

OSCE IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES

Warsaw, 2-19 October 1995

Report

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I. Introduction

The OSCE Implementation Meeting on Human Dimension Issues took place on October 2-19, 1995 in Warsaw. The Meeting was organised by the Office for Democratic Institutions and Human Rights.

The Meeting was the second of its kind. It reviewed implementation of the full range of OSCE Human Dimension commitments in all 54 OSCE States.

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

II. Agenda

Opening Plenary

The plenary debate consisted of:

- (1) Opening statements;
- (2) Report of the OSCE High Commissioner on National Minorities;
- (3) Report of the Director of the ODIHR;
- (4) Contributions by Heads of OSCE Missions.

Subsidiary Working Body 1 - Review of Implementation

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

1. - Freedom of thought, conscience and religion or belief;
 - Freedom of expression and free media;
 - Freedom of association and peaceful assembly;
 - Freedom of movement;
2. - Prevention of torture;
 - International humanitarian law;
3. - Exchange of information on the question of the abolition of capital punishment;
4. Rule of law
 - Independence of the judiciary, including judicial review;
 - Fair trials, including due process, *habeas corpus* and defendants' rights;
 - Citizenship;
 - Political rights;

Democratic institutions and processes

- Free elections;
- Democracy at national, regional and local levels;
- 5. - Tolerance and non-discrimination, preventing aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism;
- National minorities as referred to in the relevant OSCE Documents;

- Roma and Sinti;
- Migration, including involuntary displacement, refugees and returnees;
- Migrant workers;
- Education and culture;

6. - Treatment of citizens of other participating States;

- Human contacts;
- Cultural heritage.

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

1.

- Enhancing implementation of Human Dimension commitments;
- The Human Dimension aspect of the OSCE Missions;
- Review of the activities of the OSCE High Commissioner on National Minorities;
- The Human Dimension Mechanism and other procedures relevant to the Human Dimension;

2.

- Elections observation: reports, procedures and co-operation framework;
- Programme for Co-ordinated Support for the recently admitted participating States;

3.

- Outcome and improvement of Human Dimension Seminars and regional seminars, proposals for seminars in 1996;
- Review of the activities of the Contact Point for Roma and Sinti (Gypsies) Issues;
- Role of NGOs in OSCE Human Dimension activities;
- Assessment of the functioning of the OSCE Office for Democratic Institutions and Human Rights and discussion on strengthening its role;

4.

- From Helsinki to Budapest, evaluation of further commitments undertaken in Chapter VIII of the Budapest decisions;
- Better integration of the Human Dimension in the regular activities of the Permanent Council:
- Enhanced dialogue and possible action in cases of non-implementation;
- Role of the Chairman-in-Office in this regard;
- Involvement of the ODIHR in the work of the Permanent Council;

5.

- Co-operation between OSCE and other international organisations in the Human Dimension field;
- Improved dissemination of information regarding the Human Dimension.

Closing Plenary

Presentation by the Rapporteurs of the two SWBs of informal recommendations for improving implementation;

Contribution by the Personal Representatives of the Chairman-in Office and Concluding Statements.

III. Organisation and Modalities

1. The Implementation Meeting began with the two plenary meetings¹.

Subsequently, two subsidiary working bodies (SWB) discussed the implementation of Human Dimension commitments and the procedures for monitoring compliance with them.

One moderator and one rapporteur was appointed by the first plenary meeting for each of the two SWBs for the whole period of the Implementation Meeting on the basis of a proposal by the Chairman-in-Office after appropriate consultations.

One plenary meeting was held during the second week to examine proceedings at the Meeting.

The concluding two plenary meetings was held during the third week.

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

3. The participation of NGOs in the meeting was in full conformity with the decision of the 29th Meeting of the CSO Vienna Group (see CSO Vienna Group Journal No. 29, Annex 2), based on the experience of the first Implementation Meeting.

All sessions of plenary and subsidiary working bodies were opened to NGOs.

Representatives of NGOs were invited by the Meeting to make oral contributions in plenary or in subsidiary working bodies on the basis of written presentations to the ODIHR. In order to provide better opportunities for possible contacts with NGOs, no formal sessions were scheduled for the afternoon of 3 October 1995 or the morning of 18 October 1995.

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

IV. Participation

The Meeting was attended by a total of 484 participants. Representatives of 50 OSCE participating States took part in it. Delegations of two Mediterranean Non-participating States, Egypt and Israel, were also present.

In addition 6 international organisations were represented: Council of Europe, Commissioner on Democratic Institutions and Human Rights, including the Rights of Persons belonging to Minorities of the Council of the Baltic Sea States, European Parliament, International Committee of the Red Cross, UN Development Programme, and UN High Commissioner for Refugees.

At the Meeting, 187 representatives of 131 non-governmental organisations were present.

V. Summary of Proceedings

The Meeting was opened by the Director of the ODIHR, Ambassador Audrey F. Glover and Deputy Prime Minister of Poland, Mr. Aleksander _uczak. Their contributions were followed by the address of the OSCE High Commissioner on National Minorities, Mr. Max van der

¹ At the opening and closing plenary meetings, the Chair was taken by a representative of the ODIHR. After the opening meeting the Chair was selected by lot and taken in daily rotation, in French alphabetical order of the participating States.

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Opening statements were made by 9 national delegations and 2 international organisations.

During the course of the Meeting two subsidiary working bodies met. The topics were divided as follows:

SWB1: Review of Implementation

Moderator: Mr. Jean-Daniel Vigny, Deputy Head of the Political Division for Human Rights and Humanitarian Policy at the Federal Department of Foreign Affairs, Switzerland

Rapporteur: Mr. Jakob Haselhuber, Second Secretary of the Permanent Mission of the Federal Republic of Germany to the OSCE in Vienna

SWB2: Review of the Human Dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and on the use of existing mechanisms and procedures

Moderator: Mr. Istvan Szabo, Minister Counsellor at the Ministry of Foreign Affairs of Hungary

Rapporteur: Mr. William H. Spencer, Foreign Affairs Officer at the U.S. Department of State

The closing plenary meeting was chaired by the Director of the ODIHR. Statements on behalf of 8 national delegations, 2 international organisations and 7 NGOs were made.

The press conference was organised on 18 October 1995 and about 26 representatives of press, broadcast media and news agencies were present.

VI. Rapporteurs' Reports

SUBSIDIARY WORKING BODY 1 - Review of Implementation

Participants agreed with the Moderator's suggestion that discussion would be facilitated by grouping together agenda items into separate subject areas. The proposals put forward during the Meeting are listed here in the order of presentation without prejudging their importance in future debates.

1. Freedom of thought, conscience and religion or belief

Whilst several delegations described relevant constitutional changes they had undertaken, the danger was pointed out that the revival of religious feelings in some newly established democracies could also give rise to manifestations of religious intolerance. It was emphasized that belief reflects a profoundly personal conviction which must not be used for political purposes.

One delegation pointed out that the State must be allowed to confer legal status on registered religious communities in order to protect its society against sects, groups and movements which threaten public health and morals. At the same time, members of an entity which was not granted registration should still enjoy their individual rights and freedoms.

The suggestion that a seminar be organized on the constitutional, legal and administrative aspects of the freedom of religion with the aim of harmonizing them received widespread support.

2. Conscientious objection

One delegation recorded the obligation laid down in the Copenhagen Document to exchange information on this subject. It welcomed in this respect the description given by another delegation of the internal developments towards amending the relevant constitutional provisions.

3. Freedom of expression and free media

It was recorded that freedom of expression, free political debate, free and independent media and free access to information by individuals were at the core of a truly democratic society. On the other hand, tyranny used the ignorance of the people as one of its main weapons. Reference was also made to the delicate balance between such freedoms and their legal restrictions, e.g. on grounds of personal dignity, public order and national safety.

Referring to the OSCE area, undeniable positive signs were noted, but concern was expressed about acts of repression, the systematic intimidation and harassment of journalists in several countries. One delegate gave an account of his personal experience as a formerly imprisoned dissident and warned that the subject under consideration did not lend itself to academic discussions without a sound basis of personal experience. He also questioned the independence of the media, which are subject to market forces.

Referring to the fact that free speech was often one of the first victims during conflicts, two suggestions were made: that a seminar be held on the role of the media in conflict situations, and that in addition regional seminars could be held on the media's role and responsibility in such situations. These suggestions found wide support.

The representative of the Council of Europe informed the meeting that a seminar on the media in situations of conflict was held last year in Strasbourg and that a draft declaration on the protection of journalists in situations of conflict and tension was presently being elaborated in this organization.

4. Freedom of association and peaceful assembly

It was emphasized that these freedoms constitute a visible sign of the freedom of expression. The interpretation of the legal restrictions on them determined, in the end, the effective range of these freedoms, which by now have been recognized by all OSCE States. Several countries in transition described the progress they have made in pursuing liberalization with regard to the freedom of association and peaceful assembly, partly in co-operation with interested organizations (e.g. trade unions) in other OSCE States.

5. Prevention of torture

It was recorded that no cultural or other arguments can justify the use of torture, which, in the words of the Budapest Document, represents one of the most flagrant violations of human rights and dignity. Therefore, the continuing systematic use of torture in a number of OSCE States was deplored. It was also pointed out that torture is practised mostly under emergency law and in preventive detention. Several delegations described appropriate measures to prevent torture.

One delegation drew a very frank picture of penal proceedings and conditions in prisons in its country. It stated that legal reforms had been embarked on and a programme set up for the construction of more prisons. Mention was also made of cases of ill-treatment by police forces in several OSCE States which, however, should be distinguished from the systematic use of torture. In response, some of the States concerned promised that any such case would be examined.

Appeals were made to all OSCE States that have not yet done so to accede to or ratify relevant international instruments and to co-operate with bodies such as the Special Rapporteur on Torture established by the United Nations Commission on Human Rights and the European Committee for the Prevention of Torture. It was also suggested that these States should invite the Committee to visit places of detention. Finally, it was suggested that States that are not yet members of the Council of Europe should seek an invitation by the Committee of Ministers to accede to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment once Protocol No. 1 on opening this Convention to non-member States has entered into force.

6. Exchange of information on the question of the abolition of capital punishment

Many delegations emphasized that capital punishment was in direct contradiction with the most essential human right to life and that it was incompatible with a civilized society. During a lively discussion on the possibly deterrent character of capital punishment, one State referred to the lack of such an effect as one of the reasons why it had abolished capital punishment. Several delegations recorded the irreversible nature of capital punishment, in particular in the light of potential errors in judicial judgments.

One delegation deplored the fact that its country was still using capital punishment, but expressed its commitment towards its eventual abolition. It suggested that other States that still provide for and employ capital punishment should also make declarations along these lines. One of these delegations expressed the belief of its society in the deterrent effect of capital punishment. A delegate from another participating State analysed the crime statistics of her country - including crime rates affecting different population groups - which showed a

high rate of murder. In her view, this high murder rate demonstrated the necessity of continued use of capital punishment.

It was suggested that a seminar be held under the aegis of the ODIHR on the topic of this paragraph. Furthermore, it was suggested that States should use the ODIHR as a clearing-house by informing it about death sentences decided by their courts, about executions and the circumstances of the relevant trials. This suggestion was made with reference to the 1990 Copenhagen Document. The suggestions were supported by many delegations and rejected by one. Another delegation suggested a moratorium on the use of capital punishment, a suggestion that was supported by one NGO. It was suggested that a seminar be held under the aegis of the ODIHR on the topic of this paragraph. Furthermore, it was suggested that States should use the ODIHR as a clearing-house by informing it about death sentences decided by their courts, about executions and the circumstances of the relevant trials. This suggestion was made with reference to the 1990 Copenhagen Document. The suggestions were supported by many delegations and rejected by one. Another delegation suggested a moratorium on the use of capital punishment, a suggestion that was supported by one NGO.

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The Council of Europe informed the Meeting about the link between accessions and the abolition of the death penalty in new member States in the light of commitments to become a party to the relevant Protocol No. 6 to the European Convention on Human Rights and to refrain from executing pending death sentences.

7. International humanitarian law

Recent severe breaches of humanitarian law in the OSCE area were deplored. The view was expressed that human rights were particularly endangered in situations before the actual outbreak of conflicts, such as tensions and internal strife. Support was expressed for the International Tribunal for the former Yugoslavia, and some delegations supported the establishment of a permanent international criminal tribunal. An appeal was made to all OSCE States to accede to or fully apply the relevant existing international instruments.

Suggestions: In the light of the Budapest Document, some delegations referred to the need to elaborate minimum humanitarian standards applicable in all situations and suggested that substantive consideration should be given to this issue in the OSCE framework. The representative of the incoming OSCE Chairman-in-Office indicated his country's readiness to call an informal open-ended ad hoc meeting in Vienna and to undertake informal consultations on this proposal. It was also suggested that the ODIHR act as a clearing-house for information on the Code of Conduct and other OSCE commitments in this respect.

8. Rule of law: independence of the judiciary, including judicial review; fair trials, including due process, *habeas corpus* and defendants' rights

The basic principles of the rule of law were reiterated: the State must secure law and order while respecting them; the legal examination of its acts must be guaranteed; the judiciary is subject to the law, not to the government.

Appreciation was expressed at the positive results of the ongoing transformation of the legal systems in many countries in transition. Such change must not be limited to the constitutional

level, but must also encompass legislation such as penal law, etc. It was noted that appropriate implementation in daily practice and the training given to officials are equally decisive. Several countries in transition reported on their efforts in: involving judges in the preparation of new legislation; the reorganization of prosecution services; combating backlogs in legal proceedings.

Attention was drawn to the need to enhance the protection of those individuals and associations who act as “human rights defenders”. On the basis of the Copenhagen and Budapest Documents, OSCE institutions should become involved in this field. This suggestion found wide support. Training by the ODIHR and the establishment of national institutions would be of further help. Support was expressed for suggestions: that the Permanent Council should recommend more often that experts be tasked with examining the orderly conduct of trials: and that the ODIHR provide a study in this respect.

9. Citizenship; political rights

An open and frank debate touched upon current problems arising from the dissolution of several multinational socialist States and the consequent search for identity. One of the questions discussed was the citizenship of a new State and the criteria for acquiring it. Several delegations drew a positive picture of their efforts in this field, whilst others pointed to some concrete problems. Appeals were made to foster integration in order to reduce statelessness, and relevant international legal instruments were mentioned. Assistance through language training programmes was welcomed.

The UNHCR described its current work on a convention to reduce statelessness as well as on a global compendium of nationality legislation. The Council of Europe informed the meeting that a “Declaration of genuine democracy” and a European Convention on Nationality to avoid Statelessness were currently being drafted. It was recommended that, in cases of inequities, governments continue to improve their legislation.

10. Democratic institutions and processes: free elections; democracy at national, regional and local levels

A number of basic conditions for the functioning of a democratic State at the national, regional and local levels were mentioned: respect for democratic principles, human rights and the rule of law. The principle of subsidiarity was referred to, i.e. that decisions should be taken at the level that is as close as possible to the people which they may affect. This in turn will increase people's confidence in and identification with their State. Budgetary resources should be allocated, as appropriate, among these various levels. The media should be allowed to get all the necessary information about the policy of authorities, in particular at the regional level. The separation of powers was mentioned as a key element of pluralism and one of the main elements of democracy.

Several delegations analysed the conduct of recent elections in their countries and identified shortcomings such as: electoral laws; the registration of political parties; the composition of the election commissions, and the representation of national minorities. Another delegation suggested that the ODIHR's reports on its findings should be considered in formal meetings of the Permanent Council. It gave further examples of shortcomings, i.e. voting secrecy and the lack of appeals procedures.

It was suggested that seminars be held more often in countries in transition so that they could acquire more experience in the holding of free and fair elections. Appreciation was expressed for the ODIHR's proposals regarding a framework for election monitoring and the need for monitors to be *in situ* well in advance of elections. It was also suggested that NGOs should be included in future lists of monitors.

11. Tolerance and non-discrimination, preventing aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism

Concern was expressed about growing manifestations of these phenomena throughout the OSCE area. The danger of the general public becoming increasingly indifferent to such phenomena was pointed out. One delegation emphasized that its country had aimed at the “mobilization of the silent masses”. It is necessary to actively promote integration and to create, through education, a culture of tolerance and solidarity. Among practical measures taken by the State, the banning of racist organizations, strict law enforcement, rapid legal proceedings and longer prison sentences were mentioned.

Under this heading, concern was also expressed about aggressive nationalism that assumes the form of militant separatism leading to gross violations of human rights.

It was suggested that OSCE States should establish independent national human rights commissions to work out programmes with the above-mentioned aims. In this context, the value of new democracies being assisted in their endeavours by States with longstanding democratic cultures was pointed out. It was also suggested that the OSCE should be actively involved in reviewing anti-discrimination legislation.

12. National minorities

Reference to the Copenhagen Document was made which confirms that to belong to a national minority is a matter of person's individual choice and that no disadvantage may arise from the exercise of such a choice. On the other hand, one delegation recorded that ethnic, cultural, linguistic or religious differences did not necessarily define whether a person belongs to a national minority.

Several delegations described their policies designed to protect national minorities at the national level and through bilateral treaties. An adequate legal framework and the representation of minorities at the national, regional and local levels as well as appropriate self-administration were among the elements suggested. Examples of ombudsmen or committees established by governments or parliaments were given. Shortcomings in a number of OSCE States were mentioned. Individuals found their rights restricted on the mere ground of belonging to a national minority. In almost all the statements made, the use of minority languages was mentioned. It was pointed out that national security and territorial integrity must not serve as a pretext for discrimination.

It was deplored that the Council of Europe Framework Convention had not, so far, been signed by all member States. A parallel was drawn between the adequate protection of national minorities and conflict prevention. The international community should not turn a blind eye towards early signs of danger. In this context, high appreciation was expressed for the work of the High Commissioner on National Minorities and support for an extension of his mandate.

It was suggested that exchanges of experience between States that have minorities on their territory would be very useful. To this end, the holding of a seminar was suggested. Early consultation of national minorities on matters that concern them is crucial. Appeals were made to all States to sign and apply the Framework Convention.

13. Roma and Sinti

Awareness of the vulnerable situation of Roma and Sinti has increased, but intolerance, discrimination and racial violence against them continue to exist. A low level of education,

high illiteracy rates, economic hardship and a low degree of participation in political life were noted. It was emphasized that the States concerned should co-operate in helping to foster integration. Appreciation for the activities of the ODIHR Contact Point was expressed, together with the hope that it would operate even more efficiently in the future.

Two particular problems were discussed: one relating to citizenship and the other to the designation of Roma. Several delegations expressed the strong hope that citizenship legislation in one OSCE State would not leave Roma stateless. The lack of consultation by one OSCE State with its Roma group about their official designation was seen by many delegations as discriminatory. The wish was expressed that Roma groups should be allowed to identify themselves by names of their own choice.

It was suggested that a country-by-country study with regular follow-up should be undertaken. Relevant OSCE bodies should continue to pay attention to Roma issues. It was also suggested that the question be examined whether Roma issues could be integrated into the framework of the Stability Pact. Advice by the OSCE as well as financial assistance to the States most concerned was also requested. The Council of Europe stated that it had established an advisory group of specialists. It is to be hoped that governments will also nominate Roma representatives for this group.

14. Migration, including involuntary displacement, refugees and returnees

Several delegations described the challenges resulting from increased migration and refugee movements. In this context, it was emphasized that the violation of human rights was one of the root causes of involuntary displacement. Several countries described their visa and immigration policies. Some other delegations reported on increased illegal immigration over the last years. Illegal immigration was likely to affect security and public order as well as the already difficult economic situation.

The conscription by force of refugees was strongly rejected. It was also pointed out that the resettlement of refugees in minority areas could result in changes in their ethnic composition.

It was suggested that greater efforts be made to combat illegal immigration at the international level. Reference was made to the international conference currently being prepared by the UNHCR, but it was also suggested that the OSCE could play a useful role at the regional level.

15. Migrant workers

Concern was expressed about racist attacks against migrant workers. It was emphasized that governments as well as the private sector must continue to make every effort to combat discrimination against lawfully residing migrant workers. National policies should be directed towards integration. One delegation emphasized that migrant workers should be entitled to enjoy the same fundamental human rights as other citizens of their host countries. It expressed the view that they should be granted the right to vote in local elections, as a means of fostering integration.

One delegation noted that its State had never before been confronted with these questions. Due to the lack of relevant legislation, no specific legal protection was possible. Another delegation described the methods and concrete programmes of its integration policy. It suggested that migrant workers who wish to stay in a country permanently should aim at naturalization in order to be able to fully participate in the political life of that country.

16. Freedom of movement; treatment of citizens of other participating States; human contacts

Some countries in transition described the manifold changes they had made in their national legislation so as to fully implement freedom of movement. It was pointed out that restrictions on freedom of movement on grounds of national security should be limited to the absolute minimum.

In a lively and controversial discussion on human contacts, some delegations noted difficulties, which their citizens encountered in obtaining visas. The relevant procedures and unnecessary delays could, in their view, be discriminatory. Other delegations emphasized the need to prevent illegal immigration and to maintain border controls as one element of State sovereignty. Pursuant to the Budapest Document, some delegations suggested that informal Permanent Council meetings be held on this subject.

17. Cultural heritage; education and culture

Many delegations emphasized that the basic values of the OSCE - security, stability, democracy and human rights - are closely linked to respect for culture. Appeals were made to OSCE States to protect their cultural heritage by legal measures at the national and international levels. These delegations suggested that a seminar be held to discuss and define the role of the OSCE in cultural questions.

In the debate on the cultural heritage, one delegation described the conditions for artistic creation in the post-socialist period. It distinguished the following three phases: renaissance of the value and awareness of the country's culture; integration of all actors into society at the national level; integration of the society into the international community.

Tolerance was identified by an overwhelming majority of delegations as one of the main tasks of education. Education was recognized as a crucial element in the fight for the recognition and appreciation of cultural diversity and the rights of cultural and other minorities. One delegation gave concrete examples of school textbooks and curricula aimed at preventing racism, xenophobia and other prejudices. It reported that, in its country, particular attention is also given to the education of national minorities (e.g. history and geography being taught in the language of the minority).

One NGO reported on the abuse of modern communication means by racist groups to promote propaganda material inciting racial hatred, anti-Semitism and xenophobia. Reference was made to the difficulty of combating the international circulation of such material by national penal law. The need for action at the international level was emphasized.

Suggestions were made that a European Charter for lifelong learning be prepared, that education and training be given a major role in the fight against unemployment and that special attention be paid to environmental education.

18. Other subjects

One NGO noted that the provisions of the Convention on the Rights of the Child should be observed by all OSCE States and dissemination of information about the content of that Convention guaranteed. The precarious situation of children during armed conflicts as well as questions of education were pointed out.

One delegation noted that consideration should be given within the OSCE to the subject of human rights and terrorism. It suggested that this subject should be further dealt with by including it in the agenda of the next Implementation Meeting on Human Dimension Issues.

SUBSIDIARY WORKING BODY 2 - Review of the human dimension of the OSCE with a special focus on monitoring and enhancing compliance with commitments and on the use of existing mechanisms and procedures

Throughout the discussion of mechanisms to further the implementation of OSCE commitments, participants generally agreed on the need to strengthen the OSCE's abilities to enable it to cope with both high OSCE standards and a larger number of participating States that require assistance. Participants also emphasized the need to fully integrate the human dimension into the OSCE process. Delegations also stressed the need for co-operation and fuller working relationships not only within the OSCE itself, such as with missions of long duration or the High Commissioner on National Minorities, but also with other international organizations such as the United Nations or the Council of Europe, or with non-governmental organizations.

The meeting agreed with the Moderator's suggestion that discussion would be facilitated by grouping it into fourteen subject areas:

1. Enhancing implementation of human dimension commitments

Delegations noted that the comprehensive settlement of crises or disputes is not possible without including the human dimension. Implementation requires constant action and, without an implementation process, human dimension commitments are mere words on paper. All States have the obligation to not only implement OSCE commitments in their own countries, but also ensure that other States are also taking their own steps to implement these principles. The following informal recommendations were made:

- The OSCE Office for Democratic Institutions and Human Rights (ODIHR) should be strengthened;
- The ODIHR should have the capability to directly recommend programmes and provide advice to governments;
- The ODIHR should have the ability to hire experts and consultants on human dimension issues to advise on specific matters;
- Participating States should also consider an increase in financial resources and in the ODIHR's permanent staff.

2. The human dimension aspect of OSCE missions

All participants agreed that the human dimension aspects of the OSCE's missions of long duration were a vital part of the missions' activities. These missions illustrate the advantages of early action in response to early warning. Most participants also agreed that co-ordination and complementary activities with other international organizations and NGOs can further the work of the missions. Support for missions by the ODIHR, the High Commissioner on National Minorities and the Conflict Prevention Centre should also be improved.

In view of the above discussions, the following informal recommendations were made concerning the role, support and follow-up of the OSCE's missions in fulfilling tasks within the human dimension:

- Future OSCE peacekeeping operations should also incorporate human dimension issues;
- Missions in the field should put particular emphasis on free media as called for in previous OSCE decisions;
- Mission staff should have access to a special discretionary fund for small-scale human rights work;
- All OSCE mission staff should receive training before their departure on field operations

from the ODIHR and other appropriate institutions in general human dimension issues. Mission staff should also receive country-specific training from the ODIHR where possible. This should be funded through a specific item in the ODIHR's budget or in the framework of a general training programme for mission members;

- The recommendations on missions that emanated from the June 1995 meeting of OSCE heads of mission should also be implemented where possible, particularly the recommendation calling for improved knowledge of local human rights issues.

3. Review of the activities of the OSCE High Commissioner on National Minorities

Participants unanimously applauded the work of the High Commissioner's Office, and all delegations enthusiastically supported a further term of office for the current High Commissioner, Max van der Stoep. Delegations noted that at present there was no need to change his mandate and that being able to work independently was a valuable part of his work. Some delegations proposed that the High Commissioner's recommendations should be binding, but this approach was not shared by other delegations.

The following informal recommendations were made:

- There should be regular contacts between the High Commissioner's Office and the ODIHR to discuss areas of common concern;
- Attention should continue to be paid to further improvement of the co-ordination of activities between the High Commissioner and missions of long duration and other OSCE bodies;
- The High Commissioner and the ODIHR might co-host a seminar on legal and constitutional issues concerning the protection of national minorities within OSCE participating States;
- The Permanent Council should continue to give careful consideration to the High Commissioner's reports and, on the basis of comments and feedback from the State or States involved, ensure that the High Commissioner's recommendations receive appropriate and continuing follow-up.

4. The Human Dimension Mechanism and other procedures relevant to the human dimension

Participants observed that Human Dimension Mechanisms remain an important tool for the OSCE participating States. Mechanisms can also be self-activated by States, as has been done in Estonia and Moldova. Human Dimension Mechanisms also allow for a departure from the principle of consensus. The Human Dimension Mechanisms were not designed to be confrontational. Others observed that these mechanisms are not obsolete, but developments, such as expanding the Chairman-in-Office's capability for executive action and the establishment of the Permanent Council, have caused these mechanisms to be used less. All these options should co-exist. It was noted that, most of all, the use of the Human Dimension Mechanisms depends largely on the political will of States to use them and it was agreed that participating States should draw more widely on the possibilities offered by the Moscow Mechanism as stated in the Budapest Document.

5. Programme of Co-ordinated Support for recently admitted participating States

The Programme of Co-ordinated Support can provide useful contacts and assistance to the recently admitted participating States. Many of the recently admitted participating States made specific requests for technical help and programmes tailored to their particular circumstances; States requested that the ODIHR assist in human rights education, developing strong NGOs, the training of police, migration officers and lawyers, constitutional and election law advice, and the development of governmental and independent human rights institutions. The

ODIHR's work with the Tajik Government on the Human Rights Ombudsman project and the establishment of a regional OSCE office this year in Tashkent were praised.

The following informal recommendations on the Programme of Co-ordinated Support were made:

- The OSCE should develop an ODIHR-administered fund to pay for the travel expenses of delegations from the recently admitted participating States that wish to attend the ODIHR's Warsaw-based seminars and regional seminars;
- Working jointly with the Tashkent regional office and other human dimension institutions, the ODIHR should develop a needs assessment to focus on institutional assistance to develop independent human rights institutions in consultation with host governments;
- The ODIHR should send experts-at-large to these States to advise on aspects of human rights and democratization and provide technical assistance as requested. This should be financed through a regular item in the ODIHR budget;
- The ODIHR should co-ordinate its work in the recently admitted participating States with the Council of Europe, the United Nations, and other international organizations.

6. Outcome and improvement of human dimension seminars and regional seminars, proposals for 1996

There was general satisfaction with the quality of seminars hosted by the ODIHR in the last two years. Regional seminars received special praise. Many felt that the larger Warsaw-based seminars were successful efforts, yet it was noted by some participants that practical recommendations should accompany the rapporteur's report at these seminars. Most delegations agreed that a full exchange of views and free discussion were important goals for any seminar. Others noted that seminars need a clearly defined subject that is important to all OSCE States, should be future-oriented and should be able to take up specific issues. Full and broad participation from all levels of society should be sought. It was noted that two large seminars a year are sufficient to secure interest and maintain broad participation. The 1995 Warsaw Seminar on NGOs and the Bucharest Seminar on Tolerance were cited as successes. It was noted that, given the limited resources and to maximize results, the ODIHR should consider co-ordinating seminars where possible with other institutions. It was also noted that existing NGO programmes could be utilized for follow-up and that the ODIHR should consult with relevant NGOs to draw on their expertise on all aspects of planning.

Proposals were also submitted for seminars for 1996, and other delegations recommended that the ODIHR consult the list of potential seminars drawn up at the Budapest Review Conference before entertaining new suggestions. Several delegations suggested new topics and revived old ones, which included: defence of the rights of the child, civil servants, national minorities, constitutional means to accommodate national minorities, law enforcement and the rule of law, media and conflict, women, the abolition of capital punishment, human rights and terrorism, human contacts and the treatment of citizens of other participating States, consular matters, and legal aspects of the implementation of the right to religious freedom.

The following informal recommendations were made on the topic of seminars:

- Participating States, NGOs and others need adequate advance notice in order to make stronger contributions to seminars;
- Topics discussed over the last two years should not be repeated;
- The ODIHR should co-operate with other relevant institutions and international organizations in organizing seminars;
- Regional seminars could also organize preparatory training courses;
- The ODIHR should assist OSCE missions to develop regional seminars.

7. Election observation: reports, procedures and co-operation framework

There was wide support for the work the ODIHR has completed in the field of election monitoring, as well as general support for the ODIHR Elections Monitoring Framework Document that was released in May 1995. Delegations, however, cautioned that the success of the OSCE's efforts to co-ordinate elections depends primarily on the willingness of States to use the ODIHR's services. Today, the OSCE faces a second wave of post-Cold War elections and more international bodies are engaged in elections monitoring. Participants agreed that more active participation of the ODIHR in co-ordinating election monitoring is essential, but that to accomplish this task the ODIHR needs to receive the additional resources called for in the Framework Document.

A strictly symbolic OSCE presence at elections would be detrimental to the OSCE. Rather, the OSCE should assist not only in vote counting, but also in electoral law, working with the media, and advising on election campaigns. It should co-ordinate with other participating States, parliamentary organizations and NGOs. Delegations also urged that the ODIHR complete a handbook on election observation, as called for in the Budapest Document.

The following informal recommendations were made to enhance the OSCE's election observation framework:

- The ODIHR's election monitoring effort should also focus on long-term, practical improvements to a country's electoral system. The ODIHR should provide long-term support to build democratic structures;
- The publication of an observers' handbook for election monitoring, called for in the Budapest Document, should be given a high priority in the light of forthcoming elections;
- The ODIHR, in co-ordinating elections, should respect the priorities of individual monitoring groups. They should be provided with freedom of movement within the host country.

8. Review of the activities of the Contact Point for Roma and Sinti (Gypsies) Issues

Participants agreed that the ODIHR's Contact Point for Roma and Sinti (Gypsies) Issues represented a good example of how governments and NGOs can work together. The Contact Point has been an central locus for the discussion of Roma issues, and the ODIHR's practical approach to the issue was praised. The excellent working relationship between the Council of Europe and the Contact Point was also commended, as well as the fact that the OSCE activities in this area have influenced the policies of both governmental organizations and governments. The Contact Point newsletter reports on the activities of NGOs as well as other governmental organizations such as the Council of Europe, and should be commended for its broad approach. The Roma internship programme has also served as an excellent means of bringing Roma issues into the work of the OSCE. The contributions of NGOs to the internship programme were also praised.

The following informal recommendations were made during discussions on the Contact Point for Roma and Sinti Issues:

- The Contact Point can only work if all interested parties make use of it, and therefore the OSCE should publicize the Contact Point's existence;
- The Contact Point should increase co-operation with other NGOs and government institutions on Roma and Sinti issues, and co-ordinate where appropriate;
- The Contact Point should consider working with development assistance organizations and serve as a clearing-house for information on economic development and social programmes.

9. Role of NGOs in OSCE human dimension activities

Participants agreed that NGOs have valuable roles to fulfil in resolving conflicts, promoting tolerance, reporting on human rights issues, delivering humanitarian aid, conflict prevention, and early warning, among others. The role of the NGO in a civil society was acknowledged; delegations observed that fully-fledged democracy requires a full spectrum of NGOs to support it. It was agreed that the ODIHR has been a valuable and efficient performer in this field, and it should continue to develop and share its impressive database of NGO contacts. It was noted that the role of NGOs in the OSCE process should be enhanced, and the practice of convening ad hoc meetings in Vienna with representatives of NGOs should be continued. The ODIHR seminar on NGOs held last April in Warsaw was an unqualified success, with over 120 NGOs attending.

The important role NGOs play in monitoring OSCE commitments was also commended by delegations. The draft study on enhancing the participation of NGOs prepared by the OSCE Secretary General was welcomed by a majority of participants as a potentially important tool. While delegations noted that consultations on the document are ongoing, initial reaction to the draft was positive. Delegations observed that the OSCE shares common objectives with NGOs, and that OSCE participating States should consult NGOs to better determine their needs.

The following informal recommendations were made during discussions on the role of NGOs in OSCE human dimension activities:

- Missions of long duration should maintain regular contact with local NGOs. Missions should tap the resources of NGOs when regional seminars are held, and should facilitate contact with local NGOs when OSCE staff visit the region. Missions should facilitate the work of local NGOs where possible;
- Participating States and OSCE institutions should solicit NGO contributions to OSCE implementation review conferences and other important OSCE meetings;
- Participating States should be encouraged to fully implement OSCE decisions on NGOs;
- The responsibilities of the ODIHR's NGO liaison officer should be more fully developed;
- The High Commissioner on National Minorities and the ODIHR should have adequate funding to implement approved recommendations emanating from the Secretary General's report on NGOs.

10. Assessment of the functioning of the OSCE Office for Democratic Institutions and Human Rights, and discussion of its role

Participants agreed that the ODIHR's work is an essential element in furthering compliance with OSCE principles. Many delegations stressed the adequacy and comprehensiveness of the ODIHR's current mandate, and noted that a critical challenge for the Organization is to ensure that it has the personnel and financial support necessary to accomplish its existing mandate. The number of OSCE principles has grown and grown, and attention should be focused on providing the ODIHR with the tools it needs to carry on its work. The law of comparative advantage should be applied to international institutions, and the ODIHR has special skills which should be brought to bear where applicable. However, many noted that it is the responsibility of the participating States to provide the ODIHR with the resources it needs.

Many delegations made several specific recommendations to enhance operations, and all States applauded the work of the ODIHR to date and offered their full support for its work. The ODIHR should define its aims and take a long-term, proactive approach to issues and forecast future instability where possible, to bring the OSCE's preventive diplomacy skills into play. Other delegations noted that the ODIHR is one of the most effective institutions of the OSCE, and participating States have responded in a timely manner to the needs of the

ODIHR. Europe is being cast into a new structure, and the ODIHR has done an outstanding job in accepting these resulting challenges. However, final responsibility for the human dimension will always rest with the participating States.

The following informal recommendations were made during the discussions on the ODIHR:

- The ODIHR should have a second Deputy Director for Administration. This would allow the Director and the current deputy to focus more on outreach and programme issues;
- Job descriptions for ODIHR employees should be revised so that the ODIHR can attract competitive, qualified employees. The ODIHR should also develop a formalized, professional internship programme that could attract motivated individuals;
- The ODIHR should make timely and realistic forecasts of its financial, personnel and equipment needs and report these projections to the participating States;
- To improve its capabilities in promoting the rule of law, the ODIHR should designate a second rule of law adviser. The ODIHR should also continue to hold seminars for judges and prosecutors as it has done in the past. The ODIHR should be more active in trial monitoring;
- The ODIHR should be able to deploy experts-at-large to the field for four to six weeks to advise on issues that fall within its mandate. The OSCE should fund these activities as a separate item in the ODIHR's budget. To this end, the ODIHR could make use of the resources of national human rights institutions;
- The participating States should provide the ODIHR with the resources requested in the ODIHR's Election Monitoring Framework Document;
- The achievements of the ODIHR should be more widely publicized: the ODIHR Bulletin might be published more often and distributed more widely. The Bulletin should also be translated into the Russian language;
- The ODIHR should consider publishing an annual report summing up its operations;
- The Chairman-in-Office should request that the ODIHR obtain written reports on specific issues to facilitate further discussions in the Permanent Council and other fora.
- The ODIHR should advise the Chairman-in-Office and the Permanent Council as described in the Budapest Document. The ODIHR should not just respond to Permanent Council requests, but initiate its own actions as well. The ODIHR should also tighten its links with missions of long duration.

11. From Helsinki to Budapest: evaluation of further commitments undertaken in Chapter VIII of the Budapest Decisions; better integration of the human dimension in the regular activities of the Permanent Council; and the involvement of the ODIHR in the work of the Permanent Council

Participants observed that there was broad support for integrating human dimension issues into the work of the Permanent Council. Implementation of OSCE commitments requires continuous self-assessment, and all OSCE participating States and OSCE institutions should do what they can to further this process. One delegation noted that the human dimension is already adequately dealt with within the OSCE. Some delegations noted that human dimension issues are regularly addressed in the context of broader political discussion in the OSCE's decision-making bodies, because the human dimension is organic to the nature of conflict. It was noted that the human dimension is one of the most important aspects of the OSCE's work, and these issues have been responsible for the OSCE's most spectacular successes. Information on the human dimension plays a crucial role in conflict prevention. Flexibility and responsiveness to issues as they arise is a strength of the OSCE, and the OSCE should preserve these abilities. It was noted that the OSCE is not a court that condemns and judges, but an institution that supports and advises.

The Budapest Document gives the human dimension a more prominent role in Permanent Council discussions, and it was generally agreed that, while there was no need to develop new

mechanisms and structures, existing arrangements should be more fully utilized. While some States proposed that human dimension issues should be a regular agenda item in Permanent Council discussions, others noted that a separation of the human dimension from regular business would occur rather than integration. The OSCE has taken several useful steps to further discussion of the human dimension, including the dispatch of fact-finding missions by the Chairman-in-Office, the scheduling of ad hoc meetings with NGOs, and ODIHR Director Glover's more frequent trips to Vienna. These have improved the efficiency and coherence of the human dimension in the OSCE process, and this dialogue represents another means of providing early warning and early action for the OSCE.

The following informal recommendations were made to better integrate the human dimension into the work of the Permanent Council:

- The ODIHR Director should address the Permanent Council on human dimension issues of concern on a regular basis. The Chairman-in-Office should ensure advance notice and co-ordination of visits by ODIHR staff;
- Participating States and the Chairman-in-Office should raise human dimension issues in the Permanent Council with sufficient notice in order to allow preparation and expert participation. The Chairman-in-Office and the ODIHR should highlight issues for OSCE action, and recommend follow-up as appropriate;
- The Permanent Council should ask the ODIHR to report on specific situations. The Chairman-in-Office or other interested States are encouraged to continue pursuing specific tasks in the framework of furthering implementation of human dimension commitments.

12. Co-operation between the OSCE and other international organizations in the human dimension

Most delegations agreed that sharing activities is the best way to spread efficiency, and participants praised the links the OSCE has developed with both governmental and non-governmental organizations, and recommended that OSCE institutions further expand co-operation and co-ordination with other international bodies. Participants noted that the ODIHR has been very judicious in choosing new fields or new regions to get involved in and considering the comparative advantages it brings to an issue. The OSCE provides normative guidance through the influence of OSCE principles and documents on the work of other organizations. Other organizations tap the resources of the OSCE. While participating States should seek synergies between the OSCE and other organizations, some observed that parallel activities are in some respects preferable to a division of labour between organizations. It was observed that taking a sub-regional approach to issues, and working with appropriate sub-regional organizations, could enhance the work of the OSCE. The OSCE's working relationship with the Council of Europe and the successful UNHCR handover of some activities to the OSCE in Tajikistan were also praised. It was generally agreed that United Nations special rapporteurs and national human rights institutions have special skills that could make a unique contribution to OSCE programmes.

Some delegations proposed that specific agreements between the ODIHR and other human dimension organizations should delineate specific areas of co-operation and co-ordination on mutual projects, to establish a broad framework to support the efforts of the OSCE and other international bodies to react to crises and conflicts.

The following informal recommendations were made to further enhance co-operation between the OSCE and international organizations:

- Participating States should encourage further Council of Europe involvement in OSCE

activities. The Council of Europe and the OSCE should also exchange information on human dimension commitments, including the various human rights monitoring and implementation mechanisms of the two organizations;

- Participating States should notify OSCE institutions when possible of the activities of other multilateral organizations in the field of human rights. International organizations, particularly the United Nations, and the OSCE should also regularly exchange information on projects of mutual interest.

13. Improved dissemination of information on the human dimension

There was general agreement that the translation of OSCE documents into local languages that are not official OSCE languages should be encouraged. The OSCE should publicize its activities, and special attention should be paid to the recently admitted participating States, where this information can further links to OSCE principles and institutions.

The following informal recommendations were made:

- The OSCE should consider developing an outreach programme on the human dimension, which could include translation of OSCE documents into non-OSCE designated languages, developing programmes for schools on the human dimension, short films, posters, leaflets and brochures;
- The OSCE should improve its outreach to the media. The OSCE should provide more press releases and background material for the press.

14. Improving future implementation reviews

Delegations used the additional time available during the final session of the subsidiary working bodies to discuss ways to improve future implementation reviews. Participants noted that the current Meeting had been a useful, positive and constructive exercise. Particular praise went to the ODIHR for managing the proceedings and for the high quality preparatory materials it compiled. Moderators were hailed as being competent and flexible. The following ideas were proposed during the informal discussions:

- ODIHR staff should take a more active role in discussions. Some thought that more focused and spontaneous discussions would occur if ODIHR representatives were to introduce specific items and follow-up during discussions;
- The timing and agenda of future implementation reviews should be flexible. Delegations agreed that more attention should be devoted to implementation issues than mechanisms, and that more time allotted for implementation issues would result in a freer discussion. Some suggested that agenda items should include both the implementation and mechanisms aspects of the same topic;
- Some delegations argued that the length of time dedicated to implementation reviews could be cut short, while others noted that this aspect should not be changed. Others stressed that the goal for reviews should be a thorough and methodical review of implementation, and questions of the duration of the meeting should reflect this goal;
- The working day during these meetings should be expanded beyond the current five and a half hours. Parallel sessions of working groups could also be held to save time;
- Agenda items should be given an appropriate amount of time on the agenda to allow for full participation. Some suggested that the length of an intervention should be reduced, but

other delegations were opposed to this idea. Others proposed that the right of reply should be granted immediately after a State or institution is criticized;

- Some delegations proposed clustering issues into four or five working groups, with a weekly plenary session to discuss the rapporteur's report as it is being drafted. Keynote speakers could also facilitate discussion;
- Some delegations supported having one speakers' list on selected topics, rather than having separate lists for participating States, international organizations, and NGOs, while others advocated the continuation of separate speakers' lists;
- Some proposed that ODIHR Warsaw seminars could provide preparatory information for future meetings. Others recommended that the Permanent Council hold meetings on selected topics prior to the implementation review. Still others noted the importance of NGO contributions to prepare for the review;
- It was suggested that the OSCE should research the practices of other human rights meetings to improve proceedings.

Conclusion

In conclusion, I would recall that the Helsinki Document provides a course of action for following up on our work here in Warsaw. It states that "Reviews should offer the opportunity to identify action which may be required to address problems. [Implementation reviews] may draw to the attention of the CSO any suggestions for measures to improve implementation which they deem advisable". I urge that all participants in this Meeting, and in particular participating States, review these recommendations and implement these ideas at the Permanent or Senior Council, because in the final analysis, the political will of the participating States will be decisive in strengthening implementation of the Final Act.