



Office for Democratic Institutions and Human Rights

**IMPLEMENTATION MEETING
ON Human Dimension Issues**

Warsaw, 12 – 28 November 1997

CONSOLIDATED SUMMARY

TABLE OF CONTENTS

I. INTRODUCTION.....	2
II. INDICATIVE AGENDA	2
III. ORGANISATIONAL MODALITIES	4
IV PARTICIPATION	5
V. SUMMARY OF PROCEEDINGS.....	5
VI. RAPPORTEURS' REPORTS.....	6
SUBSIDIARY WORKING BODY 1.....	6
SUBSIDIARY WORKING BODY 2.....	42
VIII. INDEX OF DOCUMENTS	54

I. INTRODUCTION

The OSCE Implementation Meeting on Human Dimension Issues took place on November 12-27, 1997 in Warsaw. The Meeting was organised by the Office for Democratic Institutions and Human Rights.

The Meeting was the third of its kind. It reviewed implementation of the full range of OSCE Human Dimension commitments in all 55 OSCE States.

The Meeting was not mandated to produce any negotiated texts, but summary reports prepared by the Rapporteurs of the two Subsidiary Working Bodies were presented in the final plenary meeting.

II. INDICATIVE AGENDA

Opening Plenary. The plenary proceedings consisted of:

- (a) Opening statements, including a statement by the representative of the Chairman-in-Office;
- (b) Report of the OSCE High Commissioner on National Minorities;
- (c) Report of the Director of ODIHR;
- (d) Contributions by Heads of the OSCE Missions and by Personal Representatives of the Chairman-in-Office

2. Subsidiary Working Body 1 - Review of Implementation

A thorough dialogue on the implementation of Human Dimension commitments by participating States in the OSCE area, as well as consideration of ways and means of improving implementation, on the basis of the broadest possible information, in particular from OSCE bodies and institutions. The discussion was structured in the following order:

- (a) Human rights and fundamental freedoms, including:
 - Freedom of thought, conscience and religion or belief;
 - Freedom of expression, free media and information;
 - Freedom of association and the right of peaceful assembly;
 - Freedom of movement;
 - Prevention of torture;
 - International humanitarian law.
- (b) Culture and education;
 - Cultural heritage;
 - Human contacts;
 - Treatment of citizens of other participating States.
- (c) Tolerance and non-discrimination:
 - Equality of opportunity for men and women;
 - Preventing aggressive nationalism;

- Ethnic cleansing;
- Racism;
- Chauvinism;
- Xenophobia;
- Anti-semitism;
- Migration, refugees and displaced persons;
- Migrant workers.

- (d) National minorities;
- Roma and Sinti.

- (a) Rule of law, including:
- Legislative transparency;
 - Independence of the judiciary;
 - Right to a fair trial;

- (a) Exchange of information on the question of the abolition of capital punishment;

- (b) Democratic institutions, including:
- Free and fair elections;
 - Democracy at national, regional and local levels;
 - Citizenship and political rights;
 - Civic education.

- (a) Role of NGOs.

3. Subsidiary Working Body 2 - Review of the Human Dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and on the use of existing mechanisms and procedures:

- (a) Enhancing implementation of Human Dimension commitments;
- Human Dimension mechanisms and other procedures relevant to the Human Dimension;
 - The Human Dimension aspect of the OSCE Missions.

- (a) The functioning of the OSCE Office for Democratic Institutions and Human Rights in the Human Dimension;
- Further integration of the Human Dimension in the regular activities of the Permanent Council.

- (a) Review of the activities of the OSCE High Commissioner on National Minorities;
- Review of the activities of the Contact Point for Roma and Sinti Issues.

- (a) Programme of Co-ordinated Support for the recently admitted participating States;
- Improved dissemination of information regarding the Human Dimension;

- Outcome and improvement of, and follow-up to, the Human Dimension Seminars and regional seminars; proposals for the seminars in 1998.
- (a) Elections observation: reports, procedures and co-operation framework.
- (b) Co-operation between OSCE and other international organisations in the Human Dimension;
 - Role of NGOs in OSCE Human Dimension activities.

Closing Plenary

- (a) Presentation by the Rapporteurs of the two Subsidiary Working Bodies of informal recommendations for improving implementation.
- (b) Concluding statements.

III. ORGANISATIONAL MODALITIES

1. The Implementation Meeting began with the one plenary meeting*. Subsequently, two Subsidiary Working Bodies (SWB) discussed the implementation of Human Dimension commitments and the procedures for monitoring compliance with them.

One moderator and one rapporteur was appointed for each of the two SWBs for the whole period of the Implementation Meeting on the basis of a proposal by the Chairman-in-Office following appropriate consultations. One plenary meeting was held during the second week to consider the progress of business at the Meeting. The concluding one plenary meeting was held during the third week

2. Broad attendance of representatives of all the participating States, in particular those recently admitted, was essential. Upon request, financial assistance could have been provided from the OSCE Voluntary Fund to foster the integration of recently admitted participating States.

3. The participation in the meeting of NGOs was in conformity with the relevant decision of the 29th Meeting of the CSO Vienna Group (see CSO Vienna Group Journal No.29, Annex 2), based on the experience of the first and second Implementation Meetings. All sessions of plenary and Subsidiary Working Bodies were opened to NGOs. Representatives of NGOs were invited by the Meeting to make oral contributions in plenary or in Subsidiary Working Bodies on the basis of written presentations submitted to ODIHR in advance.

In order to provide better opportunities for possible contacts with NGOs, no formal sessions were scheduled for the mornings of 15 and 27 November 1997.

* At the opening and closing Plenary Meetings, the Chair was taken by a representative of the ODIHR. After the opening meeting the chair was selected by lot and taken in daily rotation, in French alphabetical order of the participating States.

4. In accordance with OSCE precedent and practice, all aspects of the Human Dimension were discussed during the Implementation Meeting on Human Dimension Issues.

IV. PARTICIPATION

The Meeting was attended by a total of 441 participants. 275 representatives of 51 participating States took part in it. Delegations of Japan, partner for co-operation as well as of Algeria and Egypt, Mediterranean partners for co-operation were also present.

In addition, delegates from 8 international institutions were represented: Council of Europe, Human Rights Ombudsperson for Bosnia-Herzegovina. International Committee of the Red Cross, International Labour Organisation, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, UNESCO and UN Development Programme.

At the Meeting, 135 representatives of 103 non-governmental organisations were present.

V. SUMMARY OF PROCEEDINGS

The Meeting was opened by the Director of the ODIHR, Ambassador Gørdard Stoudmann. At the opening session the Foreign Minister of Poland, prof. Bronislaw Geremek and the representative of the Chairman-in-Office, Amb. William Friis-Moeller addressed participants. The OSCE High Commissioner on National Minorities, Mr. Max van der Stoep and the ODIHR Director, Amb. Gørdard Stoudmann presented reports on the activities of their institutions.

Opening statements were made by 11 national delegations, 3 international organisations and the OSCE Parliamentary Assembly.

During the course of the Meeting two Subsidiary Working Bodies met. The topics were divided as follows:

SWB 1: Review of Implementation

Moderator: Mr. Harris Nielsen, Special Adviser on OSCE matters at the Ministry of Foreign Affairs, Denmark

Rapporteur: Mr. Bjorn M. Berge, First Secretary of the Delegation of Norway to the OSCE

SWB 2: Review of the Human Dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and on the use of existing mechanisms and procedures

Moderator: Mr. Wojciech Flera, Head of Unit in the Department of Security Policy at the Ministry of Foreign Affairs, Poland

Rapporteur: Ms. Carmel Whelton, First Secretary, Delegation of Canada to the OSCE

The closing plenary meeting was chaired by the representative of Hungary. Statements on behalf of 16 national delegations, 3 international organisations and 2 NGOs were made.

VII. RAPPORTEURS' REPORTS

SUBSIDIARY WORKING BODY 1

Review of Implementation

The work of the subsidiary working body was organised according to a thematic list drawn up by the moderator on the basis of the previously agreed distribution of subjects laid down in the relevant decision of the Permanent Council on the organisation of the meeting.

1. Freedom of thought, conscience and religion or belief

Participants acknowledged that progress had been achieved in securing compliance with basic OSCE commitments in regard to freedom of thought, conscience, religion or belief. It was noted that persecution on the basis of religion as such, as we had witnessed in the recent past, was hardly an issue anymore within the OSCE region. On the other hand, shortcomings were identified. Concerns were raised with respect to the misuse of procedures for registration of religious groups; the denial of religious free speech; favoritism in law or practice for certain established churches; and the rise of intolerance caused by various forms of government interference and harassment, particularly towards minority religions.

A number of national delegations offered constructive responses to concerns raised, providing detailed explanations, as well as describing initiatives taken to address the problems, including the introduction of new draft legislation. Moreover the hope was expressed that through a constructive and open dialogue one could address misunderstandings and misinterpretations in regard to concrete situations in specific countries.

It was also noted that some religious groups or sects may sometimes pose certain problems within a society. However as long as these groups adhered to existing national legislation, including criminal law, there was no reason for a State to act against them or prohibit their activities.

Several participants stressed the importance of the OSCE Human Dimension Seminar in April 1996 on «Constitutional, legal and administrative aspects of the freedom of religion.» It was noted that the subsequent designation of an advisory panel of experts on freedom of religion to develop follow-up recommendations, was a valuable initiative. Participants noted with interest the concrete recommendations offered in the preliminary report by this advisory panel.

Participants also expressed a hope that religious leaders would make use of their influence in a constructive way, so as to foster better mutual understanding across religious dividing lines.

A number of participants referred to the right to conscientious objection to military service. In this context, participating States were reminded of their commitment to consider introducing various forms of alternative service of a non-combatant or civilian nature, as well as to exchange information concerning conscientious objection to military service.

On the basis of the discussion, the following informal recommendations can be made:

- The ODIHR Advisory Panel of Experts on Freedom of Religion should continue its assessment of religious freedom within the OSCE-region, and make practical recommendations to enhance the implementation of relevant OSCE commitments, as well as provide expertise on draft laws when requested by participating States.
- The ODIHR should consider developing a comparative overview of the legislation and practices in OSCE participating States related to religious freedom.
- The OSCE participating States should consider giving the ODIHR the task of serving as a clearinghouse for the exchange of information concerning conscientious objection to military service.

1. Freedom of expression, free media and information

It was recalled that freedom of expression is a fundamental human right, and that the OSCE participating States have set themselves high standards in regard to freedom of expression and free media. Participants also underlined that independent and pluralistic media, a free political debate and the free flow of information, are essential characteristics of a functioning democracy.

Participants noted that there has been considerable progress within the OSCE community in the areas of freedom of expression and free media since the end of the «Cold War.» Freedom of expression has become the norm in most participating States. Significant shortcomings were however highlighted. Concerns were raised over serious restrictions on freedom of expression in several participating States, including the existence of laws or the introduction of new laws that impede rather than promote the freedom of expression. A number of participants expressed deep concern over the imprisonment, as well as harassment and killing, of journalists; and governmental censorship and state control over media through subsidies and the issuance of media licenses on a discriminatory basis. In addition, a specific mention was made of media attacks on national minority groups.

Some participants expressed the view that violations of the rights of freedom of expression are often a key indicator providing early-warning of a broader deterioration of the overall human rights situation in a given country.

A number of national delegations offered comprehensive explanations in response to the concerns raised, as well as provided detailed descriptions of individual cases in question. In addition, specific references were made to the challenges that many countries in transition face in regard to securing the full implementation of their OSCE human dimension commitments. Some participants stressed the need to balance freedom of speech with certain restrictions in freedom of expression, so as to safeguard public safety, avoid incitement of hatred and violence, and uphold national security and territorial integrity.

Participants welcomed the establishment of an OSCE Representative on Freedom of the Media. It was noted that the OSCE Representative on Freedom of the Media will face several serious challenges; some governments and segments of societies still find real freedom of expression hard to tolerate and journalists in some participating States are generally poorly paid and are therefore vulnerable to taking payoffs and bribes.

Participants also welcomed the Council of Europe's readiness to co-operate with the OSCE Representative on Freedom of the Media.

On the basis of the discussion, the following informal recommendations can be made:

- OSCE participating States with broadcast regulatory expertise should consider developing programs to assist other participating States in finding an appropriate balance between regulation in the public interest and free expression.
- The OSCE Representative on Freedom of the Media should be appointed at the OSCE Ministerial Meeting in Copenhagen in December this year.
- The OSCE Representative on Freedom of the Media should enhance OSCE's operational capacity and visibility in respect to freedom of expression and free media; give particular emphasis to the promotion of equitable access to media by minority groups and languages; work for the protection of journalists; and develop a reputation for accuracy and fairness.

1. Freedom of association and the right of peaceful assembly

Participants recognized that the freedom of association and the right to peaceful assembly are generally respected in most of the OSCE participating States. However, lack of compliance was identified in some countries.

Concerns were raised over government control of activities of independent organisations; harassment and intimidation of non-governmental organisations; impediment of activities of independent trade unions; prevention of peaceful gatherings; and police violence against peaceful demonstrators. In addition, it was alleged that in two OSCE participating States there were for the time being no opposition political parties.

In response, some national delegations emphasized that freedom of association and the right to peaceful assembly were guaranteed by national legislation, but at the same time international standards referred to in the relevant OSCE commitments provided for certain restrictions on the grounds of safeguarding public order, national security, territorial integrity, as well as in case of emergency situations. In addition, it was maintained that for some countries in transition, it was at this point in time of the highest importance to ensure the welfare, peace and safety of their citizens in general, and therefore political strife was to be avoided.

2. Freedom of movement, human contacts

Participants noted that freedom of movement and human contacts contributed to the advancement of mutual understanding, inter alia by contacts within the fields of culture, education and tourism.

Specific references were made to the risks associated with unregulated free movement of people, including organized crime and the trafficking in drugs, people, arms and nuclear material, as well as the special problems related to trafficking in women.

Many participants stressed the importance of finding an appropriate balance between freedom of movement and measures taken to protect external borders and maintain security. It was emphasized that all such measures and controls must respect human dignity and avoid inhumane and degrading treatment.

References were also made to the problems related to restrictive visa-regimes which some participating States practiced for entry into their countries by citizens from a number of other participating States, as well as the practice of resident registration requirements in some participating States.

It was noted that the ODIHR, Council of Europe and UNHCR, in early December this year, will co-organize an experts group meeting on the freedom of movement and choice of place of residence in the CIS-countries.

3. Prevention of torture

Participants reviewed relevant international instruments concerning the prevention of torture, such as the United Nations Convention against Torture and the Council of Europe European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

It was noted that the UN Special Rapporteur on Torture and the experts in the UN Convention against Torture Committee can assist participating States by conducting a careful examination of a given country's implementation of its international obligations, and by developing concrete recommendations for improvement.

The remaining eight OSCE participating States that have not yet ratified the UN Convention against Torture were strongly encouraged to do so.

In addition, States were also urged to draw upon the experience and expertise of the Committee for the Prevention of Torture (CPT), set up under the European Convention for the Prevention of Torture. It was also referred to that the Council of Europe has recently adopted human rights training programmes for police officers («Police and Human Rights 1997-2000»).

It was pointed out that torture and other forms of cruel, inhuman or degrading treatment or punishment were still practiced as a matter of routine in a number of OSCE participating States. Participants deplored the continued existence of torture in the OSCE area. It was stressed that there was no excuse for the use of torture and that it could under no circumstances be justified. Some participants noted that torture frequently was used as an instrument of power against people working for better and more democratic conditions in their own countries.

A number of national delegations provided information with regard to the steps taken in their countries to strengthen compliance with commitments in this area.

Participants called for the full implementation of commitments in regard to the prevention of torture; increased transparency to promote accountability; and an end to the impunity of the perpetrators of torture. The need to support and protect human right defenders was stressed. The importance of providing access for international monitoring was also highlighted.

On the basis of the discussion, the following informal recommendations can be made:

- The OSCE participating States should consider making additional financial contributions to the United Nations Voluntary Fund for Victims of Torture, so as to allow for the establishment of treatment centers for torture victims in OSCE countries.
- The OSCE participating States which have not already set up rehabilitation centres for torture victims should consider taking the necessary steps to establish such centers.
- The OSCE participating States which have not yet done so should consider ratifying the first Protocol amending the European Convention for the Prevention of Torture, which opens the Convention for accession of countries which are not members of the Council of Europe.
- The ODIHR, in cooperation with other relevant international organizations and NGOs, should consider initiating an information campaign to increase awareness about the prohibition of the use of torture, as well as to develop and implement projects aimed at training law enforcement personnel.
- The ODIHR should consider establishing an advisory expert group on torture, to examine what mechanisms have been successful in some participating States to end the practice of torture, as well as to draw upon the experience of other relevant international organizations, and to investigate which means are available to ensure

a higher degree of implementation of relevant international commitments in regard to the prevention of torture.

1. International humanitarian law

Participants noted that serious violations of international humanitarian standards, such as war crimes, internal violence, forced displacement of civilians, and deliberate military attacks on civilian populations, continued to be a serious threat to peace and security within the OSCE region.

In this context, reference was made to the important work of the International Criminal Tribunal for the former Yugoslavia, which sought justice for the victims, as well as to deter further genocide, war crimes, and crimes against humanity. Participants expressed strong support for this work.

The need to establish a permanent international criminal court by the end of this century was also underlined. In this context, some participants stressed the importance that the court is competent to deal with war crimes committed in non-international armed conflicts.

The efforts within the United Nations to develop a draft Declaration on Minimum Humanitarian Standards which should be respected by all parties at all times, regardless of the nature of the conflict, were commended. The analytical report on this subject that is to be prepared by the UN Secretary General and submitted to next year's session of the United Nations Commission on Human Rights, was noted. Some participants recalled the special OSCE expert meeting on minimum standards of humanity that took place in February 1996 in Vienna, as well as the OSCE seminar on the «code of conduct» that was held in September this year. Such meetings indicate how the OSCE can work closely with other international organizations by providing a political impetus to their work.

The importance of ensuring the protection of humanitarian workers was highlighted. In this context, a reference was made to the resolution of the UN Commission on Human Rights calling on States to respect the rights of UN personnel. A call was made for the scope of the protection to be widened to include all humanitarian relief workers, under all circumstances. In addition, the special importance of ensuring accountability for violations of human rights and international humanitarian law was strongly emphasized.

A number of participants expressed their support for the Ottawa process for an international ban on anti-personnel mines, and welcomed the results of the recent Oslo Conference.

On the basis of the discussion, the following informal recommendations can be made:

- OSCE participating States which have not already done so, should consider concluding agreements with the International Criminal Tribunal, to assist with

witness relocation and long-term incarceration of indictees convicted by the Tribunal.

- OSCE participating States should give careful and serious consideration to the budget requests of the International Criminal Tribunal for the former Yugoslavia, when it comes before the Fifth Committee of the United Nations' General Assembly in December this year.
- OSCE participating States should consider lending their support to the efforts within the United Nations to develop a declaration on minimum humanitarian standards.
- OSCE participating States were encouraged to sign the Ottawa Convention on the ban of anti-personnel mines.

1. Culture, cultural heritage and education

Participants noted that the international trend towards stronger interest in cultural preservation presented opportunities to ensure a fuller implementation of OSCE commitments in regard to the protection of cultural heritage. It was also noted that cultural policies could be seen as an important tool for building pluralistic and tolerant societies, including respect for the cultural rights and identity of persons belonging to national minorities. Participants referred to the difficult issue of harmonizing conservation and development, and emphasized the crucial role cultural heritage could play in restoring respect and identity to national minorities who had been discriminated against, forcibly assimilated or evicted.

Participants recognized that education was a crucial element in fostering the recognition and appreciation of cultural diversity. The importance of national minority education, and in particular the use of national minority languages, was highlighted.

Concerns were raised over the significant reduction of public financial support to national minority cultures in some participating States; limited implementation of relevant commitments regarding minority education; as well as problems associated with forced assimilation of national minority groups. It was also noted that restrictive or minimalistic interpretations of the role of education with respect to the rights of national minorities, was not in line with the spirit in which the OSCE commitments had been formulated.

Some participants stressed the great need for education in democratic principles and political culture in countries in transition. In addition, it was alleged that some countries in transition have difficulties in prolonging the financing of cultural programmes relating to national minorities, due to a difficult economic situation in general.

Participants expressed appreciation for the work of the Council of Europe with the respect to culture and education, and references were made to the European Cultural Convention.

On the basis of the discussion, the following informal recommendation can be made:

- OSCE participating States should give priority to the financing of cultural and educational programs relating to national minorities in their respective countries.

1. Tolerance and non-discrimination

Participants strongly condemned aggressive nationalism and acts of ethnic cleansing. They called for a broad and intensified approach to combating these phenomena. Some participants also stressed the crucial importance of ensuring that the effects of ethnic cleansing are remedied, and if possible reversed.

Concerns were also raised over the growing number of racially motivated crimes; the increase in race-related violence in general; the rise of right-wing nationalist parties in Europe; violence and discrimination against homosexuals; and different forms of violence and discrimination against women.

Participants noted that manifestations of intolerance and discrimination were frequently not State-inspired, but due to the activities of individuals or groups of citizens. On the other hand, it was pointed out that the State has a crucial role in fostering a climate of tolerance, as well as finding ways to remedy intolerance. In this context, the importance of education and information was highlighted, as intolerance and discrimination often stemmed from ignorance and prejudice.

Some participants stressed that it would be helpful if political leaders openly and honestly recognized the fact that all societies are from time to time experiencing different forms of intolerance and discrimination; ensure that they are not encouraging these manifestations of intolerance; and that they take the lead in combating them.

It was noted that the European Union had declared 1997 the European Year against Racism.

Participants noted that discrimination against women and efforts aimed at creating equal opportunities for men and women, had been on the agenda of the OSCE for some time. Many participants called for a greater emphasis on gender-related issues within the OSCE. The need to incorporate women-related issues and concerns in all OSCE activities and policies was also underlined. Several references were made to the importance of this year's OSCE human dimension seminar on the promotion of women's participation in society. An interest was expressed in pursuing many of the recommendations from the seminar, including those of an institutional nature.

On the basis of the discussion, the following informal recommendation can be made:

- OSCE participating States should actively initiate and pursue policies aimed at combating manifestations of intolerance and discrimination, including the development of relevant education and information programmes.

- The OSCE should develop a stronger gender perspective in relation to all its policies and activities. An informal meeting of the OSCE Permanent Council should be organized in early 1998, in order to discuss a follow-up of the recommendations from the OSCE human dimension seminar on the promotion of women's participation in society.

1. Migration, refugees and displaced persons

Participants stressed the strong need for international cooperation in relation to the problems associated with refugees and displaced persons. Specific references were made to the difficulties arising from the large number of refugees that have been displaced as a result of the conflicts in the former Yugoslavia, in particular Bosnia-Herzegovina.

It was noted that the OSCE participating States have committed themselves to facilitate the return, in safety and dignity, of refugees and displaced persons according to international standards. Some participants pointed out that this process faced significant obstacles, such as the many instances where displaced persons occupied the housing of other displaced persons as their own homes were destroyed or denied to them.

A number of participants urged the OSCE to continue its valuable efforts in crisis prevention, so as to seek to impede the eruption of new crisis situations which force people in large numbers to leave their countries.

References were also made to the role and activities of the OSCE, including in particular the ODIHR, in the follow up of the 1996 regional conference to address the problems of refugees and displaced persons in the countries of the Commonwealth of Independent States (CIS).

On the basis of the discussion, the following informal recommendations can be made:

- The OSCE needs to strengthen its mechanisms of long-term crisis prevention, so as to impede the eruption of new crisis situations that force people in large numbers to leave their home countries.
- The OSCE participating States should consider adopting refugee legislation in line with international standards; develop the structural capacity and expertise to establish fair and efficient refugee status determination procedures; take steps to ensure effective refugee protection; as well as introduce measures aiming at the local integration of refugees in the country of asylum.
- The OSCE should continue its role in the follow-up of the 1996 Regional Conference on Refugees in the CIS area. A continuation of the established practice of having informal Permanent Council meetings with guest speakers on the issue should be considered, as well as the possibility of extending the current contract of the ODIHR migration adviser. The possibility of an expanded OSCE role in the follow up of the said CIS conference should also be discussed.

1. Migrant workers

Participants emphasized that the protection of migrant workers and the promotion of their rights are a common concern. The importance of fostering greater harmony in relations between migrant workers and the rest of the society was also highlighted.

Concerns were raised over the resurgence of racism, xenophobia and other forms of discrimination against migrant workers.

Debates ensued over the various factors that stand in the way of a more effective integration of migrants, including the issues of granting migrant workers voting rights and permission to hold dual citizenships. One national delegation suggested that the OSCE High Commissioner for National Minorities (HCNM) should follow the situation of migrant workers.

On the basis of the discussion, the following informal recommendation can be made:

- The OSCE participating States should consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, so as to ensure that the convention enters into force in the near future.

1. National minorities

Many participants recognized that their commitments were not limited to protecting the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities, but also included creating conditions for the promotion of that identity. It was recalled that the implementation of these commitments were matters of legitimate international concern and consequently did not constitute exclusively an internal affair of the respective participating State.

It was recalled that the rights of persons belonging to national minorities constitute one of the most difficult aspects of human rights. However, throughout the discussion a number of participants emphasized that the effective protection and promotion of the rights of persons belonging to national minorities constituted a major stabilizing factor for both intra-state and inter state relations, and several participants recalled the statement of the OSCE High Commissioner for National Minorities that the protection of national minorities is «no longer a matter of choice, but a political necessity.»

During the deliberations it was suggested that compliance in this area is still far from satisfactory. A number of participants complained that in some OSCE participating States individuals continue to have their basic human rights denied or restricted because they belong to a particular ethnic, religious or linguistic group. The view was expressed that tension between differing ethnic groups, often manifested by the denial of rights for persons belonging to national minorities, continued to create instability and, in some areas, a threat of conflict.

A number of specific cases were raised. Some national delegations rejected the allegations and found many of them based on inaccurate or biased information. Some participants also noted that there is no common and general definition of the notion of «national minority,» and that the existence of different linguistic, religious and cultural differences did not necessarily lead to the creation of national minorities.

A number of national delegations offered descriptions of measures taken to ensure the respect for the rights of persons belonging to national minorities in their respective countries, including the introduction and adoption of new legislation and relevant administrative measures.

In this context, references were made to a number of measures which could be helpful in assuring the respect for the rights of persons belonging to national minorities, such as to ensure adequate opportunities for the instruction of, and in minority languages; the establishment of local or autonomous minority administrations or self-governing authorities, as well as parliamentary commissioners for national minority rights; the organization of minority roundtables; the establishment of consultative or advisory bodies; the introduction of quota systems at universities for national minority students; an increase in the number of persons of national minorities employed in the state administration; as well as the right of national minorities to nominate their candidates on separate lists from those of political parties for elections to national assemblies.

Support and appreciation was expressed for the work of the HCNM.

It was emphasized that the Council of Europe Framework Convention for the Protection of National Minorities has now been ratified by 15 countries, and will enter into force on February 1, 1998. Similarly, the European Charter on Regional and Minority Languages has been ratified by six countries and will enter into force on March 1, 1998.

On the basis of the discussion, the following informal recommendations can be made:

- The OSCE participating States should develop both effective legislation and practical means to protect and promote the rights of persons belonging to national or ethnic, religious and linguistic minorities.
- The OSCE participating States should consider submitting to the relevant procedures and mechanisms within the United Nations specific information on the measures they have adopted to promote and protect the rights of persons belonging to national minorities.
- The OSCE participating States should consider ratifying relevant international human rights instruments, including the Framework Convention for the Protection of National Minorities.

- Close links should be established between the OSCE High Commissioner for National Minorities (HCNM) and the UN High Commissioner for Human Rights in order to strengthen complementarity, avoid duplication and share information.
- The OSCE High Commissioner for National Minorities should consider developing a comparative study on the situation of national minorities in OSCE participating States.

1. Roma and Sinti

While participants noted that the situation of Roma and Sinti had received increased attention both at the international and national level over the last few years, manifestations of prejudice, discrimination and violence against Roma and Sinti persisted and in some cases increased within the OSCE area.

Many participants expressed deep concern over the continued violence and racist attacks by individuals and groups; harassment or ill-treatment at the hands of the police, including the failure to take seriously complaints made by individuals belonging to Roma and Sinti groups; child abuse and child prostitution; discriminatory administration of justice; as well as other forms of discrimination related to education, employment, housing and access to places of entertainment.

It was noted that generally the integration of other national minorities into the social and economic life of a state had at times been rather successful, but the relevant cultural and social indicators for Roma and Sinti tend to deviate significantly from the national average.

A number of participants made references to specific measures that could contribute to an improvement of the situation of Roma and Sinti; awareness-raising activities among public servants and the society at large; establishment of departments for the protection of national minorities; formation of self-governments at both local and national level; improved educational opportunities; creation of a parliamentary ombudsperson for ethnic and national minorities; setting up of advisory inter-ministerial commissions; as well as initiatives intended to improve the living standards of Roma and Sinti.

Many participants stressed that the multifaceted problems related to the difficult situation of Roma and Sinti, required a comprehensive approach on the part of national governments. In this context, the importance of participation of Roma and Sinti in elections, both national and local, was also stressed.

Many participants underlined the important role of the ODIHR's Contact Point on Roma and Sinti issues, both as a documentation center for the gathering of information about the current situation of Roma and Sinti within the OSCE area, and as contributing to an increased awareness among governments of the specific problems facing this vulnerable ethnic minority. Participants welcomed the cooperation between ODIHR's Contact Point and the Council of Europe's Coordinator of activities on Roma and Sinti.

The OSCE roundtable on Roma and Sinti issues, which was held in the margin of the OSCE Implementation meeting, was by many participants described as a very useful initiative.

On the basis of the discussion, the following informal recommendations can be made:

- OSCE participating States should consider developing a comprehensive approach to issues relating to Roma and Sinti. These comprehensive programs or plans should be developed in close cooperation with representatives of Roma and Sinti, and should draw upon the expertise of NGOs and relevant international organizations, such as the Council of Europe.
- The ODIHR's Contact Point for Roma and Sinti Issues should continue its valuable work, particularly as regards its advisory role and awareness raising activities.

1. Rule of law

Participants recalled some of the central features of the rule of law, such as the distribution of power between the executive, the legislative and the judiciary, as well as the need for an independent and impartial judiciary.

Participants acknowledged the importance of full compliance with OSCE commitments in this area; however, a number of shortcomings were identified. Concerns were raised over the increased tendency to arbitrary legal decisions and a lack of transparency in court procedures and decisions in a number of OSCE participating States. In addition, concern was expressed over instances of misconduct by law enforcement officials; restrictions on independent legal work; and degrading conditions of detention.

In response to this, some participants stressed the specific difficulties that some countries in transition were facing in fulfilling all OSCE commitments in regard to the rule of law. Some national delegations expressed appreciation for technical assistance provided by the ODIHR and other relevant international organizations. The need for some participating States to draw on the experience of established democracies in this area was also underlined.

Many national delegations described in detail the operation of the judicial system in their respective countries, and elaborated on reforms of judicial procedure and relevant legislation, including criminal codes.

Representatives from OSCE participating States, as well as the ODIHR, were invited to attend the planned inaugural congress of judges in Minsk, Belarus, on December 5 this year.

On the basis of the discussion, the following informal recommendation can be made:

- OSCE participating States that are experiencing difficulties in complying with commitments in regard to the rule of law, should consider seeking appropriate technical assistance from other participating States, the ODIHR, as well as other relevant international organizations.

1. Exchange of information on the abolition of capital punishment

Participants recalled their commitments to keep the question of capital punishment under review; to exchange information on the question of the abolition of the death penalty; and to make available to the public information regarding the use of capital punishment.

Some participants noted the positive trend towards abolition of the death penalty worldwide, as well as the positive steps taken by some OSCE participating States in this regard.

The view was expressed by some participants that the abolition of the death penalty should be seen in the context of other fundamental international instruments on human rights, in particular Protocol 6 to the European Convention on Human Rights. In this context, concerns were expressed regarding the fact that death sentences continue to be passed and executions continue to be carried out in a number of OSCE participating States. In addition, it was pointed out that this practice continues to take place in violation of internationally agreed obligations, such as in the case of some recently admitted members of the Council of Europe. Particularly concerns were raised over the use of the death penalty upon juvenile offenders, mentally ill or those suffering from mental retardation, as well as executions carried out without due process of law.

In response to this, some participants pointed out that under the International Covenant on Civil and Political Rights, States may apply the death penalty, and that international law or OSCE commitments are not violated if this is done with stringent procedural safeguards and due process of law. In addition, it was noted that although views on capital punishment may differ in a society, a majority of the population may strongly favor the application of the death penalty for the most serious crimes.

On the basis of the discussion, the following informal recommendation can be made:

- The OSCE participating States should consider introducing measures aimed at facilitating the exchange of information on the question of the abolition of capital punishment to which they are already committed under existing OSCE provisions.

1. Democratic institutions, citizenship and political rights, civic education

Participants recalled basic commitments of the participating States in the area of democratic institutions. It was emphasized that democratic government is based on the will of the people, expressed regularly through free and fair elections. However, the view was expressed that elections alone are not sufficient for the establishment of a democratic society, since it is of equal importance that the political context is

characterized by tolerance and that freedom of expression is respected. The need for unbiased and independent media was also strongly underlined.

Participants stressed the importance of the ODIHR's assistance to participating States in arranging elections and strengthening democratic institutions. The ODIHR's election observation activities were also seen as very valuable.

Many participants emphasized the need for better implementation of the various international commitments with respect to democratic institutions, citizenship and political rights, and civic education. Concerns were raised over the slow development of genuine democracy and civil society in a number of participating States and the strong tendency in several participating States towards an overwhelming executive branch power and correspondingly weak parliaments and courts.

The issues of citizenship and political rights were also discussed. In this context, a number of citizenship related problems were noted arising from the context of state succession or the re-establishment of independent statehood, including slow and complicated application procedures; discriminatory policies; extremely long residence requirements for citizenship; as well as the special issue of stateless children.

A number of national delegations provided detailed information with regard to the steps being taken in their respective countries to strengthen compliance with commitments in the above mentioned areas, including proposed legislation in order to grant citizenship to stateless children.

On the basis of the discussion, the following informal recommendations can be made:

- The OSCE participating States should take steps to resolve existing citizenship problems, in particular to reduce and prevent the phenomena of statelessness.
- OSCE participating States should consider signing and ratifying the new European Convention on Nationality.

1. Role of NGOs

A number of participants stressed the important role of non-governmental organisations in the activities of OSCE. Specific references were made to the role of NGOs in the building of civil society, and their valuable contribution to the promotion of fundamental rights and the rule of law. The importance of ODIHR's co-operation with NGOs was highlighted.

Some participants pointed to the serious difficulties that many NGOs were facing in some participating States, including governmental harassment and cumbersome registration procedures and requirements.

One national delegation called for a more responsible approach on the part of some NGOs, whose work should be based on impartiality and objectivity, and expressed a hope that NGOs would not only limit their activities to the promotion of human rights,

but also help to develop tolerance and understanding among OSCE participating States.

Many participants underlined the importance of further strengthening the relationship between NGOs and the OSCE. In this context, a reference was made to the report by the OSCE Secretary General on the enhancement of NGO participation in the OSCE.

Specific references were made to the importance of the work within the United Nations to develop a declaration which provides for the protection of human rights defenders and the positive implications this work may have for the OSCE area.

On the basis of the discussion, the following informal recommendations can be made:

- The OSCE participating States should consider identifying measures aimed at further strengthening the relationship between the OSCE and NGOs, including the assessment of the proposals contained in the report of the OSCE Secretary General on the enhancement of NGO participation in the OSCE.
- The OSCE participating States should consider lending their support to the development within the United Nations of a declaration on the protection of human rights defenders.

SUBSIDIARY WORKING BODY 2

Review of the Human Dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and on the use of existing mechanisms and procedures

1. Enhancing implementation of Human Dimension commitments

All delegations concurred that it was imperative that participating States enhance their implementation of human dimension commitments. The co-operative character of the OSCE was the main guiding principle for the implementation of commitments. The organisation was not about punitive action or sanctions; it aimed at developing common answers to security/human dimension concerns by building on the twin concepts of solidarity and accountability.

The ODIHR, the High Commissioner on National Minorities, as well as OSCE's field operations have a special role to play in strengthening implementation and there needs to be improved synergy between, and better use made of, ODIHR, HCNM, field operations and the work of Permanent Council. The instrument of personal representative of the Chairman in Office was underlined as particularly valuable. The future media representative and the Court of Conciliation and Arbitration could also be very useful bodies in this regard. Regular oral and written reports, as well as up to date briefings by representatives of OSCE institutions or field operations were further encouraged. It was also noted that all of these bodies should be alert to the situation of women as well as to the role that women can play to improve compliance and dispute prevention and resolution.

OSCE missions were viewed as a very effective OSCE instrument to ensure compliance with human dimension commitments. They worked as an early warning mechanism and contributed to the easing of tensions.

The Permanent Council might also be more readily used as a vehicle to encourage and ensure compliance. Whereas some participants emphasized that the Permanent Council might take appropriate actions without the consent of the State concerned in cases of serious and repeated violations of commitments, other participants underlined the need for dialogue and co-operation to encourage compliance. One suggestion was to develop a procedure permitting states to provide explanations for non-compliance within the framework of the Permanent Council.

Many participants noted that enhancing the implementation of Human Dimension commitments meant improving awareness about their contents. The role of the annual review of implementation and the need to develop target programmes was emphasized. There was a need to work in co-operation with other international organisations and NGOs. Full transparency on the part of member governments was also deemed crucial.

Other elements raised included the need to give time to democracy to mature in a given member state. The economic and social development of states was noted as

important to compliance, since stagnant or depressed economic conditions caused stress on many democratic fundamentals.

Some participants had offered suggestions on the implementation of OSCE principles and commitments within the context of work on the Security Model in Vienna. Some of these suggestions might also be applicable to commitments within the human dimension.

Recommendations

- Human dimension compliance issues should be better integrated into the work of the Permanent Council and all other OSCE institutions and operations.
- The OSCE Chairman-in-Office and the Permanent Council should continue their efforts to increase the compliance with commitments. These efforts include a number of measures, such as the dispatch of personal representatives, fact-finding missions, missions of long duration and rapporteurs.
- The effect of conflict and non-compliance on women should be further examined and women's contribution to enhancing compliance should be integrated into human dimension activities.
- The information and expertise provided by NGOs on shortcomings in the implementation of specific commitments should be drawn upon more widely.

1. Human Dimension mechanisms and other procedures relevant to the Human Dimension

Human dimension mechanisms could potentially be a very important tool for the OSCE participating States, and some participants felt that states should be encouraged to make greater use of them. Nevertheless, these mechanisms could not replace mustering the necessary political will to take decisive action.

The commitments undertaken in earlier OSCE documents established a number of important procedures and mechanisms to further enhance the integration of human dimension activities in the work of the Permanent Council. It was noted that some of these mechanisms, eg. the Moscow Mechanism were infrequently used. There was a lively debate on the future of these mechanisms. Some participants believed that, if only quiescent, these mechanisms should be preserved. Many participants suggested that they were obsolete, overly rigid relics of another era and minor changes to them would not influence their use or non-use.

2. The Human Dimension aspect of the OSCE missions

There was widespread agreement among all participants that OSCE missions were performing an increasingly valuable role within the human dimension. They were seen as important means for the OSCE to provide assistance in building viable democratic institutions, creating confidence between government and populations, protecting and

promoting human rights and fundamental freedoms and the rule of law, as well as the rights of persons belong to national minorities. The increasing number of human tasks entrusted to OSCE missions was widely viewed as contributing to peace and stability in the region.

All participants agreed that OSCE mission members needed to be carefully selected and properly trained in order to perform the increasingly serious demands placed upon them. The recent human rights training initiative was welcomed and participants looked forward to receiving a report on the implementation of its recommendations. The OSCE and ODIHR should continue to follow-up on mission training, including through cooperation with other relevant organisations and the periodic de-briefing of mission human rights officers.

A number of representatives of missions highlighted key aspects of their work.

Recommendations

- General rules of procedures for OSCE missions should be developed. This would accelerate the launching of missions and enhance their effectiveness and flexibility.
- The OSCE participating States should pay more attention and provide more support to long-term missions.
- Mission members must receive proper training, in particular human rights training. The OSCE should develop a plan for human rights training for mission members.
- Human rights related issues should play a greater part in the work of OSCE missions and this work should be systematically and regularly evaluated.
- Long-term missions should work with women's groups and other interested partners in supporting women's contribution to post-conflict rehabilitation.

1. The functioning of the OSCE Office for Democratic Institutions and Human Rights in the Human Dimension

All participants were pleased with the human dimension related work of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The expanding role of ODIHR was testimony to the importance of human dimension activities in supporting the OSCE's security efforts in the common European space.

Participants welcomed the ODIHR Concept Paper approved by the OSCE Permanent Council in July 1997. Its focus on ODIHR's election activities and human dimension projects at the grass roots level, with tangible projects and results, was endorsed.

Many participants acknowledged that ODIHR should be strengthened and financed in a manner which would correspond to its renewed responsibilities. It was recognized that ODIHR could not base its needs for increased personnel only on secondment

contracts. On the other hand, one participant argued that the current mandate of ODIHR was fully satisfactory and should not be modified.

A discussion ensued on possible areas worthy of ODIHR's enhanced attention. A group of delegations believed that the task of entrenching free and fair elections in OSCE member states was the priority objective for ODIHR in developing and extending universal respect for human rights. The observation and monitoring of media access during election campaigns was cited as worthy of additional focus. In countries where OSCE has long term missions, project activities to promote rule of law, democracy-building and NGO liaison and support activities were of high value. Some delegations commended the recent ODIHR women's seminar and suggested that ODIHR include a gender perspective in its projects and activities.

ODIHR's potential as an executive organ for OSCE policy decisions was noteworthy and Permanent Council should give clear and continued political guidance to ODIHR. The setting of priorities of a political nature required the closest co-operation with Permanent Council. One participant noted that sometimes discreet action of the Chairman-in-Office in co-operation with ODIHR might be more effective than more public actions. Some participants stressed that ODIHR should remain in Warsaw in order to ensure its autonomy, but others suggested a regular ODIHR presence in Vienna to facilitate rapid and effective communication between the two bodies.

Recommendations

- ODIHR could specifically focus its projects and activities in countries that request assistance in order that its limited resources were channelled to areas where they would be welcome and effectively utilized.
- The co-ordination and contact between ODIHR and OSCE field missions should be strengthened with each drawing on the exercise and resources of the other.
- ODIHR should be encouraged to adopt further regional or country specific plans (like the Memorandum of Understanding signed with Uzbekistan).
- ODIHR should enhance its role as an advisory body to the Permanent Council and the Chairman-in-Office, through more frequent participation in Permanent Council discussions by ODIHR representatives, more informal discussions with OSCE delegations in Vienna and by regular reports on projects and activities.

1. Further integration of the Human Dimension in the regular activities of the Permanent Council

Many participants were convinced that human dimension issues should be integrated further into the work of the Permanent Council. Some participants were satisfied with the current level of integration of human dimension issues and did not favour modifying the present practice.

The regular and productive visits of the High Commissioner on National Minorities and the Director of ODIHR to Permanent Council were raised as positive examples of integration. There was a suggestion that these visits should concentrate on current issues rather than take place on a pre-ordained schedule. Likewise, the human dimension aspects of OSCE's missions and field operations were recognized to be an increasingly important part of the regular activities of the Permanent Council.

A number of delegations stressed that the integration of the human dimension issues into the work of the Permanent Council was not only a matter of the venue but more importantly reflected the willingness of the participating states to follow up on human dimension conclusions and recommendations.

Recommendations

- Heads of missions and field operations should be encouraged by the Permanent Council to address implementation of human dimension commitments, bringing cases of alleged non-compliance to the attention of Permanent Council as part of their "early-warning" functions.
- The subject matter of human dimension seminars should reflect Permanent Council objectives and priorities.
- Extraordinary meetings of Permanent Council or reinforced Permanent Councils might be devoted to human dimension issues, including the follow-up of implementation review meetings.
- Informal Permanent Councils should be regularly convened to examine human dimension issues, to follow-up on specific human dimension seminars and to discuss obstacles to non-compliance with human dimension commitments.

1. Review of the Activities of the High Commissioner on National Minorities

All delegations strongly supported and commended the "quiet diplomacy" of the High Commissioner on National Minorities, Mr Max van der Stoel. He had concretely contributed to fostering stronger feelings of mutual respect and confidence in inter-ethnic relations as well as a better understanding of minority issues by the international community. Participants shared the view that his engagement on minority issues was impartial, co-operative and non-coercive. One group of participants suggested that the presence of the HCNM should be seen as a positive sign that the country in question was actively engaged in remedying any perceived injustices or imbalance.

Some participants emphasized that participating States should continue to protect the independent nature of the High Commissioner's office, including his freedom of movement and access, and his ability to act urgently to respond to rapidly evolving situations. It was regrettable that the High Commissioner had been unable to obtain a visa to travel to a member country in his capacity as Personal Representative of the Chairman-in-Office. One delegation suggested that countries adopt an accountability mechanism to ensure implementation of the High Commissioner's recommendations.

Another suggestion was the development of a list of indicators to assess the situation of minority cultures.

Several participants underlined that minority rights were basic human rights and that, in a political environment hostile to human rights and fundamental freedoms, the culture of minority rights could not thrive. The observance of minority rights served as the sensor and indicator of the maturity of democracy in a given state. Generous attitudes of the state towards national minorities, and the loyalty of the persons belonging to national minorities towards the state and their readiness for participation in political and public life, are both essential.

A representative of the Office of the High Commissioner encouraged discussion on the HCNM recommendations in the Permanent Council. He cautioned that any steps to make recommendations obligatory would run counter to the co-operative nature of the High Commissioner's mandate. States might be reluctant to enter into a dialogue with the HCNM if faced with compulsory recommendations. The speaker reminded states to reply as soon as possible to the questionnaire on minority languages. The HCNM was currently analysing replies received and would publish a comparative study.

Recommendations:

- Permanent Council and affected participating States should provide appropriate and continuing follow-up to the High Commissioner's recommendations.
- Co-operation between the HCNM, ODIHR and OSCE missions should be enhanced in order to maximize the positive impact of their actions.
- The participating States should to the fullest possible extent implement their commitments related to national minorities.

1. Review of the activities of the Contact Point for Roma and Sinti Issues

All participants supported the work of ODIHR's Contact Point for Roma and Sinti issues. Many participants called for the additional strengthening of the Contact Point. Participants agreed that this mechanism played an important role in raising awareness of Roma and Sinti issues in participating States, by serving as a clearing house, by collecting and disseminating accurate information, by addressing different forms of violence against Roma, and by encouraging the development of, and co-ordination among, Roma and Sinti organisations.

ODIHR was encouraged to continue its current activities in this area and not reduce resources devoted to minority issues, especially Roma questions. Many participants underscored that this was particularly important since the position of Roma and Sinti was worsening within the OSCE region and needed to be addressed systematically. Participants stressed that Roma across the entire OSCE region were still the subject of racist discrimination, intolerance and violence and were a community confronted with serious economic and social problems.

Nevertheless, some positive developments in the treatment of Roma in the OSCE region could be noted. A number of states had enacted practical and effective measures at various levels to combat discrimination against Roma. In addition, the basis for an excellent working relationship between ODIHR and the Council of Europe on Roma issues had been established.

Future work of the Contact Point should go beyond serving as a clearing-house and should strive to identify the most appropriate means for Roma and Sinti's integration in modern society. The view was expressed that work be concentrated on the cultural, educational and social-economic aspects of the integration of the Roma and Sinti communities, keeping in mind the unique situation in every country. In this regard, further work by Roma groups and the Contact Point on policy design and implementation would be helpful. Additional Contact Point activities could include the circulation of accurate information and stimulation of co-operation, while at the same time maintaining a comparative advantage and avoiding duplication with other international organisations. It was finally noted that the Contact Point had an important symbolic meaning for Roma and Sinti.

Recommendations

- The position of the ODIHR Contact Point should be strengthened.
- Roma and Sinti issues should be fully integrated into the work of Permanent Council in Vienna.
- Regular internships at ODIHR should be established for Roma and Sinti representatives, instead of the presently established short-term internship programs.
- ODIHR should train Roma and Sinti in election preparation and monitoring, as well as civic education, to enhance Roma participation in elections, increase their political participation, and further develop their administrative skills.
- Legal assistance for Roma and Sinti should be expanded, with particular emphasis on training directed at preparing for representation of Roma and Sinti issues before courts and tribunals.
- The Contact Point should develop a close relationship with the future OSCE Media Representative in an effort to combat expression of ethnic hatred and discrimination against Roma and Sinti and minority groups in general. The media should be sensitized to Roma and Sinti issues.

1. Programme of Co-ordinated Support for the Recently Admitted Participating States

The importance of the Voluntary Fund to assist the full integration of recently admitted states into the workings of the OSCE was underlined. In this regard, full integration would also include the human dimension. The Central Asian liaison office of the OSCE would enhance this integration by establishing more concrete

programmes in the region. The Voluntary Fund for Activities related to the Economic Aspects of Security had also been helpful in funding local seminars and thus providing further evidence of the comprehensive nature of global security that characterized the work of the OSCE.

One delegation expressed pleasure at the increased attention that ODIHR has paid to the different aspects of human dimension issues in its work with recently admitted participating States, and in particular underlined ODIHR's regard for the problems and specific requests made by States for technical help. It suggested that an upcoming needs assessment in one OSCE region could be replaced by a program to train officials on current problems of refugees and displaced persons.

There were several requests to discontinue the use of the term "recently admitted participating States" since these states had been members for over five years. However, these states would still merit the full co-ordinated attention of the OSCE. A number of speakers also expressed support for OSCE's decentralization efforts.

2. Improved Dissemination of Information regarding the Human Dimension

A number of participants pointed to encouraging developments in this field and commended the ODIHR for its recent initiatives. These included the translation of OSCE documents into languages that were not official OSCE languages, the creation of an OSCE home page, the OSCE online project, the creation of an OSCE CD-Rom and an increased number of press releases. Most participants also agreed that more could be done to improve the knowledge of, and heighten OSCE's profile in participating States. Further suggestions for improvement included an outreach program on human dimension issues, particularly in new democracies, further development of the translation programme, the development of human dimension education programs, as well as the production of leaflets, calendars and posters. It was suggested that the leading role of the OSCE in election monitoring could be highlighted with small public awareness-raising programmes in each country where an election operation has been initiated. The role and input of NGOs should be stressed. A concise handbook on the role of the media in election processes could be elaborated by ODIHR in co-operation with the future OSCE Media Representative. A thorough and regular public awareness policy should be established.

It was also suggested that the OSCE should promote its public image, by campaigns on national radio and television. NGOs should be further informed about the opportunities the OSCE provided to influence participating States, international organisations and other NGOs. Press conferences could also be held to provide journalists with material in order to understand and report on OSCE activities, particularly with respect to the Human Dimension.

3. Outcome and improvement of, and follow-up to, the Human Dimension Seminars and regional seminars; proposals for the seminars in 1998.

All delegations agreed that human dimension seminars should be better focused in order to increase their practical impact on OSCE activities in human dimension related fields, including specific ODIHR projects. These seminars should be a useful tool for

assisting the OSCE in promoting its human dimension objectives and values. The recent women's seminar was a successful seminar with strong NGO involvement.

There were a number of suggestions for improving human dimension seminars. Topics chosen should be more concrete, of wide interest to both participating States and NGOs, and could be regional in focus. Agendas and modalities of seminars should be approved well in advance, thus allowing for adequate participant preparation. Seminars might be organised to deal with problems which gained special prominence at human dimension implementation meetings. It was widely accepted that all participating States should better assist ODIHR with seminar follow-up.

There was no agreement on the number of seminars to be held in the future. A group of delegations suggested scheduling only one seminar in the first half of the year. Another participant preferred keeping the current schedule of two full-scale seminars per year.

A number of states supported ODIHR's proposal for a 1998 seminar on national human rights institutions. One delegation suggested a "*summing-up*" seminar on human rights given that 1998 is the fiftieth anniversary of the UN Declaration on Human Rights and the fifth anniversary of the Vienna Declaration on Human Rights. Other suggestions for seminars included: Implementation of the OSCE human dimension commitments in crisis situations and a regional seminar in a newly democratic country on registration procedures for religions or religious groups.

4. Elections observations; report, procedures and co-operation framework

The meeting re-emphasized that free and fair elections are the foundation of democracy. They play an important role in consolidating peace and stability, thereby significantly enhancing security in the region. They should be honest, equitable, free, transparent, and should employ secret ballot and universal suffrage --these criteria form the basis of all democracies. All participants agreed that the OSCE's work on election observation and supervision was an important component of OSCE's strategies for conflict prevention, crisis management and post-conflict rehabilitation.

Many delegations recommended that ODIHR should take the lead on election monitoring missions within the OSCE region. A number of delegations noted that the Copenhagen Document contained a standing invitation to observe elections. It therefore provided sufficient basis for the OSCE to act, without a formal invitation from the country concerned, although for practical reasons it was preferable to receive an invitation to monitor elections. ODIHR had developed unique expertise and methodology for the task although it might need additional financial and personnel resources in order to be fully effective. Its Election Observation Handbook provided universally-recognized standards in this area. Participants also welcomed ODIHR's work on a code of conduct for observers. It was reiterated that participating States should give ODIHR at least three months advance notice of upcoming elections.

It was widely acknowledged that there were still difficulties in holding elections in some OSCE countries. Participants recognized that, under conditions of instability and conflict, it was practically impossible to have fully free and fair elections. In those

circumstances, it was important to focus on the correct administration of the elections, making conditions for the elections as normal as possible.

The preparations for election observation should be co-ordinated from the beginning, and this co-ordination should include the public reading of election results. All participants agreed that the recent agreement between the OSCE Parliamentary Assembly and the ODIHR to formalize their observation programs was an excellent step forward.

It was emphasized that election monitoring could prove its worth by reinforcing, as well as developing, democracy. Even where elections were expected to be free and fair, monitoring could highlight and publicize democratic achievements. Monitoring should be geared in all instances to strengthening voter trust and confidence in the election process.

Recommendations

- OSCE election report recommendations should be followed-up both by the participating State concerned and by the OSCE community and its institutions.
- ODIHR should play the role of interagency co-ordinator in election monitoring operations and would be well placed to co-ordinate the final evaluation of election processes.
- Election observation missions should contain both an advance party to observe the political campaign as well as a team to remain to observe the implementation of election results and perform any follow-up action, including an implementation report.
- Election monitors should be of the highest quality in order to maintain the high standard of election monitoring. The development of clear criteria or guidelines for recruitment of election experts would be useful.
- A short list of observers for Long Term Monitoring missions should be drawn up on a contingency basis for ODIHR's use as needed.
- The assistance of local non-governmental organisations should be sought during the election process.

1. Co-operation between OSCE and other international organisations in the Human Dimension

All delegations welcomed the active and productive cooperation between OSCE institutions and missions, and other international organisations, particularly in the fields of preventive diplomacy, post-conflict rehabilitation and the promotion of democracy, human rights and the rule of law. The extensive use of OSCE consultation mechanisms with other international organisations was fully endorsed.

The close working relationship between the OSCE and the Council of Europe was marked as increasingly important. The high level meetings (the so-called 2+2 meetings) allowed for pragmatic and uncomplicated contacts at the highest levels of both organisations. One delegation suggested concluding an agreement further clarifying the relationship between both organisations. Others noted that co-ordination between the OSCE and the Council of Europe should not be formalized. The valuable contacts between OSCE staff and UN organisations, particularly at the field level, were underscored.

Some delegations stressed that they could not accept a hierarchy among organisations or the itemizing of an exclusive list of duties for respective organisations. All international organisations were encouraged to use their comparative advantage. The division of tasks and responsibilities could be determined on a case by case basis, preferably at the working level.

To varying degrees, participants stressed the need to avoid unnecessary duplication. Some noted that there was some usefulness in working in different and complementary ways on the same problems. It was important to avoid competing or forum-shopping among various bodies.

A number of representatives of international organisations also highlighted their active co-operation with the OSCE and its institutions and field operations.

2. Role of NGOs in OSCE Human Dimension activities

Participants welcomed measures for NGO involvement in OSCE human dimension activities and implementation meetings. The presence and participation of NGOs was seen as an expression of the collective commitment of OSCE participating States to the maintain and strengthen civil societies in the OSCE region. The NGO Database and Information Clearing House established by ODIHR was highlighted as assisting in raising the level of activity of NGOs in new democracies.

Many participants still believed that there was room for improvement with existing procedures and mechanisms. Suggestions included the creation of a separate internet web site for all OSCE field missions, and an OSCE Access fund for NGOs to increase NGO participation in meetings and seminars. NGOs could develop, among themselves, improved methods of interfacing and co-ordination in OSCE implementation meetings. Some NGO participants requested more access to OSCE meetings dealing with security issues, given the need to integrate the human dimension into the security debate.

Recommendations

- The expertise of local NGOs should be better integrated into the work of OSCE field missions.
- Improved communication and information between NGOs and the OSCE and government delegations should take place in advance of important OSCE meetings.

- A revitalized structure for implementation meetings is needed to foster an enhanced dialogue with NGOS on concrete, substantive issues. This may include better use of the speakers list to stimulate discussion and thematic round tables.