



**Office for Democratic Institutions and Human Rights**

**HUMAN DIMENSION IMPLEMENTATION MEETING**

**CONSOLIDATED SUMMARY**

**Warsaw, 17-27 September 2001**

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## **I. INTRODUCTION**

The OSCE Human Dimension Implementation Meeting took place on 17-27 September 2001 in Warsaw just six days after unprecedented terrorist attacks that were committed against the United States of America.

The working sessions of the HDIM were characterised by expression of sympathy and the common understanding of the vital need for cooperation in protecting human rights and security in the OSCE area.

The Meeting, organized by the Office for Democratic Institutions and Human Rights, was the sixth of its kind. It reviewed implementation of the full range of OSCE human dimension commitments in all 55 OSCE participating States.

The Meeting was not mandated to produce any negotiated texts, but a draft summary report prepared by the rapporteurs of the working sessions was presented in the final plenary meeting.

## **II. EXECUTIVE SUMMARY**

The OSCE Human Dimension Implementation Meeting was organised in line with the new modalities on enhancing the effectiveness of the human dimension meetings adopted on 19 July 2001 at the 348<sup>th</sup> Plenary meeting of the OSCE Permanent Council (see attachment).

Timing of the HDIM was changed by moving it from the usual October/November time slot to September in order to allow time for recommendations to be discussed before the Ministerial Council this year. The Meeting consisted of two plenary sessions and 16 working sessions covering the whole range of issues relating to the human dimension of the OSCE.

In accordance with the requirements of the new modalities, the ODIHR created a web page devoted to the HDIM where information about the meeting was posted. With the support of a financial contribution from the U.S. simultaneous broadcasting of the HDIM proceedings over the internet was organised in order to stimulate more interest in the meeting and to make it more accessible to interested parties unable to attend. There was also an opportunity to submit recommendations in written form. Those recommendations were posted on the web page and were regularly updated throughout the whole duration of the meeting. The same procedure applied to the participants' statements.

In terms of the agenda, it was restructured and rationalised. As an experiment, the agenda was built around the "core discussion themes" of (1) Democratic Institutions, (2) Rule of Law, (3) Tolerance and Non-Discrimination, (4) Fundamental Freedoms, (5) Human Rights (continued) and Humanitarian Issues and (6) the Human Dimension in the Work of the OSCE (see attachment). The concept of a "current issue discussion topic" was introduced, in case of positive evaluation of which, a separate session each year would be devoted to a rotating topic. This year's rotating topic was devoted to the role of Ombudsperson in protecting human rights. The annotated agenda of the Implementation Meeting is attached to the present report (see attachment).

The Implementation Meeting gathered 475 participants, including 155 participants from 100 NGOs. Strong participation of the NGO community was encouraged. NGOs were given equal access to the speakers' list.

In recognition that broad attendance by representatives of all the participating States was essential, upon request, financial assistance to the extent available was provided from the OSCE Voluntary Fund to foster the integration of recently admitted participating States.

Participating States were encouraged to endeavour to be represented at a high level, in particular at the plenary sessions, by those responsible for shaping their policies regarding human dimension issues.

At the opening plenary an address was delivered on behalf of the OSCE Chairman-in-Office, Romanian Foreign Minister Mircea Geoana (see attachment). The Meeting was also addressed by the Director of the Office for Democratic Institutions and Human Rights, Ambassador Gérard Stoudmann and the Deputy Foreign Minister of Poland, Mr. Stefan Meller. The OSCE High Commissioner on National Minorities, Ambassador Rolf Ekéus and the Office of the Representative on Freedom of the Media concentrated in their introductory statements on the activity of both OSCE Institutions in the field of Human Dimension.

In accordance with OSCE precedent and practice, all aspects of the human dimension were discussed during the Human Dimension Implementation Meeting. The meeting aimed at enhancing co-operation to facilitate the implementation of human dimension commitments.

Moderators and two rapporteurs were appointed on the basis of proposals by the Chairmanship-in-Office.

Four moderators were involved in the facilitation of the meeting's process: First Deputy Director of ODIHR Mr. Peter Eicher, Second Deputy Director of ODIHR, Mr. Jacek Paliszewski, Personal Representative of the OSCE Chairman-in-Office, Ambassador Constantin Ene and Minister Counsellor, Ms. Valerica Epure (in their capacity as representatives of the Romanian OSCE Chairmanship). The special session on the role of Ombudsperson in protecting human rights was introduced by the Head of the International Relations Department of the Swedish Ombudsman Office, Ms. Marianne von der Esch.

Two Rapporteurs compiled suggestions and recommendations arising at the sessions (see attachment). In line with the new modalities, participants were encouraged to circulate recommendations in writing to produce a more accurate record of the meeting and to facilitate follow-up. Those recommendations are included in the present report.

A number of side events organised by the OSCE Institutions, NGOs, Governments of the participating States and Intergovernmental Organisations profiled a broad range of human rights topics. The Annotated Agenda for side events is attached to the present report (see attachment). The Romanian Chairmanship also organised a meeting of Foreign Ministry Human Rights Directors on the margins of the Implementation Meeting.

A list of documents distributed during the Implementation Meeting is available from the ODIHR upon request.

### III. INDICATIVE AGENDA

#### 1. Opening Plenary

The plenary proceedings consisted of:

- (a) Opening statements, including a statement by a representative of the Chairman-in-Office;
- (b) Report of the OSCE High Commissioner on National Minorities;
- (c) Report of the OSCE Representative on Freedom of the Media;
- (d) Report of the Director of ODIHR.

#### 2. Review of the Implementation of Human Dimension commitments and the procedures for monitoring compliance with them.

A thorough dialogue on the implementation of human dimension commitments and standards to further efforts to improve their observance by participating States in the OSCE area, a consideration of ways and means of improving implementation, on the basis of the broadest possible information, in particular from OSCE bodies and institutions as well as a review of the procedures and mechanisms for monitoring and enhancing compliance with particular commitments. The discussion was structured around the “Core discussion themes”:

##### (a) Session 1

**Democratic institutions**, including:

- Electoral processes
- Democracy at the national, regional and local levels
- Citizenship and political rights
- Civic Education

##### (b) Session 2

**Rule of law**, including:

- Legislative transparency
- Independence of the judiciary
- The right to a fair trial
- Exchange of views on the question of the abolition of capital punishment

##### Session 3

- Prevention of torture

##### (c) Session 4

**Current issue discussion topic**

- The role of the Ombudsmen in protecting human rights

(d) Sessions 5

**Tolerance and non-discrimination**, including:

- Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic-cleansing
- Education and culture
- Including discussion of the 18 and 19 June 2001 Supplementary Meeting

Session 6

- Equal opportunities for men and women

Session 7

- Roma and Sinti

Session 8

- National minorities

(e) Session 9

**The Human Dimension in the Work of the OSCE**, including:

- The functioning of OSCE institutions
- The functioning of OSCE field missions
- Human Dimension mechanisms
- Training and capacity building

(f) Session 10

**Fundamental freedoms**, including:

- Freedom of expression, free media and information
- Including discussion of the 12 and 13 March 2001 Supplementary Meeting

Session 11

- Freedom of association and the right of peaceful assembly
- Civil society

Session 12

- Freedom of thought, conscience, religion, or belief

Session 13

- Freedom of movement

(g) **Human rights (continued) and humanitarian issues**, including:

- Migration, refugees, and displaced persons
- Migrant workers

#### Session 14

- Treatment of citizens of other participating States
- International humanitarian law

#### Session 15

- Trafficking in human beings, including review of Vienna Ministerial Decision Implementation

#### Session 16

Human rights (continued) and humanitarian issues, including:

- Rights of the Child/Children and armed conflict
- **Any other business**

### 3. Closing Plenary

- (a) Statement made by Chairman and Moderator of the Working Sessions
- (b) Presentation by the Rapporteurs;
- (c) Concluding statements

## V. PARTICIPATION

The Meeting was attended by a total of 475 participants (out of which 259 delegates from 48 OSCE participating States). Delegates from three Mediterranean Partners for Cooperation (Algeria, Egypt, Tunisia) as well as three representatives from Korea and Thailand, were also present.

In addition, 22 participants from nine International Organizations were represented: Council of the Baltic Sea States, Council of Europe, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Labour Organisation, Office of the Representative of the UN Secretary General on Internally Displaced Persons, UNICEF, UNHCHR and UNHCR.

The meeting was attended by 155 participants from 100 NGOs.

There were 32 representatives from OSCE Institutions and Field Missions.

## VI. RAPORTEURS' REPORT

Many issues related to human dimension were discussed at the working sessions, with interventions from participating states, international organisations, OSCE institutions and field presences, and NGOs. Interventions included detailed accounts on many specific human rights problems in many OSCE participating States. In developing and presenting their reports, the rapporteurs focused on the specific recommendations emerging from the debate. These recommendations, however, were not formally adopted and therefore do not necessarily reflect the views of the OSCE.

The rapporteurs were Ms. Vera Gracheva, Counsellor, Permanent Mission of the Russian Federation to the OSCE, (covering working sessions 1-2, 5-6, 9-10, 13-14) and Mr. Christophe Kamp, First Secretary, Permanent Representation of the Netherlands to the OSCE (covering working sessions 3-4, 7-8, 11-12, 15-16). The following is a consolidated report derived from the two separate reports presented at the closing plenary session.

### **Democratic institutions (Electoral processes; Democracy at the national, regional and local levels; Citizenship and political rights; Civic education)**

The session was aimed at addressing the core issues of any democracy – be it traditional or relatively young. It concentrated on ways and means of developing a civil society in which all parties were equal in exercising rights and sharing responsibilities.

#### *Recommendations from the discussion:*

To the OSCE and its institutions:

- Many participants suggested to introduce international electoral standards - either in the form of a revised Copenhagen document or a Council of Europe convention, ensuring security for all the participants of the electoral process. As a consequence, the ODIHR was requested to prepare a comprehensive research on electoral legislation of all participating States, or to produce a set of international standards based on best practices.
- The OSCE was called upon to provide active participation of NGOs willing to observe elections during all the stages of the electoral process.
- An adequate and timely response to the events endangering European security and stability of participating States is essential
- The need to strengthen cooperation among the Parliamentary Assembly observers and those of the OSCE, especially with regard to local elections, was underlined.
- Several participants emphasised that appropriate consideration should be given to the proposal for the Permanent Council to include into its agenda regular reporting by observers' missions at all stages of the electoral process, as well as further improvement of the follow-up process.
- The necessity to increase the role of observers at the national level was emphasised by several participants.
- It was suggested to adopt a commitment regarding the participation of all permanent residents in local elections, being in line with the Recommendation of the Council of Europe Committee of Ministers on the Participation of Foreigners in Local Elections.
- Adequate attention should be given to electoral processes in the participating States with long-standing democratic traditions as well.



- Several participants stressed the need to pay more attention to issues of citizenship and statelessness which continue to present risks and challenges to the stability of the States concerned.
- Participating States, which have not done so, were encouraged to sign and ratify the UN Convention on the Reduction of Statelessness and the UN Convention on the Status of a Stateless Person, to follow the Recommendation of the Council of Europe on avoiding statelessness or misuse of national legislation, adopted by the CoE Committee of Ministers, as well as to minimise statelessness in the conditions of a state concession.
- It was suggested that that ODIHR further educational human rights programs and assistance for participating States in transition.
- Several participants emphasised the need to refrain from politicising the elections observation processes and to further develop cooperation with participating States on the basis of assistance and constructive dialogue.

To participating States:

- Participating States were called upon to provide the full participation of minorities in the electoral process. The promotion of minorities' rights in elections was proposed to be considered as a measure for conflict prevention. In this regard participating States were called to abide their legislation and its implementation to international standards.
- Participating States were recommended to take note of the Recommendation of the Council of Europe Committee of Ministers on the Participation of Foreigners in Local Elections as an example of a democratic approach to the integration of the society.
- Many participants urged for granting citizenship to those born within the territory of those participating States which had no relative provisions in the legislation.
- The interests of most vulnerable categories of population, including refugees, with regard to their voting rights should be taken into consideration.
- Gender mainstreaming in the electoral process should be fully maintained.
- To ensure equal opportunities for alternative candidates and favourable conditions for the work of electoral commissions, non-governmental organizations and observers.
- Some participants stressed that participating States should invite international experts on electoral processes even in case the ODIHR has no intentions to send an election observation mission.

**Rule of Law (Legislative transparency; Independence of the judiciary; The right to a fair trial; Exchange of views on the question of the abolition of capital punishment; Prevention of torture)**

The session reaffirmed that the main responsibility for the rule of law lay with participating States. The discussion clearly manifested that the process of legal reforming remained rather moderate and non-stable. The participants expressed their concern regarding the lack of transparency, dependence of the judiciary, numerous cases of violation of the right to a fair trial and vitality of various forms of torture in the OSCE area. The overwhelming majority of participants expressed their negative attitude towards the capital punishment.

*Recommendations from the discussion:*

To the OSCE and its institutions:

- A more decisive position regarding the capital punishment is needed. The OSCE institutions and missions should make the issue of the capital punishment as a special subject in the dialogue with authorities concerned.

- The OSCE should call on the States having the status of observers to adjoin to a moratorium on the capital punishment or to abolish the death penalty.
- To further develop and implement awareness raising and human rights educative programs, especially important for the democratization of the police and other law enforcement bodies.
- To provide the OSCE participating State – non-members of the Council of Europe with an access to the European Court on Human Rights.

To participating States:

- To ratify the Optional Protocol No.2 to the International Covenant on Civil and Political Rights and the Optional Protocol No.6 to the European Convention on Human Rights and Fundamental Freedoms, in case States have not done so; as a first step in this direction to reduce the number of offences falling under the capital punishment, and not to indict to it those mentally ill, aged, younger than 18 at the moment of committing a crime, pregnant women, as well as to announce the moratorium on death penalty till the adoption of related legislation.
- It was recommended to promote cooperation of judges in Europe as well as bilateral cooperation.
- To elect judges at no-term conditions.
- Several participants stressed the need to totally free Europe of the death penalty and to move forward from the moratorium de-facto towards the moratorium de-jure.
- To take measures in order to ensure the access of non-governmental organizations and international observers to prisons and other places of detainment.
- To keep in compliance with international obligations and commitments regarding the rights of the detainees and prisoners.
- In relation to the transparency of the legislation to abstain from arbitrary definitions of state secrets that might lead to unfounded restrictions of freedom of expression.

## **Prevention of torture**

OSCE Commitments and international treaties state the eradication of torture under all circumstances. Nevertheless, in a considerable number of OSCE States people fall victim to torture and other forms of cruel and inhuman treatment. Participants discussed strategies to bring commitments into effect, the role of civil society in this process, and the need for special attention for vulnerable groups and victims of torture.

*Recommendations from the discussion:*

- Participating States were called upon to ratify and implement all international and national laws aimed at the eradication of torture.
- Many participants stressed that participating States must combat impunity.
- It was underlined that participating States must ensure discipline, training and education in the field of human rights, law, and prison reform for law enforcement officials.
- Participating States should agree that confessions or evidence obtained through torture should be inadmissible in courts of law or in legal proceedings.
- Several participants called upon to ban on incommunicado centers, and access to lawyers and doctors and independent observers should be guaranteed. Improvement of prison conditions could also contribute to the prevention of torture.
- Participating States were urged to do more to help the direct and indirect victims of torture, so that they will receive reparation and rehabilitation.

- Participating States were invited to consult the ODIHR Advisory Panel on Prevention of Torture more often to address steps to prevent torture.
- The Director of ODIHR could report regularly to the Permanent Council on the prevention of torture.
- ODIHR could produce an annual report on the situation of torture in the Participating States. A first report of this kind could be prepared for the Human Dimension Implementation Meeting in 2002.
- Participating States were called to collaborate with the Committee on the Prevention of Torture of the Council of Europe. In this regard, publishing findings of the Committee by the Government of a State concerned is helpful to improve transparent Government policy

### **Current issue discussion topic**

#### **The Role of the Ombudsperson in protecting human rights.**

Over the past years, an increasing number of institutions has emerged which function as Ombudsperson and which have different names, shapes and mandates in different countries. These institutions should be fully independent from the legislative, executive, and judicial powers, and, through moral supervision of these powers, aim at safeguarding the human rights of citizens. Participants discussed national experiences, how to ensure real independence and effectiveness of the Ombudsperson institutions, and the role of the OSCE in this process.

#### *Recommendations from the discussion:*

- Participating States were called upon by several participants to guarantee the independence of the Ombudsperson institution from the legislative, executive, and judicial powers, through an autonomous budget and autonomous staff.
- Participating States and ODIHR were called upon to provide more juridical, political, and financial support to Ombudsperson institutions.
- The selection and recruitment of the Ombudsperson should be a transparent process.
- The Ombudsperson should call for greater transparency of Government. The Ombudsperson should also act with transparency him or herself.
- The Ombudsperson cannot provide the solution to all human rights problems. He or she cannot be a substitute for the judiciary.
- Many participants were of the opinion that the Ombudsperson should focus his or her efforts on pro-active prevention of human rights violations. The Ombudsperson should provide analysis of human rights trends and focus also on social and economic rights.
- The Ombudsperson should reach out to communities, which are not well integrated in society, such as minorities including Roma.
- To increase credibility of the Ombudsperson, civil society and NGO's should be engaged in the work of the Ombudsperson.
- Many participants stressed that the Ombudsperson can play an essential role in facilitating dialogue between governmental institutions and NGO's.

#### **Tolerance and non-discrimination (Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic-cleansing; Education and culture; Discussion of the 18-19 June Supplementary Meeting)**

The session was focused on risks and challenges arising from intolerance in its each and every form, on a half-step distance from hate speech to violence, from the propaganda of ethnic or

religious superiority to ethnic cleansing. Participants highlighted the special role of education and the Media for all categories of the society in promoting tolerance and non-discrimination in the long-run, and the necessity for decisive and urgent measures to combat aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism, neo-Nazi and other extremist manifestations provoking inter-ethnic hatred.

At the recommendation of Ambassador Gerard Stoudmann, Director of the ODIHR, participants conveyed an appeal to the Chairman of the OSCE Permanent Council expressing their concern about the recent wave of anti-Muslim incidents and violence in several OSCE countries following terrorists' attacks in the United States. The participants deplored any act of vengeance directed against certain religious or ethnic groups and recommended to the Permanent Council to address this issue.

*Recommendations from the discussion:*

To the OSCE and its institutions:

- Several delegations urged the OSCE to pay attention to the role of the media in the promotion of tolerance and inter-ethnic dialogue.
- To further cooperate with relevant international organizations in combating racism and intolerance.
- To pay due attention to the problem of migrant workers in its area of responsibility.
- One delegation suggested to establish an informal open-ended group of experts on tolerance and non-discrimination as a forum for exchanging best practices and addressing problems.
- Taking into consideration the role of the so-called Ochrid agreement as an example of a new democratic approach to the protection of minorities rights, to avoid double-standards in protecting national minorities elsewhere in the OSCE area.
- To take note of the United Nations Human Rights Guide for Minorities firstly presented at the 2001 World Conference against Racism and Racial Discrimination in Durban as an example of a new approach to the promotion of non-discrimination.
- Several participants suggested to the OSCE High Commissioner on National Minorities to disseminate a questionnaire on the implementation of the OSCE commitments by participating States in the field of tolerance and non-discrimination of minorities.

To participating States

- To take measures so that the global struggle against terrorism and extremism would not lead to repression.
- To improve the efficiency of the criminal law protecting minorities in participating States.
- To ensure the indiscriminate access of minorities to the education on all levels providing equal job opportunities.
- In relation to the role of new informative technologies in promoting tolerance and non-discrimination to prohibit hate language in the Internet.
- Participating States were called upon to ratify and fully implement all the international instruments prohibiting racism and racial discrimination.
- To protect victims of ethno-political conflicts and their socio-economic, cultural and educational rights.
- To implement the recommendations adopted by the 2001 World Conference against Racism and Racial Discrimination in (Durban).

- Participating States should pay due attention to the role of education in promoting tolerance and non-discrimination and in this relation to include the issue of the Holocaust into educational programs.
- Many participants encouraged the participating States to adjoin to the Additional Protocol No.12 of the European Convention on Human Rights and Fundamental Freedoms opened for signing in June 2000.

### **Equal opportunities for men and women**

The session demonstrated the existing gap of opportunities for men and women in the career, politics and social status. Participants emphasized the gender mainstreaming that would serve the interests of the society as a whole.

#### *Recommendations from the discussion:*

To the OSCE and its institutions:

- Taking into consideration the lack of financing for gender projects undertaken by the OSCE missions, to draw the attention of potential donors to the vital necessity for their assistance in the implementation of such projects.
- The OSCE should promote a more substantial role of women in the activities of peacekeeping forces, conflict prevention processes, in reconciliation and negotiations.
- To provide basic training to gender focal points, as well as to educate police monitors in the field of gender mainstreaming.
- Several participants called the OSCE to draw the attention of the OSCE missions and other field presences dealing with cases of violation of women's rights to the necessity not to aggravate the situation of victims and to strictly observe the Code of Conduct for the OSCE Personnel.
- To set a task before the Economic Coordinator of the OSCE to participate in common efforts to eradicate socio-economic roots of inequality of women and to meet the challenges of globalization processes.
- Several delegations supported the recommendation to devote a 2002 OSCE Supplementary Human Dimension Meetings to the prevention of domestic violence or violence in a broader context.

To participating States:

- Participating States were called upon to reformulate their recruiting policies according to gender mainstreaming principles with regard to seconding personnel as candidates for the OSCE missions and other field presences, as well as for high-ranking positions in the OSCE Secretariat and the OSCE Institutions.
- Many delegations suggested to take other relevant measures for the improvement of the under-representation of women in the OSCE bodies, remaining to be male-dominated, through disseminating information about job vacancies, job descriptions, professional requirements and specific conditions existing in the relevant State hosting the OSCE presence.
- To provide a special protection of women's rights in the situation of an armed conflict and to fully investigate charges regarding all cases of alleged violation of women's rights.
- The ODIHR and the OSCE field presences were asked by many delegations to continue awareness raising campaigns regarding women's rights, especially in the States in transition.

- The Participating States that had not done so were called on by several participants to join the UN Convention on Elimination of All Forms of Discrimination against Women.
- The significance of the national legislation providing gender equality and non-discrimination was reiterated by many participants of the Meeting.
- To draw more attention to the issue of domestic violence and to adopt relevant legislative acts, in case they do not have certain provisions in their criminal codes.

## **Roma and Sinti**

Today, discrimination and lack of equal housing, school, employment or other opportunities still characterize the position of Roma and Sinti in the OSCE region. Building on the well attended and action oriented Bucharest meeting from 10 to 13 September 2001 on Roma and Sinti, discussions in this session included OSCE commitments and national implementation, strategies for enhancing Roma participation in public life, and the position of Roma in conflict and post-conflict situations.

### *Recommendations from the discussion:*

- The Participating States should support a common policy approach to the complex problems of the Roma. They may draft a Action Plan on Roma and Sinti.
- Many delegations called upon the participating States to meet their obligations to actively promote and protect the human rights of Roma and Sinti.
- Participating States were called upon to provide real protection to all Roma in crisis and post-crisis situations.
- The Participating States should especially address the situation of Roma women and girls since they may be subject to discrimination on multiple grounds or from multiple sources.
- A program on ‘participation of Roma and Sinti in democratic elections’ was suggested by many participants.
- The Stability Pact and other donor organizations should pay sufficient attention to the specific problems of refugee, returnee, and internally displaced Roma and other communities in South Eastern Europe. Reconstruction activities to make return sustainable require adequate funding.
- Many participants underlined that the existing mandate of the ODIHR on Roma and Sinti issues must include tools for a more pro-active role, including regarding monitor of implementation of OSCE commitments, on-site inquiries, and training of human rights monitors.
- The Contact Point on Roma and Sinti issues was called upon by several delegations to periodically discuss human rights issues relating to Roma at meetings of the Permanent Council.
- The OSCE Participating States should give additional funding and staffing to the ODIHR for the work of the Contact Point, including the hiring of a project manager.

## **National minorities**

The position of national minorities continues to be an important issue of attention for a great number of Participating States and NGO’s. Participants exchanged good practices, and discussed ways how the international community, including the OSCE can be used by participating States to better the integration of national minorities.

Some Participating States stated that aggressive nationalism, separatism, extremism, and terrorism, in all forms and manifestations, can never be justified as means to promote democracy and human rights in any instance. Some Participating States urged that strengthening security, including countering terrorism should be founded on respect for human rights and democratisation.

*Recommendations from the discussion:*

- Many participants pointed to the need to implement The Hague, Oslo, and Lund recommendations.
- Restoration of the rights of persons affected by manifestations of aggressive nationalism, separatism, extremism and terrorism being in itself a matter of direct concern for the whole OSCE community, should be properly addressed at the level of political level in the OSCE and prioritised in its agenda.
- Participating States were called upon to use the international community to better intra-state and inter-ethnic relations. All Participating States were encouraged to a continuously close co-operation with the High Commissioner on National Minorities and his office.
- Several delegations underlined that the ODIHR should continue to pay particular attention to the participation in the election process of persons belonging to national minorities.
- Awareness-raising projects for majority populations should be held on minority issues.

**The Human Dimension in the Work of the OSCE (The functioning of OSCE institutions; The functioning of OSCE field missions; Human Dimension mechanisms; Training and capacity building)**

In the context of the on-going discussion on the possible reforming of the Organization, participants of the session presented a set of useful recommendations which have to be taken into consideration by the OSCE institutions, missions and the Secretariat.

*Recommendations from the discussion:*

To the OSCE, its Institutions and field missions:

- To review their commitments not to fall below the contemporary demands in certain areas of concern (the protection of human rights defenders, rights of the child, promotion of ombudsman institution, problems of refugees and IDPs, etc).
- Several participants recommended improving the balance between the political, economic and human dimensions in the work of the OSCE institutions, missions and other field presences. Close cooperation with other international organizations should be enhanced in all dimensions.
- To involve the OSCE Permanent Council into the activities of the OSCE institutions dealing with human dimension issues, as well as to raise the role of the Permanent Council in consultations on future Seminars and Supplementary Meetings.
- To provide the OSCE missions' personnel with a broader access to training in the field and other forms of training (including joint training programs for relevant international organizations) aimed at capacity building of field presences.
- 
- To pay due attention to the significance of the comprehensive concept of security, including its economic dimension, in the work of the OSCE missions.
- Many delegations underlined that there is still room for improvement in the work of the OSCE – its Secretariat, institutions and missions – regarding gender mainstreaming.

- To produce human rights education video-films.
- Several participants suggested holding an additional human dimension meeting as a follow up before the 2001 Ministerial.
- To pay equal attention to all issues of the human dimension agenda not permitting a selective approach and lack of transparency.
- One delegation suggested to enhance the monitoring of minorities situation in the OSCE area, conducted by the HCNM and missions, taking into consideration that missions' mandates in this field are far from exhausted.
- To provide a clear guidance from the Secretariat to the professional staff of the OSCE missions.
- Several delegations took note that new up-dated modalities of HDIM are still in need for perfection (shorter duration, more informal work-shops, shorter time for interventions, conducting general discussion, etc.), though it might be too early to make conclusions.
- However, many participants recognized the positive impact of new modalities on the ability of the Organization to accumulate all the recommendations presented.
- It was suggested to continue the discussion on the modalities at the Permanent Council.
- An OSCE Human Dimension Supplementary Meeting of 2002 could be devoted to the functioning of the OSCE mechanisms and institutions.

To participating States:

- To second highly professional experts as mission members.
- Participating States were called upon by several delegations to provide extra-funding and voluntary contributions for concrete, goal-oriented human dimension projects on a short-notice, especially if the missions approved these projects.

### **Fundamental freedoms (Freedom of expression, free media and information; Discussion of the 12-13 March 2001 Supplementary Meeting)**

The session clearly manifested that freedom of expression remained to have a direct impact upon the scale of the realization of other human rights and freedoms.

*Recommendations from the discussion:*

To the OSCE and its Institutions:

- Several participants appealed to the ODIHR to further the assistance in conducting seminars raising professionalism of journalists, their political and civil culture, especially in States in transition.
- The issue of hate speech in the OSCE area should be addressed by all participating States.
- To create an independent international commission for the investigation of journalists' disappearance cases.
- One delegation suggested the holding of a round table with the participation of journalists, officials from law enforcement bodies and judges.
- Several delegations recommended the OSCE to address the problem of media market monopolizing.
- Many participants called upon the OSCE Representative on the Freedom of the Media to the necessity to integrate gender perspectives in the work of the office and to investigate the impact of negative gender stereotypes spread by the Media in the OSCE area. The crucial role of the Media in gender promotion was emphasized.



- The OSCE Representative on the Freedom of the Media was asked by several delegations to pay special attention to the rights of persons belonging to national minorities, regarding free and unrestricted access to information in minorities' languages.
- RFOM was also asked to assist in promoting Roma and Sinti media.
- To organize a seminar on journalists' ethics for professional organizations and NGOs.

#### To participating States

- Participating States were called upon to abide by their commitments and to abolish restrictions to the freedom of expression and free media, including Criminal Laws on Defamation.
- Several participants suggested abolishing so-called structural censorship, intimidation of journalists, and other forms of restrictions to the freedom of the media.
- To create legal conditions for a civilized media market.
- Participating States were encouraged to prevent the usage of the media, including the Internet, for spreading the ideology and practice of terrorism, political extremism, national and religious intolerance.
- To promote inter-corporate self-regulation measures and journalists' codes of conduct in absence of censorship.

### **Freedom of association and the right of peaceful assembly; civil society**

In the OSCE region, freedom of association and the right of peaceful assembly is guaranteed by law. In this session, participants discussed ways to respond to difficulties encountered with implementation of these laws on national, as well as regional and local levels.

#### *Recommendations from the discussion:*

- All OSCE Participating States were urged to comply with their freely undertaken OSCE commitments and remove undue restrictions on freedom of association and the right to peaceful assembly.
- Participating States were urged to lift onerous registration requirements and over-regulation of independent NGO's, trade unions, political parties, and media.
- Participating States were urged not to limit the opportunities for political activity and expression. They should grant permission for demonstrations.
- Participating States were urged to apply restrictions on peaceful assembly only to protect the security and property of their citizens and not because of the subject of the event.
- The OSCE should undertake to monitor the situation in the area of freedom of association in Participating States in order to determine which restrictive measures are applied.
- The CiO and the OSCE Institutions should continue to act in cases of serious problems for NGOs, in particular problems for human rights NGO's.
- ODIHR, and in particular its NGO Unit should continue to assist in strengthening NGO presence in the OSCE region.

### **Freedom of thought, conscience, religion or belief**

This session showed the increasing importance of freedom of religion, conscience or belief within the OSCE region. Problems continue to exist. Violence, intimidation, imprisonment, even death not only occur in all regions of the OSCE.

*Recommendations from the discussion:*

- Participating States were called upon to show tolerance towards faith groups and believers, whether established or newly arrived; faith groups themselves should show tolerance towards others in their society.
- Several delegations encouraged participating States to ensure that registration requirements for religious communities are transparent, non-discriminatory and serve a legitimate purpose as agreed in OSCE-documents. These requirements should not become a precondition for the enjoyment of the rights and freedoms set out in OSCE principles and commitments.
- Some delegations appealed to participating States to ensure that religious groups are able to enjoy the rights and freedoms guaranteed by law and are not victims of harassment either by local authorities or by extremists.
- Participating States which had not yet done so, were urged to enact the necessary legislation to honor the commitments made in the Copenhagen Document regarding conscientious objection.
- Some Participating States were encouraged to review the increase of legal regimes that effectively establish hierarchies of preferred religious communities based upon numbers and/or length of time in the country, with a view of changing such laws so that minority and new religions are not discriminated against.
- One delegation suggested the convening of a meeting of legal and political experts to discuss the status of ‘new religious movements’, i.e. the behavior of these movements and government responses to these movements.
- Participating States were encouraged to ensure that their national legislation recognizes the right to be registered as a conscientious objector at any time before, during or after conscription, or performance of military service, and that there are adequate provisions for alternative civilian service, which should be neither deterrent nor punitive in character.
- The OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief was encouraged to continue its work by undertaking further study, analysis and dissemination of information, in particular regarding registration requirements for religious communities, conscientious objection to military service.

**Freedom of movement**

**Human rights (continued) and humanitarian issues (Migration, refugees, and displaced persons; Migrant workers)**

Participants emphasized that the problem of refugees and IDPs became one of the most urgent humanitarian issue presenting serious risks and challenges to the stability in the OSCE area. As well, they highlighted other developments demanding attention and enhanced measures (illegal migration, legislative restrictions to the freedom of movement, registration of residence, etc.).

***Recommendations from the discussion:***

To the OSCE and its Institutions:

- The OSCE was suggested to convene a discussion on the enhancement of the its role and participation in settling the problems of internally displaced persons and refugees. In this regard to broaden the mandate of the ODIHR Advisor on Migration so that to adjust it for addressing these issues.
- The OSCE was encouraged by some delegations to support the plight of the IDPs, to clearly define this problem as a human dimension issue.

- To use all existing mechanisms, including systematic monitoring, to address the problem of refugees and IDPs.
- To invite the Representative of the UN Secretary-General on IDPs to address the OSCE Permanent Council and to raise awareness of the UN Guiding Principles on Internal Displacement as a framework for the OSCE and other international organizations and their field presences.
- The OSCE should pay special attention to the electoral rights of refugees and IDPs.
- Several participants drew the attention of the OSCE High Commissioner on National Minorities to the situation of internally displaced minorities.
- To ask the ODIHR to regularly report on the situation with migration in the OSCE area.
- To reflect the recommendations of the 2000 Supplementary OSCE Meeting on Migration in decisions of the forthcoming Ministerial Meeting.
- Several participants suggested to the ODIHR and the Advisor on Migration to revitalize the efforts oriented towards dialogue and cooperation with other international organizations, NGOs and donor-countries for the implementation of the Geneva Conference Program of Action on refugees in the CIS area.
- To develop a regional response to the issue of refugees and IDPs.

To participating States:

- Participating States were encouraged to take note of the lack of bilateral agreements on the issue of migration as having a negative impact.
- They should make efforts to fully include civil society organizations into the activities for the assistance in this sphere.
- To avoid violations of asylum seekers' rights, especially taking into account the present situation in the Central Asia.
- To simplify the procedure of obtaining entry-visas.
- Some participating States were called upon to abolish the "propiska" system and requirements for exit-visas.
- To take adequate and urgent measures for the return and reintegration of refugees and IDPs in the OSCE area.
- To foster understanding in different groups of the population in the context of refugees' and IDPs return to places of their former residence.
- To save and uphold the institute of asylum and to further develop the regime of protection for its seekers.

### **Treatment of citizens of other participating States**

#### **International humanitarian law**

The session paid due attention to the implementation of international humanitarian law by participating States, stressing that millions of civilians in the OSCE area were affected by armed conflicts or post-conflict atrocities. As to the treatment of citizens of other participating States, participants were called upon to strictly abide to international standards.

*Recommendations from the discussion:*

To the OSCE and its Institutions:

- Some participants suggested to foster awareness raising measures, including appropriate training and dissemination of information with regard to the norms and standards of IHL for military and security forces, as well as the OSCE's Code of Military Conduct.

- The OSCE was encouraged to promote sharing best practices in the implementation of international norms and standards in this field.

To participating States:

- Some delegations encouraged participating States to accede to the Roma Statute of the International Criminal Court so that the Court could begin its essential work, as well as to cooperate fully with International Criminal Tribunals.
- The necessity to observe the standards of the International humanitarian law regarding the personal safety and life of civilian population of territories affected by armed conflicts was emphasised by many participants
- To thoroughly investigate all allegations of human rights violations.
- To ensure the implementation of Geneva Conventions of 1949 and two Additional Protocols of 1977.
- To enhance the coordination of governmental bodies and Red Cross societies as essential in situations demanding immediate assistance to those affected by armed conflicts.
- To adopt adequate legal acts for domestic prosecution of perpetrators.

### **Trafficking in Human Beings**

Participants in the discussion stressed that Participating States, both on the supply, transit as well as demand side, have the primary responsibility in combating trafficking.

*Recommendations from the discussion:*

- Participating States have the responsibility to combat the supply, transit, or demand of trafficked persons in their countries.
- Participating States were called upon to review and strengthen their laws as needed to ensure that trafficking in human beings into forced prostitution or labor is established as a criminal offense under law and that penalties on traffickers can be imposed that reflect the grave nature of the offence.
- Participating States were urged that trafficked people should be treated as victims, not as criminals.
- Participating States were called upon to be gender sensitive regarding drafting legislation, law enforcement policies, and services to victims of trafficking.
- Participating States, International Organizations, and NGO's were urged to co-ordinate their efforts in combating trafficking and to develop a comprehensive strategy.
- Many delegations underlined that the responses of participating States to trafficking should duly consider victims' rights to seek asylum, *inter alia* by including saving clauses in national anti-trafficking policies and legislation.
- Participating States should give due consideration to the trafficking in children.
- Any breach by OSCE staff or secondees of the OSCE Code of Conduct's provision on affiliation with persons suspected to be involved in trafficking must be regarded with utmost seriousness, investigated, and if appropriate, be held accountable beyond mere repatriation to the sending country.
- There should be training for law enforcement officials, judicial authorities, and border guards on how to combat trafficking.
- There should be a broad information campaign against trafficking in sending, transit, and receiving countries of trafficked persons.
- There is a need for reliable information on the scope of trafficking.

- The positions of Trafficking Adviser and Trafficking Officer at the ODIHR should become part of the regular post table.
- OSCE Mission members could facilitate the provision of legal, psychological, and medical support to victims of trafficking.
- A research and documentation centre on Trafficking should be set up.

### **Rights of the Child and armed conflict**

Participants in this session discussed children rights, in particular in situations of armed conflict. It was generally noted that the profile of children rights issues should be raised.

#### *Recommendations from the discussion:*

- Participating States were called upon to ratify and implement all legal tools, both international and legal, to protect the rights of children.
- Participating States were called upon to particularly pay attention to vulnerable groups, including minorities, girls, and adolescents.
- Some delegations called for the resumption of negotiations on the draft OSCE document on the promotion and protection of the rights of children, in particular in situations of armed conflict.
- Participating States were encouraged to consider the establishment of an Ombudsperson institution for children rights issues.
- Participating States were encouraged to already start working on a national plan of action in preparation of the upcoming UN conference on children rights.
- Participating States were called upon to give more attention to developments in the sphere of juvenile justice.
- Participating States were called upon to not detain children asylum seekers.
- OSCE Missions were encouraged to integrate the protection of children rights in conflict prevention and peace-building work in crisis and post-crisis situations.

## VII. ANNEXES

### OPENING ADDRESS BY THE CHAIRMANSHIP

#### **OPENING ADDRESS by H.E. Mr. Mircea Dan GEOANA**

##### **Chairman-in-Office of the OSCE**

##### **Minister of Foreign Affairs of Romania Human Dimension Implementation Meeting Warsaw, 17 September 2001**

I am privileged to address this meeting, the most important of all OSCE Human Dimension events, particularly this year when OSCE/ODIHR celebrates its tenth anniversary, a landmark in promoting democracy and human rights and giving human dimension issues a prominent place among OSCE activities.

I want to thank Ambassador Gerard STOUDEMANN, Director of ODIHR, and his staff for doing such an excellent job throughout the year as well as in organizing this Meeting. And I also want to thank Poland for its continued strong support for the OSCE in hosting the ODIHR and its numerous Human Dimension activities.

##### The Scourge of Terrorism

But we begin this Conference under a dark shadow. No words can describe our horror and shock at the barbaric and despicable acts of terrorism committed last week against the United States. I quote President Bush when I say that by those acts of terrorism, freedom, the highest human value, has been brutally attacked. This is the ultimate breach of human rights.

But freedom will be defended. As Chairman-in-Office, I address a strong call for a united effort in fighting terrorism. Terrorism is one of the greatest modern plagues that threaten peace and security throughout the world. It attacks the security of the individual and attacks indiscriminately.

How are we to cope with new threats such as terrorism and organized crime? There must be an effective immediate response to incidents like the attack on New York and Washington last week. But we must address the root causes. We must ask ourselves whether we are doing enough, nationally and internationally.

The venomous tentacles of terrorism snake out across the whole civilised world. We must cut them off. Terrorists cannot operate globally without funds, without training, without support, whether active or passive. What are we doing to track down the source of those funds, to identify the location of that training, to cancel that offer of support? Are we paying enough attention to the links between terrorist organisations and organised crime's money-laundering activities and illegal arms trafficking?

Our best weapons are effective coordination among national agencies, and strong cooperation at the bilateral, regional and international level.

We must reflect with a new sense of urgency on what we can do in the OSCE. We can, and should, do a better job. This issue has been on and off our agenda for some time. We haven't paid enough attention to the concerns of our friends in the Caucasus and Central Asia. It's time to change that.

I want terrorism to become a top priority for the OSCE. We are well-placed when it comes to regional and interregional cooperation. We have the political framework. We have missions in the field. If all the OSCE states pooled their resources, we would be a massively powerful force.

The Romanian chairmanship is working up concrete proposals for OSCE action which we will present soon to the Permanent Council. We should for example consider urgent follow-up to the Tashkent Conference on terrorism in the Central Asian region. We should take advantage of the SECI Centre to bring together regional Justice and Interior Ministers and Intelligence Chiefs to adopt practical measures against terrorism. We should develop a special dialogue with our Mediterranean partners on the most effective methods of defeating terrorism.

Let us use the OSCE as a bridge between regions, between regional initiatives, between cultures, an instrument to radiate European values to the corners of our continent and beyond.

Terrorism flourishes where there is instability, where the rule of law is absent. Extremism feeds on deprivation and oppression. We can make a difference to the spread of terrorism by making sure that the conditions which breed terrorists are eliminated.

The OSCE must play its part here too. By strengthening democratic institutions, by promoting tolerance, by encouraging economic prosperity and social inclusiveness, we can remove injustices which are open to exploitation by extremist movements.

But we must not forget: the adjectives "good" and "evil" apply to people, not to their religions, their race, their national origins. We must not allow our contempt for those individuals or groups who use terrorism to be extended unjustly to others, innocent people, who happen to share the same faith. This is not a clash between Judeo-Christian and Islamic cultures. It is a clash between the civilised world and fanatics who have no respect for human life.

As Chairman-in-Office, I intend that the OSCE Bucharest Ministerial meeting in December should adopt a rigorous declaration condemning terrorism and expressing a strong commitment to firm action. The world has joined with the US in resolving to fight together against terrorism and those who espouse it. There is now a common determination to act. Let's start now.

### Affronts to Human Dignity

The world is increasingly faced with new threats to the very existence and security of humanity. I want to look at four specific areas of human security where the OSCE is becoming more engaged: trafficking in human beings; economic inequality; crises of identity; and refugees.

## The New Slave Trade

Human trafficking has become the third largest source of profit globally for organised crime. It is degrading and dehumanising. Most countries in the OSCE region are affected, as either source, transit or destination countries.

The Stability Pact Task Force on Trafficking in Human Beings coordinated by the ODIHR is making progress on a number of fronts. The Regional Trafficking Conference which Romania hosted in May set out key areas for regional cooperation in South East Europe. We should continue to work on follow-up. This meeting offers us the opportunity to review progress in the legislative field, and for the protection of victims. It should also examine how to spread best practice and determine what our next steps should be.

## Economic (In)Equality

The fact that extreme poverty still exists in a world of plenty is an affront to human dignity. There is a clear link between access to a sustainable livelihood, and the ability to participate fully in society. Poverty and social marginalisation are the enemy of democracy.

There is an ongoing debate now within the human rights community on social and economic rights. Should these be placed on the same footing as civil and political rights? There has been an interesting shift of focus towards challenging economic injustice as a violation of human rights. Is the pursuit of such rights both undefinable and undeliverable?

I don't want to provoke a sterile debate recalling past East-West ideological confrontation. But the promotion of economic justice should not automatically be pushed into the realm of political ideology.

There is more we can do to reduce the economic divide within our societies, and between East and West, North and South. The OSCE can offer valuable support in building sound institutions based on the rule of law; developing effective and functioning public administrations; and promoting good governance and transparency.

## Identity Crises

During the past 10 years, we have seen unresolved minority questions lead to violent conflict in a number of OSCE participating States.

The Western Balkans is the most recent and bloody example of unfinished business in Europe. We had to invent a new term - "ethnic cleansing" - to describe the horrible consequences of ethnic hatred. We are witnessing pressures for nationality to be recognised by statehood, using ethnicity as a criterion for redrawing borders. But custom-designing ad hoc responses to a specific problem or crisis is not the answer.

Our Supplementary Meeting earlier this year on intolerance and discrimination showed that education and a strong legislative framework guaranteeing equal rights for all citizens are crucial. We should aim for tolerance to become standard practice. Genuine multi-ethnicity can only be achieved by embracing European values and a common European identity.

I believe it is time for us to codify common standards and practices of human and minority rights which are applicable everywhere. We can no longer afford to resort to disparate solutions for desperate situations.



## Roma

Roma & Sinti issues must remain high on our agenda. Last week, I opened the Conference on "Equal opportunities for Roma and Sinti: Translating Words into Facts", organised with the sterling support of Mr Nicolae Gheorghe from ODIHR. This was designed not only to evaluate and take stock of policies and projects for Roma communities since the 1994 Warsaw OSCE-Council of Europe Seminar. We also wanted to focus on how to ensure effective implementation of international standards, regional projects and national strategies on Roma. The situation of Roma communities is a European problem. It demands European answers.

We will be presenting a set of recommendations to the OSCE Permanent Council which we hope can be developed into a Plan of Action for Roma and Sinti for adoption at the Bucharest Ministerial in December.

For almost a decade the office of the High Commissioner on National Minorities has been performing extraordinary work. I would like to pay a special tribute to Minister Max VAN DER STOEL, who has worked tirelessly to identify and seek early solutions to ethnic tensions. We know that his successor, Ambassador Rolf EKEUS, will offer us the same dedication and commitment.

## Religious Freedom

Tolerance and non-discrimination applies equally to religious minorities. During my visit to the Caucasus and Central Asia earlier this year, I heard many complaints about religious extremism. My response was that over-heavy control or direct prohibition of religious faiths or beliefs only drives the moderates into the arms of extremists.

We are grateful to the Dutch Government for organising the Seminar on Freedom of Religion and Belief earlier in the summer which exposed some of the problems and difficulties which have still to be addressed. We should be encouraging dialogue between religious and faith communities. We want to start the 21st century in a climate of religious tolerance. We do not want to find ourselves thrown back to the prejudices of the Middle Ages.

## Going Home

Sadly, for all the progress registered in the Human dimension field, there is one group whose freedoms remain severely curtailed. The thousands of refugees and displaced persons throughout Europe; victims of conflict who are still waiting to go home.

The OSCE has a very clear role in assisting the return of refugees and IDPs and monitoring areas of tension. In fact, many of our field missions are already actively working on the safe return of refugees. And we are discussing with UNHCR what more we can do to contribute to a quality process of return in safe conditions.

## Elections

A free and fair electoral system throughout the OSCE region remains one of our key objectives. This year's seminar on "Election Processes" marked the 10-year involvement of ODIHR in the field of election observation. We analysed the direct link between the democratic development of a country and the rule of law. We paid special attention to the

effective participation of minorities in the electoral process and to the consolidation of assistance in the electoral field, as well as the role of domestic observers.

We have seen considerable advances this year in a number of countries. The adoption of the Election Law in Bosnia and Herzegovina was a major step forward for the country on its way to joining European institutions and the consolidation of democracy. And the recent elections in Albania marked distinctive progress in the democratisation process.

Regrettably the presidential elections on 9 September in Belarus showed no such progress. The International Limited Election Observation Mission concluded that the electoral process of Belarus failed to meet OSCE standards. The elections should have constituted an important step in the democratic transition of Belarus towards the mainstream of European democracies. They did not. Nevertheless we are encouraged by the emergence of genuine political structures from within the growing pluralistic civil society.

We will not give up on democracy in Belarus. The isolation of the country is not in the interest of the Belarus people nor is it conducive to strengthening democratic development. We want the OSCE to intensify its co-operation with the emerging civil society. We look to other key international organisations to join us.

One of the most challenging tests for the OSCE will be organising the November elections in Kosovo. The elections should contribute to the creation of sustainable institutional structures and the development of a real multi-ethnic society. But they are not a blank cheque for the new authorities to exploit the results in a direction which runs counter to UN Security Council Resolution 1244.

### Looking ahead

The Human Dimension Implementation Meetings provide a living, vibrant forum for discussion. They offer a platform for open-ended implementation debate. But they should also decide on concrete follow-up if we are to maintain the OSCE's integrity. Implementation is no easy task. But the OSCE has two strengths.

First, we have a tremendous resource and facility in the form of our institutions, the ODIHR, the High Commissioner on National Minorities and the Representative on the Freedom of the Media. And we have our Field mission operations, the most visible instrument of the OSCE in recent years. Indeed, for many hundreds of people, they are the OSCE. They can provide objective information, provide training programmes, and instill civic values. We should now think creatively how to develop and use the synergies between the OSCE institutions on the one hand and field operations on the other. A more coordinated regional approach is still needed.

Secondly, we are working much more closely with other international organizations, such as the EU and the Council of Europe, so that, jointly, what we do is more effective.

And we are developing a valuable partnership with the NGO community. Your experience and views are of enormous benefit to our work. Your participation in our meetings is essential. Your vigilance in observing human rights records is a constant reminder that governments are ultimately accountable to their citizens. You are the "whistler-blowers", the lobbyists, the front-line protectors of human rights. We count on you to strengthen civil society in the new and restored democracies. Romania would proud to take the baton from Poland by hosting next year in Bucharest the International Conference of New Democracies.

Many of our young people have lost their fire for the defence of human rights. Some of them reserve their energy for protests against globalisation. We need you, the NGO community, to re-inspire the young generation to fight again for the globalisation of democracy.

In some OSCE states, defenders of human rights, including the media, are still the target of hostility from the authorities. It is the OSCE's duty to defend them. For this reason, we have dedicated our seminar in October to Human Rights Defenders. We want your input and your ideas.

And we appeal to you to engage with us in the debate which has now begun in earnest: how to defeat the attack by international terrorism on the freedom of the individual.

We also count on your support in developing a free and independent media throughout the OSCE space. The Meeting on Freedom of Expression in March underlined the importance of free media in a democratic society. The media is one of the key influences in shaping public opinion and promoting civic involvement in political life. A free but also independent media is the sign of a free democracy.

Ladies and Gentlemen, We have begun a new millennium with the hope that it will be better for each citizen on our planet. But we are still far from sure that better means prosperity, opportunity and full access to fundamental rights and freedoms, that it means greater security and respect.

By our work in the OSCE, we have assumed the responsibility of keeping this hope alive. If the road is hard, let us not be discouraged. If there are still some who stand in our way, let us not be overwhelmed. Our solidarity, that of all of us who are committed to the spirit and values of the OSCE, that solidarity will win the day. Because in spite of the differences between East and West, between North and South, we share a common spirit, our desire to serve the interests and dignity of each of our citizens.

I would like this meeting to send a strong signal of solidarity with our citizens, of hope for a better and safer century for each and every one of them. I am convinced that solidarity for the values which the OSCE represents is more powerful than any threat to humanity. It offers a tremendous opportunity for progress. I would like our debate over the next two weeks to reaffirm human dignity as the cornerstone for building confidence, cooperation and security between our states. Respect for human dignity is the most precious fabric of society in each state. Without it, there can be neither confidence, nor security nor progress. Let us recognize that diversity does not divide us but is a source of strength and cohesion.

We have a powerful ally: the civic spirit; the courageous and unprejudiced spirit of the thousands of activists who work tirelessly to protect human rights and to keep the values of our organisation unchanged. We have a common purpose and, even more, a responsibility for the destiny of the whole OSCE space.

So let us work together and use our common belief in human values to restore the faith of our citizens that this century will indeed be a better one. This is how we can carry out our duty to humanity and its future.

## NEW MODALITIES

348th Plenary Meeting  
PC Journal No. 348, Agenda item 6  
DECISION No. 428

### ENHANCING THE EFFECTIVENESS OF THE HUMAN DIMENSION MEETINGS

The Permanent Council,

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

Further recalling its Decision No. 241 (PC.DEC/241) of 9 July 1998 on the Human Dimension Meetings,

Recalling also its Decision No. 413 (PC.DEC/413) on the venue and dates for the 2001 Human Dimension Implementation Meeting (HDIM),

In order to enhance the effectiveness of the HDIMs and of the Supplementary Human Dimension Meetings (SHDMs),

Decides to adopt the measures set out in Annex 1 and adopt Annex 2 as the agenda for the 2001 HDIM.

The modalities for the HDIM will be reflected in the Human Dimension segment of the Review Conferences.

#### **I. Human Dimension Implementation Meetings**

##### **Strengthening dialogue**

In order to promote a real dialogue and a thorough exchange of views among delegations, international organizations and NGOs, the following measures are suggested:

- The OSCE institutions dealing with the human dimension - the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media (RFM) - will prepare in advance food-for-thought papers on the topics relevant to their activities.
- The OSCE field missions are encouraged to submit food-for-thought or discussion papers based on their practical experience. An enhanced involvement of the field missions in the discussions is also encouraged.
- International organizations and NGOs are also encouraged to circulate written statements in advance.
- A similar approach by delegations towards a substantive preparation for the HDIM would be welcomed.
- We would also welcome input from the OSCE Parliamentary Assembly.
- As a means to facilitate the dialogue, the delegations that intend to raise an issue related to a specific country may notify that country in advance.
- All participants are encouraged to offer information concerning best practices of implementation of human dimension commitments.
- In order to facilitate high-level representation from participating States, regular meetings in Vienna should be suspended during the HDIM. Permanent Council meetings will continue to convene, but their agendas should be kept to a minimum.

- The ODIHR will create a website devoted to the HDEVI in order to post information about the meeting and interventions circulated by participants, to facilitate exchanges and to provide an opportunity for queries by the public.
- Broadcasting HDIM proceedings simultaneously over the internet will be explored as a means of stimulating more interest in the meeting and making it more accessible to interested parties unable to attend. The possibility of broadcasting the Human Dimension segment of the Review Conferences will also be explored.

### **Agenda and Procedures**

In order to foster dialogue and focus discussion in the Human Dimension Implementation Review Meeting, the agenda for the meeting has been restructured and rationalized. For the 2001 meeting, on an experimental basis, the agenda has been structured around the "core discussion themes" of Democratic Institutions, Rule of Law, Tolerance and Non-Discrimination, Fundamental Freedoms, Human Rights (continued) and Humanitarian Issues and The Human Dimension in the Work of the OSCE (Annex 2). The 2001 agenda also includes the concept of a "current issue discussion topic." This formula will be evaluated following the meeting to assess how much it has contributed to enhancing the effectiveness of the meeting. All participants, including NGOs, will be invited to participate in this evaluation process.

In case of a positive evaluation of the concept of a "current issue discussion topic", a separate session of the agenda each year should be devoted to a rotating topic. The topic will vary from year to year based on its relevance for the activities of the OSCE in that specific year. As a rule, the topic should be chosen as part of the Permanent Council decision on the agenda.

After the approval of the agenda by the Permanent Council, an annotated agenda -including side events - will be prepared by the Chairmanship, in consultation with the ODIHR, HCNM and RFM.

The agenda of the meeting should be distributed widely well in advance.

Participating States, international organizations and NGOs are encouraged to make recommendations regarding OSCE institutions in the course of discussing issues on the agenda.

Participants are encouraged to circulate recommendations in writing to produce a more accurate record of the meeting and to facilitate follow-up. All written recommendations will be compiled by the ODIHR and distributed along with the rapporteur's report.

In order to foster debate and ensure equal time for all speakers and for rights of reply, participants are encouraged to limit themselves, where possible, to one formal intervention per Working Session, no longer than seven minutes. After the formal session has concluded and time permitting, the moderator can, in an informal session and in order to promote dialogue, give participants the opportunity to make additional statements.

### **Participation of the NGO community**

Strong participation and involvement of the NGO community will continue to be ensured and encouraged.

The provisions of the Helsinki Document 1992, Chapter IV and of Decision No. 241 of the Permanent Council, in relation to the participation of the NGOs, will be maintained.

Given expansive contacts between the NGO community and participating States, the sessions devoted to an exchange between them are no longer necessary.

### **Follow-up**

A detailed report on the meeting will be presented to the Permanent Council by the Director of the ODIHR.

Follow-up discussions should be organized in the Permanent Council. Participating States should actively consider ways to address the issues raised at the HDIM.

The ODIHR will also compile and distribute the rapporteur's report and the written recommendations of participants in the meeting at most 14 days after the last day of the HDIM. The OSCE institutions and field presences will analyse the recommendations relevant to their activities and will present their findings to participating States within four weeks of the distribution of the ODIHR compilation. A special meeting of the Permanent Council will be convened within two months of the distribution of the ODIHR compilation to discuss which recommendations could be implemented. The Permanent Council should be held in time to feed into preparations for the Ministerial Council.

### **Timing**

To avoid competition with similar meetings of other international fora and attract higher-level participation, rescheduling the HDIM should be considered. Moving it from the usual time slot (October/November) to earlier in the year would allow time for recommendations to be discussed and reflected as appropriate in the Ministerial Council or Summit Meeting.

[...]

## ANNOTATED AGENDA

**Monday, 17 September**

### **WORKING SESSION 1**

#### **Democratic Institutions *including***

- Electoral processes
- Democracy at the national, regional, and local levels
- Citizenship and political rights
- Civic education

#### ***Electoral processes:***

The 2001 Human Dimension Seminar on Election Processes concluded that the reports and recommendations issued by OSCE/ODIHR Election Observation Missions should be better followed up in line with the commitment reached at the OSCE Istanbul Summit stating that participating States agree to follow up promptly ODIHR's election assessments and recommendations. Otherwise, the full potential of the observation effort cannot be realised. This conclusion was discussed at the Permanent Council session of 12 July and received broad support.

#### ***Questions that could be addressed in this discussion:***

- Are participating States meeting their commitments to conduct transparent, fair elections?
- How can participating States more fully implement the Istanbul Summit commitment to follow up on ODIHR election recommendations?
- What practical steps can support this commitment?
- What can ODIHR do to improve its capability to provide assistance to participating States in implementing recommendations?

#### ***Democracy at the national, regional, and local levels:***

Developing local democratic institutions and providing sufficient financial resources to local governments in order to make them more effective and able to carry out their duties in an independent manner is of the essence. The absence of clear division between State- and local-level powers has its roots in the lack of a legal framework.

*What can participating States do to encourage the enhancement of locally elected government in order to strengthen democracy?*

#### ***Citizenship and political rights:***

The participating States “recognise that everyone has the right to a nationality and that no one should be deprived of his/her nationality arbitrarily;” and “commit themselves to take measures, consistent with their constitutional framework, not to increase statelessness” (1992 Helsinki Document). These principles were reaffirmed in the 1999 Charter for European Security.

- *The discussions could underline the need for better implementation of the various international and OSCE commitments with respect to citizenship and political rights.*

### ***Civic education:***

OSCE institutions and field presences may play a useful role in educational activities on various issues: human rights, elections, legislation and institution building. By promoting tolerance among various groups within society, civic education might serve to prevent conflicts.

- *What can the OSCE do to further its assistance in this area?*

## **TUESDAY, 18 SEPTEMBER**

### **Rule of Law, including**

- Legislative transparency
- Independence of the judiciary
- The right to a fair trial
- Exchange of views on the question of the abolition of capital punishment
- Prevention of torture

## **WORKING SESSION 2**

### ***Legislative transparency:***

OSCE commitments call for the legislative process to be open and public. In order for laws to be considered legitimate by citizens they must have access to the legislative process. Citizens should have the ability to comment publicly on proposed legislation and to have access to all information concerning the legislative process. To this end participating States should have clearly defined rules concerning the passage of legislation that include provisions for maximum public input and total transparency in the law making process.

#### *Questions that could be addressed:*

- Do all OSCE states ensure legislative transparency?
- What are the obstacles to implementing laws that improve legislative transparency?
- What can participating States do to ensure that the public has access to the legislative process and public documents?

### ***Independence of the judiciary:***

The independence of the judiciary continues to be an issue in many participating States. Despite the passage of laws and constitutions that appear to assure some independence for the judiciary, there is still too much politics involved in judicial decision making. There also continues to be excessive control of the judiciary by the executive branch. A truly independent judiciary can restore the public trust in the judiciary and insure that judicial decisions are based on the rule of law.

#### *Questions that could be addressed:*

- Are participating States meeting their commitments concerning independence of the judiciary?
- What lessons have been learned in the last ten years of attempts to establish independent judiciaries in emerging democracies?
- What obstacles still remain to an independent judiciary? What can the OSCE do to help States to eliminate these obstacles?

### ***The right to a fair trial:***

The right to be tried fairly in accordance with international standards is essential to any democratic state. In order to achieve this there needs to be more reform in laws to make the



process fair to all parties involved. All necessary resources should be allocated to defence lawyers and judges to effectively insure that the right to a fair trial is adhered to.

*Questions that could be addressed:*

- Can major reform of the justice system take place without the leadership of a country exhibiting the political will to make the changes?
- Do all participating States ensure fair trial in military as well as civil courts?
- Do participating States allow for access to legal counsel?

***The question of the abolition of capital punishment:***

Although there is no consensus within the OSCE concerning the abolition of capital punishment, states that apply the death penalty should ensure due process of law, and apply the death penalty for the most serious of crimes. There may be shortcomings in fulfilling the relevant obligations under the 1990 Copenhagen Document, notably in the matter of making information available about states' use of the death penalty.

*Questions that could be addressed in this discussion:*

- In the participating States still applying the death penalty, what steps are needed to ensure that safeguards are in place in law and practice for persons facing capital punishment?
- How can the availability of statistical and other information on the death penalty be improved?

### **WORKING SESSION 3**

***Prevention of torture:***

The issue of torture and ill treatment continues to be a great concern in the OSCE region for both developing and developed states. Although many changes have been made in legislation, the implementation of these laws continues to be a problem. There also needs to be a corresponding change in the mindset of those who wield the police power for the state. In this context the issue of impunity must be addressed by all participating States.

*Questions that could be addressed:*

- Are participating States implementing their commitments to prevent torture?
- How can the issue of impunity be addressed before a strong and independent judiciary is in place?
- What steps can the governments and the OSCE take to prevent torture by local police immediately after arrest?

**Wednesday, 19 September**

### **WORKING SESSION 4**

**Current issue discussion topic:**

***“The role of the Ombudsperson in protecting human rights”***

Ombudsman-type institutions play an increasingly important role in the protection of human rights in the OSCE area. The call to establish an independent national institution for the protection for human rights such as Ombudsman was recognised by the OSCE participating States in 1990 in Copenhagen and re-enforced in Moscow in 1991. The role of Ombudsman Institutions and the assistance by the OSCE and ODIHR was further discussed in a number of OSCE meetings, in particular the Human Dimension Seminar in 1998. Since then, the OSCE ODIHR has provided, in co-ordination with its international partners, assistance to numerous institutions in the OSCE area at various stages of their development.

In recent years an ever-increasing number of Ombudsman Institutions or independent national institutions have been created. Moreover, some participating States are presently discussing the creation of Ombudsman type institutions. Modern Ombudsman institutions are characterised by a wide human rights mandate and institutional independence. Their independent status and wide and flexible mandate gives a potential to address inter alia difficult issues such as allegations of ill-treatment in custody, gender issues or problems related to specific groups such as Roma and Sinti or national minorities. They serve transparency and good governance.

The special session should take stock of the progress made during the last 10 years in the OSCE area and follow-up on the Human Dimension Seminar 1998, while at the same time reflecting on the more limited achievements of some of the created institutions. Also, some participating States have not yet created independent institutions, but only executive human rights bodies lacking the necessary independence.

*Specific questions that could be addressed should include inter alia:*

- What can the participating States do to improve the efficiency of independent human rights Ombudsman institutions (legal safeguards, financial independence, respect for recommendations, etc.)?
- What are the benchmarks for the success of Ombudsman institutions and the reasons for limited success? What are the threats to the independence and the effectiveness of Ombudsman institutions?
- What are the obstacles to creating independent human rights Ombudsman in participating States who have not yet done so?
- How can the ODIHR and other OSCE bodies assist to improve the performance of Ombudsman Institutions?

For this special session, the participating States are particularly encouraged to include representatives of their Ombudsman or similar institutions.

**Tolerance and non-discrimination, *including***

- Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism, and ethnic-cleansing

- Education and culture

Including discussion of the 18 and 19 June 2001 Supplementary Meeting

- Equal opportunities for men and women

- Roma and Sinti

- National minorities

## **WORKING SESSION 5**

***Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism, and ethnic cleansing:***

Aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic-cleansing still manifest themselves in the OSCE area. As such manifestations evolve in form and complexity, they become more of a challenge for the OSCE region. As a result, new tools are called for. This discussion could look at the root causes of these phenomena and how they can be addressed. This should be looked at in terms of human rights and conflict prevention. This session should examine what legal and political steps can be taken to prevent discrimination,

ensure equality and respect for diverse cultural identities, and facilitate the effective participation of minorities in public life.

*Specific questions which could be addressed include:*

- What steps should OSCE participating States take to implement measures aimed at combating discrimination and promoting equality (such as introduction of comprehensive anti-discrimination legislation in the domestic legislative framework, establishment of a specialised body or bodies for the protection and promotion of equality and non-discrimination and provision of effective remedies)? How should States monitor and evaluate these measures to ensure their effective implementation?
- What have been successful policies in OSCE participating States in promotion of inclusiveness, understanding and tolerance? What are the possibilities and limitations for governmental policies? In this connection special attention should be paid to the importance of human rights education and promotion of a human rights culture throughout society, as policies and legislation against racism and intolerance will not be fully effective unless they are complemented by activities which seek to bring about new behaviour and attitudes and increase mutual understanding.
- How can the media contribute positively to public perceptions and attitudes?

#### ***Education and culture:***

Related to this theme should be a discussion on the role of education in promoting tolerance and understanding. In addition to discussing the recommendations of the 18-19 June 2001 Supplementary Human Dimension Meeting "Promoting Tolerance and Non-Discrimination", this session will focus on culture and identity in multicultural societies. It could examine some of the challenges and solutions to protecting and promoting unique cultures in a world characterised by both integrating and disintegrating tendencies. Particular emphasis could be put on the protection and promotion of culture in multi-ethnic states and on minority education in multi-cultural and multi-lingual societies. The session should also focus on inter-cultural learning, including the learning of the histories and cultures of minorities.

*Specific questions which could be addressed include:*

- What progress has been made in the OSCE area in implementing measures by the OSCE participating States which allow for equal access to educational development of all individuals? This includes measures combating discrimination in education and ensuring equality of opportunity in education, including equal access to education.
- What can the OSCE do to emphasise the merits of cultural pluralism? What steps are needed to ensure that cultural rights are adequately facilitated, including the education rights of national minorities?
- How can education (especially school curricula and the training of teachers) respond to the needs for inter-cultural and multi-cultural teaching and learning of tolerance?

**Thursday, 20 September**

#### **WORKING SESSION 6**

##### ***Equal opportunities for men and women:***

States need to ensure equal opportunity for men and women in the work place, in access to education, and legal redress. In addition, other aspects which have been the subject of ongoing OSCE discussion:

Increasing the numbers of **women in national parliaments** is one key way of ensuring that women's as well as men's needs are taken into account at the policy and law-making levels. Equally important is the representation of women in regional and local government, the

involvement of national human rights institutions in gender issues and the growth and support of women's organisations within civil society.

*Related questions that could be addressed:*

- Are participating States ensuring equal opportunities for men and women?
- What strategies are used to increase the number of women in government and politics in national, regional and local level?
- Role of NGOs in promoting women's political participation.
- OSCE assistance in promoting empowerment of women in the OSCE region.
- How is the OSCE Gender Action Plan being implemented?
- What steps have States taken to prevent violence against women?

## **WORKING SESSION 7**

### ***Roma and Sinti:***

In many OSCE States there are particular difficulties faced by Roma and Sinti. OSCE States have agreed to numerous OSCE commitments to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. The ODIHR has a specific office devoted to this issue, headed by the Contact Point on Roma and Sinti Issues.

*Questions that could be addressed:*

- Are participating States implementing their OSCE commitments to protect the right of Roma and Sinti?
- Have participating States, OSCE institutions and missions sufficiently raised the level of political leadership and resources devoted to policy making on Roma? What is the evaluation of the work to promote Roma participation in decision making at the national; level and in policy making of international organisations?
- Are sufficient mechanisms to combat discrimination in place and functioning effectively?
- What is the evaluation of the work to date on the issue of Roma refugees and asylum seekers?
- Are there lessons learned from the experience of the wars in the former Yugoslavia, especially the experience of Kosovo, that can be applied to addressing present tensions in the region?

**Friday, 21 September**

## **WORKING SESSION 8**

### ***National Minorities:***

It has become more apparent in the OSCE region in the last few years that seeking the solution of problems relating to the specific needs of national minorities is not just in the interest of the minorities themselves, but just as much in the interest of the States in which they live and the OSCE region as a whole. Recognition within the State of the plurality of communities and interests which comprise the State and of the value of harmonious inter-ethnic relations strengthen the stability and the cohesion of the State. It is encouraging that the development of constructive minority policies and policies which promote integration are gaining increasing attention in the OSCE region. The OSCE participating States have established various forms of legal and institutional frameworks for the protection of the rights of persons belonging to national minorities. However, it has become increasingly clear that an exclusively rights-based approach in the spirit of effective protection defined by international

minimum standards may not necessarily provide for a broader inclusion of minorities. This session could discuss national minorities' access to and participation in public life.

*Specific questions which could be addressed include:*

- Are OSCE participating States implementing their commitments to ensure the rights of persons belonging to national minorities?
- Do States have sufficient anti-discrimination legislation in place and is it being implemented properly?
- How can the effective participation of national minorities in public life be achieved beyond mere representation in legislative bodies?
- To what extent are persons belonging to national minorities represented in governmental institutions and public bodies and administration?
- The policies of OSCE participating States regarding political participation should be based on objective and non-discriminatory criteria and should not be used to restrict the enjoyment of minority rights. What good practices of OSCE participating States exist to avoid discriminatory criteria in the field of political participation?
- Notwithstanding the contemporary importance of multilateral standards and institutions in protecting and promoting the rights of persons belonging to national minorities, bilateral co-operation among States regarding specific issues and groups remains a matter of interest for many OSCE participating States. Which elements of such co-operation are best suited for bilateral co-operation, and which elements might best be left to the multilateral level?

## **WORKING SESSION 9**

### **The Human Dimension in the Work of the OSCE, *including***

- The functioning of OSCE institutions
- The functioning of OSCE field missions
- Human Dimension mechanisms
- Training and capacity building

#### ***The functioning of OSCE institutions:***

The Human Dimension Implementation Meeting provides an important forum at which to highlight issues that would benefit from greater focus from the OSCE institutions, as well as to address the more fundamental issue of the future development of the OSCE institutions.

*Questions that could be addressed:*

- How do participating States see the future development of the OSCE institutions?
- What, if any, human dimension issues might States choose for new or enhanced focus by the institutions, and what form might that focus take?
- How can sufficient funding for the operations of the institutions through extra-budgetary contributions be assured?

#### ***The functioning of OSCE field missions:***

The OSCE field missions are the instrument that confers the Organisation both an active presence and an important role throughout the OSCE space. It is worth noting that the human dimension related issues are central among their tasks. Missions' mandates differ and so do their sizes. Thus, in large missions the above mentioned issues are tackled by separate Departments, whereas in small ones they are dealt with by focal points covering more than one human dimension aspect. The relevant assistance offered to the host country falls strictly within the respective mandate approved by the participating States. The supervision of all the activities carried out by OSCE field missions is co-ordinated by the Conflict Prevention Centre and the OSCE Chairmanship.

*Questions that could be addressed:*

- How can OSCE field missions strengthen cooperation with NGOs?
- Which are the possible venues for further increasing the overall efficiency of field missions in this particular area (strengthening regional co-operation/ joint fund-raising demarches, etc.)?
- Is it possible for the host governments to benefit more from the co-ordination between the OSCE field missions and the OSCE Institutions (ODIHR, HCNM, FOM)? Ways and means to make the impact of that co-ordination more visible.
- How productive is the current co-operation with the international players active in mission areas (CoE, EU, UNHCHR, UNHCR, IOM)? Lessons learned.

***Human Dimension mechanisms:***

This discussion could look both at the formal mechanisms (the Vienna and Moscow Mechanisms), and at the role of forums such as the Permanent Council and the Ministerial Council.

*Questions that could be addressed:*

- Especially through taking part in the exercise to update the Moscow Mechanism list during 2001, have participating States considered how the mechanism might be used to good effect?
- How can the results of the Human Dimension Implementation Meeting be taken forward most effectively to the Permanent Council and the Ministerial Council?

***Training and capacity building:***

With the adoption of the “Capacity Building through Training: A Strategy for the OSCE” in 1999, the need for and the importance of training and capacity building for the organisation particularly in the field of human rights was recognised. It was further documented by the appointment of a Co-ordinator for Capacity Building and Training located in the Secretariat in Vienna. The Co-ordinator aims at providing training opportunities in necessary skills in order to meet the challenging tasks of the staff of the organisation. Besides the increased co-ordination and support of training activities in the numerous missions and field activities, training seminars have been launched in Vienna to cater for the demand of smaller missions and Institutions. The REACT initiative triggered numerous efforts by participating States to provide appropriate pre-mission preparation in order to be able to second sufficiently prepared personnel at short notice in times of crises. Participating States are advised and supported by the OSCE Training Section through the development of *Training Standards for the Preparation of OSCE Mission Staff* and the provision of technical assistance regarding the design, content and scope of mission preparation courses. Also the co-operation with international organisations in the field of training has gained pace. The OSCE Training Section has established contacts with the UN’s Staff College and its Peacekeeping Department whereby a joint UN/OSCE conflict prevention training event will take place in Central Asia later this year. Co-operation with the CoE, EU and the UNHCHR has intensified, especially with regard to human rights training where an inter-agency project is ongoing.

The OSCE Training Section tasked an expert to draft a European Human Rights Standards Training Manual for OSCE field missions which was distributed to the relevant International Organisations and ODIHR. Training on Human Rights and Conflict Resolution has been identified as a major training need in OSCE missions. The Training Section in OMIK has started to develop a module to this end. The Training Section in Vienna plans to develop further courses and modules on Human Rights training issues particularly Human Rights Monitoring.

*Questions that could be addressed:*

- Is the current OSCE training program effective and efficient?

- How can international organisations, academic and educational institutions and specialised NGOs increase efforts to improve existing training and education opportunities for civilian peace-builders especially in the area of Human Rights, Rule of Law and Democratisation?
- What minimum quality standards can be established for the growing number of Human Rights and Democratisation specialists in demand in peacebuilding missions?
- How can synergies and cross-fertilisation between internal (OSCE staff, local and international) and external (local society) training and capacity building be facilitated?

## **Monday, 24 September**

### **Fundamental freedoms, *including***

- Freedom of expression, free media and information
- Including discussion of the 12 and 13 March 2001 Supplementary Meeting
- Freedom of association and the right of peaceful assembly
- Civil Society
- Freedom of thought, conscience, religion, or belief
- Freedom of movement

## **WORKING SESSION 10**

### ***Freedom of expression, free media and information:***

There are numerous OSCE commitments ensuring individual's freedom of expression, freedom of information, and the freedom of the media. This session could usefully explore further the corrective function of the media, especially when reporting on economic structural decisions or on corruption. Discussion could also focus on ways in which administrations and governmental bodies try again and again to hinder investigative journalism, sometimes by eliminating the journalists concerned: "censorship by killing," or through more subtle means by utilising so-called "structural censorship", including taxation, registration, and governmental control of printing facilities, newsprint production, distribution, etc. The OSCE Representative on Freedom of the Media has identified many cases of "structural censorship" throughout the OSCE region.

#### *Questions that could be addressed:*

- Are OSCE States fulfilling their commitments to ensure freedom of expression, information and free media?
- What kind of protectional measures can be provided by the relevant players, i.e. governments of participating States, IGOs, NGOs, journalistic associations and media itself, to support investigative journalism, including involved in reporting on corruption?
- How can IGOs, NGOs, and journalistic associations work better with OSCE member governments to ensure freedom of the media and to discourage censorship? What can be done to counter structural censorship?
- What measures can be taken to increase the level of safety of journalists in the OSCE region?
- What measures have States taken to provide access to minority language media?

## **WORKING SESSION 11**

### ***Freedom of association and the right of peaceful assembly Civil Society***

Observance of OSCE commitments to the right to freedom of association is essential to the development of a democratic civil society. Commitments in this field date back to the third OSCE follow-up meeting of 1989 in Vienna and the 1990 Copenhagen meeting, and were supplemented when at the 1991 Moscow meeting on the Human Dimension the participating States committed themselves to facilitate the work of NGOs on their territories and to include them more in the work of the OSCE. Nevertheless, in some participating States implementation of these commitments has been lacking as evidenced by obstacles to NGO activity through the selective application of laws and regulations, restrictions on NGO funding and other forms of harassment.

Moreover, the 2001 Human Dimension Seminar noted the importance of the exercise of such fundamental freedoms as association and peaceful assembly for democratic election processes, and for the general development of democracy and the rule of law.

*Questions that could be addressed in this discussion:*

- Are participating States implementing their commitments concerning freedom of association and concerning civil society?
- What are the obstacles to the proper exercise of the rights to freedom of association and peaceful assembly, and more generally to the development of civil society, including the obstacles faced by NGOs? How can these be removed or overcome?
- How can the OSCE assist the participating States in implementing best practices in developing relevant legal and regulatory frameworks, including those affecting NGOs and other civil society actors?
- What steps are needed to strengthen dialogue between governments and NGOs, and to enhance the contribution by NGOs to the implementation of State's commitments in the human dimension?

**Tuesday, 25 September**

## **WORKING SESSION 12**

### ***Freedom of thought, conscience, religion, or belief:***

Freedom of religion or belief is widely recognised as a fundamental human right (and relevant OSCE commitments are amongst the oldest, dating back to the Helsinki Final Act of 1975). The issue of the limitations governments may place on the exercise of the fundamental freedom of religion or belief has been of continuing in the past ten years with the increase in activity of religious or belief groups across the whole OSCE region. The question of whether governments are imposing limitations appropriately and fairly has become more germane. The spread of religious or belief groups has led in some countries to the imposition of restrictive requirements for registration or re-registration, and to governments and organs of the government operating in a discriminatory manner against some religious or belief communities.

*Questions that could be addressed in the discussion:*

- Are OSCE States fulfilling their commitments to ensure freedom of religion?
- Are the current OSCE commitments in the area of freedom of religion or belief sufficient today?

## **WORKING SESSION 13**

- Freedom of movement

**Human rights (continued) and humanitarian issues, including**

- Migration, refugees, and displaced persons



- Migrant workers

While most of the OSCE commitments related to migration and freedom of movement were developed in the 1980s, there are still deficiencies in a number of areas such as exit visas, and internal registration regimes that restrict freedom to choose one's place of residence. Another development that has received attention is the increased number of internally displaced persons (IDPs) in the OSCE region. It should also be noted that while the Western part of the OSCE region has been expanding the "common migration space" of the Schengen agreement, the CIS Bishkek agreement on visa-free travel has been losing much of its significance due to the exit of a number of States from this agreement.

*Questions that could be addressed in this discussion:*

- Do participating States provide sufficient human rights protection to refugees and IDPs?
- What role can NGOs play in assisting governments in providing support to refugees and IDPs?
- How can the OSCE, and in particular the ODIHR, assist the participating States in implementing best practices of human migration management? What are the lessons learned from past ODIHR migration projects?
- How can the OSCE enhance co-operation with other actors in the field at the local, regional, national and international level?

**Wednesday, 26 September**

**WORKING SESSION 14**

*Treatment of citizens of other participating States (see Working Session 13)*

***International humanitarian law:***

The presence of internal armed conflicts within the OSCE region (as well as a legacy of international armed conflict) highlights the importance of the implementation of humanitarian law by member states, especially as concerns the protection of civilians and the respect for fundamental non-derogable rights. It is to be stressed that provisions such as article 3 common to the Geneva Conventions and article 4 of the Second Additional Protocol contain minimum requirements of humane treatment that cannot be derogated from.

*Questions that could be addressed in this discussion:*

- The principle of distinction between civilians and combatants and the principle of proportionality.
- The Additional Protocols to the Geneva Conventions, the Rome Statute of the International Criminal Court, the Ottawa Convention on the ban of anti-personnel mines and the co-operation with the International Criminal Tribunals for the former Yugoslavia and for Rwanda.
- Respect for non-derogable rights in time of emergency (art. 4 ICCPR and 15 ECHR), and the right to a fair trial (art. 75 Protocol I, art. 6 Protocol II, art. 9 of the Turku Declaration of Minimum Humanitarian Standards).

**WORKING SESSION 15**

***Trafficking in human beings, including review of Vienna Ministerial Decision Implementation:***

In 2000 many progressive steps were taken to combat trafficking in human beings within the OSCE region. At the November 2000 OSCE Ministerial Council, the *Decision No.1 Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings* was passed. It

recognises the primary responsibility of participating States to address trafficking and calls on OSCE institutions and field operations to take a leading role in the fight against trafficking and protection of victims. As a result, most of the recommendations of the *ODIHR's Proposed Action Plan 2000 for Activities to Combat Trafficking in Human Beings* were successfully implemented both on the political and programmatic levels. This session of the 2001 Human Dimension Implementation Meeting should review the implementation of all OSCE commitments regarding trafficking and provide a forum for discussing future strategies, priorities and division of responsibilities.

*Questions that could be addressed in this discussion:*

- Have OSCE participating States implemented their commitments regarding trafficking in Human Beings?
- The OSCE has recognised trafficking as a problem that affects all participating States as countries of origin, transit or destination. What efforts have and should OSCE institutions and field missions undertake to address trafficking in all three situations – origin, transit and destination?
- What steps have been taken to co-ordinate OSCE anti-trafficking efforts with those of other international organisations? What remains to be done in this area of co-ordination and co-operation with other international organisations?
- What initiatives have OSCE participating States taken to work together (bilaterally or multilaterally) to address trafficking in human beings (agreements, investigations, repatriation efforts, etc)?
- What progress has there been within the OSCE region on the national level to review and reform legislation in order to prosecute traffickers and to protect victims' rights?
- What best practices do we have to share from the enhanced anti-trafficking efforts of OSCE field missions and increased co-operation between OSCE institutions and field missions on this issue (e.g. codes of conduct, monitoring, project implementation, training of personnel)?
- What mechanisms do OSCE participating States have in place to protect and assist victims of trafficking (e.g. consular services, national co-ordinators or co-ordinating bodies)?

**Thursday, 27 September**

## **WORKING SESSION 16**

### ***Rights of the Child/Children and armed conflict:***

Children are the most vulnerable group of any society: they are the ones who directly suffer from economic turmoil and political instability. In particular, their lives are negatively influenced in situations of armed conflicts. The OSCE commitments do not explicitly focus on the rights of the child, but since 2000 there were several initiatives that aimed at including children's rights as an explicit topic on the OSCE agenda, notably the 2000 OSCE Human Dimension Seminar. Another of the activities was ODIHR's contribution into the OSCE-wide "Young Voices" opinion survey, which was made with the understanding that the project could generate ideas for possible further action by the OSCE in the field of children's rights.

*Questions that could be addressed in this discussion:*

- How to take children's interests into account when elaborating state policies and making decisions?
- How to ensure children's safety during active armed conflicts?
- How to address children's needs in post-conflict zones: immediate concerns and longer-term programmes aimed at rehabilitation of war-affected children?

- Do participating States have relevant national legislation in place and established transparent monitoring and reporting mechanisms? Would initiatives such as national action plans on protection of children's rights be warranted?

**Any other business**  
**Closing Session**

## SIDE EVENTS ANNOTATED AGENDA

*The Helsinki Document of 1992 (Chapter IV) called for increasing the openness of OSCE activities and expanding the role of NGOs. In particular, in paragraph (15) of Chapter IV the participating States decided to facilitate during CSCE meetings informal discussion meetings between representatives of participating States and of NGOs, and to provide encouragement to NGOs organizing seminars on CSCE-related issues. In line with this decision, NGOs, governments, and other participants are encouraged to organize side meetings at the Implementation Meeting on relevant issues of their choice.*

*The side meetings below have been scheduled at the request of governments, NGOs, or OSCE institutions. The annotated agenda for each meeting was prepared by the organization convening the meeting and does not necessarily reflect the views of the OSCE.*

### **Monday, 17 September**

#### ***Plans and projects of election observation and assistance in 2002***

Convenor: ODIHR Election Section

The Election Section will present its operations and plans for the end of 2001 and will unveil project proposals for electoral assistance in 2002. The calendar of potential election observation missions for 2002 as well as the need to improve the geographical balance within observer missions by increasing the participation of election experts from countries in transition will also be discussed at the meeting and the corresponding desk officers introduced to the participants. The end of the meeting will be devoted to a short session of questions and answers.

### **TUESDAY, 18 SEPTEMBER**

#### ***Policing in multicultural communities***

Convenor: United Kingdom Delegation to the OSCE and United States Mission to the OSCE

Police from the United States and the United Kingdom will address policing in a multicultural society. They will address recruitment and training as well as programs to build confidence within the community between ethnic groups and between the police force and minority communities.

### **WEDNESDAY, 19 SEPTEMBER**

#### ***The work of the ODIHR Democratization Section***

Convenor: ODIHR Democratization Section

This meeting will be devoted to discussion of the work of the ODIHR Democratization Section. In 2001 the Democratization Section was engaged in implementation of over 60 projects in many parts of the OSCE region. The staff of the section will discuss identification, development, and implementation of projects. Success stories and lessons learned from the work of the section in 2000-2001 will be presented. In addition, the staff of the section will give a preliminary overview of the section's projects and other work for 2002.

#### ***The International Criminal Court: challenges and ICC campaign to establish an effective court***

Convenor: NGO Coalition for an International Criminal Court

The International Criminal Court will be a permanent court that will try individuals for genocide, crimes against humanity and war crimes. The Rome Statute will enter into force when 60 nations ratify. As of today, 139 signatures and 37 ratifications show the extraordinary achievement and success of the new diplomacy model of cooperation between governments, international organizations and NGOs.

The Coalition for the ICC, a network of over one thousand organisations worldwide, must remain active on all aspects of completing the most successful establishment of the ICC. Discussion will include preparatory Commission work, awareness educational campaign, ratification and implementing legislation, first year planning and related issues, as well as the US policy against the court.

**THURSDAY, 20 SEPTEMBER**

***Reneging on the promise: Azerbaijan and Kyrgyzstan Ten Years Later***

Convenor: International League for Human Rights jointly with Helsinki Foundation for Human Rights, Poland

The recently held parliamentary and presidential elections fell far short of the international standards. The governments of both countries have recently intensified their campaign to eliminate the remaining vestiges of freedom of speech by closing scores of independent media outlets, bringing criminal suits against journalists and passing excessively restrictive laws. Two of Kyrgyzstan's main opposition leaders--Turgunaliyev and Kulov—were imprisoned on politically motivated charges, while in Azerbaijan there are hundreds of political prisoners. There is no real separation of powers, as the judiciary system is fully dependent on the executive. Lawyers cannot practice their profession outside state-sponsored bar associations, such as the Collegium of Advocates in Azerbaijan, which have become an effective tool the governments have used to control legal profession.

**FRIDAY, 21 SEPTEMBER**

***Belarus and Ukraine: Unsolved cases***

Convenor: International League for Human Rights jointly with Helsinki Foundation for Human Rights, Poland

This meeting will deal with the lack of a full and transparent investigation into the infamous “disappearances” in Belarus of prominent members of the opposition who challenged the regime of Alexander Lukashenko and the murder of Ukrainian journalist Georgy Gongadze.

**MONDAY, 24 SEPTEMBER**

***The international work of Polish NGOs***

Convenor: Stefan Batory Foundation

Foundations and NGOs in Central and Eastern Europe are expanding their civil society programs abroad. The session will provide an opportunity to present various aspects of Polish NGOs' activity abroad mostly in the CIS region and the Balkans. These are human rights education and monitoring, support to NGO development, local independent media, local government, independent policy advice, to give some examples, Having a recent experience

of transition toward democracy, organisations from Poland combine a genuine idealism about civil society with a down-to-earth understanding of post-communist realities. The session will also give food for thought on what are the ethical principles and best practices of that activity in such a regional context.

***“Defence for the Future: Reconciliation for the Next Generation in South-East Europe”***

Convenor: OSCE Representative on Freedom of the Media

The mobile.culture.container: In Defense of Our Future is a project initiated by the OSCE Representative on Freedom of the Media. It is a mobile community center - library that will travel through south-east Europe for the next two years stopping for several weeks in different cities and towns providing an opportunity for older schoolchildren to discuss issues like reconciliation, to produce their own newspaper, to stage plays, etc. The mobile.culture.container has already visited Tuzla in Bosnia and Herzegovina and Osijek in Croatia and is currently in Cacak, Serbia.

**TUESDAY, 25 SEPTEMBER**

***Internal displacement in the OSCE region: what needs to be done***

Convenor: Norwegian Refugee Council

According to statistical data collected by the Global IDP Database (a project run by Norwegian Refugee Council on behalf of the UN), at least 3,250,000 persons are still displaced in their own country as a result of war or generalised violence in the OSCE region (January 2001). For the last decade, internal displacement has remained a considerable source of humanitarian and human rights concerns and a factor of political instability and insecurity in the region. As a result, the OSCE, among other international organizations, has devoted increased attention to the issue of internal displacement and refugees. In particular a supplementary human dimension meeting in September 2000 was devoted specifically to the issue of internal displacement. It adopted a series of concrete recommendations to participating States and OSCE organs, referring specifically to the standards set forth by the UN Guiding Principles on Internal Displacement. This side event will aim to review the progress made by States, the OSCE and other relevant actors to address the issue of internal displacement. It will also discuss the role of OSCE organs and field missions to contribute to the prevention of arbitrary displacement and to promote durable solutions in the region. Particular attention will be given to protection activities (i.e. information, monitoring, advocacy, legal advice), the promotion of the UN Guiding Principles among States and non-state actors in the region, and the interaction between States, international institutions and NGOs.

***Violence against women***

Convenor: OSCE Romanian Chairmanship

Violence against women, whether occurring in public or private life, is a human rights issue, of direct relevance to the OSCE. This serious problem requires a continuous and multisectorial response to address its root causes as well as all of its manifestations. The meeting will have a special focus on the role of the OSCE, following the informal meeting organised in June 2001.

**WEDNESDAY, 26 SEPTEMBER**

***Anti-Trafficking Legislative Review and Reform***

Convenor: ODIHR Anti-trafficking unit

This side meeting will focus on anti-trafficking legislative review and reform efforts. First, there will be a brief presentation of the "Reference Guide to Anti-Trafficking Legislative Review" which the ODIHR commissioned from an expert at the Ludwig Boltzmann Institute for Human Rights in Vienna. The expert will briefly present the guide and take questions from the audience. While the reference guide was developed as a project under the Stability Pact Task Force against Trafficking in Human Beings, it has relevant examples of good practice and recommendations that should be considered by all OSCE participating States. The second presentation will focus specifically on the proposal for an EU Council Framework Decision on Combating Trafficking in Human Beings. Participants will receive copies of the proposed Framework Decision, as well as relevant advocacy materials from UNHCHR/UNHCR and non-governmental organisations. An expert from Anti-Slavery International will present an overview and critique of the proposed framework decision highlighting the need to introduce clauses ensuring the protection of victims and witnesses.

***The UNICEF/ODIHR "Young Voices" Opinion Poll 2001***

Convenor: UNICEF/ODIHR

The "Young Voices" opinion poll is an unprecedented survey of the views of children and young people in 35 countries in Europe and Central Asia. Conducted in early 2001 by UNICEF with the support of OSCE/ODIHR, it has generated a wealth of information and considerable media/public/political interest. Launched in Berlin in June at the 52-government Conference on Children in Europe and Central Asia, the poll must now be transformed into a tool for action to improve the lives of children. This side event aims to raise awareness of the views of children and young people among participating States, OSCE officials and other stakeholders; to open dialogue on taking these views into account in terms of OSCE programs and advocacy efforts; to demonstrate the OSCE's commitment to further the rights of children in the context of building democratic societies and its willingness to be a partner in the Global Movement for Children initiative.

# WRITTEN RECOMENDIONS SUBMITTED BY THE PARTICIPANTS OF THE HDIM

(ORGANISED BY WORKING SESSIONS)

## **Working Session 1: Democratic Institutions, *including***

- *Electoral process*
- *Democracy at the national, regional, and local levels*
- *Citizenship and political rights*
- *Civic education*

## **DELEGATION OF THE RUSSIAN FEDERATION**

- To consider including an issue of “Fighting Against Terrorism in the Context of Human Rights Protection” as an item for the agenda of the forthcoming OSCE Meetings.
- To consider a possibility to work out a legal instrument devoted to, at least, a new version of a comprehensive European document on standards of democratic elections, citizen’s electoral rights guarantees which could substantially combine and develop a set of electoral standards in democratic elections.

## **DELEGATION OF BELARUS**

- We encourage to continue to give further assistance to the promotion of a constructive dialogue across the political spectrum of the Belarusian civil society, and between the authorities of Belarus and the international community with a view to facilitate the process of democratic transition and integration in European structures. We recognize the great contribution made by the OSCE Advisory and Monitoring Group in Belarus.

## **UNHCR**

*To OSCE participating States:*

- Calls upon all OSCE participating States who have not yet don so to accede to the 1954 Convention relating to the Status of Statelessness and to take active steps toward the full implementation of these instruments;
- As part of conflict prevention measures encourages States to strengthen cooperation with UNHCR, the OSCE and other concerned organizations in identifying and undertaking efforts toward the reduction of statelessness, particularly through harmonized legal frameworks, and in devising appropriate solutions persons;
- Encourages States to seek technical and advisory from services from relevant institutions including UNHCR offices, in particular with a view to adopting common approaches on nationality legislation reform and implementation procedures with reference to relevant international legal instruments.
- Recommends States cooperate with UNHCR, the OSCE and concerned organizations enhance training and capacity-building initiatives aimed at the identification of problems of statelessness and the facilitation of appropriate solutions.

*To OSCE (bodies, institutions, inc. ODIHR, and field missions):*



- Recommends further consultations between the OSCE, its bodies, institutions and field missions and UNHCR be actively pursued to identify areas for enhanced cooperation toward the avoidance and reduction of statelessness and protection of stateless persons;
- Recommends a strengthening of partnerships between UNHCR, the OSCE and other concerned organizations in the field of training and information dissemination concerning statelessness and in the identification of problems of statelessness, including those disproportionately impacting minorities, women and children;
- As part of conflict prevention, measures strongly recommends a close collaboration between the OSCE, its constituent bodies and UNHCR in the early identification of statelessness issues, including through the monitoring of root causes of population displacement, and in advocating appropriate solutions;
- Encourages the OSCE to actively support UNHCR in promoting State accession to and implementation of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness as important tools in establishing harmonized legislative frameworks and agreements toward the avoidance and reduction of statelessness;
- Recommends to the OSCE, its bodies, field missions and institutions, in particular ODIHR and the HCNM, to strengthen participation with UNHCR and concerned organizations in providing technical advice to States in the drafting and implementation of national legislation based on principles of international law with regard to statelessness.

### **DELEGATION OF UNITED STATES OF AMERICA**

- The U.S. delegation encourages the authorities in Belgrade to continue their reform efforts with the goal of meeting OSCE standards for elections at all levels of government. The United States welcomes the ongoing willingness of Montenegrin authorities to work with ODIHR as the citizens of that republic go to the polls.
- We urge Albanian authorities to correct electoral shortcomings at all levels, from the polling committees to the courts' decisions to enhance confidence of the citizens of that county that their votes will be counted fairly. We call on all parties to respect electoral results and to work within the political system to produce the democratic change that is needed.
- We encourage Georgia and Kazakhstan to allow independent parties and candidates to compete on an equal basis in local elections. If the official results eventually announced by the Central Election Commission of each country are to enjoy credibility at home and abroad, opposition and independent media must be able to report and comment on the process.
- We encourage continued support for civil society and independent democratic political pluralism in Belarus, in particular through the work of the Advisory and Monitoring Group Mission in Belarus.
- We urge all participating States to review ODIHR election reports and work cooperatively with ODIHR to address the shortcomings those reports identify.

### **EUROPEAN UNION**

#### *To OSCE and the participating States*

- The participating States are urged to facilitate the work of non-partisan domestic organisations, e.g. by removing administrative and legal obstacles, and not to abuse the ODIHR guidelines by counteracting or restricting the activities of such organisations.

#### *To the OSCE and its structures and institutions*

- To improve the political follow-up to the reports and recommendations issued by ODHIR Election Observation Missions, which could be done through the creation of a stronger link to the Permanent Council, i.e. by making "Follow-up" to Election Observation Missions " a regular item on its agenda.
- The EU encourages ODHIR to further develop and promote its methodology to include the monitoring of gender and women's political participation in elections.
- Since effective participation of national minorities in the political life is essential, the ODHIR is encouraged to devote special attention to minority participation in election processes.

### **LATVIAN HUMAN RIGHTS COMMITTEE**

Taking into account the situation in Latvia concerning the rights to participate in the electoral processes we propose the following:

- to work out the OSCE recommendations to the participating states to include all permanent residents in the circle of those possessing rights to take part in the local elections;
- to recommend Latvia to grant the citizenship of Latvia to all non-citizens having born in it's territory;
- to recommend Latvia to cancel the restrictions of the right to be naturalised to all who after 13 January 1991 were active in the legal opposition and to liberalise ones to those who paid criminal penalty;
- to recommend Latvia to facilitate the naturalisation examinations on Latvian language, history and Constitution;
- to recommend Latvia to cancel the language and political restrictions with respect to nominated as well as elected members of Parliament and local councils.

### **COMMISSIONER OF THE COUNCIL OF BALTIC SEA STATES TO THE OSCE**

Recommendations were presented at the Conference on decentralized Co-operation and Local Government in Stockholm 17-18 October 2000:

- That those CBSS Member States, which had not yet ratified the Convention on the Participation of Foreigners in Public Life at Local Level, should consider it.
- That all CBSS Member States should give voting rights at local elections to foreigners and stateless persons, who are lawful residing in the respective states. These voting rights should be combined with the right to stand for public life.
- That each CBSS Member State should establish consultative bodies for foreign (non-citizen) residents at local level when the number of foreigners exceeds a certain ratio of the total population of the municipality.
- That the Member States and/or the local and regional authorities ensure that the remuneration of elected members of local authorities more generally reflects their workload.
- That the Member States and/or the local and regional authorities introduce appropriate measures to promote candidates from under-represented segments of the population and to prevent early resignation through measures such as special training courses, coaching or mentor systems, cross party discussion groups etc.

In March 2001 the Commissioner decided to follow-up on the survey. Upon receipt of the requested information from all the CBSS Member States in September/October 2001 the Commissioner will consider whether further steps could be taken by the Commissioner's office to assist the Member States in strengthening the democratic development at local and regional level.

## **ODIHR**

- There is a clear need to identify a mechanism to ensure political follow-up for the recommendations issued by ODIHR Election Observation Missions, in accordance with the Istanbul Commitments. To this end, the ODIHR should conduct regular follow-up assessments and report to the Permanent Council on the progress or lack thereof on the implementation of its recommendations. Meetings of the Permanent Council could include periodically (every three to six months) a special agenda item on follow-up.
- As part of the political follow-up to elections, participating States could consider the use of conditionality to serve as an incentive for implementation of OSCE commitments and increase responsiveness to carry out ODIHR recommendations. The OSCE could consider applying EU approach on conditionality based on the respect for democratic principles, rule of law and minority rights, as discussed at the 2001 OSCE Seminar.
- Recognizing that election observation is not a static process but one that can benefit from continuing improvements, the ODIHR should continue to refine, develop and improve its observation methodology, including by elaborating guidelines on new issues as it has done in the past. In this regard the ODIHR should consider a review of the OSCE election commitments in the 1990 Copenhagen Document, taking into account the experience accumulated in the past ten years, with a view to improving OSCE practices.
- Given the importance of domestic observation organizations in promoting transparency and confidence, participating States and the ODIHR should encourage their development and work. The ODIHR should develop guidelines or best practices for domestic observation. OSCE participating States should grant domestic observers the right to monitor all stages and levels of election processes. The ODIHR could report to the Permanent Council on any difficulties experienced by these groups. The ODIHR should consider organizing a regular forum for these groups to share their experiences.
- The recent creation of a fund for the participation of election experts from Central and Eastern Europe and the newly independent States in ODIHR election observation missions has the potential to add significant depth and expertise to ODIHR missions. Participating States should consider contributing to the fund.
- The ODIHR's should share its approach to election observation and its methodology with other international organizations, including groups outside the OSCE area, in order help broaden the OSCE's outreach and to ensure that others are able to benefit from best practices developed within the OSCE.

### **Working Session 2 and 3: Rule of Law, *including***

- *Legislative transparency*
- *Independence of the judiciary*
- *The right to a fair trial*
- *Exchange of views on the question of the abolition of capital punishment*
- *Prevention of torture*

## **AMNESTY INTERNATIONAL**

- With the aim of securing compliance with OSCE commitments in this area, OSCE political bodies should strongly back the efforts of relevant OSCE field operations to place the issue of the death penalty on the agenda for their dialogue with their host governments.
- The blatant flouting of every OSCE commitment on capital punishment by Belarus, Kazakstan, Tajikistan and Uzbekistan should be considered of sufficient gravity to merit particular attention by the OSCE. Consideration should be given to use of the human

dimension mechanisms to address it. There should be stronger backing from the OSCE political bodies for the efforts of relevant OSCE field operations to place the issue of the death penalty on the agenda for their dialogue with their host governments, with the aim of securing compliance with OSCE commitments in this area.

## **EUROPEAN UNION**

- The EU urges all retentionist countries to abolish the death penalty. Where the death penalty still exists, the EU calls upon States to implement a moratorium on executions ; to respect the international safeguards foreseen for those facing capital punishment; to progressively reduce the number of offences for which the death penalty may be imposed and not to impose the death penalty against persons suffering of any form of mental disorder or aged under 18 at the time of the offence committed.
- The EU calls upon OSCE countries applying "de facto" moratoria to abolish "de jure" the death penalty.
- The EU urges all participating States, which have not yet done so to ratify the Second Optional Protocol to the ICCPR and Protocol n°6 to the ECHR.
- The Participating States are called upon to support the efforts of the EU to eradicate torture by subscribing to the aims of the Guidelines for an EU policy towards Third Countries on Torture and by undertaking concrete steps to reinforce compliance with the relevant international standards along the lines foreseen in the Guidelines.
- The Participating States are urged to support the efforts of the EU to promote the adoption of a Draft Optional Protocol to the United Nations Convention against Torture.
- The Participating States are asked to urge third countries in other parts of the world to accede to the Convention against Torture.
- The governments of the relevant States are asked urgently to investigate concrete allegations of torture, so as to bring the perpetrators to justice and to ensure appropriate remedies for the victims.
- The governments of Participating States are urged to bring those responsible for torture to justice as well as to conduct prompt, impartial and effective investigations of all allegations of torture in accordance with the Istanbul Rules.
- The governments of Participating States are called upon to strengthen their national legislation so as to promote the eradication of torture, also by reviewing their legislation in order to prevent the production and trade of equipment which is designed to inflict torture as well as to prevent the abuse of any other equipment to this end.
- The governments of Participating States are urged to do more to help the direct and indirect victims of torture, including vulnerable groups, so that they will receive reparation and rehabilitation.
- They are called upon to contribute generously to such efforts, including by supporting the United Nations Fund for Victims of Torture.

## **DELEGATION OF UNITED STATES OF AMERICA**

- We urge authorities to work with ODIHR to develop and implement measures to ensure the independent functioning of their judicial system.
- We urge Kazakhstan, and Azerbaijan to review their laws to ensure that freedom of the media is protected.
- “State secrets” must be clearly defined, so those citizens know precisely their legal responsibility when dealing with such information.
- We urge government take measures to ensure the independence of bar associations.

## **DELEGATION OF CANADA**

- Participating States should ensure that law enforcement personnel and staff in correctional or detention facilities receive appropriate human rights training;
- Participating States should support the elaboration of an *Optional Protocol to the UN Convention against Torture*, and contribute to the early conclusion of negotiations;
- Participating States should permit access to relevant international organizations, including OSCE Field Missions, to correctional and detention facilities;
- The OSCE, including through its Field Missions, should advocate the early conclusion of negotiations on the *Optional Protocol to the UN Convention against Torture*;

## **COMMISSIONER OF THE COUNCIL OF BALTIC SEA STATES TO THE OSCE**

The following general recommendations were made in the Survey on The Status of the Public Prosecution Office in the CBSS Member States of May 2000:

- That appropriate measures are taken to ensure that the procedures for appointment of Prosecutor General and prosecutors are not too complicated.
- This concerns cases where Parliament is the appointing authority or where consent is necessary from other political bodies. There have been examples where important prosecutorial posts have remained vacant for quite some time. This is unfortunate because it may impede the effectiveness of the criminal justice system. It can be added that a temporarily appointed Prosecutor General or prosecutor lacks the security of tenure, entailing a risk of a lesser degree of independence.
- That, as a general principle, public prosecutors should have specific guarantees as regards their careers, given the nature of their responsibilities.
- The personal status of prosecutors, who appoints them, promotes them and dismisses them, is also an important issue in the context of the independence of the individual prosecutor.
- That Member States consider whether it is expedient and necessary to maintain the possibility for political bodies to give specific instructions or to assume the role of prosecutor. If this is the case, all measures should be taken to ensure that such instructions or decisions to prosecute are given in a formal and transparent way.
- That the level of practical arrangements between the executive authority and the subordinated public prosecutor must not undermine the concept of autonomy necessary for the functioning of a public prosecutor.
- That instructions to the public prosecutor of a general nature should be in writing and be made public in an adequate way to make the process more transparent.
- Public Prosecution Offices in all states, have a pyramidal/vertical structure with the right of giving instructions from top to bottom. The *internal hierarchy* does not normally cause problems. The possible existence of an *external hierarchy* where the Public Prosecution Office is subject to political authorities, which direct its work, may however jeopardise the important principle of independence. This depends on the nature of the instructions in question. The issuance of general instructions e.g. to define a given policy does not necessarily pose a problem, but specific directives for example by requiring the Public Prosecution Office to prosecute or to refrain from prosecution definitely undermines the institution's independence.
- Although the right of specific interference is seldom used by states, or that it is only in certain limited cases that a Government assumes the role of prosecutor, the fact that this option exists gives rise to concerns on grounds of principle as to the possibility of arbitrary political influence.
- That law establish the exact nature and scope of the institution's independence.
- In countries where the Public Prosecution is independent of the executive authority or only has limited links with this authority, one must not be oblivious of the potential risk of the development of informal practises and self-interest among the prosecutors themselves.

- That states, where this is not already a feature, introduce a system where the Public Prosecution Office should with appropriate intervals give an account of its activities to the public allowing for democratic control and public insight.
- This would further transparency and consistency and be in the interest of society as such.
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- This would further transparency and consistency and be in the interest of society as such.

### **GREEK HELSINKI MONITOR (GHM)**

- Greece, as well as all participating states, should allow-both formally but also in practice-free access to detention facilities (in police stations and prisons) by all international agencies as well as international and national NGOs working or related areas, keeping related formalities to the minimum and expending swiftly such request; where legislation prevents free access (like in Greece for prisons), it should be amended.
- The OSCE monitoring agencies, when receiving complaints about refusal to access detention facilities, should take up the matter with the participating state concern and urge a reversal of policy.
- In Greece, as well as in all participating states, information bulletins with the rights of persons arrested, detained or awaiting expulsion should be scrupulously made available to persons concerned, in a language each understand, with proof of receipt to be kept in that person's file. Wherever necessary, the use of certified oral interpretation may be considered and duly recorder. Any failure to inform such individuals should be swiftly punished.

- Greece should review the system of court appointed lawyers and, where necessary, translators. Their remuneration should be adequate to motivate them to do their job well. Translators must demonstrate competence not only in the language but also in translating back and forth from it. Sufficient time for court appointed lawyers to study the defendants' filed should be provided. All that will put an end to unfair, "lightening" trials that are frequent especially among foreigners, and that can lead up to life imprisonment.
- Greece should stop the discriminatory application of legislation valid for all residents, according to the ethnic origin of the persons concerned, and introduce anti-discrimination legislation that-inter alia-will make such practices punishable.

### **INTERNATIONAL REHABILITATION COUNCIL FOR TORTURE VICTIMS (IRCT)**

- Those participating States that have not yet ratified the United Nations Convention against Torture are urged to do so as a matter of priority.
- Participating States that do not currently recognize the competency of the United Nations Committee against Torture to receive individual complaints are urged to make the requisite declaration under Article 22 of the Convention.
- The governments of participating States are encouraged to raise the issue of ratification and implementation of the United Nations Convention against Torture in their diplomatic contact with other States.
- The governments of participating States are urged to work actively to achieve the adoption of a strong Optional Protocol to the United Nations Convention against Torture.
- The governments of participating States are strongly encouraged to develop their own national torture prevention strategies, to promote the implementation of the Istanbul Principles, and to co-operate with NGOs with expertise in this field to this end.
- The governments of participating States are urged to ratify the Rome Statute of the International Criminal Court
- OSCE missions and regional offices are encouraged to actively support rehabilitation personnel and others working for the prevention of torture, and to intervene in cases where they face harassment or other personal danger because of their work.
- The OSCE/ODIHR Advisory Panel on Torture is strongly encouraged to make more information available regarding its activities and working methods, with a view to facilitating improved communication and exchange of information between the Panel and interested NGOs. To this end, we invite the Advisory Panel to publicize details of its upcoming meetings, and to actively seek the views of NGOs and other interested parties in carrying out its work.
- The OSCE is encouraged to support initiatives addressing the need for rehabilitation and psychosocial support as part of its activities in the conflict resolution field.

### **ODIHR**

- OSCE participating States should strengthen the transparency and capacity of their law-making processes in particular through: genuine open debates in parliaments; strengthening of procedures that ensure input by non-state actors, including in particular professional groups and civil society, through such mechanisms as public hearings on draft laws; dialogue with civil society groups prior to the introduction of laws; ensuring that laws are published and accessible to the public
- Participating States should ensure that all legislative decisions are taken by the Parliament and that executive decrees are limited to a well-defined number of issues specified by law.

- Participating States should institute or improve procedures to ensure that draft laws are sufficiently checked for compliance with international human rights treaties.
- Participating States should respect in law and in practice the independence of the judiciary. They should: review whether their domestic system of appointment and dismissal of judges reflects their commitments under the OSCE Copenhagen document; provide for adequate remuneration of judges; ensure that judges do not face repercussions for their decisions.
- Participating States should ensure that decisions on pre-trial detention are taken only by the judiciary, and should provide sufficient resources to accomplish this task.
- Participating States should work towards the removal of structural imbalance between the executive (police, investigators, prosecutors), the judiciary and the defense lawyers. A sufficient set of checks and balances needs to be put in place.
- Participating States which have not done so should transfer penitentiary systems and particularly pre-trial detention centers from the control of Ministries of Interior to Ministries of Justice.
- Participating States should ensure that all persons criminally accused have an effective right to legal counsel, that national legislation in respect to initial arrest periods comply with international standards, and that the judicial process is as expedient as possible.
- Participating States should review their punishment policies and give effect to alternatives to imprisonment.

### **AMNESTY INTERNATIONAL**

- The OSCE political bodies should provide strong leadership in promoting greater political will for the eradication of torture and ill-treatment. We urge the incoming Portuguese OSCE Chairmanship, as well as the 2003 Netherlands Chairmanship, to declare the combat of torture to be among their highest political priorities in the human dimension. We ask them to be unwavering in their commitment to raising torture concerns whenever necessary, including in their bilateral discussions with governments in the OSCE region. We ask them also to place discussion about combating torture, including in specific country areas necessary, regularly on the agenda of the OSCE Permanent Council.
- Regular reporting by the Director of the ODIHR on the issue of torture and ill-treatment would facilitate discussion in the Permanent Council. The ODIHR Director should also be encouraged to bring concerns about torture and ill-treatment systematically to the attention of the Chairmanship, wherever the problem occurs in the OSCE region.
- As regards a special approach to the issue of torture and ill-treatment, the ODIHR made a positive step in the direction when it established its Advisory Panel on Prevention of Torture in 1998. Amnesty International believes that the Panel has served an important, albeit limited purpose, and now proposes a further step. In the same way that the ODIHR's Monitoring Unit annually prepares a report on the status of capital punishment in the OSCE region, so it could very usefully produce an annual report of the situation of torture and ill-treatment. This report should not be simply a narrative survey of reported cases from affected countries, but should be analytical, seeking to identify specific factors leading to torture, ill-treatment and impunity, and potential remedies. The analysis could be a useful tool in refining the existing project work of the ODIHR and the OSCE field operations in areas such as police, judiciary and prison service training. Monitoring training projects for NGOs could also be directed towards assisting in this exercise. Participating States should be encouraged to offer their full co-operation in providing information to the ODIHR for an annual report on prevention of torture and ill-treatment. The first report should be prepared for the 2002 Implementation Meeting.



- The ODIHR should convene, at least once and possibly twice a year, a consultation between relevant ODIHR personnel and the responsible human dimension personnel of the OSCE field missions to discuss the OSCE's approaches to key human rights problems, such as torture. This forum could define common objectives, help ensure that programmatic approaches in the field are harmonized, and enable cross fertilization of ideas and good practices.

### **DELEGATION OF THE UNITED STATES OF AMERICA**

- The U.S. delegation urges the OSCE participating States to treat confessions or other evidence obtained through the use of torture, or other cruel, inhuman or degrading treatment or punishment as inadmissible in courts of law or legal proceedings.
- We encourage the OSCE participating States to prohibit, in law and in practice, incommunicado detention.
- Finally, we urge States to consult with ODIHR's expert panel on the prevention of torture to consider concrete steps that would address the problem of impunity and prevent future incidence of torture.

### **GREEK HELSINKI MONITOR (GHM)**

- Greece should take immediate and decisive steps to end impunity of law enforcement officials who violate citizens' rights during arrest, custody, trial and detention, including with ill treatment. Swift and independent investigation of all violations should be secured, along with sanctions to all perpetrators and all those covering up such violations.

*GHM subscribes to UN CAT Recommendations to Greece:*

- urgent measures be taken to improve conditions of detention in police stations and prisons and that undocumented migrants and/or asylum seekers who have not been convicted of a criminal offence not be held for long periods in such institutions;
- such measures as are necessary to prevent overcrowding of prisons should be taken as well as continuing steps to find alternative penalties to imprisonment and to ensure their effective implementation;
- such measures as are necessary, including training, be taken to ensure that in the treatment of vulnerable groups, in particular foreigners, ethnic and national minorities, law enforcement officers do not resort to discriminatory practices;
- steps be taken to create detention facilities for undocumented migrants and/or asylum seekers separate from prison or police institutions and Greece is urged to complete its proposed new building construction for aliens as a matter of urgency.

*GHM subscribes to the following additional ECPT Recommendations to Greece:*

- ensure that the official capacities of the cells in police directorates/stations are observed, and that no detainees are obliged to sleep in the corridors of detention facilities.
- ensure that persons detained under the Aliens' legislation can receive visits from lawyers in conditions ensuring the confidentiality of the discussions, and are able to meet their relatives and contact representatives of relevant organisations; are systematically provided with a document explaining the procedure applicable to them and setting out their rights; if necessary, recourse should be had to the services of an interpreter.

### **UNHCR**

*To OSCE participating States:*

OSCE participating states should implement the following principles and recommendations regarding the detention of asylum-seekers:

- The detention of asylum-seekers should be resorted to only for reasons recognized as legitimate, consistent with international standards and only when other measures will not suffice; detention should be for the shortest possible period.
- Alternative and non-custodial measures, such as reporting requirements, should always be considered before resorting to detention.
- A compelling need to detain must be based on the personal history of each asylum-seeker.
- If detained, asylum-seekers should be provided in writing, in a language they understand, with the reasons for detention, together with a written explanation of their rights and how to exercise them.
- Each decision to detain should be reviewed periodically as to its necessity and its compliance with relevant legal standards by a court or similar competent independent and impartial body. Where legal aid is available, asylum-seekers should have access to it.
- Detained asylum-seekers should be held in conditions appropriate to their status and not with persons charged with or convicted of criminal offences (unless so charged or convicted themselves).
- Detained asylum-seekers should be given adequate access to UNHCR, their legal representatives and their relatives.
- Time frames governing the duration of detention of asylum-seekers should not be unreasonable and should be prescribed by law.
- Unaccompanied minors should never be detained on account of illegal entry or presence.
- UNHCR, legal representatives and, where appropriate, specialized non-governmental organizations should have access to all places of detention, including transit zones at international ports and airports.
- All custodial staff should receive training related to the special situation and needs of asylum-seekers.
- National authorities should cooperate in the provision of relevant information on asylum policy, practice and statistics.
- Refugees recognized under UNHCR's mandate for whom UNHCR is actively seeking long-term solutions should not, in the ordinary course, be detained pending implementation of the solutions.

## **ODIHR**

- OSCE participating States should improve the domestic impact of international treaty monitoring procedures. A broad, public consultation process with NGOs and civil society should be established to improve the effectiveness of human rights treaties, both in preparation of and as a follow-up to examination of a country by treaty monitoring bodies.
- OSCE participating States that are party to the European Convention on the Prevention of Torture should without exception allow for the publication of the Committee's reports.
- OSCE participating States should formulate a domestic strategy for the eradication of torture. This could include a mechanism for a systematic review of anti-torture policies.
- Participating States should further intensify their efforts to create a legal system based on checks and balances as a key to preventing torture and ill-treatment, including:
  - conforming domestic laws and internal regulations with international obligations;
  - assuring that the oversight over the pre-trial process is placed not in the hands of the Prosecutors Office, but the Judiciary;
  - transferring the authority over the penitentiary service including the critical pre-trial stage from the Ministry of Interior to the Ministry of Justice;
  - reducing prison overcrowding that carries health risks and the risk of ill treatment;

- revising punishment policies and exploring the alternatives to imprisonment.
- OSCE participating States should increase the transparency of closed institutions such as pre-trial detention centers and police cells as a safeguard against ill-treatment, including:
  - improving the access of suspects to defence attorneys at an early stage;
  - reviewing laws and regulations on visits to closed institutions;
  - repealing laws that treat information about penitentiaries as classified information;
  - introducing independent external monitoring by National Human Rights Institutions such as Ombudsman and access by non-governmental organizations.
- OSCE participating States should strengthen efforts to include anti-torture standards into their training of law enforcement bodies. Particular regard should be placed on raising the sensitivity about vulnerable groups such as Roma. Training should include standards on fighting terrorism and other forms of violent extremism without violating human rights.
- OSCE participating States should develop strategies to fight impunity.
- OSCE participating States should increase the support for victims of torture, provide support for Torture Rehabilitation Centres and use the United Nations International Day for the Victims of Torture as an occasion for awareness-raising.
- OSCE participating States are encouraged to request assistance of the ODIHR supported by its Advisory Panel for the Prevention of Torture to provide technical assistance and in the implementation of the foregoing recommendations. Participating States should consider contributing to the ODIHR's programme for the prevention of torture.

**Working Session 4: Current issue discussion topic, *including***

- *The role of the Ombudsperson in protecting human rights*

**GREEK HELSINKI MONITOR (GHM)**

- Greece should further strengthen the role of its Ombudsman, by lifting the few restrictions to its mandate, and by multiplying its resources to allow continuing swift action in the face of an ever-growing number of complaints, as well as the establishment of regional offices.
- Greece should compel, including through the introduction of legislation wherever necessary, all state agencies to cooperate fully and swiftly with the Ombudsman, and implement its recommendations unless an equally legal valid case can be made against some of them. Non-cooperation and non-implementation must be severely sanctioned. Ministers should become responsible for related (in)action of agencies under their jurisdiction, and Parliament should exercise similar control over ministers. Moreover, the Public Prosecutor of the Supreme Court should monitor that, at all levels, prosecuting authorities launch investigations and/or issue indictments soon after cases are referred to them by the Ombudsman, and sanction those prosecutors who omit carrying out such duties.
- Inter-governmental organizations (OSCE, CoE, UN, EU) should invite this new yet model Ombudsman institution to help strengthen similar institutions in other countries.

**ODIHR**

- OSCE participating States should ensure that their institutions have a sufficiently broad human rights mandate to effectively influence the human rights situation in the country.
- The legal basis of the institutions should conform to the UN "Paris Principles". The OSCE should formally endorse the UN Paris principles within its Human Dimension Commitments.
- Ombudsman institutions should have legal guarantees of their independence from the Executive branch of Government. This relates in particular to the election process for the

Ombudsman and strict limitations on his or her dismissal, functional immunity and financial independence.

- Participating States should consider giving the Ombudsman institutions constitutional status.
- Participating States creating Ombudsman institutions should ensure broad public discussion on the purpose and mandate of such institutions, in order to ensure that they enjoy popular trust and confidence.
- Participating States should ensure that the appointment process is a transparent public process and that the Ombudsman is a person respected by a wide margin of society beyond political party borders.
- Participating States should provide for sufficient financial and material support for the institutions to work properly. The budget should be set as a separate budget line to be approved upon submission of the Ombudsman to the Parliament and not the Executive.
- OSCE participating States should also allow for access to and co-operation by all state institutions by the Ombudsman. In particular, police stations and penitentiaries should be open to the Ombudsman without prior notice to enable the institution to contribute to the prevention of torture and ill-treatment in these facilities.
- OSCE participating States who have not yet done so should review their legislation regarding classified information in case it affects the Ombudsman work.
- Beyond investigating complaints, Ombudsman institutions develop proactive ways to improve human rights, including by facilitating dialogue on human rights concerns between governmental agencies and civil society.
- Ombudsman institutions should establish code of conduct and internal regulation ensuring the integrity of their office.

#### **Working Session 5: Tolerance and Non-Discrimination, *including***

- *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic-cleansing*
- *Education and culture*
- *Including discussion of the 18 and 19 June 2001 Supplementary Meeting*

#### **RUSSIAN FEDERATION**

- Taking into consideration the significance of the subject under the discussion, the delegation of the Russian Federation recommends creating an informal open-ended group of experts, on tolerance and non-discrimination, that could, with the assistance of the ODIHR and other OSCE institutions, become a forum for exchanging best practices and addressing, within its capacity, the most urgent risks and challenges in the OSCE area.

#### **TURKISH DELEGATION**

- Participating States should reiterate their unequivocal condemnation of all manifestations of intolerance, racism, aggressive nationalism, chauvinism and xenophobia. Participating States should also accept that the main responsibility lies with their governments for safeguarding and protecting the rights of individuals residing in their territory against racist or xenophobic actions and activities.
- Participating States should enact clear-cut anti-discrimination laws. All activities promoting or inciting racism, hatred, discrimination and related intolerance and violence should be declared as illegal and punishable by law.

- A uniform statistical method conducive to data comparison among Participating States should be developed.
- Specialized national bodies, including monitoring units and institutions should be established, where necessary to follow the situation and deal with complaints arising from such acts in all sectors of society.
- School books should be re-examined to see to it that they do not contain any racist or otherwise discriminatory references.
- The Representative on Freedom of the Media should pay special attention to irresponsible publications and broadcasting promoting hatred and aggressive nationalist, racist, xenophobic ideologies. Media institutions should be invited to pay their part in promoting tolerance and non-discrimination in societies.
- Dissemination of material promoting hatred and aggressive nationalist, racist, xenophobic ideologies through internet should be prohibited and be punished by law.
- As follow-up to the World Conference on Racism in Durban and to the OSCE Supplementary Human Dimension Meeting on Promoting Tolerance and Non-Discrimination, one of the priorities of the OSCE's human dimension agenda for the year 2002 should be "prevention of aggressive nationalism, racism, chauvinism and xenophobia". Holding of a Supplementary Human Dimension Meeting particularly on this topic is suggested.

#### **DELEGATION OF CANADA**

- Participating States should engage civil society and youth in developing and implementing appropriate national, regional and international measures to promote tolerance and non-discrimination and the respect for diversity;
- Participating States should explore further the Russian Federation's proposal on creating an informal working group in Vienna, in which they could exchange experiences and lessons learned on the promotion of tolerance and non-discrimination at the national level;
- OSCE institutions and field activities should strive to build partnerships with civil society, national institutions and other actors, including during initial policy development and in the course of implementing activities and measures to counter intolerance and discrimination;

#### **UNHCR**

##### *To OSCE participating States:*

- In a globalizing world, states should ensure that all sectors of society take concerted action to address with urgency racial divisions and conflict in society – especially racism against people perceived as 'foreigners' or 'aliens'.
- Major institutions at all levels of social life be targeted, including the family, schools, colleges and universities, the workplace, religious institutions and leaders as well as policy-makers and other members of the elite who, as 'opinion-makers' can mould the shape and future direction of society.
- Officials and politicians, in recognition of the influence they exercise on public opinion must be made more responsible and accountable for their public statements. They should reflect on and be made aware that they contribute to social tensions.
- The media has an essential function as a tool for positive social change as oppose to an instrument to propagate hatred and intolerance.
- States at the national and local levels need to invest more resources and effort towards eliminating the root causes of racism and xenophobia in society. Considering the mixed nature of migration flows, states must change those economic, social, political and ethical policies that encourage or allow racism, xenophobia and discrimination (including against asylum-seekers, refugees and returnees and stateless persons).

- States should enshrine comprehensive equal rights and non-discrimination provisions in your constitution and all relevant legislation (including non-nationals, such as asylum-seekers, refugees, returnees and stateless persons) .
- States should pass and implement equally comprehensive non-discrimination legislation, complemented with adequate complaints, legal recourse and remedy provisions.
- States must actively seek to eliminate racism and ethnic discrimination from the structures and systems of government and administration itself.
- States should invest in providing strict guidelines and training to civic servants (particularly law enforcement officials). As well as due legal avenues to process complaints and enforce disciplinary proceedings.
- Perpetrators of racist and xenophobic violence must be effectively and openly condemned through courts of law, human rights commissions and ombudsmen's offices. The judicial system and penal institutions must ensure that racially motivated attacks are not tolerated and that a culture of impunity is not allowed to take hold.
- States should take the lead in promoting inter-cultural activities where all sectors of the community participate in and learn from each other in the spirit of mutual respect and cooperation
- States should encourage the development of strong and independent advocacy by NGOs in order to sensitise the public and officials on problems of racism, ethnic discrimination and xenophobia.
- National human rights commissions, ombudsmen offices and members of the judiciary must be furnished with sufficient independence and resources to fulfil their crucial role in overcoming racism and xenophobia, ethnic tensions and discrimination.
- To help create and foster positive social attitudes, there is a need to expand communication and education about racism and xenophobia needs to be expanded. Public information campaigns by States, the OSCE, UNHCR and other IOs, and especially NGOs, should be encouraged.
- States should regularly report, also to the OSCE, on problems and progress in this field.

*To OSCE (bodies, institutions, incl. ODIHR, and field missions):*

- OSCE Missions and Institution could increase their support to authorities, NGOs and other involved institutions to monitor and assist participating States implementation of the above recommendations and related OSCE Commitments.
- OSCE may want to elaborate with partner agencies awareness raising activities at the country or regional levels.
- OSCE missions and Institutions should regularly report related progress and problems to the OSCE PC. Also special annual and/or spot-reports could be envisaged.
- ODIHR could prepare and share with the OSCE PC a special report accounting for the effectiveness or lack of non-discrimination and other relevant legislation in all OSCE participating States.

## **DELEGATION OF UNITED STATES OF AMERICA**

- I encourage the Romanian Government to give greater meaning to its stated commitment to reject ethnic hatred and intolerance by removing all statues of Antonescu from public lands, including those at the Jilava prison and in Slobozia, Piatra Neamt, and Letcani.
- We encourage Hungarian officials and politicians to speak out against racist slogans and statements, categorical condemning intolerance.

- We encourage a full investigation and prosecution of those involved in the attack on a Jewish school in Ryazan, Russia, and last September and in the attempt to burn down a synagogue in the same town.
- We encourage police to address and investigate acts of intolerance, in specific, to investigate vicious racially motivated attacks by street thugs and skinheads against foreigners and minorities.
- We encourage authorities in Bosnia and Herzegovina to protect individuals from hate-filled segments of the public, investigate indications of police collaboration in attacks on people seeking to lay foundations for new mosques in Banja Luka and Trebinje in the Republica Srpska, help return minority populations to their prewar homes, and apprehend persons indicted for war crimes, crimes against humanity, and genocide.
- We encourage public officials not to outlaw extremist expressions, but rather counter radical views in the marketplace of ideas and public debate.
- We support Ambassador Stoudmann's initiative in connection to acts of intolerance.

### **GREEK HELSINKI MONITOR (GHM)**

- Giving the rising tide of racism and xenophobia, including Roma-bashing, anti-Semitism and Islamophobia, in many OSCE countries, the OSCE, the CoE, the UN and the EU's EUMC are urged to coordinate relevant activities so as to strengthen monitoring mechanisms and devise more effective ways to combat these phenomena. All participating states must show vigilance towards the various forms of racism, and not allow it to be compromised because short-term political or other interests dictate alliances with forces that are exponents of racism.
- For the fight against racism to be credible it must be consistent. It cannot limit its targets to extremist parties and ignore "mainstream extremism." It cannot sanction some countries with extremist parties in government and ignore other countries in identical situations.
- All racist attacks and pogroms must be swiftly investigated. Where applicable, their victims must be given extraordinary assistance to overcome fear of consequences from their statements or traditional mistrust in the law enforcement authorities. Perpetrators must be swiftly brought to trial and, if found guilty, punished with severity.
- The intergovernmental institutions, when receiving credible information about racist acts taking place and not followed by proper investigation and prosecution, should exert -first discrete then, if the need arises, public- pressure on the states concerned to implement their commitments in the fight against racism. Such cases should be reported in the annual OSCE Human Dimension Meetings.
- Greece must swiftly assure that actual or threatened pogroms or evictions of Roma and Albanians, with an underlying racist element of collective guilt, not only be stopped, but that swift and credible investigation by the prosecuting authorities be carried out for all these cases that have been widely reported in local media, or in reports of NGOs or IGOs.

### **DELEGATION OF THE REPUBLIC OF AZERBAIJAN**

- Participating States should strongly condemn the persistence and resurgence of aggressive nationalism, xenophobia, chauvinism, extremism, separatism and terrorism based on national or racial prejudice and state that these phenomena, in all their forms and manifestations, can never be justified in any instance and any circumstances;
- Participating states should underline with alarm severe challenges, which racism, aggressive nationalism, xenophobia, chauvinism, extremism, separatism and terrorism pose to democracy, human rights, rule of law, stability of legitimately constituted government, integrity of civil society and its economic and cultural development;

- States should be urged to undertake all necessary measures to eliminate any possibility for creation and activities on their territories of organizations and groups as well as activities of individuals aimed against political independence, territorial integrity and inviolability of borders of a sovereign State or at aggravation of interethnic relations;
- Participating States should condemn incitement to ethnic and religious hatred and violence;
- As a follow-up to the World Conference against Racism and Related Intolerances held in Durban, as well as to the OSCE Supplementary Human Dimension Meeting on Promoting Tolerance and Non-Discrimination, the subject of "prevention of aggressive nationalism, racism, chauvinism and xenophobia" should be one of the main priorities of the OSCE activities in the field of human dimension for the year 2002. In this connection a holding of a Supplementary HDM on this topic is recommended.

### **Working Session 6: Tolerance and Non-Discrimination, *including***

- *Equal opportunities for men and women*

#### **DELEGATION OF CANADA**

- Participating States should ratify and implement the *Rome Statute of the International Criminal Court* as soon as possible;
- Participating States and the OSCE should work towards the full implementation of UN Security Council Resolution 1325 on "Women, Peace and Security" (October 2000);
- Participating States should nominate more female candidates for seconded positions with the OSCE, in particular in senior decision-making positions, including for Heads of Mission positions;
- The Ministerial Council should reaffirm the commitment of participating States to universal ratification of the *Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)*;
- The ODIHR, should work with participating States to achieve the full implementation of the CEDAW;
- The OSCE's Secretary-General should, in future reports on the implementation of the Action Plan on Gender Issues, include recommendations and targets for its accelerated implementation, which should in turn form part of the deliberations at the HDIM;
- Heads of Mission should include a gender perspective in their reporting;
- The ODIHR and the Romanian Chairmanship should ensure that the upcoming Supplementary Human Dimension Meeting on human rights defenders include discussion of defenders of women's human rights;
- The incoming Portuguese Chairmanship should make violence against women one of the topics for next year's SHDMs.

#### **AMNESTY INTERNATIONAL**

- Amnesty International recommends that in coming years, one of the OSCE supplementary human dimension meetings should be devoted to the topic "combating domestic violence".
- Amnesty International also recommends that the programme of OSCE project work devoted to combating domestic violence should continue, including in the OSCE field operations.

#### **DELEGATION OF UNITED STATES OF AMERICA**



- We encourage the full and complete fulfillment of the Helsinki Final Act mandate that “the participating States will respect human rights and fundamental freedoms... for all without distinction as to race, sex, language or religion.”
- The United States calls on the Russian and Yugoslav Governments to thoroughly investigate and prosecute those responsible for sexual violence against women, particularly in conflict settings
- We encourage participating States to seek to eliminate all forms of violence against women by enacting additional laws as needed, and implement existing laws by providing for police training on proper response to domestic violence and by providing the necessary support services to victims and abusers.
- We call on police to investigate and prosecute perpetrators under relevant provisions of the criminal code, regardless of the sex or marital status of the victim, and regardless if the violence occurred inside the home at the hands of an intimate partner.
- We urge participating States to protect its citizens from abuse and provide remedies for victims of abuse.
- The United States urges all OSCE participating States that have not already done so to enact anti-discrimination laws that enable women, and other targets of discrimination, to pursue adequate and effective remedies against such discrimination.
- The United States further urges states with anti-discrimination laws on the books to implement them faithfully.

## **EUROPEAN UNION**

### *To the OSCE and the Participating States:*

- To prioritise the protection of women's rights in conflict situations, in particular the undertaking of further efforts to increase the participation of women in decision-making bodies.
- To take account of the role of their secondment policies as a crucial factor for increasing the participation of women in the professional staff of the OSCE Missions.
- All actors involved are urged to continue and strengthen their efforts to implement the gender action plan.

### *To the OSCE and its structures and institutions:*

- The Office of the OSCE Coordinator on Economic and Environmental activities should provide assistance to missions to promote women's access to education and the labour market as well as to their development of entrepreneurial skills.
- Cooperation between the Gender Task Force and OSCE missions and institutions should be enhanced.
- The OSCE Parliamentary Assembly is called upon to make full use of its possibilities in mobilizing national parliaments and public opinion in the participating States to strengthen women's political participation and promote equal opportunities in general.
- The ODHIR should elaborate an appropriate revision of the Election Observation Handbook to take account of the need to investigate the condition for women's participation in elections.
- Further steps towards transparency in the recruitment procedures for OSCE positions should be taken to increase the share of women applying and recruited.
- Efforts should be made to provide a working environment that can attract women to OSCE positions.
- More specialized training should be regularly provided to mission members regarding such issues as mediation or work with women subjected to human rights violations.
- Gender awareness training should be provided to police monitors and police officers.
- The Informal Group on Equal Opportunities should continue to regularly review and provide further impetus to the implementation of the Gender Action Plan.

## **DELEGATION OF SWITZERLAND**

- Switzerland fully supports the following measures, that were proposed at the meeting of the Informal Group in Vienna.
- *Governments should:*
- speak out clearly against violence against women.
- collect data on violence against women.
- draw up comprehensive strategies and co-ordinated inter-agency responses against violence.
- prepare awareness raising campaigns.
- support shelter and legal aid to victims of violence and support private organisations in such initiatives.
- adapt their legislation to ensure effective prosecution. Marital rape should be recognised as a crime.
- engage in training for the police, prison staff, law authorities and medical staff.
  
- *The OSCE should:*
- put together a list of best practices to combat violence against women.
- pay special attention to women in conflicts and female members of minorities.
- support governments in legislative reform, training and prevention activities.
- ensure that its interantional staff does not add to the problem of violence against women.
- closely co-operate with other international organisations, including the Council of Europe, the European Commission, the UN Special Rapporteur on violence against women, UNHCHR, UNHCR, UNICEF and others.
  
- *Field missions and the ODIHR should:*
- continue to increase their efforts to combat violence against women. They should report on the situation in their countries.

## **DANISH DELEGATION**

- Employment statistics should be broken down into separate categories for professional and senior posts on the one hand and administrative posts on the other.
- Participating states should endeavor to make the Organization more widely known in order to attract more women as candidates for employment.
- Job advertisements should contain more detailed descriptions of the content and circumstances of jobs.
- To increase the number of women in seconded posts, ways to ensure that participating states nominate both a male and a female candidate for any given post should be considered.

## **UNHCR**

*To OSCE participating States:*

- OSCE participating States should actively promote, fully respect and implement the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), including in refugee/refugee-like situations.
- OSCE participating States should promote and implement gender-sensitive asylum policies and procedures in accordance with international standards and in fulfilment of their international commitment.

*To OSCE (bodies, institutions, incl. ODIHR, and field missions):*

- The OSCE and UNHCR could extend the sharing of information and experiences on all levels from Headquarters to field operations to increasingly include gender-related concerns and activities. The exchange of relevant guidelines and other materials could be accelerated and the possibility of joint training and other events explored.
- The OSCE and UNHCR could identify concrete cooperative projects both at regional and country-levels, also within the framework of the OSCE Gender Action Plan and UNHCR's priorities. Initially these may address the causes and results of violence against women, may include human rights or other training for women, as well as other capacity building activities aiming at empowering women to participate in decision-making, to making positive contributions to conflict prevention, management and resolution.
- Communications between the respective OSCE and UNHCR gender advisors/policy officers and focal points on the regional and operational level should be strengthened, in order to cooperate on the planning of adequate cooperative projects, but also to ensure and follow-up on the implementation of the above recommendations. . If deemed useful and necessary this could include regular, periodical meetings.
- Include gender-related issues in the agenda of bilateral and relevant multilateral meetings at the headquarters and field levels, and periodically assess progress made.

### **ODIHR**

- Recognizing that domestic violence is one of the most pervasive human rights violations in the OSCE area, the OSCE should develop commitments and approaches to dealing with this problem. Participating States should enhance their policies and instruments to prevent and combat violence against women, and to ensure the provision of counselling services and shelters to victims of violence.
- Gender issues should be incorporated and mainstreamed into all aspects of OSCE work: at headquarters, in the institutions, and in field operations. OSCE efforts on peace building and post-conflict transformation should involve women at all stages and should address their particular needs in the post conflict environment.
- Participating States should increase efforts to promote women's active participation in public life and should pay special attention to implementing OSCE commitments in the field of equality between women and men, recognizing the integral role of such efforts in progress towards stability and democracy.
- The ODIHR should continue working with NGO and Government partners on strategies for the empowerment of women, as well as developing frameworks for equal opportunities and the protection of women's rights.
- The ODIHR should maintain and strengthen its commitment to develop and implement projects, in co-operation with participating States and NGOs, focusing on women's rights, empowerment, women's role in leadership and decision making, and combating violence.

### **Working Session 7: Tolerance and non-discrimination, *including:***

- *Roma and Sinti Issues*

### **DELEGATIONS OF UNITED STATES OF AMERICA**

- We recommend that we strengthen the mandate of the ODIHR to facilitate monitoring of human rights issues relating to Roma, especially but not only in crisis areas.
- We recommend that the Senior Advisor on Romani Issues should periodically discuss these issues at meetings of the Permanent Council.

- We recommend that the OSCE participating States should give additional funding and staffing to the ODIHR for work of the Contact Point, including the hiring of a project manager.

## **UNHCR**

The complex problems facing Roma and Sinti communities, whether as national minorities, refugee and asylum-seekers, internally displaced or returnees, pose some of the most challenging demands on States, regional institutions, international organisation and non-governmental bodies. An adequate response must be equally comprehensive and multi-disciplinary, uniting all actors.

*To OSCE participating States:*

- OSCE Participating States should support a common policy approach to the a/m complex problems of the Roma, based on principles common to the OSCE, the Council of Europe, UNHCR, the European Union, the Stability Pact and other organisations.
- Stability Pact and other donor governments should pay sufficient attention to the specific problems of refugee, returnee and internally displaced Roma. Ashkalija and Egyptian communities in South Eastern Europe. Reconstruction activities to make return sustainable require adequate funding.

*To OSCE (bodies, institutions, incl. ODIHR, and field mission):*

- The OSCE, its Institutions and field missions should continue to actively pursue and support the implementation of recommendations 1 and 2 above.
- 4. UNHCR would be happy to work with the ODIHR Contact Point for Roma and Sinti in promoting a better understanding of the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees among Roma NGOs and to inform them further on the elements of the refugee definition.

## **GREEK HELSINKI MONITOR (GHM)**

- OSCE Contact Point on Roma and Sinti should visit Greece to inform itself on the situation of the Roma in that country and on the implementation of the Greek government national programs at the local and regional level, so as to contribute to their effectiveness.
- Greece should immediately abolish the "Health Ordinance" of 1983, that, according to the Council of Europe's Specialist Group on Roma/Gypsies Chair as well as the Greek Ombudsman introduces a form of "institutionalized apartheid" against Roma. Instead, Greece should seek to help Roma settle within organized urban areas and provide for them all things necessary to help secure a decent standard of living.
- In the Ano Liosia/Aspropyrgos area, the Greek state should immediately launch a resettlement program for the Roma and provide them with the same accommodation it has provided other residents who lost their homes in the 1998 flood or the 1999 earthquake.
- Greek authorities should see to it that the Mayor of Aspropyrgos, who has been referred to the Ministry of the Interior and the prosecuting authorities for his 2000 illegal, hence criminal, destruction of Roma homes be sanctioned according to the law, including impeachment, so as to stop his related activity that was repeated in September 2001.
- The International Olympic Committee should exert pressure on the Greek government to help (re)settle the Roma living now in squalid conditions in areas of (near) Athens affected by Olympic Games 2004 expansion, with a plan that will meet with their agreement and will provide them with the standards provided to other, temporarily homeless Greek families.

- The Council of Europe should publish promptly the report from the June 2001 visit in Athens its Specialist Group on Roma/Gypsies, that was announced for July or August 2001. and plan for a new visit to monitor the implementation of its recommendations in 2002.

## **EUROPEAN UNION**

*The Participating States are :*

- To reinforce efforts to combat prejudice against Roma and Sinti and to ensure adequate protection against racial incitement, discrimination and violence.
- To meet their obligations to actively promote and protect their human rights , especially with regard to the right to education, health care, work and adequate housing as well as the right to participate in decision-making.
- To address especially the situation of Roma women and girls since they may be subject to discrimination on multiple grounds or from multiple sources.
- Encouraged to adhere to the additional protocol n°12 to the European Convention on Human Rights adopted in June 2000 which was opened for signatures in November last year.
- To further strengthen the informal dialogue between the EU ,OSCE and Council of Europe with a view to foster a better co-ordination and co-operation among the organisations involved, avoiding duplication of work and contributing to the maximised use of resources. To further share and disseminate best practices in the field of Roma and Sinti as has already been initiated between the EU and the candidate countries.

### **Working Session 8: Tolerance and non-discrimination, *including:***

- *National minorities*

## **EUROPEAN UNION**

- Compliance with international obligations and commitments concerning the rights of persons belonging to national minorities are matters of legitimate international concern. Laws and politics regarding the educational, linguistic and participatory rights of persons belonging to national minorities must conform to applicable international standards and conventions.
- The effective protection and promotion of the rights of persons belonging to national minorities is a prerequisite for democratic stability in both intra-state and inter-state relations, an essential element in the promotion of comprehensive security and should be pursued actively by all OSCE Participating States.
- The High Commissioner on National Minorities as a major instrument of conflict prevention plays a crucial role in identifying areas of major concern, such as minority education, the use of minority languages and the effective participation of persons belonging to national minorities in public life. We encourage all Participating States to a continuously close co-operation with the HCMN and his office.
- In election observation, ODHIR should continue to pay particular attention to the participation in the election process of persons belonging to national minorities.
- The Representative on Freedom of the Media should monitor more closely all aspects concerning the relationship between minorities and the media, as the way minorities are portrayed in the media affects the development of a climate of inter-ethnic tolerance.
- OSCE should continue its efforts to foster inter-ethnic understanding and co-operation in the field of law enforcement, in particular by special training for multiethnic police forces.
- We encourage Working Table I of the Stability Pact for South Eastern Europe on Democratisation an Human Rights to continue its contribution to supporting and strengthening the rights of persons

belonging to national minorities and to mutual respect of different communities in the region, among others, by raising awareness on multiethnic society and democratic citizenship.

### **DELEGATION OF THE REPUBLIC OF AZERBAIJAN**

- The Participating States should confirm that rights and freedoms of persons belonging to national minorities constitute an integral part of human rights and fundamental freedoms. A State on whose territory national minority exists shall respect the rights of persons belonging to such minority to equality before the law, shall afford them full opportunity for the actual enjoyment of human rights and fundamental freedoms and shall, in this manner protect their legitimate interests in this sphere. In the exercise of their rights and freedoms persons belonging to national minorities shall respect the legislation of the State they reside in and respect the rights of others, including the rights of majority of the population. This fundamental principle was unreservedly reflected in the OSCE Istanbul Summit Charter, that inter alia state that "*Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty*".
- It should be stressed that the compliance of minorities with their commitments before the State of their settlement as well as respect on the side of that State for their rights is an important factor of peace, security, stability and democracy.
- The Participating States should state that aggressive nationalism, separatism, extremism and terrorism, in all their forms and manifestations, can never be justified in any instance, including as a mean to promote and protect human rights and fundamental freedoms in particular those of persons belonging to national minorities.
- Restoration of the rights of persons affected by manifestations of aggressive nationalism, separatism, extremism and terrorism being in itself a matter of direct concern for the whole OSCE community, should be properly addressed at the political level in the OSCE and prioritised in its agenda.
- The Participating States should underline that various concepts of cultural and administrative autonomy that are in line with the principles and norms of international law may constitute practical way to preserve and promote ethnic, cultural, linguistic and religious identity of a national minority within the state of its residence.

### **GREEK HELSINKI MONITOR (GHM)**

- Albania, Bulgaria, Greece, Macedonia and Turkey should respect without any reservations the international standard of self-determination of minorities and thus acknowledge the existence, and without territorial limits as in the case of Albania, of all ethno-national minorities, that have such aspirations.
- These countries should respect the minorities' fundamental freedom of association. Courts should stop refusing the recognition or abolishing associations, because they are allegedly "threats to national security," simply judging them on their supposed intentions. The European Court of Human Rights' judgment in the relevant case of the Home of Macedonian Culture (Sideropoulos et al. vs. Greece) should become the guiding principle.
- Minority associations should not only be allowed to hold their activities without any state interference, including monitoring with video cameras, but should in fact be encouraged, if not assisted, to further their respective cultures, as is called for in various OSCE and other international minority rights documents.
- Greece and Turkey should review thoroughly the education of the respective minorities in each other's countries, and radically reform and modernize it, to bring it up to the standards of the education of the rest of the population, rather than hide behind -often obsolete-bilateral agreements

or bureaucratic inertia, thus violating -sometimes in an identical reciprocal way- these minorities' rights.

- The European Union, the Council of Europe and the OSCE should make strong presentations to the Greek government for the continuing ordeal of Aromanian activist Sotiris Bletsas, who was arrested in 1995 and convicted in February 2001 to a suspended sentence of 15 months in prison and a fine of \$1,400 for "dissemination of false information." That false information was the existence in Greece of Aromanian, Arvanite, Macedonian, Pomak, and Turkish languages, and Mr. Bletsas was simply distributing the related brochure of the European Bureau for Lesser Used Languages (EBLUL). Today, the Greek appeals court postponed for the third time in three months the hearing, in clear violation of the right to fair trial (the case is pending for over six years now).

### **Working Session 9: The Human Dimension in the Work of the OSCE, *including*:**

- *The functioning of OSCE institutions*
- *The functioning of OSCE missions*
- *Human Dimension mechanisms*
- *Training and capacity building*

### **DELEGATION OF UNITED STATES OF AMERICA**

- The OSCE needs to ensure it hires effective, professional personnel in order to ensure good performance. The staffing process must be fair and transparent at all levels.
- Resources - both financial and personnel ~ must be managed effectively and with accountability.
- Management training should be mandatory at higher levels — including for Heads of Mission.
- The OSCE must ensure that missions practice exemplary standards of behaviour and resource management to ensure that they are not abused by individuals within and outside the organization for such purposes as smuggling, logistical support for organized crime, money laundering, graft and theft. Any allegations must be fully investigated.
- Ongoing dialogue in the Permanent Council must be maintained and developed. Any proposals to change the existing structure should not take away from the work in the human dimension currently being done in the PC, add a layer of bureaucracy, or make the PC less transparent.
- Participating States should look at ways to open the Permanent Council as much as possible.

### **EUROPEAN UNION**

- The OSCE institutions should continue to work together with field presences to improve their respective capacity to analyse and evaluate reports and other relevant information, both from OSCE sources and other organisations, with a view to drawing concrete recommendations for action.
- Feedback from OSCE institutions to delegations /the Permanent Council should be improved, for instance through informal meetings with heads of institutions.
- One step to facilitate and enhance feed-back from field presences might be the issuing by ODHIR of reporting guidelines.
- In the areas of human rights monitoring and advice as a first step of conflict prevention, follow-up of activities and recommendations as well as the area of rule of law, good governance and transparency, co-operation between ODHIR, HCMN, the Media Representative and the Economic Co-ordinator could be further developed. The EU encourages these institutions to further co-ordinate and strengthen their cooperation in promoting public access to information.

- OSCE institutions with mandates relating to the human dimension could further mainstream conflict prevention into their activities, and diplomatic instruments as tools of conflict prevention and early action could be consolidated and further developed.
- To improve the efficacy of the Organisation in its conflict prevention activity, use of special representatives might be considered.
- ODHIR should be encouraged to further strengthen the preventive aspects of its work.
- The Roma and Sinti Contact Point could further target its priorities, in consultation with other ODHIR sections and the HCMN, and the role of the Contact Point in elaborating training programmes for OSCE mission members in countries with Roma communities should be enhanced.
- One step to ensure effective co-operation between OSCE and other international organisations could be the strengthening of the role of the Secretary General in his function of liaison and co-operation with other international organisations, so as to establish a framework of continuing dialogue.
- All OSCE institutions should strive to include information on co-operation in their reporting and acknowledge partners' contribution to common undertakings.
- In order to facilitate co-ordination with other organisations in areas where there are no OSCE field presences or where the mandate is limited, organisations might consider working out a more comprehensive strategic survey of each country.
- Strengthening the capacity of NGOs should be an aim and an integral part of contacts between OSCE institutions and NGOs.

#### **DELEGATION OF CANADA**

- Participating States should look sympathetically at requests from Field Activities for the engagement of extra local staff to assist in the administration of project activities;
- Participating States should re-examine the modalities of the HDIM, including with reference to the modalities of the SHDMs. The issues of maintaining formal speaker's lists as well as the length of statements should be included in those discussions;
- The Romanian Chairmanship should provide its recommendations for human dimension issues to be included on the Ministerial Council agenda in the near future;
- The Ministerial Council should provide directions for future OSCE activities in the Human Dimension;
- OSCE Institutions should consult more extensively with Field Missions in the conception and creation of projects;
- OSCE Institutions, in partnership with Field Activities, should develop concrete, goal-oriented policies and actions plans for local and regional project development.

#### **THE LATVIAN HUMAN RIGHTS COMMITTEE**

The OSCE Mission in Latvia have been acted very effectively since 1994. The mandate covers the citizenship problem and related matters. By our opinion, the basic problems caused the OSCE presence in Latvia are still actual. Taking into account all above-stated, the The Latvian Human Rights Committee asks the Organization for Security and Co-operation in Europe:

- to prolongate the mandate of the OSCE Mission in Latvia for 2002;
- to extend the mandate of the OSCE Mission in Latvia so that the human rights (including the rights of national minorities) are covered;
- to advise the Latvian authorities to conform the laws and practice to the OSCE principles, norms and commitments.

#### **DELEGATION OF THE RUSSIAN FEDERATION**



- To renew the proposal made jointly by the Russian Federation and the Republic of Belarus for ODIHR to conduct a comparative analysis of national election legislation of OSCE Participating States.

### **ODIHR**

- OSCE political bodies should develop more effective and consistent means of follow-up to violations of OSCE human dimension commitments. In particular, the measures outlined in paragraph 36 of the Charter for European Security should be put into practice.
- The participating States should consider making use of the Moscow Mechanism as a tool for promoting compliance with human dimension commitments.
- Human rights issues should be fully integrated into the work of all OSCE field operations, in fulfilment of the OSCE's comprehensive concept of security, and in recognition that OSCE missions cannot be blind to OSCE human dimension commitments.
- The need to deal with human dimension issues should be taken more carefully into account when establishing or expanding OSCE field missions, especially in conflict and post-conflict situations.
- OSCE institutions and field missions should identify a more consistent and effective procedure for handling and responding to individual complaints of human rights violations.
- The early-warning capacities of the OSCE, including in particular its institutions and field missions, should be enhanced by improving their capacities to monitor and report on human dimension issues.
- Human rights training for OSCE personnel should be strengthened.
- The OSCE should review its commitments in the Human Dimension to ensure they do not fall below other accepted international standards. In specific areas in which OSCE commitments may fall short of those contained in UN documents - for example in regard to internally displaced persons, human rights defenders, and rights of children - the participating States should consider adopting new commitments.

### **Working Session 10: Fundamental freedoms, *including:***

- *Freedom of expression, free media and information*
- *Including discussion of the 12 and 13 March 2001 Supplementary Meeting*

### **DELEGATION OF UNITED STATES OF AMERICA**

- The United States calls upon the governments of Ukraine, Belarus, Spain, Georgia, and Yugoslavia to solve the cases of murdered and/or disappeared journalists in their countries and to punish the perpetrators to the fullest extent of the law.
- The OSCE, and in particular, the Office of the Representative on the Freedom of the Media, should play a more active role in promoting freedom of expression through both legislative and technical assistance to governments and independent media outlets and by providing training and promoting better access to the Internet.
- The United States supports the efforts of the Representative on the Freedom of Media to assist in the creation of an independent commission of inquiry into the disappearance and death of journalist Georgiy Gongadze.
- We call upon Belarus to adhere to her commitments to freedom of expression and to end all forms of censorship, including the seizure of copies of independent newspapers and computer equipment.
- Criminal defamation laws should be abolished.

- Insult laws should not be used to intimidate media outlets that have dared to write about official corruption or other issues that might be embarrassing to those in power.
- The United States urges governments to end the practice of structural censorship, including any unfair practices of taxation and registration of independent media outlets as well as governmental control of printing facilities, newsprint production, and distribution which treats independent media outlets unfairly.
- The United States urges all participating States to uphold their commitments to the freedom of expression and to end all forms of harassment of the independent media.

### **RUSSIAN FEDERATION**

- The OSCE and its institutions are called on to pay special attention to the rights of persons, belonging to national minorities, regarding free access to information and its distribution in minorities' languages, as well as their participation in decision-making process on issues being a matter of their interest.
- Participating States are encouraged to prevent the usage of the Media, including the Internet, for spreading the ideology and practice of terrorism, political extremism, national and religious intolerance.
- Participating States are invited to promote the creation of intra-corporate self-regulation measures of journalists' activities and to encourage journalist's codes of conduct.
- Participating States are called on to assist in providing pluralistic sources of information by limiting processes of the Media market monopolizing.

### **DELEGATION OF CANADA**

- The Representative for Freedom of the Media, in co-operation with other OSCE institutions and in particular with the Field Missions, should pay attention to the relationship between restrictions on the right to freedom of expression, including for example the closing of independent media by the state, as an early warning indicator for the purpose of conflict prevention;
- The Representative for Freedom of the Media should work and share information with other international human rights mechanisms that address the issue of violence against journalists and information professionals;
- The Representative for Freedom of the Media should explore the issues of negative gender stereotyping and violence against women in the media, and how restrictions on women's right to freedom of expression affects their participation in public life.

#### **Working Session 11: Fundamental freedoms, *including*:**

- *Freedom of association and the right of peaceful assembly*
- *Civil society*

### **EUROPEAN ORGANISATION OF MILITARY ASSOCIATIONS (EUROMIL)**

- on the representatives of individual governments and non-governmental organizations of the OSCE to encourage and support in principle the right of assembly and representation for military personnel at national and international level in the OSCE area.
- on the representatives of OSCE institutions to actively support through diplomatic initiatives the right of assembly and representation for military personnel as a fundamental social and human right.
- EUROMIL calls for closer co-operation between human rights' organizations and national and international military associations.

## **BELGIUM-EUROPEAN UNION**

- OSCE should continue its work to enhance freedom of association in those participating states where restrictions on this fundamental right still exist. The EU has expressed concern over the continued attempts by some participating states to limit such rights.
- Freedom of association is a prerequisite for a well-functioning civil society. In view of the importance played by non governmental organisations to promote civil society, the right to form, join and participate effectively in non governmental organisations that promote human rights should be given particular attention. Among such NGOs are also included trade unions.
- OSCE should undertake to monitor the situation in the area of freedom of association in participating states in order to determine which restrictive measures are applied.

## **EUROPEAN UNION**

- OSCE should continue its work to enhance freedom of association in those Participating States where restrictions on this fundamental right still exist. The EU has expressed concern over the continued attempts by some Participating States to limit such rights.
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- OSCE should undertake to monitor the situation in the area of freedom of association in Participating States in order to determine which restrictive measures are applied.

## **DELEGATION OF UNITED STATES OF AMERICA**

- We recommend that onerous registration requirements and over-regulation of independent NGOs, trade unions, political parties, and media be lifted.
- We recommend that OSCE participating States should cease all harassment of NGOs and other civil society organizations, including surveillance, inspections, confiscation of property, and sanctions by tax police.
- We recommend that any restrictions on peaceful assembly should only be applied to protect the security and property of their citizens and not applied because of the subject of the event.
- We recommend that participating States not limit the opportunities for political activity and expression. They should grant permission for demonstrations.
- Non-violent criticism of participating governments should not constitute seditious activity.
- The United States strongly urges participating States to comply with their freely undertaken OSCE commitments and remove undue restrictions on freedom of association and the right to peaceful assembly.
- We urge the Government of Azerbaijan to uphold their OSCE commitments on freedom of the media by dropping charges against Ms. Guseinova and ensuring that no further retribution is taken against her for writing articles critical of the government.

## **ODIHR**

- Governments should welcome non-governmental organizations as partners in building democracy and human rights. They should increase dialogue with non-governmental organisations, including regular consultations with independent human rights NGOs.
- With a view to ensuring that OSCE human dimension commitments do not fall below the standards adopted by other international organizations, the participating States should welcome and endorse the UN Declaration on human rights defenders. The participating States should also consider what further political commitments they might enter into to ensure the protection of human rights defenders and promotion of their work.
- To the extent that participating States choose to adopt regulatory frameworks for NGOs, they should ensure these comply fully with OSCE commitments on freedom of assembly and association. The OSCE should monitor the implementation of any such laws.
- The OSCE's traditionally inclusive approach toward NGO participation in OSCE human dimension meetings should be continued and expanded. The Permanent Council should consider how it might expand its own contacts with and openness to NGOs.
- The OSCE should ensure the participation in OSCE human dimension meetings of at least a small number of NGO representatives from the recently admitted participating States by establishing a fund to cover travel and accommodation costs to meetings.
- The OSCE missions and the ODIHR should institutionalize their co-operation with local human rights NGOs in their monitoring activities. In order to assist in building local capacities, local NGOs should be encouraged to provide the OSCE regular reports on the human rights situation in their countries.

**Working Session 12: Fundamental freedoms, *including*:**

- *Freedom of thought, conscience, religion, or belief.*
- *Freedom of movement*

**AMNESTY INTERNATIONAL**

- All OSCE member states should be encouraged to ensure firstly that their national legislation recognizes the right to be registered as a conscientious objector at any time before, during or after conscription, or performance of military service, and secondly that there are adequate provisions for alternative civilian service, which should be neither deterrent nor punitive in character.
- The OSCE should continue to work with Council of Europe to encourage the adoption of appropriate legislation and the introduction of suitable alternative service in those countries obliged to take steps under their conditions for accession to the Council of Europe.
- The Chairmanship should engage bilaterally with those countries that have yet to draft and implement national legislation to facilitate the protection of conscientious objectors. In addition, Chairmanship or other countries with good practice should offer themselves as a resource to such countries. Chairmanship should report on initiatives taken.
- The ODIHR Advisory Panel of Experts on Freedom of Religion or Belief should be asked to take up the issue of conscientious objection to military service within one of its existing working groups – or by creation of a new working group – and to act as a resource for promoting legislative change, as well as monitoring the issue in countries of concern.
- Amnesty International urges the OSCE to ensure that any initiatives taken should not be less than the resolution on conscientious objection adopted by the UN Commission on Human Rights and Council of Europe provision.

**DELEGATION OF UNITED STATES OF AMERICA**

- We urge the OSCE to rededicate itself to protecting and nourishing religious freedom for every human being.
- We encourage participating States to adhere to their OSCE commitments on religious freedom, including those in the 1975 Helsinki Final Act, the Madrid, Vienna, and Copenhagen Concluding Documents, and the 1994 Budapest Summit Declaration.
- We urge States to permit believers to associate openly with each other; to teach and manifest their beliefs in public or in private; to change their religion; to establish and run schools that educate their children in their beliefs; to establish and run seminaries in order to train their clergy.
- We urge governments to criminalize violent actions taken against persons because of their religious beliefs, which among other benefits may prevent the violent radicalization of devout believers in response to repression.
- The United States urges OSCE states to increase efforts to protect all faiths, and to prosecute those, including law enforcement officials, who are a party to violence against religious groups.
- We urge the lifting of laws and registration requirements that target or limit religious communities in the OSCE region and that attempt to control certain religions, including minority religions.
- The United States encourages Governments to review the increase of legal regimes that effectively establish hierarchies of preferred religious communities based upon numbers and/or length of time in the country, with a view to changing such laws so that minority and new religions are not discriminated against.

### **ODIHR**

- Participating States should ensure that they comply with their commitments on freedom of thought, conscience, religion or belief.
- Where registration on religious or belief communities is required, States should ensure that the procedure or criteria for registration does not discriminate against any community. No obstacles against the registration of communities of believers should be instituted.
- Participating States should ensure their legislation is not discriminatory, and is not applied in a manner that discriminates against any group or community of believers.
- Other legislation affecting religious or belief communities, such as taxation regulations, should not be used to discriminate against belief communities.
- Participating States should fulfil their obligations to ensure the protection of religious groups against violent attacks by private individuals or groups and should prosecute those responsible for such attacks.
- Participating States should recall and comply with their commitment to "allow the training of religious personnel in appropriate institutions" and "allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials".
- Recalling the right to "change one's religion or belief", participating States should avoid restrictions on "proselytism" or on missionary activity.
- Participating States should introduce, where this has not already been done, various forms of alternatives to compulsory military service, which are compatible with the reasons for conscientious objection. Such forms of alternative service should be non-combatant and of a non-punitive nature. Participating States should consider a firm OSCE commitment on this issue.

### **Working Session 13: Human rights and humanitarian issues, *including*:**

- *Freedom of movement*
- *Migration, refugees, and displaced persons*

## **OFFICE OF THE REPRESENTATIVE OF THE UN SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS**

In September 2000, the OSCE took the welcome step of convening a Supplementary Human Dimension meeting on Migration and Internal Displacement which produced a number of concrete proposals with regard to the role of the OSCE participating States, institutions and field missions in meeting the protection and assistance needs of internally displaced persons. Twelve months on, this OSCE Implementation Meeting provides an important opportunity to recall and reaffirm those proposals and to call for their implementation:

- First, internal displacement should be defined as a human dimension issue of direct concern to the OSCE.
- Second, internal displacement should be addressed from a regional perspective, since enhanced regional and cross-border cooperation can contribute to the process of peaceful resolution of existing conflicts.
- Third, the OSCE, as part of its monitoring and reporting activities, should regularly review the situation of internally displaced persons, with special emphasis put on systematically informing OSCE decision-making bodies about discriminatory practices against internally displaced persons and about their needs for assistance and protection. The proposals also called for dialogue with relevant Governments with a view to promoting greater respect for the rights of internally displaced persons and that during election observation missions, it should be a matter of special scrutiny whether internally displaced persons can freely exercise their right to vote.
- Fourth, the OSCE's activities with regard to internal displacement should be integrated into existing institutions, including the mandate of the High Commissioner on National Minorities and more fully into the Office for Democratic Institutions and Human Rights. At the same time, consideration might also be given to allocating responsibility to a particular body or mechanism or one might be created specifically for this purpose - that is, a focal point for internal displacement within the organisation.
- Fifth, the OSCE Ministerial Council should integrate internal displacement into OSCE activities, using the Guiding Principles on Internal Displacement as a framework.
- Sixth, the heads of OSCE field missions should ensure that all their staff members dealing with internally displaced persons be provided with the Guiding Principles. And in this connection, the OSCE should issue guidance and provide training on their application.
- Finally, projects to foster understanding between population groups, in particular those involving community leaders and young community members, should be encouraged.
- The implementation of these proposals could make a significant contribution towards fostering a more responsive climate to situations of internal displacement and to developing a more systematic and comprehensive regional response to the needs of those affected.

## **NORWEGIAN REFUGEE COUNCIL**

NRC welcomes the recent steps taken by the OSCE to improve its response to the critical issue of internal displacement. In particular, NRC applauds the convening of a supplementary OSCE human dimension meeting on migration and internal displacement in Vienna in September 2000. The call for such a meeting demonstrated the will of the OSCE to deal more actively with the issue of internal displacement. However, much work remains to be done to protect and to assist displaced persons in the region. Though the meeting of September 2000 was a success and its recommendations still of crucial importance, much remains to be done to make the recommendations a reality for the people of the OSCE region. Internal

displacement stands as a main source of humanitarian and human rights concerns and a major factor of political instability and insecurity throughout the region. Today, NRC wishes to highlight the urgent need for the OSCE and participating States to support a more consistent and concrete response to the plight of the internally displaced persons.

*To OSCE political bodies and participating States:*

- OSCE political bodies, such as the Permanent Council and the Ministerial Council, should clearly define internal displacement as a human dimension issue of direct concern to the OSCE. Participating States should formally decide to include internal displacement in the activities of the OSCE, using the UN Guiding Principles on Internal Displacement as a framework.
- OSCE participating States affected by the phenomenon of internal displacement should make full use of the UN Guiding Principles through the drafting and implementation of IDP legislation. Existing legislation should be revised to reflect the Guiding Principles, modified and amended where needed.
- Furthermore, States should assign an appropriate ministry or state agency to coordinate the protection of and assistance to internally displaced persons. Such a coordinating body should implement its activities within the framework of the Guiding Principles and facilitate the use and implementation of the Guiding Principles by other national institutions. A special effort should be made to include civil society organizations in the active implementation of the Guiding Principles.
- Of crucial importance to the prevention of further displacement and solutions for the existing caseloads of internally displaced the OSCE region is the status of minorities. OSCE participating States should promote a pattern of peaceful relationships between majority and minority groups and ensure the creation of efficient mechanisms for the protection of minority groups.

*To OSCE institutions:*

- OSCE institutions should use all existing mechanisms and programs to promote the Guiding Principles among States and non-State actors. In particular:
- ODIHR should implement systematic monitoring of the endorsement and the implementation of the Guiding Principles by States, and should promote good state practices regarding the status of the displaced persons. Of particular relevance would be the collection of information regarding legislation.
- Furthermore, ODIHR election observation missions should continue to pay special attention to the political participation of the internally displaced. Monitoring of other core human rights of the internally displaced persons should be resumed or initiated by relevant ODIHR units, with particular attention to non-discrimination and freedom of movement.
- The High Commissioner on National Minorities should ensure that his mandate includes all minorities that have been displaced in the region or are in danger of becoming displaced. Reported terrorist activities by individuals or groups of individuals should not preclude the High Commissioner from becoming engaged on behalf of entire minority groups.

*To OSCE field missions*

- OSCE field missions should regularly report on the situation of internally displaced persons in the country and review the implementation of the Guiding Principles by States and non-State actors. Where missions' mandates do not include monitoring functions, internal reporting mechanisms should be used to enhance OSCE capacity for early warning and prevention.

- OSCE missions should address questions relating to IDPs in their dialogue with governments and other partners in the country. Technical assistance programmes to assist national authorities to better implement the rights of the displaced should be developed. Cooperation between OSCE missions and NGOs involved in the protection of IDPs should be encouraged.
- Adequate training regarding the Guiding Principles should be provided to OSCE staff members at headquarters and in the field.

## **UNHCR**

### *To OSCE participating States:*

- Participating States which have not yet done so are encouraged to accede to international legal instruments for the protection of refugees in particular the 1951 *Geneva Convention relating to the Status of Refugees*.
- UNHCR invites all the participating states to share their commitment, concerns and suggestions as regards the fair and effective implementation of these instruments in the Global Consultations forum in Geneva.
- Countries cooperating with each other and with the relevant International and non governmental organizations within the framework of the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues (formerly know as the "CIS Conference") have set examples of effective implementation of a comprehensive approach to the problems of displacement specific to this region. Participating states are invited to continue the cooperation under the themes decided in 2000 for follow-up activities in the spirit of burden sharing, and with a particular view to the common interest between the EU and the Eastern European countries in managing the nexus between asylum and migration.
- Participating states are encouraged not to let the real threat of terrorism blur their commitment to allowing fair access to, and implementing, asylum procedures, and to the principle of non-refoulement.
- Measures with regard to the reception of asylum seekers and processing of asylum requests, especially detention, should always be assessed as to their conformity with the basic Human Rights and International Humanitarian Law, and the domestic legislation governing crime prosecution or prevention.
- Participating states are encouraged to support proactively the protection and integration of bona fide refugees through constructive messages in the media and political discourse, to enhance tolerance and, in the context of recent events, prevent the increase of xenophobia.
- Participating states are encouraged to renew efforts to address the root causes of those conflicts and tensions which have not been settled in the OSCE area; equally, while recognising states' responsibilities for their citizens, to make a particular effort to support IDPs and adopt the UN *Guiding Principles on Internal Displacement* as their yard stick.
- Participating states and international organizations are encouraged to support an enabling environment for an independent NGO sector and civil society as a means to contributing to the effective dissemination of the principles of tolerance and non-discrimination; and, in particular, to review legislative and structural opportunities to enhance the work of NGOs.

### *To OSCE (bodies, institutions, incl. ODIHR, and field missions):*

- UNHCR welcomes continued close collaborative efforts with the OSCE in assisting governments in the implementation of their commitments in the field of migration and asylum, including within regional frameworks such as the Stability Pact or the 1996 Geneva Conference Process.

## **INTERNATIONAL HELSINKI FEDERATION**



*Internal displacement* stands as one of the main sources of humanitarian and human rights concerns and a major factor of political instability and insecurity throughout the OSCE region.

In September 2000 the OSCE Chairman-in Office convened a human dimension meeting on migration and internal displacement. The International Helsinki Federation wishes to emphasize the urgent need for the OSCE and participating states to support a more consistent and concrete response to the plight of internally displaced persons.

- OSCE bodies should clearly define internal displacement as a human dimension issue of direct concern to the OSCE.
- Participating states should formally decide to include internal displacement in the activities of the OSCE, using the UN Guiding Principles on Internal Displacement as a framework.

### **DELEGATION OF THE REPUBLIC OF AZERBAIJAN**

- Expressing their deep concern over the severity of humanitarian sufferings of affected civilian population, the Participating States should request the relevant international institutions to continue rendering urgent financial and humanitarian assistance to populations expelled from their homes and call for enabling the internally displaced persons and refugees to return to their homes voluntarily, in safety and dignity.

### **TURKISH DELEGATION**

- Participating States should take necessary legal and administrative measures to prevent discrimination against migrant workers in economic, social and cultural life.
- In addressing problems faced by the migrant workers, policies of integration rather than assimilation should be pursued. In this context, dual citizenship should be permitted or facilitated.
- Migrant workers should be allowed to fully participate in the political process of their country of residence. They should be granted with the right to vote and to be elected at least in local elections.
- Participating States should pay attention to the specific needs of the children of migrant families. Education strategies should be developed in receiving countries to facilitate their integration with the society.
- Provisions of the European Social Charter, particularly those regarding family unification, should fully be reflected in the domestic legislation of the Participating States concerned. Their implementation should faithfully be observed.
- Participating States are encouraged to sign and ratify all relevant ILO Conventions regarding migrant workers.
- Participating States should take necessary measures to prevent negative stereo typing towards migrant workers and foreigners in the media with a view to promoting tolerance, non-discrimination and mutual understanding in their societies.
- In view of the importance of an effective follow-up for all OSCE human dimension commitments and bearing in mind the need for a focused and consistent approach towards migrant workers as vulnerable groups, the ODIHR should pay attention also to the problems of migrant workers and should organize a seminar in the year 2002 to address this specific issue.

### **EUROPEAN UNION**

- OSCE should continue to support the adoption and enforcement by its Participating States of high standards in relation to movement of persons within its geographic area.
- OSCE should continue to follow closely the activities of other international organisations in the areas concerned.

- It will be important to ensure that in the context of activities developed in other fields of activity of the Organisation, notably that of trafficking of Human beings, due account is taken of the cross-links with migration, asylum, refugees and displaced persons with a view notably to protect legitimate movement of people across the area.

## **ODIHR**

- Participating States should reduce obstacles to freedom of movement, both internally and between states, as this would benefit both human rights and economic development. In particular, exit visas should be abolished and no legal or administrative restrictions should impede freedom to choose or change one's place of residence.
- OSCE, including the ODIHR, should assist the participating States in implementing best practices in legislative development and cross-border co-operation to ensure the implementation of international standards, including OSCE commitments on human contacts, freedom of movement and choice of place of residence.
- Participating States should seek to address the problems of irregular migration in a comprehensive and co-operative manner.
- Participating States should ensure that human rights are integrated into the work of border and migration authorities.
- Participating States should ensure that the rights of refugees and IDPs are fully implemented and that their best interests are taken into account. States that have not ratified the 1951 Refugee Convention and its protocol should do so.
- With a view to ensuring that OSCE human dimension commitments do not fall below the standards of other international organizations, the participating States should welcome and endorse the UN Guiding Principles on Internally Displaced Persons. They should ensure that IDPs continue to enjoy all rights of citizenship, including the right to vote.
- OSCE field mission should address the problems of IDPs in their dialogue with governments. Co-operation between OSCE field missions and NGOs involved in the protection of rights of IDPs should be enhanced.
- Participating States should abjure the use of anti-personnel landmines as a means of border control.
- Participating States should ensure that the rights of asylum seekers are upheld.

### **Working Session 14: Human rights and humanitarian issues, *including:***

- *Treatment of citizens of other participating States*
- *International Humanitarian Law*

## **DELEGATION OF CANADA**

- Participating States should ensure that military and security forces are aware of their obligations under international humanitarian law, including through appropriate training and dissemination of information, including the OSCE's Code of Military Conduct;
- Participating States should cooperate fully with the International Criminal Tribunal for the Former Yugoslavia;
- Participating States should ratify and implement the *Rome Statute of the International Criminal Court* as soon as possible;
- Participating States should ratify the Ottawa Landmines Treaty of 3 December 1997;
- Participating States should establish appropriate legislation for the domestic prosecution of perpetrators of violations of international humanitarian law;

- The OSCE should, including through its Field Activities, play a role in implementing the international humanitarian agenda on the protection on civilians in armed conflict.

### **NORWEGIAN HELSINKI COMMITTEE**

A. The 11 September 2001 large-scale terrorist attacks in the United States underline the need for international co-operation and institutions in fighting international crimes. The Norwegian Helsinki Committee and the Norwegian Section of Amnesty International therefore proposed, in a 20 September 2001 letter to the Norwegian Prime Minister, that the UN Security Council establishes an international ad hoc Tribunal with an overall responsibility for prosecuting those responsible for planning, ordering or carrying out these crimes.

International prosecution of the terrorist attacks in the United States - which may amount to "crimes against humanity" - will underline the international character of the crimes: victims were from all regions of the world, the consequences will be felt everywhere, and in the fight against future terrorist attacks, all states should co-operate.<sup>x</sup>

The Norwegian Helsinki Committee recommends that

- relevant bodies of the OSCE discuss establishment of an international ad hoc tribunal to prosecute those responsible for planning, ordering or carrying out the 11 September 2001 terrorist attacks in the United States. The tribunal could be given jurisdiction over international terrorism taking place after this date; a function which eventually could be taken over by the future International Criminal Court

B. Several OSCE participating states fight terrorism with methods that involve widespread violations of human rights and humanitarian law. The Norwegian Helsinki Committee therefore recommends that

- OSCE develop guidelines for effective methods in fighting terrorism that are in compliance with human rights and humanitarian law
- OSCE develop guidelines for national prosecution of crimes related to international terrorism.

C. Among the humanitarian crises in the OSCE region, the situation in **Chechnya** demands special attention. The prevailing impunity for serious violations of international humanitarian law, makes The Norwegian Helsinki Committee and the International Helsinki Federation to urge the

- OSCE to take appropriate measures to guarantee that violations of international humanitarian law by both sides of the conflict in Chechnya are investigated thoroughly by an independent body and those found guilty of atrocities are punished.

\* An international tribunal against terrorism would supplement the future International Criminal Court (ICC), which at present has jurisdiction with respect to genocide, crimes against humanity, and war crimes. The crime of aggression will be a part of the jurisdiction once a provision is adopted defining the crime (Article 5, Rome Statute of the ICC). According to Article 121, "After the expiry of seven years from the entry into force of this Statute, any State Party may propose amendments thereto". Consequently, the functions of an ad hoc tribunal against international terrorism could later be taken over by the ICC following necessary amendments of the Rome Statute to include crimes of international terrorism.

### **NGO COALITION FOR AN INTERNATIONAL CRIMINAL COURT (CICC)**

OSCE participating States should adopt the following recommendations regarding international humanitarian law:

- Whereas we express our horror and shock over the criminal attacks perpetrated in the USA on September 11<sup>th</sup> against innocent people, we affirm that this horrific crime clearly

demonstrates the need for a fundamentally strengthened system of international criminal justice and the use of international law in bringing the perpetrators of these heinous crimes to justice.

- Considering the need to prevent such crimes, we call for enhanced international cooperation throughout the international community in outlawing, investigating and extraditing those who commit the most serious crimes of concern to the international community, and that the International Criminal Court is one indispensable step in that direction.
- Whereas we express our most sincere sympathy to the victims and their families, we strongly appeal to the government of the USA, to renew its commitment to peace, human rights and the rule of law in responding to these heinous acts, as violent retaliation is also likely to cause global instability and potential escalation into an international crisis of immense proportions.
- Considering our determination on the consolidation of the rule of law for the OSCE region, we are convinced that compliance with human rights and humanitarian law is necessary for the preservation of peace and strengthening of international security, in accordance with the principles and purposes of the Charter of the United Nations.
- Whereas on July 1998, the Statute of a permanent International Criminal Court, ICC, to judge war crimes, crimes against humanity and genocide was adopted by 120 votes to 7 and 21 abstentions, we welcome the fact that 139 states have already signed the Rome Statute and 38 have ratified it, but note that at least sixty ratifications are needed for the Treaty to enter into force and for the Court to be set up,
- Whereas we congratulate the 38 states that have already ratified, including 19 OSCE states, we urge other OSCE states to ratify as early as possible.
- Recognising that it is the duty of every state to exercise its criminal jurisdiction over those responsible for international crimes, and that the future International Criminal Court will be complementary to national jurisdictions, we are committed to taking all necessary legislative and administrative measures for the implementation and cooperation with the ICC at the national level to ensure compliance with the obligations arising from the Rome Treaty.
- Recognising that different approaches to ratification and implementation are possible, we call on the OSCE to enable exchange of information and views amongst OSCE members throughout a consultative forum in early 2002.

### **Working Session 15: Human rights and humanitarian issues, *including***

- *Trafficking in human beings, including review of Vienna Ministerial Decision Implementation*

### **UNHCR**

*To OSCE participating States:*

- The responsibility of participating States in combating trafficking extends not only to law enforcement efforts and providing humanitarian assistance to victims, but also to protecting victims' other fundamental rights.
- Policies, legislation and operational arrangements of participating States should at a minimum respect those rights and standards of treatment established in the Trafficking Protocol to the UN Convention against Transnational Organised Crime.
- Participating States should reflect in their policies, legislation and operational arrangements the distinctive nature and definition of smuggling and trafficking in persons.
- Participating States' response to trafficking should duly consider victims' rights to seek asylum, inter alia by including saving clauses in national anti-trafficking policies and legislation.

- Participating States should give due consideration to the fate of victims of trafficking who do not wish to return to their countries of origin, particularly if they express a fear to return. This appears particularly acute when States' have not yet established comprehensive referral systems or where only voluntary referral programs are in place.
- Harmonisation of criteria is required concerning return in safety and dignity, and where possible in a voluntary manner. More information on the conditions that await returning victims of trafficking must be collected and used appropriately in evaluating the victims future. Particular attention should be paid to possible human rights violations.
- Participating States should give due consideration to the trafficking in children and to its particularities, with appropriate emphasis given to the Convention on the Rights of the Child and its cornerstone principle of acting in the best interests of the child.

*To OSCE (bodies, institutions, incl. ODIHR, and field missions):*

- Inter-agency co-ordination at the field level, notably where State authorities require assistance in dealing with the consequences of irregular movements of refugees, migrants and trafficked persons, should be fostered. Such co-ordination should be aimed at enabling State authorities to perform their duties and fulfil its international obligations, including OSCE commitments.
- Regional and international co-ordination of the variety of policies and operational arrangements is of utmost importance. In this regard, the role of the Stability Pact Task Force on Trafficking should be enhanced to achieve such co-ordination.
- The OSCE missions and institutions, specially ODIHR, in close co-operation with relevant partner organisations could pay increasing attention to assisting and monitoring participating States' implementation of recommendations 2, 3, 5, 6 and 7 above.

#### **DELEGATION OF UNITED STATES OF AMERICA**

- The United States urges that the positions of Trafficking Adviser and Trafficking Officer at the ODIHR become part of the regular post table.
- The United States calls on all OSCE participating States to review and strengthen their laws as needed to ensure that trafficking in human beings into forced prostitution or labor is established as a criminal offense under law and that penalties can be imposed that reflect the grave nature of the offence.
- The United States calls on OSCE participating States to ensure that anti-trafficking legislation includes provision for the protection of the human rights of victims, including victim protection and reintegration policies that recognize trafficked persons as victims of crime and potential witnesses, rather than as criminals.
- The United States urges OSCE participating States to cooperate with, and utilize the expertise of the NGO community with regard to protection and assistance for trafficking victims.
- Any breach by OSCE staffer secondees of the OSCE Code of Conduct's provision on affiliation with persons suspected to be involved in trafficking must be regarded with the utmost seriousness. States should insist on the thorough investigation of allegations of involvement in human trafficking made against personnel in any international organization. If such allegations are confirmed, each individual implicated must be held accountable beyond mere repatriation to the sending country.

#### **DELEGATION OF CANADA**

- Participating States should integrate a gender perspective in their approach to eliminating trafficking, including, *inter alia*, in the drafting and implementation of legislation, policy development, training for law enforcement and criminal justice personnel, and the provision of services to victims;

- Participating States should ensure that all reported incidents involving nationals serving with international organizations are investigated, and all appropriate steps are taken, including prosecution where applicable;
- Participating States should ratify or accede to the *UN Convention against Transnational Organized Crime* and its supplementary Protocols, especially the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

### **ODIHR**

- Participating States should share successful experience and models regarding anti-trafficking legislation, as well as examples of good practice in the implementation of such laws, including in regard to effective prosecution of traffickers and witness protection.
- The OSCE should establish a regular mechanism by which participating States may report on progress in combating trafficking in human beings, including successful prosecutions.
- In order to strengthen implementation of the OSCE's Code of Conduct for Mission Members, participating States should raise awareness of trafficking among their secondees and other professionals going into the field, as well as to ensure that those who engage in trafficking related activities face appropriate criminal charges.
- In order for the Stability Pact Task Force on Trafficking in Human Beings being carried out under ODIHR management to remain a viable initiative, OSCE participating States should second personnel to the Task Force Secretariat, as well as contribute funds to support its operating costs. OSCE field missions also should continue to play a key role in monitoring and assessing implementation of the Task Force's projects and activities.
- Participating States should nominate national co-ordinators against trafficking and develop national anti-trafficking action plans, especially in the Stability Pact region in accordance with the Palermo Declaration signed in December, 2000.
- Participating States should consider making further contributions to support the ODIHR's Anti-Trafficking Project Fund and thereby encourage more anti-trafficking initiatives by OSCE field missions at the grassroots level.
- Recommendations from the Regional Anti-Trafficking Seminar held in Pristina on 13-14 September should be considered and implemented by OSCE bodies and institutions. This includes regular, standardised reporting from OSCE field missions to the CPC, the ODIHR and the Stability Pact Task Force.
- OSCE participating States which are countries of destination, should initiate projects in co-operation with non-governmental organisations to protect the rights and well being of trafficked persons.

### **COMMISSIONER OF THE COUNCIL OF BALTIC SEA STATES TO THE OSCE**

- The Commissioner of the Council of the Baltic Sea States welcomes the signing by all CBSS members, of the United Nations Convention against Transnational Organised Crime.
- Concerted action by the states is evident in combating trafficking in Human Beings and includes signing, ratifying and implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime without further delay, to give states the common legal background for cooperation.
- Continued support for the Multi-agency Law Enforcement Expert Group.
- Establishing national Inter-agency working groups essential for international/regional co-operation as a useful tool to raise awareness and to increase the attention/focus on trafficking.
- Establishing of networks among governments, NGOs and IOs that go beyond the law enforcement networks.
- Creation of national monitoring bodies to follow current developments in the states with the responsibility of information sharing between countries in the region. Already established

institutions such as the Ombudsman could take on this task and should receive the necessary resources.

- Overseeing that victim protection programs are institutionalized, launching common standards in handling the cases of trafficking. Victim protection must include the right to protection of privacy and protection from offenders and not least information should be given to the victims about their rights. Victim protection is essential when sentencing the traffickers.

Short-term recommendation could be taken within the following areas:

- The present picture of trafficking and the extent thereof is unclear as the point of departure for research is the monitoring of supply and countries of origins. Instead monitoring both demand and countries of destination could make research.
- Securing a common working language by making the financial resources available. Intensive English courses must be offered among law enforcement staff on all levels, in all countries.
- High mobility among police to secure a rapid reaction.
- Securing a relationship based on trust enabling close personal contact between law enforcement representatives.
- Raise public awareness both in countries of origin, countries of transit and not least in countries of destination to diminish demand, using all necessary channels of communication.

## **DELEGATION OF SWITZERLAND**

### **Traite des êtres humains**

- Nous soutenons la proposition américaine de financer les divers postes en matière de lutte contre la traite des êtres humains - aujourd'hui mis à disposition de l'OSCE par des contributions volontaires - par le budget général de l'OSCE afin d'assurer la continuité des efforts entrepris.
- Nous encourageons la collaboration étroite entre la Task Force anti-traite du Pacte de stabilité et le BIDDH et saluons la division du travail qui a été présente en juillet. Nous invitons le BIDDH et la Task Force à assurer le suivi de la recherche « Reference Guide for Anti-trafficking Legislative review » en les utilisant dans le cadre de leurs activités d'assistance à la révision législative.
- Nous encourageons les Gouvernements et les Parlements de la région OSCE de diriger leurs efforts en matière de lutte anti-traite vers la protection et l'assistance aux victimes et non leur pénalisation.

### **Working session 16: Rights of the child/children and armed conflict.**

## **DELEGATION OF THE REPUBLIC OF AZERBAIJAN**

- Participating States should focus their attention on different kinds of horrible abuses perpetrated against children during the wartime, in particular on such brutal practices as taking children hostages, which require immediate steps to protect children and ensure their release.
- It should be stated that post-conflict zones serve as a hotbed for trafficking in children and other kinds of illegal activities.
- The joint measures should be undertaken to protect these children and ensure the psychosocial rehabilitation of children, victims of armed conflicts.

## **UNICEF**

1. UNICEF wishes to express its appreciation of the OSCE's increasing efforts relating to children's rights, children in armed conflicts and youth participation.

2. OSCE is well-positioned to strengthen protection of children's rights by actively promoting ratification and/or implementation of the following key international instruments:
  - the Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography;
  - the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction;
  - the Rome Statute of the International Criminal Court;
  - the 1993 Hague Convention on Child Protection and Co-operation in Respect of Intercountry Adoption;
  - the Convention on the Elimination of All Forms of Discrimination against Women;
  - the Convention on the Elimination of all Forms of Racial Discrimination;
  - the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (supplementing the Convention against Transnational Organised Crime);
  - ILO Conventions No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and No. 138 on the Minimum Age for Admission to Employment.
3. OSCE's work to promote public awareness regarding children's rights is highly appreciated. Current OSCE efforts to systematically address the problem of discrimination against Roma and Sinti communities and the several Stability Pact task forces on issues of trafficking, organized crime, gender equality, media and youth, all represent a unique opportunity to raise the profile of children and the importance of protecting their rights. OSCE support for the modernization of legal systems also represents an opportunity to highlight the need for reform of juvenile justice systems, in accordance with UN rules and guidelines.
4. In the aftermath of the recent terrorist attacks against the United States and in view of continuing sources of conflict or instability in the region, there is an urgent need to ensure protection of the rights of children in conflict situations, based on international law and humanitarian principles. Many useful recommendations came out of the last year's Human Dimension Seminar devoted to the issue of *Children and Armed Conflict*, calling for urgent implementation. In this context, UNICEF calls on OSCE missions in conflict and post-conflict areas to integrate protection of children's rights into their conflict-prevention and peace-building work.
5. UNICEF urges the OSCE to resume discussions on the *Document on the Promotion and Protection of the Rights, Interests and Welfare of the Child, in particular of Children Affected by Armed Conflict*, with a view to its speedy adoption. Adoption of such a document would contribute significantly to children's well-being and the development of peaceful, democratic societies. Toward this end, UNICEF supports the proposed appointment of an OSCE Child Rights Adviser to ensure the mainstreaming of child rights in OSCE efforts in the field as well as at the regional level.
6. UNICEF calls on the OSCE and its member States to fully implement The Berlin Commitment adopted by the 52 governments that took part in the Conference on Children in Europe and Central Asia (Berlin, May 2001).
7. UNICEF urges the OSCE to reinforce the essential monitoring role of the UN Committee on the Rights of the Child by encouraging and providing support to States Parties to carry out systematic and periodic monitoring and reporting on children's rights. OSCE monitoring and reporting on human rights could be strengthened by a greater focus on children's rights. In addition, member States should be encouraged to formally endorse the Amendment to CRC Article 43, paragraph 2, to expand the CRC Committee's present composition from 10 to 18 independent experts.
8. The recent Young Voices opinion poll of children and young people in 35 OSCE countries - co-sponsored by UNICEF and OSCE/ODIHR -- should be followed up. The results can be used in designing programs and activities in the field of children's rights. It is essential to include young people in this process, in co-operation with governments, civil society organizations and international agencies. In addition, UNICEF invites the OSCE to co-sponsor a follow up poll at mid-decade to track progress and monitor trends.



9. UNICEF invites the OSCE to consider co-sponsoring national conferences on social protection of children, with a view to the development of plans of action. The recent three-day conference on child protection that took place in Tajikistan, which focused on a draft National Plan of Action for Children, was initiated by the Tajik government and supported by the OSCE and UNICEF. Similar conferences could be held elsewhere in the region in the framework of the Global Movement for Children initiative, launched as part of preparations for the United Nations General Assembly Special Session on Children.

### **DELEGATION OF CANADA**

- Participating States should resume negotiations on the Draft OSCE *Document on the Promotion and Protection of the Rights of the Child, in Particular on Children Affected by Armed Conflict*, with a view to completing negotiations in time to allow the document's submission to the now-postponed UN Special Session of the General Assembly on Children;
- Participating States should ratify the *Optional Protocols to the Convention on the Rights of the Child* as well as *ILO Convention No. 132 on the Worst Forms of Child Labour*.

### **UNHCR**

*To OSCE participating States:*

1. Participating States, who have not yet done so, are encouraged to accede to the 1954 *Convention relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*, important tools in ensuring that statelessness is prevented and reduced for children.
2. Participating States, who have not yet done so, are further encouraged to ratify the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* adopted by the UN General Assembly in May 2000.
3. Participating States are called upon to take legislative, administrative, and other measures to ensure:
  - the full exercise of every child's right to proper documentation, including birth registration, birth certificates and other identity papers
  - access to asylum procedures for separated children, taking into account their special protection needs, as outlined in UNHCR's 1997 *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*.
  - that minor asylum seekers are not detained
  - facilitation of tracing and reunification of refugee children with their parents or relatives.
4. Participating States and their collective OSCE bodies are encouraged to advance the adoption of standard-setting OSCE commitments regarding the promotion and protection of the rights of children, in particular children affected by armed conflicts, as foreseen in the Istanbul Summit Declaration and the Charter for European Security.

*To OSCE bodies, institutions, and missions:*

5. OSCE field missions, in close cooperation with ODIHR, UNHCR and other partners, are encouraged to assist in advancing solutions to problems of citizenship, documentation and detention of children as outlined under the above recommendation to participating States. OSCE field operations in conflict areas could include the issue of military recruitment of children in their monitoring and reporting.

### **DELEGATION OF UNITED STATES OF AMERICA**

We recommend that the topics for the three 2002 supplementary human dimension implementation meetings should be:

- The role of domestic observers in electoral processes.
- The role of community policing in building confidence between minorities, and between minority communities and themselves.

- Best practices of the methods of census conduct and data collection.

We also recommend that next year's ODIHR seminar could focus on the legal and human rights of internally displaced persons.

### **DELEGATION OF TURKEY**

- The Participating States should reaffirm the OSCE commitments they have undertaken not to support directly or indirectly or condone terrorism.
- Within this framework, Ministerial Council in Bucharest should agree on a package of measures to strengthen cooperation and exchange of information.
- Participating States should discourage tendencies in their societies to glorify terrorists.
- All acts of terrorism should be considered as violation of human rights and be made punishable.
- Participating States should strengthen their cooperation so that financial resources of terrorism can be blocked.
- Participating States should ensure that the legislative framework in their countries should enable their authorities to extradite the terrorists to countries where they committed the terrorist acts.

### **DELEGATION OF SWITZERLAND**

#### **Droits de l'enfant**

##### 1. Générales:

- Suite à l'échec du projet de déclaration politique sur les droits de l'enfant lors de la dernière réunion ministérielle de l'OSCE, il serait nécessaire de réaffirmer - en tous les cas dans les faits - l'importance accordée par l'OSCE à la promotion et protection des droits de l'enfant. A cet égard, nous encourageons la prochaine présidence à poursuivre les initiatives politiques lancées dans ce sens jusqu'ici.
- Un appel général pour la ratification et la mise en oeuvre de tous les instruments juridiques internationaux et régionaux en matière de droits de l'enfant reste , pertinent et nécessaire. Ces instruments constituent un tissu normatif important et des bases juridiques solides pour évaluer les efforts entrepris, fixer des buts et mobiliser de nouvelles énergies.
- La Suisse apporte son soutien aux activités d'intégration et de diffusion des droits de l'enfant. Il est important que les droits de l'enfant soient systématiquement incorporés dans les programmes de l'ODIHR et des autres institutions de l'OSCE, au même titre que les aspects "gender". En effet, l'approche intégrée des droits de l'enfant est primordiale pour assurer que leurs droits et leurs besoins spécifiques soient systématiquement pris en compte, autant au niveau de l'élaboration des politiques que sur le terrain. A cet égard, il faudrait que la situation des enfants soit aussi prise en compte plus systématiquement dans les rapports de l'OSCE, ainsi que dans tout programme de formation aux droits de (homme).

##### 2. Recommandations concernant la protection des enfants dans les conflits armés.

- De façon prioritaire, la Suisse voudrait réaffirmer l'importance du respect du droit international humanitaire en toutes circonstances. Les enfants ont le besoin et le droit d'être protégés en ces circonstances difficiles.
- La signature et la ratification du Protocole facultatif concernant l'implication d'enfants dans les conflits armés, en reconnaissant l'âge de 18 ans comme l'âge limite pour le

recrutement volontaire, devraient aussi constituer une priorité pour les pays de la région de l'OSCE.

- Les missions sur le terrain devraient être formées en droit international humanitaire, ainsi qu'aux droits de l'enfant.
- L'OSCE devrait poursuivre ses efforts pour lutter contre la prolifération des armes légères et de petit calibre ainsi que l'utilisation des mines antipersonnel.
- Il serait aussi bénéfique d'assister les gouvernements concernés pour la réintégration des enfants affectés par les conflits armés.

#### *Recommandation supplémentaire*

- Suite à l'échec du projet du document politique sur les droits de l'enfant lors de la dernière réunion ministérielle de l'OSCE, il serait nécessaire de remettre l'ouvrage sur le métier. Nous souhaitons que ce document soit finalisé sous la prochaine présidence. Ce document permettra d'intégrer encore plus systématiquement la promotion et la protection des droits de l'enfant dans le travail du BIDDH et des missions sur le terrain. Nous saisissons cette occasion pour remercier la présidence roumaine pour ses initiatives en faveur des droits de l'enfant.

#### **ODIHR**

- Recognizing that OSCE commitments on children's rights lag behind those of other international organizations, the participating States should consider reviving the "Document on the Promotion and Protection of the Rights, Interests and Welfare of the Child, in particular of Children Affected by Armed Conflict" in all or in part, in order to strengthen OSCE commitments on children's rights.
- OSCE field missions and institutions should to the extent possible seek to mainstream issues of rights of the child in their work.
- The OSCE should develop closer co-operation with other organizations, in particular UNICEF, to develop activities to advance the rights of the child. A useful starting point would be to develop concrete follow-up to the UNICEF "Young Voices" project, which was cosponsored by the ODIHR.
- Participating States which have not done so should ratify the Convention on the Rights of the Child and its optional protocols.
- At the request of governments, OSCE missions and the ODIHR should facilitate participating States in developing National Action Plans on the protection of children's rights and in implementing these plans through concrete government
- In light of the UN General Assembly Special Session on Children, the Permanent Council should consider holding a special discussion devoted to evaluating what implications the session's results might have for the work of the OSCE. The Director of UNICEF might be invited to join this discussion.

#### **Any other business**

#### **РЕКОМЕНДАЦИИ ПРЕДСТАВИТЕЛЕЙ ОБЩЕСТВА ПРАВ ЧЕЛОВЕКА УЗБЕКИСТАНА**

- Организовать на базе ОБСЕ и других международных правозащитных организаций независимое расследование причин гибели в застенках МВД председателя Кашкадарьинского отделения Общества Прав Человека Узбекистана Шаврика Рузимуродова;

- Оказать давление на правительство Республики Узбекистан выполнять Конституцию своей страны и международные документы, подписанные ею в отношении свободы слова;
- Легализовать деятельность оппозиционных партий «Бирлик» и «Эрк» и обеспечить им равные права в избирательной системе;
- Потребовать от правительства прекратить преследование верующих мусульман, не чинить препятствий в регистрации правозащитных НПО, в частности ОПЧУ, принять меры в повышении материального уровня жизни населения республики.

**ODIHR Chairmanship**

1st DAY OF THE HUMAN DIMENSION IMPLEMENTATION MEETING

FIRST PLENARY MEETING (open)

1. Date: Monday, 17 September 2001

Opened: 10.10 a.m.

Closed: 1.15 p.m.

2. Chairman: Mr. G. Stoudmann

3. Subjects discussed - Statements - Decisions:

The Chairman formally opened the Implementation Meeting on Human Dimension Issues.

Mr. S. Meller, Deputy Minister for Foreign Affairs of Poland, addressed the meeting.

Mr. C. Feruta, on behalf of the Minister for Foreign Affairs of Romania, OSCE Chairman-in-Office, addressed the meeting.

STATEMENTS BY REPRESENTATIVES OF OSCE INSTITUTIONS

Mr. G. Stoudmann, Director of the ODIHR

Mr. R. Ekeus, High Commissioner on National Minorities

Ms. J. Wolke, Office of the Representative on Freedom of the Media

OPENING STATEMENTS

United States of America, Council of Europe, Russian Federation, the former Yugoslav Republic of Macedonia, Belgium-European Union, Canada, Kyrgyzstan, Norway, Switzerland, Armenia, Democratic Party of Albania, Turkey, Uzbekistan, Yugoslavia

4. Next meeting:

Thursday, 27 September 2001, at 10 a.m., in the Plenary Hall

Chair: ODIHR

SESSION 1 (open)

Date: Monday, 17 September 2001

Opened: 3.10 p.m.

Closed: 6.10 p.m.

2. Chairman: Mr. P. Eicher (Moderator)

3. Subjects discussed - Statements - Decisions:

*Democratic Institutions, including:*

- *Electoral processes*

Kyrgyzstan, Russian Federation, Ukraine, Society for the Protection of Civil Rights and Human Dignity, Albania, Council of Europe, Norway, Belarus, Foundation "26 April", Republican Party of Albania, Albanian Central Election Commission, United States of America, Switzerland, Belgium-European Union, Morsary Foundation "Victory", Latvian Human Rights Committee, Belarusian Helsinki Committee, Tajik Juridical Consortium, Forum for Human Rights Against Violence, International Youth Union "Unity", Bulgaria, Yugoslavia, ODIHR Election Section

- *Democracy at the national, regional and local levels*

Discussion postponed until 18 September 2001

- *Citizenship and political rights*

Russian Federation, United Nations High Commissioner for Refugees, Council of Europe, Ukraine,

- *Civic education*

Discussion postponed until 18 September 2001

4. Next meeting:

Tuesday, 18 September 2001, at 10 a.m., in the Plenary Hall

HDIM01.JOUR/2  
18 September 2001

2nd DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 2 (open)

1. Date: Tuesday, 18 September 2001

Opened: 10.00 a.m.

Suspended: 1.05 p.m.

Resumed: 3.10 p.m.

Closed: 3.30 p.m.

2. Chairman: Mr. P. Eicher (Moderator)

3. Subjects discussed - Statements - Decisions:

*Democratic Institutions, including (continued)*

- *Democracy at the national, regional and local levels*

Ukraine

- *Civic education*

Georgia, Turkey

Right of reply: Tajikistan, Estonia

Organizational matters: Chairman

*Rule of Law, including*

- *Legislative transparency*

- *Independence of the judiciary*

- *The right to a fair trial*

- *Exchange of views on the question of the abolition of capital punishment*

International Rehabilitation Council for Torture Victims, Council of Europe, Association of Lawyers of Kyrgyzstan, Amnesty International, Russian Federation, Greece (also on behalf of the European Union), Uzbekistan, Portugal (also on behalf of the European Union), Greek Helsinki Monitor, Legal Aid Society Uzbekistan, Poland, Norway, Switzerland,

Ukraine, United States of America, Bureau for Human Rights and Rule of Law, Canada, Armenia, France, Kyrgyz Committee for Human Rights, Austria, Tajik Juridical Consortium, Azerbaijan

Right of reply: Tajikistan, Uzbekistan, United States of America, Yugoslavia, Greece

4. Next meeting:

Tuesday, 18 September 2001, at 3 p.m., in the Plenary Hall

SESSION 3 (open)

1. Date: Tuesday, 18 September 2001

Opened: 3.30 p.m.

Closed: 5.41 p.m.

2. Chairman: Mr. C. Ene (Moderator)

3. Subjects discussed - Statements - Decisions:

*Rule of Law, including* (continued)

- *Prevention of torture*

Human Rights Society of Uzbekistan, Denmark (also on behalf of the European Union), Amnesty International, Kosovo Rehabilitation Centre for Torture Victims, Switzerland, Balkan Network for the Prevention of Torture and the Rehabilitation of the Victims, Ecological Club of Dashoguz, International Rehabilitation Council for Torture Victims (also on behalf of the Association for the Prevention of Torture (APT)), International Federation of Action by Christians for the Abolition of Torture (Fi.ACAT), The Redress Trust (REDRESS), World Organisation Against Torture (OMCT), Kyrgyz Committee for Human Rights, Greek Helsinki Monitoring, Armenia, United States of America, Kyrgyzstan, Norway, Council of Europe, Canada, Turkey, Chechnya Information Centre, Kazakhstan International Bureau for Human Rights and Rule of Law, Kazakhstan, Greece

Right of reply: Uzbekistan, Yugoslavia

Statement by the Moderator

4. Next meeting:

Wednesday, 19 September 2001, at 10 a.m., in the Plenary Hall



3rd DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 4 (open)

1. Date: Wednesday, 19 September 2001

Opened: 10.00 a.m.

Closed: 1.00 p.m.

2. Chairman: Mr. C. Ene (Moderator)

3. Subjects discussed - Statements - Decisions:

Ms. M. von der Esch, the Parliamentary Ombudsman from Sweden, addressed the meeting.

*Current issue discussion topic*

- *The role of the Ombudsperson in protecting human rights*

Spain (also on behalf of the European Union), Latvia, Russian Federation, Human Rights Society of Uzbekistan, Croatia, Council of Europe, Human Rights Directorate of Caucasus, Poland, Georgia, Hungary, Greek Helsinki Monitor, Malta, Kyrgyz Committee for Human Rights, Yugoslavia, Office of the United Nations High Commissioner for Human Rights, Uzbekistan, the Parliamentary Ombudsman, Azerbaijan, Albania, Czech Republic, Chechen Information Center, ODIHR

Right of Reply: Kyrgyzstan

Concluding remarks: the Parliamentary Ombudsman from Sweden.

Announcements: Moderator.

4. Next meeting:

Wednesday, 19 September 2001, at 3 p.m., in the Plenary Hall

SESSION 5 (open)

1. Date: Wednesday, 19 September 2001

Opened: 3.05 p.m.

Closed: 6.00 p.m.

2. Chairman: Mr. C. Ene (Moderator)

3. Subjects discussed - Statements - Decisions:

TOLERANCE AND NON-DISCRIMINATION, INCLUDING

- *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic-cleansing*
- *Education and culture*
- *Including discussion of the 18 and 19 June 2001 Supplementary Meeting*

ODIHR, Belgium (also on behalf of the European Union), Helsinki Citizens' Assembly (Azerbaijan), International League for the Rights and Liberation of Peoples, Helsinki Citizens' Assembly (Georgia), Tajikistan, Cyprus, Greek Helsinki Monitor, Kyrgyz Committee for Human Rights, Ukraine, Turkey, Russian Federation, Latvian Human Rights Committee, United States of America, Norway, Canada, Belarus, Azerbaijan, Helsinki Foundation for Human Rights, Hungary, Council of Europe, International Society for Human Rights, Romania

Right of reply: Azerbaijan, Turkey, Greece, Armenia, Uzbekistan

Statement by the Moderator

4. Next meeting:

Thursday, 20 September 2001, at 10 a.m., in the Plenary Hall

HDIM01.JOUR/4  
20 September 2001  
Original: ENGLISH

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4th DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 6 (open)

1. Date: Thursday, 20 September 2001

Opened: 10.00 a.m.  
Closed: 12.40 p.m.

2. Chairman: Mr. C. Ene (Moderator)

3. Subjects discussed - Statements - Decisions:

*Tolerance and non-discrimination, including* (continued)

- *Equal opportunities for men and women*

ODIHR, Canada (also on behalf of Liechtenstein and the Chair of the Informal Working Group), Denmark (also on behalf of the European Union), Georgian Disabled Women's International Association, Russian Federation, Amnesty International, Georgia, Norway, Canada, Denmark, Ukraine, Croatia, Switzerland, United States of America, OSCE Parliamentary Assembly, Tajik Juridical Consortium, Yugoslavia, Kyrgyz Committee for Human Rights, Uzbekistan

Right of Reply: Ukraine, Russian Federation, Cyprus, Turkey, United States of America

Concluding remarks: ODIHR

4. Next meeting:

Thursday, 20 September 2001, at 3 p.m., in the Plenary Hall

#### SESSION 7 (open)

1. Date: Thursday, 20 September 2001

Opened: 3.05 p.m.  
Closed: 6.15 p.m.

2. Chairman: Mr. C. Ene (Moderator)

3. Subjects discussed - Statements - Decisions:

*Tolerance and non-discrimination, including* (continued)

- ROMA & SINTI

ODIHR, Poland, Croatia, Romani Criss-Roma Center for Social Intervention and Studies, European Roma Rights Center, United Nations High

Commissioner for Refugees, Greek Helsinki Monitor, Finland (also on behalf of the European Union), Slovakia, United Kingdom, Czech Republic, Amnesty International, United States of America, International Federation of Red Cross and Red Crescent Societies, Yugoslavia, Romania, Council of Europe, Russian Federation, Hungary, Finland, Bulgaria, Greece

Right of reply: Greece

Concluding remarks: ODIHR

4. Next meeting:

Friday, 21 September 2001, at 10 a.m., in the Plenary Hall

HDIM01.JOUR/5  
21 September 2001  
Original: ENGLISH

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5th DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 8 (open)

1. Date: Friday, 21 September 2001

Opened: 10.15 a.m.

Closed: 1.05 p.m.

2. Chairman: Mr. C. Ene (Moderator)

3. Subjects discussed - Statements - Decisions:

*Tolerance and non-discrimination, including* (continued)

- *National minorities*

OSCE High Commissioner on National Minorities, Austria (also on behalf of the European Union), Morsary Foundation "Victory", Constantinopolitan Society, Imvrian Association of Athens, Switzerland, Poland, Croatia, Federation of the Western Thrace Turks in Europe, Legal Information Centre for Human Rights, Estonian Orthodox Church of Moscow Patriarchy, Latvian Human Rights Committee, Ukraine, Chechen Information Centre, Uzbekistan Section of the International Society for Human Rights, Russian Federation, Hungary, Georgia, United States of America, Helsinki Citizens' Assembly,

Armenia, Kyrgyz Committee for Human Rights, Greek Helsinki Monitor, Azerbaijan, Yugoslavia, Bulgaria, Romania, Belarus

4. Next meeting:

Friday, 21 September 2001, at 3 p.m., in the Plenary Hall

SESSION 9 (open)

1. Date: Friday, 21 September 2001

Opened: 3.15 p.m.

Closed: 6.15 p.m.

2. Chairman: Mr. C. Ene (Moderator)

3. Subjects discussed - Statements - Decisions:

*Tolerance and non-discrimination, including* (continued)

- *National minorities* (continued)

Turkey, Greece, Russian Association for Culture and Education, Council of Europe, Albania

Right of reply: Kyrgyzstan, Latvia, Russian Federation, Estonia, the former Yugoslav Republic of Macedonia, Bulgaria, Azerbaijan, Armenia, Turkey

*The Human Dimension in the Work of the OSCE, including*

- THE FUNCTIONING OF OSCE INSTITUTIONS
- THE FUNCTIONING OF OSCE FIELD MISSION
- HUMAN DIMENSION MECHANISMS
- *Training and capacity building*

ODIHR, Croatia, Ireland (also on behalf of the European Union), Civil Society Development Union, Norway, Russian Federation, Uzbekistan Section of the International Society for Human Rights, Canada, Latvian Human Rights Committee, United States of America, Yugoslavia, Kyrgyz Committee for Human Rights, Azerbaijan National Committee of the Helsinki Citizens' Assembly, Azerbaijan, OSCE Mission to Bosnia and Herzegovina, Switzerland, OSCE Conflict Prevention Center

Right of reply: Armenia

4. Next meeting:

Monday, 24 September 2001, at 10 a.m., in the Plenary Hall

HDIM01.JOUR/6  
24 September 2001  
Original: ENGLISH

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6th DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 10 (open)

1. Date: Monday, 24 September 2001

Opened: 10.15 a.m.

Closed: 1.05 p.m.

2. Chairman: Ms. V. Epure (Moderator)

3. Subjects discussed - Statements - Decisions:

*Fundamental freedoms, including*

- *Freedom of expression, free media and information*
- *Including discussion of the 12 and 13 March 2001 Supplementary Meeting*

OSCE Representative on Freedom of the Media, Karpenko Foundation, Kyrgyzstan, Association of Christian Churches in Russia, Moldova, Germany (also on behalf of the European Union), Turkey, Charter '97, Article XIX, Global Campaign for Free Expression, Civil Society Development Union, United States of America, Chechen Information Centre, International Helsinki Federation for Human Rights, Kyrgyz Committee for Human Rights, Human Rights Society for Uzbekistan, Russian Federation, Canada, Azerbaijan, Forum of the Free Media, Norwegian Helsinki Committee, Georgia, Latvian Human Rights Committee, Belarus, International League for Human Rights

Right of reply: ODIHR, Turkey, Armenia, Uzbekistan, Albania, Canada, Austria, Denmark, Norway, Moldova (also on behalf of the GUAM States)

4. Next meeting:

Monday, 24 September 2001, at 3 p.m., in the Plenary Hall

SESSION 11 (open)

1. Date: Monday, 24 September 2001

Opened: 3 p.m.

Closed: 5.50 p.m.

2. Chairman: Ms. V. Epure (Moderator)

3. Subjects discussed - Statements - Decisions:

*Fundamental freedoms, including (continued)*

- *Freedom of association and the right of peaceful assembly*
- *Civil society*

Belgium-European Union (European Commission), Union of Jehovah's Witnesses in Georgia, Norway, Cyprus, Federation of the Western Thrace Turks in Europe, Human Rights without Frontiers International, European Organisations of Military Associations, Constantinopolitan Society, Forum of the Free Media, Kyrgyzstan, Russian Federation, Human Rights Society of Uzbekistan, Switzerland, Azerbaijan, Uzbekistan International Society for Human Rights, United States of America, International Helsinki Federation for Human Rights, Kyrgyz Committee for Human Rights, Helsinki Foundation for Human Rights, Charter '97, Chechen Information Centre, Khazakhstan, Morsary Foundation "Victory"

Right of reply: Turkey, Greece, Uzbekistan, Kyrgyzstan, Azerbaijan, Belarus

4. Next meeting:

Tuesday, 25 September 2001, at 10 a.m., in the Plenary Hall

HDIM01.JOUR/7  
25 September 2001  
Original: ENGLISH

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7th DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 12 (open)

1. Date: Tuesday, 25 September 2001

Opened: 10 a.m.

Closed: 1.05 p.m.

2. Chairman: Ms. V. Epure (Moderator)

3. Subjects discussed - Statements - Decisions:

*Fundamental freedoms, including* (continued)

- *Freedom of thought, conscience, religion, or belief*

Netherlands (also on behalf of the European Union), Association of Christian Churches in Russia, European Association of Jehovah's Witnesses for the Protection of Religious Freedom, Administrative Center for Jehovah's Witnesses in Russia, International Association for Religious Freedom, Raelian Religion, Amnesty International, Church of Scientology - European Human Rights Office, Estonian Orthodox Church of Moscow Patriarchy, United States of America, Switzerland, Russian Orthodox Church, Federation of Western Thrace Turks in Europe, Russian Federation, Kyrgyz Committee for Human Rights, Human Rights Without Frontiers, Uzbekistan Section for the International Society for Human Rights, Turkey, OSCE Centre in Almaty, Azerbaijan, Yugoslavia, Chechen Information Centre, Cyprus, Uzbekistan, Kazakhstan, Armenia, ODIHR

Right of reply: France, Estonia, Greece, Armenia, Turkey

4. Next meeting:

Tuesday, 25 September 2001, at 3 p.m., in the Plenary Hall

#### SESSION 13 (open)

1. Date: Tuesday, 25 September 2001

Opened: 3.05 p.m.

Closed: 6 p.m.

2. Chairman: Ms. V. Epure (Moderator)

3. Subjects discussed - Statements - Decisions:

*Fundamental freedoms, including* (continued)

- *Freedom of movement*

*Human rights (continued) and humanitarian issues, including*



- *Migration, refugees, and displaced persons*
- *Migrant workers*

Ukraine (on behalf of the GUUAM States), International League for the Rights and Liberation of Peoples, Norwegian Refugee Council, ODIHR, Kurdish Human Rights Project, Kyrgyz Committee for Human Rights, Belgium-European Union (European Commission), Yugoslavia, Radio Free Europe, Cyprus, Russian Federation, Azerbaijan, United States of America, Czech Republic, Ukraine, International Helsinki Federation for Human Rights, Turkey, Office of the United Nations Secretary-General's Representative on Internally Displaced Persons, Armenia, Norway, United Nations High Commissioner for Refugees, International Committee of the Red Cross, Morsary Foundation "Victory"

Right of reply: Turkey, Belgium-European Union, Germany, Canada, Azerbaijan, Armenia

4. Next meeting:

Wednesday, 26 September 2001, at 10 a.m., in the Plenary Hall

HDIM01.JOUR/8  
26 September 2001  
Original: ENGLISH

8th DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 14 (open)

1. Date: Wednesday, 26 September 2001

Opened: 10.05 a.m.

Closed: 11.20 a.m.

2. Chairman: Mr. J. Paliszewski (Moderator)

3. Subjects discussed - Statements - Decisions:

*Human rights (continued) and humanitarian issues, including (continued)*

- *Treatment of citizens of other participating States*
- *International humanitarian law*

New York Association for Religious Freedom, Belgium-European Union, Canada, Norwegian Helsinki Committee, International Committee of the Red Cross, United States of America, Russian Federation, Polish Red Cross, Kyrgyz Committee for Human Rights

Right of reply: Turkey, the former Yugoslav Republic of Macedonia, Uzbekistan, Kyrgyzstan

4. Next meeting:

Wednesday, 26 September 2001, at 3 p.m., in the Plenary Hall

SESSION 15 (open)

1. Date: Wednesday, 26 September 2001

Opened: 3 p.m.

Closed: 4.40 p.m.

2. Chairman: Ms. V. Epure (Moderator)

3. Subjects discussed - Statements - Decisions:

*Human rights (continued) and humanitarian issues, including (continued)*

- *Trafficking in human beings, including review of Vienna Ministerial Decision Implementation*

ODIHR, OSCE Presence in Albania, United Kingdom (also on behalf of the European Union), Building Democracy Foundation, Russian Federation, International Helsinki Federation for Human Rights, Norway, United States of America, Council of Europe, Canada, Switzerland, Austria, Office of the United Nations High Commissioner for Refugees

Right of reply: Albania

4. Next meeting:

Thursday, 27 September 2001, at 10 a.m., in the Plenary Hall

HDIM01.JOUR/9  
27 September 2001  
Original: ENGLISH

9th DAY OF THE IMPLEMENTATION MEETING  
ON HUMAN DIMENSION ISSUES

SESSION 16 (open)

1. Date: Thursday, 27 September 2001

Opened: 10.05 a.m.

Closed: 11.55 a.m.

2. Chairman: Ms. V. Epure (Moderator)

3. Subjects discussed - Statements - Decisions:

*Human Rights (continued) and humanitarian issues, including (continued)*

- *Rights of the Child/Children and armed conflict*

Morsary Foundation "Victory", Slovenia, Croatia, Council of Europe, Norway, International Helsinki Federation for Human Rights, Russian Federation, Chechen Information Center, Uzbekistan Charity Foundation, France (also on behalf of the European Union), Canada, Switzerland, United Nations Children's Fund, Austria, Azerbaijan, Armenia, United Nations High Commissioner for Refugees, United States of America, Turkey, Azerbaijan

SECOND PLENARY MEETING (open)

1. Date: Thursday, 27 September 2001

Opened: 2.00 p.m.

Closed: 3.45 p.m.

2. Chairman: Mr. G. Stoudmann

3. Subjects discussed - Statements - Decisions:

STATEMENT BY THE DIRECTOR OF THE OFFICE FOR DEMOCRATIC  
INSTITUTIONS AND HUMAN RIGHTS

Director of the ODIHR

STATEMENT BY THE MODERATOR OF THE WORKING SESSIONS

Moderator of the Working Sessions

## PRESENTATION BY THE RAPPORTEURS

Rapporteurs of the Working Sessions

## CONCLUDING STATEMENTS

Belgium-European Union, Switzerland, Russian Federation, Uzbekistan, the former Yugoslav Republic of Macedonia, United States of America, Azerbaijan, Morsary Foundation “Victory”, Armenia

After a concluding statement, the Chairman formally closed the Implementation Meeting on Human Dimension Issues.