



# **HUMAN DIMENSION IMPLEMENTATION MEETING**

## **CONSOLIDATED SUMMARY**

**Warsaw, 4-15 October 2004**

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## I. EXECUTIVE SUMMARY

The OSCE Human Dimension Implementation Meeting took place on 4-15 October 2004 in Warsaw. The Meeting, organized by the Office for Democratic Institutions and Human Rights, was the ninth of its kind and reviewed implementation of the broad range of OSCE human dimension commitments. It was not mandated to produce any negotiated texts, but summary reports on the Working Sessions were presented by the Rapporteurs.

The Meeting was the third organized in line with the modalities adopted on 23 May 2002 at the 395<sup>th</sup> Plenary Meeting of the OSCE Permanent Council. According to the modalities the Meeting consisted of two parts, with the first week focusing on implementation review, while the second week is characterized by a more forward looking debate.

The Opening Plenary was addressed by the OSCE Chairman-in-Office, Minister of Foreign Affairs of Bulgaria, Solomon Passy, Minister of Foreign Affairs of Poland, Włodzimierz Cimoszewicz, Gert Weisskirchen, the Vice-President of the OSCE Parliamentary Assembly as well as the ODIHR Director, Ambassador Christian Strohal. The key-note address was delivered by Ambassador Vladimir Lukin, Commissioner for Human Rights of the Russian Federation. On the eve of the 30<sup>th</sup> anniversary of the Helsinki Final Act, speakers at the Opening Plenary concentrated on taking note where the OSCE stood with regard to the promotion of human rights and democracy, and on sharing ideas on how to further improve implementation of human dimension commitments, especially in view of the increasing threats like international terrorism, racism, intolerance and discrimination. Ambassador Christian Strohal emphasized areas of particular interest that had been added to the list of human dimension priorities of the OSCE in recent years: "...the new Actions Plans on Roma and Sinti and on Combating Trafficking in Human Beings, as well as the decisions on Tolerance and Non-Discrimination in Maastricht, further elaborated in Berlin, Paris and Brussels, do represent a significant '*plus*' in terms of commitment, of focus, and, hopefully, of determination to promote change". Minister Solomon Passy elaborated on the need for enhanced co-operation between various International Organizations as well as called on participating States for action-related policies to fully implement the common vision. Minister Włodzimierz Cimoszewicz added that he thought that "...ten days of discussions on how we fulfill our commitments and how our record in this respect can be improved and should help us in defining concrete areas for further actions of our community". (All opening speeches are included in this compilation.)

During the first week of the Meeting the discussion was thematically organized, as decided by the Permanent Council, in Working Sessions devoted to: Democratic Institutions, Fundamental Freedoms I; Fundamental Freedoms II; Tolerance and Non-Discrimination I; Tolerance and Non-Discrimination II; Rule of Law I; Rule of Law II and Humanitarian Issues and Other Commitments.

The second week of the Meeting covered specifically selected topics. The first day of the second week was devoted to the discussion on human dimension activities with a special emphasis on projects and programme work. In particular, it included follow-up to the

March 2004 Supplementary Human Dimension Meeting (SHDM) on Human Rights Education and Training, the role of the OSCE Institutions and bodies as well as the human dimension activities of OSCE Missions and Field Operations. During that day also the comprehensive programming presentations took place. The first specifically selected topic for a forward-looking discussion was the Promotion of Tolerance and Non-Discrimination. The day was divided into four short sessions covering issues related to: the review of implementation of OSCE commitments related to tolerance by participating States, the enactment and enforcement of legislation to combat hate motivated crimes, Models of Effective Partnerships between Government, National Institutions, Law Enforcement Authorities and Civil Society in Monitoring and Responding to Hate-Motivated Crimes as well as follow-up to the tolerance-related OSCE events in 2004. The following day was exclusively devoted to questions related to Freedom of Assembly and Association in participating States. On Thursday of the second week the Complementarity and Co-operation among International Organizations in Promoting Human Rights was discussed – in this context two main problems were tackled: human rights promotion as a tool for conflict prevention and achieving long-term stability as well as human rights promotion as a tool for sustainable reconstruction and rehabilitation to achieve lasting stability and peaceful development. It is worth noting that this issue featured on the agenda for the first time. The second week's discussions were summarized during the Closing Plenary session.

The following moderators were involved in the facilitation of the meeting's process: during the first week of the Meeting Mr. Steven Wagenseil, ODIHR First Deputy Director moderated the sessions. During the second week, according to modalities that called for moderators with "particularly relevant knowledge to chair the discussions of each topic", the following moderators had been selected: Mr. Steven Wagenseil for the discussion on human dimension activities, Ambassador Christian Strohal, Professor Frederick Lawrence, Chair, National Legal Affairs Committee, Anti-Defamation League and Mr. Philip Watt, Director of the National Consultative Committee on Racism and Interculturalism (Ireland) facilitated sessions devoted to Promotion of Tolerance and Non-Discrimination. Mr. David Moore, Program Director for Central and Eastern Europe, International Center for Not-for-Profit Law (ICNL) acted in this capacity during the session on Freedom of Assembly and Association. The third special day, devoted to Complementarity and Co-operation among IOs in Promoting Human Rights was moderated by Professor Thomas Hammarberg, Secretary General of the Olof Palme International Centre. In addition, numerous experts were invited to give presentations during all working sessions in order to enhance a livelier and more productive debate.

A record number of side events profiled a broad range of human dimension topics: They included "Roma and the Right to Adequate Housing in Europe", "Elections in Belarus, Ukraine and Turkmenistan", "Freedom of expression, media and information in CIS countries", "The Media and Human Rights in the Balkans", "International Justice and the International Criminal Court", "The Human Rights and Security Situation in Chechnya and Ingushetia", "Combating Cyberhate: Diverse solutions for a common goal", "Freedom of Assembly: theory and practice (a case study on Northern Ireland)". (A detailed list of side events and conveners is available in the attached timetable).

The Delegations of the participating States as well as NGOs produced a wide range of recommendations on human dimension issues that addressed the implementation of OSCE commitments in participating States and relevant programmes for OSCE Institutions. The ODIHR compiled these recommendations thematically and distributed them to all participants (see annex) in advance of the Reinforced Closing Plenary session.

It is worth noting that at this Human Dimension Implementation Meeting the ODIHR introduced for the first time its new electronic Documents Distribution System (DDS). Thanks to this new tool all documents and recommendations were immediately displayed in electronic form on terminals available to all participants. With the possibility of sending documents via e-mail directly from the terminals, the system gave additional impact to the debate. It also significantly reduced costs of the Meeting. A list of documents distributed during the Implementation Meeting is attached to this report. A CD-ROM with copies of all documents distributed is available upon request from the ODIHR.

The Meeting gathered in total 768 participants, including 300 representatives of 222 Non-Governmental Organizations (NGOs). Only 6 out of the 55 participating States did not send a delegation to the Meeting. Turkmenistan did not send a Delegation for the fourth consecutive year.

Particular efforts were made to foster NGO participation: in line with the modalities, all NGOs were given equal access to the list of speakers, and, additionally, with the support of financial contributions of the United States, Austria and Sweden, more NGOs were able to participate from the recently admitted participating States.

## II. TIMETABLE OF THE 2003 HUMAN DIMENSION IMPLEMENTATION MEETING

<b>Monday 4 October 2004</b>	
<p>Morning 10.00-13.00</p>	<p><b>OPENING PLENARY</b>  <b>Chair:</b> H.E. Amb. Christian Strohal, Director, ODIHR</p> <p><b>Opening Statements:</b>  H.E. Solomon Passy, Minister of Foreign Affairs of Bulgaria, Chairman-in-Office  H.E. Włodzimierz Cimoszewicz, Minister of Foreign Affairs of Poland  Mr. Gert Weisskirchen, Vice-President of the OSCE Parliamentary Assembly</p> <p><b>Key-note address:</b>  Mr. Vladimir Lukin, Commissioner for Human Rights in the Russian Federation</p> <p>Discussion</p>
<p>Lunch 13.00-15.00</p>	<p><b>SIDE EVENT:</b></p>
<p>Afternoon 15.00-18.00</p>	<p><b>WORKING SESSION 1</b>  Democratic Institutions, <i>including:</i>  Democratic elections;  Follow-up to the 15-16 July SHDM on Electoral Standards and Commitments  Democracy at the national, regional, and local levels;  Follow-up to the 12-14 May HD Seminar on Democratic Institutions and Democratic Governance  Citizenship and political rights;</p> <p>Moderator: Mr. Gerald Mitchell, Head of Elections Section, ODIHR</p>
<p>Evening 18:00-19:00  19:00-20:30</p>	<p><b>SIDE EVENT:</b>  Briefing for Partner States for Co-Operation on OSCE Election Observation Methodology,  <u>Convenor:</u> ODIHR  <i>Small Room 3</i></p> <p>Reception by Polish Ministry of Foreign Affairs, Foksal</p>

Tuesday 5 October 2004	
<p>Morning 10.00-13.00</p>	<p><b>WORKING SESSION 2</b>  Tolerance and non-discrimination I, <i>including:</i></p> <p>Address by the High Commissioner on National Minorities  National Minorities  Roma and Sinti;  Implementation of the Action Plan on Roma and Sinti Issues</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR  (Alternates:  -- Amb. John de Fonblanque, Director, Office of the High Commissioner for National</p>

	<p>Minorities  -- Mr. Nicolae Gheorghe, Advisor, Contact Point for Roma and Sinti Issues, ODIHR)</p>
<p>Lunch  13.00-15.00</p>	<p>SIDE EVENTS:</p> <p>1. “Minority Rights in Europe” book launch  <u>Convenor:</u> <i>Council of Europe</i>  Large Room 1</p> <p>2. “OSCE Action Plan for Roma and Sinti”  <u>Convenor:</u> Roma &amp; Sinti Contact Point, ODIHR  <i>Small Room 2</i></p>
	<p>WORKING SESSION 3  Tolerance and non-discrimination II, <i>including:</i>  Equal opportunities for women and men;  Prevention of aggressive nationalism, chauvinism and ethnic cleansing.</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p> <p>Speaker:  Amb. Mette Kongshem (Norway), Chair of the Informal Working Group on Gender Equality and Trafficking in Human Beings</p>
<p>Evening  18.00-20.00</p>	<p>SIDE EVENTS:</p> <p>1. Roma and the Right to Adequate Housing in Europe  <u>Convenors:</u> ODIHR Contact Point for Roma and Sinti Issues (CPRSI) and European Roma Rights Center (ERRC)  <i>Large Room 1</i></p> <p>2. Elections in Belarus, Ukraine and Turkmenistan  <u>Convenors:</u> International Helsinki Federation for Human Rights, Belarus Helsinki Committee, Helsinki Human Rights Union, Turkmenistan Helsinki Initiative  <i>Small Room 2</i></p>
	<p>Wednesday 6 October 2003</p>
<p>Morning  10.00-13.00</p>	<p>WORKING SESSION 4  Fundamental Freedoms I, <i>including:</i></p> <p><u>Address</u> by the Representative on Freedom of the Media, Mr. Miklós Haraszti</p> <p>Freedom of expression, free media and information;</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
<p>Lunch  13.00-15.00</p>	<p>SIDE EVENTS:</p> <p>1. Defamation and Insult Laws: RFoM Campaign  <u>Convenor:</u> OSCE Representative on Freedom of the Media  <i>Large Room 1</i></p> <p>2. Presentation of the book “Facilitating Freedom of Religion or Belief: A Deskbook”</p>

<p>13.15-14.45</p>	<p><u>Convenor</u>: Oslo Coalition on Freedom of Religion or Belief <i>Small Room 2</i></p> <p>3. Challenges to Democracy in Central Asia <u>Convenor</u>: Freedom House <i>Small Room 3</i></p> <p>4. Freedom of expression, media and information in the CIS countries <u>Convenor</u>: International League for Human Rights <i>Plenary Hall</i></p>
<p><i>Afternoon</i> 15.00-18.00</p>	<p>WORKING SESSION 5 Fundamental Freedoms II, <i>including</i>: Freedom of thought, conscience, religion or belief; Follow-up to the 17 and 18 July 2003 Supplementary Human Dimension Meeting on Freedom of Religion or Belief; Freedom of movement.</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p> <p>Speakers: Ms. Asma Jahangir, United Nations Special Rapporteur on Freedom of Religion or Belief Dr. Jeremy Gunn, Member of the Advisory Council of the ODIHR Panel of Experts on Freedom of Religion or Belief, Senior Fellow of the Law and Religion Program, Emory University, Atlanta, GA, USA</p>
<p><i>Evening</i> 18.00-20:00</p>	<p>SIDE EVENTS:</p> <p>1. Guidelines for Legislation on Religion or Belief: Constructive Approaches for Reviewing Draft Laws <u>Convenor</u>: ODIHR <i>Large Room 1</i></p> <p>2. The Media and Human Rights in the Balkans <u>Convenors</u>: International Helsinki Federation for Human Rights, Albanian Helsinki Committee, Helsinki Committee for Human Rights in Bosnia and Herzegovina, Bulgarian Helsinki Committee, Croatian Helsinki Committee, Montenegrin Helsinki Committee, Helsinki Committee for Human Rights in Serbia <i>Small Room 2</i></p>

	Thursday 7 October 2003
Morning 10.00-13.00	<p>WORKING SESSION 6 Rule of Law I, <i>including</i>: Legislative transparency; Independence of the judiciary; The right to a fair trial; Ombudsman and National Human Rights Institutions</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Lunch 13.00-15.00	<p>SIDE EVENT: 1. Title: TBC <u>Convenor</u>: The United States Mission to the OSCE Large Room 1</p> <p>2. Title: TBC <u>Convenor</u>: The Permanent Delegation of Sweden to the OSCE <i>Small Room 2</i></p> <p>13.15-14.45 3. Belarus and Uzbekistan: the last executioners. The trend towards abolition in the former Soviet space. Making Europe and Central Asia a Death Penalty - Free Zone <u>Convenor</u>: Amnesty International <i>Small Room 3</i></p> <p>4. Right to a fair trial and prevention of torture in the CIS countries <u>Convenor</u>: International League for Human Rights and Public Verdict Foundation <i>Plenary Hall</i></p>
Afternoon 15.00-18.00	<p>WORKING SESSION 7 Rule of Law II, <i>including</i>: Exchange of views on the question of the abolition of capital punishment; Prevention of torture; Follow-up to the 6-7 November 2003 SHDM on the Prevention of Torture.</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Evening 18.00-20.00	<p>SIDE EVENTS: 1. International justice and the International Criminal Court <u>Convenor</u>: Coalition for the International Criminal Court Large Room 1</p> <p>2. Human Rights and Security in the Caucasus – North and South <u>Convenor</u>: International Helsinki Federation for Human Rights, Human Rights Centre of Azerbaijan, Caucasian Center for Human Rights, Armenian Helsinki Committee Small Room 3</p>

	Friday 08 October 2004
Morning 10.00-13.00	<p>WORKING SESSION 8 Humanitarian Issues and other commitments, <i>including</i>:</p> <p>Trafficking in human beings; Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings; International Humanitarian Law; Migration, refugees and displaced persons.</p> <p><u>Speaker</u>: Dr. Helga Konrad, OSCE Special Representative on Trafficking in Human Beings</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Lunch 13.00-15.00	<p>SIDE EVENTS: 1. The Human Rights and Security Situation in Chechnya and Ingushetia <u>Convenor</u>: International Helsinki Federation for Human Rights Large Room 1</p> <p><i>Small Room 2</i> Small Room 3</p>
Afternoon 15.00-16.30	<p>WORKING SESSION 9 Humanitarian Issues and other commitments, (<i>cont.</i>): Treatment of citizens of other participating States; Migrant workers, including follow-up to the relevant session of the 13-14 September 2004 OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination; Any other business.</p>
----- 16.30-18.00	<p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p> <p>-----</p> <p>PLENARY SESSION Presentation of the outcome of the Working Sessions. Preliminary discussion of the recommendations made, as a preparation for the Closing Reinforced Plenary Session.</p> <p>Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR</p>
Evening 19:00-21:00	
	Monday 11 October 2004
Morning 10.00-13.00	<p>WORKING SESSION 10 <u>Discussion of human dimension activities</u>, with a special emphasis on projects and programme work, also <i>including</i> Follow-up to the 25-26 March 2004 SHDM on Human Rights Education &amp; Training; The role of OSCE institutions and bodies, including the Conflict Prevention Centre,</p>

<p><i>10:00-11:00</i></p> <p><i>11:00-12:00</i></p> <p><i>12:00-13:00</i></p>	<p>Special Police Matters and Anti-Terrorism Units of the Secretariat in Vienna; The Human Dimension activities of OSCE missions and field operations.</p> <p><u>Presentation of ODIHR comprehensive programming</u></p> <p>Democratisation Elections</p> <p>Tolerance and non-discrimination Roma and Sinti Human Rights, including follow-up to the 24-25 March SHDM</p> <p><u>Programming presentations by Missions, CPC/PCC</u></p> <p><u>Q &amp; A and Open Discussion</u></p> <p>Moderator:</p>
<p>Lunch</p> <p><i>13.00-15.00</i></p>	<p>SIDE EVENTS:</p> <p>1. Combatting Cyberhate: Diverse solutions for a common goal <u>Convenor</u>: International Network Against Cyber Hate (INACH) Large Room 1</p> <p>2. ODIHR-DCAF Programme on Human Rights and Fundamental Freedoms of the Armed Forces Personnel <u>Convenor</u>: Geneva Centre of the Democratic Control of Armed Forces (DCAF) Small Room 2</p> <p>3. Activities for Roma Community in Poland <u>Convenor</u>: BIURO DORACZE, the Advisory Office, Joint Project of Ministry of Internal Affairs and Administration of POLAND and British Embassy and the ODIHR Contact Point for Roma and Sinti <i>Small Room 3</i></p>
<p><i>Afternoon</i></p> <p><i>15.00-18.00</i></p> <p><i>15:00-16:00</i></p> <p><i>16:00-18:00</i></p>	<p>WORKING SESSION 11</p> <p><u>Discussion of human dimension activities</u>, with a special focus on projects and programme work, <i>continued</i>.</p> <p><u>Programming presentations by Secretariat Units and others</u></p> <p>Special Police Matters Unit Anti-Terrorism Unit Office of the Coordinator on Economic and Environmental Affairs Representative on Freedom of the Media (tbc) Parliamentary Assembly (tbc)</p> <p><u>Q&amp;A and Open Discussion</u></p> <p>Moderator:</p>
<p><i>Evening</i></p>	

Tuesday 12 October 2004	
<p>Morning 10.00-13.00</p> <p>10:00-11:30</p> <p>11:30-13:00</p>	<p>WORKING SESSION 12 <u>Specifically selected topic</u>: Promotion of Tolerance and non-Discrimination</p> <p><u>Session 1</u>: Review of implementation of OSCE commitments related to Tolerance by participating States</p> <p>Moderator: Ambassador Strohal, Director, ODIHR</p> <p><u>Session 2</u>: Enactment and Enforcement of Legislation to Combat Hate Motivated Crimes</p> <p>Moderator: Professor Frederick Lawrence, Chair, National Legal Affairs Committee, Anti-Defamation League</p> <p>Speakers: Mr Paul Goldenberg, National Security Consultant, American Jewish Committee Dr. Leonid Stonov, Director of International Bureaus on Human Rights &amp; Rule of Law, Union of Councils for Jews in the Former Soviet Union (UCSJ)</p>
<p>Lunch 13.00-15.00</p> <p>13.15-14.45</p>	<p>SIDE EVENTS:</p> <p>1. Teaching the Lessons of the Holocaust in Traditional and Multicultural Societies <u>Convenor</u>: Ministry of Foreign Affairs of France; US Department of State Large Room 1</p> <p>2. Title: TBC <u>Convenor</u>: Conseil Représentatif des Institutions Juives de France (CRIF) Small Room 2</p> <p>3. Intolerance, Discrimination and hate crimes based on sexual orientation and gender identity in the OSCE Region <u>Convenor</u>: ILGA EUROPE – The European Region of the International Lesbian and Gay Association Small Room 3</p> <p>4. Intolerance and Xenophobia in Russia <u>Convenor</u>: International League for Human Rights <i>Plenary Hall</i></p>
<p>Afternoon 15.00-18.00</p> <p>15:00 – 16:30</p>	<p>WORKING SESSION 13 <u>Specifically selected topic</u>: Promotion of Tolerance and Non-Discrimination</p> <p><u>Session 3</u>: Models of Effective Partnerships between Government, National Institutions, Law Enforcement Authorities and Civil Society in Monitoring and Responding to Hate-Motivated Crimes</p> <p>Moderator: Mr. Philip Watt, Director of the National Consultative Committee on Racism and Interculturalism (Ireland)</p>

16:30-18:00	<p>Speakers: Mr. Jozef De Witte, Director, Centre for Equal Opportunities and Opposition to Racism (Belgium) Mr. Haim Musicant, Director, Conseil Représentatif des Institutions Juives de France</p> <p><u>Session 4</u>: Follow-up to the OSCE tolerance-related events in 2004</p> <p>Moderator: Ambassador Strohal, Director, ODIHR</p> <p><i>Suggestion: Ambassadors from hosting countries of OSCE Conferences (Germany, Paris and Belgium) provide opening statements (TBC)</i></p>
Evening 18.00-20.00	<p>SIDE EVENTS:</p> <p>1. Guaranteeing Media Freedom on the Internet (TBC) <u>Convenor</u>: Office of the OSCE Representative on Freedom of the Media Small Room 2</p> <p>2. Implementation of ODIHR's Tolerance Taskings after Maastricht, Berlin, Paris and Brussels <u>Convenor</u>: ODIHR Plenary Hall</p>

	Wednesday 13 October 2004
Morning 10.00-13.00	<p>WORKING SESSION 14</p> <p><u>Specifically selected topic</u>: Freedom of Assembly and Association</p> <p>Moderator: David Moore, Program Director for Central and Eastern Europe, International Center for Not-for-Profit Law (ICNL), Budapest, Hungary</p> <p>Expert Presentation: Jeremy McBride, Reader in International Human Rights Law, University of Birmingham, Member, European Union Network of Independent Experts on Fundamental Rights and Vice-Chair, Interights, UK</p> <p>Introducers: Ms. Outi Ojala, Rapporteur on NGO legislation in the 11 members of the Council of the Baltic Sea States (CBSS), appointed by the Baltic Sea Parliamentary Conference (BSPC), Member of the Parliament of Finland</p> <p>Dr. Evgeniy Zhovtis, Director of the Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Republic of Kazakhstan Mr. Neil Hicks, Director of International Programs, Human Rights First, the United States of America</p>
Lunch 13.15-14.45	<p>SIDE EVENTS:</p> <p>1. Freedom of Association in the CIS region <u>Convenor</u>: International League for Human Rights Plenary Hall</p>
Afternoon 15.00-18.00	<p>WORKING SESSION 15</p> <p><u>Specifically selected topic</u>: Freedom of Assembly &amp; Association</p>

	<p>Moderator: David Moore, Program Director for Central and Eastern Europe, International Center for Not-for-Profit Law (ICNL), Budapest, Hungary</p> <p>Introducers: Ms. Finola Flanagan, Head of the Office of the Attorney General of the Republic of Ireland, Member of the European Commission for Democracy through Law (Venice Commission) of the Council of Europe</p> <p>- Dr. Alexander Vashkevich, former Justice of the Constitutional Court of Belarus</p> <p>Police expert (TBC)</p>
<p><i>Evening</i> 18.00-20.00</p>	<p><i>SIDE EVENTS</i> 1. Freedom of Association and Political Parties <u>Convenor</u>: Venice Commission of the Council of Europe and ODIHR <i>Large Room 1</i></p>

	<p>Thursday 14 October 2004</p>
<p>Morning</p>	<p>WORKING SESSION 16 <u>Specifically selected topic</u>: Complementarity and Co-Operation among International Organizations in Promoting Human Rights</p>
<p>10.00-10.30</p>	<p>Human rights promotion as a tool for conflict prevention and achieving long-term stability Expert Presentations: Prof. Thomas Hammarberg, Secretary General, Olof Palme International Centre, Stockholm</p>
<p>10:30-13:00</p>	<p>Amb. Giorgi Burduli, Head of the Permanent Mission of Georgia to the OSCE, Vienna</p> <p>Discussion</p>
<p>Lunch 13.00-15.00</p>	<p>SIDE EVENTS 1. Rethink! The way towards sustainable peace <u>Convenors</u>: The Kvinna till Kvinna Foundation, together with the Ministry of Foreign Affairs of Sweden and the ODIHR</p>
<p>13.15-14.45</p>	<p><i>Small Room 3</i> 2. Freedom of Assembly: theory and practice (a case study of Northern Ireland) <u>Convenor</u>: ODIHR jointly with the panel of experts from Northern Ireland <i>Plenary Hall</i></p>
<p>Afternoon</p>	<p>WORKING SESSION 17 <u>Specifically selected topic</u>: Complementarity and Co-Operation among International Organizations in Promoting Human Rights</p>
<p>15.00-15.30</p>	<p>Human Rights promotion as a tool for sustainable reconstruction and rehabilitation to achieve lasting stability and peaceful development Expert Presentations:</p>
<p>15:30-18:00</p>	<p>Ian Martin, Vice President, International Centre for Transitional Justice Eva Zillen, Head of Information Department, Kvinna till Kvinna</p>

	Discussion
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	Friday 15 October 2003
Morning <i>10.00-13.00</i>	<p>CLOSING REINFORCED PLENARY SESSION</p> <p>Chair: Amb. Christian Strohal, Director, ODIHR</p> <p>Reports and Recommendations from the Discussions on Human Dimension Activities;</p> <p>Tolerance and Non-Discrimination;</p> <p>Freedom of Assembly and Association; and</p> <p>Complementarity and Cooperation among International Organizations in Promoting Human Rights</p> <p>Discussion by Human Rights Directors and other Experts from Capitals</p>

### **III. PARTICIPATION**

The Meeting was attended by a total of 768 participants (out of which 363 delegates from 49 OSCE participating States – apart from Andorra, Bosnia-Herzegovina, Moldova, San Marino, Tajikistan and Turkmenistan). There were 3 Partners for Co-operation (Afghanistan, Japan, Thailand) as well as 5 Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Morocco and Tunisia) represented at the Meeting.

In addition, 37 representatives from twelve International Organizations were represented: Council of Europe, European Commission for Democracy through Law (Venice Commission), International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Organization for Migration, Office of the Special Representative of the UN Secretary General on Human Rights Defenders, Stability Pact for South Eastern Europe, UNDP, Office of the UN High Commissioner for Human Rights, Office of the UN High Commissioner for Refugees, UN office for the Co-ordination of Humanitarian Affairs and UNICEF.

The meeting was attended by 300 participants from 222 NGOs of international, regional or national level, from almost all participating States.

There were 30 representatives of 7 OSCE Institutions present as well as 38 representatives of almost all OSCE Field Missions.

## **IV. RAPORTEURS' REPORTS**

### **WORKING SESSION 1 - Democratic Institutions**

Mr. Chairman, the first working session dealt with

1. Democratic elections
2. Follow up to the 15-16 July 2004 Supplementary Human Dimension Meeting on Electoral Standards and Commitments
3. Democracy at the national, regional and local levels
4. Follow up to the 12-14 May 2004 Human Dimension Seminar on Democratic Institutions and Democratic Governance
5. Citizenship and political rights.

One participant asked rhetorically: why do we observe elections? His own answer was, because we want to help pS to develop their electoral systems and to keep their OSCE commitments. In this objective, he stressed, we are all partners, not school masters and pupils. Within this widely shared approach to improve the democratic level of pS in general and of their electoral processes more specifically, allow me to give you a brief summary of discussions and concrete recommendations stemming from them;

Many participants showed us the importance of capacity-building of civil society, as they came forward with detailed information on the implementation or the lack of implementation of OSCE commitments by pS in the sphere of democratic elections.

At the same time, many participants explained the electoral system in their country and gave an overview of the positive developments, stressing their political will to continue on the road to full implementation of existing democratic electoral commitments.

Obviously for many participants, these commitments and principles have clearly proven what they're worth, as they give all actors concerned, especially ODIHR, the possibility to scrutinize and assist countries in need of special attention. One participant felt differently, stating that these principles need reviewing. Others, again, saw little support to reopen the debate on existing commitments.

In this context, the concept of Copenhagen Plus also fell. What does it mean, someone asked. It means elaborating additional commitments on elections to supplement the existing ones, so it was replied, firmly stressing that "plus" in this context means "plus" and that there can be no renegotiating the original Copenhagen document.

Concerning possible improvements, the need for more follow up of Election Observation Missions was repeatedly stressed. The reports of these Missions do not belong on the bookshelf, but they should be studied and implemented.

One participant stated that, although equal election rights of all citizens is a core principle, the express guarantee for the equal rights of Persons with disabilities to participate in elections on the same terms as all other citizens is absent.

Education was also repeatedly stressed as an important instrument to improve democratic elections and democracy in general.

Participants stated the necessity of the establishment of lasting, democratic, institutional structures encircled by the principle of the rule of law to prevent human rights violations and polarization on an ethnic basis.

## **RECOMMENDATIONS FOR ACTION ON HUMAN DIMENSION ISSUES**

### **1. Recommendations to the OSCE participating States:**

- Participating States should take urgent measures in order to ensure the fulfillment of their commitments, in particular with regards to candidates' registration, the media, the election commissions, the voters' list, polling procedures, the use of public officials and public funds in the campaign, the rights of domestic and international observers.
- Some countries should review their election administration and legislation in order to provide for a centralized and computerized voter register and consider training for Poling officers.
- Transparency of election procedures should be increased
- OSCE PS should support anti voter apathy programs, efforts to increase transparency of parties' funding and expenses.
- Participating States should help ensure that out of country voters will be able to exercise their right to vote in the countries they live in.
- OSCE delegations should urge Governments concerned to uphold OSCE standards, allow an active participation of the opposition, allow journalists to work freely and grant access to observers.
- Participating States have a clear responsibility in ensuring that their observers are qualified and impartial, also regarding appropriate language skills as an important asset.
- Competent national and international NGO's should have full access to observe electoral procedures.
- Sufficient resources should be granted to the election observation activities of the ODIHR.
- PS must respond constructively to ODIHR recommendations and fulfill their OSCE commitments. They should follow up systematically on recommendations made in ODIHR election observation reports.
- ODIHR Election Reports could be subject to a general discussion among 55 PS to see what follow up measures could be possible.
- OSCE PS should enter in a negotiation process to elaborate additional commitments on elections, to supplement the existing ones with a view to adoption at the Sofia Ministerial.
- Post Copenhagen principles should be adopted early.
- PS should guarantee people with disabilities equal rights.

- The OSCE Participating States should consider demanding concerned governments to reinstate in their citizenship persons of minorities whose citizenship was removed and find themselves stateless.
- All Participating States should help countries in need to prepare for a peaceful political transition.

### **1. Recommendations to the OSCE institutions and field operations:**

- ODIHR election observation missions are meant to be constructive and should not amount to finger pointing.
- OSCE should consider the issue of making voting mandatory. A collective decision on this question would be required. OSCE should consider elaborating better criteria for political parties so as to avoid pocket parties.
- ODIHR should mainstream the rights of persons with disabilities within their recommendations.
- There is a tendency to focus on democracy at the national level. We should not neglect the local level elections.

## **WORKING SESSION 2 – Tolerance and Non-discrimination I**

### **ROMA AND SINTI during the 2004 HDIM**

The situation of Roma remains of a great concern in many OSCE participating States and the OSCE HDIM provided an optimum forum for expressing concerns, exchange information and advance solutions. The **implementation** of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area was referred to in most interventions of the sessions, side events and meetings. Among others, following recommendations were made:

- The participating States should take full responsibility and advantage of the Roma and Sinti Action Plan. Special emphasis should be given to political participation at local, national and international level and to improving their social rights.
- Multilateral international co-operation is needed to implement Roma and Sinti related policies and to avoid duplication and redundancy in currently on-going initiatives. Many participants proposed to organize an **international conference to develop** common strategies, jointly agreed priorities and long term programs.
- Some specific issues and policy-areas were identified for better multilateral cooperation: access to quality education for Roma children and young Roma; crises prevention and management; improving **Police activities and partnerships** with **NGOs** when policing local Roma communities; and promote **intercultural dialogue**, which allow for initiatives and increased responsibility for Roma communities and representatives.
- All OSCE relevant actors should pay special attention to the **Roma women, and to gender aspects**, when planning and implementing Roma and Sinti related policies.

- The ODIHR Roma and Sinti Contact Point in cooperation with the Council of Europe should continue to support the establishment of *the European Roma and Travellers Forum*, for instance by giving technical assistance in the selection processes regarding national representatives; training of the representatives; and facilitate forms of cooperation & partnership between the ERTF and main actors in Roma-related policies. The participating States should provide the ODIHR with resources needed to do this.
- Both the participating States and the human rights activists who express concerns on increasing phenomena of anti-Romism /Tziganism /Gypsyism are encouraged to take full advantage of the wide and innovative range of activities provided by the ODIHR recently established program on **Tolerance and non-discrimination**.
- The Participating States, the ODIHR CPRSI and the OSCE representative for Freedom of Media should step up their resources to needed implement the provisions on Media in the OSCE Action Plan on Roma and Sinti, among others to facilitate establishment of European Roma Radio; to encourage, prepare and educate Romani journalists for their employment in the mainstream media.
- OSCE bodies, in particular OSCE Missions are asked to pay special attention to involve Roma communities in their awareness raising and prevention campaigns on **trafficking in human beings, in particular in prevention of children** exploitation in various forms of income generation and economic activities.

#### **NOTE**

The Roma-related issues were lively, widely and in-depth discussed in the session specifically planned for Roma and Sinti as well in the sessions on Freedom of Media, Anti-trafficking, Co-operation among international organizations. Specific Roma and Sinti issues and initiatives were explored in depth in three side events and two informal meetings of delegates; during main sessions there were 21 orally interventions and additionally 49 written contributions were registered and circulated.

## **TOLERANCE AND NON-DISCRIMINATION I**

### **Session 2**

In the introduction the Office of the High Commissioner on National Minorities recalled that the High Commissioner's institution is not to monitor human rights situation *as such* in the participating States but to be perceived from the perspective of security and conflict prevention. He went on to highlight the role of education in integrating minorities in multiethnic states. Moreover he emphasizes the cultural rights and the right to use minority languages in the media. In this regard it was recalled that the High Commissioner made last year a study on Minority-Language related Broadcasting and Legislation in the OSCE and published guidelines on the Use of Minority Languages in the Broadcast Media.

The statements following the Commissioner's introduction addressed national minorities in general and their situation in several participating States. In the second part of the session Roma and Sinti issues were discussed.

The situation of **national minorities** remains of a great concern in many OSCE participating States. In the interventions it was emphasized that the participating States should support the High Commissioner's efforts in this field and co-operate fully with the Institution in accordance with the commonly approved OSCE norms and principles. The governments must look after that minorities living in their territory are not discriminated. The ethnic, cultural, linguistic and religious rights of minorities should be protected and promoted.

The following recommendations concerning minorities were made

- The participating States were requested to develop policies to address the use of minority languages in the broadcast media. These policies should be based on an assessment of the real needs of persons belonging to ethnic, religious or linguistic minorities to maintain and develop their identities. The Governments should make good use of the expertise of the OSCE Institutions, especially the High Commissioner on National Minorities and the Representative on Freedom of the Media.
- The fight against discrimination of minorities has to continue.

The discussion concerning **Roma and Sinti** was very lively. There were 18 interventions and additionally 33 written contributions were registered and circulated.

The Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area was referred to in most interventions in this session. It was emphasized that the adoption of the Action Plan was by no means an end itself. It must remain a living document that is re-visited, re-formulated and up-dated when needed. And first of all – implemented. Priorities may be different from one OSCE country to another.

In regard to Roma and Sinti the following recommendations were made

- The participating States should take full advantage of the Roma and Sinti Action Plan. Special emphasis should be given to political participation at local, national and international level and to improving their social rights.
- Education of Roma children and young Roma should be made a long term priority.
- More international co-operation is needed to implement Roma and Sinti related policies. Many proposed to organize an international conference to develop common strategies, for instance in the field of education.
- We need to pay special attention to the Roma women, and to gender aspects when planning and implementing Roma and Sinti related policies.
- The ODIHR Roma and Sinti Contact Point should continue to support the establishment of the European Roma and Travellers Forum, for instance by giving

technical assistance in the selection processes regarding national representatives and training of the representatives. The participating States should provide the ODIHR with resources needed to do this.

### **WORKING SESSION 3 - Tolerance and Non-discrimination II**

Working session 3 was divided into two parts. One on equal opportunities for women and men, including the elaboration of a revised Gender Action Plan, and one part on the prevention of aggressive nationalism, chauvinism and ethnic cleansing.

1. Let me start by noting, that in the session on equal opportunities for women and men speakers pointed out that gender is not a separate issue. It was mentioned that the human security, as a key element of the OSCE and ODIHR's mandate, cannot be achieved without gender equality.

Draft Action Plan on Gender Issues, which is expected to be adopted in a very near future, was strongly supported. And it focuses at achieving gender mainstreaming across the whole Organization. Co-chair of the Informal working Group on Gender Equality and Anti-trafficking, Ambassador Ms Mete Kongshem stressed that without accountability and political will at all levels, implementation will not succeed. Several delegations mention that one of the most important goals of the gender equality policy consists in the equal access of women and men to positions of power and influence. Attention should be given to the issues such as domestic violence, trafficking in human beings, and equal participation in the political and economic decision-making, as well as to sexual harassment at the workplace. Special attention was subsequently put on the domestic violence, the need that it is prosecuted as an assault, including the effective criminal prosecution of domestic abuse.

It was mentioned that the OSCE, with its comprehensive approach of security, should be the first in line among the international and regional organizations to realize the importance of achieving gender equality through gender-mainstreaming through all three dimensions, in order to address the security threats and challenges.

It was also stressed, whether sustainable peace is at all possible without participation of women. Also the importance of the Beijing +10 conference to be held next year was mentioned, as well as the implementation of several universal and regional documents. The need for the discussion on the effective implementation of the UN SC resolution 1325 (2000) was upheld by several delegations.

#### **Recommendations included the following:**

Participating states should make gender equality a priority and integrate the gender perspective into training and education activities, including civil service, judiciary, police and other law enforcement bodies.

Many Participating states stressed the unique OSCE position as a security organization and the need to work toward the implementation of UN Security Council resolution 1325 on “Women, Peace and Security,” which was adopted in 2000.

One participating States made a specific proposal to arrange a seminar next years devoted to women in peacekeeping and conflict prevention, which would include the exchange of best practices on the implementation of the UN Security Council resolution 1325 (2000). The participating States should combat domestic violence and should recognize and address domestic violence against women as it is a human rights violation that needs to be criminalized.

Participating States should improve the gender balance in the OSCE institutions and field missions, specially at the managerial level and should nominate more qualified female candidates for positions within the OSCE.

Participating States should adopt special measures that would ensure women’s participation in the decision-making, such measures should provide for at least 30% of women in national and local government bodies.

Participating States should ensure proper data collection and statistics on the gender issues.

Participating States should sign and ratify the Rome Statute of the International Criminal Court.

The ODIHR was encouraged to work with participating states to ensure that commitments within the draft Action Plan are adopted by the OSCE Permanent Council and translated into concrete action through sustained implementation.

The ODIHR was encouraged to work with participating States to achieve the full implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

The OSCE institutions should improve gender balance and ensure proper data.

**2.** In the final session that day on prevention of aggressive nationalism, chauvinism and ethnic cleansing. At the session the speakers mainly concentrate on the failure of the governments to effectively address the legal and political steps to prevent discrimination, ensure equality and respect for diversity, cultural identities, and facilitating effectively participation of minorities in public life. In the whole OSCE region the minority and social groups continue to encounter prejudice and societal discrimination. There is a need for governments and international organizations to do more to prevent these despicable acts.

Speakers further noted the importance of cooperation with the ICTY. Further the issue of refugee return in some area was addressed by some speakers. Freedom of expression and education, especially in minority languages, is important for peaceful coexistence. It was

mentioned that the states must work on multiethnic tensions together with relevant international organization, including their field missions.

The minority rights issues in some areas were a cause of concern to several speakers. In this regard the need for the effective implementation of Framework Convention on the Protection of National Minorities was stressed. In this regard the awareness of the definition of national minorities is of great importance – it includes objective as well as subjective criteria. The education can and should play a crucial role in developing a more extensive and far-reaching action in tackling the causes of aggressive nationalism.

It was stressed that the OSCE must become a community of nations united by a common humanistic values – any extremism be it political, ethnical or religious is a threat to democracy and human rights.

**Recommendations included the following:**

- Participating States should ratify and implement Framework Convention on Protection of National Minorities.
- Participating States are called to express concern over the continuing incidents of violence targeting minorities and to urge concerned authorities to fully appraise the situation and implement any and all measures to curb anti-minority aggression.
- Participating States are encouraged to establish channels of communication with the relevant international and national institutions to exchange information and coordinate efforts to advance the concerned government's compliance with liberty, democracy, respect for human rights and minority rights and fundamental freedoms.
- Participating States should examine the renewal of the OSCE's monitoring system in concerned countries, to ensure safety of all citizens in the concerned region and the peaceful co-existence of ethnic minorities.
- International organizations should work on advancing tolerance and nondiscrimination in the OSCE area.

## **WORKING SESSION 4 – Fundamental Freedoms I**

### **Introduction**

The Representative on Freedom of the Media mentioned several cases, since March, of intimidation or harm to journalists (noting Russia and Ukraine). He reminded the need to ensure a free flow of information. He highlighted the importance of pluralism in radio and on tv for freedom and regretted a lack of diversity throughout much of OSCE region. Diversity is often confined to print media and Internet. Two general dangers/trends are

seen today. Law is used, especially libel laws and administrative laws to hinder independent media. Some OSCE participating States have abolished libel as criminal offence and made it a civil matter. This is welcomed. In October, Slovakia will debate new criminal code and may retain criminal penalty for slander/libel. Representative of FoM has asked governments to remove criminal penalties so that no-one further is incarcerated. High fines can be as harmful to freedom of media as prison. Recommends that EU take a unified stance on criminalization of libel. Some countries have policy of not using their criminal laws but the existence of these laws can be cited as justification by states which do apply such laws. On administrative side, it is tragic when an independent publication is closed down for such administrative issues as failure to report its circulation. Speaker recommended equal treatment under law, meaning less discriminatory application of administrative laws. Administrative methods should not be used discriminatorily. Some countries were mentioned specifically.

### **RECOMMENDATIONS TO PARTICIPATING STATES :**

- States are encouraged to work closely with OSCE Representative for FoM.
- Participating States are requested to provide equal access of all candidates to media during electoral campaigns

#### **On decriminalization of libel and defamation laws**

- Representative of FoM urged Slovakia to consider reform of its criminal code, to decriminalize libel.
- Representative of FoM urged EU to take a unified stance on criminalization of libel. Some countries have policy of not using their criminal laws but the existence of these laws can be cited as justification by states which do apply such laws.

#### **On administrative obstacles to freedom of the media**

- States should take care to assure equal treatment under law, meaning no discriminatory application of administrative laws. Administrative methods should not be used discriminatorily.

#### **On harassment and physical violence against journalists**

- States should assure investigation of all incidents of physical threats against journalists and bring perpetrators to justice.
- Governments and courts should respect confidentiality of journalists' sources.

Participating states protest that BBC and German media have limited access to Turkmenistan.

## **RECOMMENDATIONS TO OSCE INSTITUTIONS AND FIELD ACTIVITIES :**

- OSCE should reinforce its action in the field of training for media and civil society on tolerance in regard to religion.
- Representative on FoM should pursue ongoing efforts to tackle intolerance in the media
- Representative on FoM and ODIHR (CPRSI and Tolerance programme) should work with Roma media, to help in studying how to create int'l Roma radio.
- Representative on FoM and ODIHR (CPRSI and Tolerance programme) should offer training to Roma media.
- OSCE should promote and support the adoption of codes of journalistic norms, covering incitement to hate and professional norms.
- OSCE ODIHR should establish a mechanism for addressing persecution/harassment of human rights defenders.

## **RECOMMENDATIONS TO THE ODIHR**

- OSCE ODIHR should establish a mechanism for addressing persecution/harassment of human rights defenders.
- Representative on FoM and ODIHR (CPRSI and Tolerance programme) should work with Roma media, to help in studying how to create int'l Roma radio.
- Representative on FoM and ODIHR (CPRSI and Tolerance programme) (CPRSI and Tolerance programme) should offer training to Roma media, support ongoing efforts to build a database of good practice related to media and Roma based on information from Roma and non-Roma media, to counter stereotypes and to inform the public.

## **WORKING SESSION 5 – Fundamental Freedoms II**

The working session was characterized by an open debate and a frequent use of the right to reply. From the examples given of violations against these freedoms, it was clear that a lot remains to be done, but positive developments could also be noted. The greater part of the interventions concerned Freedom of Religion and consequently my summary will focus on that.

The first key note speaker Madam Jahangir, recently appointed UN Special Rapporteur for Religion or Belief, spoke about her priorities. She saw a need to initially focus efforts on the preventive aspect of her mandate. In general, she saw country visits as the best way to assess a situation and be able to produce valuable reports.

The other key note speaker was Mr Gunn, who on behalf of ODIHRs Advisory Panel of Experts on Religion or Belief emphasized the importance of reviewing legislation, work which has been carried out successfully in fruitful cooperation with, among others, parliaments, ministries, religious leaders and NGOs. The Panel has now prepared reviews of several draft laws affecting religion or belief.

A message clearly conveyed during the session was that violations against Freedom of Religion persist and that the situation in some instances has become even worse. However, we also heard of several positive signs of moving in the right direction, not least when it comes to legislation. One word repeatedly stood out as the common denominator in order to successfully approach the problems and that word was *Dialogue*. The importance of education was also emphasized.

The good cooperation between ODIHR and other institutions and organizations was highlighted and the importance of continuing such cooperation was stressed. Especially, the important role of the reformed Advisory Panel was pointed out.

Registration of religious communities was discussed extensively. It was stressed by many participants that registration should never be a pre-requisite for the enjoyment of freedom of religion or belief, since this right should be enjoyed irrespective of whether registration has been sought or granted.

Concern was expressed over incidents of religiously motivated harassment, sometimes by the very law enforcement officers who should protect their rights. Following the increased attention to fighting terrorism, some claimed that anti-terror laws were sometimes used as an excuse for persecution of religious groups. It was also asserted that several believers in the past year had been jailed on charges of extremism based on falsified evidence.

There were claims that churches in some countries faced unequal treatment, where traditional churches were said to be favored at the cost of non-traditional churches. Among the problems many religious communities are facing, some NGOs mentioned denied legal status, confiscation of property, unfair taxation and obstacles faced in connection with celebration of religious festivals.

A much debated issue was whether or not a ban on wearing head scarves in school was discriminatory. Some condemned the fact that some countries had introduced such a ban, where others asserted that such a ban was based on the principle of secularity and that the European Court on Human Rights had not objected to it.

Finally, it was stated that Freedom of Religion goes beyond laws and regulations and should also include the promotion of tolerance, mutual understanding and inter-religious dialogue so as to avoid linking intolerance with any religion or nationality.

### **Recommendations to the OSCE Participating States**

- OSCE pS should refrain from trying to impose restrictions on the activities of individuals or groups professing any religion through the use of tax or visa measures
- pS are encouraged to use, support and disseminate initiatives such as the Website Guide for Tolerance Education (developed at the Jagellonian University in Krakow and supported by ODIHR).

- pS should promote and foster dialogue among the different religious groups and promote tolerance through education.
- pS should revise existing discriminatory laws on religion and religious matters; disconnect the recognition of religions from the rights to be granted to churches and religious communities; grant equal opportunities and equal rights to religious communities whatever their membership and their historicity.
- pS should ensure that freedom of religion be enjoyed irrespective of whether registration has been sought or granted. If there is a registration system, the registration process should be done as transparently and openly as possible.
- pS should ensure that their legislation, in accordance with the OSCE commitments, recognizes the freedom of religion in all its dimensions: individuals, collective and institutional.
- pS should ensure that their legislation does not impose or favour renouncing or weakening one's religious principles, grants the freedom to adhere to one's own religious convictions, while accepting that others may adhere to theirs as well, and respects those practices that correspond to each individual's beliefs, provided that they violate neither the rights of others, nor national security, public health morals.
- pS should recognize and appreciate the contribution offered by religions to the public life, also as a factor of cohesion in the contemporary multi-ethnic and multi-cultural societies.
- pS were also invited to take advantage of the services offered by the ODIHR Panel of Experts.

#### **Recommendations to the OSCE institutions and field operations:**

- A formal structure should be established within the OSCE whereby religious discrimination issues can be addressed by concerned parties directly with government representatives who can take appropriate action.
- A position of a High Commissioner dealing with religious freedom issues should be established within the OSCE.
- A review of legislation dealing with the registration of religions should be carried out by the OSCE Panel of Religious Experts with the view to recommending specific changes in the law where these contravene OSCE and international human rights standards.
- The OSCE Panel of Religious Experts should be given the task of examining any government appointed or supported body dealing with religious freedom issues to ensure that OSCE and international human rights standards are applied by these bodies and to recommend appropriate changes should these standards not be met.
- The OSCE should identify those pS in which a two-tiered or a multi-tiered system is in force; Engage in a dialogue with those states; organize an international conference on the issue of state recognition of religions and institutionalized religious discrimination

#### **Freedom of Movement**

This latter part of the session was dedicated to Freedom of Movement, an area where certain countries face particular challenges. An important discussion concerned restrictions, where it was asserted that some Governments still restrict where citizens are allowed to travel and live. Among those who suffer from restrictions members of opposition as well as IDPs were mentioned specially. It was pointed out that specific restrictions on the right to a free choice of residence could lead to corruption and abuse. Some countries were strongly urged to end forced resettlement of minority groups and to allow individuals already forcibly moved to return to their original homes.

Liberalization of visa policies was encouraged. The system of exit visas was especially criticized. It was asserted that we need to promote legal migration, but at the same time vigorously fight illegal migration and trafficking. The importance of common asylum policies was also highlighted.

### **Recommendations to the OSCE Participating States**

- pS should refrain from placing restrictions on Freedom of Movement and right to a free choice of place of residence.
- pS should make provisions for the voluntary return of IDPs to their homes
- pS should see to it that those minority groups who have been forcibly resettled should be allowed to return to their original homes.
- pS should abolish systems that require exit visas.

## **WORKING SESSION 8 - Humanitarian Issues and other commitments**

Working session 8 was devoted to trafficking in human beings, including the implementation of the “OSCE Action Plan to combat Trafficking in Human Beings”, as well as to International Humanitarian Law and to the subject of refugees and displaced persons.

### **1) Trafficking in Human Beings**

In her introducing speech the OSCE special Representative on Trafficking in Human Beings regretted that growing security concerns in many States hamper a human rights approach towards victims of trafficking. The Special Representative recalled that participating States bear responsibility when it comes to protection of the victims’ human rights. She emphasized that victims are more likely to cooperate with relevant authorities when they are treated appropriately and thus contribute to national security.

The Co-Chair of the Informal working Group on Gender Equality and Anti-trafficking, strongly supported the victim’s centred approach and recalled the special needs of children and youth.

The Coordinator for Economic and Environmental Affairs mentioned its offices’ contributions to the fight against trafficking. This reminded participants of the fact that

the OSCE, through its multidimensional approach, is particularly well placed to fight trafficking in human beings.

The Director of ODIHR underlined that the recommendations made during the Helsinki Conference should also be taken into account when developing further action against trafficking in human beings.

Recommendations included the following:

- Participating States should, if they have not done so, ratify and implement the 2000 Convention on Transnational Organized Crime and its two additional protocols.
- Participating States should sign, upon completion, the new Council of Europe Convention on the fight against trafficking in human beings.
- The need for the establishment of National Referral Mechanisms in participating States as well as for the development of mechanisms of transnational and regional cooperation was stressed.
- The strengthening of coordination of all relevant OSCE structures engaged in anti-trafficking efforts (ODIHR, OCEEA, SPMU) under the aegis of the OSCE Special Representative was mentioned as key for the OSCE fight against trafficking.
- The Special Representative was encouraged to facilitate the development of the “Alliance against trafficking” into a platform of cooperation between all relevant actors that combines efforts and avoids duplication.
- The OSCE should develop specific guidelines that take into account the special needs of trafficked children with a view of adopting them at the next Ministerial Council in Sofia.
- The OSCE structures should continue tackling root causes, in particular with regard to the economic situation of vulnerable segments of societies.
- ODIHR was encouraged to promote capacity building among Roma activists on the issue of trafficking in human beings and to ensure equal access of Roma activists to mainstream activities combating trafficking in human beings.
- ODIHR’s focus on the assistance of victims was supported as well as its efforts to help creating National Referral Mechanisms in participating States.
- Efforts against trafficking in human beings should also address the demand side through raising awareness inter alia among peacekeeping operations and armed forces.
- The OSCE field missions were encouraged to target Roma communities with their awareness raising and prevention campaigns

## 2) International Humanitarian Law:

During the discussion on International Humanitarian Law, several participants stressed the need for increased accountability of war criminals and, by so doing, deter similar crimes in the future. The crucial importance of the ICC and ICTY was mentioned in this context.

Some participants showed concern about continuing internal and regional conflicts, including in the OSCE area and about persisting violations of commitments on victim protection in armed conflicts. They urged OSCE participating States that are involved in conflicts to abide by International Humanitarian Law.

Recommendations included the following:

- Participating States should make sure that the fight against terrorism does not infringe on Human Rights and International Humanitarian Law.
- Participating States should, if they have not done so, ratify the Rome Statute of the International Criminal Court (ICC) and support the ICC by paying their assessed contributions.
- Participating States were encouraged to contribute to the ICC victim's fund.
- Participating States were also encouraged to enact legislation that allows for cooperation with the ICC and facilitates its investigations. They were urged to refrain from adopting any agreements that may be in contradiction with the Rome Statute principles.
- Participating States were encouraged to instruct armed forces in law of war.
- The OSCE was asked to familiarise its personnel to the functioning of the ICC with a view of possible common projects.
- ODIHR's Antiterrorism Coordinator was encouraged to enhance his cooperation with the ATU in the OSCE Secretariat.
- One Representative of an NGO suggested that ODIHR establishes a focal point that gathers information from participating States on how judiciary functions in post-conflict societies with a view of drawing a "lessons learnt" report.

### 3) Refugees and IDPs:

During the debate on IDPs and refugees the need for durable solutions was stressed. One participant showed concern about the fact that strict migration policies have negative implications for asylum seekers. The importance of coordination and cooperation among international agencies was mentioned as well as the possibility of the OSCE becoming a regional coordinator in that respect.

Reference was made to the importance of the implementation of the Geneva Conventions of 1949 and its two additional Protocols of 1977. It was also pointed out that the "Guiding principles on Internal Displacement" published by the OCHA can give valuable guidance to participating States and should be promoted by the OSCE.

Recommendations included the following:

- Participating States should, if they have not done so, ratify and implement the 1949 Geneva Conventions and its two additional Protocols of 1977.
- Participating States should develop effective and transparent asylum proceedings.
- The need for international harmonization of relevant legislation was stressed.

- Participating States should establish strong partnership with NGOs active in the field of support to internally displaced people and refugees.
- The OSCE was encouraged to strengthen its cooperation with the OCHA, the UNHCR and UNDP in order to increase early warning capacities, a common reaction to crisis situations and a joint response to rehabilitation needs.
- The need for cooperation between International Organizations in the monitoring of the rights and the wellbeing of IDPs was stressed.
- The OSCE was asked to mainstream the question of IDPs in all relevant OSCE activities (examples: in the work of the field missions or in gender related projects).
- The OSCE should promote the Guiding Principles on Internal Displacement developed by the OCHA.
- The OCEEA was encouraged to develop projects that foster integration of IDPs, inter alia through micro credits programmes.

## **INTERNATIONAL HUMANITARIAN LAW**

### **Selective Recommendations from the working session:**

To the OSCE participating States:

- OSCE participating States should ratify the Rome Statute of the International Criminal Court (ICC) and the Agreement on Privileges and Immunities of the ICC;
- Those participating States, which ratified the Rome Statute, should contribute to promotion of the universality of the Court;
- OSCE participating States should incorporate in their legislation the crimes and principles of international criminal law enshrined in the Rome Statute and other international instruments such as the Geneva Conventions and its Additional Protocols;
- OSCE participating States should enact the necessary legislation allowing authorities to provide all forms of cooperation to the ICC, to facilitate ICC investigations, and to implement programmes for victims;
- OSCE participating States should pay their assessed contributions in order to ensure the functioning of the ICC, and to make voluntary contributions to the Trust Fund for Victims;
- OSCE participating States should cooperate fully with the ICTY, including arrest of war crimes suspects, access to relevant documents, facilitation of interviews with witnesses and provision of protection for witnesses;

### **To the OSCE, its institutions and field operations:**

- ODIHR and OSCE field operations should work in close co-operation with governments, regional organizations, NGOs and other interested actors to

- incorporate in their daily work the implementation of the Rome Statute into national law, as a part of the mandate to strengthen domestic justice systems;
- ODIHR should consider appointing a focal point to gather the relevant experience of the OSCE field missions in the areas of transitional justice and the rule of law in post-conflict societies. In particular, the focal point could collect information about the OSCE efforts to monitor and assist national judiciaries in their efforts to prosecute violations of human rights and humanitarian law in a fair and effective manner. This information could be compiled in a “lessons learnt” report.
  - Further projects and activities should be developed in order to strengthen national judiciaries in the handling of war crimes prosecutions.

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

Working session 9 was particularly devoted to the subject of migrant workers and the treatment of citizens of other participating States.

Although only very few participants asked for the floor during working session 9, a clear interest for the OSCE to continue its focus on the subject was shown by some delegations. The Brussels Conference was mentioned as having confirmed that the subject of integration of migrant workers is particularly important in the context of the OSCE’s efforts to promote tolerance.

Recommendations included the following:

- Participating States should reinforce their cooperation in the handling of migration issues.
- Participating States should adopt a multilateral, transparent and coherent approach towards migrant workers, taking into account and addressing various factors affecting their situation.
- One delegation encouraged some individual States to introduce the European Social Charter, the EU acquis as well as the EU-Turkey Association Council into national legislation.
- Two participants encouraged the OSCE to dedicate the year 2005 to the question of integration of migrants and to develop a Best Practices Code in cooperation with relevant experts and NGOs.

## **WORKING SESSIONS 12 - 13 - Specifically selected topic: Promotion of Tolerance and non-discrimination**

Our working session on Tuesday reflected a year of very intense, hard work, of fruitful work and of significant progress achieved in our common efforts to promote tolerance and non-discrimination. At the Berlin Conference we reaffirmed our resolve in the fight against Anti-semitism as a distinct and specific form of intolerance. At Paris we engaged

ourselves to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the Internet. At the Brussels Conference we condemned without reserve all forms of racism, xenophobia and discrimination. Participants in the discussion on Tuesday reinforced and further refined recommendations put forward in Berlin, Brussels and Paris.

Already in Berlin, Paris and Brussels an impressive set of best practices of state action had been brought together. We were encouraged by further information given to us on Tuesday. The Austrian Minister of Interior described an unprecedented co-operation between the Austrian Police and the Anti Defamation League, sending the message that racism and anti-semitism should have no place in the police force. Models for day to day co-operation were presented, e.g. a watch unit against manifestations of anti-Semitism which brings together federations of Jewish organizations and authorities. A major theme of best practices again was holocaust education, and „education to tolerance“ in general as key to achieve the overall goal of prevention, not only at schools, but also through projects such as „trainers for law enforcement personnel“.

Our discussion underlined the importance of progressive implementation of taskers to participating States and ODIHR related to monitoring and data-collection and highlighted the urgent need to improve methodology, to increase the consistency and comparability of data collected. We also recalled that knowledge and data collected are a tool, allowing policymakers to address problems with precision.

While most contributions to the sessions acknowledged tremendous work done, we also listened to speakers who said they feel like a left-out minority. Two participants urged to include discrimination based on sexual orientation and gender identity in taskers. One participant urged to recognize persons with disabilities in the list of those requiring protection from discrimination.

Participants commended the ODIHR on work done so far to implement the taskers given by the Maastricht Ministerial Council and the Berlin and Brussels Decisions. Participants underlined that they continue to attach highest importance to building up a strong comprehensive ODIHR programme as pillar of an operational, implementation oriented approach in the fight against intolerance and discrimination. Participants also reiterated the importance of co-ordination and co-operation with EUMC, ECRI, UNCERD and other regional and international organizations and encouraged those to continue to participate in OSCE events.

### **Recommendations:**

Recommendations to the OSCE participating States and to the OSCE institutions and field operations proposed a wide range of actions aimed at improving implementation of OSCE commitments related to tolerance, at strengthening enactment and enforcement of legislation to combat hate motivated crimes, at promoting partnerships between government, national institutions, law enforcement authorities and civil society in monitoring and responding to hate-motivated crimes.

One recommendation received wide support and that is that the Ministerial Council at Sofia should endorse the Berlin Declaration as well as the Brussels Declaration and ensure follow-up also to our debate at Paris.

Many participants elaborated also on a recommendation to the Chairman-in-Office on structural follow-up, and I will quote as much as possible: 1 pS proposed „a Special Representative on anti-Semitism, and another to coordinate efforts to combat Xenophobia, Racism and Discrimination“, 2 pS „creation of independent structures with political profile which could devote themselves to these issues“, 2 NGOs „a Special Representative on Anti-Semitism and possibly another Special Representative on Islamophobia or other forms of Intolerance“, 1 NGO „a Special Representative to focus attention on anti-Semitism and a similar representative to address the issues raised in Brussels“, 1 NGO „a Special high-level Representative to report on and monitor incidents of anti-Semitism in Europe“, 2 NGOs „a Special Representative or a High Commissioner“, 2 NGOs „a Special Representative on anti-Semitism“. A number of pS advocated a holistic approach in elaborating follow-up mechanisms taking into account specific characteristics of individual manifestations of intolerance. One pS highlighted that it is important not to set up hierarchies through the appointment of Special Representatives. Another pS underlined the aim for broad based and holistic mechanisms.

One participant draw our attention to recurring episodes of discrimination and attacks against Christians and that also discrimination and attacks against Christians should be explicitly and formally adressed.

In concluding,

Participants welcomed the offer made by the Spanish Minister of Foreign Affairs in Berlin and Brussels to host a conference at Cordoba in 2005. The Spanish delegation confirmed this offer. We are now looking forward to Cordoba next year.

## **WORKING SESSION 14 - 15 – Specifically selected topic: Freedom of Assembly and Association**

Participants based their interventions on the recognition that freedom of assembly and association, like freedom of conscience and freedom of expression, constitutes a *sine qua non* for the establishment and maintenance of democratic societies. This freedom was described as the “bedrock of democracy” in which civil society finds its roots, and as a tool for groups and individuals to seek change and to address violations of human rights. Against this background, participants were disturbed to witness a lack of progress and indeed a setback in recent years in some OSCE states with regard to the legal protection and effective implementation of this right. The need to also respect freedom of assembly and association while combating terrorism was emphasized. It was noted that any limitation should be strictly compatible with international standards.

Contributions highlighted the dual obligation of states: to refrain from placing undue, unnecessary and disproportionate restrictions on the exercise of the freedom of assembly and association and at the same time to actively promote and protect this freedom. In this regard it was noted that human rights were not just meant for popular things: the state

also has a duty to protect the right of individuals with whom they do not agree to participate in associations and assemblies.

Concern was expressed in particular in relation to reports of extrajudicial killings, torture, assaults and threats against the safety of NGO representatives and their families. Thorough investigations should be conducted, and fair trial guarantees should be upheld. Furthermore, cumbersome registration procedures for NGOs as well as closing down of organizations on purely formalistic/bureaucratic grounds were seen as a major obstacle to freedom of association in some OSCE states. In this regard, it was emphasized that it was not tenable to argue that it was necessary for an NGO to have legal personality in order to perform any activity, for instance to arrange a demonstration. The point was made that it is the choice of the organization whether it wants to register. Notification regimes for registration and assemblies should be the maximum requirement imposed by states.

It was recognized that it can be difficult to strike a balance between legitimate restrictions/permissible interference and the basic principle of freedom of assembly. Where violence is intended or arises, the state has a right to interfere; however, this does not mean that the existence or possibility of fringe elements of violence or counter-demonstrations removes the right to assemble. It was clear that “blanket” provisions would not suffice. It was noted that in a democracy where views can be expressed through other means, including in the press and in Parliament, freedom of assembly is an addition to and not a substitute for popular representation, and does not pose a threat to the government. Freedom of assembly was deemed to be of special importance during pre-election, election and post-election periods. The right for spontaneous demonstrations should be guaranteed. In relation to public order policing it was stressed that human rights must be kept at the core of police conduct and that tactics applied to manage demonstrations should ensure a proportional and graduated response, and that police plans could usefully be based on dialogue with local communities and interest groups.

It was noted that the legislative framework, as well as the practice of authorities, is often based on the assumption that freedom of assembly and association is inherently dangerous. Delegations regretted that governments often consider NGOs which critical of certain government policies as members of the political opposition, regarding any criticism as negative. It was emphasized that such an approach creates divisions and does not reflect the fact that civil society can play an important role in working with the authorities to achieve a number of public objectives. A change of mentality was thus considered necessary.

**Recommendations by many participants included the following:**

- Participating States should promote freedom of assembly and association in recognition of the indispensable contribution of civil society to the development of democratic societies. Participating States should not view human rights NGOs as political opposition but should recognize the indispensable role of human rights defenders in a democracy.
- Participating States should ensure that anti-terrorism legislation respects international and regional human rights standards, including freedom of assembly

- and association. OSCE/ODIHR should continue its work in this area. Participating States that have adopted anti-terrorism legislation should implement it so as not to curb NGO activity and freedom of assembly.
- Participating States should ensure that any limitations of the right of assembly and association comply with the strict requirements listed in human rights conventions, including those of necessity and proportionality.
  - Participating States should refrain from using technical failings to suppress NGOs and should ensure that the process for establishing NGOs is quick, simple and inexpensive.
  - Participating States should address the issue of freedom of association of active military personnel.
  - Participating States should educate police in human rights and community policing.
  - Participating States should ensure that all decisions on registration, dissolution of NGOs and banning of demonstrations are taken in a transparent manner, and that the right to appeal against such decisions is guaranteed.
- 
- OSCE/ODIHR, in cooperation with field missions, should continue dialogue with countries where freedom of assembly and association is hindered by legislative acts or administrative practices in order to eliminate these obstacles through reforms.
  - OSCE/ODIHR, in cooperation with field missions, should focus on educational and training aspects. Support for NGOs as well as education and training of administrative and judicial officers is crucial in this regard.
  - The OSCE/ODIHR should organize regional conferences on human rights defenders and freedom of assembly and association, and address the issue of how they can best be protected.
  - The OSCE should consider incorporating the Council of Europe's Fundamental Principles on the Status of NGOs in Europe into its commitments. While the principles were derived from the practice of the European Court of Human Rights they were deemed to be in line with that of the UN Human Rights Committee, and relevant also to non-parties to the European Convention on Human Rights.
  - The OSCE should consider setting up guidelines for the OSCE field missions and institutions on monitoring compliance with the right of assembly and association and human rights defenders, similar to those adopted by the EU.
  - The OSCE should make 2005 the year of human rights NGOs.
  - OSCE/ODIHR should consider assisting with law drafting in the OSCE region, and in particular in Kyrgyzstan and Ukraine, where new laws on freedom of assembly are currently being elaborated.
  - OSCE/ODIHR should continue upgrading [legislationline.org](http://legislationline.org).
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- One participant proposed the creation of a focal point or special rapporteur on freedom of assembly and association and human rights defenders, who would react immediately to violations against these.
  - One participant proposed the setting up of a mechanism for public recognition of associations which are illegally closed down.

## V. ANNEXES:

### KEY-NOTE ADDRESS AND OPENING SPEECHES

**Ambassador Christian Strohal**

**Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR)**

#### **Welcome Speech**

Excellencies, Ladies and Gentlemen,

#### **New challenges**

I welcome you very warmly here in Warsaw, at the 9<sup>th</sup> Human Dimension Implementation Meeting. It is always a pleasure to bring together so many partners, colleagues and friends at the seat of the ODIHR. For us, this is the most significant single event during the year, and we are, as always, particularly grateful to our Polish hosts. This year we meet on the eve of the 30<sup>th</sup> anniversary of the Helsinki Final Act, and several other important anniversaries, and in a time of heightened attention to human dimension issues across our region. It is my special pleasure, and honour, to welcome our key-note speakers for this opening session: our Chairman-in-Office, Minister Solomon Passy, Minister Włodzimierz Cimoszewicz representing our host country, Vice-President of the Parliamentary Assembly Gert Weisskirchen, and the Ombudsman of the Russian Federation, Vladimir Lukin.

As always, we have also numerous representatives of NGOs present, sitting at the same table with those from governments, from intergovernmental organizations, and specialized institutions – I invite you all to contribute to the success of this meeting. Not just to deliver criticism, but also to show where good practices exist, where solutions to problems can be found, and have been found. This approach should also characterize our side-meetings. NGOs, together with Governments, have the opportunity to show that implementation of human dimension commitments often requires interaction and shared responsibilities. This was one of the main thoughts expressed at the HD Seminar last May, that both Governments and civil society achieve better results if they approach each other in a constructive spirit, and establish partnerships to achieve concrete tangible results in society.

Since last year's HDIM, we have had an especially busy year, the fruits of which I hope will be brought to this meeting. Most importantly, a number of new areas have been added to our long list of human dimension priorities. They are of course not really new areas, as they all emanate from the basic commitments to protect human rights and fundamental freedoms, and have also been addressed earlier. But the new **Action Plans** on Roma and Sinti and on Combating Trafficking in Human Beings, as well as the **decisions on Tolerance and Non-Discrimination** in Maastricht, further elaborated in

Berlin, Paris and Brussels, do represent a significant '*plus*' in terms of commitment, of focus, and, hopefully, of determination to promote change.

These areas are not only an expression of the organization's capacity to respond rapidly and forcefully to priority challenges – they are also significant as they all clearly relate to all of the participating States. This is important because the OSCE should matter for all 55 States. Some have perceived a trend of the OSCE away from issues concerning all of us to the specific challenges of a few. I do not need to recall in detail, to a forum such as this one, the continued relevance of the fundamental commitments of the OSCE community, namely that all participating States “will respect human rights and fundamental freedoms” and “will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person.”

### **New realities and the need to remain credible**

This is the first time that the HDIM takes place within the European Union, after our host country, together with nine other participating States, has joined the EU last May. While the European Union has expanded to 25 members and has, in the process, promoted tremendous improvements on human rights, the rule of law and democracy, the OSCE remains a crucial forum for reviewing and renewing commitments in these fields, and ensuring their continued implementation in practice. This also means, of course, that the Organization's bodies and institutions, including the ODIHR, will continue to serve *all* participating States and offer assistance and advice.

In this context, I would like to mention that we have been observing, as highlighted by the Human Dimension Seminar in May, an increasing disenchantment with politics across our region. The issue in question here is the **credibility** within our own societies, the credibility of traditional structures and processes towards the public at large. It gives us reason to pause if we see that, time and again, records in low participation are broken, and groups using extremist or radical nationalist rhetoric receive significant support. In many areas, governance is increasingly perceived as distant, and not based on deliberative processes and true democratic ownership. This may, in the long run, endanger achievements made in building and consolidating democracy as the sole form of government in our region.

Also towards the outside world, it is fundamentally important that we remain credible, true to our commitments to act in line with human rights and the rule of law, including international humanitarian law. The States assembled in the OSCE can only take the lead in the wider global movement towards human security based on human rights and democracy if they are perceived to be credible.

As you all know, in a few days, our Cooperation Partner Afghanistan will hold its first election after many years of chaos, war, and centrifugal tendencies. Together with the Secretariat, and thanks to their continuous and generous support, we have been able to send a team of experts there to assist the Afghan authorities and our international partners in their efforts to sow the seeds of democracy. For us, this confirmed what responsibility we have in the OSCE towards the wider world, and how we can assist and guide others in

difficult moments. It will take concerted and concentrated long-term efforts of all of us to see this through. We have to see to it, however, that our own region retains the lead position on human rights, the rule of law, and democracy.

This year we were reminded with terrible images from Abu Ghraib about the fact that we do not live in a world free from torture. But the lasting lesson should not be this realization that torture exists, for this is something that we all know, even if we do not address it always strongly enough. No, the lasting lesson is and should be that *all* torturers *everywhere* should *always* be held fully accountable. We should all join in decisive action against impunity for those responsible for serious human rights violations within the OSCE region; action against impunity is one of the measures contributing to effective prevention of torture.

### **Human dimension commitments and reform**

Excellencies, ladies and gentlemen,

We have all welcomed the call from our Chairman for reform of the Organization. Issues debated so far range from the ‘balance of dimensions’, to location of meetings, and to the role of various actors within the Organization. While this debate is of course led and conducted by participating States, the ODIHR has been asked to contribute also from its own institutional point of view. The ODIHR can only reiterate the importance of human dimension and related commitments which provide the mandate and guidance for the ODIHR. We support strengthening of other parts and dimensions of the Organization, and I have made it clear from the beginning of my tenure that cross-dimensionality and effective links between the human dimension and the politico-military and economic dimensions are important not only for the goals and objectives of the human dimension itself, but for the success and relevance of the entire Organization. I have therefore spoken at the Annual Security Review Conference and the Forum for Security Cooperation, and the Economic Forum. The human dimension commitments constitute a crucial ‘acquis’ of the whole organization, and a measure of its continuing success.

With regard to the institutional set-up of the Organization, we have welcomed efforts and progress made on behalf of the Secretariat to strengthen the administrative-operational backbone of all parts of the Organization. And we welcome the ideas put forward to strengthen the Secretary-General and enhance his or her profile; at the same time, we do not lose sight of one of the specific comparative advantages of the OSCE – the autonomy of its institutions, as important element to hold up the professionalism and credibility of its activities.

### **The ODIHR**

The ODIHR is the OSCE’s largest institution. It has the challenging and honorable task to serve as the OSCE’s main institution in the human dimension. It has a distinct mandate, and is autonomous in its professional decisions and findings. The ODIHR is an institutional memory of the OSCE. We respect the letter and spirit of our mandate, we evolve with it, and we act in the long-term interest of the Organization as a whole. This also guides us at this meeting.

The HDIM is reviewing implementation. Our Chairman-in-Office has declared this year the year of implementation. Our meeting will, I trust, provide an answer how we have fared over the last year, identify successes as well as the need for further efforts. It is thus an important step towards the forthcoming Ministerial Council in Sofia. It is a great opportunity for us to interact with all of you who come here from within the OSCE family as well as from outside. We will present the results of our work, as well as plans for future activities. The meeting also helps delegations to discuss with all of us here at ODIHR, a communication which is not always as immediate and complete as I wish it to be.

I wish us all two inspiring weeks; detailed information about the organization of our discussions will be given later today. I would now turn to our Chairman-in-Office to open the meeting. I use this occasion to thank him once again for the continuing support we receive from the Chairmanship.

Thank you.

**Opening Statement  
by the OSCE Chairman-in-Office Dr Solomon Passy,  
Minister of Foreign Affairs of the Republic of Bulgaria.**

Dear Mr. Cimoszewicz,  
Ambassador Strohal,  
Ladies and Gentlemen,

I am privileged to address this meeting - the largest gathering of politicians, diplomats, and civil society activists from the OSCE area devoted to what lies in the very heart of our organization: respect for democracy, rule of law and human rights.

Human rights protection became an area of substantive cooperation among the participating States and an essential norm of their relations. The OSCE has provided an institutional mechanism to hold signatory states publicly accountable for their human rights record. The Human Dimension Implementation Meeting is reconvened each year to reaffirm our commitments to this set of guiding principles and to consider the best possible ways to enhance their implementation.

I take advantage of this opportunity to thank the Office for Democratic Institutions and Human Rights for organizing this Meeting over the years. I also like to thank Poland for its support for the OSCE by hosting both the ODIHR and the Human Dimension Implementation Meeting for already more than a decade now.

Ladies and Gentlemen,

The agenda for this meeting covers the whole spectrum of our human dimension commitments. They all have relevance in our strife for a better world.

Some world events, however, have cast a dark shadow. No words can describe our horror and shock at the barbaric and despicable acts of terrorism in Madrid, recently Beslan and in other places. They all represent a brutal attack against the highest human value - our free life.

With the very start of the Bulgarian Chairmanship, we pledged to work hard on implementing the Maastricht documents, and among them, the Strategy to Address Threats to Security and Stability in the Twenty First Century. The plain truth remains that security has become a many-faced issue that dominates the debate in the OSCE participating States. It is the feeling of insecurity which finds expression in dangerous simplifications and searches for scapegoats. It does not matter whether we talk about promoting political participation of minorities, or protection of the victims of trafficking in human beings. There is a rise in ethnically, religiously, or racially motivated acts of violence which pose the question: Has the OSCE become an area of intolerance? Does security challenge freedom, justice and tolerance?

Every manifestation of this phenomenon fuels the constant testing of our ability to tackle it. That is why the Chairmanship has raised the issue of tolerance high on the OSCE human dimension agenda. Three high-level meetings were dedicated to this issue: the Berlin Conference on anti-Semitism, the Paris Meeting on the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes, and the Brussels Conference on tolerance and the fight against racism, xenophobia and discrimination. Specific attention was also given to the legitimate concerns of the Muslim population in the OSCE area, as we discussed in Brussels the ways to confront another fast emerging negative phenomenon, namely anti-Arab sentiments and islamophobic behaviour. I expect the discussion on the dialogue Christians, Muslims and Jews to continue next year in Cordoba.

And after all these conferences, we need actions. Therefore, I call on all 55 Governments for action-related policies to implement our common vision. As I am told, ODIHR will be presenting its newly developed Programme on tolerance and non-discrimination, the activities that are already undertaken as well as those planned for the future. They include compiling tools for participating States, legislative guidelines on hate crimes and a comprehensive database to collect and disseminate information.

We need to encourage all pragmatically oriented suggestions which can help generate tolerance and non-discrimination particularly on a grass-root level. Where, after all, do human rights begin? In small places, close to home - so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighbourhood he or she lives in, the school he attends, his or her working place. These are the places where everyone seeks equal justice, equal opportunity and equal dignity without discrimination. Unless these rights have local meaning there, they have no meaning anywhere.

I expect strong input from the representatives of the civil society during the discussions on rule of law issues, including prevention of torture, independence of judiciary and fair trials. All these are today as relevant as ever, they provide for efficient functioning of our democracies.

Democracy, however, cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education. The old Latin saying *Scientia ist potentia* reflects the importance of knowledge as a source of human progress. By declaring it as one of its priorities, the Bulgarian Chairmanship has tried to accentuate the role of education as a major tool for setting up democratic institutions and securing democratic governance, for generating respect for human rights and promoting tolerance, for raising human resources for successful market economies and achieving sustainable economic development. We believe that our campaign was well supported by the Supplementary Human Dimension Meeting on human rights education and training, the Meeting of Ministers of Education in Tashkent, the discussion at the Economic Forum in Prague, etc. We expect the results to be summarized and lead us to recommendations regarding the follow-up actions.

Follow-up is also needed in the other areas of OSCE activity. We believe that the OSCE can provide the adequate mechanisms to coordinate the efforts to establish modern norms and forms of border management and control. This is particularly important with regards not only to human rights issues like the freedom of movement and free choice of residence, but also to cross-cutting problems, such as combating organized crime, illicit trade and traffic of arms and drugs, trafficking in human beings, etc. We started the OSCE 30 years ago, inspired by the idea of free movement of people. And we have to work hard until we reach the relevant standards that may in the long run permit the free movement of people in the whole OSCE area.

Ladies and Gentlemen,

We all have the obligation to abide by the very standards of behaviour that we pledge to at our political fora, in particular tolerance, non-discrimination and equality in treatment. And it refers also to the usage of our languages, be it French, German or Russian. Having said this, we took note of the recent debate in the Permanent Council regarding ODIHR's role and activities. The Bulgarian Chairmanship shares the opinion that the questions raised up in this respect should be discussed in good faith and in a constructive manner, taking into account all expressed positions and points of view.

Co-ordination is the key word when we think of improved effectiveness, especially having in mind the constant call for result-oriented actions which comes from every OSCE forum. As a politician, I cannot escape the feeling that the OSCE needs to escape the bureaucratic *status quo* that is embracing its institutions, bodies and field missions. We have a tremendous resource in our institutions – the ODIHR, the High Commissioner on National Minorities, the Representative on the Freedom of Media. The coordination among these Institutions as well as with the political leadership of the organization needs to be enhanced. OSCE and its institutions should speak in one voice, should send the same message. I urge all participants to come up – by the Sofia Ministerial in December - with the appropriate proposals in this respect, so that the OSCE can have a more consolidated response to the challenges of today.

I know how difficult it is to work on human rights. I have been working in this field in my country since the late 80s, when there was a need for that. In the course of the last three years I have stood in defence of – among many others - the human rights of six innocent Bulgarian and one Palestinian medics in Libya who have been behind bars for already six years. I know that it's difficult, but I also know that the efforts are worthwhile.

As I already said, democratic institutions and human rights start at the grass-root level. We can hardly expect to improve our efficiency now, in the changing realities, if we stay in the offices in Vienna, Warsaw, or Sofia. We need to go to the proper places, and work for results, as it happened during my visits to Azerbaijan and Tajikistan.

Therefore, one possible measure that I am proposing is that the next Human Dimension Meeting take place in South Caucasus. I believe the Caucasus deserve such a privilege. I would like to thank Mr. Cimoszewicz who agreed one of the next meetings to take place in the Caucasus. And we already have the invitation extended by the Georgian President Saakashvili. I believe this will not only be a sign of recognition of the recent positive developments there. It will also encourage the countries of the region to pursue even more dedicatedly the goals to which we all aspire.

Similarly, the OSCE Economic Forum may have one of its nearest editions in Central Asia. This will be a sign of understanding of the economic challenges before the peoples of Central Asia and encouragement of their efforts in the most distant parts of OSCE area. I would like to thank the US and other government that supported this idea.

Ladies and Gentlemen,

It was the Helsinki Final Act 30 years ago which acknowledged the respect for human rights and fundamental freedoms as our guiding principles and included them as an explicit and integral element of a security and co-operation framework. It is my expectation that this Human Dimension Implementation Meeting will prove to be another important forum to enhance the co-operation among the participating States in this crucial area.

I wish us all a beneficial discussion.

**Address by H.E. Dr. Włodzimierz Cimoszewicz  
Minister of Foreign Affairs of the Republic of Poland**

Mr. Chairman,  
Excellencies,  
Ladies and Gentlemen,

It is my pleasure to be here with you. I wish to thank Ambassador Strohal and his staff for their consistent work over the last year, and for organization of this meeting. It is

due to your efforts that the Human Dimension Implementation Meeting, here, in Warsaw, has become important and permanent event in the calendar of the OSCE.

I do believe that ten days of discussions on how we fulfil our commitments and how our record in this respect can be improved should help us in defining concrete areas for further actions of our community. This meeting also offers excellent opportunity to reaffirm our commitments to the principles of liberty, democracy and rule of law, as cornerstone of human dimension remaining at the very heart of the OSCE's activities.

Terrorism, all forms of illegal trafficking, corruption, different manifestations of intolerance – the list of challenges and threats we face today has become long indeed. However, effective action against these threats, in particular terrorism, cannot be conducted at the expense of human rights. The OSCE *acquis* in the human dimension cannot be questioned, and commitments we all subscribed to, have to be fully implemented.

Ladies and Gentlemen,

Unfortunately, every day we see aggression and violence in various places of the world, we see victims of ethnic, religious or political conflicts. In many cases at the roots of such conflicts we find unjustified fears, ignorance, and lack of confidence between and among different groups. That is why the promotion of tolerance and non-discrimination is so important, and we find it most appropriate that this issue has become a priority for the OSCE. In my opinion we have already achieved one objective – the general public awareness of threats, which anti-Semitism and other forms of discrimination and intolerance pose to our societies is much higher today than it was before.

My country has been very active in the field of promoting tolerance. Poland participates in the Task Force for International Co-operation and Holocaust Education, Remembrance and Research where we will take over the Chairmanship in 2005. This year my government, as a follow up to previous commitments, especially those resulting from deliverables of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, has adopted a *National Program for Countering Racial Discrimination, Xenophobia and Related Intolerance*. Poland has also actively supported the OSCE efforts in this field, in particular preparations to this year conferences in Berlin, Paris and Brussels. We look forward to the discussion on the most effective follow-up to these conferences.

In such discussion proper attention has to be given to the expertise already developed by various institutions and organisations. It is always worth repeating that we do not want competition among them or duplication of their efforts, but aim at complementarity and cooperation.

With this in mind allow me to draw your attention to the fact that next year we will be celebrating 30<sup>th</sup> Anniversary of Helsinki Final Act. The importance of commitments enshrined in Final Act, especially those related to human dimension, in bringing to the end the Cold War, cannot be overestimated. Also next year, a Third Council of Europe Summit will be held in Warsaw. In addition to that, ODIHR, the primary OSCE human dimension institution is also located here. It may be pure coincidence, but, in my view, a very fortunate one.

Circumstances offer us sometimes irrepressible opportunities, which should not be missed. Next year we will be offered a chance to start the process of re-evaluating and raising to the qualitatively new level relations and cooperation between the OSCE and the

Council of Europe. It would require from us political will and creativity to prepare, adopt and implement necessary decisions. I also trust that the discussions of the forum we open-up today will be conducive to this end.

I wish you fruitful debates and pleasant stay in Warsaw.

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

Please refer to the OSCE Permanent Council Decision No. 476, 23 May 2002 (Relevant Provisions)

### **ANNOTATED AGENDA**

Please see the attached document:



Annotated Agenda

### **ANNOTATED AGENDA: SIDE EVENTS**

Please see the attached document:



Side Events  
Annotated Agenda

## COMPILATION OF WRITTEN RECOMMENDATIONS

*( Covering Working Sessions 1-17 )*

*This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations/ NGOs to Participating States and, separately, to OSCE Institutions/Field Mission or other International Organizations. Recommendations are compiled in the original language.*

**Monday, 04 October 2004**

### **WORKING SESSION 1 – Democratic Institutions, *including:***

DEMOCRATIC ELECTIONS, INCLUDING OBSERVATION AND TECHNICAL ASSISTANCE AND FOLLOW-UP TO THE 15-16 JULY 2004 SUPPLEMENTARY HUMAN DIMENSION MEETING ON ELECTORAL STANDARDS AND COMMITMENTS

#### **Recommendations to Participating States:**

##### **European Union:**

The EU recommends:

- Participating States to follow up recommendations made in ODIHR election-observation reports. The EU is ready to co-operate with ODIHR to improve the effectiveness of its assistance and to seek a comprehensive approach.
- That participating States enter into a negotiation process to elaborate additional commitments on elections, to supplement the existing ones, with a view to adoption at the Sofia Ministerial.
- An early adoption of the post Copenhagen principles.

##### **Norway:**

- Recommends that participating States consider the need for additional commitments on election, addressing i.a. ways and means to further increase participation of qualified and experienced election observers from all regions of the OSCE, the issue of language proficiency and the technological development in voting systems.

##### **Switzerland:**

Die schweizerische Delegation empfiehlt zu prüfen, inwiefern inskünftig noch vermehrt

- die Unparteilichkeit von Wahlausschüssen gezielt gestärkt.
- der Zugang von kompetenten nationalen und internationalen
- Nichtregierungsorganisationen zu den Wahlgängen garantiert.
- und die Transparenz im Bereich der Ergebnismittlung gefördert werden kann.

##### **Committee of Voters of Ukraine:**

- TECs (Territorial election commissions) should pay close attention to the qualifications and the inclination of nominees to serve on PECs (Precinct election commissions).
- TECs should open their activities to much greater public scrutiny.
- State officials should refuse to campaign for political candidates and should refrain from using their power and resources for the benefit of any candidate. Law enforcement authorities should thoroughly investigate all reports of election violations and prosecute those believed to have broken the law.
- The CEC should scrutinize closely the lists of signatures provided by presidential candidates. After the election, the parliament should remove this requirement from the law, since it serves no useful purpose.
- TECs should follow the law when creating precincts and act promptly to ensure that voters are able to reach polling sites. Local authorities need to make more of an effort to provide suitable facilities for polling sites.

**International Helsinki Federation for Human Rights (IHF):**

- The OSCE participating States have recognized that “periodic, genuine elections are the foundation of representative government; that the right to participate in elections that are free and fair is a fundamental human right, guaranteed by international law; and that to be democratic an election process must be universal, equal, fair, secret, free, transparent, and accountable.”
- As for the up-coming elections, the participating States should take urgent measures to fully implement their commitments, spelled out in the OSCE/ODIHR document “Existing Commitments for Democratic Elections in OSCE Participating States” (2003). These include, for example, unhindered registration of candidates and free campaigning, equal access to public media, a balanced composition of election committees at all levels, up-to-date voter lists and other organizational arrangements for an adequate polling procedure. Public officials should in no way be involved in campaigning nor should public funds and infrastructure available to them (such as postal services) be used for campaigning. Domestic and international observers should be allowed to monitor all elections without a hindrance.

**Norwegian People’s Aid**

- Serbian Assembly should be encouraged to seriously consider improvements to the election legislation that would enhance the proportionality of elections results, as well as it should be encouraged to consider improvements to the technical aspect of election legislation that would enhance the performance of the election administration in Serbia.
- Government in Serbia, especially Ministry for State Administration and Local Self-Government, should be encouraged to seriously consider technical and legislative possibilities for improving voters' register through centralization of the database of voters in Serbia, as well as of those with the residence outside the borders of the country.
- OSCE member countries should carefully look into supporting relevant efforts aiming at fighting apathy and voters' abstinence through rebuilding voters' awareness of the importance of elections in Serbia.
- Republican Election Commission in Serbia should be encouraged to take in serious consideration organizing additional training for state appointed members of polling boards.

**Recommendations to the OSCE:**

**United States of America:**

- The OSCE should establish a process to develop new commitments that address gaps in the Copenhagen Document. A working group in Vienna should develop draft language on key issues of concern for the Sofia Ministerial. This should include language on establishing balanced and impartial election commissions.

**Norway:**

- Recommends that all EOMs have a full-time gender analyst and take gender issues into account and include them in its methodology, its reporting and, as appropriate, its recommendations.
- Recommends that ODIHR election observation reports are followed up more systematically through general discussions by participating States in the Preparatory Committee, on the basis of implementation reports by ODIHR, addressing various core problem areas.

**International Federation for Human Rights (FIDH):**

- The FIDH calls the OSCE to condemn firmly the announcement of the holding of the referendum of October 17, 2004 intended for the only purpose of Mister Lukashenko to run for a third Presidential term. That contravenes and violates the Belarus Constitution and the OSCE principles. The FIDH calls all OSCE member States not to recognize the legitimacy of the referendum.
- The FIDH calls the OSCE to monitor closely the upcoming Parliamentary elections to assess whether the conditions necessary for fair and democratic elections are gathered and to condemn clearly the oppression of the opposition parties, non-governmental organizations and independent newspapers during the electoral campaign.
- More generally, the FIDH calls the OSCE to use all political, diplomatic and economic pressures on Belarusian authorities to ensure the respect of fundamental rights and freedoms in the Republic of Belarus.
- The FIDH calls the OSCE to strengthen its ties with the Belarus civil society, to encourage and to support it particularly during this very critical period.

**Norwegian People's Aid:**

- ODIHR should take in serious consideration organizing monitoring missions through both LTO's and STO's for future elections in Serbia.
- OSCE member countries should consider supporting relevant domestic election monitoring efforts in Serbia.
- ODIHR and OSCE member countries should raise the question of the transparency of political party financing in Serbia. Relevant state institutions should be encouraged to perform their duties regarding the collection of parties' reports.
- OSCE member countries should carefully look into supporting relevant efforts aiming at monitoring and providing transparency to parties' spending in election campaigns.

**Worldrights:**

Regarding the disenfranchisement of the 570,000 people of Washington, D.C. in their own national legislature, Worldrights recommends that the OSCE:

- Calls upon the Government of the United States to adopt such legislation as may be necessary to bring its domestic law into conformity with its OSCE human dimension commitments, under articles 5.9, 6 and 7.3 of the 1990 Copenhagen Document, by granting the people of Washington, D.C. equal voting rights in the United States Congress.
- Calls upon the Government of the United States to comply with the recommendations made by the Inter-American Commission on Human Rights in Case No. 11.204, Statehood Solidarity v. the United States, by granting the people of Washington, DC equal voting rights in the United States Congress.

**Tuesday, 05 October 2004**

**WORKING SESSION 2 – Tolerance and non-discrimination I, *including*:**

NATIONAL MINORITIES

**Recommendations to Participating States:**

**European Union:**

- Participating States should develop policies to address the use of minority languages in the broadcast media. Policies should be based on an assessment of the needs of persons belonging to ethnic, religious, or linguistic minorities to maintain and develop their identities. The participating States should make good use of the expertise of the OSCE institutions, especially the HCNM and the Representative on Freedom of the Media.

**Switzerland:**

- Die Schweiz ruft alle Teilnehmerstaaten der OSZE auf, die Rechte nationaler Minderheiten zu gewährleisten, insbesondere das Recht auf eine eigene Identität, das Recht auf Schutz vor Diskriminierung und das Recht auf Miteinbezug in Entscheidungsprozesse welche sie betreffen.
- Die Schweiz regt die Teilnehmerstaaten der OSZE an, die Gewährleistung der Rechte nationaler Minderheiten in den Kontext von Verfassungsordnung, dezentralen Kompetenzen und Autonomiebestimmungen, demokratischer Teilhabe der Bürger an Entscheidungsprozessen, Toleranz und des Verhältnisses zwischen individuellen und kollektiven Rechten zu stellen.
- Die Schweiz ruft alle Teilnehmerstaaten der OSZE auf, darauf hinzuwirken, dass die wertvolle Expertise und die langjährige Erfahrung des Hohen Kommissars für nationale Minderheiten der OSZE bei der Beilegung von Konflikten und Spannungen, die sich auf nationale Minderheiten beziehen, im gesamten OSZE-Raum systematisch berücksichtigt und miteinbezogen wird.

**Council of Europe:**

- Encouraging States that have not yet signed or ratified the Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority

Languages, to do so.

- Stressing the need to raise awareness about minority issues and about regional identity issues not only in Central and Eastern Europe, but also in Western Europe.
- Stressing the importance for States to fully implement the results of the monitoring under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, including through the adoption of relevant legislation and its implementation in practice.
- Encouraging States to ensure that there is no arbitrary exclusion of persons potentially concerned by the protection offered by the Framework Convention.
- Stressing the importance of dialogue with minorities as a condition precedent for further realising the rights of persons belonging to national minorities.
- Underlining the importance of the successful co-operation that has taken place between the OSCE HCNM and the relevant sectors of the Council of Europe dealing with minority issues, and encouraging the further use of the results of the monitoring under the Framework Convention and the Language Charter by the OSCE and by the field offices of the OSCE in their assessments and their actions.

### **Civil Rights Project, Sisak:**

CRP urges the Government of Croatia to:

- properly and speedily implement the law on ownership and repossession of property
- sanction those who obstruct this process
- pass the law on free legal aid

CRP urges the European Union to:

- monitor the compliance of the Republic of Croatia with the international minority rights standards, in particular the European Union Accession criteria
- insist that these standards and criteria are fully met before any decisions are reached on the future course of Croatia's European Union Accession
- provide assistance to the Government of Croatia in this process

### **Helsinki Committee for Human Rights of the Republic of Macedonia:**

- Development of such democratic structures that will enable members of all ethnic communities to realize their needs and interests.
- Support to the development of the democratic structures and institutions and especially the elements of participation and direct involvement of citizens in governing as a tool for implementation of the values envisaged in the Agreement.
- Support for the further development of the Republic of Macedonia as multicultural society and enable the ratification of the European charter on minority or regional languages.
- Recognizing the rule of law as the only genuine guarantee for human rights and freedoms which cannot be replaced with political agreement of ruling parties.
- Discouraging any attempt to set the ethnic dimension as the exclusive determinant of the further development and as the single pillar of possible structuring of the state.

### **Helsinki Committee for Human Rights in Serbia:**

Recommends:

- A swift adoption of the European Charter on Regional and Minority Languages is a must. In view of plans for drafting a new constitution of Serbia, minorities as an important constituent element through their representatives must take part in that process.
- As regards minorities-related legislation it is necessary to pass some key laws election law, law on national councils, anti-discrimination law, and legal norms containing or facilitating discrimination should be removed.
- Decentralization is a key prerequisite for essential betterment of status of minorities in society. But decentralization being essentially a political issue, its implementation presupposes consensus of political prime movers. That consensus must show respect for fundamental interests of minorities, notably their right to preservation and promotion of minority identity. Guidelines of such decentralization must be incorporated into a new Constitution.
- Promotion of general legal culture in the society is one of the best ways for promoting protection of guaranteed rights through elimination of voluntarism, arbitrariness and selectivity in the work of specialized agencies, notably the police and prosecution.
- One of the most important instruments in promoting status of minorities are bilateral agreements. It is necessary to accelerate their conclusion, whereby minorities proper should be actively engaged in the process of their drafting.
- Opening up of Serbia and its active inclusion in the process of European integration may make perception of the minority issue more complex and subtle, while in parallel it may also activate a modernizing and developmental potential of minorities proper.

#### **Human Rights Educational Centre, Belarus:**

- Предложить новую терминологию, может говорить о национальном меньшинстве как этно-культурной группе в историческом аспекте, которая занимает второсортные, низшие позиции в обществе, государстве.
- Предложить новые подходы к пониманию дискриминации прав женщин и мужчин, национальных меньшинств в условиях диктатуры, типа диктатуры А.Лукашенко.
- Помнить, что А.Лукашенко создал опасный прецедент «европейской диктатуры», которая как как метастазы раковой опухоли расплзается и на другие государства.

#### **International Helsinki Federation for Human Rights:**

- The IHF urges the OSCE participating States to live up to their commitments and take decisive measures toward full respect of the rights of persons belonging to national or ethnic minorities. At the same time, they should provide conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national and ethnic minorities in their territories.

With regard to the specific OSCE participating States mentioned in this intervention, the IHF recommends the following:

- The government of Turkmenistan should immediately put an end to its policy of forced assimilation of ethnic and national minorities into the majority population. It should adopt new legislation that allows free enjoyment and fostering of minority cultures and languages, as provided by international human rights instruments. Further, the government should refrain from adopting and enforcing policies and practices that violate the right of individuals to nationality: no one must be arbitrarily deprived of his/her nationality and no measures must be taken to coerce anyone to abandon his/her citizenship. The granting of Turkmen citizenship should not be linked to the ethnicity of

- the applicant. The government should ensure that in all sectors of public life members of national and ethnic minority communities are treated in an equal manner. Support from authorities to foster minority cultures and the languages of non-Turkmen citizens should be an inherent part of government policy.
- In its efforts to strengthen ties with foreign countries, the government of Kyrgyzstan should not undermine its international commitments to the protection minorities and the rights of refugees. Authorities should provide protection for the Uigur community against harassment and violence and bring to justice all accused of violating their basic rights. No extraditions of Uigurs to China must be carried out until fair trials can be guaranteed to them in Chinese courts of law and as long as the death penalty is retained in Chinese law.
  - The government of Belarus and the authorities in the Transdnistrian region of Moldova should acknowledge the right of their people to self-identification, a key factor of which is language. The authorities in both nations should refrain from measures that lead to restrictions on the use, maintenance and promotion of the Belarusian and Moldovan/Romanian languages and culture. The Belarusian authorities should create better conditions for the use of the Belarusian language in all sectors of life, including in education and the media. Education in minority language should also be offered. Authorities in Transdnistria should allow the unhindered operation of schools using Latin script.
  - In Bosnia and Herzegovina, the central government authority of each entity should vigorously promote a culture of tolerance amongst the various ethnic groups. They should facilitate the return of members of minority groups by securing their physical safety and the safety of their property. The three ruling nationalistic parties should clearly and publicly condemn all perpetrators of human rights violations regardless of their ethnicity or the ethnicity of the victims. The government should keep statistical data on all minority groups to enable better minority policy planning.
  - In Kosovo, it is necessary to establish individual responsibility for the crimes committed during the March unrest. All suspected perpetrators must be brought before justice and those found guilty must be punished. The victims must be appropriately compensated. International institutions in Kosovo must be adequately trained in control techniques to handle inter-ethnic conflicts.
  - The government of Greece should officially recognize the existence of national/ethnic minorities in Greece and stop using arbitrary measures to restrict their rights. The Macedonian minority should have the right to association and the right to broadcast in its own language. Greek-language and minority language media outlets must enjoy equal treatment before the law.
  - The government of Turkey must take serious steps to promptly implement the positive legal reforms it adopted in the past two years. In addition, current legislation must be further amended as laid down in the OSCE 1990 Copenhagen Document, for example, to guarantee full minority rights to national, ethnic and religious minorities living in Turkey. In particular, IDPs must be guaranteed a safe return to their homes in south-eastern Turkey.
  - In the Czech Republic and in Slovakia, independent bodies must be set up to investigate all alleged cases of coerced sterilization of Romani women, including those sterilized during the communist regime. All victims must be ensured compensation. In both countries, legislation must be amended to abolish loopholes that provide for sterilizations without adequate, internationally accepted procedures for consent. In both countries, the governments must make it clear to all levels of authorities that no discrimination or intolerance toward any national or ethnic group is tolerated, and that all acts of discrimination and intolerance must be brought to justice.

## **Kurdish Human Rights Project:**

Recommendations to Government of Turkey:

- Recognise the Kurds as a significant minority group within the state and amend the Constitution and domestic legislation to reflect this acknowledgement
- Establish Kurdish advisory or consultative bodies to enable dialogue with government authorities on key issues such as education, language, and culture
- Consider giving the Kurdish language de facto official status in the Kurdish provinces and implement Kurdish language and culture education in state schools in these regions
- Ensure the application process for private language schools is transparent and remove restrictions on course lengths and cultural content
- Ensure that children can develop to their full potential through educational initiatives that promote respect for their cultural identity
- Increase the maximum duration permissible for minority broadcasting and allow for more diverse programming, particularly in respect of educational programmes in minority languages that promote minority groups' language and culture
- Proactively support minority language broadcasting through positive regulation and through the provision of access to broadcasting, subsidies and capacity building
- In accordance with OSCE principles and European and international standards, ensure representation of pro-Kurdish political parties in national and local government

## **Serbian Democratic Forum, Croatia:**

We strongly urge the Government of Croatia to:

- Open public discussion and initiate research about implementation of Constitutional Law on Rights of National Minorities
- Immediately initiate concrete and quantifiable political and administrative measures in order to achieve fulfillment of the already existing legislation
- Give more support and cooperate more with initiatives aiming to improve position of minorities in Croatian society

## **“ZwoniMir”**

We urge government of Croatia to:

- ensure implementation of the Article 15 of the Framework Convention for Protection of National Minorities which asks states signatories to enable minorities to participate effectively in cultural, social and economic life, as well as in public affairs
- specifically, to create and implement an employment program aiming to increase the number of minorities employed in public services in the Areas of Special State Concern
- reintroduce the possibility to apply for convalidation of documents

Also we urge the European Union to:

- monitor the compliance of the Republic of Croatia with the international minority rights standards, in particular the European Union Accession criteria.
- insist that these standards and criteria are fully met before any decisions are reached on the future course of Croatia's European Union Accession.

- provide assistance to the Government of Croatia in this process.

**Recommendations to the OSCE and other International Organizations:**

**Civil Rights Project, Sisak:**

CRP recommends to the OSCE and the OSCE Mission to Croatia to:

- continue providing assistance to the Government of Croatia so that it can successfully carry out this process.

**Kurdish Human Rights Project:**

- Encourage and emphasise the importance of protecting and promoting multiple cultural identities in Turkey
- The High Commissioner on National Minorities to have dialogue with the Government of Turkey to develop policy and legal reforms to provide the Kurdish population with minority group rights that meet international standards

**Non-Government and Non-Commercial Organizations' Association, Kyrgyzstan:**

- To promote acceptance of the State Program on development of ethnic sphere of Kyrgyzstan, these days there is no such program, and activity on development of ethnic sphere passes according to only the Constitution of the KP.
- To promote development and acceptance of the special legislation, and formation of special state bodies which will be engaged in ethnic policy and interethnic relations management. Today the state has neither resources, nor mechanisms of further common interethnic development.
- To promote attraction of financial resources for realization of projects in the ethnic sphere, aimed on ethnic development. Nowadays projects of the international organizations and nongovernmental organizations directed to prevention of interethnic conflicts or removal of intensity in ethnic sphere, and they have no complete and complex character.

**The Latvian Human Rights Committee:**

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

- to demand that Latvia ratifies and honestly implements the Framework Convention for Protection of National Minorities.

**Serbian Democratic Forum, Croatia:**

We call the international community, especially OSCE and EU, to:

- Assist the Government of Croatia to design and implement adequate legal, administrative and political measures for improvement of the position of minorities; those measures must have a time-frame, budget and staff
- Continue to support minority and other groups active in solving minority issues
- Intensify it's monitoring mechanisms in Croatia and regulate it's EU accession with full compliance of international standards

## **“ZwoniMir”**

We recommend to the OSCE and the OSCE Mission to Croatia to:

- continue providing assistance to the Government of Croatia so that it can successfully carry out this process.

### ROMA AND SINTI, INCLUDING IMPLEMENTATION OF THE ACTION PLAN TO IMPROVE THE SITUATION OF ROMA AND SINTI WITHIN THE OSCE AREA

#### **Recommendations to Participating States:**

##### **European Union:**

- Participating States should take full advantage of the Roma Sinti Action Plan. Special emphasis should be given to political participation at local, national and international level and as well as improving their social rights. Education of Roma children and young Roma should be made a long term priority. The fight against discrimination of Roma and Sinti has to continue.

##### **Amaro Drom / Albania Roma Union , Albania**

- the government should cooperate with Roma NGOs to in order to translate the strategy into practical steps
- appeal to OSCE to strengthen its cooperation with the Albanian government in order to translate the strategy into practical steps
- stress the priority for the education of Roma children

##### **Center for Democratic Development - Macedonia**

- integrating Roma officers within the public administration at local level

##### **Democratic Association of Roma - Serbia**

An ombudsman for Roma needs to be established, in order to:

- monitor compliances
- issue recommendations and advices
- provide public information on legislation
- the issue of Roma IDPs in Serbia to be discussed in the OSCE SHDIM, 4-5 November

##### **European Roma Rights Center (ERRC):**

- adopt comprehensive anti-discrimination legislation in line with current international standards in the field
- investigate promptly and impartially incidents of violence against Roma and prosecute the perpetrators of such crimes to the fullest extent of the law, whether the perpetrators are law- enforcement officers or private parties; make public guidelines to law-enforcement and judicial authorities on identifying, investigating, and punishing racially-motivated crime. Develop programs and policies aimed at strengthening the rule of law and the access to justice of disadvantaged groups such as the Roma

- Without delay, curb discriminatory practices in the field of residence and punish those responsible for blocking Roma from **registering as residents of particular localities**.
- provide security of tenure for residents of Romani communities and informal settlements, and protect the inhabitants from forced and arbitrary evictions.

#### **"Life Together", Ostrava, Czech Republic**

- objective investigation on involuntarily sterilization situations should be carried out immediately, eventually conducted by the ombudsman office

#### **Memorial Saint Petersburg, Russia**

- adoption of anti-discrimination legislation in Russian federation
- OSCE to organize an international conference on Roma policy making with focus on implementation of the AP

#### **Open Society Institute /EUMAP**

- local authorities to increase the number of Roma working in local institutions for Roma issues and draw upon the existing of a substantial pool of qualified and experienced Roma activists
- governments (Romania) should consult with a broad spectrum of Roma civil society representatives in implementing and elaborating the strategy and other governmental initiatives such as the current National action Plan for the Decade of Roma Inclusion

#### **Roma and Ashkali Non-profit Documentation Office in Kosovo**

- Kosovo authorities to provide personal documents and voting registration for Roma in view of ensuring their participation in the up coming elections

#### **Romani Baxt Foundation, Bulgaria**

- states to ensure access to university education of the Roma children from the segregated schools
- states to ensure financial backup for strategies toward desegregation of schools

#### **Roma Community Center – DROM, Kumanovo – FYROM**

- states to recognize the Roma asylum seekers as refugees according to the Geneva Convention, because most of them are in those states for more than 10 years

#### **Roma Community Center – Serbia**

- securing financial resources for Roma equal with other national minorities in areas such as: school materials, books, public transportation, disaggregated data collection
- inclusion of qualified Roma in the decision making processes

#### **International Federation for Human Rights (FIDH) and the North-West Center of Social and Legal Protection for Roma (MEMORIAL Saint Petersburg, Russia):**

Initiate a recommendation to the OSCE Participating States

- to organise an international conference as a follow-up of the Action Plan to Improve the Situation of Roma and Sinti Within the OSCE Area adopted by Participating States in Maastricht, in December 2003, and in accordance with the OSCE Maastricht Ministerial Council Decision on Tolerance and Non-Discrimination, in order to discuss Roma and Sinti policy-making.
- The agenda should include OSCE Participating States Reports on the problem, paying particular attention on generally neglected Romani groups, such as Roma in Northern America, Europe and especially those from the former USSR space.
- A matter of special concern should be a situation of the Gypsy-like migrants from Central Asia (Lyuli or Mugat) who live in extreme poverty and often become victims of omni present violence.

**Recommendations to the OSCE and other International Organizations:**

**European Union:**

- The ODIHR/CPRSI should continue to support the establishment of the European Roma and Travellers Forum in Strasbourg, for example by giving technical assistance in the selection processes regarding the national representatives and training of the representatives.

**United States of America:**

- to continue inclusion of Roma in OSCE Observation Election teams
- encourage the ODIHR and OSCE field presences to support "get out to vote" campaigns and voter education programs for Romani communities
- encourages the OSCE to work with governments to address the problem of the lack of identity documents and municipal registration for Roma in those instances where it may occur

**Russian Federation:**

- reinforce constructive cooperation with ODIHR CPRSI in projects and initiatives, in particular for organizing Roma and Sinti youth

**Council of Europe:**

- current bilateral cooperation among international Roma related initiatives, such as: EU, CoE, OSCE, Roma Decade, etc, to evolve in multilateral cooperation aiming to achieve a coherent strategy with priorities jointly agreed by the States and IGOs
- EFRT as a new partner which will have a special status with the CE; encourages other organizations and international institutions, OSCE, to do the same

**European Forum of Roma and Travellers - EFRT**

- appeal to OSCE states to support the Forum and pledge to support the states among others in order to avoid Roma leaving the countries in which they live

**International Helsinki Federation for Human Rights:**

- As for Roma and Sinti (as well as other groups that are traditionally identified as “Gypsies”), the OSCE should develop programs that address the widespread discrimination against them and create conditions so that they can have an equal opportunity to participate fully in their societies. National laws should be adopted along the lines of the EU Race Equality Directive (Council of the European Union directive 2000/43/EC), and EU member states should promptly transpose this directive into national law. All acts of violence against Roma and Sinti should be decisively condemned and the offenders punished. Racial motivation should be regarded as an aggravating circumstance in criminal law. Law enforcement officials and legal professionals should be trained to have more sensitivity in inter-ethnic issues, to identify racial discrimination as a motivation for offenses and to apply non-discrimination laws.

#### **Roma and Ashkalia Non-profit Documentation Office in Kosovo**

- international organization to ensure that the implementation of decentralization process should include all minorities, including Roma
- UNMIK Police, Kosovo Police Service, the government of Kosovo and KFOR to provide more effective security for Roma throughout Kosovo
- personal documents to be provided so that Roma citizens could exercise their rights
- the issue of Roma IDs in Kosovo to be discussed during the SHDM 4-5 November

#### **Romani Baxt Foundation, Bulgaria**

- OSCE and other international organizations to launch a joint initiative aiming desegregation in education
- OSCE to work with the Bulgarian authorities among other to speed up the process of adoption by the Parliament of the law and the Fund for Equal Rights for Roma children in Education

#### **Roma Community Center – DROM, Kumanovo – FYROM**

- OSCE and participating states to encourage dialog and public support for political representation and involvement of Roma in state institutions
- ODIHR CPRSI to organize international conference on the modern Holocaust of Roma in Europe
- OSCE to raise awareness about the anti- tziganism phenomenon in Europe
- make sure the involvement of Roma in OSCE field missions

#### **Romani CRISS, Romania**

- ODIHR CPRSI to support the coordination and communication between the different regional initiatives on **Romani women**, such as: IRWIN - International Romani Women Network, Gender Task Force of Stability Pact for SEE and, Open Society Institute

#### **OSCE ODIHR Director**

- asks the audience/participants for their input, for their reporting in regard to OSCE AP, in order to be able to report substantively to the Permanent Council
- encourage for a constant feedback from governments, IGOs and NGOs on OSCE AP

- calls on the Participants and Delegations to keep this energy going on a longer term in supporting this commitment.

### **WORKING SESSION 3 – Tolerance and non-discrimination II, including:**

#### EQUAL OPPORTUNITIES FOR WOMEN AND MEN

#### **Recommendations to Participating States:**

##### **Canada:**

- We urge participating States to sign and ratify the Rome Statute of the International Criminal Court.
- We strongly urge participating States to nominate more qualified female candidates for positions within the OSCE.

##### **Kharkiv Center for Women’s Studies:**

- In order to fully implement commitments of Ukraine regarding tackling gender discrimination, the notion of “discrimination” as it is (and “gender discrimination” in particular) should be applied into the judicial practice. Also, it is necessary to increase general awareness of the main gender principles, of relevant international treaties provisions and of the ways of its implementation in Ukraine through intensive training of practical lawyers and judges.
- EU and UN gender non-discrimination law, particularly case law, the practical applications of CEDAW and other relevant gender provisions of UN and EU human rights law should be studied and generalized in order to facilitate their use in Ukrainian daily legal and judicial practice. Gender-related cases that were reviewed in accordance with European law need to be translated and presented to judges as well as throughout the legal community.
- Co-operation between governmental agencies and civil society on issues of women’s rights and gender equity must be strengthened through development of close working relations between institutions, agencies, groups and individuals committed to promotion, advocacy and monitoring of gender equity in Ukraine and to active protection of women’s human rights up to resort in to litigation and other forms of redressing of gender-based violations of rights. Strong partnership needs to be developed between the principal actors of the system of promotion of women’s human rights in Ukraine and internationally - legal experts, members of the judiciary, barristers, practical lawyers, human rights activists representing NGO community and experts of the treaty bodies such as CEDAW CERD, CAT Committies and Committee on Human Rights. That could be a first step of demolishing the great wall that now exists between judges and practicing lawyers on one hand and legal scholars and human rights activists working in administering of justice on the other hand. The role of local NGOs in this process must be fully recognized and encouraged.
- The scope of application of the CEDAW and other relevant gender provisions of international human rights treaties must be expanded. Governmental officials in Ukraine need to be encouraged to follow their own obligations on upholding fundamental and indivisible claims represented by the international human rights law. This is important prerequisite for sustainable future where democracy and social justice is in place.

## **Kurdish Human Rights Project:**

### Recommendations to the Government of Turkey

- Ensure that Article 29 of the Penal Code does not provide any protection to perpetrators of “honour” killings
- Adopt a no tolerance attitude towards sexual or physical violence against women and ensure access to justice for victims is rapid
- Reform attitudes towards the investigation and trial of crimes against women and adhere to the findings of the European Court of Justice
- Develop state programs to eliminate violence towards women, prevent discrimination in education, and encourage women’s participation in politics
- Make further efforts to ensure that young females gain at least the 8 year basic education that is compulsory under Turkish law.

### **Non-Government and Non-Commercial Organizations’ Association:**

- To promote strengthening the national institutionalized mechanisms on achievement of gender equality.
- To promote carrying out of harmonization of the Kyrgyz legislation on exception of elements of the latent discrimination of women.
- To promote inclusion in state education standards obligatory study of gender issues.
- To promote development and realization of activities on overcoming gender stereotypes.
- To maintain transparency at making decision on personnel selection in supreme system of power.

### **Recommendations to the OSCE:**

#### **Canada:**

- We encourage the ODIHR to work with participating States to ensure that commitments within the draft Action Plan are adopted by the OSCE Permanent Council and translated into concrete action through sustained implementation.
- We encourage the ODIHR to work with participating States to achieve the full implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- We urge the OSCE and participating States to work toward the implementation of UN Security Council resolution 1325 on “Women, Peace and Security,” which was adopted in 2000.

#### **European Union:**

- Integrate the gender perspective into the training and education activities, including civil service, judiciary, police and other law enforcement bodies.
- Improve the gender balance in the OSCE institutions and field missions, specially at the managerial level.
- Ensure proper data collection and statistics on gender issues.

#### **Norway:**

- Recommends that the OSCE specifically address gender equality as an issue of human security in all areas across the three dimensions.

**Kurdish Human Rights Project:**

- Closely monitor whether reforms to the Penal Code eliminate the sanction of violence against women
- If women continue to lack protection from abuse and perpetrators are not effectively punished by the judicial system, it is strongly recommended that a field mission is instigated as prescribed in the OSCE Handbook for Field Personnel

PREVENTION OF AGGRESSIVE NATIONALISM, CHAUVINISM AND ETHNIC CLEANSING

**Recommendations to Participating States:**

**Hungarian Human Rights Foundation:**

- Calls on OSCE's Participating States to express concern over the continuing incidents of violence targeting minorities, especially ethnic Hungarians, in Vojvodina, Serbia, and to urge the Serbian authorities to fully appraise the situation and implement any and all measures to curb anti-minority aggression.
- Encourages OSCE's Participating States to establish channels of communication with the relevant international institutions (Commission on Security and Cooperation in Europe and other bodies in the U.S. Congress, European Parliament, Council of Europe, etc.) to exchange information and coordinate efforts to advance the Serbian government's compliance with liberty, democracy respect for human and minority rights and fundamental freedoms.
- Recommends that the Participating States examine the renewal of the OSCE's monitoring system in Vojvodina, the northern province of Serbia, to ensure the safety of all Serbian citizens in the region and the peaceful co-existence of ethnic minorities.

**International Helsinki Federation for Human Rights (IHF):**

The IHF is concerned that the climate of heightened suspicion against Muslims that has developed in the EU member states in the aftermath of the September 11 events may result in increasing marginalization of Muslims, thereby further aggravating their vulnerability to intolerance and discrimination and undermining positive efforts of integration. The IHF is also concerned that the targeting of moderate and peaceful Muslims in the name of enhancing security may foster growing frustration and resentment among Muslims and have the effect of encouraging rather than discouraging further radicalization.

The IHF welcomes the fact that the July 2004 OSCE Permanent Council Decision on Tolerance and the Fight against Racism, Xenophobia and Discrimination specifically highlights the need to intensify efforts to combat intolerance and violence against Muslims. The IHF also welcomes the declaration from the OSCE Conference in Brussels last month, which explicitly rejects “the identification of terrorism and extremism with any religion, culture, ethnic group, nationality or race.”

On the basis of these and previous OSCE commitments related to tolerance and non-discrimination, as well as other relevant European and human rights standards, the IHF would

like to make a number of recommendations. While these recommendations are directed to the EU member states, they also apply to other OSCE participating States:

- The EU member states should ensure that any measure adopted to counter religious extremism or terrorism fully respects the principle of equality before the law and does not amount to discrimination on grounds such as religion, nationality or ethnicity. The member states should instantly amend, rescind or nullify any laws that have the effect of creating or perpetuating discrimination on such grounds, and in their actions consistently distinguish between those individuals who advocate and commit violence in the name of Islam and the majority of Muslim who condemn such violence.
- The EU member states should ensure that any measure adopted to counter religious extremism or terrorism fully respects the principle of equality before the law and does not amount to discrimination on grounds such as religion, nationality or ethnicity. The member states should instantly amend, rescind or nullify any laws that have the effect of creating or perpetuating discrimination on such grounds, and in their actions consistently distinguish between those individuals who advocate and commit violence in the name of Islam and the majority of Muslim who condemn such violence.
- The EU member states should take effective measures to protect Muslims and other vulnerable minority groups from religiously or racially motivated discrimination, hostility and violence, including by ensuring that such abuses are effectively investigated, prosecuted and punished. To enhance efforts to prosecute and punish discriminatory acts, the member states should consider strengthening legislation that prohibits discrimination on religious or racial grounds, including by transposing into national law the two EU Council directives on equal treatment from 2000 if they have not yet done so. The EU member states should also consider strengthening legislation that prohibits hate crimes motivated by religious or racial bias.
- The EU member states should establish training programs for law enforcement and judicial officials on legislation and enforcement of legislation relating to discrimination and racially or religiously motivated hate crimes and they should actively engage in efforts to encourage Muslims and other minority members to report religiously or racially motivated discrimination, hostility and violence to police.
- The EU member states should take effective measures to promote tolerance among their citizens, including by encouraging debate within the media about their responsibility to avoid perpetuating prejudice when reporting on Islam and Muslim communities, by developing educational programs to inform the public objectively about Islam and to foster respect for cultural and religious pluralism, by raising awareness of positive contributions of Muslim and other minority members to society, and by supporting NGO efforts aimed at building bridges between Muslim and majority communities.

**Recommendations to the OSCE and other International Organizations:**

**Kosovan Nansen Dialogue:**

We urge the UN and the OSCE Mission in Kosovo to undertake immediate actions to:

- Strengthen the implementation of law on the ground, using the existing judicial system for prosecution of crime and violence organizers.
- Fulfill the existing standards for Kosovo, using all legal measures.
- Open a space for inter-ethnic dialogue on all levels of society as one of the most important factors in the process of peace building.

## **Moldovan Helsinki Committee for Human Rights:**

Moldovan Helsinki Committee call upon international and regional organizations, particularly to the OSCE:

- To do their utmost to solve the long-lasting conflict and to elaborate coordinated measures to prevent any further aggressive ethnical cleansing actions of the Transnistrian separatist regime against Moldovan children and their parents, that breach internationally guaranteed human rights and basic freedoms. Transnistria must not be allowed to become an exemption from human rights principle and example for other repressive and separatist regimes to follow.
- Any internationally brokered negotiations should clearly emphasize that no overt or covered support of these Transnistrian regime's actions are acceptable.
- Moldovan Helsinki Committee also appeals to the Russian Federation and Ukraine for full cooperation in any process for the resolution of the conflict.

**Wednesday, 06 October 2004**

## **WORKING SESSION 4 – Fundamental Freedoms I, *including:***

### FREEDOM OF EXPRESSION, FREE MEDIA AND INFORMATION

#### **Recommendations to Participating States:**

##### **Freedom House:**

To the Government of the Republic of Kazakhstan:

- Reform legislation governing mass-media to bring it in accordance with international democratic standards.
- Exclude sanctions in respect to media from the Code of Administration Violations
- Introduce administrative responsibility for officials who illegally misinterpret dissemination of important information to the public as information with limited access.
- Ensure that appropriate state bodies react timely to situations of censorship, systematic persecution of media, and to the cases when media and journalists are being illegally hindered from fulfilling their professional duty and barred from receiving public important information.

## **International Helsinki Federation for Human Rights:**

The IHF recommends the following:

- Criminal libel or defamation should be repealed from Criminal Codes in all OSCE participating States, including but not limited to Azerbaijan, Belarus, Hungary, Italy, Kyrgyzstan, Poland, and Serbia and Montenegro. Civil Code provisions on libel and defamation should be based on the principle that politicians and public officials must tolerate a more intense level of criticism than private individuals, not vice versa, as is provided by laws in several OSCE participating States. All prison sentences handed down for libel or defamation must be commuted to proportionate fines. France should refrain from introducing new legal provisions, which would carry prison terms for defamation.

- Journalists and reporters must be granted access to information of public interest or importance and the confidentiality of journalistic sources must be fully respected as an essential prerequisite for investigative journalism.
- Governments of OSCE participating States must take effective measures to protect journalists when carrying out their duties. All cases of attacks on or killings of journalists and reporters must be investigated promptly and independently by law enforcement agencies. Any pressure exerted on those agencies must be condemned and punished. In particular, the IHF urges the authorities in Croatia, Kazakhstan, Romania, the Russian Federation, Ukraine, and Tajikistan to look into the cases mentioned in this intervention and to bring the perpetrators to justice.

With regard to the specific OSCE member states, the IHF recommends the following:

- The government of Kyrgyzstan should allow free reporting and criticism of government policies and of widespread corruption both by the media and individuals. It should ensure that the opposition leader Felix Kulov be released immediately.
- The IHF encourages the government of Tajikistan to investigate past cases of deaths of journalists, as it has indicated. At the same time the government must guarantee access to public media on an equal basis to all political parties and groups in the run-up to the elections. No measures must be taken to prevent independent or opposition politicians from rallying and disseminating information, and independent and opposition media outlets must be allowed to operate unhindered.
- The governments of Belarus and Turkmenistan must adopt a completely new policy on freedom of expression and the media, allowing dissenting voices and critical reporting. All harassment of government critics must be immediately stopped.
- The government of Uzbekistan should take immediate measures to release all journalists who have been imprisoned solely for expressing views that dissent from government policies.
- The government of Azerbaijan should ensure that cases of ill-treatment of dozens of journalists by the police during the post-election unrest in October 2003 are promptly investigated by an independent body and the abusive police officers are punished. An end must be put to all indirect measures that have been taken to stop the opposition or independent media from publishing or reporting – such as impeding access to printers, refusing the issuance of licenses to media outlets on political grounds, and abusive tax inspections.
- The government of the Russian Federation must stop the prosecutions of scientists and journalists under fabricated espionage charges. It should order the FSB to refrain from interfering in the operation of media outlets and harassing and intimidating editors and journalists who report on sensitive topics. No obstacles must be put in the way of the independent dissemination of information on the crisis in Chechnya and no punitive measures must be taken against journalists and reporters who have done so. The government should openly admit to having resorted to catastrophic media policies during the tragic events in Beslan, Ossetia, in September. It should carry out prompt investigations into all reported cases of violations of the rights of reporters. Finally, the government should publicly commit itself to a new, open media policy, in line with international standards.
- The government of Belarus should ensure that the all past “disappearances” are investigated thoroughly by an independent body and the perpetrators are brought to justice. In addition, any official who may have ordered or condoned forced “disappearances” must be punished.

- The government of Ukraine should stop the abuse of public institutions and the media to manipulate the October presidential elections. This includes manipulation of the state-controlled television programming and local media under governmental influence. All broadcast media must be on an equal footing in terms of granting licenses and frequencies and in the treatment of outlets operating without licenses. The independent and opposition press should be allowed to work unhindered. The killing of Georgiy Gongadze must be re-examined in light of evidence suggesting that the state leadership has impeded the investigations. By the same token, the more recent attacks on journalists must also be subject to independent investigations.
- The government of Turkey should ensure that legal reforms carried out in the past two years be put in practice in order to guarantee genuine freedom of expression and the media and all those imprisoned for expressing non-violent opinions be released. No obstacles should be put in the way of reporting on sensitive issues such as the Kurdish question and the position of the military.

### **Kurdish Human Rights Project:**

#### Recommendations to Government of Turkey

- Cease criminalising the peaceful expression of cultural and linguistic identity and the non-violent expression of news and opinion
- Fully implement the judgements of the European Court of Human Rights in relation to freedom of expression
- Implement the right to freedom of expression, as enshrined in Article 19 of the ICCPR in a way that enhances the right of Kurds to enjoy their culture and use their language as enshrined in Article 27 of the ICCPR

### **Norwegian Helsinki Committee:**

- We urge the government of the Russian Federation to allow human rights defenders to freely monitor the situation in Chechnya and the adjacent regions.
- We urge that all cases of deaths of human rights defenders, and attacks on activists, be promptly investigated by independent bodies and the perpetrators punished.
- We urge that the recent charges against the Chechen Committee of National Salvation be dropped.
- We urge the Russian Federation to ensure that no obstacles be put in the way of filing complaints with the European Court of Human Rights, and that persons who already have done so receive effective protection against harassment.
- We call on all OSCE participating States not to tolerate harassment of human rights defenders in any member state and to protest promptly when such cases occur.

### **Recommendations to the OSCE and other International Organizations:**

#### **European Union:**

- The Representative for the Freedom of the Media should continue to promote initiatives across the OSCE region aimed at the promotion of independent and pluralistic media and strengthening the role of media in promoting tolerance and non-discrimination and building peace and security.

- OSCE Field Missions have an important role to play in supporting freedom and plurality of the media. They should continue to focus on this topic and offer assistance to governments and media wherever useful.

#### **Freedom House:**

To the Organization of Security and Co-operation in Europe (OSCE):

- Put pressure on the government of Kazakhstan to meet standards of human rights ascribed to the OSCE member states.
- Conduct monitoring and release reports on civil and legal prosecutions of media and journalists in Kazakhstan.
- Insist on the decriminalization of journalist responsibility for slander and insult in media reports and the cancellation of any censorship of the media.

To the non-governmental organizations:

- Bring together the community of journalists to protect the legal rights and interests of Kazakh journalists through networking and mutual cooperation and collaboration with the international community, including the OSCE and the European Union.

#### **Human Rights Educational Centre, Belarus:**

- Разработать эффективные подходы к решению проблем граждан, связанных с ограничением основных свобод в авторитарных государствах.
- Принять решительные меры к властям Беларуси, которые в очередной раз обманули ОБСЕ в связи с невыполнением стандартов ОБСЕ по свободным выборам, а также так и не выполнили обещания данные на Стамбульском саммите, 1999 год.
- Запрашивать у всех стран-участниц законопроекты для анализа и особенно обращать внимание на существо, демократичность, образовательных программ.

#### **Moldovan Helsinki Committee for Human Rights:**

Moldovan Helsinki Committee calls upon international organizations, OSCE member states, particularly France, USA, Germany, Hungary, Poland, United Kingdom, Council of Europe to urge the Government of Moldova:

- To start a constructive dialog in solving all problems related to the transformation of the State broadcast Teleradio Moldova into public one and its broadcasting policies.
- To ensure that future public broadcast Teleradio contains fair and adequate coverage of all perspectives, including opposing and critical viewpoints.
- To stop further intimidation of the journalists.
- To investigate properly all cases of physical abuse of the journalist,
- Moldovan Helsinki Committee would asks the election observers of the OSCE in Moldova to monitor broadcast media and print media in the coming pre election process and during the parliamentary elections that will be held in Moldova, parliamentary republic, in Spring 2005.

#### **Norwegian Helsinki Committee:**

- We recommend that the OSCE (Organization for Security and Cooperation in Europe)

establish a mechanism, for instance within ODIHR (Office for Democratic Institutions and Human Rights), for early warning and rapid response in emergency cases concerning persecution of human rights defenders.

**Rrom Press News Agency “NEVIPE”:**

- To establish practical and close cooperation, with implications to facilitate the OSCE ODIHR-CPRSI, OSCE-RFOM and Tolerance and Non-Discrimination Unit of the OSCE-ODIHR on awareness rising campaigns to combat anti-Gypsyism,
- to organize on-site trainings and seminars for Roma and Non-Roma journalists
- to encourage, prepare and educate Romani journalists for their employment in the mainstream media
- to strength cooperation among Roma/Sinti NGO with Romani and Non-Romani media to inform them on continuing issues and challenges that Roma/Sinti face in everyday life
- to further networking among Romani media with the aim to help establishing an Romani media umbrella organization
- As particular attention has been paid by NEVIPE and Roma Radio Stations and other Romani radio broadcasters on establishment of a European Roma Radio which would broadcast throughout Europe. We recommend establishing a working group "Europako Radio", for such extraordinary important initiative that would work on implementation of the establishment of European Roma Radio.
- As practical step to implement activities that are mentioned in the Action Plan the next recommendation is: the OSCE - ODIHR CPRSI to have task to establish Task Force Group on Roma Media Issues (TFGRM). The Task Force Group on Roma Media Issues would work to conceptualize, manage and implement the Roma media issues from the Action Plan.

The TFGRM should have representatives from the following media boards, organizations and institutions:

1. SEEMO Roma Media Board
2. Rommedia.net
3. European Roma and Traveler Forum
4. OSCE - ODIHR CPRSI
5. OSCE ODIHR RFOM
6. OSCE ODIHR Tolerance and Non-Discrimination Unit of the OSCE-ODIHR
7. ERIO
8. ERRC
9. The Conference of the Directors and Editors of Romani Media

**WORKING SESSION 5 – Fundamental Freedoms II, *including*:**

FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF

**Recommendations to Participating States:**

**Holy See:**

- Participating States should ensure that freedom of religion be enjoyed irrespective of whether registration has been sought or granted. If there is a registration system, the registration process should be done as transparently and open as possible.

- Participating States should ensure that their legislation, in accordance with the OSCE principles, recognizes the freedom of religion in all its dimensions: individual, collective and institutional.
- Participating States should ensure that their legislation does not impose or favour renouncing or weakening one's religious principles, grants the freedom to adhere to one's own religious convictions, while accepting that others may adhere to theirs as well, and respects those practices that correspond to each individual's religious beliefs, provided that they violate neither the rights of others, nor national security, public health or morals.
- Participating States should recognize and appreciate the contribution offered by religions to the public life, also as a factor of cohesion in the contemporary multi-ethnic and multi-cultural societies.

**European Association of Jehovah's Christian Witnesses:**

Uzbekistan:

- We appeal to the Uzbek authorities to register Jehovah's Witnesses in Tashkent; and
- We appeal to the delegation of this country to open a frank and constructive dialogue with the representatives of Jehovah's Witnesses in order to achieve religious freedom.

Turkmenistan:

- We appeal to the Turkmen authorities to free Mansur Masharipov and Vepa Tuvakov; and
- We invite the delegation of this country to open a frank and constructive dialogue with the representatives of Jehovah's Witnesses in order to clarify the situation regarding the right to assemble for worship, as guaranteed by international agreements.

Russia:

- We are concerned about the deteriorating condition of religious freedom for minority religions in Russia; and
- We invite the delegation of Russia to open a frank and constructive dialogue with the representatives of Jehovah's Witnesses.

Armenia:

- We appeal to the Armenian authorities to register Jehovah's Witnesses as a religion, and free those conscientious objectors who are still imprisoned; and
- We invite the delegation of this country to open a frank and constructive dialogue with the representatives of Jehovah's Witnesses in order to clarify any unresolved issues.

**Evangelical Church in Germany (EKD)/Conference of European Churches:**

With regard to the Freedom of thought, conscience, religion or belief in Turkey:

- The Turkish state should provide an adequate legal status for religious communities, churches and patriarchates and remove legal and practical obstacles to obtain this status.
- The Turkish state should recognise the right of religious communities and churches to acquire and to own property. Confiscated property of religious communities and churches must be returned.
- The Turkish state should provide the necessary legal preconditions for the education and instruction of religious functionaries. They are indispensable for the oversight of the religious needs of Christians and for the presence of Christianity in general in the country.

- The Turkish state should ensure that the level of adopted standards is achieved and maintained in the reality of everyday life.

Other recommendations:

- Participating States should ensure that their national legislation recognises the right to be registered as a conscientious objector and that there are adequate provisions for alternative civilian service.
- The Conference of European Churches and the Evangelical Church in Germany encourage participating States and ODIHR to make greater use of the OSCE Panel of Experts on Religious Freedom and to strengthen its role.

#### **Helsinki Committee for Human Rights of the Republic of Macedonia:**

- The Government of Macedonia should seriously reconsider its approach to the issue of religious freedoms, and especially: to transform the role of the Commission on Relations with the Religious Communities into body of un-biased and objective mediator between those communities and other State organs.
- The Government of Macedonia should seriously consider the possibility of launching public campaign in favor of development of positive condition for the "small religious communities" to be able act freely and without any sort of governmental inhibition; on contrary having visible (not financial) support by the Government.
- The governments of Macedonia, Serbia & Montenegro, Bulgaria and Greece should open expert dialogue on the issue of freedom of religion in order to enable their citizens in fulfilling their basic rights and to prevent inter-church disputes having impact on the level of interstate relations.

#### **Human Rights Without Frontiers Int.:**

*Urges* those states, with the view of providing good examples to the new EU members, to those applying for EU membership, and to other OSCE participating States, to:

- Revise existing discriminatory laws on religion and religious matters.
- Disconnect the recognition of religions from the rights to be granted to churches and religious communities.
- Grant equal opportunities and equal rights to religious communities whatever their membership and their historicity.

#### **Hungarian Human Rights Foundation:**

- OSCE Participating States note with concern that fifteen years after the fall of Communism in Romania, only 19 of the 2,140 properties confiscated from the Hungarian historic churches from 1945-1989 have been *de facto* returned.
- OSCE Participating States urge the Government of Romania to fulfill its commitment to provide equitable, prompt, and fair restitution to all religious communities for property illegally confiscated under Communism.
- OSCE Participating States call upon the Government of Romania to amend Law No. 501/2002 to reflect the principle of "restitution in integrum" as the first order of restitution (as recommended by the Council of Europe Parliamentary Assembly Resolution 1123/1997) to restore full ownership of all property and all rights emanating from such ownership.

- OSCE Participating States call upon the Government of Romania to amend Law No. 501/2002 and establish an equitable formula for compensating the churches for demolished properties.
- OSCE Participating States concur that only when the rightful owners finally regain title to, use of and compensation for the 2,140 properties will the ongoing, major blow to religious freedom, civil society and the 1.5 million Hungarians ability to maintain community and church life be reversed.

**International Helsinki Federation for Human Rights:**

- The IHF calls on all OSCE participating States to demonstrate in practice their commitment to ensure freedom of thought, conscience, religion, and belief and to foster a climate of mutual tolerance and respect between adherents of different religions and worldviews. The governments should take effective measures to prevent and eliminate all forms of discrimination against individuals and communities on the grounds of religion. All participating States should adopt laws on alternative civilian service, as prescribed in international human rights standards.

With regard to the OSCE member states mentioned in our intervention, the IHF recommends the following:

- The government of Uzbekistan should introduce a full-scale reform to allow for all peaceful religious activities – including those of minority religions. The reform should start with a series of amendments to provisions regulating religious activity so as to bring them in line with international standards. The NSS should be instructed not to interfere in the activities of religious organizations and put an end to all harassment of their members. Of urgent concern are the on-going trials against Muslims accused of participation of the spring blasts in Tashkent and/or illegal religious activities: their trials must be open, due process standards must be respected, and the defendants must be protected against torture and ill-treatment.
- The government of Turkmenistan should take practical measure to prove that its proclaimed intention to ease the registration of religious communities and provide for more freedom for religious activities is genuine. Essentially, the 2003 law on religions must be replaced with one consistent with international human rights standards. The registration process must be accelerated and made transparent. Simultaneously, all harassment by any law enforcement or security agencies of believers must be stopped so as to give a clear signal that peaceful religious activities – regardless of their status registration – are no longer considered criminal.
- The Armenian government should urgently amend the law on alternative civilian service and release all individuals imprisoned for their refusal to carry out military service. Meanwhile, military officers should be instructed on the proper application of the current law, including refraining from any forced conscription to military service.
- The government of the Russian Federation should openly and clearly denounce all measures to harass peaceful activities by religious minority organizations. Furthermore, it should ensure that misconduct by local authorities to limit minority activities is not acceptable.
- The governments of Bulgaria, Macedonia and Serbia and Montenegro should demonstrate a neutral stand toward all religious communities and to refrain from all measures to interfere in their organization and activities. Any police activity or court procedures should be undertaken strictly on the basis of law in a non-biased manner. The governments in Macedonia and Serbia and Montenegro should make publicly clear

- that historical inter-church disputes and their causes should be openly discussed by experts. Similarly, both countries should allow all religious minorities on their territories to practice their religion freely. The government of Serbia should amend the draft law on Religious Freedoms, Churches, Religious Communities and Religious Associations so as to provide for equal rights, freedoms and responsibilities for all registered religious communities. The law should be drafted in consultation with religious communities, which should be given sufficient time to review and comment on the draft law.
- The government of Moldova should ensure prompt registration of all religious groups. In addition, it should register the Spiritual Council of Muslims of Moldova and refrain from harassment and prosecution of its members. Further, the ban on NGOs to spread religious information should be lifted. The “Supreme Soviet” of the Transdnier region should ensure that the regulations included in the April draft law on religion will never be put into practice and that all authorities in this region refrain from any measures to restrict religious activities that are regarded lawful under international provisions.
  - The government of Turkey should treat all religions in an equal manner, including granting them equal rights in property matters and training of clergy. The ban on religious clothing for students should be lifted and it should be made possible for the thousands of female students who were dismissed from universities because they refused to remove their headscarf to continue their studies.

**Kurdish Human Rights Project:**

Recommendations to the Government of Turkey

- Tolerate and positively assist private associations to cultivate, develop and disseminate information relating to all aspects of minority culture and to operate free from judicial and extra-judicial impediments
- Cease the prosecution and harassment of human rights defenders, political parties, and associations

**Moldovan Helsinki Committee for Human Rights:**

*Calls* upon this forum to urge the Government of Moldova:

- to guarantee effectively the freedom of religious association.
- to restore religious freedom in Saratenii Vechi and throughout Moldova.
- to ensure prompt registration of all religious groups, to refrain from psychological harassment and prosecution of Muslim religion (Spiritual Council of Muslims of Moldova) and register the Muslim religion; lift the ban for non-governmental organizations to propagate religious beliefs in the law on Non-governmental associations.
- to include in curriculum of Police Academy human rights and to offer continue education to law enforcement office in the filed of human rights.
- to promote religious tolerance in the society; and

the “Supreme Soviet” of the Transdnier region should ensure that the regulations included in the April draft law on religion will never be put into practice and that all authorities in this region refrain from any measures to restrict religious activities that are regarded lawful under international provisions

**Recommendations to the OSCE:**

### **Church of Scientology International:**

- That a formal structure be established within the OSCE whereby religious discrimination issues can be addressed by concerned parties directly with government representatives who can take appropriate action.
- That the position of a High Commissioner dealing with religious freedom issues be established within the OSCE.
- That a review of legislation dealing with the registration of religions be carried out by the OSCE Panel of Religious Experts with the view to recommending specific changes in the law where these contravene OSCE and international human rights standards.
- That the OSCE Panel of Religious Experts be given the task to examine any government appointed or supported body dealing with religious freedom issues to ensure that OSCE and international human rights standards are applied by these bodies and to recommend appropriate changes should these standards not be met.

### **Human Rights Without Frontieres Int.:**

*Calls* upon the OSCE to:

- Identify those participating States, in which a two-tiered or a multi-tiered system is in force.
- Engage in a dialogue with those states.
- Organise an international conference on the issue of state recognition of religions and institutionalised religious discrimination.

### FREEDOM OF MOVEMENT

#### **Recommendations to the OSCE:**

##### **Albania:**

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

**Thursday, 07 October 2004**

#### **WORKING SESSION 6 – Rule of Law I, *including:***

### LEGISLATIVE TRANSPARENCY

#### **Recommendations to Participating States:**

##### **Moldovan Helsinki Committee for Human Rights:**

- the national legislation of the Republic of Moldova must be put in concord with the democratic standards, in order to insure Moldovan citizens the access to information concerning legislative process and legislation

- the provisions regarding the law making process must include express provisions for public consultation, input in this process
- Moldova should review the agreements signed with Transnistrian authorities through the human rights standards' analysis and international treaties that Moldova is part.

#### INDEPENDENCE OF THE JUDICIARY

#### **Recommendations to Participating States:**

##### **European Roma Rights Center:**

- Participating States to adopt comprehensive anti-discrimination legislation in line with current international standards in the field.
- Participating States, without delay, ratify Protocol No. 12 to the European Convention on Human Rights.
- Investigate promptly and impartially incidents of violence against Roma and prosecute the perpetrators of such crimes to the fullest extent of the law, whether the perpetrators are law enforcement officers or private parties; make public guidelines to law-enforcement and judicial authorities on identifying, investigating, and punishing racially-motivated crime. Develop programs and policies aimed at strengthening the rule of law and the access to justice of disadvantaged groups such as the Roma.
- Publish detailed statistics, at minimum yearly and in a format readily understandable to a lay person, on the number of racially-motivated crimes occurring and prosecuted.
- Adopt effective measures to prevent, identify and, where occurring, punish manifestations of racial bias in the law enforcement and judicial system.
- Take swift action to stamp out corruption among law-enforcement authorities and members of the judiciary.
- Without delay, resolve the most acute problems related to the education of Romani children, as well as the currently problematic access of Roma to employment, healthcare and housing.
- Without delay, curb discriminatory practices in the field of residence and punish those responsible for blocking Roma from registering as residents of particular localities. Ensure effective remedy for cases of discrimination against Roma in the field of housing, and undertake effective measures to ensure that local authorities register all persons actually residing in a given municipality, without regard to race.
- Provide security of tenure for residents of Romani communities and informal settlements, and protect the inhabitants from forced and arbitrary evictions.
- Provide free legal aid to members of disadvantaged groups, including Roma and the indigent.
- Conduct comprehensive human rights and anti-racism training for the national and local administration, members of the police force and of the judiciary.
- At all levels, speak out against racial discrimination against Roma and others, and make clear that racism will not be tolerated.

##### **Freedom House:**

To the government of Kyrgyzstan:

- Introduce mechanism of selecting judges based on transparent procedures under public control.
- Repeal the President's decree empowering the administration's Legal Department with control of the judiciary.
- Establish transparent procedures to investigate and transparent disciplinary system for judges who violate the law and ethical obligations.
- Work with civil society to diagnose the problems and reform the judicial system.

**International Helsinki Federation for Human Rights:**

- The IHF calls on all OSCE participating States to take immediate measures to bring their legislation up to the standards they internationally committed to in the document of the 1990 Copenhagen Meeting, which have been confirmed by several other OSCE documents. As at several meetings before, the IHF again wishes to underscore that under no circumstances – including in the context of the fight against terrorism - should OSCE member states adopt measures that curtail non-derogable rights.

With respect to the OSCE member states mentioned in this intervention, the IHF recommends the following:

- With respect to Uzbekistan, the IHF recognizes the right, and, indeed, the obligation of the government to take efficient measure to apprehend and punish perpetrators of terrorist acts and other serious crimes. At the same time, the government should bear in mind that all detainees, regardless of the crimes they are charged with, have the right to a fair trial and protection against torture and ill-treatment. Uzbekistan's policing practices and judicial proceedings, including those undertaken in the context of counter-terrorism, must be brought into line with its international human rights commitments. These include: the observance of the right to legal counsel, the guarantee for defense attorneys to work unhindered, open trials, respect for the presumption of innocence, and a responsibility to declare "confessions" exerted under duress inadmissible in courts.
- With respect to the trials of Igor Sutiagin and Valentin Danilov in the Russian Federation, the IHF calls for prompt re-trials to be conducted in accordance with international fair trial standards. Both defendants should be released from prison pending re-trial.
- The government of Turkey should ensure that the legal reforms carried out in the past two years be promptly implemented and that further reforms be introduced to remedy the existing loopholes in legislation. Particular attention must be given to fortify the independence of the judiciary against the Ministry of Justice, and to ensure that defense lawyers are able to perform their duties unhindered. The re-trials of cases in favor of which the European Courts of Human Rights has ruled must follow promptly and with respect for international standards for fair trial. Further, restrictions on the application of re-trial, which leave many cases in legal limbo, must be repealed.
- The government of the Republic of Moldova should refrain from extraditions of suspected criminals to the breakaway Transdnistrian region but, instead, conduct their trials under the constitutional regulations of the republic and in line with international human rights standards. All agreements with authorities in jurisdictions other than the Republic of Moldova should be made in a transparent manner and the public should be informed about them.
- The government of Sweden should take measures to amend legislation so as to make the expulsion procedure transparent. Persons against whom an expulsion decision is imposed

- must have the right of appeal, and their legal counsels must be granted access to all information on which the expulsion decision is based.
- The government of the United States should ensure that all detainees under US jurisdiction, including those suspected of terrorist acts, are granted judicial proceedings which are up to par with international human rights standards and humanitarian law. The basic standards include habeas corpus and trial before a competent, independent and impartial court. Adequate interpretation must be provided for those who do not understand English. All those detained in Guantánamo or other facilities under US control, who are not promptly charged and brought to trial in accordance with international human rights standards and the Geneva Conventions, should be immediately released

**Moldovan Helsinki Committee for Human Rights:**

- to reconsider the appointment and, most important, the dismissal procedure of the judges, so that judiciary would be protected from politically motivated dismissals; a president of the country should be banned on his right to dismiss at his own will any judge and give no reason for that;
- to organise frequent trainings for the judiciary upon the human rights and fair trial principles; independence and impartiality principles which stay at the base of it well functioning;
- to support NGOs initiatives and activities directed to judicial training and development.

**Recommendations to the OSCE and other International Organizations:**

**Freedom House:**

To the OSCE:

- Put pressure on the government of Kyrgyzstan to reform the judicial system in accordance with international democratic standards.
- Provide the necessary assistance and guidance to the Kyrgyz government to implement a transparent and democratic system which makes all branches of the judiciary system accountable for their actions.

To the civil society:

- Domestic civil society needs to establish active and dynamic dialogue with the government of Kyrgyzstan to reform the judiciary and curb corruption.
- International organizations need to develop strategies to assist in facilitating open dialogue for reform between the government of Kyrgyzstan and the domestic civil society.

**RIGHT TO A FAIR TRIAL**

**Recommendations to Participating States:**

**Kurdish Human Rights Project:**

Recommendations to the Government of Turkey

- Whilst in the cases cited, the defendants have either been acquitted or released pending a retrial, the legal system continues to require reform to allow for impartial and independent trials and where the burden of proof lies with the prosecution.
- Provide more active human rights legal training for prosecutors and judges

**Norwegian People's Aid on behalf of the Belgrade Centre for Human Rights:**

We hereby call upon the governments of Serbia and Montenegro to take into consideration the following recommendations:

- The Serbian authorities should not delay in measures to further reorganise the judicial system and to improve its effectiveness, particularly when it comes to the establishing of courts of appeal, as the new type of courts with general jurisdiction, and the Administrative Court.
- Improvements are necessary on the state union level in terms of the Court of Serbia and Montenegro, the only one judicial instance in the common judiciary of Serbia and Montenegro, having in mind that there are too much cases pending before this institution. From the perspective of human rights protection, this institution seems to be particularly important, having in mind that this court shall consider "appeals filed by citizens if no other legal remedies have been stipulated, if an institution of Serbia and Montenegro has interfered with the rights and freedoms that are guaranteed to them by the Constitutional Charter" (according to Article 46 of the Constitutional Charter of Serbia and Montenegro).
- The Montenegrin authorities should not delay in establishing of the Court of Appeal and the Administrative Court of Montenegro (according to Art. 132 of the Montenegrin Courts Act).
- Both federal units should further promote the principle of separation of powers thus providing that courts of law are independent and bound only by the Constitution, law and other general enactments having in mind that the independence of courts in practice, however, depends not so much on constitutional provisions. It is exactly in the field of practice that one can judge whether the judiciary is independent and impartial, what type and amount of influence is exerted by the executive powers, as well as to what extent the right of citizens to fair trial has been ensured.
- Serbian authorities should start implementing so-called lustration (vetting) provision prescribed by the Act on Changes and Amendments to the Judges Act (2003) according to which it shall be considered that a judge has performed his/her duty in bad faith if in exercising his/her powers or acting on the basis of these powers he/she has participated in altering the electoral will of citizens, political or show trials, or has acted *mala fide* thus grossly violating human rights guaranteed by the Constitution, law and international treaties. Besides, government of Serbia is invited to start implementing the Responsibility for Human Rights Violations Act which has entered into force in 2003.
- Serbian Government should abolish provision of the Serbian Judges Act (Art. 36) which practically transforms the Grand Chamber, mechanism for the protection of the position of judges, into a Parliament body, thus violating the principle of separation of powers.

OMBUDSMAN AND NATIONAL HUMAN RIGHTS INSTITUTIONS

**Recommendations to Participating States:**

**Helsinki Committee for Human Rights of the Republic of Macedonia:**

- The Government of Macedonia should do its utmost and elect an Ombudsperson out of the independent experts in the area of human rights, or legal and political analysts, which should guarantee as much as possible un-biased and objective work of the extremely valuable democratic institution.
- The Government of Macedonia should put additional efforts in the started reforms of the judiciary, but also complementing that process by introduction of legislation concerning those State bodies which refuse to implement court decisions, thus establishing the courts authority.

## **WORKING SESSION 7 – Rule of Law II, *including*:**

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

#### **Recommendations to Participating States:**

##### **European Union:**

- The EU urges all Participating States that have not yet done so to abolish the death penalty.
- The EU urges countries with moratoria on the use of the death penalty to take steps to abolish the penalty in law.
- The EU urges Belarus, Uzbekistan and the US to introduce an immediate moratorium on executions.
- The EU urges those Participating States who continue to execute people, to comply fully with the minimum standards established under international law, including not to execute persons who were under the age of eighteen at the time the crime was committed, or persons suffering from any form of mental disorder.

##### **Switzerland:**

- Die Schweiz ruft alle Teilnehmerstaaten der OSZE auf, als Beitrag zu einer wirkungsvollen Umsetzung des Folterverbotes das Fakultativprotokoll zum UNO-Übereinkommen gegen Folter und andere unmenschliche, grausame oder erniedrigende Behandlung zu unterzeichnen und zu ratifizieren.
- Die Schweiz ruft alle Teilnehmerstaaten der OSZE auf, die sie betreffenden Empfehlungen des UNO-Sonderberichterstatters über Folter umzusetzen und dessen Gesuchen um Einladungen Folge zu leisten.
- Die Schweiz ruft alle Teilnehmerstaaten der OSZE auf, Versuchen zur Infragestellung des Folterverbotes energisch entgegenzutreten und dessen absolute Gültigkeit unter allen Umständen unmissverständlich und auf höchster politischer Ebene zu bekräftigen.
- Die Schweiz wiederholt ihren Aufruf an alle Teilnehmerstaaten der OSZE, in denen die Todesstrafe noch ausgesprochen wird, ein Hinrichtungsmoratorium in Kraft zu setzten und auf die vollständige Abschaffung der Todesstrafe hinzuarbeiten, um damit einen Beitrag dazu zu leisten, dass die OSZE in absehbarer Zeit zur todesstrafenfreien Zone wird.
- Die Schweiz ruft alle Teilnehmerstaaten der OSZE, in denen die Todesstrafe nicht mehr ausgesprochen wird, dazu auf, keine Personen in Staaten auszuschieben oder auszuliefern, in denen ihnen im konkreten Fall die Todesstrafe droht.

##### **International Helsinki Federation for Human Rights:**

- The IHF opposes application of the death penalty as a form of cruel, inhuman, degrading and irrevocable punishment. The IHF calls upon the OSCE participating States to adopt a clear policy, which aims at the total abolition of the death penalty in the whole of the OSCE region. Pending the adoption of such a policy, individual member states should take prompt action to abolish legislation that provides for the death penalty from their body of law.

In addition, pending the abolition of the death penalty, the OSCE should insist that:

- all members states, who still retain the death penalty in their legislation, submit to the OSCE exact statistics on imposed death sentences and executions, including dates and the names of those convicted and executed, and the crimes they were convicted of . The OSCE should ensure that all statistics on the death penalty be made available to the public;
- the families of death row prisoners should be promptly informed about the date of the execution, be allowed to meet with the prisoner prior to the execution, and be allowed to collect and bury the body;
- no prisoners, who were minors at the time they committed a crime, nor prisoners who are mentally ill or retarded, should be sentenced to death and executed.

**Mothers Against the Death Penalty and Torture:**

- Напожить мораторий на вынесение и исполнение смертной казни в Узбекистане
- Открыть доступ к информации о статистических данных о приговорённых к смертной казни и расстрелянных в Узбекистане
- Открыть родственникам доступ к месту захоронения расстрелянных в Узбекистане
- Выполнить рекомендации Специального Докладчика ООН и пересмотреть вынесенные приговоры, в основу которых заложены признательные показания, полученные под пытками.

**Recommendations to the OSCE and other International Organizations:**

**Amnesty International:**

We call on the OSCE to:

- Secure compliance with existing OSCE commitments as regards capital punishment by continuing to investigate practical ways of assisting those Participating States that still apply the death penalty to comply with these commitments.
- Continue to condemn the veil of secrecy surrounding the use of the death penalty in some of those states which still apply it, and should continue to explore ways of assisting the authorities in these states to ensure statistical and other information on the death penalty is made public.

PREVENTION OF TORTURE

**Recommendations to Participating States:**

**European Union:**

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

#### **Association for the Prevention of Torture:**

If the OSCE region is to become a Torture-Free Zone, we urge all Participating States to take the following measures, as a matter of priority to prevent and redress instances of torture and ill-treatment in the OSCE Regions:

- Participating States should give serious consideration to the early ratification and, thereafter, should ensure the effective implementation of the Optional Protocol to UN Convention against Torture. The APT believes that ratification of this important human rights instrument will send a strong signal to the international community of the importance which each State attaches to combating torture
- Participating States are encouraged to initiate a dialogue with other OSCE; participating States, which have already signed or ratified the Optional Protocol to UN Convention against Torture, in order to facilitate an exchange of information and best practices on the establishment and effective functioning of national visiting mechanisms
- Participating States are also urged to initiate a dialogue on the Optional Protocol to the UN Convention against Torture at the national level. These discussions should involve a wide range of relevant national actors, including representatives of civil society and any actors already engaged in the monitoring of places of detention

#### **International Helsinki Federation for Human Rights:**

The IHF wishes to recall repeated formal commitments by the OSCE participating states to the prevention of torture and other forms of inhuman or degrading treatment and punishment. The IHF underscores once again, that by taking specific practical measures, governments can significantly reduce the incidence of torture and ill-treatment. These measures include, inter alia:

- National legislation must provide for effective access to a lawyer from the moment of detention.
- Penal legislation must clearly define torture as a specific crime, in conformity with international treaties, and provide for penalties that are commensurate with the gravity of the crime.
- Law enforcement and prison officials must be adequately trained to perform their duties in a manner prescribed by internationally accepted codes of conduct.
- All allegations of torture must be promptly and thoroughly investigated by independent bodies.
- Disciplinary measures and judicial charges must be imposed against all perpetrators of torture and ill-treatment.
- Training must be provided to judges, prosecutors and lawyers so they can identify cases of torture or ill-treatment and react to them as prescribed by international human rights standards. All allegations by defendants of the use of torture against them must be

investigated and all “evidence” extracted under duress must be declared inadmissible in courts of law.

- The highest authorities must make it clear that torture and ill-treatment are not tolerated under any circumstances.
- States must establish a comprehensive system of frequent periodic visits to places of detention by independent bodies.
- States must ensure that adequate registers of all detainees are maintained in all places of detention.
- States must ensure that no one is forcibly returned to another country where he/she risks being tortured, including to states where the state fails to protect against torture by non-state actors.

### **International League for Human Rights:**

The League joins the UN and other international institutions and urges the OSCE to call upon:

#### *The government of Turkmenistan:*

- to denounce publicly all use of torture and ill-treatment by law-enforcement officials
- to grant access to country's prisons and pre-trial detention centers to international observers, including the UN Special Rapporteur on Torture and the Committee of Red Cross
- to conduct an impartial and thorough investigation into the allegations of torture used against alleged participants of the armed attack on November 25, 2002, and bring the responsible to justice
- to grant retrials with access to independent observers and in conformity with international standards to the alleged participants in the November 25 events: Boris Shikhmuradov, Yklym Yklymov, Batyr Berdyev and others whose confession, subsequently used as the main evidence to convict, is reported to have been extracted under torture
- to conduct impartial and thorough investigations into all the reports of the deaths in custody of Amanmukhamed Yklymov, A. Prokofiev and the former parliamentary Speaker, Tagan Khallyev
- to prepare and submit its long-overdue first report on the country's compliance with the UN Convention against Torture.

#### *The Government of Uzbekistan:*

- to denounce publicly all use of torture and ill-treatment by law-enforcement officials;
- to undertake all measures necessary and sufficient for compliance with concluding observations and recommendations by the UN Committee against Torture adopted at its 28th Session in May 2002;
- to amend its domestic penal law to include the crime of torture supported with an adequate penalty and recognize and honor the principle of inadmissibility of confessions obtain through torture;
- to investigate allegations of widespread torture used against alleged Muslim extremists, including members of Hizb ut- TOOrir, an Islamic political party, both to extract confessions and as a means of punishment.

### **Kharkiv Human Rights Protection Group:**

- To introduce amendments to the Ukraine’s Criminal Code, in order to make the elements of crime “torture” serve the purpose defined in the UNCAT

- To determine in the legislation the starting point of detention and not to tie the determination of that moment with a formal action by an executive authority
- To provide clear procedure of immediate notification of relatives and close friends of a detained person
- To abolish legislative provisions that limit a circle of people, who can be notified about suspect's detention; refusal in notifying a person, pointed out by a detainee, must be substantiated with reference to the legal grounds
- To abolish legislative provisions, which stipulate meetings of a detained person with his lawyer for the discretion of the prosecution authority; access of a lawyer to his or her client must be streamlined as much as possible, while practical issues of lawyer's access to a detainee must be dealt with by an independent person
- To widen a circle of people eligible for free legal aid and set up clear criteria for determination of indigent status of accused persons
- To set up fair fees for lawyers, who provide legal aid at the expense of the state finances
- To allocate sufficient funds for reimbursement of free legal aid
- To abolish from the legislation any provisions that directly or indirectly allow delays in the bringing to a judge longer than it is prescribed by the Constitution
- To clearly define in the criminal legislation elements of crime "unlawful taking into custody, detention, or arrest;"
- To introduce amendments to the Ukraine's Code of Administrative Offences, which would provide accused in the offences entailing administrative arrest, with the guarantees of fair court procedure
- To revoke a ban for torture victims in obtaining compensation and other kinds of abuse of power, in particular, not to tie torture victim's obtaining compensation with his or her rehabilitation on his or her charge in criminal or administrative offence
- To provide in the legislation a possibility for detained person's access to a physician at his or her own choice
- To introduce in the legislation provisions that validate as evidence conclusions prepared by experts at detained person's own choice equal as those prepared by experts assigned by the prosecution
- To clarify in the law a subject matter of consideration at first appearance in court, as well as during the following detention hearings
- To provide in the legislation the right for a detainee to initiate a periodical judicial review of the legality of his or her detention during the whole period of his or her being in custody
- To authorize a judge to initiate investigation of detained person's claims about tortures, if in the course of any court consideration, the detainee claims about the use of tortures, or other circumstances point to it
- To carry out training of investigators on methods of effective investigation of tortures
- The legislation and court practice should not tie the decision on admissibility of confessions with the decision on personal responsibility of persons, involved in the use of tortures; the admissibility of confessions must be decided on the basis of independent criteria and the obligation to prove voluntary nature of confession must be incumbent on prosecution
- The legislator and higher judicial authorities should develop, and courts should follow a context-sensitive approach to assessment of the credibility of the statements made by accused persons about their being subjected to torture and other forms of unlawful coercion.

**Kurdish Human Rights Project:**

## Recommendations to Government of Turkey

- Make clear to members of the police, military, and other security forces that torture will not be tolerated and prosecutions should be accorded priority
- Prosecutors must be empowered to act on complaints swiftly and instigate investigations even in the absence of express complaints
- Undertake regular inspections of detention centres and police stations and punish those responsible for torture and ill-treatment
- Monitoring should occur in relation to forms of psychological torture and ill-treatment as these cases are less likely to be reported and medical reports are not likely to provide proof
- Custody registers are introduced where detainees record their decision to not take up such rights of notification and legal assistance.

## **Moldovan Helsinki Committee for Human Rights:**

Moldovan Government, especially central authorities and politicians should strongly put forward the inadmissibility of torture practices used by law enforcement personnel:

- to include in the National Action Plan for Human Rights, beside education, activities and strategies in promoting prevention and prohibition of torture and ill treatment on whole territory of Moldova.
- to recognise TORTURE as crime in Moldovan Criminal Code.
- Ministry of Interior, Prosecutor Office to develop policies and tactics in acting against the use of torture in police detention, identifying needed steps to combat the widespread practices of beatings, ill treatments and torture used by law enforcement personnel in pre-trial detention.
- public prosecutor and lawyers bar association should work hand-in-hand to an effective investigation of the allegations of torture and developing specific recommendations on the effective investigation of torture and establishing the punishment for perpetrators
- encourage and allow upon request monitoring of pre trial detention facilities by independent human rights organizations.

## **Recommendations to the OSCE and other International Organizations:**

### **Association for the Prevention of Torture:**

- The OSCE/ODIHR could play an important role to facilitate international exchanges of information and best practices, as there exist various appropriate OSCE/ODIHR fora where such discussions could take place
- The OSCE/ODIHR could also play an important role facilitating dialogue at the country level. These activities would be particularly relevant in the light of the OSCE/ODIHR's ongoing efforts to promote the monitoring of places of detention in certain OSCE participating States and its production of important information materials on the subject. The APT strongly encourages the OSCE/ODIHR to expand upon its invaluable activities in this respect and advance national discussions on the merits of the Optional Protocol to the UN Convention against Torture as an instrument to prevent acts of torture and ill treatment
- The OSCE/ODIHR might greatly facilitate these activities by ensuring that all torture prevention initiatives, including initiatives to promote the Optional Protocol to the UN Convention against Torture, are coordinated and integrated by the so-called focal point

on the prevention of torture within OSCE/ODIHR. The focal point could also help mainstream torture prevention activities within the OSCE in general

- The aforementioned attempts to counter practices of torture and ill-treatment must take place in a climate of genuine political will both on the part of OSCE participating States and the political structures of the OSCE. In this latter respect there exists a clear necessity for the OSCE Chairman-in-Office and the Permanent Council to attach much greater importance to the need to prevent torture in the region and address the issue on a regular, consistent basis. Without genuine political will at this level, overall progress will be difficult.

#### **Kurdish Human Rights Project:**

- Actively condemn the continued existence of torture in Turkey
- Authorise an OSCE Field Mission to be based in Turkey to aid in the elimination of torture and ill-treatment

**Friday, 08 October 2004**

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

##### TRAFFICKING IN HUMAN BEINGS

#### **Recommendations to Participating States:**

##### **European Union:**

- Dans la mise en œuvre du Plan d'action de l'OSCE sur la lutte contre la traite des êtres humains les Etats participants devraient, le cas échéant, avoir recours à l'assistance et à la coopération de la nouvelle Représentante spéciale, Mme Helga Konrad, et de son unité.
- L'Union européenne encourage les Etats membres de l'OSCE à signer, le moment venu, la Convention sur la lutte contre la traite des êtres humains actuellement en cours de négociation dans le cadre du Conseil de l'Europe.

##### **ODIHR CPRSI :**

- OSCE participating states to elaborate and implement strategies to tackle with root causes, in particular with regard to the economic situation which puts segments of its society in a particular vulnerable position.
- OSCE participating states to promote capacity building among Roma activists on the issue and encourage them to participate in national mainstream anti-trafficking networks.
- OSCE participating states and NGOs to ensure equal access of Roma activists to mainstream activities combating trafficking in human beings.

#### **Recommendations to the OSCE and other International Organizations:**

##### **European Union:**

- Nous nous félicitons de l'initiative de Mme Konrad d'appeler à la création d'une « Alliance contre la traite des êtres humains » et nous l'encourageons à mettre en place une

véritable plate-forme de coopération qui combine les atouts des différents acteurs en évitant les duplications.

- L'Union européenne appelle au renforcement de la coordination, sous l'égide du Représentant spécial, entre l'ensemble des structures concernées de l'OSCE (BIDDH, Coordonnateur économique et environnemental, Unité de police au sein du Secrétariat) afin d'assurer une efficacité accrue de l'Organisation dans la mise en oeuvre des dispositions du plan d'action adopté à Maastricht.
- L'Union européenne encourage les missions de l'OSCE à continuer et à renforcer leur coopération avec les ONG actives dans le domaine de l'assistance aux victimes et de leur réinsertion dans une vie normale.
- L'Union européenne salue la publication récente par le BIDDH du manuel relatif à la création de mécanismes nationaux de référence. Elle attache la plus grande importance aux projets menés, en particulier dans le domaine de l'assistance aux victimes, et souhaite que cette activité puisse faire l'objet d'une concertation renforcée entre les structures concernées de l'OSCE, les Etats participants et les ONG impliquées.
- L'Union européenne réaffirme son plein soutien à l'adoption d'un nouveau Plan d'action de l'OSCE pour la promotion de l'égalité entre hommes et femmes et souhaite qu'il soit endossé par le prochain Conseil ministériel de l'OSCE à Sofia. La mise en oeuvre de ce Plan d'action contribuera notamment à combattre une des causes sous-jacentes de la traite des femmes, à savoir l'absence de possibilités d'éducation et d'emploi dans la plupart des pays d'origine de la traite.
- L'UE est préoccupée par certains effets négatifs à l'égard du problème de la traite pouvant résulter de la présence de personnel international dans le cadre d'opérations d'assistance humanitaire ou de maintien de la paix. Elle appelle l'OSCE à sensibiliser son personnel à ce problème et à mettre en place avec les autres Organisations internationales et les ONG concernées une coordination permettant de prévenir et, si nécessaire, de sanctionner des actes ou des comportements pouvant favoriser la traite.

#### **Norway:**

- Recommends that as a follow-up to the OSCE Action Plan on Combating Trafficking in Human Beings, the OSCE develop guidelines promoting the specific rights of children who are trafficked, as children are a separate category of victims and need special protection and assistance.

#### **Non-Government and Non-Commercial Organizations' Association:**

With reference to stated above, I suggest following recommendations for OSCE:

- To promote the Kyrgyz government and NGO in deep all-round studying the traffic in Kyrgyzstan, with the purpose of the in-time prevention of new forms, channels and methods of activity of criminal network of dealers, including the Central - Asian region;
- To promote maintenance of the mechanism of the legal protection, guaranteeing to the victims of the traffic not to address them like criminals;
- To promote development and realization of mechanisms and projects to support victims of the traffic in further their reintegration in a society.
- To promote carrying out of monitoring of position of labour migrants taking place in Russia and Kazakhstan;
- Create rehabilitation centers for victims of traffic;
- Strengthening activity with Mass Media on forming negative attitude to such actions.

В связи с вышеизложенным, предлагаю следующие рекомендации для ОБСЕ:

- Оказывать содействие Правительству и неправительственным организациям Кыргызской Республики в глубоком всестороннем изучении трафика людей в Кыргызстане, с целью своевременного предупреждения новых форм, каналов и методов работы преступной сети торговцев, в том числе внутри Центрально-Азиатского региона;
- Способствовать обеспечению механизма правовой защиты, гарантирующий, что с жертвами трафика не будут обращаться как с преступниками;
- Способствовать разработке и осуществлению механизмов и проектов поддержки жертв трафика, дальнейшей их реинтеграции в общество.
- Способствовать проведению мониторинга положения трудовых мигрантов находящихся в России и Казахстане;
- Создание реабилитационных центров для жертв трафика;

#### **ODIHR CPRSI:**

- ODIHR to ensure a continuation of projects to enable the CPRSI to address its tasks given in both action plans (see Annex I) in appropriate way and on a long term basis.
- ODIHR to promote a cross-sectoral approach in addressing the issue of children being victims of trafficking in human beings or related exploitation such as forced street work.
- OSCE bodies, in particular OSCE Missions to pay special attention to target Roma communities with their awareness raising and prevention campaigns on trafficking in human beings.

#### INTERNATIONAL HUMANITARIAN LAW

#### **Recommendations to Participating States:**

##### **European Union:**

- L'UE appelle tous les Etats participants de l'OSCE à ratifier cet instrument. Elle encourage tous ceux qui l'ont ratifié à prendre les mesures de droit interne requises pour permettre son application effective ;
- L'UE encourage dans cet esprit les Etats participants à contribuer dans toute la mesure du possible au fonds d'aide aux victimes de la CPI. Elle encourage les structures OSCE à agir pour familiariser leurs personnels au fonctionnement de la cour, notamment dans la perspective de projets de coopération avec la CPI ;
- L'UE encourage les Etats participants à assumer pleinement leur obligation de poursuivre ou extradier les auteurs d'infractions incriminées par les conventions internationales auxquelles ils sont parties.

##### **Coalition for the International Criminal Court:**

- We urge all OSCE participating States that are not yet a party to the ICC to ratify/accede or adhere the Rome Statute as early as possible, and to those that are State Parties to contribute to the promotion of the universality of the Court;
- We urge all OSCE participating States to implement their commitments under International Humanitarian Law and with the OSCE Parliamentary resolution on the ICC of July 2003, by incorporating into their national legislation the crimes and principles of international criminal law enshrined in the Rome Statute and other international instruments such as the Geneva Conventions and its Additional Protocols, and to eliminate all bars to prosecution under national law;

- We call upon all OSCE participating States to enact the necessary legislation allowing national authorities to provide all forms of cooperation to the ICC and to facilitate ICC investigations, by ratifying the Agreement on Privileges and Immunities, and to implement effective programmes for victims in accordance with international standards, inter alia: outreach about their right to participate in ICC proceedings; access to qualified legal counsel; protection and reparation.
- We urge all OSCE participating States to refrain from adopting any agreement that may be in contravention with the letter and spirit of the Rome Statute, violating their obligations under international law;
- We urge all OSCE participating States to support the ICC, and in this regard, to pay their assessed contributions, in order to ensure the continuous source of funding that is needed for the court to carry out its mandate and that will give sustainability to its operations, and to make voluntary contributions to the Trust Fund for Victims.

### **Human Rights Watch:**

Urges the states and entities concerned to cooperate fully with the ICTY, including:

- arrest all war crimes suspects indicted by the ICTY, and transfer them to ICTY custody, including Ante Gotovina, Ratko Mladic and Radovan Karadzic;
- grant the ICTY Office of the Prosecutor access to all relevant documents in the possession of national authorities;
- facilitate interviews of witnesses, and provide adequate protection for witnesses who cooperate with the ICTY.

### **International Helsinki Federation for Human Rights (IHF):**

The IHF wishes to reiterate its belief that the situation in Chechnya, including its repercussions on Ingushetia and other neighbouring regions, continues to present the gravest challenge to human rights standards in the entire OSCE region. Therefore, it should become a priority for OSCE participating states to take urgent measures to solve the conflict in a peaceful manner.

The IHF recommends to the conflicting parties:

- The federal side of the conflict, and the pro-Moscow government of Chechnya, must immediately put an end to arbitrary detentions, torture, ill-treatment, enforced “disappearances”, and extra-judicial executions, as well as stop targeting civilian dwellings in their operations.
- All groups on the side of the Chechen rebel fighters must refrain from all activities, which endanger the civilian population.
- Russian authorities must insist on accountability of all atrocities that have taken and are taking place in Chechnya and the adjacent regions. They should ensure independent and meaningful investigations of all reported crimes allegedly committed by members of security forces against civilians in Chechnya or Ingushetia. Russian authorities should publish a detailed list of all current and past investigations into such abuses and indicate their current status. Likewise, the Russian authorities should publish a complete list of all persons “disappeared” in the course of the second Chechen war, with a detailed description of what is known about these “disappearances.”
- Russia should desist from coerced returns of internally displaced persons to Chechnya and instead ensure their security and protection in accordance with the Guiding Principles on Internal Displacement and other relevant international standards.

- Russia should invite the UN Special Rapporteurs on torture and on extra-judicial, summary, and arbitrary executions to visit Chechnya and the surrounding regions. Russia should also invite the High Commissioner for Human Rights, Louise Arbour, to visit the region and report about her findings.
- The Russian government should agree to have the OSCE Assistance Group with a relevant mandate return to Chechnya.
- Following the recommendation of PACE's Political Affairs Committee, the OSCE participating states should support the formation of a Round Table to provide a platform for an effective exchange of views with all those political parties from the Chechen Republic and the federal authorities, who renounce violence

**Recommendations to the OSCE:**

**Coalition for the International Criminal Court:**

- We call upon the OSCE, and its Office for Democratic Institutions and Human Rights, to work in close cooperation with governments, regional organisations, non governmental organisations and other interested actors to incorporate in their daily work the implementation of the Rome Statute into national law, as part of their mandate to strengthen domestic justice systems.

**Human Rights Watch:**

- ODIHR appoint a focal point to gather the relevant experience of OSCE field missions in the areas of transitional justice and the rule of law in post conflict societies. In particular, the focal point should collect information about OSCE efforts to monitor and assist national judiciaries in their efforts to prosecute violations of human rights and humanitarian law in a fair and effective manner.
- ODIHR should compile this information in a "lessons learned" report;
- ODIHR organize a seminar of experts at the earliest convenient date to discuss this report and disseminate its findings.

Human Rights Watch calls on the OSCE Rule of Law Unit to develop further projects related to the strengthening of national judiciaries in the handling of war crimes prosecutions.

In particular, the OSCE should give consideration to:

- supporting training sessions for investigators, judges and prosecutors, focusing on prosecution of crimes under international humanitarian law, including war crimes, and command responsibility;
- encouraging and monitoring the inclusion in national legislation of key concepts of international criminal law including command responsibility;
- assisting the establishment of witness protection programs;
- encouraging effective judicial cooperation between states of the region, notably for war crimes prosecutions;
- supporting public outreach efforts on domestic war crimes trials.

MIGRATION, REFUGEES AND DISPLACED PERSONS

**Recommendations to Participating States:**

**European Union:**

- L'Union européenne recommande aux États participants et aux États partenaires de l'OSCE l'adoption de politiques efficaces, transparentes et humaines de traitement des demandes d'asile, une concertation internationale en vue d'harmoniser les législations et les pratiques nationales, et de prendre toutes mesures utiles pour permettre le retour volontaire des réfugiés et des personnes déplacées dans les meilleures conditions, politiques, économiques et de sécurité.

#### **Council of Europe :**

- Member States not having yet done so are encouraged to ratify the European Convention on Social and Medical Assistance and its Protocol (1953), the European Convention on Establishment (1955), the European Convention on the Legal Status of Migrant Workers (1977), the Convention on the Participation of Foreigners in Public Life at the Local Level (1992), the Revised European Social Charter and the European Convention on Nationality (1997).

#### **Kurdish Human Rights Project :**

##### Recommendations to Government of Turkey

- Undertake consultations with internally displaced persons and non-governmental and international agencies in order to develop durable solutions for return
- Abolish the village guard system and clear landmines and munitions from villages and farmland areas
- Clear guidance should be provided as to the names of villages open for return with regular progress updates outlining resettlement statistics
- Abolish "system" that requires villagers to sign declarations that they left their village voluntarily or as a result of terrorism
- Introduce clear regulations to implement the Law on Compensating for Losses Arising from Terrorism and Anti-Terrorism Operations

#### **Recommendations to the OSCE:**

#### **European Union :**

- L'Union européenne encourage les structures de l'OSCE à poursuivre une étroite coopération avec les organisations internationales, en particulier le BCAH (OCHA), le HCR et le PNUD (1) pour assurer la meilleure exploitation des capacités d'alerte précoce, qui nous paraissent exister, (2) pour faire en sorte que l'aide internationale se mette en place de manière fluide, rapide et cohérente dans des situations d'urgence et (3) pour préparer en amont la réponse aux besoins post-crise ;
- L'Union européenne est favorable au renforcement de la coopération de l'OSCE avec le HCR dans le prolongement des recommandations formulées lors de la réunion informelle technique OSCE/HCR du 27 octobre 2003, à laquelle avait participé François Deng, représentant du secrétaire général des Nations Unies pour les déplacés intérieurs. Elle attache la plus haute importance à la tenue les 4 et 5 novembre 2004 à Vienne d'une réunion supplémentaire de Dimension Humaine de l'OSCE consacrée aux déplacés intérieurs et souhaite que cette réunion permette de dégager des priorités opérationnelles de nature à accroître l'efficacité de l'OSCE dans ce domaine par une mobilisation accrue

des diverses institutions concernées, en particulier dans le cadre des programmes mis en œuvre par les missions de terrain.

**Kurdish Human Rights Project :**

- Formally adopt United Nations Guiding Principles on Internal Displacement, thus facilitating cooperation amongst international organisations who can provide assistance
- Provide assistance as a matter of urgency to both the Kurdish internally displaced and the Turkish Government to address these issues

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

TREATMENT OF CITIZENS OF OTHER PARTICIPATING STATES

**Recommendations to Participating States :**

**European Union:**

- L'UE recommande aux États participants de l'OSCE de renforcer leur coopération sur la question liée au traitement des phénomènes migratoires. Elle se tient prête à apporter son soutien à toute initiative visant à renforcer la coopération sur ce sujet prioritaire

**Recommendations to the OSCE :**

**European Union:**

- L'UE encourage l'OSCE à se saisir activement des problèmes des travailleurs migrants et de leurs familles en particulier sur les aspects relevant des droits de l'homme. Elle appelle les structures concernées de l'OSCE à accroître à cette fin leur coordination et à renforcer leur concertation avec les États participants comme avec la société civile
- L'UE propose que l'OSCE consacre en 2005 une attention spéciale au sujet de l'intégration des travailleurs migrants en situation régulière, en rassemblant acteurs gouvernementaux, organisations internationales et représentants de la société civile. L'objectif politique serait de promouvoir l'intégration des travailleurs migrants et d'encourager à cette fin l'élaboration d'un code de bonnes pratiques.

MIGRANT WORKERS, INCLUDING FOLLOW-UP TO THE RELEVANT SESSION OF THE  
13-14 SEPTEMBER 2004 OSCE CONFERENCE ON TOLERANCE AND THE FIGHT AGAINST RACISM,  
XENOPHOBIA AND DISCRIMINATION

**Recommendations to Participating States :**

**Turkey:**

I would like to make two recommendations in general nature, as we see key to a successful integration policy in receiving countries:

- We call on the participating States to adopt a multilateral, transparent and coherent approach, taking into account and addressing various factors affecting the situation of migrant workers, like labour market conditions, education, health and social security systems, visa and citizenship policies, return and reintegration schemes.
- In this context, we call upon the individual countries who signed up the European Social Charter, first and foremost to introduce its, as well as the EU acquis and the EU-Turkey Association Council decisions into their national legislation and take measures for their effective implementation.
- And finally, we call on the incoming Slovenian Chairmanship to maintain in our human agenda the specific focus on the situation of the migrant workers in the OSCE area during 2005.

**Graduate School for Social Research:**

- institutional approach of the phenomenon in the receiving State i.e. Romania.
- involvement of NGOs in the sending State in projects initiated by the receiving States.

**Other recommendations:**

**European Union:**

The European Union urgently calls upon the Government of Turkmenistan:

- to ensure full respect for all human rights and fundamental freedoms;
- to implement the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the OSCE and to work constructively with the various institutions of the OSCE, notably following the visit of the Personal Envoy, Mr. Ahtisaari, to work towards implementation of these recommendations and to extend an invitation to the OSCE High Commissioner on National Minorities to visit the country; and
- to release immediately and unconditionally all prisoners of conscience.

**International Helsinki Federation for Human Rights:**

Recommendation on Human Rights Defenders:

In the Vienna Concluding Document (13.5 and 21) the OSCE participating pledged to respect the right of their citizens to contribute actively to the promotion and protection of human rights; to ensure that these exercises will not be subject to any arbitrary restrictions; to allow human rights defenders to carry out their tasks unhindered; to bring to justice all who in any way try to obstruct their activities; and to support their work with all possible means.

Therefore, the IHF:

- urges the governments of Kyrgyzstan, Turkmenistan, Uzbekistan and the Russian Federation to immediately stop all measures they are taking to curtail independent human rights activities on their territories. All imprisoned human rights defenders must be released and all cases of harassment and intimidation of human rights activists must be promptly investigated, brought to justice, and the perpetrators punished. The governments should publicly declare their support to independent observation of human rights developments in their countries and demonstrate this commitment in practice.
- The government of Kyrgyzstan should allow the free operation of all independent human

- rights NGOs and individual observers. It should ensure that the security services stop all measures of surveillance or other forms of harassment against them. The government should take immediate measures to resolve the legal situation of the Kyrgyz Committee for Human Rights, allow the return of its leadership, and provide for protection to it.
- The government of Turkmenistan should amend legislation so as to allow for free human rights activities on its territory. It should stop the intimidation of Natalya Yuryevna Shabunts and allow her to leave the country, if she so wishes.
  - The government of Uzbekistan must put an end to the persecution of the members of the Human Rights Association of Uzbekistan, and members of other NGOs. All reported assaults against them must be investigated and the offenders brought to justice. Ruslan Sharipov should be immediately released from internal exile, all sanctions against him should be lifted and he should be allowed to resume his work.
  - The government of Tajikistan should allow criticism by journalists and human rights defenders and put an end to all pressure exerted on lawyers Maya Usmanova and Faizinisso Vokhidova.
  - The government of the Russian Federation should allow human rights defenders to freely monitor the situation in Chechnya and the adjacent regions. All cases of deaths of human rights defenders, and attack on activists, must be promptly investigated by independent bodies and the perpetrators punished. The recent charges against the Chechen Committee of National Salvation must be dropped. No obstacles must be put in the way of filing complaints with the European Court of Human Rights, and the persons who already have done so must be protected against harassment.
  - The IHF also calls on all OSCE participating States not to tolerate harassment of human rights defenders in any member state and to protest promptly when such cases occur.

**Monday, 11 October 2004**

**WORKING SESSION 10,11 – Discussion of human dimension activities (special emphasis on project/programmes work), including:**

FOLLOW-UP TO THE 25-26 MARCH 2004 SUPPLEMENTARY HUMAN DIMENSION MEETING ON HUMAN RIGHTS EDUCATION AND TRAINING

**Recommendations to Participating States:**

**European Union:**

- The EU notes with satisfaction the increased efforts against trafficking, and takes particular interest in the Helsinki Conference recommendation to establish national rapporteurs on trafficking.

**International Helsinki Federation for Human Rights:**

- The IHF urges the OSCE participating States to uphold the right to peaceful assembly and to ensure that derogation from this right is justified only for reasons relating to national and public safety.
- The governments in all the aforementioned countries should ensure that law enforcement officers are trained in adequate control techniques that are allowed by international codes for police conduct.

- For example, they should be carefully instructed that they may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result. In all cases, the use of force must be proportionate to the legitimate objective to be achieved. Even in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials must avoid the use of force and use it only as last resort, and must restrict such force to the minimum extent necessary.
- All judicial proceedings initiated against peaceful protesters should be terminated and police officers who have resorted to excessive use of force against demonstrators or other misconduct must be brought to justice.

As regards the right to freedom of association in the members states mentioned in this intervention, the IHF recommends the following:

- The governments of Turkmenistan and Uzbekistan should carry out a thorough overhaul of legal provisions and practices pertinent to the registration of public associations and their activities. As a first step, they should amend their laws on association to ensure that they comply with international standards, including allowing closure of associations only following fair court proceedings. Authorities in both countries should abolish restrictions on cooperation with international organizations. In addition, they should ensure that law enforcement officials do not interfere in activities of public associations, which are protected by international standards. Moreover, they should allow for the free formation of political parties and allow them to operate freely.
- The government of Armenia should amend the new law on regulating the organization and conduct of meetings, assemblies, rallies and demonstrations according to the recommendations of the Council of Europe's Venice Commission and the OSCE.
- The government of Azerbaijan should ensure that public associations are registered promptly on the basis of equal treatment. As in Armenia, attention should be paid to the operation of the police and other law enforcement agents to assure that they are in line with international standards. Abusive officers must be brought to justice.
- The government of Belarus should reform the regulations restricting civil society activities and the organizations of political opposition and independent trade unions. Closure of NGOs should be allowed only on grounds allowed by international standards and they should be carried out by court as a result of a fair trial. The range on NGO activities should not be arbitrarily limited. All legal proceedings against the Belarusian Helsinki Committee must be immediately terminated.
- The Ukrainian government should refrain from applying retroactively the law on associations on parties that were registered prior to the entry into force of the law. Moreover, it should amend the law so as to reduce significantly the number of members necessary for establishing a political party. A new law that is consistent with international standards should be adopted to regulate the formation of NGOs and their activities as well as the conduct of peaceful assemblies.
- The government of Turkey should allow free activities for political parties and other associations representing a full spectrum of political and religious views and national/ethnic minorities, including the Democratic People's Party (DEHAP). Free operation should also be allowed to trade unions, human rights organizations and student associations, including the right to hold peaceful demonstrations without fear of reprimands. All those students who have been dismissed from universities due to their participation in demonstrations or other protests should be re-enrolled.
- The United States government should ensure that the anti-terrorism measures introduced after 11 September will not transgress the borders of the right to freedom of assembly and the right to freedom of expression. Law enforcement officials should be trained to strictly

respect the basic rights guaranteed by the US Constitution and international human rights instruments.

**Recommendations to the OSCE:**

**European Union:**

- The EU proposes that consideration be given to further improve the efficiency of the Human Dimension Implementation Meeting.

**Russian Federation:**

*Recommendations drawn from Talking points of Mr. A.S. AZIMOV, Russian MFA on ODIHR activities (including projects)*

- Human rights in the fight against terrorism should be given a priority in ODIHR project activities, built on all three dimensions, to (a) influence the factors that disseminate terrorism further, and (b) monitor the compliance of anti-terrorist measures undertaken by the OSCE participating States with the OSCE commitments and international law.
- Human rights awareness, education and training, and the promotion of tolerance and non-discrimination should all be developed and implemented in the OSCE area.
- In its project activity the ODIHR should strive for maximum flexibility, for compatibility of the format and content of the projects with the local conditions, and for timely assistance to the participating States. Note the need to co-ordinate projects with the governments of the participating States, and not to limit co-ordination only with local NGOs.
- The development of project activities should not lead to an increase of the ODIHR budget.
- Assistance of our Organization to the participating States in various human dimension projects should be of an expert and consultative character.
- The financial side of the projects should be clear and transparent.
- It is necessary to re-construct the ODIHR project activity in such a way that “thematic” projects should prevail.
- Projects should not be attached to specific country-recipients
- ODIHR projects should be implemented in all OSCE countries and not only in the countries with OSCE missions.
- Practical work should begin in order to improve election standards and to develop a “Copenhagen plus” document, which should include the full range of the commitments on democratic elections in accordance with the recommendations developed at the relevant SHDM.
- Criteria should be developed for election monitoring that would exclude a biased or politicized evaluation.
- A tasking for the development of both documents should be given at the upcoming Ministerial Council in Sofia.
- A comparative analysis of the election laws in the OSCE participating States should be conducted (joint proposal by Russia and Belarus).
- Elimination of the massive lack of citizenship in the Baltic States, as well as protection of rights of national minorities, should become a priority direction in the ODIHR activity in future.

- ODIHR should become more active in order to persuade Latvia and Estonia to implement their human dimension commitments.
- Human rights education projects and promotion of tolerance and non-discrimination should have an important place in ODIHR activities in the nearest future.
- In 2005 the ODIHR should start practical work aimed at the implementation of the commitments by the OSCE participating States in such areas as the freedom of movement and contact between people, in light of the increasing fight with international terrorism (keeping a balance between the interests of national security and the freedom of movement, as well as development of cross-border co-operation and introduction of a simplified visa regime)
- Collective structures of the OSCE should conduct a thorough analysis of ODIHR activities, including financial issues, in order to increase ODIHR effectiveness and to regulate the methods and ways the ODIHR works.

**Switzerland:**

- La Suisse soutient l'ODIHR dans ses efforts en matière de formation aux droits de l'homme.
- La Suisse aimerait que l'OSCE se penche l'année prochaine sur la question de l'éducation en matière de droit international humanitaire.
- La Suisse encourage l'Unité Antiterrorisme de l'OSCE à continuer son engagement en matière de diffusion et d'enseignement du droit international humanitaire.
- La Suisse propose que les réponses au point 8 du questionnaire sur le Code de Conduite de l'OSCE (sur l'instruction du droit international humanitaire pour les forces armées) soient soumises à un examen plus attentif, auquel collaborera le Forum pour la coopération en matière de sécurité.
- La Suisse saluerait une discussion visant à déterminer s'il ne vaut pas la peine de réaffirmer au niveau ministériel les engagements que nous avons pris à Budapest il y a dix ans en matière de formation en droit international humanitaire.

**Norwegian Helsinki Committee:**

- To investigate to what extent education in human rights, both formal and informal, is made available to persons with special needs, and to plan, encourage and invest in human rights education for this group.
- To encourage and financially support NGSs in their efforts to develop and carry out human rights education programs in post-conflict areas.

**Recommendations to Non-Governmental Organizations:**

Norwegian Helsinki Committee:

- To pay special attention to education in human rights for persons with special needs, by involving these persons in existing programs or by establishing new programs.
- To work towards municipalities and state institutions to improve the situation for persons with special needs.

**Human Rights Educational Centre, Belarus:**

Рекомендации:

На вопрос: КАК ?

1. За основу деятельности принять очередной План ООН по образованию в области Прав Человека.
2. Предложить всем государствам-участникам принять соответствующую конвенцию.
3. Регулярно, один раз в год проводить дополнительные совещания.
4. Финансировать тренинги как для государственных чиновников, так и представителей НПО.
5. Иметь в бюджете ОБСЕ специальную строку для финансирования программ образования по Правам Человека.

На вопрос: КАКИЕ КРИТЕРИИ оценки эффективности?

1. Наличие Национального Плана образования в области Прав Человека.
2. Соответствие принципов ВДПЧ и реальной жизни общества.
3. Процедуры реализации стандартов ОБСЕ
4. Количество и качество правозащитных организаций
5. Специальные организации для содействия образованию в области Прав Человека
6. Степень сознательного участия молодежи в выборах.
7. Количество правонарушений совершенных молодыми людьми.
8. Количество и качество проектов учебников и пособий для образования в этой области.

Как УЛУЧШИТЬ усилия ОБСЕ ?

1. Образование по вопросам образования Прав Человека считать приоритетным направлением.
2. Создать специальную Интернет страницу для образования Прав Человека, с выходом на Интернет-ресурсы других организаций.
3. Организовывать ежегодно отчеты правительств государств-участников по исполнению образовательных программ.
4. Организовывать, способствовать проведению специальных тренингов и семинаров по этой проблеме, помогать взаимному обмену опытом.
5. Выработать четкий подход к оценке **ситуации в 3-координатном пространстве**: выполнение взятых обязательств, состояние демократии (или диктатура) в стране, время продвижения к стандартам ОБСЕ.
6. Особое внимание обращать на развитие информационного пространства, издание специальных книг, пособий, журналов и т.д. на национальных языках.
7. Далее активно сотрудничать с неправительственными организациями и помогать инициативным группам создавать легальные организации.
8. Проводить регулярные on-line конференции по обмену опытом.
9. Создать критерии и стандарты ОБСЕ для образования в области Прав Человека.
10. Проводить ежегодные призовые молодежные конкурсы по этой проблематике.

**Tuesday, 12 October 2004**

**WORKING SESSION 12,13 – Specifically selected topic: Promotion of tolerance and non-discrimination.**

**United States of America:**

- The Chairman-in-Office should appoint a personal representative on anti-Semitism and a second, separate envoy on racism, xenophobia and discrimination well before for the Sofia Ministerial.
- During the Sofia Ministerial, the OSCE Ministerial Council should welcome the invitation by Spain to hold a follow-on event in Cordoba in 2005.
- ODIHR should seek to create several new advisory positions within its tolerance program and to make those positions part of ODIHR's permanent staffing table.
- All participating States should forward to ODIHR at the earliest opportunity information on domestic legislation on combating hate and anti-Semitic crimes, as well as statistics related to hate crime incidents on their territory.

#### **Canada:**

- Canada strongly urges the OSCE to continue to focus on developing practical strategies to fight the full spectrum of racism and discrimination, including anti-Semitism. These strategies should be comprehensive, targeting the largest possible number of groups and engage civil society.
- The work begun by the tolerance and non-discrimination program of ODIHR is a prime example of this approach. We urge the strengthening and optimization of the existing, but burgeoning ODIHR activities in this regard.
- Canada urges participating States to encourage civil society at the local and national level to move beyond tolerance towards a full respect for diversity and to engage in constructive dialogue across communities.
- We also encourage participating State to foster debate within the media on diversity and on individual and collective responsibilities to combat hatred.
- Canada offers to share with participating States its experience with developing best practices in the field of media education. The Canadian approach focuses on responding to an unregulated media environment, particularly in the Internet and Web media, and targets the vulnerable segment in societies, namely children and youth.
- Canada encourages participating States to facilitate the development of programs, as well as legislative tools, which will help justice officials and law enforcement agents to better understand the nature and extent of discrimination and hate-crimes and how to best address and prevent such acts.
- In conclusion, Canada aims for broad-based and holistic mechanisms designed to foster mutual respect and understanding among all communities.

#### **European Union:**

- Un cadre législatif adéquat pour lutter contre l'intolérance et la discrimination représente une étape indispensable. Il est en effet essentiel que les auteurs d'actes racistes, xénophobes et antisémites soient poursuivis. A cet égard, nos législations devraient s'inscrire dans un cadre commun. La ratification par tous les Etats participants de l'OSCE de la Convention des NU pour l'élimination de toutes les formes de discrimination raciale assurerait cette base commune. Les Etats participants devraient également envisager de reconnaître des motifs haineux raciste, xénophobe et antisémite d'un crime comme circonstance aggravante.
- Le réseau instauré par l'Observatoire de Vienne peut servir d'inspiration à l'établissement d'institutions nationales pour lutter contre toutes les formes de l'intolérance et de la discrimination, demandé aussi bien par les Nations Unies que le Conseil de l'Europe. L'UE suggère aux Etats participants de l'OSCE de créer ces institutions qui pourraient jouer le rôle de point focal.

- Le BIDDH s'est vu confié un rôle important en matière de collecte des données. Il s'agira de déterminer l'objectif de cette collecte de manière à tenir compte des données déjà recueillies par les autres organisations régionales et internationales, et en assurant la préservation des capacités opérationnelles du BIDDH. A cet égard, le respect des engagements des Etats participants de l'OSCE en matière de la lutte contre l'intolérance et la discrimination devrait être davantage intégré dans les missions de l'OSCE sur le terrain.
- Les événements relatifs à la lutte contre toutes les formes de l'intolérance et de la discrimination que l'OSCE a organisés cette année devraient recevoir un suivi opérationnel et cohérent. L'EU s'attend à ce que le Conseil Ministériel de Sofia adopte des décisions à cet égard, L'EU se félicite de l'offre de l'Espagne d'accueillir une conférence à Cordue en 2005. Dans l'élaboration du mécanisme de suivi, il conviendrait de préserver une approche globale, tout en tenant compte des caractéristiques propres de leurs manifestations individuelles. Il conviendrait également de tenir compte de ce qui existe dans les autres enceintes internationales. Une coordination étroite entre toutes les institutions de l'OSCE impliqués dans la lutte contre l'intolérance doit être assurée.
- L'UE appelle a un renforcement de la coopération entre les structures de l'OSCE concernées, en particulier entre le BIDDH et le bureau du représentant pour la liberté des media, afin notamment de recueillir et de diffuser, en liaison avec les organismes compétents des Etats participants et les représentants de la société civile, les meilleures pratiques en matière de lutte contre toutes les formes d'intolérance, y compris dans les media et sur internet.

#### **Holy See :**

##### ***Recommendation to the OSCE and Participating States***

- In case one or more independent figures with a high political status are established on discrimination and tolerance related issues, one of them should be explicitly denominated and tasked to address the recurring attacks and discriminations against Christians in the OSCE Region.

##### ***Recommendation to the ODIHR***

- In the fight against discrimination and intolerance, the ODIHR action should stay within the agreed language of the Organization, which considers as clauses of discrimination: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### **Turkey:**

##### **General**

- Participating States should undertake all efforts to reach at a concept of "us" instead of "the other". It should be recognized that dialogue, communication, culture of cooperation and solidarity would be conducive in combating racism, xenophobia and discrimination.
- Participating States should strive, within all means at their disposal, to refrain from identifying any form of criminality, including terrorism and anything evil on cultural, ethnical and especially religious lines. Within this scope, they should condemn and counter tendencies and practices of Islam-phobia and help create an environment of tolerance and understanding, respecting international norms of human rights.

- The OSCE community should continue its efforts to combat racism, xenophobia and discrimination, also through convening similar events (conferences) in the future and be seized with this matter continuously.

#### Legislative, institutional mechanisms and governmental action including law enforcement

- Participating States should work towards the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
- Participating States should adopt specific national legislation and administrative measures, or strengthen the existing ones where necessary, to combat all forms of racism and racial discrimination.
- Civil society representatives, particularly the representatives of the vulnerable groups should also be consulted in the preparation of such legislation and measures.
- Racist abuses and violence, as well as incitement to racism and hatred should be criminalized, allegations of such crimes should be effectively investigated, the perpetrators should be brought to justice and the victims should receive remedies.
- Governments should ensure effective implementation of relevant legislation and administrative measures at national, regional and local levels. Government programs should include explicit references to anti-discriminatory policies.
- Public officials, particularly law enforcement and judicial staff should receive specific instructions and training to be sensitized with human rights, tolerance and non-discrimination and to develop cross-cultural understanding and communication skills.
- The conduct of public officials at all levels, particularly of law enforcement and judicial staff should be monitored, with a view to identifying and eliminating all forms of racist and discriminatory practices.
- Racist behavior or the use of racist language by public officials should be addressed with disciplinary and criminal measures.
- Law enforcement units should act promptly and decisively to prevent and respond to all forms of racist attacks.
- Particular attention should be paid to racist abuses in detention centres and prisons.
- Specialized national bodies, including monitoring units and ombudsman institutions should be established, where necessary, to observe and assess the situation and to deal with complaints arising from racist and discriminatory acts.
- The society in general and members of the vulnerable groups in particular should be informed of existing anti-discriminatory legislation and practices, as well as of their rights and options to resort to legal and administrative tools against any racist abuse or violence.
- A uniform statistical method conducive to data comparison among participating States in terms of racist and hate related crimes should be developed.
- Statistics related to racist and hate related crimes should be made public.
- OSCE Institutions should pay attention to and monitor in accordance with their mandates, the manifestations of racism, racial discrimination, xenophobia and related intolerance in the participating States. Also, they should diversify the scope and broaden the geographical focus of their relevant project activities.
- OSCE should closely follow the relevant work carried out in other international organizations and undertake joint projects where possible.

#### The role of Governments and civil society in promoting tolerance

- Participating States should strive to eliminate all forms of institutionalized racism, as well as racist and discriminatory tendencies in the society, through effective action combining educational, criminal, economic and social measures.
- Participating States should strive to ensure that human rights and dignity of all individuals residing on their territory are respected and that they are protected from all forms of discrimination and racist violence.
- Governments should send strong and clear messages that racism will not be tolerated in whatever form it may be.
- Government representatives, political personalities and high level officials should publicly condemn racism, xenophobia and discrimination.
- Well known personalities, academicians, artists, representatives of profession groups, society organizations should be encouraged to initiate and/or join public campaigns to denounce racism, xenophobia and discrimination.
- Governments and civil society should take pro-active positive approach to fight against racist rhetoric, bias, prejudice, discrimination and to promote multiculturalism and humanitarian values in the society.
- Governments and civil society should collaborate in conducting counter-racism strategies and projects.
- Governments, IOs and civil society organizations should promote and help conduct inter-religious and multi-cultural dialogue as a means to promote tolerance, understanding and mutual respect.
- Efforts in the fight against racism, xenophobia and discrimination should be systematic.

### Education

- Participating States should review school curricula, textbooks and teaching methods at all levels with a view to eliminating prejudices, negative stereotyping and racist and discriminatory elements.
- Participating States should include in their educational curricula and social programs at all levels, as appropriate, knowledge of, and tolerance and respect for, foreign cultures, peoples and countries.
- Human rights education should be part of school curricula starting from early stages of education.
- Ethical education of human rights should be used as an effective tool to combat racism and discrimination, especially in preventing younger generation from becoming racists.
- Human rights education should not be confined to children, but should also address adult members of the society. Targeted education programs should be regularly undertaken for politicians, teachers, media and civil society representatives, law enforcement officers, judges, prosecutors, prison staff, customs and immigration officers, health and social welfare services personnel and other officials.
- Participating States should take all appropriate measures to eliminate obstacles limiting the access of children to education.

### **Council of Europe:**

- Member States of the Council of Europe are encouraged to sign and ratify Protocol N° 12 to the European Convention on Human Rights, with a view to ensuring its rapid entry into force.

- OSCE States are encouraged to sign and ratify the Additional Protocol to the Convention on Cybercrime on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
- OSCE States are encouraged to enact legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete and to ensure that the key components set out in ECRI's General Policy Recommendation No7 are provided in such legislation.
- Member States of the Council of Europe are encouraged to implement ECRI's recommendations contained in its country-specific monitoring reports as well as ECRI's General Policy Recommendations.
- OSCE institutions are encouraged to further strengthen their cooperation in the fight against racism, xenophobia, antisemitism and intolerance with the Council of Europe by establishing mechanisms enabling the free flow of and exchange of information and data.

## **ILGA – Europe:**

### ***Recommendations to the OSCE and Participating States:***

- Encourage all Participating States to include sexual orientation and gender identity in the definition of hate crimes when drafting legislation.
- Make specific reference to discrimination based on sexual orientation and gender identity in its expanded mandate on tolerance and the fight against discrimination.
- Encourage all Participating States that still criminalize same-sex consensual relationships to decriminalize it immediately and discourage those States that are currently considering recriminalization.

### ***Recommendations to the ODIHR:***

- Develop training for law enforcement that includes modules on dealing with victims of hate crimes based on sexual orientation and gender identity.
- In co-operation with OSCE Missions, actively seek the cooperation of human rights institutions and NGOs fighting discrimination on grounds of sexual orientation and gender discrimination, in developing projects on tolerance and non-discrimination. ILGA-Europe stands ready to work with both the ODIHR and the OSCE Missions in developing these relationships.
- Include modules on sexual orientation and gender identity when developing tolerance education materials.
- Work with NGOs fighting discrimination on grounds of sexual orientation and gender discrimination to increase their capacity to monitor incidence of hate crimes based on sexual orientation and gender identity.
- When asking States to collect and keep records on reliable information and statistics on hate crimes, specifically mention sexual orientation and gender identity as grounds for collecting such information and statistics, including violent manifestations of discrimination.
- Include statistics on hate crimes and acts of violence against people based on their perceived sexual orientation and gender identity, if no such statistics are provided by Participating States ODIHR should rely on the information they receive from National and International NGOs when compiling reports.
- Develop best practices for law enforcement, national human rights agencies and government on monitoring and responding to hate-motivated crimes in cooperation with

NGOs and organizations fighting discrimination on grounds of sexual orientation and gender identity.

### **Initiative November 9<sup>th</sup> 1938**

#### *Concept of “Human Rights Competition”*

- The observance of human rights should be a self-understood achievement of humanity.
- The preservation of human rights must not be misconceived as a “luxury good“.
- Neglecting the protection of human rights will pay back sooner or later
- Therefore the competition shall be attended by an award instead of a reproof.
- A competition between nations that is still to be announced shall enable to determine and award outstanding efforts in the area of human rights protection.
- By this means accessibility for the issue on hand is to be created that classifies the advocacy for human rights as rewarding and exemplary. We further hope, that through the success of the project at this stage, a broad encouragement for providing the necessary support can be effectuated.
- The goal of this project is the appraisal of human rights as an important element for securing peace and prosperity, which should be the dedication of each person and each country.
- The “winner status” should on the one hand side bring international recognition and on the other side create motivation for the people of the other countries to stand up for justice in their own surroundings and fight violations of human rights instead of accepting them.
- The attending states donate to the ”winner nations” apple or olive trees that form a “grove of awareness”.
- Furthermore we suggest that the “winning nation” will host numerous international scale political, cultural and sporting events that should if applicable be sponsored by the attending states.

#### **International Committee of the Red Cross:**

- The ICRC recommends to consider the EHL programme ("Exploring Humanitarian Law" programme) when implementing any civic education programme on Human Rights (HR), education to citizenship...in the OSCE countries.
- The ICRC considers the teaching of basic rules of International Humanitarian law as complementary to the teaching of Human Rights in schools curricula.
- The ICRC is ready to collaborate to a jointed or non jointed implementation programmes: HR-IHL (International Humanitarian Law).
- The ICRC wishes to remind all the countries that have not yet started to disseminate IHL to the youth (in particular through the promotion of the EHL programme) their obligations as States-party to the Geneva Conventions.
- Le CICR recommande que ce programme soit pris en considération dans la mise en place de programmes d'instruction civique tournés vers les Droits Humains (DH), l'Éducation à la Citoyenneté...dans les pays membres de l'OSCE.
- Le CICR considère que l'enseignement des normes de base du Droit International Humanitaire est complémentaire de celui de l'enseignement des Droits Humains et encourage sa mise en place et son intégration dans les programmes scolaires.

- Le CICR est prêt à collaborer dans la mise en place de programmes conjoints ou non: DH-DIH.
- Le CICR souhaite rappeler aux pays non encore engagés dans la diffusion du DIH auprès de la jeunesse (notamment à travers la promotion du programme EHL) leurs obligations en tant que États parties des Conventions de Genève.

### **International Helsinki Federation for Human Rights:**

The IHF is concerned that the climate of heightened suspicion against Muslims that has developed in the EU member states in the aftermath of the September 11 events may result in increasing marginalization of Muslims, thereby further aggravating their vulnerability to intolerance and discrimination and undermining positive efforts of integration. The IHF is also concerned that the targeting of moderate and peaceful Muslims in the name of enhancing security may foster growing frustration and resentment among Muslims and have the effect of encouraging rather than discouraging further radicalization.

The IHF welcomes the fact that the July 2004 OSCE Permanent Council Decision on Tolerance and the Fight against Racism, Xenophobia and Discrimination specifically highlights the need to intensify efforts to combat intolerance and violence against Muslims. The IHF also welcomes the declaration from the OSCE Conference in Brussels last month, which explicitly rejects “the identification of terrorism and extremism with any religion, culture, ethnic group, nationality or race.”

On the basis of these and previous OSCE commitments related to tolerance and non-discrimination, as well as other relevant European and human rights standards, the IHF would like to make a number of recommendations. While these recommendations are directed to the EU member states, they also apply to other OSCE participating States:

- The EU member states should ensure that any measure adopted to counter religious extremism or terrorism fully respects the principle of equality before the law and does not amount to discrimination on grounds such as religion, nationality or ethnicity. The member states should instantly amend, rescind or nullify any laws that have the effect of creating or perpetuating discrimination on such grounds, and in their actions consistently distinguish between those individuals who advocate and commit violence in the name of Islam and the majority of Muslim who condemn such violence.
- The EU member states should ensure that any measure adopted to counter religious extremism or terrorism fully respects the principle of equality before the law and does not amount to discrimination on grounds such as religion, nationality or ethnicity. The member states should instantly amend, rescind or nullify any laws that have the effect of creating or perpetuating discrimination on such grounds, and in their actions consistently distinguish between those individuals who advocate and commit violence in the name of Islam and the majority of Muslim who condemn such violence.
- The EU member states should take effective measures to protect Muslims and other vulnerable minority groups from religiously or racially motivated discrimination, hostility and violence, including by ensuring that such abuses are effectively investigated, prosecuted and punished. To enhance efforts to prosecute and punish discriminatory acts, the member states should consider strengthening legislation that prohibits discrimination on religious or racial grounds, including by transposing into national law the two EU Council directives on equal treatment from 2000 if they have not yet done so. The EU member states should also consider strengthening legislation that prohibits hate crimes motivated by religious or racial bias.

- The EU member states should establish training programs for law enforcement and judicial officials on legislation and enforcement of legislation relating to discrimination and racially or religiously motivated hate crimes and they should actively engage in efforts to encourage Muslims and other minority members to report religiously or racially motivated discrimination, hostility and violence to police.
- The EU member states should take effective measures to promote tolerance among their citizens, including by encouraging debate within the media about their responsibility to avoid perpetuating prejudice when reporting on Islam and Muslim communities, by developing educational programs to inform the public objectively about Islam and to foster respect for cultural and religious pluralism, by raising awareness of positive contributions of Muslim and other minority members to society, and by supporting NGO efforts aimed at building bridges between Muslim and majority communities.

### **International League for Human Rights:**

#### ***Для НПО России и иных постсоветских стран:***

- Совершенствовать публичный мониторинг ситуации.
- Добиваться некоторого общественного консенсуса по вопросу о методах противодействия языку вражды.

#### ***Для национального правительства:***

- В сотрудничестве с НПО и академической общественностью выработать более реалистичные правовые механизмы противодействия языку вражды – и внести соответствующие изменения в законодательство.
- Устранить неоправданные ограничения для деятельности общественных и религиозных организаций, возникшие при принятии законов против преступлений на почве ненависти и языка вражды.
- Предпринять достаточные политические меры, чтобы побудить руководство судебной системы и следственных органов выработать механизмы применения уже существующих в уголовном праве норм о преступлениях на почве ненависти.
- Не допустить расширительного применения механизмов, создаваемых для борьбы с террористической деятельностью.

#### ***Для ОБСЕ:***

- Составить конкретные рекомендации в области ведения статистики преступлений на почве ненависти и языка вражды, норм расследования и наказания таких преступлений и поручить Верховному комиссару ОБСЕ по национальным меньшинствам или специально назначенному докладчику контролировать практическое выполнение этих рекомендаций.

### **International Network Against Cyber Hate:**

- Ensure that the subject of racism, discrimination, antisemitism, Islamophobia and Xenophobia on the Internet, in all its aspects, is kept as an integral part of the Promotion of tolerance and non-discrimination topic, and not as a separate issue.
- Ensure that the OSCE body that collects data on instances of racism, discrimination, antisemitism, Islamophobia and Xenophobia In Real Life, will also collect and include racism, discrimination, antisemitism, Islamophobia and Xenophobia on the Internet.

### **Jugendschutz:**

- sign and ratify existing rules like the Council of Europe Additional Protocol to the Convention on Cybercrime
- implement national law facing Racism, Xenophobia and Discrimination, referring to the principle: what is illegal off-line shall also be illegal on-line
- force responsible authorities in each state such as public prosecutors and law enforcement to use existing rules in a more offensive way and to bring cases immediately to court
- enforce providers to declare they will not to accept racist, defaming, harassing or in any kind discriminatory content on their servers. This could be achieved on the basis of code of conducts, including a clear wording in their terms of services and the willingness to control content as well as to remove illegal content from their servers
- put the subject Hate Speech on the Internet and all related topics on curricula in schools. National Universities and pedagogical institutions should offer media educational workshops to promote knowledge about the “phenomenon” and how to assess information in a critical way.
- promote and support complaints bureaus and networks dealing with hate speech on the internet and motivate private institutions and profit organizations to promote and finance awareness projects on the internet.
- consider the possibilities of a follow-up conference on Hate Speech and the Internet

**Wednesday, 13 October 2004**

**WORKING SESSION 14,15 – Specifically selected topic: Freedom of assembly and association.**

**United States of America:**

- The OSCE should hold supplementary human dimension meetings in cities other than Vienna, and should insist on full participation by NGOs, consistent with OSCE modalities.
- Countries should cease taxing foreign grants given to NGOs to develop civil society and democracy. Similarly, participating States should cease harassment of NGOs, including tax investigations and unreasonable registration requirements. Participating States also should promote domestic philanthropic support for NGOs by establishing tax incentives for such donations.

**European Union:**

- The EU calls upon all participating States to support, encourage and promote, in line with OSCE standards and norms, the work of human rights organisations. The EU proposes that OSCE and participating States place special emphasis in 2005 on ways and means how to support and further enhance participation of citizens, civic organisations and especially human rights organisations in building democratic, free and fair societies.
- The EU recommends that OSCE focus on countries:
  - Where the freedom of assembly and association is formally safeguarded by the constitution but in practice paralyzed by local, traditional, cultural, religious, ethnic or customary stereotypes of collective behaviour;

- Where the right to the freedom of assembly and association is safeguarded by the constitution but in practice curtailed, continuously or occasionally, by legislative acts or by administrative obstacles raised by the government;
  - Where some groups of population encounter selective discrimination in the exercise of the right to the freedom of assembly and association
- The EU is aware that practical conditions for the exercise of the freedom of assembly and association are a fair indicator of the overall state of political culture and civil society. The EU recommends that, in countries where shortcomings have been identified, the OSCE focus on the educational aspect of the problem, intensify its support for democratically oriented non-governmental organisations and conduct a continuous dialogue on democratic education of general public with the public administration at all levels.

### **EUROMIL – European Organization of Military Association**

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

### **International Helsinki Federation for Human Rights:**

- The IHF urges the OSCE participating States to uphold the right to peaceful assembly and to ensure that derogation from this right is justified only for reasons relating to national and public safety.
- The governments in all the aforementioned countries should ensure that law enforcement officers are trained in adequate control techniques that are allowed by international codes for police conduct. For example, they should be carefully instructed that they may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result. In all cases, the use of force must be proportionate to the legitimate objective to be achieved. Even in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials must avoid the use of force and use it only as last resort, and must restrict such force to the minimum extent necessary.
- All judicial proceedings initiated against peaceful protesters should be terminated and police officers who have resorted to excessive use of force against demonstrators or other misconduct must be brought to justice.

As regards the right to freedom of association in the members states mentioned in this intervention, the IHF recommends the following:

- The governments of Turkmenistan and Uzbekistan should carry out a thorough overhaul of legal provisions and practices pertinent to the registration of public associations and their activities. As a first step, they should amend their laws on association to ensure that they comply with international standards, including allowing closure of associations only

following fair court proceedings. Authorities in both countries should abolish restrictions on cooperation with international organizations. In addition, they should ensure that law enforcement officials do not interfere in activities of public associations, which are protected by international standards. Moreover, they should allow for the free formation of political parties and allow them to operate freely.

- The government of Armenia should amend the new law on regulating the organization and conduct of meetings, assemblies, rallies and demonstrations according to the recommendations of the Council of Europe's Venice Commission and the OSCE.
- The government of Azerbaijan should ensure that public associations are registered promptly on the basis of equal treatment. As in Armenia, attention should be paid to the operation of the police and other law enforcement agents to assure that they are in line with international standards. Abusive officers must be brought to justice.
- The government of Belarus should reform the regulations restricting civil society activities and the organizations of political opposition and independent trade unions. Closure of NGOs should be allowed only on grounds allowed by international standards and they should be carried out by court as a result of a fair trial. The range on NGO activities should not be arbitrarily limited. All legal proceedings against the Belarusian Helsinki Committee must be immediately terminated.
- The Ukrainian government should refrain from applying retroactively the law on associations on parties that were registered prior to the entry into force of the law. Moreover, it should amend the law so as to reduce significantly the number of members necessary for establishing a political party. A new law that is consistent with international standards should be adopted to regulate the formation of NGOs and their activities as well as the conduct of peaceful assemblies.
- The government of Turkey should allow free activities for political parties and other associations representing a full spectrum of political and religious views and national/ethnic minorities, including the Democratic People's Party (DEHAP). Free operation should also be allowed to trade unions, human rights organizations and student associations, including the right to hold peaceful demonstrations without fear of reprimands. All those students who have been dismissed from universities due to their participation in demonstrations or other protests should be re-enrolled.
- The United States government should ensure that the anti-terrorism measures introduced after 11 September will not transgress the borders of the right to freedom of assembly and the right to freedom of expression. Law enforcement officials should be trained to strictly respect the basic rights guaranteed by the US Constitution and international human rights instruments.

#### **Kylym Shamy, Kyrgyzstan:**

- Содействовать привидению в соответствие Закона «О праве граждан собираться мирно...» с Конституцией Кыргызстана и международными стандартами.
- Обратить особое внимание на соблюдение Кыргызстаном стандартов прав человека, которые прописаны всем государствам-участникам ОБСЕ. Рекомендовать Кыргызстану исполнения своих обязательств по отношению права на проведение мирных собраний.

#### **The Observatory for the Protection of Human Rights Defenders :**

- The Observatory reiterates its total support to the ODIHR programme on freedoms of association and peaceful assembly.

- However, in view of the seriousness of the situation described above, the Observatory calls the OSCE to strengthen the mandate of this programme and recommends the creation of a "Focal Point" or a Special Rapporteur, whose mandate would be to:
  - react publicly and immediately to cases of violations perpetrated against defenders;
  - solicit, question, and answer to the States.
 This mechanism should also aim at assessing legislations relative to freedom of association. It should finally work in close partnership with the mandate of the Special Representative of the UN Secretary General on human rights defenders, Mrs. Hina Jilani.
- Moreover, the Observatory asks the member States of the OSCE to:
  - Commit to putting an end to this recurrent repression phenomenon against Human Rights Defenders,
  - Fully recognize the major role of human rights defenders in the building of democracy and the rule of law,
  - Conform with the provisions of the final document of Copenhagen (1990) and with those of the Declaration on Human Rights Defenders.

**Thursday, 14 October 2004**

**WORKING SESSION 16, 17 – Specifically selected topic: Complementarity and co-operation between international organizations in promoting human rights.**

**Russian Federation:**

- Russia supports close co-operation and mutual complementarity of OSCE and the CoE. Any competition between these two organisations should be avoided.
- Russia welcomes and supports the practice of holding joint meetings and conferences held by OSCE and the CoE, where the most urgent matters on agenda of both organisations are discussed and inter-institutional cooperation is discussed. Joint planning and coordination meetings and institutionalization of establishment of liaison officers at each organization would be one of the ways to improve coordination. The Russian Federation considers that a framework agreement should be concluded between OSCE and the CoE which later could be complimented by Memoranda of Understanding on concrete thematic priorities.
- Similarities in the work of two organisations are growing. Therefore, there are two options: the Council of Europe should leave those spheres where OSCE has been better known for (elections, non-discrimination, religion, trafficking, Roma and Sinti, etc) and retain its role in the sphere of justice, standard-setting and other spheres less covered by the OSCE (social, educational, cultural, scientific) or there should be gradual unification of efforts which would result in the eventual merging of two organisations with an aim of creating a single organisation with a wide mandate covering issues from security to culture, its own legal base (conventions of the CoE) and with sustainable and elaborate mechanisms for close and fruitful cooperation. The Russian Federation fully realises that this issue is at this stage hypothetical, complicated and delicate and requires a thorough and gradual approach, as all mentioned above options have their own pros and cons. This is being currently informally discussed following the initiative of Norway in the working group comprised of representatives to the CoE of the following countries: of the OSCE Troika, Norway, Poland, Great Britain, Switzerland. This group aims to form the basis for creating a co-ordination mechanism between OSCE and the CoE and for identifying

the modalities of the future cooperation. The parameters of the possible joint document are being discussed. This document may be presented either at the Ministerial Meeting in Sophia or at the Summit of the CoE in Warsaw.

- All co-operation matters should be discussed with full and equal involvement of Russian and other European countries that are equal members of the CoE and OSCE.
- Further increase of cooperation should be accompanied by internal reforms of both organisations, correcting functional and geographic disbalance in their work, and also finding their correct niche in the contemporary European security system.

### **Council of Europe:**

OSCE-CoE Co-operation:

- Improve consultations at the planning stage in small thematic meetings which could take the form of teleconferences to save time travel money;
- Compilation of an inventory of unmanaged duplication which would show that it is very much less widespread than imagined;
- Joint monitoring to facilitate shared findings;
- Reciprocal secondment of staff;
- Establishment within the OSCE of an equivalent body to the Council of Europe's Rapporteur Group on the OSCE at Ministers' Deputies level;
- Joint needs assessment missions and joint funding of projects to foster joint implementation;
- Increased visibility for joint coordinated activities giving credit where it is due.

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<b>Belgium</b>	<p><b>WS 3: Tolerance and non-discrimination II</b> 454. Statement on "Models of Effective Partnership between Governments, National Institutions, Law Enforcement Authorities and Civil Society in Monitoring and Responding to hate-Motivated crimes" by Mr. Jozef de Witte.</p> <p><b>WS 5: Fundamental freedoms II</b> 331. Right of reply on statement by the Church of Scientology International (doc.</p>

	<p>no 125).</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>469. Statement of reply to the "Human Rights Without Frontiers" (statement on Islam and foreign religions delivered on Friday, 8th October).</p>
<b>Bulgaria / OSCE Chairmanship</b>	<p><b>Opening Plenary Session</b></p> <p>9. Opening statement by the OSCE Chairman-in-Office, Dr. Solomon Passy, Minister of Foreign Affairs.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>178. Written contribution on the policy of the Bulgarian Government towards equal integration of Roma in the society.</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>113. Written contribution on the Measures to Prevent Violence against Women.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>177. Written contribution on the religious freedoms in Bulgaria.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>260. Information on Bulgaria's efforts in Combatting Trafficking in Human Beings.</p>
<b>Canada</b>	<p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>91. Statement on equal opportunities for Women and Men.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>197. Statement on internal displacement.</p> <p>198. Statement and written recommendations on "International Law and its Applicability to Humanitarian Issues and Other Commitments".</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>338. Statement on human dimension activities.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>415. Statement and written recommendations on promotion of tolerance and non-discrimination.</p> <p><b>WS 14: Freedom of assembly and association</b></p> <p>424. Statement on freedom of assembly and association.</p>
<b>Croatia</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>398. Statement by Mr. Luka Maderic on national minorities.</p>
<b>France</b>	<p><b>WS 5: Fundamental freedoms II</b></p> <p>219. Statement on freedom of religion in France.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>381. Written contribution on teaching about Holocaust in France.</p>
<b>Germany</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>31. Statement on democracy at the local and national level.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>106. Statement by the four national minorities of the Federal Republic of Germany - the Danish minority, the Sorbian people, the Frisian minority and the German Sinti and Roma.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>238. Written contribution on freedom of faith and conscience in Germany.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>437. Statement on tolerance and non-discrimination</p>
<b>Holy See</b>	<p><b>WS 5: Fundamental freedoms II</b></p> <p>171. Statement on freedom of thought, conscience, religion or belief.</p> <p>172. Written recommendations on freedom of thought, conscience, religion or belief.</p>

	<p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>417. Statement on the follow-up to the OSCE tolerance-related activities.</p> <p>418. Written recommendations on the follow-up to the OSCE tolerance-related activities.</p> <p><b>Closing reinforced plenary session</b></p> <p>470. Closing Statement.</p>
<b>Kazakhstan</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>158. Information on the Election Legislative Framework in Kazakhstan.</p> <p>159. Written contribution: "Parliamentary Elections Highly Competitive, Runoffs Needed for Third of Seats".</p> <p>160. Information on Results of elections of deputies of Majilis of the Parliament of the Republic of Kazakhstan, 23 September.</p> <p>161. Parliamentary elections in Kazakhstan - Information on comments by international observers.</p> <p>162. Comments on Kazakh parliamentary elections.</p> <p>163. Written contribution on the human rights situation in Kazakhstan.</p> <p><b>Written contributions</b></p> <p>225. Information on the situation of human rights in Kazakhstan.</p>
<b>Kyrgyzstan</b>	<p><b>Opening Plenary Session</b></p> <p>10. Opening statement by Mr. Alikbek Djekshenkulov, Deputy Head of President's Administration.</p> <p><b>WS 1: Democratic Institutions</b></p> <p>36. Statement by Mr. Alikbek Djekshenkulov on democratic elections.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>253. Statement on national minorities in Kyrgyzstan.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>252. Statement on freedom of thought, conscience, religion and belief.</p> <p><b>WS 6: Rule of Law I</b></p> <p>251. Statement on legislative transparency</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>292. Information on the issue of trafficking in human beings in Kyrgyzstan</p>
<b>Netherlands / European Union</b>	<p><b>Opening Plenary Session</b></p> <p>12. Opening statement on behalf of the European Union.</p> <p><b>WS 1: Democratic Institutions</b></p> <p>70. Statement and written recommendations by the United Kingdom on behalf of the European Union.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>126. Statement by Finland on behalf of the EU concerning national minorities.</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>127. Statement by Poland on behalf of the EU on Equal Opportunities for Men and Women.</p> <p>128. Statement by Poland on behalf of the EU on Prevention of Aggressive Nationalism, Chauvinism and Ethnic Cleansing.</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>192. Statement and written recommendations by Germany on behalf of the EU on freedom of expression, free media and information.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>193. Statement and written recommendation by Spain on behalf of the EU on freedom of religion.</p> <p>194. Statement by Spain on behalf of the EU on freedom of movement.</p> <p><b>WS 6: Rule of Law I</b></p>

	<p>256. Statement by Greece on behalf of the EU on the rule of law</p> <p><b>WS 7: Rule of Law II</b></p> <p>257. Statement and written recommendations by the United Kingdom on behalf of the EU on the question of the death penalty.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>297. Statement and written recommendations by France on behalf of the EU on victims of armed conflicts.</p> <p>299. Statement and written recommendations by France on behalf of the EU on migration, refugees and IDPs.</p> <p>300. Statement and written recommendations by Luxembourg on behalf of the EU on trafficking in human beings.</p> <p><b>WS 9: Humanitarian issues and other commitments (cont.)</b></p> <p>298. Statement and written recommendations by France on behalf of the EU on migrant workers and treatment of citizens of other participating States.</p> <p>302. Statement and written recommendations by the Netherlands on behalf of the EU on the Human Rights Situation in Turkmenistan.</p> <p><b>Plenary Session</b></p> <p>301. Statement by the Netherlands on behalf of the EU.</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>337. Statement and written recommendations by Ireland on behalf of the EU on human dimension activities.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>380. Statement and written recommendations by Belgium on behalf of the EU on promotion of tolerance and non-discrimination.</p> <p><b>WS 14: Freedom of assembly and association</b></p> <p>370. Ensuring Protection - European Union Guidelines on Human Rights Defenders - distributed on request of the OSCE/ODIHR.</p> <p>420. Statement and written recommendations by the Czech Republic on behalf of the EU on freedom of assembly and association.</p> <p><b>WS 16: Complementarity and co-operation between international organizations in promoting human rights</b></p> <p>452. Statement by Italy on behalf of the EU on complementarity and co-operation between IOs in the Promotion of Human Rights.</p> <p><b>Closing reinforced plenary session</b></p> <p>468. Closing statement by the Netherlands on behalf of the European Union.</p>
<b>Norway</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>92. Statement by Ambassador Mette Kongsheim on Electoral Standards and Commitments.</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>93. Statement by Ambassador Mette Kongsheim on equal opportunities for women and men.</p> <p><b>WS 6: Rule of Law I</b></p> <p>218. Statement on legislative transparency, independence of the judiciary - information on creation of the Crisis Response Pool that can be deployed at short notice of international crisis management operations.</p> <p><b>WS 16: Complementarity and co-operation between international organizations in promoting human rights</b></p> <p>464. Statement on enhanced co-operation between the CoE and the OSCE.</p> <p><b>Written contributions</b></p> <p>383. Written recommendations on elections, gender issues and trafficking.</p>
<b>Poland</b>	<p><b>Opening Plenary Session</b></p> <p>23. Opening address by H.E. Dr Włodzimierz Cimoszewicz, Minister of Foreign</p>

	<p>Affairs.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>69. Information on the Governmental programs on the Roma community in Poland.</p>
<b>Romania</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>200. Overview of the latest measures undertaken by the Government of Romania in order to improve the situation of the Roma community, within the framework of the National strategy for Roma.</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>199. Statement on respect for freedom of expression in Romania.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>378. Written contribution on latest developments regarding the fight against discrimination in Romania.</p>
<b>Russian Federation</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>27. Written contribution on the Russian election legislation and its implementation.</p> <p>28. Written contribution on citizenship and political rights.</p> <p>29. Written contribution on democracy at national, regional and local levels.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>65. Statement on the situation of Roma and Sinti</p> <p>67. Statement on National Minorities.</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>66. Statement on prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing.</p> <p>68. Statement on equal opportunities for women and men.</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>141. Written contribution on freedom of expression, free media and information.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>148. Written contribution on position of the Russian Orthodox Church with regard to religious freedom in Russia.</p> <p>176. Position of Russian Orthodox Church (Moscow Patriarchate) on some burning issues connected with realization of freedom of religion - synopsis of the speech.</p> <p>179. Written contribution on freedom of thought, conscience, religion and belief.</p> <p>180. Statement on the visa policy of the EU towards Russian citizens.</p> <p><b>WS 6: Rule of Law I</b></p> <p>217. Statement on the rule of law.</p> <p><b>WS 7: Rule of Law II</b></p> <p>216. Statement on prevention of torture.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>284. Statement on international humanitarian law.</p> <p>351. Statement on trafficking in human beings.</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>339. Statement by Mr. Anvar Azimov, Department of European Co-operation.</p> <p><b>WS 14: Freedom of assembly and association</b></p> <p>436. Statement on freedom of assembly and association.</p> <p><b>WS 16: Complementarity and co-operation between international organizations in promoting human rights</b></p> <p>458. Statement by Mr. Anvar Azimov on complementarity and co-operation between IOs in promoting human rights.</p> <p><b>Written contributions</b></p>

	230. Statement on the situation of Turks-Meshetiens in Krasnodar region of the Russian Federation.
<b>Serbia and Montenegro</b>	<p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>283. Written contribution on Refugees and IDPs in Serbia and Montenegro.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>384. Written contribution on promotion of tolerance and non-discrimination in Serbia and Montenegro.</p>
<b>Slovak Republic</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>450. Report on the Slovak Government Policy towards Roma Communities in the Period of 2003-2004.</p> <p><b>WS 6: Rule of Law I</b></p> <p>226. Written contribution on the activities of the Public Defender of Rights in the Slovak Republic.</p>
<b>Slovenia</b>	<p><b>Opening Plenary Session</b></p> <p>6. Opening statement by Ambassador Janez Lenarcic.</p> <p><b>Closing reinforced plenary session</b></p> <p>478. Closing remarks of State Under-Secretary Ms. Milena Smit, Head of the Division for Human Rights and the Council of Europe.</p>
<b>Spain</b>	<p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>122. Statement on equality between women and men.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>425. Statement with information on the Cordoba Conference in 2005.</p>
<b>Sweden</b>	<p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>96. Statement by Ambassador Krister Bringeus on Women in Peacekeeping and Crisis Management Operations.</p>
<b>Switzerland</b>	<p><b>Opening Plenary Session</b></p> <p>154. Opening statement.</p> <p><b>WS 1: Democratic Institutions</b></p> <p>155. Statement on democratic elections</p> <p>156. Written recommendations on democratic elections.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>123. Statement on National Minorities.</p> <p>124. Written recommendations on National Minorities.</p> <p><b>WS 7: Rule of Law II</b></p> <p>240. Statement on the question of the abolition of capital punishment and prevention of torture.</p> <p>241. Written recommendations on the question of the abolition of capital punishment and prevention of torture.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>278. Statement on trafficking in human beings.</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>324. Statement on human dimension activities.</p> <p>325. Recommendations on human dimension activities.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>416. Statement on tolerance and non-discrimination</p> <p><b>WS 16: Complementarity and co-operation between international organizations in promoting human rights</b></p> <p>471. Statement on co-operation between international organizations.</p>
<b>Turkey</b>	<b>WS 3: Tolerance and non-discrimination II</b>

	<p>242. Written contribution on equal opportunities for women and men.</p> <p>243. Right of reply on equal opportunities for women and men.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>254. Statement on the improvements achieved since September 2003 in the area of religious freedoms in Turkey.</p> <p><b>WS 7: Rule of Law II</b></p> <p>341. Statement on prevention of torture.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>306. Updated Country Report of Turkey on Trafficking in Human Beings.</p> <p><b>WS 9: Humanitarian issues and other commitments (cont.)</b></p> <p>307. Statement and written recommendations on migrant workers.</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>340. Statement on human rights education.</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>391. Written contribution and recommendations on promotion of tolerance and non discrimination..</p>
<b>Ukraine</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>356. Statement on Ukrainian Presidential Elections.</p>
<b>United Kingdom</b>	<p><b>WS 14: Freedom of assembly and association</b></p> <p>411. Statement by Mr. Peter Sheridan, Police Service of Northern Ireland Rural Regional Commander.</p>
<b>United States of America</b>	<p><b>Opening Plenary Session</b></p> <p>34. Opening statement by Ambassador Larry Napper, Head of the U.S. Delegation.</p> <p><b>WS 1: Democratic Institutions</b></p> <p>35. Statement on Democratic Elections; Follow-up to Elections SHDM by Mr. Gavin Helf, Public Member.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>115. Statement on National Minorities delivered by Mr. Gavin Helf.</p> <p>116. Statement on Tolerance and Non-Discrimination: Roma/Sinti, prepared and delivered by Ms. Erika Schlager.</p> <p><b>Side event: The U.S. Position on the Humane Treatment of Detainees in the Ongoing War on Terrorism</b></p> <p>104. Statement delivered by Mr. Matthew Waxman, Deputy Assistant Secretary for Detainee Affairs, U.S. Department of Defense.</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>114. Statement on Equality of Opportunity for Women and Men, prepared by Ms. Janice Helwig.</p> <p>117. Statement on Aggressive Nationalism, prepared for delivery by Ambassador Larry Napper.</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>186. Statement on Freedom of Expression and Free Media by Mr. Gavin Helf.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>235. Statement on Freedom of Thought, Conscience, Religion or Belief.</p> <p>236. Statement on Freedom of Movement as delivered by Ambassador Larry Napper.</p> <p><b>WS 6: Rule of Law I</b></p> <p>237. Statement on Rule of Law: Legislative Transparency, Independence of Judiciary and Fair Trial as delivered by Ambassador Larry Napper.</p> <p><b>WS 7: Rule of Law II</b></p> <p>291. Statement on torture as delivered by Ambassador Larry Napper.</p>

460. Statement of Reply on the Death Penalty as delivered by Mr. Marshall Brown.
- WS 8: Humanitarian issues and other commitments**
317. Statement on Migration, Refugees and Displaced Persons.
318. Statement on Trafficking in Persons.
319. Statement on International Humanitarian Law.
320. Statement on Turkmenistan and the Moscow Mechanism.
321. Reply on the International Criminal Court and Article 98 Agreements.
- WS 10, 11: Human dimension activities**
395. Statement on Human Dimension Activities of OSCE Missions and Field Operations as delivered by Ambassador Larry Napper.
- WS 12, 13: Promotion of tolerance and non-discrimination**
396. Statement on Implementation of OSCE Commitments Related to Tolerance by Participating States as delivered by Ambassador Stephan M. Minikes.
397. Statement on Enactment and Enforcement of Legislation to Combat Hate-Motivated Crimes as delivered by Ambassador Larry Napper.
438. Statement on Models of Effective Partnerships between Government, National Institutions, Law Enforcement Authorities and Civil Society in Monitoring and Responding to Hate-Motivated Crimes as delivered by Prof. Frederick M. Lawrence.
439. Statement on Follow-up to Tolerance Conferences as delivered by Mr. Mark Levin.
- WS 14: Freedom of assembly and association**
440. Statement on Freedom of Assembly and Association as delivered by Ms. Catherine Fitzpatrick.
- Closing reinforced plenary session**
474. Final statement as delivered by Ambassador Larry Napper.
- Written contributions**
475. Written recommendations.

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## OSCE Institutions

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<b>OSCE High Commissioner on National Minorities</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>49. Address by Mr. John de Fonblanque on "Promoting the Integration of National Minorities".</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>173. Introducing Guidelines on the Use of Minority Languages in the Broadcast Media - address by Mr. Krzysztof Drzewiecki, Senior Legal Adviser.</p>
<b>OSCE Mission to Bosnia and Herzegovina</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>88. Statement on Roma and other National Minorities.</p> <p>170. Statement on Roma and Sinti by Ambassador Victor Tkachenko</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>169. Information on the Mission's activities in the field of freedom of thought, conscience, religion and belief.</p> <p>189. Written contribution on freedom of movement.</p> <p><b>WS 6: Rule of Law I</b></p> <p>190. Statement on ombudsman and national human rights institutions in Bosnia and Herzegovina.</p> <p>209. Statement on Rule of Law in Bosnia and Herzegovina.</p> <p>414. Statement on ombudsman and national human rights institutions by</p>

	<p>Ambassador Victor Tkachenko.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>312.Information on Human Trafficking in Bosnia and Herzegovina.</p> <p>407.Statement on trafficking in human beings delivered by Ambassador Victor A. Tkachenko.</p>
<p><b>OSCE ODIHR</b></p>	<p><b>Opening Plenary Session</b></p> <p>13. Opening statement by Ambassador Christian Strohal, Director of the OSCE ODIHR.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>53. Statement and written recommendations related to Chapter VI of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area - Enhancing Participation in Public and Political Life. (by Zeljko Jovanovic of the Roma Centre for Democracy).</p> <p>55. Issues concerning participation of minorities, including Roma and Sinti, in some electoral events as documented in the OSCE ODIHR Reports of the Election Observation Missions in particular participating States.</p> <p>56. Recommendations and proposals for actions formulated during the International Conference "Good Practices in Promoting Roma and Minority Women in the Political and Democratic Processes", Bucharest, 15-18 April 2004.</p> <p>57. Report on the side-event on Promoting entrepreneurship and opportunities for economic development for Roma and Sinti held on the occasion of the 12th OSCE Economic Forum.</p> <p>58. Summary of side event "Media and Fighting Discrimination against Roma and Sinti: Media as a tool against Anti-Gypsyism".</p> <p>60. Written contribution on "Awareness Raising for Roma Activists on the Issue of Trafficking in Human Beings".</p> <p>82. Information on the project "Building a Database on Media Best Practices Regarding Roma in Selected OSCE Participating States".</p> <p>85. ODIHR CPRSI - Proposal of Calendar of Events for the period September-December 2004..</p> <p>220.Written contribution "The Unknown Holocaust in Eastern Europe. The case of Roma from Romania". Distributed by the ODIHR CPRSI on behalf of the Roma Center for Public Policies "AVEN AMENTZA", Romania.</p> <p><b>WS 6: Rule of Law I</b></p> <p>202.Summary Report on the ODIHR follow-up to Supplementary Human Dimension Meeting on Torture Prevention, November 2003.</p> <p><b>WS 7: Rule of Law II</b></p> <p>234.Final report of the Supplementary Human Dimension Meeting on the Prevention of Torture, Vienna, 6-7 November 22003.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>259.ODIHR CPRSI Report on the Project "Roma and the Stability Pact for South Eastern Europe" (2001-2003) under the European Union/EC in co-operation with ODIHR and CoE.</p> <p>293.Report on Roma, Shkali and Egyptian Internally Displaced Persons and Refugees in the Balkans and Europe, with an emphasis on the population from Kosovo, prepared by Ms. Nidhi Trehan.</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>313.OSCE PC Decision No. 617 on Further Measures to Suppress Terrorist Financing.</p> <p>314.Written contribution by the FATF GAFI on "Finanacial Action Task Force on Money Laundering - Combating the Abuse of Non-Profit Organisations.</p>

- International Best Practices".
332. Case Studies of Practices in the Czech Republic and Romania to Include Romani Civil Servants in Local and Regional Administration.
344. Presentation "The ODIHR the main institution of the OSCE's Human Dimension".
345. Presentation on the ODIHR's Elections Programme.
346. Presentation on ODIHR's Democratization Programme.
347. Presentation on ODIHR's Human Rights Programme.
348. Presentation of the programme of ODIHR's Contact Point for Roma and Sinti Issues.
349. Presentation of ODIHR's Tolerance and Non-Discrimination Programme.
- WS 12, 13: Promotion of tolerance and non-discrimination**
362. Conclusions and Recommendations from the Inter-Agency Meeting on Action against Racism, Xenophobia, anti-Semitism and Intolerance, 3 September, Vienna.
363. Needs Assessment on the Design, Development and Maintenance of an Information and Data Management System for the Tolerance and Non-Discrimination Programme by Ms. Judith Dueck.
366. Report on Hate Crimes in Russia: the State and the Society Response by Leonid Stonov (UCSJ's Director of International Bureaus).
- WS 14: Freedom of assembly and association**
367. Draft OSCE/ODIHR Guidelines for Drafting Laws Pertaining to the Freedom of Assembly.
371. OSCE Commitments Relating to Freedom of Assembly and Association - A guide prepared for the OSCE HDIM 2004.
372. Extracts from the Consolidated Summary of the HDIM 2003 - Freedom of Association and the Right to Peaceful Assembly.
375. Background paper on Freedom of Association: the Question of NGO Registration, OSCE HDIM 1998.
376. Detailed annotated agenda with the list of speakers for WS 14, 15.
400. Information on the status of ratification of treaties containing provisions which relate to freedom of assembly and/or association..
402. Article by Mr. Jeremy McBride on "NGO Rights and their Protection under International Human Rights Law".
403. "General Principles Governing Freedom of Assembly and Public Events" by Neil Jarman and Dominic Bryan of Institute for Conflict Research.
404. Checklist - responses to the ODIHR Questionnaire on Freedom of Assembly and Association.
413. Statement by Dr Evgeniy Zhovtis, Director of the Kazakhstan International Bureau for Human Rights and Rule of Law.
- WS 16: Complementarity and co-operation between international organizations in promoting human rights**
448. Written contribution: Emerging European Institutional Framework for Policy Making on Roma and Sinti.
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355. Compilation of Written Recommendations covering WS 1-9.
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447. Compilation of Written Recommendations covering WS 12-13.
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<b>OSCE Presence in Albania</b>	<p><b>WS 6: Rule of Law I</b></p> <p>394.Overview of Projects in 2004 - Rule of Law and Human Rights Department.</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>326.List of Human Rights projects pending in the mission.</p>
<b>OSCE Representative on Freedom of the Media</b>	<p><b>WS 4: Fundamental freedoms I</b></p> <p>467.Speaking points by Mr. Miklos Haraszti.</p>
<b>OSCE Secretariat</b>	<p><b>WS 10, 11: Human dimension activities</b></p> <p>354.Annual Report of the Secretary General on Police-Related Activities in 2003.</p>
<b>OSCE Special Representative on Combating Trafficking in Human Beings</b>	<p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>263.Statement by Ms. Helga Konrad.</p>

## International Organizations

<b>Council of Europe</b>	<p><b>Opening Plenary Session</b></p> <p>3. Opening statement by Mr. Jack Hanning, Head of Relations with International Organizations.</p> <p><b>WS 1: Democratic Institutions</b></p> <p>39. Written contribution on Parliamentary Assembly and election observation.</p> <p>40. Written contribution describing activities of the Congress of Local and Regional Authorities of Europe.</p> <p>41. Written contribution on the CoE's activities in the field of Local and Regional Democracy.</p> <p>42. Written contribution on CoE's activities in the field of Nationality/Citizenship.</p> <p>441.Statement by Ms. Angelina Prokhorova on democratic elections.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>43. Written contribution on Combating racism, xenophobia, antisemitism and intolerance as the CoE's priority.</p> <p>44. Written contribution on CoE's activities in the field of protection of national minorities.</p> <p>45. Written contribution on CoE's activities concerning Roma &amp; Travellers.</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>46. Written contribution on equality between women and men.</p> <p>47. Fact sheet on equality between women and men.</p> <p>48. Fact sheet on gender mainstreaming - action undertaken by the CoE.</p> <p>118.Written contribution on CoE's activities in the field of cultural heritage.</p> <p>Statement by Ms. Angelina Prokhorova on prevention of aggressive nationalism, chauvinism and ethnic cleansing.</p> <p>443.Statement by Ms. Angelina Prokhorova on equality between women and men.</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>140.Overview of the CoE's work in the media field.</p> <p>174.Information on the "Compliance with Member States' Commitments: the</p>
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Committee of Ministers' Monitoring Procedures".

**WS 5: Fundamental freedoms II**

184. Written contribution on the Committee of Ministers of the CoE monitoring procedures.

**WS 6: Rule of Law I**

185. Written contribution of the PACE - Committee on Legal Affairs and Human Rights.

203. Working contribution: "CoE and the Judicial System".

**WS 7: Rule of Law II**

204. Written contribution on the question of the abolition of capital punishment.

205. 14th General Report on the activities of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) covering the period 1 August 2003 - 31 July 2004.

207. Statement by Ms. Renate Kicker, Member of the CPT.

208. Written contribution on prevention of torture.

444. Statement by Ms. Angelina Prokhorova on abolition of capital punishment.

**WS 8: Humanitarian issues and other commitments**

206. Overview of the recent activities of the CoE in the field of migration.

267. Written contribution on Intergovernmental Activities of the CoE in the Field of Asylum and Refugee Law.

268. Fact sheet on "Draft Council of Europe Convention on Action against trafficking in human beings".

269. Statement on the draft CoE Convention on action against trafficking in human beings.

270. Fact sheet on "Trafficking in human beings - Action undertaken by the CoE".

271. Fact sheet on "Violence against women - Action undertaken by the CoE".

316. Statement by Dr Hanno Hartig, Head of Media, Equality and Minorities Department.

426. Press release: "PACE to establish a Round Table to follow human rights, democracy and the rule of law in Chechen Republic".

427. Resolution of the Parliamentary Assembly on "The political situation in the Chechen Republic: measures to increase democratic stability in accordance with Council of Europe standards".

**WS 10, 11: Human dimension activities**

368. 2nd Bureau meeting of the Ad hoc Committee of Experts for the European year of Citizenship through Education (CAHCIT).

369. Written contribution "2005 - The European Year of Citizenship through Education - Learning and Living Democracy".

406. Statement by Mr. Gennadiy Kosyak, Head of Targeted Co-operation and Assistance Co-ordination Unit.

**WS 12, 13: Promotion of tolerance and non-discrimination**

265. Final Communique of the Regional Conference "Migrants in the transit countries: sharing responsibilities in management and protection", Istanbul.

364. ECRI General Policy Recommendation No. 8 on Combating Racism while Fighting Terrorism..

365. ECRI General Policy Recommendation No. 9 on the Fight Against Antisemitism.

**WS 14: Freedom of assembly and association**

374. European Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations - distributed at request of ODIHR.

	<p>401. Fundamental Principles on the Status of Non-governmental Organisations in Europe and explanatory memorandum - distributed at request of ODIHR.</p> <p>405. European Convention on the Recognition of the Legal Personality of International NGOs - distributed at request of the ODIHR.</p> <p>410. Written contribution "Freedom of Association as Guaranteed by the European Social Charter - Updating".</p> <p><b>WS 16: Complementarity and co-operation between international organizations in promoting human rights</b></p> <p>449. Written contribution on complementarity and co-operation between international organizations in promoting human rights.</p> <p>459. Statement and written recommendations by Ms. Angelina Prokhorova on the OSCE - CoE co-operation.</p> <p><b>Written contributions</b></p> <p>445. Written recommendations on tolerance and non-discrimination and on migration..</p> <p>466. Opinion on the Referendum of 17 October 2004 in Belarus adopted by the Venice Commission at its 60th Plenary Session.</p>
<b>International Committee of the Red Cross</b>	<p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>322. Presentation.</p>
<b>UNHCR</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>24. Statement on the "Avoidance of Statelessness and Inter-Agency Co-operation".</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>279. Statement on Roma and Sinti.</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>280. Statement on equal opportunities for women and men.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>281. Statement on migration, refugees and displaced persons.</p> <p>282. Statement on trafficking in human beings.</p> <p>353. Statement by Ms. Erika Feller, Director of the Department of International Protection, at the 55th Session of the Executive Committee of the High Commissioner's Programme..</p>
<b>United Nations</b>	<p><b>WS 14: Freedom of assembly and association</b></p> <p>373. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms - General Assembly Resolution 53/144 - distributed at request of ODIHR.</p>

## Non-Governmental Organizations

<b>"Amaro Drom" Albanian Roma Union</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>77. Statement on issues of Roma minorities in Albania.</p>
<b>"DIAKKLUB" Hungarian Youth Club, Serbia &amp; Montenegro</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>75. Intervention by Ms. Ibolya Molnar on the recent increase of violence directed towards the Hungarian community in Vojvodina.</p>
<b>Albanian Helsinki Committee</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>76. Statement on Roma minority in Albania.</p>

<b>Almaty Helsinki Committee for Human Rights, Kazakhstan</b>	<b>WS 10, 11: Human dimension activities</b> 336. Legal aspects of Freedom of Coalition in Kazakhstan.
<b>American Jewish Committee, Washington Office</b>	<b>WS 12, 13: Promotion of tolerance and non-discrimination</b> 419. Statement by Rabbi Andrew Baker, Director of International Jewish Affairs.
<b>Amnesty International</b>	<b>WS 7: Rule of Law II</b> 188. Statement and written recommendations on the question of the abolition of capital punishment. 214. Statement and written recommendation on prevention of torture.
<b>Andijan Regional Society of Human Rights "Appeal"</b>	<b>WS 6: Rule of Law I</b> 273. Appeal regarding torture and corruption in Uzbekistan. <b>WS 7: Rule of Law II</b> 211. Statement on prevention of torture and measures against corruption.
<b>Assembly of Humanity</b>	<b>WS 4: Fundamental freedoms I</b> 131. Statement on the freedom of mass media in the Russian Federation. <b>WS 5: Fundamental freedoms II</b> 149. Statement on the relations between religious organizations and the State authorities in the Russian Federation.
<b>Association for the Prevention of Torture</b>	<b>WS 7: Rule of Law II</b> 221. Written contribution and recommendations "The Optional Protocol to the UN Convention against Torture: An Effective Means of Preventing Torture and Ill-treatment in OSCE participating States". 222. Statement on other Measures to Prevent Torture and Ill-treatment in OSCE Participating States.
<b>Association of Christian Churches in Russia "Union of Christians"</b>	<b>WS 5: Fundamental freedoms II</b> 137. Statement on freedom of religion in the Russian Federation.
<b>Balkan Sunflowers - Roma and Ashkalia Non-profit Documentation Office</b>	<b>WS 2: Tolerance and non-discrimination I</b> 78. Statement concerning: Security and freedom of movement; discrimination in obtaining documents; decentralization in Kosovo. 86. The Kosovo Roma Forum Action Plan.
<b>Belarusian Helsinki Committee</b>	<b>WS 1: Democratic Institutions</b> 191. Statement on the elections and referenda in Belarus. <b>WS 5: Fundamental freedoms II</b> 201. Statement on freedom of religion in Belarus. <b>WS 7: Rule of Law II</b> 244. Statement on torture and inhuman treatment in Belarus. <b>WS 14: Freedom of assembly and association</b> 382. Statement on freedom of assembly and association. <b>Written contributions</b> 352. Written contribution "The Chronicle of Persecution of the Belarusian Helsinki Committee".
<b>Center for Democratic</b>	<b>WS 2: Tolerance and non-discrimination I</b> 50. Statement and written recommendations on the integration of Roma within

<b>Initiative and Development (CDRIM)</b>	the Macedonian Public Administration Sector at local level.
<b>Centre for Political and Legal Reforms</b>	<b>WS 6: Rule of Law I</b> 168. Written contribution on Strengthening of the Supremacy of Law in Ukraine: Fundamental Needs and Problems.
<b>Church of Scientology International</b>	<b>WS 5: Fundamental freedoms II</b> 125. Presentation on discrimination against religious minorities, written recommendations attached.
<b>Civil Rights Project Sisak</b>	<b>WS 2: Tolerance and non-discrimination I</b> 74. Intervention on the issue of the sustainable return of Serbs to Croatia.
<b>Coalition for Democracy and Civil Society, Kyrgyzstan</b>	<b>WS 1: Democratic Institutions</b> 266. Statement on the Monitoring of Pre-Election Period of October 10, 2004, Village, Town and City Kehesh elections. 392. Written contribution on monitoring of elections in Kyrgyzstan.
<b>Coalition for the International Criminal Court</b>	<b>WS 8: Humanitarian issues and other commitments</b> 248. The role of the International Criminal Court in the International Justice System - written recommendations.
<b>Committee of Voters of Ukraine</b>	<b>WS 1: Democratic Institutions</b> 1. Written contribution "Local Government Officials Orchestrating Nominations to Precinct Commissions".
<b>Conseil Representatif des Institutions Juives de France</b>	<b>WS 12, 13: Promotion of tolerance and non-discrimination</b> 476. Statement by Mr. Haim Charles Musicant on promotion of tolerance and non-discrimination.
<b>Constantinopolitan Society</b>	<b>WS 2: Tolerance and non-discrimination I</b> 87. Address on the national minorities in Turkey.
<b>Danish Center for Conflict Resolution</b>	<b>WS 10, 11: Human dimension activities</b> 246. Human Rights and Conflict Management Project for Roma Liaison Police Officers.
<b>EUROMIL - European Organisation of Military Association</b>	<b>WS 14: Freedom of assembly and association</b> 423. Statement and written recommendations on freedom of association.
<b>European Association of Jehovah's Christian Witnesses</b>	<b>WS 5: Fundamental freedoms II</b> 109. Written contribution: "Religious persecution continues in Uzbekistan". 110. Written contribution: "Religious persecution continues in Turkmenistan". 111. Written contribution: "Religious discrimination continues in Russia". 112. Written contribution: "Religious discrimination continues in Armenia". 139. Written contribution on religious discrimination in Moldova. 187. Written contribution: "Jehovah's Witnesses: Tax Discrimination in France".
<b>European Dialogue</b>	<b>WS 2: Tolerance and non-discrimination I</b> 83. Written contribution on "Improving relations between Roma and Police in Russia: some current initiatives".
<b>European Jewish Congress</b>	<b>WS 12, 13: Promotion of tolerance and non-discrimination</b> 457. Review of implementation of OSCE commitments related to tolerance by participating states - Intervention by Michael Whine.

<b>European Pride Organisers Association (epoa) e.V.</b>	<p><b>WS 15: Freedom of assembly and association (cont.)</b> 361. Statement on freedom of assembly and association.</p>
<b>European Roma Information Office (ERIO)</b>	<p><b>WS 2: Tolerance and non-discrimination I</b> 52. Statement and written recommendations on "Anti-Gypsyism - the Bulgarian case".</p>
<b>European Roma Rights Center (ERRC)</b>	<p><b>WS 2: Tolerance and non-discrimination I</b> 54. Written recommendations in view of the specific provisions on Housing and living conditions of the OSCE Action Plan on Roma and Sinti. 59. Statement on Violations of Roma Rights in the Russian Federation (together with IHF). 143. Statement and written recommendations on situation of national minorities. <b>WS 6: Rule of Law I</b> 231. Written recommendations regarding non discriminatory access and fair administration of Justice to Roma and Sinti in the OSCE States.</p>
<b>Evangelical Church in Germany (EKD)/Conference of European Churches</b>	<p><b>WS 5: Fundamental freedoms II</b> 152. Statement on freedom of thought, conscience, religion or belief. 153. Written recommendations on freedom of thought, conscience, religion or belief.</p>
<b>Foundation for Tolerance International</b>	<p><b>WS 14: Freedom of assembly and association</b> 434. Statement on "Co-operation among the civic society, law enforcement agencies and other bodies of state authorities and governance to realize the citizens' constitutional rights to peaceful free gatherings".</p>
<b>Freedom House</b>	<p><b>WS 4: Fundamental freedoms I</b> 20. Address by Ms. Gulzi Nabiya on Freedom of Speech and Freedom of Expression in Kazakhstan. <b>WS 6: Rule of Law I</b> 19. Address by Ms. Valentina Gritzenko: "Kyrgyz Judiciary is not Independent". <b>WS 7: Rule of Law II</b> 18. Address by Mr. Abdusalom Ergashev on Prevention of Torture in Uzbekistan.</p>
<b>Graduate School for Social Research, Warsaw</b>	<p><b>WS 8: Humanitarian issues and other commitments</b> 261. Written contribution on Romanian Workers in Italy: Opportunities and Difficulties of Labour Commuting to the EU. 262. Statement and written recommendations on Romanian Workers in Italy.</p>
<b>Helsinki Committee for Human Rights of the Republic of Macedonia</b>	<p><b>WS 1: Democratic Institutions</b> 11. Statement on Global Democratic Processes in the Former Yugoslav Republic of Macedonia. <b>WS 2: Tolerance and non-discrimination I</b> 94. Written contribution on "Interethnic relations and minorities issues in the Republic of Macedonia". <b>WS 5: Fundamental freedoms II</b> 167. Written contribution: "Between rights of the people and rights of the religious communities". <b>WS 6: Rule of Law I</b> 215. Statement and written recommendations on Independence of the judiciary - case of Macedonia.</p>

<p><b>Helsinki Committee for Human Rights, Serbia</b></p>	<p><b>WS 2: Tolerance and non-discrimination I</b> 108. Written recommendations on national minorities in Serbia.</p>
<p><b>Human Rights Educational Centre, Belarus</b></p>	<p><b>WS 1: Democratic Institutions</b> 32. Statement on "The election and Human Rights education". 145. Information on the falsification of belarusian elections. 472. Written contribution on violation of elections in Belarus. 473. Written contribution on the presidential referendum in Belarus.</p> <p><b>WS 2: Tolerance and non-discrimination I</b> 144. Statement on situation in Belarus.</p> <p><b>WS 4: Fundamental freedoms I</b> 303. Statement and written recommendations on freedom of mass-media in Belarus.</p> <p><b>WS 10, 11: Human dimension activities</b> 343. Written contribution on the "National Plan on the Development of Education in Human Rights, covering period 1999-2004 in Belarus. The Dream and the Reality". 350. Statement and written recommendations on Human Rights Education in Belarus.</p>
<p><b>Human Rights First</b></p>	<p><b>WS 14: Freedom of assembly and association</b> 412. Statement by Mr. Neil Hicks on "The Impact of Counterterrorism Measures on the work of Human Rights Defenders, and the Right to Freedom of Association within the OSCE Region".</p>
<p><b>Human Rights Watch</b></p>	<p><b>WS 8: Humanitarian issues and other commitments</b> 250. Statement and written recommendations on prosecution of serious breaches of international law: strengthening national capacities and cooperation with the ICTY.</p>
<p><b>Human Rights Without Frontiers</b></p>	<p><b>WS 5: Fundamental freedoms II</b> 138. Written recommendations on state recognition of religions and institutionalised religious discrimination. 146. Written contribution "From institutionalized religious discrimination to equal opportunities". 147. "Anti-sect policies in France: State of affairs 2004" - interview with Regis Dericquebourg (Sociologist of religions, specialist on religious minorities).</p> <p><b>WS 9: Humanitarian issues and other commitments (cont.)</b> 311. Written contribution on Political Regulation of Islam and foreign religions in Belgium.</p>
<p><b>Hungarian Human Rights Foundation</b></p>	<p><b>WS 2: Tolerance and non-discrimination I</b> 71. Statement on alarming increase of Anti-Minority Hostilities in Vojvodina, Serbia. 72. Summary of the fact-finding report on "Continuing Escalation of Anti-Minority Incidents in Vojvodina".</p> <p><b>WS 3: Tolerance and non-discrimination II</b> 129. Written recommendations on prevention of aggressive nationalism, chauvinism and ethnic cleansing.</p> <p><b>WS 5: Fundamental freedoms II</b> 165. Written contribution: "Delays and Legal Obstacles Continue to Hinder the Restoration of Church and Community Properties to Romania's Hungarian Minority". 166. Status Report on Thirteen Requirements for Progress by the Romanian</p>

	<p>Government on Restitution of Hungarian Church Properties and Implementation of Law 501/2002.</p> <p>258. Written recommendations.</p>
<b>ILGA - Europe</b>	<p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>359. Written recommendations on tolerance and fight against discrimination.</p>
<b>Information Center "GenderDoc-M"</b>	<p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>393. Written contribution on "Gays and Lesbians in the Republic of Moldova: a Hope for Change".</p>
<b>Initiative 9. November 1938</b>	<p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>330. Introducing the concept of a "Human Rights Competition".</p>
<b>International Federation for Human Rights (FIDH), France</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>7. Written intervention on Belarus: Restrictions on democratic freedoms.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>37. Written contribution on "Roms de Russie: Au croisement de toutes les discriminations", preliminary report.</p> <p>38. Written recommendation proposing to organise an International Conference on Roma and Sinti Policies (FIDH together with North-West Center of Social and Legal Protection for Roma, Russian Federation).</p>
<b>International Helsinki Federation for Human Rights</b>	<p><b>Side Event: The Human Rights and Security Situation in Chechnya and Ingushetia</b></p> <p>286. Report on The Situation of IDPs in Ingushetia after the Armed Incursion of 21/22 June 2004.</p> <p>287. Report on the Rigakhoi Case - Chechnya.</p> <p>288. Report on "Chechnya: Enforced 'Disappearance' Extrajudicial Killings and Unlawful Detentions - An Update".</p> <p>289. Report on "Ingushetia: Enforced 'Disappearances', Extrajudicial Killings and Unlawful Detentions. December 2003 - June 2004".</p> <p>290. "From the Conflict Zone" - bulletin of Human Rights Center "Memorial" - July 2004.</p> <p><b>Written contributions</b></p> <p>33. Compilation of interventions and written recommendations, All Working Sessions.</p>
<b>International League for Human Rights</b>	<p><b>WS 7: Rule of Law II</b></p> <p>247. Statement and written recommendations: "Staying the Course: Turkmen and Uzbek Governments Resist Renewed International Pressure to Denounce Use of Torture".</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>428. Statement on tolerance and non-discrimination.</p> <p>429. Statement on cultivating tolerance and non-discrimination in Russia.</p> <p><b>WS 14: Freedom of assembly and association</b></p> <p>430. Statement on behalf of the Human Rights Institute (Moscow, Russia) on limited freedom of association as a reflection of Russia's "Controlled democracy".</p>
<b>International Network Against Cyber Hate</b>	<p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>357. Statement and written recommendations by Suzette Bronkhorst, Secretary General.</p>
<b>International Rehabilitation Council for</b>	<p><b>WS 7: Rule of Law II</b></p> <p>228. Written contribution on the importance of the OPCAT and the role of doctors and other health professionals in preventative visits.</p>

<b>Torture Victims</b>	
<b>International Society for Fair Elections and Democracy</b>	<b>WS 1: Democratic Institutions</b> 8. Written contribution on elections in Georgia.
<b>Jacob Blaustein Institute for the Advancement of Human Rights</b>	<b>WS 12, 13: Promotion of tolerance and non-discrimination</b> 323.JBI - A Special Representative on Anti-semitism.
<b>Jugendschutz</b>	<b>WS 12, 13: Promotion of tolerance and non-discrimination</b> 328.Experiences and Recommendations Facing Hate Speech on the Internet.
<b>Kharkiv Center for Women's Studies</b>	<b>WS 3: Tolerance and non-discrimination II</b> 26. Statement on the role of international non-discriminative instruments in advancement of gender balance and social justice in Ukraine.
<b>Kharkiv Human Rights Group</b>	<b>WS 7: Rule of Law II</b> 212.Statement on the Legal Framework on Prevention of Torture in Ukraine. 213.Written recommendations.
<b>Kosovan Nansen Dialogue</b>	<b>WS 3: Tolerance and non-discrimination II</b> 95. Statement and recommendations on situation in Kosovo.
<b>Kurdish Human Rights Project</b>	<b>WS 2: Tolerance and non-discrimination I</b> 89. Statement on "Kurds as a National Minority in Turkey". 90. Report "Human Rights Violations Against Kurds in Turkey". <b>WS 3: Tolerance and non-discrimination II</b> 119.Statement on "Equal Opportunities for Men and Women".
<b>Kylym Shamy</b>	<b>WS 14: Freedom of assembly and association</b> 327.Freedom of Assembly in Bishkek (Kyrgyzstan). 435.Statement and written recommendations on the freedom of assembly in Kyrgyzstan.
<b>Kyrgyz Committee for Human Rights</b>	<b>WS 6: Rule of Law I</b> 227.Statement on ombudsman and human rights institutions in Kyrgyzstan. 232.Written contribution: "Urgent Appeals - the Observatory". 310.Statement on Ombudsman and national human rights institutions. <b>WS 7: Rule of Law II</b> 309.Statement on torture. <b>Written contributions</b> 2. Written contribution. 308.Written contribution.
<b>L'Observatoire pour la Protection des Défenseurs des Droits de l'Homme</b>	<b>WS 14: Freedom of assembly and association</b> 431.Statement and written recommendations on freedom of assembly and association.
<b>Latvian Human Rights Committee</b>	<b>WS 1: Democratic Institutions</b> 15. Statement on democratic institutions. <b>WS 2: Tolerance and non-discrimination I</b> 21. Statement on Russian-speaking minority in Latvia.
<b>Legal Aid Society of Uzbekistan</b>	<b>WS 7: Rule of Law II</b> 432.Statement on torture practices in Uzbekistan. <b>WS 14: Freedom of assembly and association</b>

	433. Statement on the situation in Uzbekistan related to the freedom of assembly and association..
<b>Minority Rights Group International</b>	<b>WS 2: Tolerance and non-discrimination I</b> 130. Statement on situation of national minorities in Turkey and Kosovo.
<b>Moldovan Helsinki Committee for Human Rights</b>	<b>WS 3: Tolerance and non-discrimination II</b> 103. Written contribution on "Aggressive nationalism and ethnic cleansing in the Transnistrian Region of Moldova". <b>WS 4: Fundamental freedoms I</b> 142. Written contribution expressing concerns regarding violations of freedom of expression, media and information in Moldova. <b>WS 5: Fundamental freedoms II</b> 175. Written contribution and recommendations on concerns regarding violation of freedom of thought, conscience and religion in Moldova. <b>WS 6: Rule of Law I</b> 224. Statement and written recommendations on the independence of judiciary in the Republic of Moldova. 249. Statement of concern and written recommendations regarding situation of the legislative transparency in Moldova. <b>WS 7: Rule of Law II</b> 102. Written contribution on Prevention of Torture and Ill Treatment in Republic of Moldova. <b>Side Event: The International justice and the International Criminal Court</b> 223. Presentation and written recommendations.
<b>Monitoring Centre (CEMI)</b>	<b>WS 1: Democratic Institutions</b> 16. Statement on democratic elections, legislative transparency and ombudsman and national human rights institutions in Montenegro.
<b>Mothers against the Death Penalty and Torture</b>	<b>WS 7: Rule of Law II</b> 229. Statement and written recommendations on the death penalty in Uzbekistan.
<b>NGOs from countries of CIS, Eastern and Central Europe</b>	<b>Closing reinforced plenary session</b> 451. Statement of NGOs in countries of CIS and Eastern and Central Europe on "Human Rights: >>No<< to the Immunity of the State" criticizing the negative evaluation of OSCE activity by the CIS States.
<b>Non-Government and Non-Commercial Organizations' Association, Kyrgyzstan</b>	<b>WS 2: Tolerance and non-discrimination I</b> 84. Written contribution on National Minorities in Kyrgyzstan. <b>WS 3: Tolerance and non-discrimination II</b> 105. Written contribution on equal opportunities for women and men in Kyrgyzstan. <b>WS 4: Fundamental freedoms I</b> 150. Written contribution on free mass media and the information in Kyrgyzstan. <b>WS 5: Fundamental freedoms II</b> 181. Written contribution on freedom of conscience, religion and belief in Kyrgyzstan. <b>WS 7: Rule of Law II</b> 239. Statement on torture in Kyrgyzstan. <b>WS 8: Humanitarian issues and other commitments</b> 264. Statement and written recommendations on trafficking in human beings in Kyrgyzstan. <b>WS 14: Freedom of assembly and association</b> 446. Statement on freedom of assembly and association.

<p><b>Norwegian Helsinki Committee</b></p>	<p><b>WS 1: Democratic Institutions</b> 196. Statement on democratic elections (also on behalf of the International Helsinki Federation for Human Rights).</p> <p><b>WS 4: Fundamental freedoms I</b> 151. Statement on freedom of expression and information: The silencing of human rights defenders.</p> <p><b>WS 10, 11: Human dimension activities</b> 335. Statement and written recommendations on education in human rights.</p>
<p><b>Norwegian People's Aid</b></p>	<p><b>WS 1: Democratic Institutions</b> 17. Statement and written recommendations on challenges of Elections in Serbia.</p> <p><b>WS 6: Rule of Law I</b> 210. Statement and written recommendations on the rights to fair trial in Serbia and Montenegro on behalf of the Belgrade Centre for Human Rights.</p>
<p><b>Open Society Institute</b></p>	<p><b>WS 2: Tolerance and non-discrimination I</b> 25. Press release "Government Strategy lags behind while Roma capacity is underused".</p>
<p><b>Public Foundation "Er-Aidoochu"</b></p>	<p><b>WS 6: Rule of Law I</b> 377. Appeal of Mr. Kachkyn Bulatov.</p> <p><b>WS 9: Humanitarian issues and other commitments (cont.)</b> 304. Statement on migrants' situation in Kyrgyzstan.</p>
<p><b>Public Verdict Foundation</b></p>	<p><b>Side Event: "Intolerance and Xenophobia in Russia"</b> 456. Statement by Ms. Natalia Taubina, Executive Director.</p> <p><b>WS 14: Freedom of assembly and association</b> 455. Statement on freedom of assembly and association.</p>
<p><b>Rainbow - Organization of the Macedonian Minority in Greece</b></p>	<p><b>WS 2: Tolerance and non-discrimination I</b> 62. Report on the status of Macedonian Minority in Albania. 63. Report on the status of the Macedonian Minority in Bulgaria. 64. Report on the status of the Macedonian Minority in Greece.</p>
<p><b>RCC "DROM"</b></p>	<p><b>WS 2: Tolerance and non-discrimination I</b> 51. Statement and written recommendations by Mr. Asmet Elezovski on Roma in the Balkans. 315. "Failure of the International Community" - Report by the Roma National Congress on the Situation of Roma Refugees on the FYROM /Greek Border.</p> <p><b>WS 8: Humanitarian issues and other commitments</b> 294. Report on the Activities Implemented within the Framework of the Project on Roma under the "Stability Pact for South Eastern Europe" in Macedonia, prepared by Task Force Assistant for Macedonia Mr. Asmet Elezovski.</p>
<p><b>Republican Network of Independent Monitors</b></p>	<p><b>WS 1: Democratic Institutions</b> 30. Preliminary Report on Monitoring of September 19, 2004 Elections to the Majilis of Parliament of the Republic of Kazakhstan.</p>
<p><b>Roma Refugee Commitet from Kosovo</b></p>	<p><b>WS 8: Humanitarian issues and other commitments</b> 272. Written contribution - Refugee's views regarding the Law on Asylum according the Geneva convention.</p>
<p><b>Romani CRISS</b></p>	<p><b>WS 2: Tolerance and non-discrimination I</b> 61. Statement on Romani Women and the OSCE Action Plan for Roma and Sinti Issues. 79. Written recommendations regarding Implementation of the Action Plan to Improve the Situation of Roma and Sinti within the OSCE Area - Police</p>

	<p>Chapter; Focus on Romania.</p> <p>80. Written recommendations regarding Roma and Sinti.</p> <p>81. Written contribution "Good Practices on influencing anti-discrimination legislation in Romania".</p> <p>333. Report on Repatriation of Romanian citizens from other states.</p> <p>334. Report on Romanian citizens' situation in other states. The case of Roma in France.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>255. Report on Regional Workshop on Policing Minorities, Human Rights and Conflict Management for Roma Liaison Officers, 7-8 May 2004, Bucharest.</p> <p>379. Written contribution "Bilateral Readmission Agreements of Persons. The case of Romania. Summary Report".</p> <p><b>WS 10, 11: Human dimension activities</b></p> <p>285. "Strategic initiative on Roma and Policing in Romania" - Project Proposal developed by Romani CRISS in association with European Dialogue on the Initiative of Roma/Sinti Contact Point, ODIHR (Summary version).</p>
<b>Rrom Press News Agency "NEVIPE"</b>	<p><b>WS 4: Fundamental freedoms I</b></p> <p>233. Statement and written recommendations on some important issues on Roma and Media related to the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.</p>
<b>Rroma Community Center 8th April, Serbia and Montenegro</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>157. Statement and written recommendations on the problem of integration of Roma into the education systems.</p>
<b>Serbian Democratic Forum, Croatia</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>14. Presentation by Mr. Sasa Milosevic on National Minority problem in Croatia.</p>
<b>The Republican Party of Turkmenistan in exile</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>385. Statement on democratic elections.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>386. Statement on tolerance and non-discrimination.</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>387. Statement on fundamental freedoms.</p> <p><b>WS 6: Rule of Law I</b></p> <p>388. Statement on prevention of torture.</p> <p><b>WS 8: Humanitarian issues and other commitments</b></p> <p>389. Statement on humanitarian issues.</p> <p><b>WS 14: Freedom of assembly and association</b></p> <p>390. Statement on freedom of assembly and association.</p>
<b>Turkmenistan Helsinki Foundation</b>	<p><b>WS 14: Freedom of assembly and association</b></p> <p>421. Statement on Freedom of association.</p> <p><b>WS 15: Freedom of assembly and association (cont.)</b></p> <p>422. Statement on freedom of assembly.</p>
<b>Ukrainian Helsinki Human Rights Union</b>	<p><b>WS 4: Fundamental freedoms I</b></p> <p>134. Written contribution on freedom of expression, free media and information in Ukraine.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>133. Written contribution on right to freedom of movement and free choice of place of residence in Ukraine.</p>

	<p>136. General overview of the situation in Ukraine in the field of freedom of thought, conscience and religion.</p> <p><b>WS 14: Freedom of assembly and association</b></p> <p>132. Written contribution "Freedom of association: Problems in Ukraine".</p> <p>135. General overview of the freedom of peaceful assembly in Ukraine.</p> <p>329. Ukraine: Report on abiding the right for peaceful assembly (May-August, 2004).</p> <p>358. Written contribution on abiding the right for peaceful assembly in Ukraine (May-August 2004).</p>
<b>Western Thrace Minority University Graduates Association</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>182. Statement on citizenship and political rights.</p> <p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>97. Statement on problems of the Turkish Minority of Western Thrace.</p> <p>101. Presentation on "Outstanding Issues Affecting the Muslim Turkish Minority of Western Thrace-Greece".</p> <p><b>WS 3: Tolerance and non-discrimination II</b></p> <p>98. Information on freedom of association and Muslim Turkish Minority in Western Thrace (The Case of Turkish Union of Xanthi &amp; Others).</p> <p>99. Information on Muslim Charitable Foundations (WAQFS) in Greece.</p> <p><b>WS 4: Fundamental freedoms I</b></p> <p>183. Statement on freedom of expression, free media and information.</p> <p><b>WS 5: Fundamental freedoms II</b></p> <p>100. Written contribution on "Religious intolerance, vilation of freedom of conscience and expression in Greece. The case of Mehmet Emin Aga, elected Mufti of Xanthi".</p>
<b>Worldrights</b>	<p><b>Opening Plenary Session</b></p> <p>4. Statement by Mr. Timothy Cooper, Executive Director.</p> <p><b>WS 1: Democratic Institutions</b></p> <p>5. Intervention on behalf of equal voting rights for the People of Washington, DC by Timothy Cooper, Executive Director.</p> <p>245. Written recommendations on the Matter of the Disenfrachisement of the 570,000 People of Washington, D.C..</p> <p><b>WS 12, 13: Promotion of tolerance and non-discrimination</b></p> <p>360. Statement by Mr. Timothy Cooper on discriminatory treatment.</p>
<b>ZaMirNet</b>	<p><b>WS 1: Democratic Institutions</b></p> <p>22. Statement on rights of minority groups in Croatia.</p>
<b>ZvoniMir, Croatia</b>	<p><b>WS 2: Tolerance and non-discrimination I</b></p> <p>73. Intervention by Ms. Sanja Omcikus on the issue of the return of the Serb minority to Croatia.</p>