs implications en termes de respect des droits de l'homme, de securite et de developpement economique et social,
- Proceder a un inventaire comparatif des dispositions legislatives et reglementaires pertinentes des etats participants (bidh),
- Favoriser un dialogue constructif entre etats participants afin de promouvoir l'elaboration d'un code de bonnes pratiques pour la gestion des phenomenes migratoires,
- Reflexhir a l'organisation d'une reunion dediee a ce theme en vue de mobiliser l'ensemble des acteurs concernes et notamment la societe civile.

2. Refugies, personnes deplacees

Recommandations aux etats participants et aux etats partenaires de l'OSCE

- Adopter des politiques efficaces, transparentes et humaines de traitement des demandes d'asile,
- Promouvoir la concertation internationale en vue d'harmoniser les legislations et les pratiques nationales,

- Prendre toutes mesures utiles pour permettre le retour volontaire des réfugiés et des personnes déplacées dans les meilleures conditions, politiques, économiques et de sécurité.

Recommandations aux structures de l'OSCE

- Renforcer la coopération avec les organisations internationales et les ONG impliquées dans la problématique de la protection aux réfugiés et aux personnes déplacées,
- Faire l'inventaire des pratiques et des législations et proposer les aménagements nécessaires,
- Assurer le suivi sur le terrain et développer une capacité d'alerte et de réaction en cas de crise susceptible de provoquer des mouvements de population.

OSCE Mission in Kosovo:

- *Forced Returns:* The OSCE should encourage that clear parameters be established to clarify when forced returns of refugees and those under temporary protection can be contemplated. Such parameters should include active consultation with the country of origin and careful analysis of the situation into which the individual would return in order to ensure that the individuals' human rights, including to security of person and to return to one's home, will be effectively protected.
- *Creating Conditions for Return:* The OSCE should encourage policies which serve to improve the general human rights situations within home countries of refugees and displaced persons. In particular, the OSCE should promote policies that improve the situation of minority communities within their home countries.
- *Internally Displaced Persons:* The OSCE should promote the development of policies which are sensitive to and accommodate appropriately the increased vulnerability of IDPs and returnees, especially those belonging to minority communities.
- *Key Issues of Concern:* When addressing post-conflict migration issues, the OSCE should encourage the protection and promotion of all communities' freedom of movement, the development of strong, effective, and prompt protection of property rights as well as from discrimination in access to essential services, employment, and education. Such protection will significantly contribute to the promotion and exercise of the right to return to one's home.
- *NGO involvement:* The OSCE should encourage refugee and displaced communities to establish advocacy groups and use existing local and international NGOs as a tool to promote and protect their interests.

UNHCR:

- UNHCR encourages governments to address existing gaps in policy, legislation and practice that may negatively impact on asylum and therefore calls for OSCE participating States' commitment to implement the 1951 Geneva Convention and 1967 Protocol relating to the Status of Refugees and relevant national legislation to provide protection to asylum seekers and refugees. Current pressing concerns include ensuring adequate reception standards and conditions for arriving asylum seekers and the development of local integration opportunities for recognized refugees.

Brookings Institution:

- Because there are 3 million internally displaced persons in the OSCE region, many in conditions of destitution and insecurity, the problem of internal displacement should be given high priority as a human dimension issue by the OSCE, which should, on a systematic basis, review situations of internal displacement at Human Dimension Implementation and other relevant OSCE meetings. Strategies will need to be developed and implemented for ensuring assistance, protection and durable solutions for internally displaced populations as well as for preventing internal displacement by addressing its root causes.
- To reinforce the OSCE's role, the issue of internal displacement should be mainstreamed throughout the Organization, including in its legal review processes, capacity-building initiatives, election monitoring activities, field missions, protection of minorities, and gender projects. To promote integration of the issue, the OSCE should systematically train its staff, both at headquarters and in the field, in the subject of internal displacement.
- The Guiding Principles on Internal Displacement, which bring together in one document all the international norms relevant to internally displaced persons, should be formally acknowledged by the OSCE as a useful tool and standard for addressing internal displacement and used as a framework for policies and activities pertaining to internal displacement, including the development of laws and policies at the national level. The OSCE should also encourage the dissemination and application of the Guiding Principles by its staff, both at headquarters and the field, and by Participating States.
- Greater support should be given to OSCE/ODIHR to enable it to expand its activities in the area of internal displacement. In particular, OSCE/ODIHR's migration unit could usefully serve as a focal point within the OSCE for internal displacement issues. To carry out this role effectively, the unit should be reinforced with additional resources.
- The OSCE should enhance its collaboration with the Representative of the UN Secretary-General on Internally Displaced Persons and other relevant organizations and offices, including the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the IDP Unit in the UN Office for the Coordination of Humanitarian Affairs, the UN High Commissioner for Human Rights, as well as regional bodies such as the Council of Europe and the European Union, in addressing internal displacement in the OSCE region.

Caucasian Centre for Human Rights & Conflict Studies:

We recommend the OSCE and its member states:

- To make pressure on Russia to stop military operations in Chechnia and to give security guarantees to civilian population of Chechnia and to refrain from return of refugees while the security guarantees will not be ensured there;

- To put pressure on the Georgian government to refrain from extradition and deportation and/or forcible return of Chechen refugees to Russia, as there is no guarantee that their rights will be protected there, as they are at serious risk of being tortured or ill-treated and sentenced to long-term imprisonment following an unfair trial;
- To put pressure on the Georgian government to respect human rights, investigate and prosecute and punish all acts of unlawful detention, extradition and oppression of Chechen refugees in Georgia;
- To urge the Georgian authorities to ensure that local and international media and civil society representatives or other independent observers are given free access to Pankisi gorge;
- To put pressure on the Georgian government to take all reasonable steps to improve humanitarian, social and economic status of Chechen refugees within its jurisdiction;
- To put pressure on the Georgian government that Georgia, as a member of the OSCE and Council of Europe, adheres to its obligations and fulfills European human rights standards;
- We also urge the OSCE and its member States to support the strategy, adopted by the UNHCR, of resettlement of Chechen refugees to a safe third country - except Russia, and to encourage third countries to consider the issue of admission to their territories of Chechen refugees presently residing in Georgia.

Norwegian Refugee Council:

- OSCE political bodies, such as the Permanent Council and the Ministerial Council, should clearly define internal displacement as a human dimension issue of direct concern to the OSCE. Participating States should formally decide to include internal displacement in the activities of the OSCE, using the UN Guiding Principles on Internal Displacement as a framework.
- The OSCE, as a regional organisation, has been strongly encouraged by the United Nations to put efforts into solving the problems of internally displaced persons. The OSCE should exert influence to encourage governments to assume their responsibilities towards their internally displaced populations.
- OSCE participating States affected by internal displacement should make full use of the United Nations Guiding Principles through the drafting and implementation of IDP legislation. Existing legislation should be revised to reflect the Guiding Principles, and modified and amended where needed.
- OSCE institutions should use all existing mechanisms and programmes to promote the Guiding Principles among States and non-State actors.
- OSCE participating States should take concrete steps to ensure that internally displaced persons have the ability to return home safely and be offered durable solutions, including

the right to repossess property. Until return is possible, participating States should ensure that IDPs are provided proper housing and fully enjoy their rights.

Romani Crisis (Romania) and Roma organization Youth Center (Serbia and Montenegro):

- Participants States should incorporate UN Guiding Principles on Internal Displacement into their legal systems and should provide measures to implement and enforce them. These principles give clear and useful setting that could help the authorities in solving problems of displaced Roma.
- Participants States should ensure that programs are in place to promote informed choice regarding decision of IDPs/refugees. Such programs should provide concrete information regarding each subject of concern to refugees and IDPs and should be made available in relevant languages
- Participants States and OSCE Institutions should consult refugees and IDPs when defining crisis situation in order to facilitate adequate procedures and to ensure that the concerns of the refugees and IDPs are clearly expressed and taken into account
- Concerning recent events in Serbia and Montenegro, Belgrade particularly, it is necessary to adjust the national laws referring to forced eviction with the International standards. The security of using property in houses or on land should be guaranteed, which means that forced eviction could not be done without a warrant. In cases of collective eviction, it should be taken into account that persons, who are not registered in places in which the collective evictions are being done, as well as the displaced persons without residence registration, must not become homeless. It is necessary to provide accommodation after eviction, that not considering if the people are registered in the places they live in.
- All documents, including registration of stay, the “green card”, need to be accessible for refugees/IDPs.

OSCE/ODIHR:

- To distinguish separate tools for addressing regular, irregular and refugee migration, while equally respecting the basic human rights of all categories of migrants.
- To bear in mind that restrictions on legal migration can lead to abuses of the institution of asylum, resulting in overburdening the system and a possible increase in trafficking of human beings.
- To acknowledge the necessity to resolve the problem of statelessness in the OSCE region
- Participating States are called upon to continue to respect the 1951 Convention and the 1967 Protocol as they provide a very solid framework for the international protection of refugee population. In particular, respect for the principle of *non refoulement* was considered vitally important.

- Participating States are encouraged to take note and to incorporate into their legislation the Guiding Principles on Internal Displacement formulated by Dr. Francis Deng, the UN Secretary General's Special Representative on IDPs.

WORKING SESSION 9 – Humanitarian Issues and other commitments (cont.), including:

TREATMENT OF CITIZENS OF OTHER PARTICIPATING STATES

European Union:

Recommandations aux etats participants et aux etats partenaires de l'OSCE

- Adopter des mesures favorisant l'integration des etrangers en situation reguliere, en leur reconnaissant des droits et des obligations comparables a ceux des nationaux.
- Developper la cooperation administrative entre etats participants a cette fin.

Recommandations aux structures de l'OSCE

- Etudier les dispositions legales et reglementaires et recenser les pratiques en vigueur en vue d'etre en mesure de faire toute recommandation utile aux etats participants,
- Favoriser les echanges de bonnes pratiques entre les etats participants.

OSCE/ODIHR:

To participating States:

- To take adequate measure to prevent discrimination, ill-treatments and other cases of violation of rights of migrants as well as to take note of best practices in the OSCE region on combating intolerance and discrimination against migrants.
- To ensure that development of frameworks for protection of rights of migrants becomes an integral part of migration policies that aim to regulate migration flows and to effectively use labour resources

To OSCE and its institutions:

- To promote a dialogue and creation of co-operative mechanisms between the countries of the region to prevent discrimination, ill-treatments and other cases of violation of rights of migrants as well as to share best practices of combating intolerance and discrimination against migrants.
- To consider migration within a broader framework dealing with conflict resolution, regional stability, economic progress and the development of civil society.

INTERNATIONAL HUMANITARIAN LAW

Delegation of the United States:

- The United States calls on all parties to the Chechen conflict to uphold international humanitarian law, end abuses by their forces, and ensure accountability for those responsible for violations.

European Union:

1. Cour penale internationale

Les etats participants devraient :

- Ratifier dans les meilleurs delais, s'ils ne l'ont pas encore fait, le statut de la cour penale internationale,
- Appeler a la ratification universelle du statut ;
- Assumer, a titre national, la responsabilite qui leur incombe de poursuivre et juger les auteurs de crimes figurant dans le statut.

Les etats participants parties au statut devraient respecter leurs engagements au regard du statut :

- Prendre toutes mesures pour mettre en conformite leur droit interne et prevoir les modalites de cooperation avec la cour
- Repondre rapidement aux appels a contribution obligatoire,
- Respecter leur obligation de cooperer avec la cour et a cet effet s'abstenir de signer des accords accordant l'immunitie de juridiction a des personnes dependant d'etats non parties sans qu'il y ait un engagement clair de la part de ces etats de juger effectivement et rapidement les personnes en question pour les crimes au titre desquels la cour les reclame. Les etats parties ne pourraient, sans violer leurs engagements vis-a-vis de la cour, accepter une quelconque reciprocite au profit de leurs propres ressortissants.
- Les etats parties au statut devraient egalement, dans la mesure du possible, contribuer au fonds d'aide aux victimes et aux familles des victimes.
- Les etats participants et les structures competentes de l'osce devraient veiller, dans le cadre de la diffusion du droit international humanitaire, a inclure les elements relatifs a la cour penale internationale.

2. Lutte contre le terrorisme

Les etats devraient :

- Devenir parties, s'ils ne l'ont pas encore fait, aux protocoles de 1977 aux conventions de geneve,
- Respecter et faire respecter les conventions de geneve de 1949 et les deux protocoles additionnels de 1977, en application de l'article premier de ces differents instruments
- Veiller a la conformite de leur legislation interne avec le droit international humanitaire et a la mise en application effective des regles du dih,
- Veiller a ce que les mesures prises pour lutter contre le terrorisme n'aillent pas a l'encontre des droits de l'homme et du droit international humanitaire.

3. Protection du personnel humanitaire, des organisations internationales comme des ong

Les etats devraient :

- Faire en sorte que les crimes perpetres contre ces personnels ne restent pas impunis ;
- Veiller a ce que les parties a un conflit arme respectent les regles et principes du droit international relatifs a la protection du personnel humanitaire, en particulier le dih, les normes relatives aux droits de l'homme et le droit des refugies ;
- Veiller a ce que le personnel humanitaire puisse avoir acces pleinement et librement a toutes les personnes qui ont besoin d'assistance ;
- Promouvoir la securite et la liberte de circulation du personnel humanitaire.

Delegation of Switzerland:

- Als Vertragspartei und im Lichte ihrer humanitären Tradition ruft die Schweiz alle OSZE Teilnehmerstaaten, welche den Zusatzprotokollen von 1977 zu den Genfer Abkommen (1949) noch nicht beigetreten sind, zu deren baldestmöglichen Ratifikation auf.
- Die Schweiz ruft alle Vertragsparteien zum ersten Zusatzprotokoll dazu auf, die Kompetenz der internationalen humanitären Ermittlungskommission gemäss Artikel 90 des ersten Zusatzprotokolls von 1977 anzuerkennen.

NGO Coalition for the International Criminal Court:

- We urge all OSCE participating states to act in consistence with the OSCE Parliamentary resolution and to strengthen this new institution by ratifying or adhering to the ICC as well as by meeting their obligations under the Rome Statute to incorporate into national orders the "most progressive definitions of all crimes under international law";
- We urge all OSCE participating states to comply with their duty to exercise their criminal jurisdiction over those responsible for international crimes, by implementing the Rome Statute of the ICC and other relevant treaties on international humanitarian law and international criminal law;
- We call upon all States to promptly ratify the Agreement on Privileges and Immunities of the ICC, without which it will be extremely difficult for the Court to operate outside the territory of the Netherlands;

- We call upon States Parties to fulfil their financial obligations by paying their assessed contributions promptly, so that the Court is not hampered in its functioning by lack of funds;
- We express our support to those states that resisted the pressure, in respect of the rule of law and we appeal all states to fiercely oppose any attempt to undermine the integrity of the Rome Statute of the ICC;
- We call upon the OSCE and in particular its Office for Democratic Institutions and Human Rights to include the 'Fight against impunity' of the most egregious crimes of mankind among the areas of work of its official mandate, and therefore, to include in the Human Rights Dimension Implementation meeting in 2004 a working session on "the fight against impunity".

OSCE/ODIHR:

Human Rights and Terrorism:

- Threats to security must be seen in all their dimensions, including the human dimension. Respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. Participating States support the ODIHR's strategy paper on the role of the Human Dimension in the fight against terrorism and reaffirm that basic human rights, democracy and the rule of law must all be respected in the response to terrorism.
- A comprehensive strategy to address terrorism requires tackling insecurities at their root. Participating States recognize the importance of the ODIHR's continuing work on human rights training, tolerance education, and combating racism, discrimination on all grounds, anti-Semitism and xenophobia.
- Participating States encourage the ODIHR to monitor and report on the impact of counter-terrorist legislation and counter-terrorist measures and practice. Participating States support the ODIHR's proposal to create a consultative group with the other International Organizations, which will first meet in Warsaw in Spring 2004, to discuss guidelines for monitoring terrorism and human rights for field operations and regional NGOs.
- Participating States recall their commitment to fully implement obligations under UNSCR 1373 and recall that the ODIHR has been tasked to provide technical assistance on legislative drafting. Participating States fully support the on-going programme of legislative assistance workshops organised by the Co-ordinator on Anti-Terrorism Issues.
- The OSCE participating States re-iterate their commitments undertaken under the OSCE Moscow Document regarding the derogation of human rights standards in times of emergency. Anti-terrorism measures must not under any circumstances limit or derogate from the non-derogable rights of the right to life; the prohibition of torture, inhuman and degrading treatment; the right to be free from slavery or servitude; the principle of non-retroactivity of criminal law; and the right to freedom of thought, conscience and religion.

ANY OTHER BUSINESS

Delegation of the United States of America:

Recommendation on Turkmenistan and Moscow Mechanism:

- The United States calls on Turkmenistan to implement all its OSCE commitments. In particular, the United States recommends that Turkmenistan:
 - allow access to those imprisoned, regardless of the charges on which they are held, by the International Committee of the Red Cross, family members, and lawyers; and
 - address the lack of an independent judicial system, lack of independent media, restrictions on political party activity and NGOs, as well as respect for freedom of expression and freedom of religion, thought, and belief.
- The United States urges participating States and OSCE institutions to remain focused on the situation in Turkmenistan, and on the recommendations contained in Professor Decaux's report.
- The United States recommends that ODIHR step up efforts to engage Turkmen authorities toward the aim of implementing the relevant recommendations in the Moscow Mechanism report.
- The United States encourages ODIHR Director Ambassador Strohal to consider a visit to Ashgabat.

Delegation of Canada:

The human rights situation in Turkmenistan:

- We share ongoing concerns expressed by the delegation of the United States, and the European Union, with regard to the abuse of human rights in Turkmenistan in the wake of the events of the 25th of November 2002, particularly credible allegations of torture, and lack of due process.
Canada calls again on Turkmenistan to meet its OSCE and international commitments, including ensuring consular access to those detained and providing international agencies such as the International Committee of the Red Cross access to those in prison.

Monday, 13 October 2003

WORKING SESSION 10 - 11 – Discussion of human dimension activities, with a primary focus on project work, *including*:

European Union:

- A continued effort is needed to meet challenges posed inter alia by the actions plans adopted or to be adopted.
- Project work has expanded rapidly in the past few years. It is now time to put the many activities taken by ODIHR in a broader strategic perspective and to critically examine the effectiveness of its various activities.
- Continued, frequent and substantial co-ordination among institutions and field missions, as well as information-exchanges with delegation, should take place.
- There is need to look for innovative ways to ensure proper and stable funding. It could be advisable to try and seek to achieve complementarity with major projects in other dimensions.
- In the light of the restructuring of ODIHR and of the fact that Field Missions organise and manage projects in the Organisation's three dimensions, a meeting between the ODIHR Director and Head of Field Missions specifically dedicated to the Human Dimension should take place.
- We need a coherent follow-up to the tolerance-related events held this year. The EU attaches great importance to a comprehensive approach to intolerance and to a coherent in combating anti-Semitism, racism, xenophobia and other forms of discrimination. As part of this approach, this struggle could include a range of different activities on various dimensions of intolerance. The confirmation by the German government of its offer to host a conference on anti-Semitism in Berlin in 2004 is welcome. A conference on other intolerance-related issues should be organised during 2004, and the whole package should be endorsed at Maastricht.

HUMAN DIMENSION MECHANISMS

Recommendations from Professor Emmanuel Decaux about the Moscow Mechanism:

- The Participating States should complete and up-to-date the resource-list of experts of the Human Dimension Mechanism;
- The CiO should fulfil its special responsibility to assure the effective respect of par.6 al.2 the Moscow Document which stress that "the Participating States will refrain from any action against persons, organizations or institutions on account of their contact with the mission of experts or of any publicly available information transmitted to it".

THE EFFECTIVENESS OF, AND CO-OPERATION AMONG THE OSCE MISSIONS, FIELD OPERATIONS AND INSTITUTIONS

OSCE/ ODIHR:

- Human rights and democratization issues should be fully integrated into the work of all OSCE field operations, in fulfilment of the OSCE's comprehensive concept of security,

and in recognition that OSCE missions cannot be blind to OSCE Human Dimension commitments. The need to deal with Human Dimension issues should be taken more carefully into account when establishing or amending/adjusting/revising OSCE field missions' mandates, especially in pre-conflict, conflict and post-conflict situations.

- OSCE Participating States welcome the ODIHR's work begun in 2002 to develop guidelines on how to handle and respond to individual complaints of human rights violations. Training on this, as well as other HD issues for OSCE personnel, should be strengthened. The ODIHR's role in this regard should be increased.
- The early-warning capacities of the OSCE, including in particular its institutions and field missions, should be enhanced by improving their capacities to monitor and report on human dimension issues and through a rapid sharing of relevant information among them.
- OSCE political bodies should develop more effective and consistent means of follow-up to violations of OSCE Human Dimension commitments. In particular, OSCE participating States should put into practice the measures outlined in paragraph 36 of the Charter for European Security.
- To encourage the Participating States, the OSCE and its institutions to make available sufficient resources for the implementation of human dimension projects.
- ODIHR should build on the common values and commitments amongst participating States such as strengthening democratic values and institutions, judiciary systems, human rights and bilateral and multi-lateral co-operation and co-ordination to ensure that the HD goals, OSCE commitments, sustainability and conflict prevention can be achieved.
- The OSCE needs to further enhance its own "cross fertilization" between HD, Economic & Environmental issues and Security matters to secure sustainability and comprehensive security objectives. Clearer divisions of responsibilities among the central substantive bodies of OSCE, between the "center" and the "field" and among the field missions, as well as the development of modalities for closer co-ordination between those bodies are prerequisites for achieving enhanced efficiency and accountability.
- OSCE should create an electronic archive to house Best Practices from OSCE Missions and Institutions in specific Human Dimension activities, publications and other relevant documents. It is advisable to create a database for in-house experts and external consultants by substantive area. Both the electronic archive and the database will allow the capture of institutional memory.
- Moreover, OSCE should ensure that specially trained OSCE staff, both international and national staff, in HD matters can be transferred to other Missions upon request for short-term lectures and training programs.
- OSCE should continue to identify long-term national, sub-regional and regional HD goals and objectives, as well as develop "hand-over" strategies to local authorities and NGOs throughout the OSCE area.

- The OSCE should also continue to strengthen its co-operation, co-ordination and partnership with the host countries in on HD projects and program planning. The host countries need to see the OSCE Missions and Institutions as partners and a resource to further strengthen the democratic process and implementation of OSCE HD Commitments. OSCE should increase its efforts as a facilitator of further regional and sub-regional co-operation among Participating States.
- There is a need to create a substantive centre of excellence to provide strategic OSCE Human Dimension (HD) policy guidance and co-ordination of HD activities at national, sub-regional and regional levels. The ODIHR efforts to co-ordinate and provide substantive support for HD work should be expanded to all areas of the OSCE region.

OSCE Missions (Represented by Centre in Tashkent and Centre in Yerevan):

- We need to move away from discussing individual projects and start taking a much broader and more co-ordinated approach to our work. Projects are important, but they are only one of many tools to achieve our overall goals;
- To organize meetings with ODIHR and the Field Missions to discuss country approaches and a joint vision of our work. This has to be initiated by the Director in co-operation with the Heads of Missions or Centres.

Tuesday, 14 October 2003

WORKING SESSION 12 - 13 – Specifically selected topic: Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism:

Delegation of the United States of America:

COMBATING DISCRIMINATION, RACISM AND XENOPHOBIA

- The United States endorses the recommendation that all participating States, their governments and elected leaders should speak out against racism, ensure that laws are adequate to prosecute the perpetrators of these hateful acts, and implement those laws vigorously.
- The United States urges the OSCE participating States to share with ODIHR and other participating States crime statistics for incidents involving all types of hate crimes, including those anti-Semitic in nature.
- The United States calls on all participating States to focus on education as a means of promoting respect for others and to counter intolerant stereotypes and attitudes among younger people.
- The United States urges the OSCE to help participating States to facilitate, as part of a National Action Plan, the establishment of national standards in the classroom. The

OSCE should task the Office for Democratic Institutions and Human Rights and/or the High Commissioner on National Minorities (HCNM) with keeping records of anti-discrimination educational policies implemented in OSCE participating States.

- The United States calls on the Maastricht Ministerial to call on all participating States to establish structured civil and human rights commissions and agencies at the local and national level.
- The United States also urges participating States to seek to develop community-based assessments of civil rights health, which can be conducted in a voluntary, non-judgmental way for a community to evaluate its own conditions, according to its own terms and perspectives.
- The United States recommends that the OSCE encourage the media to create a voluntary code of conduct, or self-policing mechanism for dealing with acts of racism and discrimination.
- The United States recommends an OSCE follow-up conference on the issues of racism, xenophobia and discrimination in a different participating State in order to discuss how to increase OSCE activities on this in our day-to-day work and would encourage language at the Maastricht Ministerial welcoming such a meeting.

COMBATING ANTI-SEMITISM

- The United States recommends that the OSCE agree to hold a follow-up conference on anti-Semitism in 2004 in Berlin and that this idea be formally endorsed by the Maastricht Ministerial. In this regard, the U.S. welcomes and supports the offer by Germany to host such a meeting, in order to maintain the OSCE's efforts to raise awareness and build upon the Vienna Conference, and to seek ways to utilize existing OSCE processes and its day-to-day activities to take concrete actions to combat anti-Semitism.
- The United States urges the OSCE to forward and endorse in a Ministerial document a commitment to improve enforcement of laws against hate-related crimes by collecting, publishing and making available to the public data about such crimes. To this end, the United States recommends that:
 - The Ministerial Council should call for all OSCE participating States to inform the ODIHR of what legislation they have in place to penalize and punish the perpetrators of anti-Semitic violence and other hate crimes;
 - The ODIHR should assist participating States with drafting legislation on hate crimes and the collection of hate-crime statistics;
 - Where statistics are already available, participating States should share that information with ODIHR and other participating States;
 - OSCE participating States should use appropriate OSCE meetings to discuss these statistics; and
 - Participating States should also use these statistics to develop, as appropriate, targeted OSCE programs and projects.
- The United States also calls for Ministerial language:

- Urging all elected leaders and government authorities to denounce acts of anti-Semitism when they occur, as well as seek vigorous investigations and prosecutions;
- Urging all participating States to ensure their education systems accurately teach about the Holocaust and work to counter anti-Semitic stereotypes and attitudes;
- Recommending those participating States that have not already done so to join the Task Force for International Co-operation on Holocaust Education, Remembrance and Research, and to implement the provisions of the Declaration of the Stockholm International Forum on the Holocaust.

Delegation of Austria:

- We support the proposal by the German Delegation to hold a special OSCE conference next year in Berlin to address the whole range of problems posed by Anti-Semitism;
- We hope that the Ministerial Conference will take a decision to that effect together with a decision to organize another event next year to address other problems of racism, xenophobia and discrimination;
- We draw attention and commend the work of the International Task Force on Holocaust Teaching, Remembrance and Research – OSCE should find appropriate ways to co-operate with the Task Force and to co-ordinate its own efforts with those of the ITF;
- The media must also be actively involved in combating Anti-Semitism;
- The line between prejudice and behaviour which is not just undesirable but intolerable also in a legal sense, must be made very clear. We are therefore in favour of introducing or maintaining certain prohibitions into the penal code, like denial of the Holocaust.

Delegation of Azerbaijan:

- Participating States should strongly condemn the persistence and resurgence of racism, xenophobia, chauvinism, aggressive nationalism and directly linked to them extremism, aggressive separatism and terrorism based on national or racial prejudice and state that these phenomena, in all their forms and manifestations, can never be justified in any instance and any circumstances;
- Participating states should underline with alarm severe challenges, which racism, xenophobia, chauvinism, aggressive nationalism and directly linked to them extremism, aggressive separatism and terrorism pose to democracy, human rights, rule of law, stability of legitimately constituted government, integrity of civil society and its economic and cultural development;
- States should be urged to undertake all necessary measures to eliminate any possibility for creation and activities on their territories of organizations and groups as well as activities of individuals aimed against political independence, territorial integrity of a sovereign State or at aggravation of interethnic relations;

- The Participating States should condemn incitement to ethnic and religious hatred and violence;
- The Participating States should confirm that rights and freedoms of persons belonging to national minorities constitute an integral part of human rights and fundamental freedoms. A State on whose territory national minority exists shall respect the rights of persons belonging to such minority to equality before the law, afford them full opportunity for the actual enjoyment of human rights and fundamental freedoms and in this manner protect their legitimate interests in this sphere. In the exercise of their rights and freedoms persons belonging to national minorities shall respect the legislation of the State they reside in and respect the rights of others, including the rights of majority of the population. This fundamental principle was unreservedly reflected in the OSCE Istanbul Summit Charter, that inter alia state that "Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty".
- It should be stressed that the compliance of minorities with their commitments before the State of their settlement as well as respect on the side of that State for their rights is an important factor of peace, security, stability and democracy.
- Restoration of the rights of persons affected by manifestations of racism, xenophobia, chauvinism, aggressive nationalism and directly linked to them extremism, aggressive separatism and terrorism being in itself a matter of direct concern for the whole OSCE community, should be properly addressed at the political level in the OSCE and prioritized in its agenda.
- The Participating States should prevent propagation in education programs of ideas based on racial or national prejudice, hatred and discrimination.
- Violent or any other forced religious and cultural assimilation is inadmissible and all States should promote conditions in which all members of diverse multiethnic and multicultural societies can express their cultural identity and manifest their religious beliefs, subject only to such strict limitations as are prescribed by the international law.
- All States should promote careful preservation of cultural and religious monuments and punish those responsible for acts of intolerance aimed at the destruction of properties of cultural and religious heritage.
- The Participating States should underline that the inter-religious and intercultural dialogue remains essential within the OSCE region and should be devoted to establishment of trust and consolidation of the fight against extremism and intolerance.

Delegation of Canada:

Canada would like to reiterate its recommendations provided during the two special OSCE conferences which call for Participating States and the OSCE to:

- Ensure dialogue and co-operation between governments, international organizations, regional forums and NGOs;
- Direct public education to youth;
- Initiate and foster intercultural understanding;
- Establish an inventory of best practices to combat all forms of discrimination that governments and NGOs can share.

Delegation of the Holy See:

- The OSCE should establish a better cooperation with the international organizations already committed against discrimination, racism, xenophobia and anti-Semitism, so as to avoid overlaps and duplications.
- Participating States should take appropriate juridical measures to face discrimination, racism and xenophobia, with special attention for ethnic, linguistic and religious minorities and on behalf of categories of persons such as immigrants, refugees and foreign workers.
- The OSCE commitment in the field of anti-Semitism should take into account that this is a complex phenomenon, often nurtured by religious, social, economic and racial stereotypes and prejudices.
- Participating States should devote attention to their textbooks, history books and to the media.

European Union:

- Nous devons améliorer notre compréhension et notre analyse de la discrimination, du racisme, de la xénophobie et de l'antisémitisme qui sont observées au sein de l'OSCE. Des travaux dans ce sens sont déjà réalisés par les Nations Unies, le Conseil de l'Europe ou encore l'UE. L'OSCE devrait également procéder à une analyse spécifique de la situation au sein de notre région et utiliser pour ce faire l'échange d'informations et de statistiques avec les autres organisations.
- Notre organisation devrait intégrer la dimension religieuse dans sa lutte contre toutes les formes d'intolérance et promouvoir le dialogue entre les religions. Il s'agit manifestement d'une dimension où l'OSCE peut jouer un rôle moteur. Le dialogue entre les religions doit être intensifié.
- L'UE et le Conseil de l'Europe ont créé des mécanismes de surveillance des actes d'intolérance. Les Nations Unies ont fait de même avec le Rapporteur spécial de la CDH, l'Unité anti-discrimination du HCDH ainsi que le Comité pour l'élimination de la discrimination raciale. Sur base d'un échange d'informations et de bonnes pratiques avec ces organisations, l'OSCE devrait envisager la manière dont elle pourrait agir concrètement pour lutter contre ce phénomène, avec l'implication du Bureau pour les

institutions démocratiques et les droits de l'homme. Le BIDDH devrait assister les Etats de l'OSCE à mettre en œuvre leurs engagements en matière de lutte contre la discrimination, le racisme, la xénophobie et l'antisémitisme. Cet aspect devrait d'ailleurs être davantage intégré dans les missions de l'OSCE sur le terrain.

- Une base de données sur les bonnes pratiques et politiques devrait être élaborée par les institutions de l'OSCE traitant de la dimension humaine. Cette base de données pourrait être constituée de contribution des Etats, des ONG et de la société civile. Il serait également utile qu'elle établisse des liens avec les bases de données existant au sein d'autres organisations comme les Nations Unies.
- Le développement de discours discriminatoires, racistes, xénophobes et antisémites sur Internet est particulièrement préoccupant. Des mesures de sensibilisation à ce phénomène devraient être prises notamment vis-à-vis des jeunes, des professeurs, mais aussi à destination des responsables de l'application de la loi. En prenant en considération les normes internationales et régionales en vigueur relative à la liberté d'expression, et en prenant toutes les mesures nécessaires pour garantir le droit à la liberté d'opinion et d'expression, une coopération pourrait être établie avec les fournisseurs d'accès à Internet pour réfléchir à des mesures d'autorégulation contre la diffusion de messages intolérants. Des organes de médiation pourraient également être mis en place.
- Mais il faut également insister sur le rôle positif que peuvent jouer les médias dont Internet. Il serait donc également utile d'utiliser Internet pour contrer ce phénomène et ainsi renforcer la contribution positive que peut apporter Internet, notamment par la diffusion de bonnes pratiques pour combattre l'intolérance.
- Dans ce domaine également, une coordination avec les activités du Conseil de l'Europe dans ce domaine devrait être envisagée.
- L'UE appelle tous les Etats à ratifier et à mettre en œuvre la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, en vue de sa ratification universelle pour 2005 comme demandé par la Conférence mondiale contre le racisme de Durban.
- Il est essentiel que les auteurs d'actes discriminatoires, racistes, xénophobes et antisémites soient poursuivis. Les Etats de l'UE devraient procéder à une évaluation de leur législation dans ce domaine afin de vérifier son efficacité et son application et d'effectuer les modifications nécessaires.
- Les Etats devraient créer des institutions nationales indépendantes spécialisées dans la lutte contre la discrimination, le racisme, la xénophobie et l'antisémitisme et la promotion de l'égalité des chances. Le rôle des institutions nationales des droits de l'homme est également à souligner. Dans le même esprit, et dans la continuité de la Conférence mondiale de Durban, les Etats devraient adopter des plans d'action nationaux visant à lutter contre ces fléaux.

Delegation of Norway:

- Participating States should adopt and implement national legislation aimed at combating racism and discrimination.
- Participating States should include anti-discrimination and anti-racism components in their educational curricula.

Delegation of Switzerland:

- Nous encourageons les Etats participants à signer et ratifier la Convention internationale sur l'élimination de toutes les formes de discrimination raciale.
- Nous encourageons les Etats participants à reconnaître la compétence du Comité de l'ONU pour l'élimination de toutes les formes de discrimination raciale pour recevoir et examiner les communications émanant de personnes ou de groupes de personnes relevant de sa juridiction et qui se plaignent d' être victimes d'une violation de l'un des droits énoncés dans la Convention (article 14).

OSCE Mission in Kosovo:

I. Legislative, institutional mechanisms and governmental action, including law enforcement

In order to prevent discrimination, racism, xenophobia, and anti-Semitism, the participating States should take the following steps under the above-mentioned subject areas:

- Ensure that there is strong legislation in place, which complies with current European anti-discrimination legal standards and which contains effective judicial and administrative remedies, and effective, proportionate and dissuasive sanctions.
- Ensure that there are institutions in place, which will ensure that domestic anti-discrimination law is accessible to victims of discrimination. Such institutions should
 - provide independent legal assistance to victims of discrimination in pursuing their complaints about discrimination,
 - bring cases to the appropriate administrative body or court on behalf of a victim or victims with the consent of the victim or victims,
 - conduct independent surveys concerning discrimination
 - publish independent reports, making recommendations on any issue relating to such discrimination,
 - provide mediation and/or conciliation procedures to victims of discrimination, and
 - establish a programme of positive measures in order to correct conditions which give rise to discrimination, and which may cause future acts of discrimination.
- Ensure that law enforcement authorities are trained to investigate incidents of racial and/or ethnic violence or discrimination. Work with governmental authorities to study trends in such activities, with the objectives of discovering the root causes of such activities, and of developing a joint action plan for their prevention. Facilitate good relations between law enforcement authorities and non-governmental organisations whose mission it is to combat discrimination in order to ensure that there is a free flow of information between them regarding incidents of discrimination and good practices which prevent such incidents.

II. The role of governments and civil society in promoting tolerance

In order to promote tolerance, governments and civil society should unite their efforts to:

- Develop a strategic plan to promote tolerance and non-discrimination through all available means including through the electronic and print media, and particularly develop a public awareness campaign which defines what tolerance is and why it is important for all in society. Further, such a campaign should be supported by government, but should be executed by non-governmental organisations whose mission it is to combat discrimination.
- Inter-group dialogue can only be initiated between willing partners in each group who see the advantage of good inter-group relations. Government and civil society should unite to facilitate the development of such relations between and/or among such partners by providing a private, secure environment for the establishment of such relations, especially where there is a long history of inter-group conflict. Further, such partners should be encouraged to identify important advantages to good inter-group relations, and the benefits of such relations to each group. Developing a dialogue among young people in society will be particularly important in developing such relations.
- Education plays a vital role in instilling concepts of tolerance and non-discrimination at an early age as part of primary education, and reinforcing it as part of secondary education. Also, positive peer-group pressure to counteract racist tendencies of certain students can be particularly effective, especially if it is part of disciplinary proceeding against a student, which has been brought because of his or her racist conduct. Also, such proceedings against a person who exhibits such conduct should serve to emphasise the injury it has caused to the victim as a possible measure to prevent similar conduct in the future.

III. Primary causes of discrimination and intolerance

- Racial or ethnic stereotypes: Such stereotypes cause persons to identify a person who is connected with a group with certain negative or positive characteristics. Efforts should be made by government and civil society to identify examples of persons in society who have overcome such stereotypes, and such examples can be part of media campaigns geared to dispel such stereotypes.
- Fear of foreigners: This is a particular problem for refugees and asylum seekers. Positive examples of refugees and asylum seekers who made positive contributions within society should be featured in the media.
- Denial of the existence of discrimination: This is particularly a problem in post-authoritarian countries. In the case of governmental officials denying that racism exists in their country, international organisations should emphasise that racism exists in every country, but that countries distinguish themselves by admitting that it exists in their country, by taking measures to prevent it, and by providing effective judicial and administrative remedies to victims of discrimination.
- The vicious cycle of lack of education and employment which leads to poverty and exclusion: the relationship of these factors should be analysed carefully in the case of minority groups who suffer long-term discrimination with the goal of breaking this cycle

through the implementation of positive action measures. Such measures should be implemented with the objective of providing equal opportunity for chronically-under privileged groups to enable them compete with members of the majority population in the fuller realisation of their rights. Also, the majority population must be educated to understand that such positive measures are not meant to give minorities more rights, but instead are to enable them to have the equal opportunity to exercise their rights with everyone else.

- Ignorance of the majority population towards minority groups, their history, culture, and traditions, and the problems that they face in integrating into society, and ignorance of the difference between the terms assimilation, integration, and segregation: Governments can do much to inform the majority population of the situation of minority groups and the problems which minority groups face. Further international organisations can encourage them to do so by providing information of best practices in this regard.

Council of Europe:

- Member States of the Council of Europe are encouraged to sign and ratify Protocol N° 12 to the European Convention on Human Rights, with a view to ensuring its rapid entry into force;
- OSCE States are encouraged to sign and ratify the Additional Protocol to the Convention on Cybercrime on the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
- OSCE States are encouraged to enact legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete and to ensure that the key components set out in ECRI's General Policy Recommendation No7 are provided in such legislation;
- OSCE institutions are encouraged to take into account the results of ECRI's work, in particular its country-specific analyses and recommendations, should they envisage any possible action concerning the fight against racism in the OSCE region.

UNHCR:

Legislative, Institutional Mechanisms and Governmental Actions

- States should enshrine comprehensive equal rights and non-discrimination in their constitution and all relevant legislation (including non-nationals, such as asylum seekers, refugees, returnees, displaced people and stateless persons).
- States should take measures to combat racism, racial discrimination and xenophobia directed against asylum seekers and refugees. In this respect, credible and up-to-date public information on the numbers of those in need of international protection, where that protection is being provided and in what form, has an important part to play in redressing some of the commonly held myths about refugees and asylum seekers.

- States should pass and implement equally comprehensive non-discrimination legislation, complemented with adequate complaints, legal recourse and remedy provisions.
- Perpetrators of racist and xenophobic violence must effectively and openly be condemned through courts of law, human rights commissions and ombudsmen offices. The judicial system and penal institutions must ensure that racially motivated attacks are not tolerated and that a culture of impunity is not allowed to take hold.
- States which have introduced in their legislation provisions granting indemnification to victims of serious crimes should make sure that such provisions and benefits are also available to non-national who become victims of racist crimes. Where existing, reciprocity requirements should be lifted in particular to allow refugees to benefit from such indemnification provisions.
- States should fully comply with their reporting obligations with the UN treaty Monitoring Bodies and are requested to give particular attention in their reports to the situation of refugees, asylum seekers, and other displaced.
- States should regularly report on problems and progress in this field.

The Role of Governments and Civil Society in Promoting Tolerance

- States should encourage the development of a strong and independent advocacy by NGOs in order to sensitise the public and officials on problems of racism, ethnic discrimination and xenophobia.
- Officials and politicians, in recognition of the influence they exercise on public opinion must be made more responsible and accountable for their public statements. They should reflect and be made aware that they could contribute to social tensions.

Education, Information and Awareness Raising

- States should invest in providing strict guidelines and training to civil servants (particularly law enforcement officials).
- States should take the lead in promoting inter-cultural activities where all sectors of the community participate in and learn from each other in the spirit of mutual respect and co-operation. Major institutions at all levels of social life should be targeted, including the family, schools, colleges and universities, the workplace, religious institutions and leaders.
- The media should play an essential function as a tool for positive social change as opposed to an instrument to propagate hatred and intolerance.

Amnesty International:

- We recommend that efforts undertaken on the part of the OSCE to combat racial discrimination and intolerance place a strong emphasis on implementation of the existing standards and the recommendations of bodies tasked to monitor manifestations of racism, xenophobia and anti-Semitism;

- One concrete suggestion in this regard would be for the OSCE to convene an ad-hoc inter-agency meeting, bringing together relevant actors at the international and national levels to review states' implementation of the international and regional standards and recommendations made by expert bodies. Such a meeting should include the European Commission against Racism and Intolerance of the Council of Europe, the European Monitoring Centre on Racism and Xenophobia, the UN Committee on the Elimination of Racial Discrimination, other UN treaty bodies, special mechanisms of the UN Commission on Human Rights, as well as the OSCE's own institutions such as the ODIHR, the office of the High Commissioner on National Minorities, the Contact Point for Roma and Sinti Issues, the Representative on Freedom of the Media, and representatives of missions and other field activities.

Anti-Defamation League:

- We urge all 55 OSCE Members to support a stand-alone OSCE Human Dimension meeting on anti-Semitism in 2004 so that this process may move beyond recognition of the problem to facilitating its counteraction.
- We hope this meeting and the December Ministerial Council in Maastricht will endorse a mandate within OSCE for monitoring and reporting on anti-Semitic incidents and action by participating States.
- We call on OSCE states to address the dimensions of the problem that emanate from outside our region as well:
 - The resounding condemnations of anti-Semitism we heard in Vienna were meaningful, but we cannot address the problem head on without recognizing and actively opposing the hatred and incitement against Jews flowing from the Middle East. OSCE nations must take seriously the ideology of anti-Semitism coming out of the Arab and Islamic world. Member states must denounce the vicious anti-Semitic material in the Arab press and educational systems and call on Arab leaders to do something about it. Political, intellectual, and religious leaders must insist in a variety of forums that, the Big Lie --blaming the Jews for 9/11, growing Holocaust denial, the spread of the infamous forgery *Protocols of the Elders of Zion* and other manifestations of anti-Semitism in the Arab and Islamic world, are unacceptable. The silence of many OSCE nations in the face of this dangerous incitement against Jews must end.
 - We must confront the connection between the bias against Israel internationally - - in the media, in governments -- and the surge of anti-Semitism on the streets in many participating States. While the state of Israel is not beyond legitimate criticism, states must reject the self-satisfying rationalizations that this bias and violence are manifestations of legitimate criticism of Israel and recognize that the singling out of Israel creates an environment in which anti-Semitism flourishes.
 - OSCE Member states have it within their power today to play a very different role in international organizations where anti-Israel bias has been reflected even in the revival of the infamous "Zionism is racism" ideology. This bias has shown

itself to be easily transformed into outright anti-Semitism, as we witnessed at the U.N. World Conference Against Racism in Durban, South Africa in 2001.

The Latvian Human Rights Committee:

- It's desirable to recommend to Latvian authorities stronger to control question of punishment for abusing of the people of other nationalities, even if this abusing made in mass medias;
- It's necessary to make a recommendation to Latvian authorities to respect the rights of Russian speaking population of Latvia to use and develop their native language and give the possibility to these persons to appeal to the state authorities and courts in their native language, especially it's necessary to Latvian regions, where more than 50% of inhabitants are Russian speaking.

Legal Information Centre for Human Rights (Estonia)

- We urge Estonia and Latvia to take active measures to change their naturalization requirements in order to solve the problem of mass statelessness in these countries.

Moldovan Helsinki Committee for Human Rights:

With regard to the forcible assimilation and ethnic cleansing of more than 100 000 Moldovan children and about 300 000 Moldovans in the region taking place in Transnistria region of Moldova:

- oblige the de facto Transnistrian leadership to refrain from forbidding and punishing by law the use in private and public schools the use of Moldovan language in Latin script;
- oblige the de facto Transnistrian leadership to refrain from prosecution of children parents supporting the establishment of private and public education in Moldovan language in Latin script;
- oblige the de facto Transnistrian authorities to refrain from direct public support for aggressive anti-Moldovan propaganda, chauvinism in public media.

American Jewish Committee; Anti-Defamation League; Centre for Information and Documentation on Israel (CIDI); Consultative Council of Jewish Organizations European Jewish Congress; The Jacob Blaustein Institute for the Advancement of Human Rights; Magenta Foundation; NCSJ - Advocates on behalf of Jews in Russia, Ukraine, the Baltic States and Eurasia; "Tolerance" Foundation, Moscow:

- Urge this HDIM to accept Germany's invitation for a follow-up meeting on antisemitism in Berlin in 2004, which would move beyond recognition of the problem to adopting concrete programmes of implementation.
- Urge this HDIM to recommend an assignment of responsibility within the OSCE, possibly through a contact point, for monitoring and reporting on antisemitic incidents and promoting a comprehensive human rights approach by states.

- Urge the Permanent Council to use these recommendations as the basis for a Ministerial decision in Maastricht in 2003.

“Open Republic” – Association against Anti-Semitism and Xenophobia:

- “Hate speech” should be clearly defined;
- “Hate speech” problem should be entered into school programs and, at least, public TV;
- “Hate speech” should be punished, not perhaps by prisons but by appropriate forces.

Villa Decius Association:

The State, with the assistance of nongovernmental and international organizations, should:

- form consistent laws and coherent political principles to acknowledge societal diversity,
- develop mechanisms enabling the implementation of intercultural policy on local (urban and rural), national and international (EU, Council of Europe) levels,
- safeguard the civil rights of all social groups,
- promulgate social policies to enhance democracy and to bridge ethnic, religious, linguistic and racial differences in order to counteract the rise of nationalism and xenophobia,
- redouble efforts to expose instances of intolerance that violate universal human rights, and behavior that blatantly contradicts norms endorsed in international documents,
- monitor hate crimes and make the findings available to the public,
- engage in dialogue with all minority communities and encourage them to monitor human rights violations,
- identify the causes of hate-inspired behavior before adopting laws directed at it,
- adopt legal norms dealing with ethnic and religious discrimination,
- develop new methods of analyzing the new forms of racism, xenophobia, anti-Semitism and Islamophobia in the global context,
- undertake analyses of negative aspects of the educational system that promote ethnic or religious conflict,
- take measures to strengthen social cohesion and to eliminate the barriers that hinder equal access to education,
- develop and implement a national strategy to counteract manifestations of social inequality, racism and anti-Semitism, and all expressions of religious and ethnic discrimination,
- promote training on multiculturalism for teachers and NGO activists so that they will be able to deal with xenophobic and racist behavior in schools,

- introduce human rights curriculum elements into the schools, in order to educate citizens in the spirit of conflict resolution through negotiation rather than violence,
- test and publicize examples of model intercultural and anti racist initiatives that could serve to inspire other countries, create institutional structures for effective, long-term future efforts on behalf of tolerance.

Specific steps which should be undertaken by the State:

- systematic monitoring of curricula and textbooks, with a view to eliminating ethnocentric, racist, xenophobic and anti-Semitic content,
- inclusion of anti racist, antixenophobic and antidiscriminatory methodology and subject matter into educational activities, evaluation of educational programs in the context of sexual, racial and religious equality;
- inclusion of the different religious traditions into school curricula in a comparative perspective that highlights their similarities rather than the differences,
- provision of informational packets on tolerance education to teachers, journalists and NGO activists,
- development of materials for teaching tolerance, and methodologies and tools for raising issues of racism, xenophobia and the sowing of hatred,
- support of research on the relations between religion, education and cultural identity,
- dissemination of knowledge and exchange of experience, and support of cross. national youth exchange,
- preservation of the memory of the Holocaust and of the other instances of genocide that have occurred in human history, support of various media initiatives promoting tolerance and opposing racism, xenophobia and anti-Semitism.

OSCE/ODIHR:

Below are some areas where ODIHR is either expanding its activities or could do so if additional resources are made available:

- Human rights training and education, focusing also on non-discrimination and tolerance education, is one of the new priorities for the ODIHR Human Rights Section. Activities and materials will be developed with a particular focus on youth.
- A more representative and active ODIHR Advisory Panel on Freedom of Religion or Belief is already being planned with an added focus on tolerance education. Specific activities on anti-Semitism are also being considered.

- Providing legislative assistance with a special focus on anti-discrimination legislation. Publishing legislation on the internet; exposing trends and patterns in anti-discrimination legislation, highlighting "good practices". Helping governments to bring their legislation into line with international standards through legislative review and responding to ad hoc assistance requests by providing expert advice as governments/parliaments consider new legislation.
- Strengthening the capacity of NGOs to monitor and follow-up cases of discrimination will continue. The ODIHR will focus on civic and voter education with an inclusive perspective in terms of cooperating with marginalized groups such as women and minorities. Also, ODIHR plans to assist NGOs to play a more active role in bridging the gap between minorities and the communities in which they live.
- Increasing co-operation with civil society actors working in the field of combating racism, xenophobia, anti-semitism and discrimination is vital as much of the work can only be done at the domestic and grass roots level.
- Increasing co-operation with the ECRI and EUMC, and the relevant UN bodies, working in the field of combating racism, xenophobia, anti-semitism and discrimination is vital to avoid unnecessary duplication, to build on synergies and to learn from each other's experiences.
- Much of the work already being carried out by OSCE field missions has a strong anti-discrimination focus. ODIHR should increase co-operation with the field missions in order to mainstream a coherent anti-discrimination policy into the work of all missions.

Wednesday, 15 October 2003

WORKING SESSION 14 - 15 – Specifically selected topic: National Minorities

European Union:

The Participating States and Partners for Cooperation should, where relevant,

- consider acceding to and/or ratifying the relevant international instruments pertaining to the protection of persons belonging to minorities and to non-discrimination
- disseminate to persons belonging to minorities, by appropriate means, knowledge of the functioning of the legal system and of their rights under applicable international conventions and complaints procedures
- enact anti-racism and anti-discrimination legislation and design policies and programmes

The OSCE, and in particular ODIHR, the HCNM and OSCE Field Missions should

- raise awareness of and disseminate further the contents of the Hague, Oslo and Lund Recommendations regarding the education rights, the linguistic rights and the effective participation of persons belonging to national minorities in public life as well as the results of this meeting

- consider drawing up recommendations on the responsibilities of the media with respect to promoting tolerance and respect for diversity as well as reducing prejudice and stereotyping.

Delegation of Norway:

- The OSCE should assist Participating States in respecting and providing better conditions for minority culture, language and religion;
- The OSCE should assist Participating States in ensuring equal access to the labour market;
- The OSCE should assist Participating States in increasing the number of persons belonging to minority groups in the public sector, such as posts in the governmental system, at the municipal level, police, etc.;
- The OSCE should assist Participating States in ensuring effective access to all levels of education;
- The OSCE should assist Participating States in including minority groups in policy development processes, through dialogue and through effective and meaningful consultation mechanisms. The High Commissioner on National Minorities is particularly well placed in this respect.

Council of Europe:

- Encouraging ratification of the Framework Convention for the Protection of National Minorities to ensure Europe wide coverage of these standards, and implementing the results of the monitoring carried out in the first cycle of monitoring under the Framework Convention.
- Stressing the importance of the ratification of the European Charter for Regional and Minority Languages and, for those countries, which have already ratified, the importance of fully implementing their undertakings under the Charter.
- Strengthening co-operation and co-ordination between the Council of Europe and the OSCE institutions, especially the High Commissioner on National Minorities and the field offices of the OSCE. In particular, ensuring that the OSCE institutions take account, in their assessments and in their actions, of the results of the monitoring process set up by both the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.
- Stressing the importance of raising awareness of the majority population about the existence of minorities and regional identities in the country and of educating the population to respect their specificity as an integral part of the national human, cultural and linguistic heritage.

OSCE Mission in Kosovo:

GENERAL

- The participating States are encouraged to ratify the Framework Convention for the Protection of National Minorities as well as the European Charter for Regional and Minority Languages.

SOCIO-CULTURAL ISSUES

Education

- The participating States should ensure that under-privileged minority communities who are frequently the victims of institutionalised discrimination have an equal opportunity to realise their right to education. Such measures may include specialised courses to bring the students up to an average standard of competence regarding key subjects in the primary and/or secondary curriculum.
- Members of minority communities should be ensured of the right to learn their mother tongue in primary education, and to study certain subjects in their mother tongue, subject to demand for such instruction as demonstrated by the numerical strength of the community, their demographic density within the town, and their collective capacity to contribute to the durability of the services and facilities which would be required to teach the minority language.

Use of language

- The majority community should be informed of international standards which govern the use of minority languages, and specifically that “the right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.” (See the Hague Recommendations regarding the Education Rights of National Minorities, Recommendation No. 1).
- States should proactively assess the need for language education by initiating contacts with representatives of various minority communities to ascertain the demand for such instruction, as well as other factors designated for such assessment in accordance with European and international human rights standards.

Cultural life

- The participating States should strive to create opportunities for members of minority communities to share their cultural heritage and history with members of both the minority community and other minority communities.
- The media can be an effective tool in promoting the cultural heritage of all communities, but special attention should be given to ensuring that members of all communities have access to public broadcast media, in particular, in order to promote their cultural heritage and to share it with other communities.
- The participating States should, if they have not done so already, establish or strengthen laws protecting the cultural heritage of all communities, as well as the right of all

communities to promote their cultural heritage, especially in terms of their language, history, and other cultural attributes.

- The participating States should consider financial support for specialised institutions which seek to preserve the cultural heritage of minorities, subject to the principles of equality and non-discrimination.

PARTICIPATION IN PUBLIC LIFE

Effective political participation/representation through elections

- The participating States should encourage and facilitate conditions so that international and national development funds under its control which are dedicated to ensuring the participation of all groups in society in government and public affairs are distributed on a non-discriminatory basis. Notwithstanding, such funding should be distributed in a manner that ensures that underprivileged minorities who have suffered long-term discrimination achieve equitable political representation, by employing any positive measures available under domestic legislation, and if such measures are not available, by establishing them under law.
- The participating States should consider new methods of ensuring citizen participation in the legislative process, for example, by developing “citizen participation” informational materials in hard copies and on websites which would give all persons information on pending legislation, and would provide a methodology for submitting their comments on such legislation, and for raising other issue of concern. Also such information could include instructions on the most effective way to lobby for laws and to prepare comments so that they will have the greatest possible impact. Finally such information could include information on effective legal and administrative remedies which are available in case one believes one’s rights have been violated.

Representation in the civil service

- The participating States should ensure that the domestic law governing the civil service contains hiring procedures that are sufficiently protected from political pressure. The law should also contain effective legal remedies and effective, proportionate and dissuasive sanctions against discriminatory conduct committed by government employees against job applicants as well as those employed in the Civil Service.
- The participating States should ensure that domestic legislation governing the civil service contains provisions which would allow for positive action measures to be taken in order to encourage equal opportunity in hiring and promotion for civil service employees from underprivileged groups.

Anti-discrimination legislation

In order to prevent discrimination against national minorities, the participating States should take the following steps under the above-mentioned subject areas:

- Ensure that there is strong legislation in place, which complies with current European anti-discrimination legal standards and which contains effective judicial and administrative remedies, and effective, proportionate and dissuasive sanctions.
- Ensure that there are institutions in place, which will ensure that domestic anti-discrimination law is accessible to victims of discrimination. Such institutions should

- provide independent legal assistance to victims of discrimination in pursuing their complaints about discrimination;
 - bring cases to the appropriate administrative body or court on behalf of a victim or victims with the consent of the victim or victims;
 - conduct independent surveys concerning arbitrary discrimination;
 - publish independent reports, making recommendations on any issue relating to such discrimination;
 - provide mediation and/or conciliation procedures to victims of discrimination, and
 - establish a programme of positive measures in order to correct conditions which give rise to discrimination, and which may cause future acts of discrimination, such programme to be implemented by any party or parties who are found to have committed acts of discrimination.
- After the promulgation of such legislation, special training should be provided by the participating States for judges, prosecutors and lawyers on current European legal standards regarding non-discrimination.

The Latvian Human Rights Committee:

The Latvian Human Rights Committee asks the OSCE to advise the Latvian authorities to conform the laws and practice to the OSCE principles, norms and commitments and, in particular:

- To demand that Latvia ratifies and honestly implements the Framework Convention for Protection of National Minorities;
- To facilitate the beginning of dialog between our State and National Minorities.

Legal Information Centre for Human Rights (Estonia):

Alongside with the recognition of recent successes of Estonia in the field of language regulation, we would like to urge the Estonian administration:

- To legalise the use of minority languages in public street signs, signposts, announcements, notices and advertisements;
- To recognise the validity of professional language certificates issued prior 1999;
- To give a permission to use the minority language as a second official language in the places where minority members make up more than 50% of the total population.

Moldovan Helsinki Committee for Human Rights:

With regard to the forcible assimilation and ethnic cleansing of more than 100 000 Moldovan children and about 300 000 Moldovans in the region taking place in Transnistria region of Moldova:

- oblige the de facto Transnistrian leadership to refrain from forbidding and punishing by law the use in private and public schools the use of Moldovan language in Latin script;

- oblige the de facto Transnistrian leadership to refrain from prosecution of children parents supporting the establishment of private and public education in Moldovan language in Latin script;
- oblige the de facto Transnistrian authorities to refrain from direct public support for aggressive anti-Moldovan propaganda, chauvinism in public media

With regard to the rights of the national minorities in Moldova:

- Reinforcement of minority rights practical implementation with respect particularly disadvantaged and in past unjustly discriminated Roma, Gagauz, Bulgarians, Ukrainians:

With regard to the minority language rights:

- take positive measures in protecting **Gagauz, Bulgarian, Ukrainian** minorities from language assimilation in order to repair the injustices of the past of the policies of Russification;
- Change of the name of the villages and localities of ethnic Bulgarians and Ukrainians to reflect national minority origins;
- Encourage and improve proficient staff of Ukrainian language to communicate in Ukrainian, Bulgarian and Gagauz;
- Adopt a policy for the use of the Ukrainian, Gagauz and Bulgarian in public sphere, based on the flexibly criteria:
 - communication verbally (not in written form) in Ukrainian with two options-respondent to the local authority and in both ways (requiring from a public servant to know passively the Ukrainian or actively), this could be at individual or public manner;
 - use of the Ukrainian names and titles for the public offices along the official language names;
 - active written information coming from the local authorities for the population (information posted out, decisions announced, etc);
 - receiving an replying in written form on the requests, complaints in the Ukrainian language;
 - providing the parallel functioning of two or several language where the information is provided in the Ukrainian only when requested in Ukrainian, otherwise the information is kept or delivered in the original language;
 - obligation to provide all the information in the Ukrainian language as well;

With regard to minority education rights:

- Implementation of the minority rights obligations in respect to Bulgarians, Ukrainians, Gagauz minorities on educational rights through the effective establishment and support for the development of mother tongue education should constitute the another priority for the Moldovan government;
- Provide education at all levels, particularly pre-school, primary school, middle and high school in mother tongue as along with state language and other languages;
- Decentralize the regulation of education processes to local and regional authorities;

With regard to minority use of media rights:

- State radio and TV programs in Ukrainian, Bulgarian and Gagauz languages, specifically in the regions where they constitute compact population should be encouraged and provided public support;
- Private outlets in Ukrainian, Bulgarian and Gagauz languages should be encouraged by temporary affirmative actions of support.

With regard to establishing minority organizations and political association:

- Law on political parties and social movement should be modified so that to remove the restrictions for political association based on ethnic principles that preclude effective representation the interests of minorities through political process;
- The National Council of Minority organizations with consultative status to the Department of National Minorities should take into consideration and be proportionally composed of the community interest based minority organizations.

With regard to participation in the decision-making process:

- Greater emphasis should be placed on the representation and consultation of community based national minority organizations in the elaboration and implementation of policies relevant to the respective minorities, especially with regard to the Bulgarian, Ukrainian and Gagauz national minorities;
- Decision-making processes on education, culture, other issues should be devolved to the regional and local authorities with the compact population of the national minorities;

With regard to enforcement of provisions of the agreements:

- Implementing and enforcement of minority rights provisions should be undertaken under the initiative of the Department of the National Minorities that needs further capacity building and raising of professionalism;
- The Department of National Minorities and other public authorities (Ministry of Education, etc) should closely co-ordinate their efforts in advancement minority rights obligations;

Western Thrace Minority University Graduates Association and the Federation of Western Thrace Turks in Europe:

- We recommend the OSCE to look into manifestations the hate speech in the Greek media;
- We also highly recommend that the Greek Government should ratify the Council of Europe's Framework Convention for the Protection of National Minorities.

Thursday, 16 October 2003

WORKING SESSION 16 – 17: Specifically selected topic – Migrant Workers

European Union:

a) Les Etats participants et les partenaires pour la coopération devraient :

- Adhérer aux engagements de l'OSCE sur la liberté de circulation et le libre choix du lieu de résidence, dans le respect des obligations nationales en matière d'entrée et de séjour.
- Echanger des informations sur les bonnes pratiques et échanger les expériences en matière d'intégration des travailleurs migrants étrangers.
- Coopérer dans la lutte contre les discriminations dont peuvent être victimes, en particulier, les travailleurs étrangers.
- Coopérer dans la lutte contre les réseaux criminels d'aide à l'immigration illégale qui conduisent souvent à des formes d'exploitation économique ou autre des migrants, ainsi que contre ceux de traite des êtres humains.
- Maintenir un niveau élevé de protection des droits de l'homme dans l'élaboration et l'application des politiques qui luttent contre l'immigration clandestine,
- Adopter des mesures concrètes favorisant la réunification familiale, échanger des informations sur les "meilleures pratiques" employées dans le domaine de l'immigration,
- Etudier des mesures pour faciliter le mouvement temporaire des jeunes - étudiants ou travailleurs à des fins éducatives ou de qualification professionnelle.
- Assurer la signature et la ratification des instruments juridiques du Conseil de l'Europe et des Nations Unies relatifs aux éléments mentionnés ci-dessus (tels que la Convention de Palerme sur le crime organisé et ses protocoles : traite des êtres humains et trafic illicite de migrants).

b) Les institutions de l'OSCE devraient :

- Continuer à étudier les liens entre migration, prévention et résolution des conflits, la stabilité régionale et le développement économique et humain dans la zone OSCE. Le BIDDH, le Haut Commissaire pour les minorités et le coordinateur pour l'économie et l'environnement doivent continuer à jouer un rôle à cet effet (notamment en matière d'information, formation et sensibilisation)
- Développer les coopérations existantes avec d'autres organisations internationales et régionales telle que l'UNHCR, le Conseil de l'Europe, le CICR, l'OIM etc...

Delegation of Turkey:

- Participating States, taking into account their demographic forecasts, should undertake to prepare well defined plans to compensate future labor shortages in a way not to repeat the past mistakes in procurement of migrant labor.
- Taking into consideration the fact that over regulation of labor markets and/or restrictive immigration rules prevent meeting these labor shortages with legally employed persons, the Participating States should strive to liberalize their legislation in this respect.
- Participating States, in conjunction with OSCE bodies, should address the problem of human smuggling separately from trafficking in human beings, and should develop measures to combat human smuggling.
- Participating States should do everything in their power to enhance measures put in place to promote respect for human rights of migrant workers and their families.
- Participating States, especially those hosting large groups of migrant workers, should strengthen the legal measures they have adopted to protect the rights of migrant workers.
- Participating States should ensure equality of rights between migrant workers and their dependents with nationals of host countries with regard to conditions of employment and work and social security and health services,
- Participating States should also ensure social and economic integration, with special emphasis on second and subsequent generations,
- Participating States, should strive to meet the educational and cultural needs of migrant workers and their children, with due regard to teaching of not only the language of the host country, but also their own language.
- Participating States should prevent all acts and manifestations of discrimination and prejudice towards migrant communities.
- Participating States whose citizens opt to become migrant workers should undertake to facilitate their well being in their new environment and in that respect should collaborate with receiving countries to find mutually applicable measures.
- With a view to integrating migrant workers and their families to the mainstream of hosting communities, receiving participating States should grant the right of dual citizenship to migrant workers and their families, without uprooting them from their background.

Council of Europe:

- In order to promote an orderly management of migration, promote and support opportunities for multilateral dialogue and co-operation at all levels (governments, parliamentary assemblies, local authorities, civil society).

- In order to promote the integration of migrant workers and their families, encourage among its members the ratification of existing international legal guarantees aimed at their protection.
- Promote principles of human rights in respect of the treatment by states of irregular migrants, ensuring the full respect of their human dignity and human rights.

OSCE/ODIHR:

To OSCE participating States

- To ensure that the development of frameworks for protecting the rights of migrant workers becomes an integral part of migration policies, which aim to regulate migration flows and to effectively use labour resources.
- To take adequate measures in order to prevent and combat intolerance, discrimination, ill-treatments and other violations of the rights of migrant workers as well as to exchange best practices throughout the OSCE region.
- To develop a co-operative approach and to create national and regional mechanisms to regulate labour migration flows as stated by a number of OSCE documents (Helsinki 1975, Madrid 1983, Vienna 1989).
- To ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including freedom of movement, excessive entry requirements, violation of privacy or misuse of personal data.
- Measures taken by OSCE participating States to combat terrorism and organised crime should not result in significant limitation of the freedom of movement, excessive entry requirements, violation of privacy and insufficient safeguards on personal data.
- To bear in mind that restrictions on legal migration, including excessive entry requirements, can lead to abuses of the institution of asylum, resulting in overburdening the system, and a possible increase in trafficking of human beings.

To OSCE and its institutions:

- The issue of the migrant workers rights should be given more prominence on the OSCE agenda. The issue should become a significant part of the discussion during OSCE fora, such as HDIM or Economic Forum.
- The regular ‘review of achievements’ should be organised at the OSCE level, where participating States take note of the best practices and new developments in the field.
- To promote an inter-state dialogue on labour migration issues and to assist OSCE participating States to create national and regional mechanisms to regulate labour migration

flows while ensuring greater respect for human rights as well as to prevent and combat discrimination of migrant workers in the region.

- To develop programmes aimed at promoting dialogue between the countries of the OSCE region to share best practices of combating intolerance and discrimination against migrants.

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- 26. Opening Statement by Dr Włodzimierz Cimoszewicz, Minister of Foreign Affairs
 - 62. Report on "Ombudsman for Children of Poland – its legal position, structure and experience"
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 - 187. Information on the National Council for Combating Discrimination
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- 63. Statement on Freedom of Expression, Free Media and Information (Russian version)
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90. Statement and written recommendations on Democratic elections (Russian version)
95. Statement on Freedom of expression, free media and information

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309. Consolidated Summary of the OSCE Conference on Racism, Xenophobia and Discrimination (short version without texts of statements)
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4. Opening Statement by Ambassador Christian Strohal, Director of the OSCE/ODIHR
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119. ODIHR CPRSI - The OSCE Action Plan for Improving the Situation of Roma and Sinti, Gathering the Input of Roma and Sinti and other Experts, WS 4
120. "EUMAP Recommendation to reinforce the Office of the ODIHR CPRSI, to enable it to fully assume the new roles and responsibilities assigned to it in the draft Action Plan", WS 4
121. Recommendation for setting up a "Roma Policy Monitoring Mechanism" by Open Society Institute EU Accession Monitoring Programme distributed at the SHDM on "Roma and Sinti" at the request of ODIHR CPRSI, WS4
123. Recommendations on "Legislation and Institutional Mechanisms to Promote Non-discrimination and Equality in Access to health Care" by EUMC, provided by ODIHR CPRSI, WS 4
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- 161. Overview of Projects 2003
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OSCE High Commissioner on National Minorities

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- 3. Opening Statement by Ms. Barbara Haering, Vice-President of the OSCE PA

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- 128. Written contribution and recommendations on Roma and Sinti, WS 4
- 167. Written contribution and recommendations on Prevention of aggressive nationalism, chauvinism and ethnic cleansing, WS 5
- 168. Written contribution and recommendations on Equal opportunities for women and men, WS 5
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- 415. Statement by Ambassador Erik Klipp - Introduction to a Draft Recommendation concerning the Draft OSCE Action Plan on Roma and Sinti, WS 4

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- 249. Information on "Fact and Figures. Regional Clearing Point. First Annual Report"
- 250. Assessment of Governmental Anti-trafficking Structures and Policies in South-Eastern European Countries, Summary Report
- 251. Fact Sheet

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- 21. Written contribution on "Council of Europe Activities in the Field of Nationality/Citizenship", WS 1
- 22. Written contribution on "Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE), WS 1
- 23. Written contribution on "Council of Europe Activities in the Field of Local and Regional Democracy"
- 45. Written recommendations on Democratic Elections, WS 1
- 47. Written contribution on "Freedom of Association as Guaranteed by the European Social Charter - Updating", WS 2
- 48. Written contribution on "Overview of the Work of the Council of Europe in the Media Field"
- 129. Written contribution on "Council of Europe Activities Concerning Roma, Gypsies and Travellers"
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- 193. Written contribution on "Council of Europe and the Judicial System"
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- 237. Recommendation 1610 (2003) of the Parliamentary Assembly of the Council of Europe on "Migration connected with trafficking in women and prostitution"
- 238. Written contribution on "Intergovernmental Activities of the Council of Europe in the Field of Asylum and Refugee Law"
- 239. Fact sheet on "Trafficking in human being for the purpose of sexual exploitation"
- 243. Written contribution on "Intergovernmental co-operation in the Prison Field"
- 244. Written contribution on "Abolishment of the Capital Punishment"
- 258. Parliamentary Assembly Communication Unit's press release "The world should follow Europe's lead on ending the death penalty, say Council of Europe parliamentarians"
- 313. Written contribution on Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism, WS 12-13
- 314. Written contribution on "Combating Racism, Xenophobia and Intolerance: a Council of Europe Priority", WS 12-13
- 315. Written recommendations to WS 12-13
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- 414. Statement by Mr. Johannes de Jonge, Director of External Relation at the Closing Plenary

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- 382. Statement on behalf of the Chair of the Working Table I, Democratisation and Human Rights

United Nations High Commissioner for Human Rights

1. Opening Statement by Mr. Bertrand Ramcharan, Acting UN High Commissioner for Human Rights

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- 9. Statement on Freedom of Association in the Republic of Belarus, WS 2 (English and Russian version)
- 10. Written contribution: "Chronicle of Introduction of limitations of human rights and freedoms in the Republic of Belarus", WS 2 (English and Russian version)

Brookings Institution - SAIS Project on Internal Displacement

- 230. Statement on Migration, Refugees and Displaced Persons, WS 8

Caucasian Centre for Human Rights & Conflict Studies

- 82. Report (joint with IHF and on "Violations of the Rights of Chechen Refugees in Georgia" + written recommendations

Center for Reproductive Rights and Poradna

- 159. "Recommendations to improve the reproductive health and rights of the Romani population in light of reports of forced and coerced sterilization practices in the Slovak Republic", WS 4
- 160. "Recommended Principles for the Formation of a Sterilization Commission in Slovakia", WS 4

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- 94. Statement on "Registration of Religions by Governments", WS 3

Coalition for Democracy and Civil Society

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- 213. Report on the Transparency of the Government, WS 6

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- 343. Report on Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism in Ukraine

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Crisis Intervention Society

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GONG - Citizens Organized to Monitor Elections

43. Conference Declaration of the European Domestic Observers Forum, Zagreb, 29 June 2003

EUROMIL - European Organisation of Military Associations

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European Association of Jehovah's Christian Witnesses

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European Region of the International Lesbian and Gay Association (ILGA-EUROPE)

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Human Rights Center "Viasna"

6. Written contribution: "Review of Human Rights Violations in Belarus, September 2003" (Russian version)
7. Written contribution: "Review of Human Rights Violations in Belarus, July-August 2003" (Russian version)

8. Written contribution: "Review of Human Rights Violations in Belarus, July-August 2003" (English version)

Human Rights Educational Centre

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Human Rights Foundation of Turkey

346. Written contribution on "Minorities and Cultural Rights in Turkey"

Human Rights Society of Uzbekistan

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189. Statement on Human Rights Situation in Uzbekistan

Human Rights Watch

14. Joint Statement (with Amnesty International and Lawyers Committee for Human Rights" on "Information and awareness-raising - The role of the media in conveying and countering prejudice", delivered at the OSCE Conference on Anti-Semitism, Vienna, 19-20 June 2003
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20. Joint Statement (with Amnesty International and the International Helsinki Federation for Human Rights) at the OSCE Conference on Racism, Xenophobia and Discrimination, Vienna, 4-5 September 2003
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365. Statement on the situation of the Greek Minority of the island of Imvros, WS 14

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101. Report: "Kyrgyzstan: Psychiatric Patients Abused"
102. Report: Sed and Stifled: Kyrgyzstan's Media"

Institute of Human Rights, United Civil Party

5. Written contribution on "Human rights violations chronicle in Belarus for 2003" by Ludmila Gryaznova (English and Russian version)

International Federation for Human Rights (FIDH)

83. Report on "Russia: new attacks against human rights defenders"
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- 85. Note on the Human Rights Situation in Georgia in the perspective of the Cooperation Council between EU and Georgia
- 86. Note on the Human Rights Situation in Azerbaijan in the perspective of the 5th Cooperation Council between EU and Azerbaijan

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- 13. Information on the Briefing on "Human Rights Issues in Armenia, Azerbaijan and Georgia"
- 58. Statement and written recommendations on Freedom of Expression, Free Media and Information
- 59. Invitation to the Briefing on "Human Rights Situation in Belarus, Moldova and Ukraine. From Bad to Worse"
- 80. Report on the Human Rights Situation in Azerbaijan (provided by the Center in Azerbaijan)
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- 18. Invitation to Side Events on "Future Leadership and Human Rights in Azerbaijan" and "Deepening Crisis in Central Asia"
- 32. Statement on Elections in Azerbaijan, WS 1 - Democratic Institutions (Russian version)
- 41. Statement on Human Rights in Turkmenistan
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- 55. "Monitoring of Human Rights Violations in the Republic of Belarus for June-August 2003" (Charter '97 Human Rights Center)
- 73. Written contribution on "The Presidential Elections in Azerbaijan: Dynasty, Disaster or Opportunity?"
- 74. Report on "Eurasia Insight: Turkmenistan's Embattled Opposition Forges a United Front"
- 103. Report of "Against Violence" Human Rights Center on "Elections in Azerbaijan" (Russian and English version)
- 402. Written contribution on Prevention of Discrimination, Racism, Xenophobia and Anti-Semitism

International Roma Women's Network

- 139. Statement by Mrs. Soraya Post, WS 4

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- 198. Statement on "The Reasons of Torture in Police Custody", WS 7

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- 114. Statement and written recommendations on Freedom of Movement, WS 3
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- 222. Statement on "Human Rights' Situation in Lithuania", WS 7

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- 374. Report on the Macedonian Minority in Bulgaria, WS 14-15
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- 376. Report on the Macedonian Minority in Albania, WS 14-15

NCSJ: Advocates on behalf of Jews in Russia, Ukraine, the Baltic States and Eurasia

- 352. Statement to the WS 12

Non-Governmental and Non-Commercial Organizations Association

- 39. Contribution to the WS 7 - Rule of Law II (Russian version)
- 109. Report on equal opportunities for women and men in Kyrgyz Republic (Russian version)
- 111. Statement on democratic elections in Kyrgyz Republic (Russian version), WS 1
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- 57. Joint Statement (with Norwegian Union of Journalists and Norwegian PEN) on Freedom of Media, WS 2

Norwegian Refugee Council

- 242. Statement at the WS 8
- 256. Joint press-release with the Global IDP Project on "Decreasing international support puts Europe's 3 million displaced people at risk", WS 8

Open Republic - Association Against Anti-Semitism and Xenophobia

- 348. Statement to the WS 13

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- 204. Written contribution on "The judiciary reform in Ukraine: achievements and miscalculations", WS 6

Public Foundation "Rendering assistance to development of democracy and supporting Mass Media"

- 152. Statement on "Reform of elections in Kyrgyzstan"
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Republican Party of Turkmenistan in Exile

- 308. Statement on Human Rights Situation in Turkmenistan

Roma Community Center "Drom"

- 138. "Recommendations for solving and improving the situation of the Roma about Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area", WS 4

Roma Congress of Ukraine

- 141. Statement on "Roma situation in Ukraine", WS 4 (Russian version)
- 142. "Program of State Support for Social and Mental Renascence for Ukrainian Roma for Period Until Year 2006", WS 4
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132. Statement regarding the OSCE Action Plan on Improving the Situation of Roma and Sinti, WS 4

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93. Survey on Religious Freedom in Turkmenistan, WS 3

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272. Written recommendations on "Strengthening the ICC in the OSCE Region", WS 9

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