



Office for Democratic Institutions and Human Rights

# Annual Report 2003

Cover photo by Lubomir Kotek during parliamentary elections in Georgia in November  
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Office for Democratic Institutions and Human Rights

# Annual Report 2003

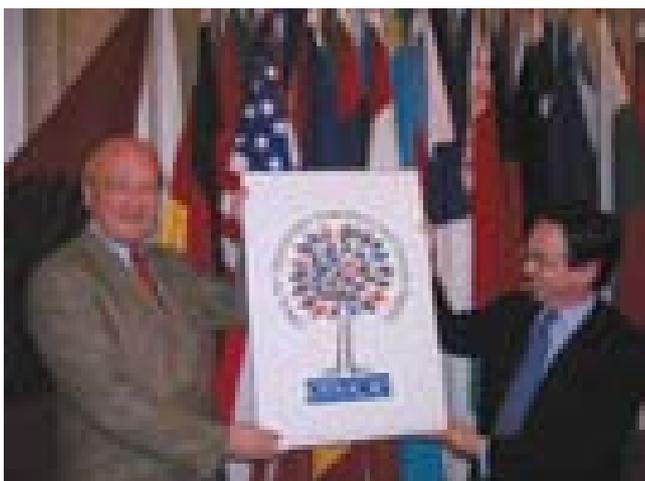


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# Foreword



Ambassador Christian Strohal of Austria (right) succeeded Ambassador Gerard Stoudmann as ODIHR Director in March.

2003 was a year of new opportunities for the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), as change came in the form of new mandates in the field of Roma and Sinti and anti-trafficking and through the creation of a new Human Rights Section.

2003 was also one of the busiest in the Office's history, including 12 election observation missions and the implementation of nearly 100 projects addressing issues from trial monitoring, capacity-building for domestic election observers, prison reform, and awareness-raising on anti-trafficking issues. These projects are at the heart of the ODIHR's work; they are an example of how the protection and promotion of human rights and democracy has been taken from conference rooms to the field.

Some of the biggest challenges for the ODIHR are in the areas of promoting human rights and strengthening democratic institutions. While increased stability and openness in many transition countries are encouraging, new threats and negative trends, including in some of the OSCE region's established democracies, are a cause of genuine concern. There is a danger that human rights may become a casualty of terrorism and the efforts to fight it. There is also a clear need to address the rise in discrimination, hate crimes, and intolerance across our region.

The ODIHR has continued to work on its core tasks - election observation, fostering democracy and respect for the rule of law, promoting and protecting human rights, and monitoring the implementation of human dimension commitments

by participating States - while also allocating resources to address emerging issues.

The ODIHR deployed some 3,400 long- and short-term observers to 12 election observation missions in 2003. The Office increased its focus on follow-up to elections, for instance, by responding to a growing number of requests for review of electoral legislation. In recent years, the ODIHR has observed significant improvement in the conduct of elections in a number of countries; at the same time, it is clear that further progress is needed in a number of participating States. The Office has also seen clear value in election assessments in more-established democracies, which has brought to light a need to reform there as well.

Our activities to strengthen democratic institutions aim to create and maintain stability and respect for the main principles of democratic society. These activities continued to focus on rule of law, NGOs and democratic governance, gender equality, combating trafficking in human beings, freedom of movement and migration, and legislative support.

The ODIHR has been moving towards longer-term and more-inclusive planning, responding to several new challenges and demands on the Office's capacity. This has led to the creation of a new Human Rights Section, which, in addition to a monitoring role, will include more research, analysis, and training in its activities. In 2003, the ODIHR increased its focus on human rights education and training to serve as a focal point for capacity-building for governments, OSCE field missions, and other partners.

The implementation of OSCE commitments on human rights and democracy is assessed at the annual Human Dimension Implementation Meeting held in Warsaw, which is attended by representatives from all OSCE participating States, missions, and institutions, as well as by civil society. At the 2003 meeting, attended by some 800 participants, special attention was given to the prevention of discrimination, racism, xenophobia, and anti-Semitism; national minorities; and migrant workers. Three supplementary meetings were held throughout the year, specifically addressing Roma and Sinti issues, freedom of religion or belief, and prevention of torture.

### *2003 was a year of new opportunities for the ODIHR*

These meetings set our priorities for the years to come; their outcome and the conclusions of numerous other events are included in this report. But our main aim is that the ODIHR serve as a centre of expertise for the whole organization: its participating States and field missions. Strengthening our capacity to do this emphasizes the importance of human dimension work for the organization as a whole.

The protection of human rights, effective rule of law, and strong democratic institutions are at the core of the OSCE's comprehensive security concept. The individual man, woman, and child are at the heart of our activities.

Ambassador Christian Strohal



ODIHR Director



Election officials counting ballots in the village of Sagvichio during Georgian parliamentary elections on 2 November.

# Elections

The OSCE commitments agreed upon in Copenhagen in 1990 emphasize the central role of elections in securing the citizen's right to participate in the government of his or her country. This principle was first enshrined in the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948.

In addition, the Copenhagen Document states that the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process. Election observation has thus become an effective and invaluable service that is provided among OSCE participating States in support of democratic transition and universal human rights. The very presence of observers can help build confidence in an election process and encourage popular participation.

As a result of the Budapest Summit in 1994, OSCE participating States mandated the ODIHR to undertake long-term assessment of electoral processes before, during, and after election day. In response, the ODIHR developed an election observation methodology, which it started to implement in 1996, that provides an in-depth insight into all elements necessary for a democratic electoral process, including the legislative framework, the administrative preparations, the political campaign, and the media.

This election observation methodology has become widely recognized for its systematic, comprehensive, and verifiable

approach, and it has served as a model for other international organizations. More recently, the methodology has evolved to take account of national minorities and gender-related issues and is being further developed as necessary to maintain the ODIHR's role as Europe's leading agency in the field of election observation.

*The very presence  
of observers can help  
build confidence  
in an election process*

In 2003, the ODIHR again demonstrated its commitment to enhance the integrity of electoral processes in the region through the conduct of 12 election observation missions, involving the deployment of some 3,400 observers. The objectives of ODIHR election observation activities are twofold: (1) to assess an election process according to OSCE election-related commitments; and (2) to offer recommendations, when necessary, to align the electoral process with OSCE commitments.

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## THE MAIN ISSUES

- ♦ **Democratic elections:** Through its methodology for long-term election observation, the ODIHR has reported significant improvements in the conduct of elections in a number of countries in Central, Eastern, and South-Eastern Europe. However, further progress is needed throughout much of the former Soviet Union. It has also become clear that election assessments can be valuable not only in emerging democracies but also in more-established democracies.

" GONG and the ODIHR worked together in numerous areas in 2003, including at the Zagreb Domestic Election Observer Forum; election monitoring in Armenia, Georgia, and Croatia; and at the Human Dimension Implementation Meeting in Warsaw.

" Through its continuous support and co-operation with domestic non-partisan observer groups, the ODIHR has proven to be one of the leading international institutions fighting for democratic elections."

**Aleksandra Kuratko is an advisor at GONG, a Croatian NGO involved in election observation.**

♦ **Implementation of OSCE/ODIHR election recommendations:** At the 1999 Istanbul Summit, OSCE participating States agreed to follow up promptly on the ODIHR's election assessments and recommendations. In 2003, the ODIHR put greater emphasis on post-election dialogue and on how to more systematically engage participating States on the issue of implementation. ODIHR recommendations are formulated to outline areas where further progress is required in order for elections to comply with OSCE commitments for democratic elections.

♦ **Review of electoral legislation:** In 2003, the ODIHR continued to respond to a growing number of requests for review of electoral legislation to establish compliance with OSCE commitments. Electoral legislation that does not fully comply with OSCE commitments is not conducive to the conduct of democratic elections.

♦ **Translating principles into best electoral practice:** The 1990 OSCE Copenhagen Document has provided a sound basis for assessing the conduct of elections in line with democratic values. Since 1990, however, best practice for democratic elections has continued to evolve, and there is a need to review how principles are translated into best electoral practice.

♦ **Domestic election observation:** Observation by domestic observer groups has become increasingly important in recent years and is likely to further gain in significance. While domestic observer groups have made progress in de-

veloping a more comprehensive and systematic approach to election observation, further steps are necessary to improve their level of professionalism.

## CHALLENGES

The past decade has seen significant improvement in the conduct of elections throughout Central, Eastern, and South-Eastern Europe, to the point where a number of countries no longer require comprehensive election observation. At the same time, a number of worrying trends have become apparent in other parts of the OSCE region, particularly throughout much of the former Soviet Union.

Some of the problems identified include: (1) the danger of a general erosion of human rights that underpin any election; (2) reduced competition through restrictions on party and candidate registration; (3) media bias in favour of incumbents; (4) interference in the electoral process to the benefit of those in power by national, regional, and local executive authorities, (5) restrictions on transparency, making it difficult to audit the vote count and tabulation of results; and (6) lack of accountability for those involved in fraudulent or illegal activities.

After more than a decade of elections in emerging democracies, lack of experience is becoming an increasingly invalid argument to explain election irregularities. Many of the elections in 2003 showed clearly that the real chal-

lenge to conducting credible elections is political will. Serious violations of election-related commitments were seen in the three South Caucasus countries of Armenia, Georgia, and Azerbaijan.

In Armenia, an amended Electoral Code provided the basis for the conduct of elections in compliance with OSCE commitments and other international standards. However, during both the presidential and parliamentary elections, the authorities failed to implement the Code with sufficient political determination to meet these commitments and failed to hold accountable those who violated the law. In Azerbaijan, the presidential election was marred by serious shortcomings, including widespread intimidation; unfair conditions for opposition candidates; biased media coverage; serious irregularities in voting, counting, and tabulation; and post-election violence, leading the ODIHR to conclude that the election was a "missed opportunity for a credible democratic process". Similar findings characterized the parliamentary elections in Georgia, after which the ODIHR concluded that the authorities "lacked political will to conduct a genuine democratic process".

While generally well administered at the technical level, the December parliamentary elections in the Russian Federation raised concern by failing to provide a clear separation between state administrative resources and political-party structures. Furthermore, the election campaign was distorted due to a serious imbalance in the media campaign in favour of the pro-presidential forces.

In Moldova, significant shortcomings during the campaign, including allegations of widespread abuse of power by the authorities, were a source of concern. In Serbia, a fourth failed presidential election once again demonstrated the necessity for election law reform. In Albania, the positive work of a bipartisan parliamentary committee in consensually agreeing improvements to election legislation and administration was devalued by an electoral process that was again protracted and litigious. On a positive note, the parliamentary elections in Croatia were conducted generally in line with OSCE commitments for democratic elections.

## PROGRAMMES

While observation is the most visible aspect of the ODIHR's election mandate, it is just one part of a broad, integrated work plan that also includes technical-assistance projects and legislative review. Activities in 2003 concentrated on the following areas:

- ▶ Election observation
- ▶ Technical assistance
- ▶ Development of a progress report on commitments for democratic elections in OSCE participating States
- ▶ Further development of the ODIHR's methodology for observing elections
- ▶ Follow-up

### 1. ELECTION OBSERVATION

The ODIHR was established in 1991 as the Office for Free Elections; thus, its election observation mandate has always been at the forefront of its activities. In the early years of its establishment, however, the ODIHR could deploy only one or two experts per election, who focused mainly on election-day findings. The expanded mandate received by the ODIHR in 1994 for election observation before, during, and after election day was recognition that an informed assessment of an electoral process cannot be formed on the basis of election-day observations only.

Since 1996, the ODIHR has implemented its methodology for long-term election observation and has observed more than 150 elections or referenda. During this period, ODIHR election observation missions have not only served to assess whether elections were held in line with OSCE commitments but have also served to mitigate crises and have been a stabilizing factor in some sensitive and highly contested elections.

## Election observation missions and assessment visits conducted in 2003

Country	Type of Election	Date
Serbia and Montenegro/Montenegro	Repeat presidential	9 February
Armenia	Presidential	19 February/5 March
UK (Scotland and Wales)	Local assembly	1 May
Serbia and Montenegro/Montenegro	Repeat presidential	11 May
Armenia	Parliamentary	25 May/15 June
Moldova	Municipal	25 May/8 June
Albania	Local-government	12 October
Azerbaijan	Presidential	15 October
Georgia	Parliamentary	2 November
Serbia and Montenegro/Serbia	Presidential	16 November
Croatia	Parliamentary	23 November
UK (Northern Ireland)	Assembly	26 November
Russian Federation	Parliamentary	7 December
Serbia and Montenegro/Serbia	Parliamentary	28 December

### ► Election assessment visits/missions

Following visits to France, Turkey, and the United States in 2002, the ODIHR continued to expand its focus in 2003 to include democracies in Western Europe and North America. It conducted an assessment of local assembly elections in the United Kingdom and a working visit to the United States to follow the special gubernatorial recall election in California.

### ► Support to OSCE field missions in assessing elections and referenda

The ODIHR continued to support OSCE field missions to conduct assessments of elections and referenda in the event that an OSCE/ODIHR observation or assessment mission is not deployed. In 2003, such assistance was provided to OSCE missions in Kyrgyzstan, Tajikistan, Kazakhstan, and Moldova.

### ► Diversification of membership of election observation missions

Through the voluntary fund established in 2001, the ODIHR continued to diversify the international profile of its election observation missions through the recruitment of election experts and qualified observers from Central, Eastern, and South-Eastern Europe and the former Soviet Union. Experts from eligible countries have added strength to observation

missions, while also gaining knowledge and experience that can be reinvested in their own countries.

### ► Co-operation with the OSCE Parliamentary Assembly and other bodies

The ODIHR again enjoyed close co-operation with the OSCE Parliamentary Assembly, the Council of Europe's Parliamentary Assembly and Congress of Local and Regional Authorities of Europe, and the European Parliament during its election observation missions in 2003. A number of parliamentarians participated in election observation missions, facilitated by the ODIHR, and contributed to the interim reports of the international election observation missions.

## 2. TECHNICAL ASSISTANCE

While ODIHR post-election statements are often spotlighted in the media, much of the ODIHR's election-related work is done behind the scenes, through a range of technical-assistance projects. Some projects stem directly from recommendations made during observation missions; others are the result of requests from participating States.

### ► Review of electoral legislation

One of the areas in which the ODIHR has become increasingly active in recent years is in the review of electoral legis-

lation. In 2003, the ODIHR continued to provide assistance to participating States in meeting their electoral commitments through the Electoral Legislation Alert and Assistance Program, which provides expert advice on electoral law reform on the basis of a voluntary fund established for this purpose. This fund provides the ODIHR with the flexibility necessary to quickly respond to requests to support reform of election-related legislation.

**In 2003, the ODIHR published the following assessments related to electoral legislation:**

- ◆ Final Assessment of the Electoral Code of the Republic of Azerbaijan (jointly with the Venice Commission);
- ◆ Assessment of Draft Amendments to the Election Law of the Republic of Tajikistan;
- ◆ Preliminary Assessment of Draft Amended Election Law of the Republic of Kazakhstan;
- ◆ Review of Parliamentary Election Law of Croatia;
- ◆ Assessment of Pending Amendments to the Electoral Code of the Kyrgyz Republic;
- ◆ Recommendations on the Electoral Law and the Electoral Administration of the Republic of Armenia (jointly with the Venice Commission);
- ◆ Review of Laws for Elections to Legislative Bodies to Northern Ireland, Scotland and Wales;
- ◆ Comments on a consultation paper by the United Kingdom Electoral Commission on the Cycle of Local Elections in England.

In 2003, the ODIHR intensified its efforts to promote electoral reform, building upon a growing body of electoral law reviews conducted during the past five years. Through assisting participating States to bring their legal frameworks into line with OSCE commitments for democratic elections, the ODIHR has been able to ensure an improved legal framework in some participating States. Electoral legislation that does not fully comply with OSCE commitments is not conducive to the conduct of democratic elections, and the ODIHR cannot guarantee that a sufficient number of its recommendations are always taken into account.



Experts from the OSCE's Office for Democratic Institutions and Human Rights and from the Council of Europe examine preparations for the 23 March referendum in a polling station in Grozny, Chechnya, during an assessment visit on 3 March.

Throughout the year, the ODIHR was involved in intensive dialogue with the Central Election Commission of Kazakhstan concerning review of draft amendments to the Election Code. This resulted in some of the ODIHR's recommendations being taken into account, although other significant recommendations were not addressed. In Kyrgyzstan, the ODIHR recommended that a number of changes be made to proposed amendments to the Election Code. When adopted, however, the amendments compounded the original problems and resulted in an Election Code that is even further from meeting OSCE commitments. In Tajikistan, the ODIHR took part in a conference organized by the Tajik parliament that identified changes to the country's electoral legislation that need to be acted upon in advance of the parliamentary elections in 2005.

In Albania, the ODIHR provided technical assistance to a bipartisan parliamentary committee established in 2002 to discuss improvements to the electoral framework. Significantly, after meeting for a year, the committee agreed to a series of reform measures by consensus, addressing most of the recommendations of the ODIHR final report on the 2001 parliamentary elections. This included a number of changes



OSCE observers visit a polling station during the second round of local elections in Moldova, 8 June.

to electoral legislation that resulted in the adoption of a new Electoral Code by parliament in July.

The ODIHR also initiated a seminar that was conducted jointly with the Central Election Commission of Belarus. The seminar, funded by the European Commission, was entitled International Election Standards and Electoral Law Reform. This technical-assistance project was intended to provide an ongoing framework for discussions between the authorities, election administration, political parties, and a broad spectrum of civil society on electoral law reform. However, contrary to the ODIHR's position that the electoral law should be reformed to enhance confidence, transparency, and accountability, electoral law reform does not appear to be foreseen prior to parliamentary elections expected in the fall of 2004.



► **Support to national minority participation in the electoral process**

In 2003, the ODIHR continued its efforts to ensure more effective participation of national minorities in the electoral process, working closely with the OSCE Office in Montenegro to initiate a broad debate on the participation of minorities in the electoral process in

Montenegro. This collaboration followed an ODIHR-facilitated discussion between the main political forces on possible amendments to the republic's electoral law to ensure authentic participation of national minorities in elections. The ODIHR also reprinted its *Guidelines To Assist National Minority Participation in the Electoral Process*.

► **Support to domestic election observers**

The ODIHR continued to support the work of domestic election observers through the organization of a forum and publication of a handbook. The forum, organized in Zagreb in June to fulfil a recommendation from the 2001 Human Dimension Seminar, was attended by representatives from around 30 domestic observer groups, making it the largest gathering of its kind ever held in Europe. At its close, participants adopted a declaration urging participating States to ensure their rights, particularly to effectively observe all aspects of the electoral process and receive financial contributions from national and international sources. They also approved a document entitled "The Zagreb Commitments", which outlines their responsibilities in a common approach to domestic observation. *The Handbook for*



"The ODIHR's experience in monitoring elections and working with domestic observer groups has helped provide a foundation for our own training programmes and seminars. We have adopted the OSCE system of long-term and short-term observers, who also use ODIHR forms to record the results of their observation.

"Our co-operation with the ODIHR has been an important factor in increasing our standing with state authorities in Ukraine. For example, on the basis of ODIHR recommendations to involve domestic observers in the election process, we developed a legislative amendment that is currently being considered by the Ukrainian parliament."

**Ihor Popov is Chairman of the Ukrainian Committee of Voters.**

*Domestic Election Observers* was released in October 2003 at the Human Dimension Implementation Meeting and provides domestic observer groups with methodology and tools that can be used to develop a comprehensive and systematic approach to election observation.

### **3. DEVELOPMENT OF A PROGRESS REPORT ON COMMITMENTS FOR DEMOCRATIC ELECTIONS IN OSCE PARTICIPATING STATES**

Since its adoption in 1990, the OSCE Copenhagen Document has been acknowledged as one of the main international texts setting forth principles for democratic elections in the OSCE region and has served as a reference for the development of similar documents elsewhere in the world. The commitments outlined in the Copenhagen Document have guided the election-related work of the ODIHR since its establishment as the Office for Free Elections in 1991 and continue to be highly relevant. However, since 1990, a number of institutions have contributed to the development of principles related to elections, and the body of texts at national, regional, and international levels on this subject has grown significantly.

In response to this development, the ODIHR was requested by the OSCE Permanent Council to develop a practical guide to democratic elections best practice, including a compilation of existing commitments and standards. To address this task, the ODIHR established a group of 10 international experts with experience in electoral and human rights practices that met several times in 2002 and 2003.

As a result of their efforts, the ODIHR compiled a progress report entitled *Existing Commitments for Democratic Elections in OSCE Participating States*, which was submitted to the Permanent Council in June 2003. This sets out a comprehensive inventory of the existing universal norms contained in various international documents, principles derived from other regional instruments applicable to the OSCE area, and common standards of practice among participating States.

The report was welcomed by the Ministerial Council in Maastricht in December 2003, which tasked the Permanent Council to consider the need for additional commitments on elections. The ODIHR stands ready to undertake further work in this regard.



An election official checking a voter's registration by candlelight at a polling station in Khobi during Georgian parliamentary elections on 2 November.

#### 4. FURTHER DEVELOPMENT OF METHODOLOGY FOR OBSERVING ELECTIONS

The ODIHR's unique and tested methodology provides an in-depth insight into all the necessary elements for a democratic electoral process, including the legislative framework, the administrative preparations, the political campaign, and the media. Taking into account that an election is not a one-day event, and in response to the extended mandate that the ODIHR received in 1994 for observation before, during, and after election day, the ODIHR prepared a detailed methodology for observation of the entire electoral cycle. This methodology is described in the ODIHR *Election Observation Handbook*, first published in 1996, and commonly referred to as the "Bluebook". In order to reflect further advances in its election observation methodology, the ODIHR revised its *Election Observation Handbook* in 2003 for publication in 2004.

While the ODIHR's election observation methodology was designed first and foremost to serve OSCE participating States, it has also served as a model for the European Union, the Southern African Development Community, and more recently the African Union, in the development of their own respective election observation activities. In recent years, the ODIHR has further developed its methodology to address issues such as gender equality and participation of national minorities in the election process.

In 2003, the ODIHR also prepared a handbook for monitoring women's participation in elections. Evidence shows that the participation of women in all aspects of the electoral process, including as candidates, voters, and in the election administration, is alarmingly low in some parts of the OSCE region. The handbook sets out practical steps to be taken by election observation missions to ensure that conclusions drawn on the extent to which an election meets international commitments and standards take account of the degree to which women are included in the process. The handbook, which will be published in 2004, will be the first publication of its kind by an international organization.

Other work in 2003 to improve specific areas of methodology focused on media monitoring. As part of a project implemented in co-ordination with the European Commission, the ODIHR worked with media-monitoring groups used regularly by election observation missions to prepare a handbook outlining a more comprehensive and standardized approach to media monitoring for publication in 2004. In the future, to ensure that the ODIHR maintains a leading role in the election observation field, methodology will be developed further to include more focus on areas such as observation of voter registration and participation in elections by disabled people.

#### 5. FOLLOW-UP

At the 1999 Istanbul Summit, participating States pledged "to follow up promptly ODIHR's election assessments and

ODIHR Director Christian Strohal (left) and Rita Süssmuth, Head of the Election Observation Mission for the Russian Duma elections, speak with the Chairwoman (right) of a Moscow polling station, 7 December.



recommendations.” At the Ministerial Council in Maastricht in December 2003, the ODIHR was requested to “consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election observation reports and inform the Permanent Council on progress made in fulfilling this task.” In response, the ODIHR is developing methods for engaging participating States on matters of post-election follow-up to facilitate implementation of recommendations contained in ODIHR final reports.

## FUTURE PRIORITIES

The ODIHR’s main priority in 2004 will be to develop a consistent follow-up approach to assess the degree to which participating States have addressed recommendations contained in ODIHR final reports on elections and to determine the assistance that can be provided by the ODIHR to enable them to do so. This will be undertaken in co-operation with OSCE field missions where applicable and will involve engagement and dialogue with the authorities, political parties, and civil society.

The ODIHR will also fully incorporate aspects of its election observation methodology that have been further developed in recent years into each of its missions. This includes greater focus on gender and national minority issues, as well as areas such as vote tabulation and accountability for electoral

fraud. Further work to develop observation methodology will focus on voter registration and media monitoring, with the publication of guidelines on both of these topics.

The ODIHR will also look to deploy election observation missions for a longer period to more closely assess the post-election period, pay increased attention to elections below the national level, and continue the assessment of elections in more-established democracies. Further efforts will be made to diversify the composition of election observation missions through the special voluntary fund established for this purpose.

In its legislative-review work, the ODIHR will seek to develop a more process-based approach to assisting participating States improve their electoral legislation. This will include increased discussions with both officials and civil society representatives, provision of advice to committees established to deal with election reform, and organization of roundtables.

In terms of technical assistance, the ODIHR will continue to provide support to domestic observers by holding a second annual forum to review key areas of methodology and practice and launching a website that will enable domestic observer organizations to remain up-to-date with each other’s activities. The ODIHR will also seek to further develop its work in the field of conflict management for election commissions.



The Office for Democratic Institutions and Human Rights supports the Georgian ombudsman in deploying monitoring teams to prisons and police stations.

# Democratization

The ODIHR promotes the creation and strengthening of democratic institutions. It assists governments improve compliance with international commitments and standards through efforts to enhance administrative capacities, the judiciary, ombudsman institutions, and non-governmental organizations. Democratization activities and programmes facilitate exchanges of best practices and experience between participating States and help solidify gains made in building democratic institutions, civil society, and democratic governance.

The ODIHR's democratization programme has three overarching objectives: to promote and develop awareness of, and adherence to, OSCE commitments related to specific problem areas; to enhance governmental capacity to comply with those commitments; and to support civil society. These commitments relate to, for instance, the rule of law; democratic institutions; issues of migration; social, civil, and political rights; and equal rights of women and men.

As the Democratization Section works primarily to assist participating States in implementing their OSCE and other international commitments, its activities in 2003 dealt with sensitive areas of development that other organizations are not as equipped to address. The Section has approached this task by working, for instance, with ministries in partnership, with civil society as a mentor, and with other organizations as a facilitator. This approach has been well received, and

the ODIHR has frequently been asked to continue, to add onto, and to augment many existing one-year projects. Numerous such projects have been continued for two or three years due to an improved political climate, requests for increased assistance, or more time needed for change to accrue. In some cases, one project has led to another, e.g., a prison-reform project leads to an alternative-sentencing project, which leads to a judicial-training project.

## *Democratization activities facilitate exchanges of best practices*

Activities are primarily conducted across six thematic areas of work: rule of law, NGOs and democratic governance, gender equality, combating trafficking in human beings, freedom of movement and migration, and legislative support. In South-Eastern Europe, the ODIHR has facilitated the co-ordination of human dimension activities on the ground.

Over the year, the ODIHR strengthened its programmatic and longer-term focus on these thematic fields, as well as its capacity to provide strong thematic synergies across all areas of its activities.

## THEMATIC AREAS OF WORK

- ♦ **Rule of law:** The ODIHR is engaged in a variety of technical-assistance projects designed to foster the development of rule of law. Through its programmes in the areas of fair trials, criminal justice, and the rule of law, the ODIHR seeks to provide practical assistance and training, for example, to lawyers, judges, prosecutors, and government officials, as well as to civil society. The ODIHR also carries out legal-reform and legislative-review projects to assist states in bringing domestic laws into line with OSCE commitments and other international standards.

- ♦ **Civil society:** With respect to strengthening civil society, the ODIHR focuses on four main areas: ensuring a legal and political environment for the healthy development of the NGO sector; promoting democratic governance through civic-education programmes and establishing dialogue between citizens, NGO representatives, and local and state officials; bringing together actors from rival communities, typically in post-conflict areas, in support of reconciliation efforts; and facilitating the participation of NGOs in major OSCE events. Special focus is given to the concerns of young people.
- ♦ **Gender equality:** To promote gender equality, the ODIHR carries out targeted programmes and integrates gender aspects into all its work. Current programmes concentrate on three key areas: advancing equal rights and opportunities for women; developing women's leadership and increasing the role of women in decision-making, especially in economic and political life; and preventing and combating domestic violence.
- ♦ **Trafficking in human beings:** The ODIHR is at the forefront of international efforts to prevent trafficking in human beings and to ensure a co-ordinated response that puts the rights of victims first. The ODIHR develops and implements anti-trafficking programmes that focus on awareness-raising and legislative review and reform, as well as on building NGO capacity to provide counseling and direct assistance to victims. By assisting in the creation of National Referral Mechanisms, the ODIHR seeks to establish a co-operative framework through which state obligations to protect the rights of trafficked persons and to organize support are co-ordinated with services carried out by civil society.
- ♦ **Freedom of movement:** To promote freedom of movement and enhance respect for the rights of migrants, the ODIHR facilitates regional and sub-regional co-operation and exchanges of experience between the OSCE participating States, assists in the introduction of population-registration systems that are in line with international standards, and raises awareness on migration issues among policy makers and the public in the OSCE participating States.
- ♦ **Legislative support:** In the area of legislative support, the ODIHR maintains a free-of-charge online database ([www.legislationline.org](http://www.legislationline.org)) that contains more than 5,000 pieces of domestic and international legislation related to the human dimension. The site was designed to give lawmakers an overview of how human dimension issues are addressed in a number of participating States and to assist them in preparing and drafting legislation addressing these issues. Legislative support is directed at assisting governments to ensure implementation of their human dimension commitments.
- ♦ **South-Eastern Europe:** Together with the OSCE missions in South-Eastern Europe, the ODIHR facilitates a regional co-ordination process on human dimension activities; it co-operates closely with governments and other local and international partners; and it conducts programmes on reforms in the areas of rule of law, civil society development, youth, parliamentary support and local democracy, crisis management, and ombudsman institutions.

# Rule of Law

The fundamental principle underlying the notion of rule of law is the equitable treatment of individual human beings. A state can be said to recognize the rule of law only when a number of conditions are being met. First, individual citizens should be aware of their rights, which means that laws have to be made public. Second, everyone must be equal under the law. This means that all citizens should be treated fairly and that they should know what to expect from that treatment. It also means that no one should be given preferential treatment based on factors such as wealth or social status.

In numerous cases in the OSCE region, countries are undergoing a transition to democracy; this transition requires significant cultural and attitudinal changes. Such changes take, by nature, a long period of time. Thus, the ODIHR's work in the field of the rule of law involves ongoing, long-term programmes.

## THE MAIN ISSUES

♦ **Torture:** Despite clear OSCE commitments and international human rights obligations prohibiting it, torture continues to be used, all too frequently, throughout the OSCE region. In far too many countries, torture and inhuman or degrading treatment or punishment are a routine part of the criminal process. Convictions rely on confessions; these confessions are all too often obtained through the use of torture as the main investigatory technique of many police officers. Criminal-justice systems often reinforce the continuation of the use of torture by rewarding and promoting police officers and prosecutors for numbers of "cases solved" and even punishing those who fail to "solve" cases. In these conditions, impunity for torturers is the norm.

♦ **Prison reform:** The Soviet Union left a difficult legacy to many of its successor states in the penitentiary sphere: Large prison populations have resulted in overcrowding; poor conditions that do not comply with international standards have led to a number of negative consequences, including the presence of severe health problems among inmates.

♦ **Fair trials:** In many parts of the OSCE region, necessary safeguards for assuring a fair trial are either not in place or are not properly observed. There are systematic problems related to the practice of law. Lawyers suffer from inadequate training and poor legal structures; citizens suffer from the lack of affordable professional legal assistance.

## PROGRAMMES

The Rule of Law Unit conducted activities in 2003 in three programmatic areas:

- ♦ Criminal-justice reform;
- ♦ Fair trials; and
- ♦ Rule of law.

Within this framework, the ODIHR implements targeted projects in eight OSCE participating States: Belarus; Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan in Central Asia; and Armenia, Azerbaijan, and Georgia in the South Caucasus.

The ODIHR generally takes a two-tiered approach to rule-of-law work: top-down and bottom-up. The reasoning behind this approach is that the attitudinal shift needed requires the support and active participation of the government; it also needs to engage civil society. The ODIHR is well-placed to play a role in both approaches. As a political body, the ODIHR often has access to government officials that non-governmental organizations do not have. At the same time, the ODIHR works closely with civil society, encouraging engagement in rule-of-law work, often laying the groundwork for non-governmental organizations and other international organizations to continue.

Co-operation with resident field missions of the OSCE is vital, as those on the ground in the relevant countries are able to react quickly to developments in governmental policies or to cases that require OSCE involvement.

## 1. CRIMINAL-JUSTICE REFORM

In transitional states of the former Soviet Union, the criminal-justice system has been, and continues to be, in need of expert advice and assistance to develop and meet relevant international standards and OSCE commitments. Work in the area of criminal-justice reform occurs at multiple levels that range from the working level of lawyers, prosecutors, judges, and law-enforcement personnel to the political level involving policy changes in dealing with crime (including decriminalization of certain offences and increasing alternative sentencing). Therefore, the ODIHR Rule of Law Unit provides ongoing advice and training at the working level and at the political level to encourage longer-term reform in criminal-justice systems. The assistance provided includes training, conferences, seminars, and direct advice on legislative reform. Some of the specific issues that the ODIHR regularly works on include assistance to combat torture, to encourage ongoing prison reform, and to encourage greater use of alternative sentencing.

### Torture

In many countries in the OSCE region, torture remains a standard technique of investigation, since getting a conviction often relies on the use of a confession as primary evidence. Thus, the ODIHR's anti-torture work in 2003 focused on the pre-trial stage of the judicial process.

The ODIHR provided practical training and programmes to give lawyers and human rights workers additional tools to combat torture in their own countries. An example is the conference "Redress for Torture, National and International Mechanisms", which was held in Uzbekistan in July. This conference provided a forum for representatives of non-governmental organizations to learn about how to hold torturers legally responsible for their acts in other countries. Participants and representatives of state bodies also discussed concrete steps that could be taken to minimize or eliminate the use of torture and to end impunity for torturers. The conference was followed by a roundtable in October that focused on fair-trial guarantees, which are indispensable for the protection of individuals from inhuman treatment. The meeting gave participants a chance to become familiar with

"I have co-operated with the ODIHR on legal reform for years and have seen the importance of such work being carried out. This relates particularly to introducing practical changes in prison practice and policy, building criminal policy based on international standards, and helping to make those standards part of actual practice and not only ideology and in the letter of the law.

"I have found the work supporting the establishment of legal clinics run by NGOs and universities to be extremely important. Such work empowers those co-operating with the ODIHR in the field to build a genuine, open society and to make the letter of the law become reality. It builds up a legal culture of authentic, not just rhetorical, law and order and gives those involved the confidence to continue."

*Monika Platek is a law professor in Warsaw and has worked extensively with the ODIHR on issues related to prison reform, clinical legal education, and criminal-justice reform.*

best practices in other OSCE participating States and to the potential for applying these in Uzbekistan.

The ODIHR has also provided ongoing assistance with respect to developing and implementing national action plans to combat and prevent torture in Georgia and Uzbekistan. It has encouraged other countries to put torture prevention higher on their political agenda and has made it clear that comprehensive approaches are needed for real long-term results. For example, the Unit supported the conference "On the Prevention of the Use of Violence During Pre-Trial Detention and Investigation" in Dushanbe in December.

The OSCE's Supplementary Human Dimension Meeting in November was devoted to the prevention of torture. With some 224 participants, including 83 representatives of 57 non-governmental organizations, the meeting emphasized that the use of torture remains a serious concern in many OSCE participating States despite their reiterated commitment to take effective legislative, administrative, judicial, and other measures to prevent torture and other forms of ill-treatment. The particular focus of the meeting was on the prevention of torture in the course of criminal investigations. The topics selected for discussion included provision of procedural safeguards during detention, prohibition of the use of evidence obtained by torture, as well as effective investigation and prosecution of acts of torture. The meeting resulted in a number of recommendations for OSCE participating States and the OSCE institutions and field missions. These recommendations are a useful indicator for the ODIHR in deciding priorities and possible new initiatives aimed at preventing or combating torture.



ODIHR Director Christian Strohal (left) visited Sardar Jalaloglu in prison in Baku on 20 November. Jalaloglu, Executive Secretary and Deputy Chairman of the Democratic Party of Azerbaijan, was detained following the presidential election on 15 October.

### Prison reform

To develop longer-term reform in criminal-justice systems, the ODIHR conducted a number of projects in 2003 in the area of prison reform, including in pre-trial detention and alternative sentencing. The ODIHR has also been working with authorities in Central Asia and the Caucasus on the demilitarization of prisons, calling for prisons to be transferred from the authority of the Ministry of Interior to the Ministry of Justice. This transfer has been achieved, at least partially, in most countries in the region.

As part of its ongoing assistance to reform criminal-justice systems, the ODIHR also implemented a prison-service training programme to assist governments in Central Asia and the Caucasus improve the functioning of their prison systems with a view to compliance with international standards. This programme involved the training of prison-service employees in human rights standards and taking steps to improve security and the treatment of prisoners. Through these programmes, the Office also encourages greater contacts between prison officials within the region, e.g., a summer school was conducted in 2003 for participants from throughout Central Asia. In addition, the ODIHR has also been an advocate for reform at the political level.

The ODIHR has also co-operated with other international and non-governmental organizations to introduce alternatives to imprisonment and to decriminalize certain offences in order to reduce the prison population - a precondition for successful prison reform. In 2003, the Office began working for alternative sentencing in Belarus. A conference was conducted in November, bringing together experts from other

countries in the former Soviet Union and from Eastern Europe to discuss how to improve implementation of existing alternative-sentencing legislation in Belarus.

## 2. FAIR TRIALS

The right to a fair trial is a fundamental human right. Fair trials are impossible without appropriate procedural safeguards and guarantees. They also require access to professional legal advice and representation. The ODIHR assists participating States to adopt and enforce legislative frameworks that ensure fair trials and improve access to legal services. The ODIHR also works with legal communities to enhance the capacity of legal professionals.

The ODIHR started a new programme in Kazakhstan in the fall of 2003 to provide basic skills training to lawyers. Through this programme, the ODIHR is assisting in a practical way to improve basic lawyering skills and thereby improve the quality of legal services that people receive. At the same time, the Office has been an advocate for structural change in legal systems that would enable lawyers to effectively defend their clients (see box on p. 27).

## 3. RULE OF LAW

A key factor underlying the failure to implement laws is the attitude of the population, including civil society, towards law and its role in society. It is this attitude, often one of failing to see law as a positive development and of failing to see the legal system as a legitimate forum for resolving disputes,

that underlies the lack of rule-of-law development in many countries in the CIS. Through its Rule of Law programme, the Unit supports projects that increase legal awareness among the population and help them to defend their rights. These projects range from assistance to ombudsman institutions to working with law students.

In a number of countries in Central Asia and the Caucasus, the ODIHR has provided advice on strengthening the legal basis of ombudsman institutions. Furthermore, it has facilitated contacts between ombudsman offices and has offered assistance to improve their management to make them more effective and vocal.

During the past year, the ODIHR provided direct support and technical assistance to developing legal clinics. Legal clinics give law students an opportunity to gain practical experience by adding a clearly practical dimension to their studies: They handle legal cases under the supervision of a lawyer. At the same time, people who could otherwise not afford it gain access to legal consultation. Through a second "streetlaw" clinic, students gain deeper, practical insights through legal-literacy programmes conducted at schools, prisons, etc., and simultaneously help pupils, prisoners, and others understand their rights. The ODIHR supports legal clinics in Tajikistan, Kazakhstan, and Kyrgyzstan (see box on p. 27).

## FUTURE PRIORITIES

The Rule of Law Unit will continue to provide support to its governmental and non-governmental partners in the three areas described in this section.

Through its Criminal Justice programme, the ODIHR plans to assist in the ongoing reform of criminal-justice systems by working with lawyers, judges, prosecutors, and prison professionals. It envisages increasing implementation of alternative sentencing, thereby aiming to reduce prison populations in all countries. Furthermore, the programme expects to successfully promote restorative justice systems with the same benefits. In addition, the Criminal Justice programme

will continue to promote structural reform of penal systems. The Rule of Law Unit also plans to integrate anti-torture work throughout its projects with a particular focus on torture prevention in the stage of pre-trial detention.

Through its Fair Trials programme, the ODIHR plans to take a variety of approaches, including training and technical assistance, which will be specifically developed considering the particular circumstances and needs in each country. In many countries, one focus of the Fair Trials programme will be on training defence lawyers. Where appropriate, this programme will focus on providing assistance to the judiciary or to prosecutors. In all instances, the approach taken will be specific to the country and to improving and enhancing access to fair trials. Improving access to fair trials has a potential multiplier effect far outside the legal community, as citizens will gain greater confidence in their legal system and, by extension, their laws. At the political level, the ODIHR will continue to support legal and structural reforms that increase access to professional legal assistance. Information gathered through trial-monitoring programmes is expected to help shape the development of future assistance projects under the Fair Trials programme.

The Rule of Law programme aims to assist in bringing a culture of rule of law to the countries of Central Asia and the Caucasus. Through civic-education and legal-literacy projects and strengthening national human rights institutions, people learn about their rights and change their attitude towards law. This can have potentially far-reaching results, as people demand change in their lives and changes in how state authorities treat them.

## LEGAL CLINICS AND LEGAL SKILLS TRAINING

Legal education in the Soviet Union placed special emphasis on the memorization of copious amounts of legal material to the detriment of practical skills that lawyers need to practise effectively, e.g., advocacy, interviewing, and negotiating skills, as well as professional ethics and practice management.

While significant changes have been made to the system of legal education in countries of the former Soviet Union, most law students continue to graduate without any practical experience and without the basic skills they need to be lawyers. This problem is compounded by the fact that legal communities also do not, as a rule, provide opportunities for legal professionals to continue their education: There are no courses where practising lawyers can pick up new skills; there are few qualified lawyers to turn to for advice or mentoring.

Lawyers in many of these countries face the added challenge of poor legal structures surrounding the practice of law. This means that lawyers are often not paid or are poorly paid for their legal services. In many states, structural legal reforms need to be made at the national level so that lawyers have the necessary legal incentives and protections to enable them to do their jobs.

The consequences of poor legal services can be very harmful for people

who, for instance, are entitled to social benefits but do not know how to get them, or who have the right to housing but do not know how to secure that right. The impact is often even more pronounced in criminal cases, where the consequences of poor legal services are severe, including the loss of freedom or, in some cases, the loss of life.

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### Filling the gap

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The ODIHR's Rule of Law Unit carried out projects in two distinct, though related, programme areas in 2003 as part of an effort to fill this gap, by improving the skills of lawyers, thereby increasing the effectiveness of the services they offer to citizens.

The ODIHR provided direct support and technical assistance to developing legal clinics in Kyrgyzstan, Kazakhstan, and Tajikistan. Legal clinics give law students an opportunity to gain practical experience either by handling legal cases under the supervision of a lawyer or through conducting "streetlaw" or legal-literacy programmes.

In "live-client" legal clinics, such as the Legal Clinic at the University of Osh in southern Kyrgyzstan, law students, under the supervision of an experienced lawyer, actually represent clients and work to help them resolve their particular problem. This has two important consequences: First, it helps law students learn how to be better lawyers; second, it provides free legal services to people

who would otherwise remain without legal assistance.

In "streetlaw" clinics that the ODIHR supports in Kazakhstan and Tajikistan, students learn to give interactive lessons on basic legal rights to people in their communities. Various groups are targeted in these programmes, including school students and women. The "streetlaw" lessons are interactive and problem-oriented, so that people may find answers to the legal problems relevant to their lives. The result of increasing legal literacy is that, as people learn about their rights, they realize what they can demand and expect from the authorities.

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### Legal skills training

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The ODIHR also started a new programme in Kazakhstan in the fall of 2003 to provide basic skills training to lawyers. Through this programme, the ODIHR is assisting in a practical way to improve professional legal skills and thereby improve the quality of legal services that people receive. The two training sessions completed in 2003 mark a first step in developing a sustainable programme of continuing training for practising lawyers. The ODIHR plans to train some of the programme participants to become trainers for their colleagues and to work with local partners towards institutionalization of such programmes.

# Civil Society

Civil society, as defined and targeted by the ODIHR, is an inclusive concept that refers to the voluntary participation of citizens in all aspects of societal life either directly, through organizations, or through governmental institutions. The ODIHR seeks to strengthen this participation in line with the OSCE commitments on civil society in general and on NGOs in particular. The ODIHR aims not just to support democracy but, more importantly, to ensure its viability by working at the civic and governmental levels simultaneously.

The ODIHR's role in this process is to establish dialogue between governmental and non-governmental actors on a number of issues, including human rights and legislation affecting the functioning of civil society. It supports reconciliation efforts in post-conflict areas; organizes training programmes to enhance the capacity of human rights defenders; and facilitates the participation of NGOs in major OSCE events, including Summits, Review Conferences, and Human Dimension Meetings and Seminars.

## THE MAIN ISSUES

- ♦ **Post-conflict reconciliation:** In the aftermath of any conflict, one of the most difficult tasks is rebuilding relations. An atmosphere of mistrust creates tension that can prevent the reconciliation process from moving forward. An important role for civil society on both sides of any conflict is to identify common interests to help reduce existing tension and find a starting point for dialogue
- ♦ **Protecting human rights:** Protecting the human rights of every individual requires a concerted effort, especially where those rights are often abused. Two of the primary aspects of any protection efforts are sound monitoring and credible reporting.
- ♦ **Strengthening civil society:** Because of the mistrust some governments have for non-governmental organizations, civil society is sometimes excluded from matters that

affect an entire population. As a result, important voices are not heard in the decision-making process; expertise is sometimes overlooked because of political considerations.

## PROGRAMMES

The activities conducted by the NGO Unit in 2003 could be divided into the following areas:

- ♦ Civic diplomacy;
- ♦ Human rights monitoring and reporting training;
- ♦ Civic dialogue; and
- ♦ NGO participation in OSCE events.

### 1. CIVIC DIPLOMACY

Where guns have been silenced but the post-conflict political environment keeps opposing officials from establishing new ties, an important alternative is offered by involving civic groups and NGOs in building bridges. By avoiding confrontational nationalistic and political agendas, relations are established in fields of common interest where strong local support can be found on both sides of the divide. While initially concentrating on specific issues such as family reunification, environment, education, children, etc., the objective is to gradually broaden the platform to include more actors such as the media and authorities. This increases the direct flow of information, promotes understanding for the "other's" point of view, and contributes to a good-neighbourly climate. The non-biased and authentic motivation of common interests makes it harder for anyone to turn away from the negotiating table.

The ODIHR has supported civil society in the reconciliation process in numerous post-conflict situations in recent years. In 2003, the ODIHR supported the Association of Abkhaz-Georgian Mixed Families in its attempts to keep members of some 4,000 families on opposite sides of this conflict in touch

with one another. With support from the international community, including the ODIHR and the OSCE Mission to Georgia, this organization is now able to ensure safe travel between Abkhazia and Georgia; it arranges and mediates local meetings on both sides of the border on a monthly basis; and it has been gradually engaging human rights defenders, lawyers, the media, and local authorities.

## 2. HUMAN RIGHTS MONITORING AND REPORTING TRAINING

Representatives of NGOs, especially those working in the field of human rights, need to carry out responsible research and sound monitoring in order to produce credible reports that are based on reasoned arguments and that contain realistic recommendations. In areas where civil society is still at an early stage of development, training and education are essential to avoiding what could be a long, arduous process of trial and error in terms of research and reporting.

In close collaboration with OSCE field missions and the Helsinki Foundation for Human Rights in Warsaw, the ODIHR has been training human rights defenders in the area of human rights monitoring and reporting since 2000. In conducting this work, the ODIHR's purpose is to help build a strong and sustainable foundation of credible NGOs, as NGOs are a vital part of the social dialogue that citizens and governments need to conduct in order to move forward, whether it be in the area of social reform, economic reform, or the protection of human rights (see box on p. 30).

## 3. CIVIC DIALOGUE

Civic Dialogue is a bridge-building programme. It identifies cases where there is political will to incorporate reforms with the support of local NGOs in compliance with OSCE commitments. The ODIHR's function is to bring governments and NGOs together to make decisions that are in the interest of the entire country. Upon identifying the necessary po-

litical momentum, the ODIHR, together with OSCE field missions, gathers the relevant authorities - government, ministries, and parliament - international and domestic experts, NGOs, and the media in order to highlight the initiative and push the process forward. The purpose of these exercises is to establish mid- to long-term links between governments and relevant civil society actors and representatives in order to form a practice of mutual consultation and expert assistance on issues affecting the whole country.

The ODIHR organized four conferences in Central Asia in 2003, including an international conference in Almaty that brought together government officials, legal professionals, and NGOs to work towards strengthening human rights guarantees of all parties in the criminal process.

The ODIHR also organized a roundtable in co-operation with the OSCE Centre in Almaty and the Kazakh Ministry of Information, Culture, and Social Accord to discuss Kazakhstan's draft law on NGOs, which suffered from poor definitions, contradictions, and duplications of other legal acts, as well as unequal treatment of NGOs. Subsequent reaction by participants, the ODIHR, and the OSCE Centre in Almaty led to a decision by President Nazarbayev to drop the draft law.

In late September, the ODIHR co-operated with the OSCE Centre in Bishkek to fund a conference organized by the NGO Coalition for Democracy and Civil Society and the Central Election Commission in Issy-Kul that provided a constructive forum for dialogue on improvements to the Election Code.

The fourth conference was organized in Issy-Kul, Kyrgyzstan, in close co-operation with the OSCE Centre in Bishkek and two local human rights NGOs on the human rights situation in Kyrgyz orphanages, as well as the process of the placement of abandoned children throughout the country (see box on p. 30).

## Human Rights Monitoring and Reporting Training

In association with the Helsinki Foundation for Human Rights in Warsaw and OSCE field missions, the ODIHR developed a multiyear project called Human Rights Monitoring and Reporting Training, which was conducted from 2000 through 2003.

During that time, groups of approximately 20 representatives of non-governmental organizations and some state agencies were selected from every country in Central Asia and the South Caucasus. Over a period of 18 months, participants took part in three five-day sessions devoted to human rights monitoring and reporting techniques, as well as to the strategic planning of activities.

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### From theory to practice

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Extensive experience in the post-communist world has shown that teaching NGO representatives skills for human rights protection is more effective if they are given an opportunity to apply those skills in practice. Thus, the training concluded with a competition for individual monitoring proposals, the aim of which was to address a single, perhaps even minor, human rights issue in one's own country through monitoring and other techniques acquired during the training. Three or four of the best proposals were chosen for fi-

nancing and for expert assistance from the Helsinki Foundation.

Though modest in terms of financing (support for a single project never exceeded \$2,000), these projects have managed to achieve tangible results in terms of respecting human rights in the country in question. In some cases, projects have led directly to changes in legislation; have resulted in improved co-operation with the police, penal institutions, the Prosecutor-General's Office, or the courts; or have led to changes in the practice of certain state bodies. Their success is proof that the strategy of "small steps", of dialogue and of trying to solve a problem at its root, is possible, as well as effective.

As an example, two local non-governmental organizations - the Youth Human Rights Group (the YHRG) and the Jalal-Abad Regional Public Foundation of Legal Formation and Education - were selected to monitor the human rights situation in Kyrgyzstan's orphanages and boarding schools, as well as the process of the placement of abandoned children throughout the country. The ODIHR then used the results of this project as the impetus for organizing an NGO-government meeting under its Civic Dialogue Programme.

That meeting ended with a proposal that the YHRG, with international support, select one progressive orphanage and work with it on different levels, including by training personnel, raising human rights awareness among children, raising funds for technical assistance, and

getting involved in exchange programmes. It was also proposed that the Ministry of Education should work on the reform and harmonization of legislation and bylaws governing orphanages and boarding schools.

In order to highlight these successes, the ODIHR and the Helsinki Foundation have compiled a number of project profiles in a publication called *Human Rights Monitoring - an Effective Tool of Change*.

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### Following up

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The initial programme met with great interest from NGOs, state authorities, and international organizations working in the target countries. As a result, the ODIHR is currently developing more-targeted training in order to respond to changing needs. Two regional follow-up conferences were organized in order to bring all the graduate trainees together, establishing an informal network and providing a forum to assess lessons learned.

By the end of 2003, close to 300 human rights defenders had benefited from this training.

## 4. NGO PARTICIPATION IN OSCE EVENTS

The ODIHR is dedicated to maintaining close relations with non-governmental organizations. The relationships formed are valuable for both sides: The ODIHR needs the expertise, monitoring reports, and information that NGOs on the ground can compile in order to provide a more complete picture of how OSCE participating States are complying with their commitments; at the same time, the ODIHR provides NGOs with a visible international political platform to engage partners in their respective issues.

In 2003, the ODIHR helped NGOs take part in three Supplementary Human Dimension Meetings and one Human Dimension Seminar, as well as the two-week Human Dimension Implementation Meeting in Warsaw. In total, the Office facilitated the participation of some 450 NGOs in these events, where non-governmental actors were able to have dialogue with government delegations.

## FUTURE PRIORITIES

In 2003, the NGO Unit was tasked with investigating the ways and means for the ODIHR to strengthen democratic governance in the OSCE region. As a result, a programming document for 2004-2005 was drafted that focuses primarily on the field of interaction between citizens and authorities, in particular at the local level.

As a logical extension of its 2003 strategy, the NGO Unit will continue to run the Civic Dialogue and Civic Diplomacy programmes in 2004-2005. In addition, it will initiate two new programmes. The first focuses on securing a legal and political environment for NGOs to develop, foreseeing reviews of draft NGO laws; consultations on tax, registration, and grant laws; assistance to local legal NGOs in defending the rights of other NGOs; and training of legal professionals, including government officials in the implementation of NGO legislation. The second programme is a public-awareness initiative, including a youth and society component, as well as a comprehensive civic-education project aimed at citizens, NGOs, and local authorities.



Four college students take part in an ODIHR training session on women's rights and participation in decision-making that was held in the Armavir Marz region of Armenia in April.

## Gender Equality

Full and true equality between women and men is recognized as essential to achieve security, prosperity, and sustainable democracy in the OSCE area and as an integral part of the OSCE's comprehensive security concept. In this respect, the ODIHR treats the promotion of gender equality as not just an instrument to combat discrimination but also as means for ensuring democracy, the rule of law, and respect for human rights. The ODIHR Gender Unit, in line with OSCE commitments, works to promote equality between women and men, to advance the human rights of women, and to further the active participation of women in society, as well as the equal status and contribution of women to democratic processes in the OSCE region.

Over the past decade, the world has seen much progress in setting standards and passing laws regarding equality between the sexes. While the importance of these advances should not be overlooked, the *de facto* status of women throughout the OSCE region has not sufficiently improved to the point of achieving parity with men. In fact, the gap between *legal* equality and *actual* equality is widening.

This has been felt most acutely in so-called transition countries, where the overall decline in the status of women is compounded by conditions in which political participation by women is decreasing, economic conditions are deteriorating, unemployment is growing, and an increasingly larger proportion of the population is living below the poverty line.

Effectively tackling these issues remains a challenge for the OSCE; the ODIHR's role is to assist participating States in their efforts to diminish this gap and ensure that gender equality is achieved in law and in reality.

### THE MAIN ISSUES

- ♦ **Women's rights:** Because many people throughout the OSCE region are not aware of their rights, they do not claim those rights. This is especially the case with women, who often do not have the same access to education as men do. Moreover, many government structures are not effective in protecting and promoting citizens' rights.

♦ **Political and economic participation:** The goal of giving women a greater role in the decision-making process is of particular importance. Due to a number of factors, women's representation in the economic and political arena has steeply declined in many countries over the past decade. This situation excludes the concerns of women from the political agenda and transition process.

♦ **Violence against women:** Violence is increasingly a cause of concern. The limits that violence places on women's expression of free will and participation in all aspects of social life ultimately undermine democracy, because they exclude women from the democratic process. Thus, creating conditions in which women feel secure is fundamental to their ability to participate in social, economic, and political life.

## PROGRAMMES

While the ODIHR addresses and promotes gender issues through various means, the majority of the work of the Gender Unit is conducted in the form of targeted programmes carried out in several countries that ensure a personalized, tailor-made approach to each country. Though most of the programmes have objectives identified on a year-to-year basis, all programme activities have been guided by the long-term overall goal of improving the situation of women and increasing the participation of women at all levels of decision-making.

The activities conducted by the Gender Unit in 2003 could be divided into the following areas:

- ♦ Promoting women's equal rights and opportunities;
- ♦ Women's leadership development; and
- ♦ Preventing and combating domestic violence.

By the nature of its work, the Unit is committed to long-term goals. Therefore, programmes run by the Gender Unit are never a one-off event but are created for a five-year period to safeguard continuity and to allow for long-term impact and programme assessment. All programmes have several

components and phases and follow a cyclical development pattern, i.e., consecutive activities are built on previous achievements and results, which generates new initiatives.

Programmes and priorities are selected based on an analysis of the situation in each country and an evaluation of the potential impact of the ODIHR. The Gender Unit aims to maximize the involvement of civil society and government representatives from the host country. It also seeks to create and train local project teams, giving them ownership of the gender programme, and to establish self-sustainable programmes that can be managed locally, thereby encouraging a multiplication factor. In this way, the ODIHR helps to build local capacity and ensures the long-term effect of the initiative.

Programmes have been implemented in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, and Uzbekistan, many of which are in large part conducted in the regions outside of the capital cities in an attempt to reach those women who are often excluded from women's-rights initiatives. The ODIHR has selected these areas for its activities because there is great potential to have an impact in these regions and because there is already a prominent OSCE presence there.

## 1. PROMOTING WOMEN'S EQUAL RIGHTS AND OPPORTUNITIES

Women face difficulties in economic and political life throughout the OSCE area. The inequality and discrimination they face is, among other factors, influenced by the prevalence of traditional attitudes and limited, stereotyped expectations. In many emerging democracies, young women and women from outside large cities are particularly affected by such practices; this prevents them from finding economic and professional opportunities, as they remain generally unaware of their rights under international and domestic law. Therefore, it is necessary that women become aware of their rights and be given the opportunity to participate equally in the labour market, politics, and the development of their society. With regard to countries undergoing political and economic transition, it is also pressing that women be able to protect and promote their rights and interests, as many gov-

"The ODIHR has supported journalists in the Caucasus interested in promoting gender equality in the media for three years. They provide both financial and moral support, as well as the methodology we need to proceed.

"In 2003, the ODIHR financed a project called Media for Gender Equality, which culminated in a conference for journalists from the South Caucasus and Central Asia. At the conference, we created the CaucAsia gender journalists coalition, which is closely connected to an already-established network of journalists in the Caucasus and Asia. This network supports and encourages gender equality in the media, both through the norms and values that the media represent in their coverage and through practices in the workplace. For this, we are grateful. It would have been difficult without the endorsement of the ODIHR, not the least their moral support."

**Galina Petriashvili is a Georgian journalist who has co-operated with the ODIHR on media projects relating to gender equality.**



An exhibition called "Images of Women in the South Caucasus" by French photographer Eric Gourlan accompanied an OSCE/ODIHR conference on women and democracy held in Warsaw in May.

ernment structures fall short of being effective in protecting these rights and eliminating gender misbalance.

In 2003, the ODIHR continued existing programmes aimed at training experts on women's rights in various regions of Armenia, Azerbaijan, Georgia, Kazakhstan, and Kyrgyzstan. Based on a training-of-trainers approach, the Office taught local experts the necessary skills to take a leading role in working to advance the women's movement in their respective countries. These ODIHR trainers also conducted awareness-raising programmes on women's participation in society and on women's rights and gender equality; they also disseminated information via a series of educational seminars that reached several thousand women. These training exercises were one of the few international initiatives on gender issues to be carried out in the regions and outside of capital cities, which is precisely where such programmes are needed, since information is often scarce and social-development programmes are rare.

In Armenia, the ODIHR continued an ongoing effort to provide gender-sensitive courses in universities and high schools

throughout the country. Teachers and professors were provided with training on gender issues during a summer school and symposium. These activities led to the creation of gender courses in 10 universities and several high schools, as well as the publication of a textbook called *Basic Gender Knowledge*.

In co-operation with the OSCE Chairmanship, the ODIHR organized a Human Dimension Seminar on Participation of Women in Public and Economic Life in May. The meeting focused on ways to improve the efficiency of mechanisms for the protection of women's human rights and for ensuring gender equality throughout the OSCE region. In this respect, the meeting's working groups identified concrete steps to be taken by relevant actors.

## 2. WOMEN'S LEADERSHIP DEVELOPMENT

Increasing the number of women in national parliaments and local governments is one key way of ensuring that women's, as well as men's, needs are taken into account at legislative and administration levels. However, women's participation in elected bodies and government should be effective and not just nominal. Women must have access to decision-making across the policy spectrum and should not be marginalized into "soft policy" areas, such as social policy or education.

The ODIHR supports efforts that aim at promoting the participation of women in leadership positions and in politics via its leadership development programmes. Such efforts often involve supporting women already in positions of authority and building their capacity in key areas such as leadership, lobbying, and networking. As such, local women's organizations tend to be key partners in ODIHR programmes that promote women's political participation.

In 2003, training to some 400 women's councils was provided throughout Kyrgyzstan. By addressing needs and

strategies for increasing participation of women in all aspects of society, council members acquired practical skills to address women's issues. As an added benefit, these training programmes also provided a forum for council members to establish working-level links with existing women's networks.

The Gender Unit also provided expertise and assistance in revising Armenia's National Action Plan on Improving the Status of Women. In Azerbaijan, the ODIHR provided training and assistance to focal points on women's issues in a number of ministries, as well as to the Government Committee on Women's Issues.



Ambassador Danielle del Marmol of Belgium speaks at the ODIHR Human Dimension Seminar on Participation of Women in Public and Economic Life, which was held in Warsaw in May.

### 3. PREVENTING AND COMBATING DOMESTIC VIOLENCE

In its approach to prevent and combat domestic violence, the ODIHR tries to sensitize law-enforcement officials to the issue, raising awareness that violence is not a private matter; it is a crime and, as such, cannot be tolerated. It also promotes co-operation between law-enforcement bodies and NGOs on mechanisms to combat violence, which in effect improves local capacity to deal with this difficult issue appropriately.

In 2003, the ODIHR conducted a programme called "Preventing Violence against Women" in Armenia, Azerbaijan, and Georgia. In Azerbaijan, the programme called for the establishment of working groups in the Ministry of the Interior, the Prosecutor-General's Office, and other structures. The purpose of these working groups is to develop a co-ordinated plan of action that will ultimately define a strategy and mechanisms for law-enforcement bodies to take on an active role in preventing and combating domestic violence.

In Armenia and Georgia, the ODIHR conducted awareness-raising workshops on the role of the police in combating domestic violence. The aim of these workshops was to introduce police officers to the idea that domestic violence is

not a private issue, but a crime. The workshops also dealt with international practices on combating domestic violence and gave local police officers an opportunity to discuss experiences with members of the Austrian federal police and Ministry of the Interior.

## FUTURE PRIORITIES

Gender Unit programmes require a long-term commitment. As such, future priorities remain essentially the same as present priorities. In 2004-2005, the ODIHR plans to continue with its programmes in Central Asia and the South Caucasus, specifically in the following five areas:

- ◆ Developing women's leadership;
- ◆ Gender education for young women and men;
- ◆ Building and strengthening local expertise on gender issues;
- ◆ Integration of gender aspects into the work of government structures; and
- ◆ Preventing and combating violence against women.

# Trafficking in Human Beings

As a worldwide phenomenon, trafficking in human beings affects virtually all OSCE participating States either as countries of origin, countries of transit, or countries of destination. It is a complex human rights issue that cuts across the entire spectrum of the OSCE's comprehensive security policy.

## OSCE Anti-Trafficking Guidelines

[www.osce.org/documents/odihr/2001/06/1563\\_en.pdf](http://www.osce.org/documents/odihr/2001/06/1563_en.pdf)

Among the priorities addressed during the Dutch Chairmanship of the OSCE in 2003, trafficking in all its forms was high on the agenda; the achievements of this year will set the tone for the OSCE's anti-trafficking efforts for many years to come. The ODIHR actively participated in major OSCE anti-trafficking events throughout 2003, including the 11th Economic Forum and the 1st Annual Police Experts meeting.

These events illustrate the potential for an integrated approach to anti-trafficking efforts, bringing together all dimensions of the OSCE's work for a comprehensive response to this complex phenomenon. Most notably, at the end of 2003, the OSCE Ministerial Council endorsed the *OSCE Action Plan To Combat Trafficking in Human Beings*.

## OSCE Action Plan To Combat Trafficking in Human Beings

[www.osce.org/docs/english/pc/2003/decisions/pced557.pdf](http://www.osce.org/docs/english/pc/2003/decisions/pced557.pdf)

The OSCE Action Plan recommends a comprehensive approach, outlining actions to be undertaken in the fields of prevention, prosecution, and protection. The ODIHR's anti-trafficking efforts contribute to improvements in all these fields. For example, the ODIHR carries out and supports assessment and research, which is a valuable basis for further prevention and awareness-raising activities. In the field of prosecution, the ODIHR has assisted participating States with legislative review and reform efforts aimed at criminalizing all aspects of the trafficking process. As a human rights in-

stitution, the ODIHR is increasingly engaged in developing standards for the protection of victims and training relevant authorities on best practices in this field.

## THE MAIN ISSUES

♦ **Raising awareness:** The fight against trafficking in human beings is high on the political agenda of policy makers throughout the OSCE region. In practice, however, trafficking is often approached only as a problem of illegal migration or prostitution. Trafficking differs from illegal immigration or from smuggling of persons in that it includes an element of force, deception, or coercion, and it is carried out for the purpose of placing a person - whether for pay or not - into involuntary servitude or an otherwise abusive situation. Individuals may also be trafficked domestically, not crossing international borders.

♦ **Establishing a legal and policy framework to prosecute traffickers and to protect victims:** Victim identification and assistance in the majority of cases happens on an ad hoc basis, if at all. Criminal investigations and the prosecution of perpetrators are rarely successful without statements from trafficked persons. Guaranteed safety, shelter, access to independent advice and counseling, an opportunity for reflection delay, as well as effective witness protection, are prerequisites to enabling trafficked persons to report the crime and to consider co-operation with authorities. Only a stabilized victim will be able to contribute to successful prosecution efforts as a reliable witness.

♦ **Co-ordinating and monitoring the implementation of anti-trafficking measures:** Trafficking touches on issues of human rights, inequality, discrimination, rule of law, crime control, law enforcement, corruption, economic deprivation, and migration. The multitude of angles and perspectives that need to be addressed when combating trafficking in human beings opens an arena for a broad variety of actors. These actors bring in a variety of approaches from different agencies. Co-ordination, co-operation, and monitoring are key elements.

## PROGRAMMES

The activities conducted by the Anti-Trafficking Unit in 2003 fall into the following areas:

- ♦ Capacity-building of NGOs to strengthen and expand awareness-raising efforts;
- ♦ Monitoring implementation of OSCE commitments and national action plans;
- ♦ Development of a handbook on National Referral Mechanisms;
- ♦ Countries of destination;
- ♦ Co-ordinating efforts and mainstreaming anti-trafficking issues;
- ♦ Administering the ODIHR Anti-Trafficking Project Fund.

In addition to work in these primary areas, the ODIHR also organizes annual co-ordination meetings with focal points from OSCE field missions and institutions and has increasingly made it a priority in its work to function as a clearing house for information, contacts, materials, and good practices. In this way, the ODIHR seeks to build institutional memory and capacity, as well as to support developments in the field.

### 1. CAPACITY-BUILDING OF NGOs TO STRENGTHEN AND EXPAND AWARENESS-RAISING EFFORTS

Since the very beginning of its anti-trafficking work, the ODIHR has contributed to research efforts and carried out awareness-raising activities. Such work has included facilitation of NGO-government roundtables, training and support to hotline consultants, and direct work with the media. Effective awareness-raising creates a foundation for joint work based on a common UN definition and the realization that trafficked persons are victims of a crime. Awareness-raising also empowers at-risk groups and decision-makers to make appropriate, informed choices.

In 2002-2003, the ODIHR carried out the project "Building NGO Capacity To Combat Trafficking in Human Beings" simultaneously in three countries of the South Caucasus: Armenia, Azerbaijan, and Georgia. The main objectives of the project were to raise awareness on trafficking issues among women's NGOs and women leaders and to empower the participants to design strategies and start initiatives for prevention and awareness-raising activities. The ODIHR carried out training-of-trainers sessions in each of these countries. Subsequently, each participant carried out five training seminars each in their regions (cities, villages) in pairs of two. As a result, the foundation was set for outreach awareness-raising and prevention work on anti-trafficking in all three countries.

In addition, the ODIHR designed and implemented a project to build the capacity of NGOs in the Russian Federation in their efforts to prevent trafficking, raise awareness, and design outreach programmes to assist victims. The ODIHR selected the Russian Association of Crisis Centres (RACC) as the main implementation partner, since it is composed of a strong network of NGOs working on women's-rights issues. This project involved capacity-building training for five RACC-affiliated NGOs and a small-grants programme that supported awareness-raising efforts by these NGOs in their local communities.

The main themes of the project were: provision of information and assistance through existing counseling services and hotlines; raising public awareness about the risks of trafficking and the rights of Russian migrants abroad; and adaptation and development of materials to be used in information campaigns targeting at-risk groups. During the training sessions, it became evident that a focus on lobbying would be beneficial for participants, so the project was adapted to include this important topic as one of the themes.

This project received positive feedback from participants and has led to a number of initiatives being planned by the participants, such as joint initiatives with sister organizations in other countries, future seminars, and workshops. The approach and materials deriving from this project will continue to be adapted and used in future projects.

## 2. MONITORING IMPLEMENTATION OF OSCE COMMITMENTS AND NATIONAL ACTION PLANS

Upon request, the ODIHR and OSCE field missions have been active in assisting participating States with the development of national action plans. Furthermore, the ODIHR structured a Supplementary Human Dimension Meeting on trafficking in human beings in 2000 and has contributed to the yearly Human Dimension Implementation Meetings with the aim of providing a forum for reviewing the implementation of commitments in this field. As a complement to the 2002 HDIM, the ODIHR supported the Co-Chairs of the Permanent Council's Informal Group on Gender Equality and Anti-Trafficking in Human Beings in soliciting country reports from participating States. These reports are now available on the ODIHR website.

In addition to supporting and organizing human dimension meetings, the ODIHR has also designed and implemented projects with a significant monitoring and assessment component. The most developed model is the SEE RIGHTS project, which the ODIHR implements in co-operation with UNICEF and the United Nations Office of the High Commissioner for Human Rights (UNHCHR). The model and methodology used in this joint initiative will be adapted and applied in other OSCE regions to provide an up-to-date inventory, needs assessment, and gap analysis with respect to anti-trafficking activities.

As a result of the SEE RIGHTS project, an updated report *Trafficking in Human Beings in South Eastern Europe* was published in November 2003. The report examines the situation in Albania; Bosnia and Herzegovina; Bulgaria; Croatia; the former Yugoslav Republic of Macedonia; Serbia and Montenegro, including the UN-administered province of Kosovo; Moldova; and Romania from November 2002 to April 2003. It is published by UNICEF, the Office of the UN High Commissioner for Human Rights, and the ODIHR within the framework of the Stability Pact for South Eastern Europe and its Task Force on Trafficking in Human Beings.

Among the findings presented in the report, there is a focus on the lack of protection or legal support for trafficking victims who agree to testify against their traffickers. Instead of receiving protection, the ordeal of many women and children often continues during the assistance and repatriation process. They are left without sufficient support and are often stigmatized upon their return. This report blames the lack of minimum standards for agencies assisting victims of trafficking, the limited options available to women and children who have been trafficked prior to repatriation, and gaps in services for trafficking victims in both the country of destination and origin.

## 3. DEVELOPMENT OF A HANDBOOK ON NATIONAL REFERRAL MECHANISMS

As the fight against trafficking is still a relatively new area in the human rights field, there is much work to be done in developing and refining standards and policies. Upon request from participating States and in consultation with OSCE field missions, the ODIHR provides expertise for these processes, which should result in a more consistent, human rights-based response.

In the short term, the area that demands the most urgent and effective response is the need for better human rights protection for victims and at-risk groups, e.g., women, youth, and migrant workers. A common starting point is the definition of trafficking as found in the UN Anti-Trafficking Protocol. In practice, however, a common definition is not enough to clarify the responsibilities and competencies of law-enforcement personnel, non-governmental organizations, and others who may come into contact with a victim of trafficking.

There is a compelling need for clearer guidance on how to identify victims, how to investigate related crimes, and how to co-ordinate assistance. In order to respond to human rights violations and break the cycle of abuse, the ODIHR has supported the development of National Referral Mech-

anisms (NRM). Through such mechanisms, state actors can fulfill their obligations to protect and promote the human rights of trafficked persons in co-ordination and strategic partnership with civil society and other actors dealing with trafficking victims.

During an internal OSCE regional co-ordination meeting held in Sarajevo in June 2002, it was agreed that the establishment of such National Referral Mechanisms is a key priority for ongoing OSCE anti-trafficking efforts. Consequently, the ODIHR has been developing a handbook on the establishment of effective and inclusive National Referral Mechanisms (including identification, referral, and assistance) addressing all target groups as defined in the UN Protocol, which the OSCE participating States have committed themselves to ratify. The handbook will be published in early 2004. The ODIHR has furthermore been tasked to assist participating States in establishing NRMs.

#### 4. FOCUS ON COUNTRIES OF DESTINATION

In October 2001, the ODIHR, in co-operation with the German Ministry of Foreign Affairs, organized the conference "Europe Against Trafficking in Persons", which focused on anti-trafficking policies and measures in countries of destination. This conference was the first European conference specifically addressing the situation and needs of trafficked persons in countries of destination. Participants elaborated a comprehensive set of recommendations in the areas of prevention, protection, and prosecution that, together with OSCE commitments, serve as the basis for the ODIHR's anti-trafficking activities in countries of destination.

With a view to analysing the implementation of these recommendations, on 18-19 May 2003, the ODIHR, in co-operation with Anti-Slavery International, organized an assessment meeting with anti-trafficking experts from Germany (KOK), Greece (STOP NOW), Italy (On the Road), the Netherlands (STV), and the United Kingdom (Eaves Housing). The meeting aimed to assess:

- ♦ Current responses to trafficking in human beings in Western Europe, with a particular focus on victim assistance and protection issues, based on NGO country reports;
- ♦ NGO priorities for future advocacy efforts, as well as challenges to such initiatives; and
- ♦ Necessary components for more-effective advocacy and assistance work.

After comparing developments at the national level and assessing the level of human rights protection provided in each country, the NGOs identified the following issues as priorities for future NGO advocacy efforts:

- ♦ Provision of residency permits;
- ♦ Public-awareness work;
- ♦ Identification of trafficked persons;
- ♦ Adoption of UN Trafficking Protocol definition into national legislation and practice;
- ♦ Strengthening co-operation between NGOs and governmental agencies; and
- ♦ Provision of the right to work along with residency permits.

These issues were subsequently addressed by these NGOs at the Human Dimension Implementation Meeting, where they circulated a joint statement on "Protection Measures for Trafficked Persons in Western Europe" and participated in a side meeting organized by the ODIHR.

#### 5. CO-ORDINATING EFFORTS AND MAINSTREAMING ANTI-TRAFFICKING ISSUES

In order for the ODIHR's anti-trafficking work to be most effective, enhancing information exchange and co-operation within the OSCE and with other relevant international organizations, governmental bodies, and NGOs is crucial. This co-operation results in complementary efforts, avoiding duplication and maximizing the use of limited resources to combat trafficking in human beings throughout the OSCE region. It also leads to the creation of joint projects and fur-

thers the development of international and national standards to prevent trafficking, to prosecute perpetrators, and, most importantly, to protect the human rights of victims.

The ODIHR actively participates in several co-ordination and standard-setting forums, including the Stability Pact Task Force.

**Stability Pact Task Force on Trafficking in Human Beings**  
[www.osce.org/attf](http://www.osce.org/attf)

Furthermore, in May 2003, the Council of Europe Committee of Ministers established an ad hoc committee on action against trafficking in human beings (CAHTEH) in order to prepare a European convention on the issue. On behalf of the OSCE, the ODIHR Anti-Trafficking Unit is participating in the negotiations as a member of the CAHTEH committee with observer status. The Council of Europe reiterated that the new convention would seek to build the legal framework for the OSCE *Action Plan*.

“The ODIHR’s regional expertise on victim protection and prevention aspects of human trafficking allowed the OSCE Spillover Monitor Mission to Skopje last year to successfully use donor funds targeting anti-trafficking awareness-raising projects with domestic NGO partners. The ODIHR’s substantial financial and technical assistance enabled our Rule of Law Unit to co-sponsor close to 20 specialized training workshops targeting almost 300 legal professionals (prosecutors, criminal judges, investigative judges, and lawyers) on improving prosecution and fair trials in cases of human trafficking in the country. These specialized training initiatives are bearing fruit. According to a number of Macedonian legal professionals, the specialized training workshops provided them with practical and useful knowledge allowing them to better prepare the investigation and strategy for their cases. We have noted in multiple instances how judges and prosecutors - beneficiaries of the specialized training sessions - have been successfully applying their newly acquired counter-trafficking skills and workshop recommendations to actual cases before them in court.”

**Geraldine Bjallerstedt is a Senior Rule of Law Officer (Anti-Trafficking) at the OSCE Spillover Monitor Mission to Skopje.**

## 6. THE ANTI-TRAFFICKING PROJECT FUND

The ODIHR established the Anti-Trafficking Project Fund in 2001 to encourage the development and implementation of projects and activities by OSCE field missions that address trafficking in human beings and associated human rights abuses. OSCE field operations are actively involved in the implementation of projects under this initiative. From mid-2001 to the end of 2003, the Fund supported more than 35 anti-trafficking projects in 14 OSCE countries, as well as a number of regional activities. Through administering the Fund, the ODIHR seeks to enhance its co-operation with the field (e.g., provide expertise, promote information-sharing and exchange of best practices, formulate overall regional perspectives, etc.) and to address diverse and urgent anti-trafficking priorities that may arise throughout the OSCE region.

In most cases, direct beneficiaries are local project partners such as anti-trafficking non-governmental organizations, at-risk groups, trafficked persons, and relevant government agencies. In this respect, many projects supported through the Fund facilitate contacts between the OSCE and local actors that combat trafficking and promote the development of local capacity to combat trafficking and to assist victims.

## FUTURE PRIORITIES

The ODIHR is currently developing a handbook on guidelines and principles to design and implement National Referral Mechanisms. The ODIHR is prepared to assist participating States in establishing NRMs. In this regard, while designing and implementing relevant training sessions, the ODIHR will collaborate with OSCE field missions and the OSCE Strategic Police Matters Unit.

The ODIHR will continue to assist participating States in their efforts to reform domestic legislation and to bring it into compliance with international standards such as the UN Anti-Trafficking Protocol. The ODIHR will continue this work in co-operation with relevant partners, especially grass-roots

NGOs. In addition to continuing such activities in countries of origin, the ODIHR will put more resources into raising awareness in countries of destination.

Within the framework of OSCE commitments, including the new OSCE Action Plan, it is clear that the ODIHR and OSCE field missions will continue to play an important role in assisting in the development of curricula, training, and institution-building. Furthermore, as requested in the Vienna Ministerial Decision, the ODIHR will work to assist the new Special Representative, the OSCE Secretariat and OSCE field missions to intensify anti-trafficking training for OSCE field personnel in order to enhance their capacity to monitor, report on, and respond to the problem of trafficking.

The ODIHR will continue to incorporate human rights-based standards, guidelines, and good practice in its on-going anti-trafficking work. The ODIHR will promote and assist in the development of progressive policies based on OSCE commitments and international human rights standards. This work will include co-operation with, and assistance to, NGOs in their advocacy work on the national and regional levels.

The ODIHR will strive for better management and exchange of information and good practice. In particular, an effort will be made to make materials available to the widest possible audience online through such resources as [www.legislation-line.org](http://www.legislation-line.org) and [www.seerights.org](http://www.seerights.org).

## Anti-Trafficking Project Fund 2003

Country	Projects
Albania	<ul style="list-style-type: none"> <li>◆ Assessment report on trafficking in children from Roma and Egyptian communities in Albania</li> <li>◆ Provision of adequate screening for victims of trafficking in Albania</li> <li>◆ Women's-rights and anti-trafficking education</li> </ul>
Armenia	<ul style="list-style-type: none"> <li>◆ Study tour for NGOs and government on victim assistance</li> </ul>
Former Yugoslav Republic of Macedonia	<ul style="list-style-type: none"> <li>◆ Training workshop for judges and prosecutors</li> </ul>
Georgia	<ul style="list-style-type: none"> <li>◆ Review of Georgian anti-trafficking legislation</li> </ul>
Kyrgyzstan	<ul style="list-style-type: none"> <li>◆ Monitoring of anti-trafficking awareness-raising campaign</li> </ul>
Moldova	<ul style="list-style-type: none"> <li>◆ Anti-trafficking training module for police</li> </ul>
Tajikistan	<ul style="list-style-type: none"> <li>◆ Public-awareness-raising campaign on trafficking in human beings</li> </ul>
Ukraine	<ul style="list-style-type: none"> <li>◆ Support of regional hotlines and toll-free national hotline</li> </ul>
Other initiatives	<ul style="list-style-type: none"> <li>◆ OSCE internal co-ordination meeting</li> <li>◆ Monitoring of responses to trafficking in human beings</li> <li>◆ Transforming international and regional anti-trafficking standards into national legislation</li> <li>◆ Handbook on guidelines and principles to design and implement National Referral Mechanisms</li> </ul>

An Azerbaijani border guard receives her diploma after completing a one-year officer's course at the Polish Border Guard Academy in Ketrzyn, Poland, in September.



## Freedom of Movement

One of the main characteristics of a modern society is increased population mobility. As people in the OSCE region move both within their countries and between countries, current migration phenomena are more complex than ever. Migration can be a positive factor in economic and social development and can contribute to understanding among cultures and to democratization trends. But migrants can also become victims of negative stereotyping, intolerance, and violations of human rights.

It is not possible for any organization to engage in all migration-related issues; thus, addressing them requires a web of activities by NGOs, governments, bilateral and multilateral assistance agencies, and by international organizations.

The OSCE has developed a number of important commitments to facilitate the movement of people across borders, as well as within the borders of their countries. There are also specific commitments related to the treatment of migrant workers. As deadly conflicts erupted in the OSCE area in the early 1990s, more attention was put on the plight of those who did not intend to become migrants but who had

to move involuntarily, becoming either refugees (by virtue of crossing international boundaries) or displaced persons.

Despite the best efforts of the ODIHR and its many partners, there are serious obstacles to protecting the human rights of migrants in the OSCE. Moreover, there are persistent negative stereotypes and perceptions about the impact of migrants. A lack of information on migration as a phenomenon and on migration laws and policies of other participating States presents a challenge to citizens and governments alike and needs to be overcome. Another challenge is the growing perception in one group of OSCE states that the other part of the region is erecting a "paper curtain" of onerous visa requirements that would divide the region - and its citizens - thereby preventing them from learning more about each other and from reaching mutual understanding.

## THE MAIN ISSUES

- ♦ ***The right to free choice of place of residence:*** Since the collapse of communism in the early 1990s, Soviet-era

*propiska* regulations of civil registration have not changed in a number of countries in Eastern Europe and Central Asia, restricting the freedom of individuals to choose their place of residence without state permission. The *propiska* system poses a significant barrier to finding durable solutions for problems of Internally Displaced Persons, leads to the denial of social services, and impedes access to jobs, as well as creating obstacles to migrants' participation in elections.

♦ **Facilitating interstate co-operation on migration-related information:** The management of international migratory flows in accordance with human rights standards could be facilitated by the timely exchange of information between countries on the nature of these flows. Sharing information is an integral part of cross-border co-operation, and it is also a prerequisite for developing joint policy responses that take into account the interests of states while safeguarding the rights of migrants.

♦ **Public awareness of migration issues:** In a number of countries where migration was not a common phenomenon until recently, the population is often unaware of the policy and regulatory frameworks of their own countries, as well as of the countries of destination, which leaves migrants vulnerable to human rights violations.

♦ **Humane border management:** Since the collapse of the Soviet Union, the countries of Eastern Europe and Central Asia have been facing new challenges with regard to managing mass population movements across the region. Together with the new obligations that these states have undertaken by acceding to international human rights conventions, this process has changed the role of border guards, requiring an adequate reform of the border service and training system.

## PROGRAMMES

In 2003, the Migration Unit's activities focused on the following areas:

- ♦ Protection framework for internal migrants:
  - Reforming the *propiska* system;

- Combating discrimination against the most-vulnerable groups of migrants; and
- ♦ Protection framework for migrants crossing international borders:
  - Promoting interstate co-operation on migration-related information and the human rights of migrants; and
  - Promoting humane border management.

## 1. PROTECTION FRAMEWORK FOR INTERNAL MIGRANTS

### Reforming the *propiska* system

The Soviet-era *propiska* system - stamping a citizen's internal passport to indicate his or her permanent address - has left a legacy of restrictions on the freedom of internal movement in many countries in Eastern Europe and the former Soviet Union. The system requires every individual who wishes to change his or her place of residence within a particular country to obtain written permission from the state to do so. Those changing their residence without this permission can find themselves cut off from state services and may also find it impossible to exercise a number of rights, e.g., the right to accept work, to enroll in a school or an institution of higher learning, or even the right to get married. Such restrictions clearly violate a host of domestic - in the countries where the *propiska* system is still used - and international laws. It contravenes the fundamental rights to freedom of movement and choice of place of residence, which are enshrined as OSCE commitments.

While, in most countries, the emergence of the market economy and the private sector has rendered obsolete rigorous planning of the labour market - a putative reason for the *propiska* system - laws regarding violations of this system remain in effect in numerous countries of the former Soviet Union. The use of the *propiska* system has also been perpetuated by the absence of an alternative system of civil registration that could be used for public-policy purposes, e.g., social insurance, providing education or other services, or compiling voter lists.

In 2003, the ODIHR worked on overcoming the legacy of restrictions on internal movements in Armenia, Kyrgyzstan, and Ukraine. In the first two cases, new laws were passed to enable the creation of civil-registration systems whereby the state would no longer restrict individuals' freedom to choose their place of residence and yet would be able to provide services. This process of legal development benefited from support and expertise provided by the ODIHR.

In Ukraine, the ODIHR was involved in reform efforts on both the technical and political levels. In particular, government officials directly involved in the reform process benefited from a number of technical workshops as well as training visits to countries where reform efforts have already progressed much further, e.g., Lithuania. On the political level, ODIHR staff gave expert presentations at hearings organized by the Human Rights Committee of the Ukrainian parliament.

The previous year also marked the beginning of the ODIHR's involvement in *propiska* reform in Belarus. This issue had been on the policy agenda of the Belarusian authorities for some time, and the ODIHR was requested to assist in introducing Belarusian partners to international experience in this area in order to develop a conceptual basis for a transition to a population-registration system that does not prevent people from moving freely within their own country.

### **Combating discrimination against the most-vulnerable groups of migrants**

Through its work on developing legislation on migration and civil registration, the Unit has also contributed to the ODIHR's work on anti-discrimination, particularly as this relates to Internally Displaced Persons (IDPs). Because of internal restrictions on freedom of movement in a number of countries, individuals who move without state permission are denied a number of fundamental rights, including the right to vote, as well as a range of social and economic rights. Particularly hard hit by these restrictions are those who moved involuntarily, i.e., IDPs, who, unlike refugees who cross internationally recognized borders, are not granted international protection.

To focus the international community's attention on issues concerning Internally Displaced Persons in the three countries of the South Caucasus - Armenia, Azerbaijan, and Georgia - where the displacements were especially dramatic and sizable, the ODIHR assisted the Representative of the UN Secretary General on Internally Displaced Persons by conducting a study on the legal status of IDPs in the region, in co-operation with the Brookings Institution, the Georgian Young Lawyers Association, and local NGO representatives. The study highlighted the legal obstacles to freedom of movement and choice of place of residence of IDPs that result in discrimination against IDPs in a number of areas; it also made concrete recommendations as to how the legal framework can be improved to overcome these obstacles.

## **2. PROTECTION FRAMEWORK FOR MIGRANTS CROSSING INTERNATIONAL BORDERS**

### **Promoting interstate co-operation on migration-related information and the human rights of migrants**

While much of the Migration Unit's work focuses on internal movements, protecting the rights of those who cross international frontiers has not been ignored. In co-operation with the International Organization for Migration (IOM), the ODIHR organized a series of international and regional seminars to enhance the exchange of information and share best practices in the field of migration management. The ODIHR and the IOM encourage the countries of Eurasia to build confidence and to prevent tensions by promoting a common understanding of migration processes, policies, and legislation that need to be developed to simultaneously meet human rights standards and address security concerns in the OSCE region.

These regional exchanges have also led to a better understanding of new practices. For example, the simplification of rules for the registration of foreigners entering Ukraine for short-term stays has become better known thanks to the ODIHR-IOM series of seminars; now, some Eurasian coun-

tries are considering following the Ukrainian model. Should this happen, the stays of thousands of people travelling to the region would be greatly simplified.

### Promoting humane border management

In 2003, the ODIHR completed its involvement in a programme through which it lent assistance to reform of the border services in the countries of the South Caucasus and Central Asia. The purpose of this programme was to introduce the relevant border services to best practices of humane border management. Such practices are designed to ensure that borders remain secure, while individuals leaving or entering a country also receive appropriate treatment in accordance with human rights standards. Activities focused on the development of bilateral co-operation and the exchange of information between Polish border officials and their colleagues in the South Caucasus and Central Asia through training visits, roundtable discussions, bilateral contacts at management level, expertise on developing training curriculum for domestic training centres, and training personnel.

In particular, the ODIHR completed a programme in 2003 for 15 officers from the Azerbaijani Border Service, who received nearly a year of training at the Polish Border Guard Academy. The Office also conducted a regional conference on the reform of the border services in Central Asia and the South Caucasus, where this training programme for border guards was one of the central topics. The ODIHR plans to continue to monitor the impact of this training in co-operation with other international actors in Azerbaijan.

## FUTURE PRIORITIES

In the coming years, the Migration Unit will continue its activities aimed at protecting various categories of migrants and facilitating regional and subregional co-operation and exchange of experience among OSCE participating States on migration issues.

In the field of *propiska* reform, the next two years should see consolidation of the progress achieved thus far and further

sharing of positive experiences. The Unit will continue its work on assisting legal developments in Belarus, Ukraine, and Armenia. In Belarus in particular, the programme will focus on the development of new legislation on free choice of place of residence and population registration. In Ukraine and Armenia, relevant government officials will be trained on implementation of the newly adopted legislation. In addition, the Unit is planning to organize a regional conference for the countries of Eastern Europe, the Caucasus, and Central Asia on the experience gained in the region during the process of civil-registration reform in order to share information with other states in those regions.

Upon the request of a number of OSCE participating States, a Supplementary Human Dimension Meeting on internal displacement is planned for November 2004 in Vienna. The Unit will play a major role in organizing this meeting, recommendations from which will be used as guidelines for the Unit's future work on the issue.

The Unit will continue its work on facilitating interstate dialogue on migration issues, including training programmes, workshops, and seminars on development of migration policies, models for effective interagency co-operation in promoting tolerance and eliminating discrimination against migrants, and legislative prerequisites for gathering information on migration.

Finally, following the decision by the OSCE Ministerial Council in Maastricht, as well as recommendations from the 2003 Human Dimension Implementation Meeting, the ODIHR is planning to reinforce its activities in the field of labour migration and protection of migrant workers. A number of international consultations, seminars, and workshops providing a framework for interstate dialogue and different forms of co-operation to address labour-migration issues will be organized under the ODIHR umbrella in the countries of Eastern Europe, the Caucasus, and Central Asia. The main goal of these activities will be to facilitate the development of practical co-operative mechanisms between countries of destination and countries of origin on the regulation of labour migration and the protection of the rights of migrant workers, while at the same time securing state interests and enabling the effective use of foreign labour.

# South-Eastern Europe

During the 1990s, South-Eastern Europe was the scene of some of the most brutal conflicts in Europe since World War II. Fighting in the region resulted in the deaths of hundreds of thousands of people; more than a million more fled their homes, becoming refugees in foreign countries or Internally Displaced Persons in their own. The overall effect was one of great destruction, including social and economic breakdown throughout the region.

Since the cessation of fighting, there have been numerous positive developments, but local authorities and the international community still face a range of challenges in terms of post-conflict rehabilitation.

As part of the OSCE's overall efforts in the region, the ODIHR, together with its local and international partners, is working to ensure that democratic principles are recognized and implemented, that the rule of law is respected, and that human rights are protected. It is also helping to build democratic institutions and increase their capacity to function. Through these efforts, the ODIHR also aims to contribute to reconciliation in the region, which is part of a long-term effort with the goals of conflict prevention, rehabilitation, and building democracy.

ODIHR activities in South-Eastern Europe emphasize the development of local capacity and eventual self-sustainability. For example, an ODIHR report on crisis management and public safety was the basis for a 2003 position paper of the international community (the European Union, the United States, NATO, and the OSCE) on the new law on crisis management in the former Yugoslav Republic of Macedonia. The ODIHR report followed years of work in the country training police officers, as well as ministry and local officials, on crisis management.

## THE MAIN ISSUES

- ♦ ***Institution-building, democratization, and human rights:*** While conflicts in the region have ended, there continues to be a need to strengthen central and local-government institutions, e.g., by training professional and depoliticized civil servants, and by improving transparency and good governance. In addition, there is a clear need to enhance the role and capabilities of human rights institutions and parliaments, and to improve regional and cross-border exchange and co-operation.
- ♦ ***Rule of law:*** One of the fundamental features of any democracy is the proper functioning of its judiciary and penitentiary systems, where citizens have access to the justice system and can also expect a fair trial and professional treatment, as well as the guarantee of their basic human rights.
- ♦ ***Youth and civil society:*** A functioning civil society, including youth in particular, is crucial for the future development of societies in the region. Those active in civil society continue to require guidance and assistance to develop to a stage where they serve the interests of groups in society vis-à-vis governments and legislators. Practical and timely measures need to be taken to prevent negative trends, such as the continuation of brain drain and youth disenchantment, from becoming serious threats to democratic, political, economic, and cultural developments in the region.
- ♦ ***International co-ordination and co-operation:*** The need to co-ordinate and address regional and sub-regional problems and to find common solutions for common challenges has grown over the years in the region. A range of regional and international initiatives, such as the Stability Pact for South Eastern Europe, have been developed to address specific and longer-term developmental issues.

## PROGRAMMES

Activities conducted by the Unit on South-Eastern Europe in 2003 could be divided into the following areas:

- ♦ Institution-building, democratization, and human rights;
- ♦ Rule of law: prison reform and trial monitoring; and
- ♦ Regional co-ordination.

### 1. INSTITUTION-BUILDING, DEMOCRATIZATION, AND HUMAN RIGHTS

Democratic institutions, including ombudsman institutions, parliaments, and non-governmental organizations, are all part of the checks and balances of a democratic society, as they provide important means of oversight of actions taken by the executive. In the European context, an ombudsman is usually appointed by parliament to serve as a watchdog of the government; its independence is guaranteed by law. NGOs and other civil society actors are necessary for ensuring transparency in legislative procedures and the protection of human rights. And parliaments, of course, perform possibly the most important function in terms of executive oversight.

Overall, more assistance is needed to further the development of democratic institutions in the region and to make democratization a self-sustaining process. For example, ombudsman institutions require political support and capacity-building assistance at all levels. Parliaments and parliamentarians require further regional and international exposure, co-operation exchanges, and assistance with respect to fulfilling their mandates and obligations.

In 2003, the ODIHR worked with OSCE missions in South-Eastern Europe and other partners on the development of the legal framework regulating ombudsman institutions, while also providing training to staff working in such institutions. One of the key elements in the ODIHR's ombudsman programme was to increase regional co-operation through the exchange of training, experiences, and best practices.

The ODIHR supported such an exchange between the Kosovar and Slovenian ombudsman institutions. The ODIHR also conducted an expert analysis of the ombudsman institution in Croatia. This was followed up by a roundtable that was organized by the OSCE Mission to Croatia.

The ODIHR and the OSCE missions in the region worked with parliaments and civil society on the exchange of lessons learned and best practices. For example, the ODIHR and the Mission in Kosovo organized a regional civil society policy conference in Pristina to discuss the role of civil society in human and economic development in the region.

### 2. RULE OF LAW: PRISON REFORM AND TRIAL MONITORING

The ODIHR co-operated with the OSCE Mission to Croatia in 2003 in providing training to judges that focused on the relation between decisions of the European Court of Human Rights and domestic legislation and court practice.

Also in Croatia, the ODIHR financed and supported a programme run by the Norwegian Refugee Council that provided free legal representation for insolvent/indigent displaced persons, mostly living in Bosnia and Herzegovina and Serbia. Without a properly functioning legal-aid programme in Croatia, most people displaced by the wars of the last decade have no means of fighting to regain their property.

#### Trial monitoring

In Montenegro, the ODIHR supported the training of trial monitors through a Montenegrin NGO called Trial Monitoring Project. This NGO established a network of Montenegrin law students to monitor trials because of low confidence in the courts and a perception of inconsistency in court decisions and a lack of transparency. The ODIHR also worked with the OSCE Office in Montenegro to support a review of the draft legislation on the Criminal Code and the Criminal Procedural Code, as well as on a cost analysis of the implementation of the law on the witness-protection programme in Montenegro.

### Prison reform

The ODIHR continued its regional prison-reform activities in 2003, which is a long-term programme started in 1997. The ODIHR facilitated two meetings for prison administrations from the countries in the region. The main aim of these meetings was to offer a platform for sharing best practices and lessons learned, as well as enhancing co-operation and addressing issues of common concern.

The ODIHR also provided training for prison staff and supported training centres by providing training materials. The ODIHR financed the translation into Croatian of a training manual called *Human Rights Approach to Prison Management*, which was originally written and published by King's College in London. The handbook is expected to be used by prison officials from Croatia and senior prison officials and representatives of human rights NGOs in Serbia.

## 3. REGIONAL CO-ORDINATION

The ODIHR facilitates, with the OSCE missions in South-Eastern Europe, a regional co-ordination process that deals with the OSCE's approach to human dimension issues in the region. This process is aimed at assisting, on a regular basis, in increasing awareness of ongoing human dimension activities, exchanging lessons learned and best practices on human dimension matters, and identifying and addressing cross-border and regional issues that require the involvement of more than one OSCE mission or institution.

Though this is not a decision- or policy-making process, the conclusions, recommendations, and follow-up activities stemming from these meetings feed into the planning of OSCE human dimension activities in the region. These workshops and meetings have produced a set of internal OSCE reports that include recommendations and action plans.

In 2003, this co-ordination process included four senior working-level and expert meetings that dealt with such issues as parliamentary support, war crimes, trial monitoring, trafficking in human beings, Roma and Sinti, and election-related issues, as well as donor co-operation.

The improved co-operation between the ODIHR and the OSCE missions in South-Eastern Europe that has stemmed from this co-ordination process resulted in a number of joint initiatives in 2003:

- ♦ A process to establish close co-operation between civil society actors in Serbia and Kosovo was initiated;
- ♦ A regional civil society policy conference was organized in Pristina;
- ♦ A conference dedicated to the role of parliaments in human and economic development in South-Eastern Europe was held with the participation of representatives from 19 different parliaments (see box on p. 49);
- ♦ Two parliamentarians were sent to Russia to act as short-term observers during parliamentary elections;
- ♦ Senior OSCE mission staff and state authorities went to London to take part in discussions with the Government of the United Kingdom on the signing and ratification of 12 UN anti-terrorism conventions; and
- ♦ State authorities from throughout the region gathered in Zagreb to discuss prison-service reform.

## FUTURE PRIORITIES

The ODIHR plans to implement three main programmes in the period 2004-2006 with respect to human dimension activities in South-Eastern Europe: (1) civil society and youth affairs; (2) strengthening democratic and human rights institutions; and (3) penitentiary reform and fair trials.

These programmes are designed to ensure complementarity and to augment ongoing or planned activities by partners and the OSCE missions in the region. The programmes have a regional component that will facilitate the exchange of lessons learned and the transfer of know-how among the countries and partners in the region.

In 2004, the ODIHR also plans to continue to work closely with its international partners, including the Stability Pact for South Eastern Europe, and to pay special attention to human dimension developments in Kosovo.

## Putting Regional Co-ordination Into Practice

For two days in October, Sarajevo played host to legislators from throughout South-Eastern Europe at a conference dedicated to the role of parliaments in human and economic development in the region. Organized and sponsored by the ODIHR, five OSCE missions in South-Eastern Europe, and the OSCE's Office of the Co-ordinator for Economic and Environmental Affairs, the conference welcomed participants from some 19 state and non-state parliaments in the region and from neighbouring countries, as well as from the European Parliament, and experts from the OSCE and the World Bank.

### New perspectives

Previous interparliamentary conferences in the region have usually been of a political nature, focusing on achieving agreements on overarching principles or generalized reforms. The idea for the Sarajevo conference, however, stemmed from the recognition that parliamentarians have often been left out of the debate, at least at the supranational level, on policy choices and have been overlooked as possible recipients for technical-assistance projects. This conference brought parliamentarians into that debate, giving them an opportunity to discuss at a technical level common development issues facing all

their countries, as well as a chance to consider possibilities for institutional co-operation at the regional level.

Many of the issues that were discussed - rule of law and good governance, corruption and organized crime, trafficking in human beings, youth, civil society, refugee returns, poverty reduction, and socioeconomic development - are linked to the fragmentation of the former Yugoslavia, which led to widespread social dislocation, uneven development, increased unemployment and poverty, and the collapse of the social safety net throughout the region. While a number of international organizations have been working to find solutions to these problems, there has been a gradual reduction of international assistance over recent years, as the international community has been transferring power to local authorities. As such, there is a growing gap that needs to be filled by national governments and elected parliaments, by mobilizing their own resources to generate development.

### Seeds of development

The conference came into being as a result of the OSCE's internal co-ordination process for human dimension issues between the ODIHR and OSCE missions in South-Eastern Europe. Coming in the wake of other regional activities - the ODIHR and the OSCE missions in South-Eastern Europe worked together to initiate a

process that helped contribute to the realization of benchmarks developed by the United Nations for regional co-operation; they have also helped trigger co-operation between non-governmental organizations in Belgrade and Pristina - this conference was another major step in bringing together relevant political actors to discuss ways of enhancing reconciliation, development, and normalization processes in South-Eastern Europe.

Planning for the event began in 2002 and was followed up in January 2003 when the ODIHR and the OSCE Presence in Albania facilitated a regional meeting of OSCE experts on parliamentary support in South-Eastern Europe. Several additional planning and preparatory meetings followed during the year between the ODIHR and mission experts.

### Looking ahead

Many conference participants have called upon the ODIHR and the OSCE missions to build on the results of the conference in order to facilitate capacity-building activities among parliaments, as well as parliamentarians, throughout the region. The ODIHR and the OSCE missions in the region have been consulting with one another and with other partners on possible follow-up activities to further support this process in 2004.

# Legislative Support

For democracy to function properly, laws have to be drafted, assessed, and adopted through a transparent process that involves both civil society and those responsible for law enforcement. And once enacted, laws have to be made accessible to society at large. In order to protect and promote human rights, OSCE participating States have committed, through various treaties and other international instruments, to recognize and enforce these rights in their national law.

## LEGISLATIONLINE

**Legislationline** ([www.legislationline.org](http://www.legislationline.org)), a free-of-charge online legislative database, was created specifically to assist OSCE participating States in bringing their legislation into line with relevant international human rights standards. As a joint initiative between the ODIHR and the European Commission, the database was created as a drafting tool for lawmakers, not simply as an archive of domestic or international legislation. Its purpose is to provide assistance to those who prepare and draft laws at the working level. Through the database, they can obtain examples and options from other countries' legislation that can help them make their own choices. The database may similarly assist all those that have an interest in the issues being considered by legislators, e.g., NGOs and international organizations.

### Development

The database began as a project devoted to legislative reform in South-Eastern Europe, where legislators have been impeded by a scarcity of resources and a lack of legal precedents. Furthermore, many of the countries in that region have been undergoing comprehensive legislative reforms to align their domestic legislation with international standards, particularly with European norms. The creation of a web-based library has proved to be a powerful tool for providing fast, comparative overviews of how issues are addressed in different legal systems.

The database has grown significantly in terms of content and geographic scope since its beginning. Today, it contains more than 5,000 pieces of legislation from throughout the OSCE region - all 55 participating States - that are divided into categories representing 13 human dimension issues. Since 2002, the site has also been enriched by a legal-news service (see box on pp. 52-53).

### Navigational system

Each piece of domestic and international legislation is broken down according to its thematic focus. It may be further broken down according to more-specific issues that have been defined within each topic, which allows users to narrow their search. This is a key feature, as most legislative reforms pursue limited objectives. Alternatively, legislation may be accessed through the section on each country, which can provide an overview of how all the issues covered by the site are addressed in one particular state.

### Features

**Legislationline** is the only web-based legal library that provides national laws through the prism of human rights issues from no fewer than 55 countries. It categorizes its content according to human rights issues, while combining a national and international focus. It allows users to compare, for instance, how the crime of trafficking in human beings is defined - or not defined - in at least 26 countries. It makes comparison easy; for example, **Legislationline** can provide an instantaneous overview of the relevant legal provisions describing how election commissions are formed in at least 23 countries. It combines brief information about legal, constitutional, and judicial systems with direct links to official online gazettes, as well as the texts of constitutions and criminal codes. All this legal information is provided free of charge.

## FUTURE PRIORITIES

*Legislationline* is emblematic of alternatives to conventional channels of legislative assistance: using the Internet and displaying legislation in an innovative fashion have made it a pioneer in the field of human rights and the rule of law. The ODIHR now intends to create, on this foundation, a legislative clearing house. The purpose in doing so is to use the database as a tool for a comprehensive legislative-assistance policy.

The ODIHR also plans to develop *Legislationline* into a cross-border forum for discussion and exchange of experiences among legislators throughout the OSCE region. There are plans to consolidate its content and structure through additional sections providing more-specific legal information that can be used by experts and OSCE personnel to better assist lawmakers. As such, it is foreseen that *Legislationline* will grow into a "centre of legal expertise" that can help nurture public discussion of draft legislation and empower local actors with a better understanding of the range of issues involved in the reform process.

Finally, *Legislationline* will be an integral part of the mandate of a new unit at the ODIHR called the Legislative Support Unit. This new unit will be responsible for ODIHR projects in the field of legislative assistance and reform. And, of course, *Legislationline* will be an instrumental part of that assistance. First, as the database expands, this will also increase the ODIHR's ability to provide such assistance. It will also be used as a monitoring tool, which will increase the quality of the ODIHR's responses to these requests and its ability to follow up consistently on its recommendations.

### TOPICS

Legislationline.org provides a comparative overview of domestic legislation and international standards regarding 13 human dimension issues. Legislationline.org is more than just a list of laws. Each piece of legislation is broken down according to its thematic structure, and each part can be accessed individually through various thematic keywords.

Human rights issues covered by the website include:

- |                                |                             |
|--------------------------------|-----------------------------|
| Non-Governmental Organizations | Migration                   |
| Citizenship                    | Death Penalty               |
| Temporary                      | Police                      |
| Elections                      | Prison Service              |
| Gender                         | Roma and Sinti              |
| Fair Trial (Right to a)        | Trafficking in Human Beings |
| Independence of the Judiciary  |                             |

### More than 3,000 documents from domestic legislation and international standards

### COUNTRIES

Legislationline.org covers all OSCE participating States, comprising Europe, North America, the Caucasus, and Central Asia.

- |                          |                  |   |              |                              |               |                 |
|--------------------------|------------------|---|--------------|------------------------------|---------------|-----------------|
| - Albania                | - Bulgaria       | - Former Yugoslav Republic of Macedonia | - Iceland    | - Moldova                    | - San Marino  | - Turkey        |
| - Andorra                | - Canada         | - Georgia                               | - Italy      | - Monaco                     | - Serbia      | - Turkmenistan  |
| - Armenia                | - Croatia        | - Germany                               | - Kazakhstan | - Netherlands and Montenegro | - Slovakia    | - Ukraine       |
| - Austria                | - Cyprus         | - Greece                                | - Kyrgyzstan | - Norway                     | - Sweden      | - United States |
| - Azerbaijan             | - Czech Republic | - Holy See                              | - Latvia     | - Poland                     | - Slovenia    | - Uzbekistan    |
| - Belarus                | - Denmark        | - Hungary                               | - Luxembourg | - Portugal                   | - Spain       |                 |
| - Belgium                | - Estonia        | - Ireland                               | - Lithuania  | - Romania                    | - Sweden      |                 |
| - Bosnia and Herzegovina | - Finland        | - Israel                                | - Luxembourg | - Russian Federation         | - Switzerland |                 |
|                          | - France         | - Latvia                                | - Malta      |                              | - Tajikistan  |                 |

### 300+ domestic and 30+ international legal reports for various issues, working on Legislationline.org

### INTERNATIONAL STANDARDS

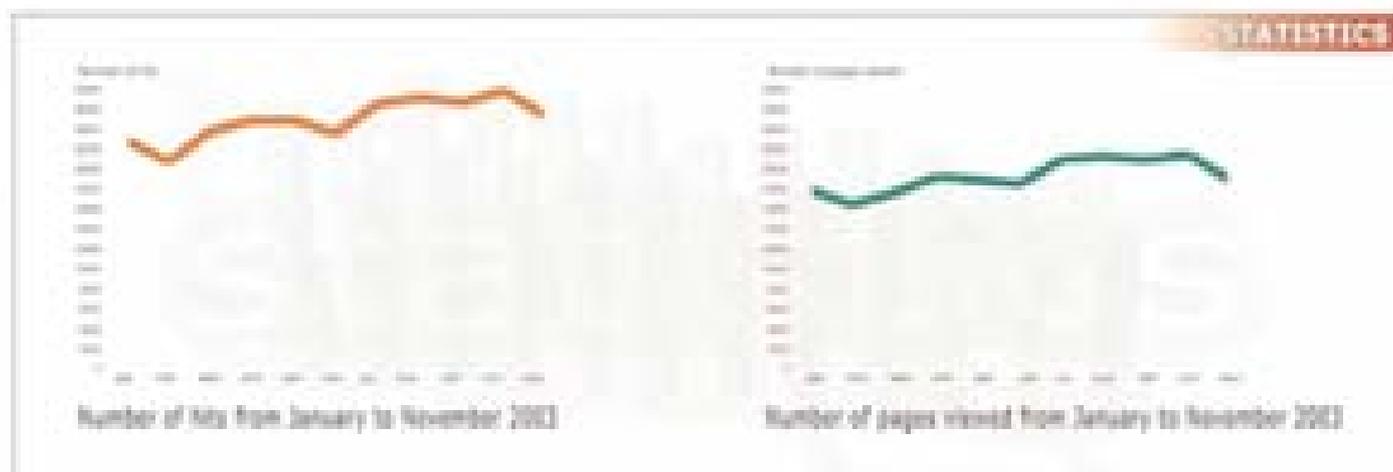
Legislationline.org publishes international standards and instruments online through the prism of 13 human dimension issues. The advantage of presenting international standards in this way lies in their division into relevant excerpts. The same methodology is applied to domestic legislation featured on the website (where applicable).

Legislationline.org also makes available online a compilation of key human rights instruments in Russian; similar compilations are planned in Russian, Croatian, and Serbian.

### EU/EC



Legislationline.org also gathers and analyses European Union and European Communities legislation pertaining to the human dimension issues addressed by the website.




**LEGAL NEWS**

Legislationline.org features a daily Legal News Service that provides news on legal reform and developments taking place in the OSCE region regarding thematic areas covered by the database. Information is gathered from various sources, including OSCE field missions, other international organizations, correspondents in various ministries of OSCE participating States, and from a pool of news providers, among others. The online newsletter brings together legal news of the whole month.



**RESOURCES**

Legislationline.org provides users with access to key framework legislation for each issue addressed by the website. The database contains complete text versions of core domestic legislation, including criminal codes, criminal procedure codes, and constitutions. It also provides links to online official government gazettes (where possible).



More than 600 legal summaries and introductions to legal systems and human rights issues

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[www.legislationline.org](http://www.legislationline.org)



Participants at the Human Dimension Implementation Meeting gather around the publications desk, where the OSCE and NGOs provide a wealth of information on various human rights issues.

# Human Rights

With the expansion of the Monitoring Unit into the Human Rights Section in 2003, the ODIHR enhanced its capacity to promote the protection of human rights and fundamental freedoms throughout the OSCE region.

To achieve its goal, the ODIHR carries out a work programme that approaches issues from a variety of perspectives, including training, research, reporting, and technical assistance. Furthermore, the ODIHR organizes several major meetings every year that are dedicated to particular human rights top-

*The ODIHR has enhanced its capacity to promote the protection of human rights*

ics. These meetings provide a forum for reviewing the implementation of the OSCE human dimension commitments by participating States; such reviews show where work needs to be done, thus becoming the impetus for future research and technical assistance, as well as suggesting areas for further activities. In its terrorism and human rights programme, the ODIHR works to raise awareness of human dimension issues in the context of combating terrorism and carries out projects that address factors engendering terrorism.

## THE MAIN ISSUES

- ♦ **Anti-terrorism:** Since the terrorist attacks on the United States on 11 September 2001, countries throughout the OSCE region have taken important new anti-terrorism measures. This new security environment may put at risk a number of fundamental rights, including the rights to a fair trial and to privacy, as well as other fundamental freedoms, such as freedom of association and freedom of religion or belief.
- ♦ **Tolerance and non-discrimination:** Tolerance and non-discrimination are important aspects of the OSCE's strategy of addressing threats to security and stability. Racism, xenophobia, anti-Semitism, and discrimination are serious problems that demand complex responses. A coherent and comprehensive response to these problems requires accurate information. Accordingly, the importance of monitoring these phenomena in order to develop strategies is clear.
- ♦ **Freedom of religion or belief:** In many parts of the OSCE region, adherents of various religions or beliefs face obstacles in manifesting those beliefs, either because of restrictions imposed by the state or because of a lack of tolerance on the part of those adhering to other belief systems.
- ♦ **Death penalty:** There is an increasing trend towards abolition of the death penalty in the OSCE region. However, those participating States that retain the death penalty have committed themselves to do so only in a manner that does not contravene international standards. In some participating States, these standards are not always adhered to, and in particular there are concerns about the imposition of the death penalty following trials that fail to comply with fair-trial standards. The lack of transparency in some states that retain the death penalty is also cause for serious concern. Moreover, the level of public discourse on the use of the death penalty is often limited.



Childerik Schaapveld (right) and Jakhongir Azizkhodjaev (centre) of the ODIHR's NGO Unit meeting with a participant at the Human Dimension Implementation Meeting in Warsaw in October. The ODIHR organized the participation of more than 200 NGOs, the most ever, at last year's meeting.

♦ **Torture:** Torture and ill-treatment in detention are of great concern in the OSCE region, and there are reliable reports that such practices continue to occur in a number of participating States. Though torture and inhuman or degrading treatment are absolutely prohibited under international law, states often resort to these measures, especially in light of new security concerns. Torture also remains a routine part of the criminal-investigation process in many parts of the OSCE region, often being used to obtain a confession and a subsequent conviction.

♦ **Fair trials:** The right to a fair trial encompasses a range of minimum standards, including the rights to a fair and public hearing within a reasonable time by an independent and impartial tribunal. In a number of OSCE participating States, there is a widespread lack of confidence regarding the compliance of the legal system with these minimum standards. The ODIHR carries out a number of activities aimed at promoting various aspects of the right to a fair trial, including trial monitoring, which seeks to facilitate transparency and provide independent and impartial reports on compliance with international and domestic standards.

♦ **Freedom of association and assembly:** These fundamental freedoms are not fully respected in many OSCE participating States; this is particularly the case in times of public emergency and often in the period immediately prior to an election. The curtailing of these freedoms harms the de-

velopment of democracy, preventing free elections - a necessity for the legitimacy of any government - and having a particularly harmful effect on the growth of civil society.

The ODIHR addresses these issues first by monitoring the observance of human dimension commitments in OSCE participating States in a number of thematic areas, especially freedom of religion or belief, the use of the death penalty, and the right to a fair trial. It also organizes meetings that address human rights issues and provide a forum for exchanging information and best practices on dealing with issues of major importance. In doing so, the ODIHR co-ordinates closely with other international organizations and NGOs, especially the Council of Europe and the United Nations Office of the High Commissioner on Human Rights.

## PROGRAMMES

The activities conducted by the Human Rights Section in 2003 concentrated on the following areas:

- ♦ Monitoring the observance of human dimension commitments;
- ♦ Ensuring respect for human rights in the fight against terrorism; and
- ♦ Human rights training and education.

## 1. MONITORING THE OBSERVANCE OF HUMAN DIMENSION COMMITMENTS

### THE ODIHR'S MONITORING MANDATE

The ODIHR's goal in the field of human rights is to contribute to respect for human rights and fundamental freedoms across the OSCE region. To achieve this goal, the ODIHR monitors the implementation of OSCE human dimension commitments. It conducts research and analysis to better understand the human rights situation and obstacles to its improvement in participating States.

#### Peer review meetings

The primary focus of the ODIHR's monitoring work is in preparing and organizing OSCE peer review meetings on the implementation of human dimension commitments by participating States. These include the Human Dimension Implementation Meeting, the annual Human Dimension Seminar, and Supplementary Human Dimension Meetings. These meetings serve as a forum for the exchange of views on the implementation of human dimension commitments among participating States, NGOs, and international organizations and are designed to evaluate the procedures for monitoring compliance with commitments. The ODIHR contributes substantively to these meetings by producing background materials that look at the compliance of participating States with certain of their OSCE human dimension commitments. For example, the ODIHR produces an annual publication entitled *The Death Penalty in the OSCE Area*, which is published in advance of the Human Dimension Implementation Meeting.

#### Clearing house for states of public emergency

The ODIHR was designated by the Concluding Document of Helsinki (1992) as the OSCE's clearing house for information on states of public emergency. Paragraph 28.10 of the Moscow Document (1991) requires participating States to notify the ODIHR when a state of public emergency is declared or lifted, as well as of any derogation made from the state's international human rights obligations. In this re-

gard, the ODIHR is well placed to monitor developments regarding any measures taken in derogation of international human rights obligations and OSCE commitments resulting from a national emergency.

#### Moscow Mechanism

The Moscow Mechanism provides for the possibility for participating States to establish *ad hoc* missions of independent experts to assist in the resolution of a specific human dimension problem either on their own territory or in other OSCE participating States. The ODIHR is designated to provide support for the implementation of the Moscow Mechanism, and it maintains a list of experts appointed by some of the participating States who are available to carry out such investigations.

The Moscow Mechanism was activated by 10 OSCE participating States (Germany, the United States, Austria, Canada, the United Kingdom, Greece, Ireland, Italy, Norway, and Sweden) in relation to Turkmenistan to examine concerns arising out of investigations resulting from the reported attack on 25 November 2002 on President Niyazov and to investigate all matters relating to the conduct of the investigation (December 2002-March 2003). The ODIHR was able to provide extensive technical assistance to the OSCE Rapporteur on Turkmenistan during his mission. The full text of the report on Turkmenistan is available, both in English and in Russian, on the ODIHR website.

#### Reporting

The ODIHR is expected to participate in an advisory capacity in discussions of the Permanent Council by reporting on its activities and providing information on implementation issues. In this way, the ODIHR Director may raise specific concerns in relation to human dimension commitments.

#### Collection point for information and statistics on hate crimes

In relation to tolerance and non-discrimination, the ODIHR has been tasked with serving as a collection point for information and statistics gathered by participating States on hate crimes.



Ambassador Anton Pinter (left), Head of the Permanent Mission of Slovakia to the OSCE, meeting with Nicolae Gheorghe, Head of the ODIHR's Contact Point for Roma and Sinti Issues, at the Human Dimension Implementation Meeting in Warsaw in October.

### Freedom of religion or belief

Beginning with the 1975 Helsinki Final Act, freedom of thought, conscience, religion, or belief has been one of the core commitments that each OSCE participating State has agreed to respect.

Too many people in the OSCE region, especially members of minority groups, continue to face restrictions on their right to manifest their religion or belief. Such restrictions may be the result of state legislation and policies, or they can arise from intolerance based on other, often majority, religions or beliefs.

The ODIHR aims to stem such intolerance and promote freedom of religion or belief for every individual in the context of its work in promoting tolerance and combating discrimination on all grounds.

Promoting freedom of religion or belief cannot confine itself to scrutinizing laws and regulations only but also entails the promotion of tolerance, mutual understanding, and inter-religious dialogue. In addition to its legislative work, the ODIHR supports workshops that bring together religious groups and communities, state officials, academics, and diplomats. At a conference co-organized by the ODIHR and held in Osh, Kyrgyzstan, on 3 and 4 December, participants reaffirmed that repression of religious groups is not an acceptable response to religious fundamentalism and extremist political movements and came to the conclusion that, too often, repression served only to drive peaceful believers towards violent extremism. It was also stressed that freedom of religion is not contrary to national security.

In co-operation with the OSCE Chairmanship, the ODIHR organized a Supplementary Human Dimension Meeting on Freedom of Religion or Belief in July. The meeting examined, and sought to develop, best practices among participating States in accommodating freedom of religion or belief and its manifestations and resulted in recommendations on what OSCE states and international organizations can do to more effectively protect their citizens' right to freedom of religion.

In addition to working on legislative issues and conflict prevention, the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief is involved in the development of programmes that promote tolerance; it has provided substantive input into the development of a Website Guide for Tolerance Education, which is being created at the Jagellonian University in Krakow (<http://tolerance.research.uj.edu.pl>). Targeting teachers and students, the website provides information on some 50 organizations in three languages: English, Polish, and Russian.

### Death penalty

While the vast majority of OSCE participating States have abolished the death penalty, it is actively retained in four: Belarus, Tajikistan, the United States, and Uzbekistan. In addition, three participating States - Kazakhstan, Kyrgyzstan, and the Russian Federation - retain the death penalty but have introduced a moratorium on executions.

In its work on monitoring the use of the death penalty, the ODIHR aims to increase transparency as well as compliance

with international safeguards, while also facilitating the exchange of information about the abolition of the death penalty. Transparency means that information on the identity of individuals sentenced to death or executed should be made public. In addition, statistics and information on the incidence of death sentences and executions should periodically be made available to the public.

As a forum for participating States to make such information available, the ODIHR produces an annual publication entitled *The Death Penalty in the OSCE Area*, which is published in advance of the Human Dimension Implementation Meeting. It is intended to provide a comparative overview of the use of the death penalty throughout the OSCE region based upon information provided by the participating States themselves.

Despite this effort, some of the participating States that retain the death penalty remain reluctant to make statistics on death sentences and executions freely available. A number of OSCE participating States continue to treat information on the death penalty as a state secret, a practice that clearly contradicts their OSCE commitments.

OSCE commitments and international human rights law place a number of safeguards on the use of the death penalty, which is only legitimate if these obligations are met. In particular, participating States must ensure that trials leading to the imposition of the death penalty comply with both national and international fair-trial standards. Throughout 2003, the ODIHR co-operated with OSCE field missions to monitor compliance with international safeguards, a task that has proven to be particularly difficult in those states that continue to treat the death penalty as a state secret.

OSCE participating States have committed themselves to keep the question of capital punishment open and to exchange information on the abolition of the death penalty. In order for public debate on abolition to be meaningful, members of the general public must have access to information on the legal, political, and moral arguments both for and against the death penalty. In co-operation with OSCE field missions, the ODIHR facilitates the exchange of information on the abolition of the death penalty by organizing conferences and media events.

The ODIHR conducted activities in Kazakhstan throughout the past year to promote discussion on the death penalty. This included a televised national debate, which was co-funded by the ODIHR, and a publication on the legislation and statistics relating to the death penalty nationwide.

The ODIHR, the OSCE Centre in Almaty, and the Kazakh Bureau for Human Rights and Rule of Law organized an intensive four-day training session for non-governmental organizations and representatives of state bodies called "Information Campaign on the Abolition of the Death Penalty in Kazakhstan: Strategy and Techniques" in Almaty from 25 to 28 February. As a follow-up to the training session, selected participants took part in the national information campaign on the issue of the death penalty launched by the government in 2003.

As a positive subsequent development, Kazakhstan introduced a moratorium on executions in December 2003, which will remain in effect until a final decision on abolition is reached.

### Fair trials

The right to a fair trial comprises a set of distinct yet interrelated rights and is enshrined in numerous international and regional human rights instruments. In recognition of the fundamental nature of the right to a fair trial, the OSCE participating States have committed themselves to allow national and international observers to monitor trials.

ODIHR trial-monitoring activities have been developed on the basis of this commitment and aim to encourage compliance with national and international fair-trial standards and ultimately to increase the transparency of, and public confidence in, the legal system.

The ODIHR's trial-monitoring programme is implemented in co-operation with governments and OSCE field missions. The programme is used to train members of civil society in national and international fair-trial standards and trial-monitoring methodology and to co-ordinate their subsequent

"We work with many governmental and international organizations, but nowhere is the level of co-operation and mutual understanding as high as it is with the ODIHR. I hope this sense of belonging will be maintained in the future, because this is what distinguishes the ODIHR from other international institutions: The trust that NGOs place in the ODIHR is its main asset.

"Our organization, like many others around the region, benefits greatly from ODIHR publications on an array of human rights issues. They are always up-to-date, precise, and driven with the desire to focus the attention of the OSCE community on pressing problems, to summarize practices from across the region, and to recommend ways to find a solution."

**Edil Baisalov is President of the NGO Coalition for Democracy and Civil Society in Kyrgyzstan.**

monitoring activities, while providing continual feedback and support. In particular, the programme seeks to:

- ◆ Build the capacity of members of civil society to monitor trials and to accurately report on their compliance with national and international standards;
- ◆ Obtain systematic and impartial information on trials from the perspective of their compliance with national and international fair-trial standards; and
- ◆ Accurately identify and make appropriate recommendations on areas where reform is needed.

In December 2003, the ODIHR and the OSCE Office in Baku conducted an initial training session on trial monitoring as part of the first phase of implementation of the fair-trials programme in Azerbaijan. Twenty participants were selected to take part in the training session, which covered international and national fair-trial standards; goals, principles, and methodology of trial monitoring; and trial reporting.

## **2. ENSURING RESPECT FOR HUMAN RIGHTS IN THE FIGHT AGAINST TERRORISM**

There is concern that the fight against terrorism could be used as an excuse to suppress legitimate expressions of dissent and to limit fundamental freedoms, in particular freedom of religion or belief, freedom of expression, and freedom of assembly. In addition, standards of privacy and the fair administration of justice are at risk as states respond to the increased threat of international terrorism.

The ODIHR monitors counter-terrorism practices to ensure that appropriate checks and balances are in place regarding the conformity of anti-terrorism measures with international law, in particular human rights law. The ODIHR also works to prevent or address shortcomings in national practice through research, analysis, and review of how anti-terrorism measures affect human rights standards in the following areas:

- ◆ Freedom of association;
- ◆ Non-discrimination, including freedom of religion or belief;
- ◆ The right to private and family life;
- ◆ Freedom from arbitrary detention;
- ◆ The right to a fair trial; and
- ◆ The prohibition of torture and inhuman or degrading treatment or punishment.

The ODIHR is currently collecting and compiling major anti-terrorism legislation from all OSCE participating States (this information can be found on the Legislationline website at [www.legislationline.org](http://www.legislationline.org)). Organized by subject and country, this legislation is intended as a resource for lawmakers in the OSCE region, while also guiding the ODIHR's work in providing technical assistance to participating States with respect to their implementation of UN Security Council Resolution 1373.

A comprehensive approach to combating terrorism also requires preventive action. ODIHR programmes promoting human rights, building democratic institutions, and strengthening the rule of law are key components that enable states to address the various social, economic, political, and other

factors that engender conditions in which terrorist and extremist organizations may recruit or win support. The promotion of tolerance and multiculturalism are of particular relevance in this effort.

### Technical assistance

UN Security Council Resolution 1373 constitutes the global legal framework for international action against terrorism, calling for international co-operation in the fight against terrorism and promoting the ratification and implementation of the 12 conventions and protocols relating to terrorism. Although the UN Counter-Terrorism Committee is responsible for monitoring the implementation of this resolution, it does not provide any direct technical assistance and has no mandate to monitor national compliance with human rights standards. Instead, regional organizations such as the OSCE have been providing technical assistance when requested.

The ODIHR encourages, and uses as part of its approach, the involvement of experts from participating States who share their governments' experience of the ratification and implementation process. For example, the ODIHR organized a regional seminar in February on the implementation of the resolution in Central Asia and a similar one for the states of South-Eastern Europe in December. In April, national workshops were held in Azerbaijan and Georgia that outlined the main elements of the resolution and provided advice and assistance on drafting implementing legislation. ODIHR experts took part in a seminar in June that was organized in response to a request from the Government of Kyrgyzstan for assistance in its implementation of the resolution. Technical legislative assistance workshops were also held in Azerbaijan and Armenia in September and November, respectively.

## 3. HUMAN RIGHTS TRAINING AND EDUCATION

One of the priority areas in the ODIHR's new human rights programme is human rights training and education. During the past year, training was aimed at providing support to smaller OSCE missions and their staff members, while it will

also include government authorities and civil society representatives in the future.

While personnel at OSCE field missions often have contact with individuals alleging that their human rights have been violated, it is not always clear how to deal with such complaints.

The ODIHR's *Individual Human Rights Complaints: A Handbook for OSCE Field Personnel*, published in 2003, was designed to help

field personnel identify the best ways to address individual human rights complaints by providing practical guidance on how to receive, process, and follow up on such complaints.

The purpose of the handbook is not to suggest that OSCE missions should become more involved in handling human rights complaints; instead, the book suggests that OSCE missions be prepared to refer individuals alleging abuse to the appropriate bodies in their national systems. In situations where it is clear that a mission should be involved, the handbook sets out a methodology that will help personnel work more effectively by ensuring that they handle complaints in a consistent manner.

In addition to the publication of this handbook, the ODIHR has also conducted two training sessions for OSCE field personnel in line with the guidelines contained in the handbook. The first such pilot training took place in Yerevan in 2002, focusing on the Caucasus missions, and a second session was conducted in Tashkent in September 2003 for the Central Asia missions. The sessions were conducted in cooperation with the Training Unit of the OSCE Secretariat, as well as with the training co-ordinators in the respective field operations. The ODIHR also provided specific training modules for the EU-led training programme for civilian crisis management.



In November, the ODIHR, together with the OSCE Training Unit, organized the first Human Dimension Forum in Vienna, bringing together staff from field missions and the ODIHR to exchange experiences and to explore potential for increased co-operation.

## FUTURE PRIORITIES

### Tolerance and non-discrimination

The new mandate and tasks from the Maastricht Ministerial Council Meeting will undoubtedly be the main priority for the Human Rights Section in 2004. In particular, the ODIHR was tasked with the following:

- ♦ To serve as a collection point for information and statistics on hate crimes (including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism) gathered by participating States and to report regularly on these issues;
- ♦ To promote, among other things, best practices, and to disseminate lessons learned, in the fight against intolerance and discrimination and to collect legislation regarding crimes fuelled by intolerance and discrimination and, where appropriate, to provide assistance in drafting and reviewing such legislation.

The ODIHR Advisory Panel of Experts on Freedom of Religion or Belief will continue to work on issues of interfaith and intercultural dialogue with a view to promoting tolerance, respect, and mutual understanding. Human rights education, and tolerance education in particular, will continue to be a priority for the Panel in 2004. Finally, the ODIHR will be active in assisting with the substantive preparations for OSCE special events in relation to tolerance and non-discrimination in 2004.

### Human rights training and education

Activities in the area of human rights training and education will be further strengthened in 2004. Training activities will continue to focus on the following areas: human dimension

training for OSCE staff, support for smaller OSCE field missions, and training for civil society and governmental bodies. Thematic priorities will include training on fair-trial standards, monitoring places of detention, and informal human rights education.

The ODIHR will play a leading role in supporting the OSCE Chairmanship in organizing the Supplementary Human Dimension Meeting on Human Rights Education and Training in March 2004.

### Thematic programmes

The ODIHR will continue to focus on the following thematic areas in 2004:

- ♦ Death penalty;
- ♦ Fair trials;
- ♦ Freedom of assembly and association; and
- ♦ Terrorism and human rights.





Roma children took part in a youth camp co-sponsored by the ODIHR in Albania in the summer of 2003. The camp introduced children to school life and encouraged them to get an education.

# Contact Point for Roma and Sinti Issues

The ODIHR's activities on Roma and Sinti issues aim to strengthen national and international efforts to promote tolerance and non-discrimination. As a mechanism for early warning, the ODIHR has proven to be effective in indicating increasing tensions and situations calling for crisis management, in particular at the grass-roots level, in cases where tensions between Roma and the majority population have evolved into open conflict. The key overall objective of the ODIHR's work in this field is to promote enduring security and stability in the OSCE region by assisting in the development of truly inclusive societies in which all citizens, including those of Roma origin, enjoy equal rights.

With a view to realizing this goal, the Contact Point for Roma and Sinti Issues is implementing a work programme that focuses on the advancement of the political rights of Roma and Sinti in the OSCE area, on acute crisis prevention and crisis management in post-conflict areas of South-Eastern Europe, and on fostering and supporting civil society development among Roma communities in the Balkans.

## In addition, the Contact Point

- ♦ Provides policy advice to OSCE governments;
- ♦ Acts as a clearing house for the exchange of information on Roma and Sinti issues, including information on the implementation of Roma-related commitments by OSCE participating States;
- ♦ Enhances interaction between OSCE structures, governments, international organizations, and Roma or Roma-related NGOs to develop synergies and common approaches; and
- ♦ Collects information from OSCE countries on legislative and other measures related to the situation of Roma and Sinti and makes it available to the OSCE community and other international organizations.

*The ODIHR focuses  
on advancing the  
political participation of  
Roma and Sinti*

## THE MAIN ISSUES

- ♦ **Political participation:** A strong ethnic and cultural Roma identity that often prevails over a national identification with countries of residence has resulted in a pervasive lack of awareness about how to influence their own circumstances through political participation. In addition, anti-

Roma discrimination has contributed to a sense of alienation among Roma from political life in their countries.

♦ **Discrimination and racial violence:** Anti-Roma bias has extremely negative effects on access to employment, education, housing, and health care. In several countries, Roma have been targets of racial violence, including racially motivated murder. Unlawful treatment of Roma by police is a widespread problem.

♦ **Education:** In many countries, Roma children encounter widespread discrimination and rejection in public schools. It is not unusual for these children to be forced into schools reserved for the mentally disabled. The future long-term consequences of this can be highly detrimental to positive advancement in the societies in which they live.

♦ **Living conditions:** Roma face widespread discrimination with regard to access to housing and health care. The resulting extremely poor living conditions give rise to high incidence of disease and malnutrition.

The ODIHR Contact Point addresses these issues either directly through its programmes or by promoting the establishment of institutional frameworks at local and national levels designed to advise governments and administrations on policy-making on Roma affairs. In doing so, the Contact Point co-ordinates closely with other international organizations and NGOs and seeks to involve Roma in all its activities.

## PROGRAMMES

Besides its clearing-house and advisory functions, the ODIHR Contact Point carries out a broad range of project activities that currently focus on three areas:

- ♦ Advancing the political rights of Roma and Sinti;
- ♦ Addressing the particular problems of Roma in South-Eastern Europe; and
- ♦ Promoting international co-ordination and representation.

## Background

The Roma and Sinti populations in Europe, also known as gypsies, migrated from India between the 9th and the 14th centuries. They dispersed across Europe and developed diverse communities, some with their own dialects. The language of the Roma, Romanes, is related to Hindi. According to estimates, up to 15 million Roma and Sinti live around the world, the majority in Europe. While nomadism was central to their culture, most Roma are now sedentary. Roma have been persecuted throughout their history and were victims of the Holocaust. While the communist regimes in Central and Eastern Europe at least provided social security, better educational and employment opportunities, and protection from open discrimination, the Roma were often pushed back into their role of second-class citizens after the collapse of communism in 1989. Many were caught in the crossfire of violent conflicts resulting from the resurgence of nationalism in Eastern and South-Eastern Europe.

Discrimination and exclusion still characterize the lives of most Roma today, reflected in racist violence, unemployment, poverty, illiteracy, and high infant mortality.

“Ten years after the iron curtain fell, Europe is at risk of being divided by new walls. Front and center among those persons being left outside Europe's new security and prosperity are the Roma. In many countries, Roma have been decreed illegal residents on their own property, banished beyond municipal boundaries, and left outside the community of common concern. These are not isolated incidents but widespread practices - sometimes systematic and on occasion systemic. To redress the long and hard experience of Roma requires, therefore, considerable attention, careful analysis, development of specific policies and commitment of adequate resources.” (OSCE report on the situation of Roma and Sinti, March 2000)

## 1. ADVANCING THE POLITICAL RIGHTS OF ROMA AND SINTI

In recent years, Roma have begun to participate more in society in general and in political life in particular. Nonetheless, the scale of participation has remained very limited. The number of Roma participating in elections, either as voters or as candidates, is still disproportionately low. With only 11 members of parliament, some 20 mayors, and representatives in municipal councils (mainly in Bulgaria, Slovakia, the former Yugoslav Republic of Macedonia, and Romania) in the whole of Europe, Roma also remain vastly underrepresented in public office, in spite of constituting significant minorities in many countries.

This underrepresentation is partially due to institutional obstacles and the general marginalization of Roma within the societies in which they live. Another significant factor, however, is a lack of knowledge by many Roma of their civil and political rights and of the existing institutional means to make effective use of those rights to influence politics in their home countries.

Without coherent institutional representation, Roma are typically not involved in the decision-making processes aimed at improving their living conditions; rather, they find themselves treated as objects of support and assistance by national authorities, aid agencies, and international organizations. Notwithstanding this, there have been a number of initiatives recently by Roma organizations and various governments designed to improve representation structures and consultation mechanisms, both at the national and international levels.

In 1999, the Contact Point launched a multiyear programme for the advancement of the political rights of Roma. This programme is designed to increase the level of participation of Roma in elections at local and national levels - both as voters and candidates. A key objective of the programme is to facilitate access by Roma to policy-making on Roma issues.

### Roma and elections

The Contact Point has been monitoring the participation of Roma in elections since 1999. In line with the objective of increasing Roma participation in elections, various activities have been devised, including awareness-raising programmes for Roma voters, training courses for Roma candidates and political parties, and the production of voter guidelines.

Within the framework of ODIHR election observation missions, the Contact Point seconded Roma observers to study the participation of Roma in a number of elections in 2003, including in Albania, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, and Serbia and Montenegro.

The Contact Point also works to promote democratic structures and mechanisms, including elections, within Roma communities and their organizations themselves. It is hoped that such initiatives will increase the legitimacy of, and engender broad-based confidence in, Roma represented in various forums at the local, national, or international level.

### Roma political participation

Through a number of meetings led by the Contact Point in 2003, Roma who serve as elected officials in several states were brought together to share ideas and to discuss the work of international organizations. A series of meetings in Moldova (June 2003) and in Slovakia (December 2003) brought together candidates and Roma who had been elected to local councils to share experiences, build networks, and receive further training.

## 2. ROMA UNDER THE STABILITY PACT FOR SOUTH EASTERN EUROPE

Roma communities throughout South-Eastern Europe were particularly affected by the collapse of communism and transition to a market economy and later by the armed conflicts that marked the breakdown of the former Yugoslavia. Particularly during the conflicts in Bosnia and Herzegovina and

Kosovo, Roma communities were frequently caught in the crossfire, accused of collaboration with opposing parties to the conflict.

The Contact Point's two-year programme "Roma under the Stability Pact for South Eastern Europe" is funded largely by the European Commission, with additional support from the United States, and is implemented together with the Council of Europe.

### **Roma in acute crisis situations**

The Contact Point monitors the situation of Roma in conflict areas and alerts the authorities and the international community when Roma are under threat of becoming victims of a conflict. Throughout the summer of 2003, the Contact Point worked closely with the OSCE Spillover Monitor Mission to Skopje to address the crisis in Medzitlija, where a large group of Roma and Egyptian Internally Displaced Persons (IDPs) were gathered. The Contact Point offered its support as an intermediary to representatives of concerned governmental agencies, embassies, international governmental organizations, non-governmental organizations, and the IDPs themselves.

In July, the Contact Point co-operated with the Spillover Monitor Mission and the Council of Europe to organize a regional roundtable on this issue. This resulted in the drafting of a document outlining five guiding principles that would allow international organizations and the IDPs to work together to find more-durable legal solutions to the crisis; these guiding principles could also be applied in similar circumstances elsewhere. As a result of efforts by the OSCE, the IDPs at Medzitlija reached an agreement with international governmental organizations allowing for a withdrawal to Skopje and, for many of the concerned, a new process of application for asylum.

### **Roma refugees and IDPs**

Tens of thousands of Roma had to leave their homes during the recent conflicts in South-Eastern Europe and now live as refugees or IDPs in the former Yugoslav Republic of Macedonia, Serbia, and other countries in the region. While some

of the refugees and IDPs have integrated into their host societies, others still live in refugee camps where difficult living conditions are often aggravated by tensions with the local population, including the local Roma population. The Contact Point, in close co-ordination with the UNHCR, assists Roma refugees develop internal structures and capacities that allow them to effectively contribute to finding a durable solution to the refugee problem together with local and national authorities, Roma organizations, and the international community.

The Contact Point addressed the topic of durable solutions for the Roma, Ashkali, and Egyptian Kosovars displaced in the Balkans at a conference it led in Sarajevo in January, as well as at the July meeting in Skopje mentioned earlier. The Contact Point has also been involved in work with the OSCE missions in the Balkans and with national authorities to develop a set of principles and norms for formalization and upgrading of informal housing settlements. This process of study and discussion will continue in 2004.

### **Local Roma contact points**

The ODIHR Contact Point is in the process of establishing a network of local Roma "contact points" throughout South-Eastern Europe. The contact points are Roma selected by the ODIHR to act as intermediaries between Roma communities and local authorities. The purpose of this project is not only to improve communication between Roma populations and the authorities but also to train young Roma professionals in preparation of possible future engagements in institutions and organizations dealing with Roma affairs.

### **Overcoming fragmentation**

The fragmentation of the ethnic group usually referred to as Roma or "gypsies/tsiganes" is one of the key obstacles to effective self-organization. The immense diversity of Roma or Roma-related populations in terms of ethnicity, language, religion, social status, and cultural background often makes it difficult to agree on common approaches. The Contact Point works to overcome cleavages and tensions between the different sub-groups by acknowledging and openly discussing existing differences, while stressing the need for joint action

based on common traditions and shared experiences. It is actively engaged in brokering agreements between different Roma or Roma-related groups and their organizations, including on electoral coalitions and joint policy platforms.

In this context, the Contact Point assembled a meeting in February, together with Albanian authorities, the OSCE Presence in Albania, and the Council of Europe, in Elbasan, Albania, on "Policy-making on Roma and Egyptians in Albania, focusing on education and the protection of children's rights in multi-ethnic communities". This meeting enabled similar communities to share experience and to find common approaches to their shared hardships. As one outcome of the meeting, the Albanian Government adopted in May a new national strategy for Roma communities, which was the focus of much of the meeting's discussion and ideas. A Roma working group formed at this meeting partnered with Albanian authorities on the national strategy. This working group continued to consolidate its constituency and capacity and conducted activities throughout 2003 in partnership with such institutions as the Council of Europe and the World Bank, as well as NGOs

#### **Special focus on Roma women**

Within Roma communities, women generally tend to be particularly disadvantaged. With this in mind, the Contact Point has adopted a special mentor programme focused on the empowerment of Roma women. A number of experienced Roma women activists were tasked by the ODIHR as early as 2001 with passing on their expertise to groups of young women active in NGOs working on Roma issues. Many of these women remained in touch with one another and with the ODIHR throughout last year and attended the 2003 Human Dimension Seminar on the participation of women in political and economic life. The Contact Point arranged a side event at this meeting where a recently formed international network of Roma women presented its agenda to a wider audience of women's-rights activists and representatives of national governments. This reflects the general approach of the Contact Point to increasingly use know-how that already exists among Roma themselves, in particular in more-advanced communities such as those in Romania and

Bulgaria, and to make it available to the next generation of Roma leaders and activists. The Contact Point is also forming a Regional Task Force on Roma Gender Issues, made up of a team of experts that will organize public debate on issues related to the rights of Roma women and their participation in political life.

#### **Confidence-building and non-discrimination**

The Contact Point has also been focusing on ensuring equal access for Roma to housing and legal residence, which is a prerequisite for access to public services and civil rights, such as the right to vote. In this context, the Contact Point is currently working on a compilation of cases of discrimination against Roma in the public domain. In the longer term, the creation of a database is planned that will include anti-discrimination legislation, institutional enforcement arrangements, and relevant case law. The development of such a resource is hoped to provide a valuable resource for Roma institutions and communities. In 2003, the Contact Point began gathering information on relevant legislation and practices in OSCE participating States. In co-operation with the ODIHR's Legislationline project, this collection of documents will be available to the broader public in the course of 2004.

### **3. PROMOTING INTERNATIONAL CO-ORDINATION AND REPRESENTATION**

#### **International Contact Group on Roma Issues**

The Contact Point initiated the creation of an informal International Contact Group on Roma Issues in 2000. The Contact Group brings together officials and contact points working on Roma issues in international organizations, including the OSCE, the Council of Europe, and the European Union. It meets at least twice a year, often on the sidelines of relevant working-group meetings of the European Council, to improve co-ordination on Roma issues between the respective organizations. In 2003, the newly approved OSCE Action Plan for Improvement of the Situation of Roma and Sinti in the OSCE Area tasked the Contact Point with continued facilitation, as

well with strengthening and upgrading of this informal body of the Contact Group's meetings; immediately after the approval of the Action Plan in November, preparations began for a meeting of the Contact Group in spring 2004.

### **International Roma representation at the European level**

The Contact Point supports the establishment of international Roma representation at the European level. It facilitated the creation of a Roma Contact Group in October 2000 that regularly assembles representatives of the two major international Roma associations - the International Romani Union and the Roma National Congress - as well as Roma experts and elected Roma parliamentarians and officials. The Roma Contact Group functions as a partner of international organizations in defining and implementing Roma-related activities.

The Contact Point has also been actively involved in the process of developing modalities for the creation of a pan-European Roma assembly with consultative functions, as proposed by Finnish President Tarja Halonen in a speech before the Council of Europe's Parliamentary Assembly in January 2001. In line with this, the Contact Point is facilitating the participation of Roma organizations and representatives in the preparatory process for the creation of such an assembly.

## **FUTURE PRIORITIES**

The OSCE Permanent Council passed the OSCE Action Plan for Improvement of the Situation of Roma and Sinti in November 2003. This Action Plan was drafted over the course of several months by a working group comprised of delegations of participating States. In developing the plan, the working group was assisted and advised by the ODIHR Contact Point, which gathered proposals for the agreement from a wide circle of policy experts and members of Roma and Sinti communities. The Contact Point organized open international meetings for this purpose in Skopje in July, in Vienna in September, and in Warsaw in October. In addition to

these meetings, an Internet forum was created through which Roma and other stakeholders could read drafts and could offer and discuss proposed sections for the final document. Roma and Sinti men and women from across the OSCE area made use of this opportunity and contributed to a document reflective of grass-roots concerns. At the Ministerial Council Meeting in Maastricht in December, the Contact Point organized a side event with the co-operation of the Dutch Foreign Ministry in order to discuss implementation with Roma policy experts.

In 2004, the Action Plan will be the Contact Point's main priority. The Action Plan will further strengthen the ODIHR's ability to assist OSCE governments in fulfilling their commitments to improve the situation of Roma and Sinti in their countries. The Action Plan contains recommendations for governments to ensure that the Roma in their countries enjoy equal rights with all other citizens. The ODIHR will continue to advise governments on defining policies on Roma-related issues and on their subsequent implementation. Supplementary to this, the Action Plan also includes a set of concrete activities to be directly implemented by the Contact Point. These mainly expand on the Contact Point's experiences with its current work programme in the areas of policy-making, conflict prevention and management, elections and political participation, and international co-ordination and representation.





Through its Grassroots Democracy Projects fund, the ODIHR co-sponsored a youth camp for Roma children in Velipoja, Albania, in August. Some 135 children between the ages of 7 and 14 took part in the camp.

# Grassroots Democracy Projects

A programme to encourage the development and implementation of national and local initiatives to promote human rights and democracy through low-cost, high-impact projects was established by the ODIHR in 1999. Ever since then, the ODIHR has provided support and funding to specific projects across the human dimension through this programme, highlighting co-operation between OSCE field offices and local actors. In 2003, the ODIHR supported 28 projects in nine countries.

## OBJECTIVES

- ♦ To encourage the development and implementation of national and local initiatives to promote human rights and democratization as a conflict-prevention and -resolution tool;
- ♦ To support and expand the human rights and democratization activities of OSCE missions and field offices, in co-operation with the ODIHR; and
- ♦ To provide a regular source of support for grass-roots human rights and democracy initiatives developed by OSCE missions and field offices in their local areas.

### Background

National and local authorities, as well as OSCE missions and field offices, have increasingly turned to the ODIHR for expertise and assistance in implementing small-scale human rights and democratization projects developed by the missions. In 1999, the ODIHR developed the Grassroots Projects initiative to support these efforts. With ODIHR support, six OSCE missions and field presences successfully implemented 13 grass-roots projects during the programme's first year, reviewing legislation, raising public awareness of human rights, supporting NGO development, building bridges among ethnic groups, and advancing the rights of women, as well as other valuable initiatives. Since then, the programme has expanded, supporting 20 projects in 2000, 33 in 2001, 16 in 2002, and 28 projects in 2003 in collaboration with 11 OSCE field presences.

### Rationale

In order to take better advantage of the OSCE's expertise on human dimension issues, the ODIHR created the grass-roots mechanism to support and fund small projects initiated by local actors and implemented in conjunction with OSCE missions and field offices. Encouraging such mission initiatives has increased the scope of the OSCE's human dimension field activities, much of which is aimed at conflict prevention and conflict resolution in local areas. It has harnessed the comparative advantages of missions by drawing on their knowledge of local conditions and actors, improving the cost-effectiveness of projects and enhancing on-the-ground supervision of project implementation.

The ODIHR has increased its support for such mission initiatives. The ODIHR provides technical advice and assists as necessary in identifying international experts. OSCE missions and field offices have all been invited to submit project proposals for consideration for ODIHR support.

### Eligibility

Projects eligible for funding under this initiative should be small-scale efforts aimed at advancing particular aspects of human rights and/or democracy in the relevant mission's host country. The projects may, for example, deal with rule of law, NGO development, human rights education, advancing gender equality, supporting human rights institutions, or other aspects of the human dimension.

Preference is given to projects that include local partners in implementation and strengthen the capacity of local partners to make sustained contributions to human rights or democracy. At the same time, however, grass-roots projects are not intended to be an NGO funding mechanism; rather, OSCE field offices are expected to be actively involved in implementation or supervision of projects.

In general, projects under this grass-roots initiative should cost less than 5,000 euros.

## A Selection of Grassroots Democracy Projects 2003

Country	Projects
Albania	<ul style="list-style-type: none"> <li>♦ Summer school camp for Roma children</li> </ul>
Armenia	<ul style="list-style-type: none"> <li>♦ Monitoring the custody conditions of convicts and working conditions of the staff of pre-trial detention facilities</li> <li>♦ Improvement of voter lists</li> </ul>
Azerbaijan	<ul style="list-style-type: none"> <li>♦ Capacity-building of NGOs to effectively advocate their basic interests - emphasizing NGO registration</li> <li>♦ Training seminars for teachers in secondary schools using an Azeri translation of the human rights manual <i>First Steps</i></li> <li>♦ Assistance to individuals without a <i>propiska</i> (registration) in obtaining identification documents and restoring their rights</li> </ul>
Georgia	<ul style="list-style-type: none"> <li>♦ Methods and techniques of human rights education for secondary-school teachers in Samtskhe-Javakheti</li> </ul>
Kazakhstan	<ul style="list-style-type: none"> <li>♦ Observance of rights of illegal labour migrants in southern Kazakhstan</li> <li>♦ Support to Co-ordination Council on the death-penalty moratorium</li> <li>♦ Participation in mock-trials competition</li> </ul>
Kyrgyzstan	<ul style="list-style-type: none"> <li>♦ Elaboration of legislation on alternative sentencing</li> <li>♦ Legal support to prisoners</li> <li>♦ Publication of the <i>UMUT</i> newspaper for prisoners</li> <li>♦ Human rights winter school for young NGO leaders</li> <li>♦ Civil society-government dialogue roundtable on accessing information</li> </ul>
Moldova	<ul style="list-style-type: none"> <li>♦ Towards civil society through debate</li> </ul>
Tajikistan	<ul style="list-style-type: none"> <li>♦ Participation in the conference on "Trafficking in Women and Children"</li> <li>♦ Human rights summer school</li> </ul>
Uzbekistan	<ul style="list-style-type: none"> <li>♦ Monitoring of children's rights in orphanages in Kokand and Margilan</li> <li>♦ Youth summer camp on human rights</li> </ul>



# 2003 Projects

Thematic Area	Region	Related Countries/Regions	Title
<b>ELECTIONS</b>			
Elections	South-Eastern Europe	Albania	Technical Assistance to the Bipartisan Parliamentary Committee
Elections	Caucasus	Azerbaijan	Observation of Candidate Registration
Elections	Caucasus	Azerbaijan	Adoption of a Unified Election Code
Elections	Caucasus	Azerbaijan	Monitoring of the Implementation of the Unified Election Code
Elections	Central and Eastern Europe	Belarus	Election Processes
Elections	Other Regions	Ethiopia	Provision of Assistance on Elections to the African Union
Elections	OSCE Region	OSCE Region	Domestic Observation Capacity-Building 2
Elections	OSCE Region	OSCE Region	Electoral Legislation Alert and Assistance
Elections	OSCE Region	OSCE Region	ODIHR Guidelines on Media and Elections
Elections	OSCE Region	OSCE Region	Election Observers from Central and Eastern Europe and the former Soviet Union
Elections	South-Eastern Europe	Montenegro (Serbia & Montenegro)	Reform of Republican Election Legislation

## GENDER

Gender	Caucasus Regional	Armenia, Azerbaijan, Georgia	Prevention of Violence against Women
Gender	Caucasus	Armenia	Women's-Rights Education and Leadership Development
Gender	Caucasus	Azerbaijan	Women's Leadership and Political Participation
Gender	Caucasus Regional, Central Asia Regional	Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Expert Training for Local Gender Specialists: Advanced Training of Trainers
Gender	Caucasus	Georgia	Women's Leadership and NGO Coalition-Building
Gender	Central and Eastern Europe, Caucasus Regional	Armenia, Azerbaijan, Georgia, Estonia, Latvia, Lithuania	Confidence-Building for Women Leaders in the Caucasus and the Baltic States
Gender	Central Asia Regional	Kazakhstan, Kyrgyzstan	Women's Political Participation
Gender	Central Asia Regional	Kazakhstan, Uzbekistan, Kyrgyzstan	Monitoring of Women's Rights
Gender	Central Asia	Kazakhstan	Women's-Rights Awareness Project 2003 - Phase 2: Women's Political Awareness
Gender	Central Asia	Kyrgyzstan	Women's Leadership, Lobbying, and Network-Building

Thematic Area	Region	Related Countries/Regions	Title
<b>HUMAN RIGHTS</b>			
Human Rights	Caucasus Regional, Central Asia Regional	Georgia, Azerbaijan, Kyrgyzstan, Tajikistan	Legislative Technical Assistance on Anti-Terrorism
Human Rights	Central Asia Regional	Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan	Workshops on Freedom of Religion or Belief
Human Rights	Caucasus Regional, Central Asia Regional	Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Public Awareness on Freedom of Religion
Human Rights	OSCE Region	OSCE Region	Human Rights Training and Education Programme
Human Rights	OSCE Region	OSCE Region	Legislation on Freedom of Religion
Human Rights	OSCE Region	OSCE Region	Development of Guidelines for Reviewing Laws Affecting Freedom of Religion or Belief
Human Rights	Central and Eastern Europe	Russian Federation (Chechnya)	President's Special Representative in Chechnya
<b>MIGRATION</b>			
Migration	Caucasus Regional	Armenia, Azerbaijan, Georgia	Assistance to Border Service Reform
Migration	Caucasus	Armenia	Assistance to Reform of the Registration System in Armenia
Migration	Central and Eastern Europe	Belarus	Assistance to Reform of the Registration System in Belarus
Migration	Central and Eastern Europe	Ukraine	Assistance to Reform of the Registration System in Ukraine
Migration	Central Asia	Kazakhstan	Legal Clinic for Migrants
Migration	Central Asia	Kyrgyzstan	Assistance to Reform of the Registration System/Registration of Permanent Residents in Kyrgyzstan
Migration	Central Asia Regional, Caucasus Regional, Central and Eastern Europe Regional	Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Russian Federation, Belarus, Moldova, Ukraine	Cross-Border Co-operation through Collection of Migration Information

Thematic Area	Region	Related Countries/Regions	Title
<b>NGO</b>			
NGO	Caucasus Regional	Armenia, Azerbaijan, Georgia	Human Rights Training Follow-up Conference
NGO	Caucasus	Georgia	Civic Diplomacy Project
NGO	Central and Eastern Europe	Belarus	Youth and Society
NGO	Central Asia Regional	Kazakhstan, Tajikistan	Civic Dialogue/Civil Society Assistance Project
NGO	Central Asia Regional	Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Human Rights Follow-up Conference
NGO	Central Asia Regional	Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Human Rights Monitoring Training Programme
NGO	Caucasus Regional	Armenia, Azerbaijan, Georgia	Human Rights Monitoring Training Programme
NGO	Central Asia	Kyrgyzstan	Civic Dialogue Project
NGO	OSCE Region	OSCE Region	NGO Fund for Participation in Human Dimension Events

<b>Project Management</b>			
Project Management	Central and Eastern Europe	Belarus	Master's Degree Programme, Centre for European and Transatlantic Studies at European Humanistic University
Project Management	OSCE Region	OSCE Region	Grassroots Democracy Projects

<b>Rule of Law</b>			
Rule of Law	Caucasus Regional	Armenia, Azerbaijan, Georgia	Legislation Alert and Assistance Programme
Rule of Law	Caucasus Regional	Armenia, Azerbaijan, Georgia	Prison Reform Based on International Standards for Treatment of Prisoners
Rule of Law	Caucasus Regional	Armenia, Azerbaijan, Georgia	Technical Assistance for National Human Rights Institutions such as Ombudsman
Rule of Law	Caucasus Regional, Central Asia Regional	Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Mentoring Project: Ombudsman Institutions in Caucasus and Central Asia
Rule of Law	Caucasus Regional, Central Asia Regional	Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Monitoring Places of Detention
Rule of Law	Central and Eastern Europe	Belarus	Alternative Sentencing
Rule of Law	Central Asia	Kazakhstan	Assistance to the Training Centre for the Judiciary
Rule of Law, Human Rights	Central Asia Regional	Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Fair Trials Programme
Rule of Law	Central Asia Regional	Kazakhstan, Kyrgyzstan, Uzbekistan	Assistance for National Human Rights Institutions
Rule of Law	Central Asia Regional	Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Prison Service Training
Rule of Law	Central Asia Regional	Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Legislation Alert and Assistance Programme

Thematic Area	Region	Related Countries/Regions	Title
Rule of Law	Central Asia	Kazakhstan	Prison Service Training
Rule of Law	Central Asia	Kazakhstan	Training for Staff of Pre-trial Detention Facilities
Rule of Law	Central Asia	Kyrgyzstan	Assistance for the Human Rights Commission
Rule of Law	Central Asia Regional	Kyrgyzstan, Tajikistan, Uzbekistan	Legislative Reform Assistance
Rule of Law	Central Asia	Kyrgyzstan	Prison Service Training
Rule of Law	Central Asia	Kyrgyzstan	Student Legal Aid Initiative on Criminal Law, University of Osh
Rule of Law	Central Asia	Kyrgyzstan	Training on ICCPR for Judges, Prosecutors and Defence Lawyers
Rule of Law	Central Asia	Kyrgyzstan	Legislative Assistance
Rule of Law	Central Asia	Tajikistan	Legal Support Centre for Women - Legal Clinic at Russian-Tajik Slavic University
Rule of Law	Central Asia	Tajikistan	Prison Service Training
Rule of Law	Central Asia	Uzbekistan	Assistance to the Ombudsman Office
Rule of Law	Central Asia	Uzbekistan	Prison Service Training
Rule of Law	OSCE Region	OSCE Region	ODIHR Anti-Torture Programme

### Roma and Sinti

Roma and Sinti	South-Eastern Europe Regional	Albania, Bulgaria, Moldova, Czech Republic, Slovakia, Romania, Croatia, former Yugoslav Republic of Macedonia, Serbia & Montenegro, Bosnia & Herzegovina, Kosovo	Combat of Discrimination and Confidence-Building in Access of Roma to Legal Housing and Non-Segregated Residence in the OSCE Space, in Particular in the Countries of Central and South-Eastern Europe
Roma and Sinti	OSCE Region	OSCE Region	International Panel Discussion on the OSCE Action Plan for Roma and Sinti in Maastricht
Roma and Sinti	South-Eastern Europe Regional	Albania, Bulgaria, Moldova, Croatia, former Yugoslav Republic of Macedonia, Serbia & Montenegro, Bosnia & Herzegovina, Kosovo, Romania	Awareness-Raising for Roma Women Activists on the Issue of Trafficking in Human Beings - A Follow-up on the Project "Roma and the Stability Pact in South Eastern Europe"
Roma and Sinti	South-Eastern Europe Regional	Albania, Bulgaria, Moldova, Croatia, former Yugoslav Republic of Macedonia, Serbia & Montenegro, Bosnia & Herzegovina, Kosovo	Mainstreaming, Empowering, and Networking Roma as Full Participants in Post-Crisis Management, Good Governance, and Development of a Sustainable Civil Society in South-Eastern Europe/Roma under the Stability Pact
Roma and Sinti	South-Eastern Europe Regional	Albania, Bulgaria, Moldova, Croatia, former Yugoslav Republic of Macedonia, Serbia & Montenegro, Bosnia & Herzegovina, Kosovo	Roma Use your Ballots Wisely/Roma under the Stability Pact

Thematic Area	Region	Related Countries/Regions	Title
Roma and Sinti	OSCE Region	OSCE Region	Advancing Political Rights of Roma and Sinti
Roma and Sinti	OSCE Region	OSCE Region	Human Dimension & Economic Aspects of Internal and International Migration of Roma and Sinti
Roma and Sinti	South-Eastern Europe Regional and Central and Eastern Europe	Albania, Croatia, former Yugoslav Republic of Macedonia, Serbia & Montenegro, Bosnia & Herzegovina, Moldova	Human Rights and Minority Rights of Roma
Roma and Sinti	OSCE Region	OSCE Region	Roma Consultation to the APRS Working Group
Roma and Sinti	OSCE Region	OSCE Region	Promoting Mutual Understanding between Roma and Local Authorities

### South-Eastern Europe

South-Eastern Europe	OSCE Region	OSCE Region	Legislationline - Legislation Website
South-Eastern Europe	South-Eastern Europe Regional	Albania, Croatia, Serbia (Serbia & Montenegro), Montenegro (Serbia & Montenegro), Bosnia & Herzegovina and the former Yugoslav Republic of Macedonia	Prison Service Reform in South-Eastern Europe
South-Eastern Europe	South-Eastern Europe Regional	Albania, Serbia (Serbia & Montenegro), Montenegro (Serbia & Montenegro), Croatia, and the former Yugoslav Republic of Macedonia	Regional Ombudsman Institution Project
South-Eastern Europe	South-Eastern Europe	Croatia	Legal Assistance and Court Representation
South-Eastern Europe	South-Eastern Europe	Montenegro (Serbia & Montenegro)	Montenegro Action Plan
South-Eastern Europe	South-Eastern Europe Regional	Albania, Serbia & Montenegro, Croatia, Bosnia & Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo	OSCE Regional Human Dimension Co-ordination Project

Thematic Area	Region	Related Countries/Regions	Title
<b>Anti-Trafficking</b>			
Anti-Trafficking	Caucasus Regional	Armenia, Azerbaijan, Georgia in the Caucasus Region	Building NGO Capacity to Combat Trafficking
Anti-Trafficking	Central and Eastern Europe	Belarus	NGO-Government Roundtable to Prevent and Combat Trafficking in Human Beings
Anti-Trafficking	OSCE Region	OSCE Region	Anti-Trafficking Project Fund
Anti-Trafficking	OSCE Region	OSCE Region	Handbook on Guidelines and Principles to Design and Implement National Referral Mechanisms
Anti-Trafficking	OSCE Region	OSCE Region	Transforming International & Regional Anti-Trafficking Standards into National Legislation in Countries of Destination
Anti-Trafficking	South-Eastern Europe Regional	Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Serbia & Montenegro, the former Yugoslav Republic of Macedonia, Kosovo, Moldova, Romania	Monitoring of Responses to Trafficking in Human Beings in South-Eastern Europe
Anti-Trafficking	South-Eastern Europe Regional	Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Serbia (Serbia & Montenegro), Montenegro (Serbia & Montenegro), the former Yugoslav Republic of Macedonia, Moldova, and Romania	Consultation and Co-ordination Activities within the Framework of the Stability Pact Task Force on Trafficking in Human Beings



