



Organization for Security and Co-operation in Europe

**MISSION REPORTS ON
HUMAN DIMENSION ACTIVITIES**

**HUMAN DIMENSION IMPLEMENTATION MEETING
Warsaw, 17 – 27 October 2000**

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**Organization for Security and Co-operation in Europe
Presence in Albania**

**Office of the Legal Counselor
Human Rights Alert Programme (HRAP)**

Mission Report on Human Dimension Activities for OSCE Review Conference

Investigation

Over the last 12 months there has been a change in the stress placed upon investigation in the Human Rights Alert Programme. Since the successful introduction of the Ombudsman there has been a rightly reduced emphasis on investigation of individual alleged abuses. Most of the caseload of the Human Rights programme has been transferred to the People's Advocate, the name given to the Human Rights ombudsman in Albania. Indeed a good proportion of his caseload (about 30% at the time of writing) has come from the Human Rights programme in Tirana. A good relationship has been established with the ombudsman. However one of the priorities of the Human Rights programme will be the tracking of those cases presented to him by OSCE.

Notwithstanding the introduction of the Ombudsman the investigation side of Human Rights work has not disappeared. Certain cases with overall significance have been looked at by OSCE assets and then passed on to the Ombudsman. Those cases include but are not limited to matters of abuse of power by municipal or national authority, police brutality to journalists and incidents or examples of discrimination or denial of rights on the basis of race or ethnic group. The aim is to produce timely and effective intervention at the appropriate level.

In keeping with OSCE's ethos, however, the emphasis is on assistance rather than criticism of State organs. OSCE's Human Rights office is well equipped with contacts which can assist in this process, along with the other actors in the 'Friends of the Ombudsman' Committee.

Regular meetings take place with the ombudsman during which the progress of cases is discussed. One project the programme is looking at is the introduction of a Police complaints system and its involvement with the Advokat i Popullit if appropriate.

Monitoring

With respect to the monitoring role particular emphasis has been placed on the monitoring of prisons and pre-detention facilities. All OSCE Field and Presence staff who have requested it have been given clearance by the Ministry of Justice to visit prisons with a view to determining to what degree the conditions comply with international standards.

Effective liaison has been established with the appropriate NGOs in order that good and relevant work is not duplicated.

Aside from the usual fields connected with police and administration of justice, attention is being directed at examining the Rights of disabled persons, examining to what extent their rights are appropriately addressed in the country.

Development

Plans have been made to begin Judicial Training in Human Rights in a systematic manner. However this is to a great degree dependent on funding from outside the OSCE network, and whilst there have been positive indications on this, no confirmation has been received.

Next year the OSCE/ODIHR has planned a project for Roma issues. The Human Rights Office in Albania intends to take a very positive role in this endeavour.

One of the key problems identified over the last year was the failure of the state to enforce judgements imposed against it in the Civil Courts. It was assessed that one reason for this was the lack of knowledge of litigants of their rights. OSCE drafted a leaflet in non-legal language with the aim that it be distributed in courts along the pattern of other court systems. This is currently awaiting the approval of the Minister of Justice

Human Rights Courses in the Faculty of Law of Shkodra

The Human Rights course at Shkodra is now included in the curriculum of the Faculty. The two international teachers have now finished their mission and teaching is now in the hands of the Dean of the Law faculty. The University Senate has approved the course and it is now part of the curriculum followed at that University. The next course will begin in November 2000. OSCE are continuing to assist in the administrative support of this project.



**Organization for Security and Co-operation in Europe
Centre in Almaty**

Summary

As the OSCE Centre in Almaty completes its second year of activities, the main instrument for implementation of its Permanent Council mandate, in addition to extensive dialog with all its partners, remains projects designed within the framework of the Memorandum of Understanding (MOU) concluded between the ODIHR and the Government of Kazakhstan in December 1998. This document foresees the elaboration of concrete projects related to the Human Dimension of the Helsinki Final Act as evidenced in the short descriptions that follow. In the field of elections, the Centre together with the ODIHR and the OSCE Parliamentary Assembly (PA) engaged in follow-up activities related to the October 1999 parliamentary elections which the OSCE/ODIHR observed.

Elections

An ODIHR Election Observation Mission (EOM) was deployed throughout the regions of Kazakhstan for the Parliamentary Elections in October 1999. Based upon its findings, the EOM concluded that the two-round elections, while constituting a tentative step towards international standards and an improvement from previous elections, fell short of the OSCE commitments formulated in the 1990 Copenhagen Document. These commitments for universal, equal, fair, secret, free, transparent, and accountable elections were severely marred by widespread interference by executive authorities in the electoral process. The OSCE/ODIHR Final Report on the October 1999 Parliamentary Elections (“Final Report”), released by the ODIHR in January 2000, contained a series of recommendations on improving the electoral framework and its implementation.

As a first step in this process, on 15-16 February a joint delegation from the ODIHR, the OSCE PA, and the Centre in Almaty visited Astana for talks with government officials. In addition to meetings with parliamentarians, multilateral consultations based on the Final Report were held. Representatives of the Central Election Commission (CEC), Ministry of Justice, Ministry of Information, Presidential Administration, Parliament, and Ministry of Foreign Affairs participated in the talks which yielded an agreement to hold a series of “Round Tables on Elections” in order to address the concerns raised by the Parliamentary elections.

On 2 September 2000 in Astana the first “Round Table on Elections” took place under the auspices of the OSCE. This event, conducted in close collaboration with the Government of Kazakhstan and the CEC, brought together representatives of the Parliament, various government ministries and agencies, and civil society, including those political parties not represented in the Parliament. The Vice President of the OSCE PA, Mr. Ihor Ostash, moderated the Round Table, and representatives of the ODIHR and the Centre in Almaty also participated in the process. The Deputy Speaker of the Senate and the Head of the Delegation of Kazakhstan to the OSCE PA Mr. Baigeldi, and Mrs. Balieva, the Chair of the CEC, headed the Government of Kazakhstan delegation to the talks.

In a constructive atmosphere the participants discussed ways and means to implement the recommendations contained in the Final Report. There was universal agreement that there is a pressing need to improve the current election legislation in order to begin the process of restoring public trust in the electoral process following the violations that marred the October 1999 elections.

It was agreed that there will be another three Round Tables on Elections in January, May, and September 2001. The participants also identified three blocs of issues, each of which will become the centrepiece of one of the upcoming Round Tables. For example, the Round Table in January 2001 will focus upon improving the independence of election commissions, the transparency of the electoral process including the vote count and tabulation procedures at all election commission levels; and all other election procedures. In May 2001 it is planned to address issues related to the role of the media in an electoral process including a "Code of Conduct." The last Round Table will consider sanctions/remedies for violations of election legislation, electoral disputes, and complaints/appeals procedures.

The first Round Table also led to the expansion of an existing "Government Working Group on Improving Election Legislation."(GWG) In addition to the present members of the Working Group from the Parliament, CEC, Ministry of Foreign Affairs, Ministry of Justice, and Ministry of Information, there will be an additional 6 representatives of political parties not currently represented on the GWG, one NGO representative, and one representative of the OSCE. This working group will serve as a bridge between the Round Tables and will be responsible for gathering information, analyzing proposals, and preparing each Round Table.

MOU Implementation

Assistance for the Establishment of a National Human Rights Institution

This project aims to assist the authorities of Kazakhstan in developing a national human rights institution once the relevant law has been passed. It includes the establishment of an internal office status, office structure, complaint registration system, and office budget as well as a training programme. Throughout the past year the Centre regularly participated as an observer in meetings of the governmental working group in charge of elaborating the draft "Law on the Ombudsman." The OSCE also provided expertise on various drafts of the law in close co-operation with the UNDP. To date the law has not been adopted although discussion in Parliament is scheduled for November 2000

Prison Service Training

In order to assist the Government of Kazakhstan in upgrading the operational functioning of its prison system in relation to the "best practices" of OSCE participating states, the Centre together with a local NGO partner and the Ministry of Interior organized a series of regional seminars. Through these seminars the majority of prison governors in Kazakhstan have undergone training on international prison standards. Subsequent OSCE assistance including a planned study trip to Poland and on the elaboration of the curriculum for a future Prison Staff Training Centre will seek

to improve training for prison service employees in human rights standards and thereby prisoner treatment and security.

Civil Society Assistance Project

This project which continued from 1999 seeks to facilitate discussions on human rights issues between Government officials and representatives of civil society. A meeting in March 2000 targeted “Freedom of Movement” and produced lively discussions on this controversial issue. The meeting led to improved contacts between NGOs and government structures such as the Ministry of Interior and the National Security Committee (KNB) and reached a broad consensus on the need to reform the current system. In November 2000 the next meeting on “Introduction of Human Rights in the Curriculum of Schools and Universities” will take place with a goal of helping to systematize domestic and international efforts to provide basic human rights education to students.

Legislative Reform Assistance

As part of OSCE efforts to assist the government of Kazakhstan in reviewing domestic legislation in order to bring it into conformity with the international standards contained in human rights treaties recently ratified by the Government, an OSCE/ODIHR expert visited to Kazakhstan in April 2000 to review the compliance of Kazakhstani legislation with the Convention on the Elimination of Discrimination against Women (CEDAW). The expert held talks with various governmental and non-governmental structures and produced a report that was presented to the National Commission on Family and Women’s Affairs. This project can be viewed in the broader context of the planned adoption of laws “On Equal Opportunities” and “On Domestic Violence” in 2001 for which ODIHR expertise would be of assistance.

Women’s Rights Awareness Project

This project aims to promote awareness of women’s rights at the national and community levels, to increase training capacity on women’s rights, and to strengthen networks of women leaders. A “Training of Trainers” focusing on civil and political rights and involving a number of regional women’s NGOs took place in June 2000. This training was followed by a number of so-called “mini-seminars” which are to reach more than one thousand women across the country. In all regions involved in the project, the activities are met with great interest and are broadly discussed in regional media. The most active core group of trainers, assisted by OSCE/ODIHR, will be charged with developing future strategies of networking and advocacy.

Legal Alert

This regional initiative of ODIHR enables the Centre to monitor the development of new legislation of importance to the Human Dimension by reviewing key draft laws and other new legislation in order to identify potential shortcomings in light of the OSCE Human Dimension Commitments. In September the Centre submitted the draft Law “On the Rights of the Child” to ODIHR for review. In addition, review of the Laws on the Prokuratura and the Court System is underway as all these laws are relevant for OSCE human dimension commitments.

“Grassroots” Projects

Free Legal Aid

The Centre through the ODIHR “Grassroots Democracy Programme” provided funding to the NGO “Association of Women Lawyers of Kazakhstan” to establish free legal aid for female victims of domestic violence. The programme also attempts to increase awareness about domestic violence and in the long run change patterns of behavior in family life.

Local Self Government Assistance Project

In order to elaborate practical recommendations for the development of local self-government within the framework of the existing legislation and to suggest changes to the legislation in light of existing draft “Laws on Local State Government and Local Self Government,” funding was provided to a group of scientists. These individuals identified key problems experienced by local government through field research and surveys of district Akims (local representatives appointed by the executive branch) and local parliaments. A “pilot” seminar was conducted and concrete recommendations were issued to all levels of executive and legislative structures.

Round Table “Broad Coalition against Corruption”

The Centre used ODIHR Grassroots funding to support a one-day Round Table in March 2000 that drew attention to the problem of corruption and its implications for Kazakhstan. The participants in this event, conducted by the NGO “Transparency Kazakhstan,” a branch of Transparency International, sought to build a broad coalition of governmental, non-governmental and business structures to fight against corruption and lack of transparency. Recommendations were adopted on how competencies should be divided among different state agencies and civil society to combat corruption effectively.

In addition, the ODIHR funded experts for various conferences and seminars—for example on the restructuring of the Ministry of Interior and on respect for human rights during the pre-trial detention---in order to ensure that authorities and police are aware of OSCE standards and best practices.

Other ODIHR-Supported Initiatives

Educational Programme on Trafficking in Women in Kazakhstan and Central Asia

This initiative seeks to develop and implement an educational programme in the Russian and Kazakh languages on prevention of trafficking in women and children in order to raise awareness about the problem in Kazakhstan, especially among young women and girls. The implementing NGO is developing a training curriculum and pilot educational programme; reviewing legislation; and preparing material and information for mass media and its target audience.

Future Activities

It is anticipated that in 2001 the Centre will implement approximately five projects specific to Kazakhstan. The project proposals under consideration include initiatives related to training on human rights monitoring, prison and police reform, women's rights awareness, and support for civil society. The majority of these projects represent follow-up activities that largely flow from the work of the Centre in 2000. The Centre also will continue to identify potential smaller-scale efforts for submission to the ODIHR "Grassroots Projects" programme. The ODIHR also foresees several regional projects on topics such as legislative reform and review in which the Centre will be involved.

Among the projects under consideration with international partners, the World Bank has a "Legal Reform" project in Kazakhstan which includes setting up a Training Centre for Judges. Given that the World Bank component will focus primarily upon commercial law, the OSCE/ODIHR has offered to contribute to the elaboration of the curriculum and to help with training of future staff of the Centre. OSCE assistance will address a criminal law component and more effective implementation of international law.

OSCE Centre in Almaty
11 September 2000



**Organization for Security and Co-operation in Europe
OSCE Centre in Ashgabad**

INTRODUCTION

The OSCE Centre in Ashgabad was established on the basis of Permanent Council Decision Nr. 244, adopted on 23 July 1998. A Memorandum of Understanding between the OSCE and the Government of Turkmenistan was signed on 3 December 1998. The Centre started its work in January 1999.

The mandate of the Centre is very broad. One of the main tasks of the Centre is *“to promote the implementation of OSCE principles and commitments as well as the co-operation of Turkmenistan within the OSCE framework with special emphasis of the regional context in all OSCE dimensions, including the economic, environmental, human and political aspects of security and stability.”*

CURRENT HUMAN DIMENSION ISSUES

Elections

Parliamentary elections in Turkmenistan were held on 12 December 1999. OSCE/ODIHR expressed grave concerns of the framework of election campaign and carrying out the elections in 1999, falling short of the commitments in the 1991 Copenhagen Document. Among the problems cited was the lack of a minimum level of pluralism for competitive elections, severely restricted freedom of political activity, and strict control of electoral activities by the authorities. In December 1999 the People's Assembly gave Saparmurat Niyazov the right to retain the office of president for as long as he chooses. The OSCE Chairman-in-Office issued a statement deploring the action as depriving the citizens of Turkmenistan of one of their basic rights. Turkmen officials have stressed that the presidential election scheduled for 2002 has not been cancelled.

NGOs

ACCORDING to NGO activists, no genuine grassroots NGOs have been registered for a number of years, though many small grassroots groups are functioning. The Centre provides technical assistance to a number of active grassroots NGOs, in particular to those working on environmental issues and promoting the development of civil society. The Centre repeatedly has expressed to the authorities its concern about the loss of registration by Turkmenistan's oldest environmental NGO, the Dashoguz Ecological Club, and continues to pay close attention to this case.

Freedom of Religion

Except the Sunni Muslims and Russian Orthodox no other religious communities are formally registered. All attempts to register small, mainly Protestant religious communities have failed, and the members of these communities have been subjected to different forms of harassment. They have reduced their activities (or gone underground). The Centre has heard of no new cases of harassment of religious groups this year. To some extent this may be attributed to the fact that some have ceased to exist or their leaders have been deported. The Centre has repeatedly discussed this issue with authorities at different levels and has had sharp exchanges in one concrete case in which the Centre's intervention was successful. The National Institute for Democratization feels that the problem can be solved through the adoption of a new law that would ease the requirements for registration of religious groups.

Political Parties

The Democratic Party (formerly the Communist Party) remains the only party in the country. The president has said that one or more new parties could be formed in the future, though previous attempts to create a new party under government auspices have been unsuccessful. No genuine opposition group is likely to be able to register.

Mass Media

All print and electronic media are state-owned. Only the newspaper *Zaman-Turkmenistan*, a Turkmen edition of the Turkish newspaper *Zaman*, has foreign funding. Although censorship does not exist officially, the Committee for Protection of State Secrets conducts preliminary censorship. The media contain only material supporting the policies of the president and the government. Foreign newspapers are expensive for the average Turkmen and are available only through subscription or in some hotels. In June 2000 the Ministry of Communications revoked the licenses of all private Internet providers. At present the only Internet provider is the state telecommunications monopoly. The use of satellite television receivers is permitted.

Prevention of Torture and Ill-treatment of Prisoners

The Centre organized the participation of NGO representatives in the ODIHR Special Meeting on Prevention of Torture. The Centre has raised the issue of a training project for prison officials with the National Institute for Democratization and the Minister of Internal Affairs. Requests to visit prisons have had no response from the authorities.

Political Prisoners

High-level OSCE delegations visiting Turkmenistan, as well as the Centre staff, have kept the issue of the three known political prisoners on the agenda. The Turkmen authorities refuse to consider them anything but criminals. In February Centre representatives tried to attend the trial of Nurberdy Nurmamedov, but were refused access. Some Turkmen officials have indicated that Nurmamedov's appeal for presidential clemency may receive a positive response by the end of the year.

CENTRE PROJECTS

Workshop on the Aarhus Convention

On 4-7 May 2000, a Central Asian regional workshop on the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was held in Ashgabat. The workshop was organized as a joint project of UNECE, UNEP and the OSCE with financial assistance of the governments of Austria, Denmark and Norway. NGOs and governmental representatives from the five Central Asian Newly Independent States along with representatives of various international organizations and embassies based in Ashgabat attended the workshop.

Centre Publications

A textbook in Russian on civil society and the rule of law was published for the use of non-governmental organizations and others. Publication of this book was funded from a special contribution of the Government of Ireland. The same source is also funding the publication of a brochure in the Turkmen language containing information about the OSCE, its history, structure, standards and activities, as well as the tasks of the OSCE presence in Turkmenistan. A collection of international human rights conventions to which Turkmenistan is a signatory and domestic legislation on human rights has been published in co-operation with the Ashgabat Ecological Club Catena. This project was funded by a special contribution by the Government of Norway.

Future Projects

The Centre and the Ashgabat office of UNHCR have been awarded a significant grant by the British Foreign Office to conduct two courses on international human rights law in January 2001.

The Centre intends to devote more attention to grassroots projects in co-operation with the Turkmen State University law students club Adalat.

In line with the recommendation of the Regional Workshop on the Aarhus Convention, the Centre held a series of meetings with NGOs, government officials, representatives of international organizations and others involved in environmental issues in order to organize follow-up activities to the Workshop at the national level. At present it appears that follow-up will consist primarily of round-tables and publications.

OSCE PARTNERS

The National Institute for Democratization and Human Rights is one of the main contacts for the Centre. Initial plans for the Centre foresaw the National Institute as the primary partner on the government side for Centre human dimension projects. Because a Memo of Understanding has not yet been signed between ODIHR and the

Government of Turkmenistan, co-operation with the Institute has been limited. With the some help from the Institute a number of individual cases were solved.

Local NGOs

Turkmen NGOs actively participated in the Workshop on the Aarhus Convention.

Several Turkmen NGOs are preparing a report on “Regional Environmental Problems and the Role of Civil Society” to be presented at the 2-3 October NGO meeting, organized by the OSCE Centre in Almaty in connection with the meeting of European and NIS Environmental Ministers, to be held in Almaty on 16-17 October 2000.

The Ministry of Environment supported the Workshop on the Aarhus Convention and is actively participating in the current discussion on follow-up activities at the national level.

International Organizations

The Centre maintains close contacts with several UN agencies, in particular UNHCR and UNDP. The local UNHCR has asked the Centre to co-sponsor further events. The Centre also maintains close contact with TACIS, the British Embassy (Know-How Fund) and USAID, seeking opportunities to devise joint projects.

International NGOs

Few international NGOs are represented in Turkmenistan. The Centre has had useful contacts with the USAID-funded Counterpart Consortium and with the Ashgabat office of the American Bar Association's CEELI project.

CONTACTS WITH ODIHR

It has been one of the main tasks of the Centre to prepare favourable conditions for the conclusion of a Memo of Understanding (MOU) between ODIHR and the Turkmen Government. This issue has been repeatedly raised during meetings of Centre representatives with all levels of the Government, especially with the Ministry of Foreign Affairs and the National Institute for Democratization and Human Rights. Representatives of ODIHR, accompanied by the Centre, twice visited the Institute and Ministry of Foreign Affairs in 2000 to discuss the signing of an MOU. During the successive visits of ODIHR representatives to Turkmenistan the Government and the attached projects were thoroughly discussed and differences in the positions of both sides were narrowed. The Centre is optimistic that an MOU will be signed this year, probably during the Ministerial Meeting in November.



**Organization for Security and Co-operation in Europe
Advisory and Monitoring Group in Belarus**

Human Dimension Activities in 2000

The OSCE Advisory and Monitoring Group (AMG) began its work in Belarus at the start of 1998. As per its mandate dated 18 September 1997, the AMG in Belarus provides assistance to the Belarusian authorities and to Belarusian civil society, in general, in developing more democratic institutions of European standard. The group also monitors and reports on the compliance of the Republic of Belarus with its OSCE commitments.

Supported by invited international specialists from OSCE member states and international organizations, the OSCE AMG had provided advice in the drafting of electoral and penal legislation. This formal legislative assistance helps to build the institutional knowledge of democratic states and increases understanding of the rule of law, the separation of institutional power, and the legitimisation of this power through regular open and transparent elections.

In conjunction, the OSCE AMG has promoted the establishment and training of a nation-wide system of domestic election observers. The second round of training of these observers was conducted between April and September 2000. They are now being deployed during the current parliamentary elections. It is felt that their participation in the electoral process will improve and promote public awareness of democratic values.

September 2000 also saw the launch of a “Strategy for Belarus”, the output of a year long project which has developed a coherent political, economic, and social programme by local experts who feel that such a strategy would improve the current situation in the country. It is hoped that this coherent strategy will form the basis for implementation in future policy decisions.

Throughout 2000, the OSCE AMG has run a series of educational seminars on the training of public defenders. Within the Republic of Belarus, this institution of public defenders is unique in structuring legal defence outside of the officially licensed and recognized Belarusian Collegium of Lawyers. Many advocates have been excluded from this collegium as a result of their political views and have instead turned to the alternative public defenders institution provided for under Belarusian law in order to promote the human rights of those accused. Many of these public defenders have also undertaken the training of others for such work.

The OSCE AMG has participated in this area through a number of avenues. In the first place, it has offered the services of its legal consultant as a trainer to those interested in becoming public defenders through a series of seminars conducted across the country. Importantly, these seminars are normally initiated at the request of a

group of people or group of NGOs, thus promoting co-operation between people and organizations and providing an impetus for civil society building.

In line with an EU/ODIHR funded project on legal defence, the OSCE AMG has also co-operated with two large Belarusian NGO's (the Belarus Helsinki Committee and Legal Assistance to the Population) to launch a series of training seminars for public defenders. These are to be conducted this autumn, both in the *oblast* (regional) capitals of Belarus and well as in smaller cities throughout the country. A unified handbook for public defenders is also envisaged, which will ensure a coherent training regime.

The OSCE AGM has also launched a prison assistance programme, funded by the EU/ODIHR. The first leg of this project commenced in August 2000 when an international prison health expert conducted an assessment mission of eight Belarusian prisons. This mission gauged the level of health and sanitary conditions in Belarusian prisons, especially with a view to the control of the spread of tuberculosis in the prison service.

Based on Dr. Demeulenaere's recommendations, the OSCE AMG is now co-operating with a Belarusian NGO, Helping Hand, to implement a pilot project for improving the health, sanitary, and tuberculosis conditions in a number of Belarusian prisons. This action will serve as a springboard for further co-operation between the OSCE AMG, the Belarusian prison service, and Belarusian non-governmental organizations working in this field. Future planned actions include the development of a rehabilitation programme for outgoing prisoners and a training seminar for Belarusian staff in Poland, so that comparisons can be made with the reforms achieved in other post-communist nations.

Starting this autumn, the OSCE AMG also proposes to hold a series of seminars within the framework of its 'Youth and Democracy' project. This project envisages a number of training seminars centred on public institutions. It also seeks to initiate co-operation and consultation with youth leaders and governmental activists from other European countries in order to establish working relationships.

The founding conference of a new Master's programme in European and Transatlantic Studies at the Belarusian European Humanities University (EHU) will be held on 30 November to 3 December 2000. This Master's course will allow Belarusian students to undertake a two year structured course in the international relations, law, political science, economics, and cultures of Eastern and Western European nations and the North American continent in a comparative perspective. The EHU will also operate a research programme and publish an academic quarterly entitled, "Crossroads: Journal for European and Transatlantic Studies". Such a course of education that has been, thus far, unavailable to Belarusian student and the OSCE AMG has been integrally involved in its formulation. The EU has provided financial support for this project.

The OSCE AMG continues to observe the human rights compliance of the Republic of Belarus in line with the country's constitution and its OSCE obligations. This is achieved through a monitoring of the Belarusian legal system, both through trial monitoring and through legal assessment. Infringements are continuously raised with

the appropriate authorities and with the Ministry of Foreign Affairs for clarification and adjustment. The OSCE AMG also provides legal advice to people being prosecuted under the legal system and plans to expand its legal counselling department to approximately seven lawyers by the year's end.

The OSCE AMG also monitors the violation of human rights in terms of unlawful arrest or detention, due process, and incarceration to ensure that any violations are swiftly brought to the attention of the government for its adjudication.

The OSCE AMG continues to work with a range of Belarusian NGO's and has enabled representatives of these groups to attend international conferences on topics as wide ranging as the trafficking of human being, the questions of internal migration and displacement, and larger issues of democratic development.

In these manners, the OSCE AMG continues to contribute to the development and strengthening of the human dimension in the Republic of Belarus.



**ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE
Centre in Bishkek**

INTRODUCTION

The OSCE Centre in Bishkek, Kyrgyzstan, was established by the OSCE Permanent Council on 23 July 1998 and opened in January 1999. The Centre has been working to encourage Kyrgyzstan's further integration into the OSCE community. In its work, emphasis is also placed on the regional context, including the economic, environmental, human and political aspects of security.

The Centre in Bishkek has established intensive dialogue with all levels of Kyrgyz society, from high-level government officials to local authorities and civic leaders. It was also involved in the preparatory stage of the new Electoral Code, which was applied to the Parliamentary Election in February/March 2000. The Centre has pursued other activities, such as the establishment of a national institution for the protection of human rights and a focus on the media situation in Central Asia.

The OSCE Centre in Bishkek facilitates contacts and promotes information exchange with the Chairman-in-Office, other OSCE institutions and the OSCE participating States in Central Asia. The Centre also co-operates with international and local organizations and institutions.

In April 2000, the Centre opened a field office in Osh, which is a co-ordinating point for OSCE activities in southern Kyrgyzstan.

A substantial part of the Centre's Human Dimension activities in 2000, as well as in 1999, consisted of providing assistance to the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in implementing the Memorandum of Understanding (Government) signed by the OSCE/ODIHR and the Government of the Kyrgyz Republic in Oslo on 2 December 1998.

CURRENT HUMAN DIMENSION ISSUES

Rule of Law

1. Legislative Reform Assistance

OSCE/ODIHR continued assistance the Kyrgyz Government in reviewing its domestic laws and bringing such laws in conformity with international standards, particularly in regards to the country's obligations under CEDAW and UNCAT ratified by Kyrgyzstan. In the course of year 2000, CEDAW and UNCAT experts visited Kyrgyzstan to evaluate compliance of the domestic legislation with international standards, mechanisms of implementation of laws and governmental policy in these fields. UNCAT expert chaired a round table conference "Ways to

Ensure Compliance of the Kyrgyz Legislation with UNCAT” in May 2000. As a result of their work, the final reports were elaborated and distributed to the participants of the meetings and the conference.

The Centre contributed to the project by establishing contacts with local authorities, civil society and academics as well as arranging logistics support.

2. Assistance for the Establishment of the Ombudsman Office in Kyrgyzstan

According to the request of the Government of Kyrgyzstan, OSCE/ODIHR experts continued to advise on the elaboration of an Ombudsman Law, which was initiated in 1999. In May 2000, the OSCE/ODIHR officer personally handed over ODIHR’s comments on the latest draft of an Ombudsman Law to the Kyrgyz Government. The Centre has been assisting the OSCE/ODIHR in keeping contact and in co-ordinating with the Parliamentarian Committee on Human Rights and the Presidential Administration.

3. Students Legal Aid Initiative on Criminal Law, University of Osh

The objective was to train law students in criminal law and related international standards, to advocate criminal cases in courts and to provide legal assistance to the population. The OSCE Field Office in Osh will assist in the implementation of this project in 2001.

Gender Issues

The Centre regularly participates in the Quarterly Donors’ Gender Co-ordination Meetings, initiated by the UNDP GiD Bureau, and hosted the Second Meeting. The representatives share the information of the OSCE/ODIHR’s Gender Issues projects being implemented in Kyrgyzstan.

1. Women’s Leadership and Advocacy

In order to develop new networks of women activists and knowledge of gender equality in Kyrgyzstan, and to increase the capacity of women leaders to lobby on empowerment and equality of opportunity, OSCE/ODIHR worked out a unique project strategy in Kyrgyzstan, which is being implemented jointly with Konrad Adenauer Stiftung. The project consists of seven three-day training courses throughout the country. The National Gender Workshop, which is scheduled take place in November 2000 will conclude the series of trainings, unite women leaders, and discuss near-future gender equality strategy.

2. Technical Co-operation Project “Trafficking in Women and Children”

As agreed at the end of 1999, research has been conducted by the Consulting Firm “Professional Manager” to define and quantify the incidence and potential for trafficking in women in the Kyrgyz Republic and to assess the existing policy, legislation and other mechanisms in place to prevent and combat trafficking. The report is to be elaborated and finalized by the International Organization for Migration

(IOM) in consultation with OSCE/ODIHR, the OSCE Centre in Bishkek and the Kyrgyz Government at the end of 2000.

3. Women's Human Rights Education (in Osh)

The project aimed at providing community level training on women's rights issues in southern Kyrgyzstan, where women face acute problems in regard to their status and basic rights. Part of the project was implemented within the framework of the Women's Leadership and Advocacy project (see Gender Issues, art.1). The project is postponed until 2001, it will be implemented by the recently opened OSCE Field Office in Osh.

Migration

1. Human Rights Training for Border Guards

The projects assists the border service with institutional reforms, including reform of the training system, and to introduce human rights and legal training into the curriculum of Kyrgyzstan's border guards. The OSCE/ODIHR conducted a Needs Assessment Mission in March 2000, followed by a trip of a Kyrgyz Delegation to Polish Border Guards Academy in June 2000. A Workshop on Human Rights conducted by OSCE/ODIHR experts and trained local officers in October 2000.

2. Registration of Permanent Residents

OSCE/ODIHR targets at the assisting government with developing conceptual and legal basis for a population registration system that conforms to international standards on the basis of equality and non-discrimination. The Bishkek Migration Management Centre (BMMC) is a local partner for the implementation of the project. The research will be concluded with the elaboration of the report and comparative analysis of legislation and governmental policy of the countries in the region by the end of the year.

Elections

1. Training of Election Administrators

The project was planned to assist the central election authorities to train the election administrators in order to improve the efficiency of the electoral system and enhance implementation of the newly adopted election legislation. The OSCE/ODIHR cancelled the project for the Central Election Commission of the Kyrgyz Republic had not implemented the recommendations of the OSCE/ODIHR experts to the Election Code.

2. Publication of the OSCE/ODIHR Election Observation Mission Final Report

The OSCE CiB translated the EOM Final Report into Russian and Kyrgyz, published and distributed to Governmental Offices, representatives of civic society, mass media, etc.. throughout the country. The project was sponsored by the OSCE/ODIHR.

Grass Roots

1. Voter Education

January-February 2000 – the run-up to the parliamentary election (February/March 2000), two local expert trainers (trained by the OSCE/ODIHR in 1999) conducted ten one-day seminars on election code and basics of voter rights in each of the regions – Chui and Talas. As a result, approximately 500 rural citizens were educated on voting procedure, as well as on women's potential in politics.

2. First National NGO Conference

10-11 July 2000 – The conference was supported by the OSCE CiB and sponsored by the World Bank, the Dutch Interchurch Aid, the Democratic Commission of the USA Embassy, Counterpart Consortium, Soros Kyrgyzstan and OSCE/ODIHR.

172 non-governmental organizations from all regions of Kyrgyzstan participated. For two days the NGO representatives discussed the problems of NGOs, the relation between the state and NGO, the role of NGOs during the elections and further steps.

The organizers distributed copies of the OSCE/ODIHR recommendations concerning changes in the election code of the Kyrgyz Republic and the speech of the CiB HDO during the CDF conference on the same subject to all the participants. A final report containing all speeches and analytical material was published.

Two resolutions, one on the results of the conference and one on NGOs monitoring presidential elections were passed.

3. Regional Summer School on International Law and Human Rights

14-27 August 2000 – The Summer Course on Human Rights and International Law was organised by UNHCR and co-sponsored by OSCE and the International Committee of the Red Cross (ICRC) and was aimed at promoting human rights and legal education in the CIS. This year's objective is to provide intensive human rights and legal training to top-level students and young professionals so that they learn and then easily operate the legal instruments to deal with various legal situations. It was based on the following methodology: theoretical introduction into each subject followed by discussion, and reinforced by case simulation. The course ended by a mock trial and a final examination where the students demonstrated the knowledge they had acquired in the course. Their work was judged by representatives of the UNHCR, OSCE and other international and local organizations.

This year's UNHCR-initiated Summer Course on Human Rights and International Law gathered 36 law students and graduates from all over the CIS. In addition to the Central Asian republics, participants came from Russia, Ukraine and Belarus, Georgia, Armenia and Azerbaijan and Moldova. This is the fifth consecutive year UNHCR is conducting the course. Initially intended for Central Asian participants only, it increased its geography by involving other CIS countries. The impact of the previous courses was so high that students from all over the world sent their

applications to participate in the next one. This year, students had to compete in a serious selection process, conducted by UNHCR in consultation with OSCE Centre in Bishkek in each respective country, to take part in the course.

CENTRE'S ACTIVITIES

Assisting HCNM on project «Monthly Monitoring Reporting from the South»

Every month since June 2000, CiB has provided translations of monthly reports into English, editing of Russian versions and their distribution to 35 addresses, including such governmental agencies as Presidential Administration, State Commission on Religion, Assembly of Peoples of Kyrgyzstan, Governor of the Osh oblast, covering the period from March 2000 through the end of the project (management of finance flows is done by CiB).

“We and Law” Textbook in the Kyrgyz Republic

Public Foundation “Assistance to Legal Infrastructure and Legal Education Development” in co-operation with Commission on Education Reforming under Ministry of Education, Science and Culture designed and printed “We and Law” 32 lessons textbook, which addresses the constitutional, legal and other human rights in the Kyrgyz Republic. The textbook consists of two parts – a manual for teachers and a textbook for schoolchildren.

The project aimed at introducing “We and Law” textbook into the curriculum of the 9th grade high schools in the Kyrgyz Republic through relevant procedure which consists of the following:

- conducting two five-day workshops for high school teachers from all over the country on how to use the book.
- approbation of the textbook in 60 schools all over the country
- publishing 1400 copies of the draft book in Russian and in Kyrgyz for final approbation.

The project was implemented with the assistance of Public Foundation “Assistance to Legal Infrastructure and Legal Education Development”.

Organization for Security and Co-operation in Europe

Mission Report on Human Dimension Activities 2000

HUMAN RIGHTS

THE MANDATE

“...the parties join in inviting the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental or regional human rights missions or organisations to monitor closely the human rights situation in Bosnia and Herzegovina.”

*(Article XIII of Annex 6
of the General Framework Agreement for Peace)*

The OSCE Mission to Bosnia and Herzegovina (B&H), through its Human Rights Department (HRD) advances legal, civil, political, social and economic rights. It concentrates on the following issues:

- right to property and the right to return
- sustainable return: access to documents, utilities, ID cards, military service
- strengthening the national human rights institutions and NGOs
- economic and social rights; employment discrimination, education, access to pensions, human rights aspects of privatization
- rule of law; trial monitoring; independence of the judiciary
- The Mission interprets its mandate to include the following functions:
- monitoring the overall human rights situation in B&H and the OSCE’s involvement;
- reporting extensively, including regular public reporting and periodic special reports;
- gathering information by interviewing complainants and seeking out reports of human rights violations;
- investigating allegations of human rights violations by speaking to witnesses, other international organizations and the authorities;
- co-operating with and supporting indigenous human rights protection mechanisms; the Federation Ombudsmen, the Human Rights Ombudsperson for B&H, the Human Rights Chamber and the Annex 7 Commission for Real Property Claims (CPRC); and
- most importantly, intervening; direct intervention with responsible authorities to address specific violations which often results in the cessation of the violation.

This interpretation of the mandate has allowed the OSCE access to the people and authorities of B&H. This in turn has presented a unique opportunity for our Human

Rights Officers (HROs) to generate a greater awareness of human rights throughout the country.

The People

OSCE Human Rights plays a unique role within the international community in B&H as it has the largest cadre of human rights experts on the ground. It maintains an extensive presence in the field with thirty-two international staff and twelve National Human Rights Monitors, in four Regional Centres and twenty-eight Field Offices throughout the two Entities of B&H, namely the Federation of Bosnia and Herzegovina (FB&H) and the Republika Srpska (RS). An additional two international officers operating in Sanski Most, and Siroki Brijeg are shared with the OSCE Democratization Department. Eight national lawyers work with the department, as do six national property information officers. From its remote offices in Velika Kladusa (FB&H) in the northwest to Trebinje (RS) in the Southeast, OSCE maintains a full-time human rights presence.

In addition to the field presence, the OSCE HROs distinguish themselves by their experience and expertise. The majority of the HROs have law degrees. Many of the HROs have brought with them experience from other missions in Croatia, Rwanda, Haiti and Cambodia. They are committed to the region; the average OSCE HRO has worked in B&H for at least one year.

A further six international legal advisers are based in the Head Office of the HRD in Sarajevo. These advisers specialize in particular areas of concern such as property, economic and social rights and national human rights institutions, and provide essential support to the HROs in the field. They also are involved in shaping and promoting human rights policy of the international community.

SUMMARY OF THE HUMAN RIGHTS WORK

1. Promoting return

1.1. Overview

Return is considered a key indicator of the success of the General Framework Agreement for Peace (GFAP) in B&H as a whole. This is particularly true in relation to minority return. This type of return occurs when a person returns to their pre-war home and thereby places him or herself in a municipality where he or she forms part of an ethnic minority. Under the lead of United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Representative (OHR), the OSCE HRD is playing a significant role in the return process. According to UNHCR, estimated minority returns in 1999 were 41,007, a slight increase on the previous year. The OSCE supports the return process through literally thousands of interventions to protect the rights of returnees in cases involving:

- Failure of the authorities to implement the legislation allowing people to reclaim their pre-war property;
- Failure of the authorities to reinstate pre-war owners to their homes despite court or administrative orders (OSCE HROs are present on behalf of the international community at countless legal evictions);
- Return-related violence or harassment perpetrated by members of an ethnic majority;
- Intimidation, harassment or inaction by the local police, officials or the judiciary;

- Refusal by the authorities to issue ID cards to returnees, which are required to claim social benefits and pension rights;
- Discrimination in employment, education and in access to pension, insurance and health;
- Arrests on war crimes charges: and
- Charging excessive and unauthorized fees to returnees for reconnection to telephone lines and public utilities.

The scope and complexities of the minority return issue are such that close co-operation among the implementing agencies is required to ensure that each organization's comparative advantages are fully utilized. The OSCE is a member of several national and regional co-ordination bodies implementing return activities. The Reconstruction and Return Task Forces (RRTF) on the national, regional and local levels is an OHR-led co-ordination mechanism that seeks to bring together international agencies, major donors and NGOs to co-ordinate and facilitate minority return. The Return Framework Group, comprised of UNHCR and OSCE Missions in both B&H and the Republic of Croatia and the B&H RRTF, serves a similar function in Croatia. Additionally, regular meetings between the Heads of OSCE Croatia and B&H and the Chiefs of UNHCR in Croatia, B&H and Federal Republic of Yugoslavia together with OHR are held to formulate and agree on regional policy initiatives.

The involvement of the OSCE in the return process is closely linked to its other work, such as property, illustrated below.

1.2. The key to return – Implementation of laws on property and housing

1.2.1. Legislation

The return of houses and apartments to the legitimate pre-war occupant is the key to implementation of the GFAP provision - Annex 7 - which sets forth the right of refugees and displaced persons to return. Wartime legislation passed in both Entities allowed apartments and houses to be declared "abandoned" and allocated to other individuals. As a result, the majority of persons who fled during the war could not repossess their property. The international community insisted on the passage of legislation allowing pre-war occupants whom had "abandoned" their property to reclaim that property.

In April 1998, after two years of difficult negotiations between the international community (OHR, UNHCR and OSCE) and the FB&H Ministry of Urban Planning, legislation was finally passed in the FB&H, allowing people to file claims for socially owned apartments and private property. In the RS, legislation was not passed until December 1998. Municipal authorities have obstructed the process in both Entities, sometimes through ignorance when they had not received adequate information on the claims process, more often intentionally. In some cases, authorities have either refused to accept valid claims or requested that claimants submit documents or pay fees not required by the legislation. Other obstacles have included inadequate funding to the housing authorities, the resignation or absence of housing officials, and the incorrect insistence that an appeal will stay an eviction, even though the law clearly states it will not.

In an attempt to counter the continuing obstruction and misinterpretations of the property legislation by the competent authorities, on October 27 1999, the High Representative imposed comprehensive additional legislation drafted by OHR, UNHCR and OSCE. The new provisions are intended to, among other things, harmonize the legislation in both Entities and ensure that many of the loopholes in the previous legislation of 1998 are closed.

To further push property implementation, the OHR, UN Mission in Bosnia and Herzegovina (UNMIBH), UNHCR and OSCE created the “Property Legislation Implementation Plan” (“PLIP”) which is responsible for the implementation of the property legislation. A “PLIP Cell” in Sarajevo has been formed to co-ordinate the work in the field. The PLIP Cell has established a Focal Point Scheme whereby each municipality in B&H is monitored by one international agency.

The Focal Point is responsible for information exchange between international organizations and municipalities to ensure, for example, that double occupants, persons who have been legally reinstated in their pre-war homes but still occupy another property, do not continue to occupy housing in the area to which they fled during or after the war. The Mission’s HROs serve as the Focal Points for the largest proportion of municipalities in B&H. The PLIP Cell has also issued instructions on the prioritization of cases (for example, double occupants or those facing eviction and relocation to a collective centre, and “non-negotiable positions”, i.e. no postponement of scheduled evictions), and completed a needs-assessment for the housing authorities in the RS to which the US government donated one million US dollars to bolster the housing authorities.

1.2.2. Repossession Process

1.2.2.1. Filing a claim

The registration of claims for socially-owned apartments is completed in the FB&H (except in Drvar which established a functioning housing authority only in June of 2000 and where the deadline was extended indefinitely). The deadline for filing claims on socially-owned apartments in the RS expired on 19 April 2000. Claims to repossess private property can be filed at any time. Approximately 175.000 claims to repossess both private houses and private and socially owned apartments have been registered in the two Entities so far. Only 11% of the claims, however, have led to the repossession of property due to continuous political obstruction, lack of political support, and insufficient allocation of resources for the responsible authorities. The implementation of the property legislation therefore remains one of the OSCE’s highest priorities for the year 2000. To facilitate the claims process in both Entities, the OSCE is:

- **participating in an extensive education campaign**, progressing from a strict information campaign to provide information on deadlines etc. to an education awareness campaign based on the concept of respecting the rights of others – i.e. that people can’t continue to occupy someone else’s home indefinitely. Television and radio spots are being broadcast and fact sheets and pamphlets promoting the new legislation are distributed throughout the region;
- **conducting training sessions**, with OHR, UNHCR and CRPC, on the new legal provisions for officials of the municipal bodies;

- **assessing the current condition and the real needs of the housing authorities** in both Entities to ensure comprehensive and accurate budgets for the year 2000. The lack of financial resources is still used as the main justification by the housing authorities in the RS for their delay in bringing repossession cases to a definitive settlement (there are claims, for example, that they do not have money for stamps to mail decisions to claimants);
- **facilitating meetings** with prospective returnees, IOs and NGOs with a view to empowering prospective returnees to have their rights met by raising greater awareness about property laws, the claims process, and other return related issues, as well as to hear the problems they encounter which may require action by the international community.
- **regular meetings with municipal housing authorities** resulting in the education of the housing authorities (in some cases, the HROs have to provide the housing authority with copies of the claim form);
- **receiving thousands of complaints** from persons trying to file claims and intervening where appropriate.
- **analyzing data for policy making:** The OSCE, together with partner organizations, gathered information on the status of implementation of the property laws during August 1998, January 1999, and again in July 1999 to support the extension of deadlines, intervention strategies and other legislative changes. Regular monitoring, in co-operation with other international organizations, has now been formalized under the PLIP.

1.2.2.2. Getting a decision

Following the filing of a claim, further obstruction may be encountered in obtaining a decision. In some municipalities, Housing Departments are either still not established, understaffed or poorly equipped. Others simply refuse to process claims, or if they do, when the decision is appealed (which it inevitably is by the current occupant), they claim the appeal keeps the eviction pending, which, according to the law, it clearly does not.

Recently, the OSCE provided information for the selection of the most obstructive officials throughout the country, resulting in their dismissal by OHR/OSCE on 30 November 1999 and 7 September 2000. In some municipalities, such as Kakanj and Stolac, where virtually no decisions have been issued, the removal has resulted in an increased rate of implementation of the property laws. It is hoped that the dismissals will act as a deterrent to municipal housing authorities obstructing the return of displaced persons and refugees and will break the logjam in implementation of the property legislation, although political resistance in certain areas of the country remains strong.

The Mission's HROs are also beginning to work with prosecutors under the national criminal legislation which provides for criminal prosecution of officials who fail to execute their duty or who act in a "clearly un-conscientious manner in the discharge of his or her official duties". The OSCE took the lead in drafting Guidelines on the Prosecution of Housing Authorities who obstruct the claim process. These Guidelines were distributed to all Field Officers so that they can work with the United Nations International Police Task Force (UN IPTF) and prosecutors to pursue cases against obstructive officials. The success and effectiveness of this process will play an

essential role in achieving a significant breakthrough in property law implementation. Mayors and housing officials who have hitherto obstructed property law implementation and who perceive that they face a realistic risk of criminal prosecution and the imposition of sentences of imprisonment will, it is believed, remedy their practices. The success of this policy will depend on the ability and willingness of the police, prosecutors and judges to function effectively and impartially at every stage of the legal process from the initial investigation to the trial. Prosecutions have now been instigated in some areas, and prosecutors have undertaken to co-operate with OSCE and the other IOs to pursue some of the most egregious cases of obstruction.

Another major obstacle to the correct implementation of the property law is still the poor - or in some cases the absence of - communication and, hence, co-operation between the competent housing authorities across the Inter Entity Boundary Line. HROs have played a leading role in promoting and supporting cross-Entity meetings between municipalities. Such meetings are primarily used to share information and to discuss specific cases where reinstatement could take place. The competent authorities from both Entities share, exchange and compare lists of names of displaced persons who have applied for return, as well as displaced persons who have been reinstated. Such inter-Entity arrangements have spread to a number of other municipalities in the country following the example of Bijeljina, Tuzla, and Sarajevo, and facilitate the repossession process.

1.2.2.3. Enforcing a decision (evictions)

Filing a claim and obtaining a decision from the housing authority that allows the pre-war occupant to re-occupy his/her apartment are only the first steps to returning home. Due to the displacement of population during the war, many people now occupy homes and apartments which are not theirs. Very often therefore, in order for the pre-war occupant to regain occupancy, the current occupant must be evicted. Further, because of extensive damage to housing during the war, as well as prevailing hostile conditions which make return difficult, a number of these people cannot or do not wish to return to their pre-war homes.

Eviction is an extremely sensitive issue for local authorities. This is because in most cases individuals seeking to return to their pre-war homes were forced to leave them as a direct result of the war and their "abandoned" homes were taken over by the authority (ethnically based) that took over the municipality where their home was located. In many cases, "abandoned" homes were then allocated to people with influence in the municipality as a result of the war. In all cases, members of the ethnic group that controlled the municipality also benefited from being allocated these "abandoned" homes. It is therefore not uncommon for a lawful pre-war occupant to obtain several eviction orders in his/her favor before being able to repossess his/her home. In the majority of cases, eviction orders are still pending.

The Mission's HROs monitor these evictions to ensure they are carried out. HROs encounter numerous obstacles to successful evictions, e.g. local police refusing to carry out an eviction or the eviction being postponed by the authority for reasons outside those stated in the law. HROs intervene with the authorities and keep note of the various strategies employed to delay or obstruct evictions; they work with the UN IPTF in order to ensure that the local police carry out their vital function.

Until summer of 1999, the police were unwilling to assist the housing authorities in carrying out evictions. They either refused to attend when requested, or turned up and then merely observed while the current occupant refused to leave the accommodation. Without police assistance, the eviction of current occupants who refuse to leave peacefully is impossible; this in turn seriously obstructs the return of pre-war occupants to their homes under the property laws and Annex 7.

The OSCE took the lead in ensuring that police would attend evictions, both proposing and securing agreement within the international community with the policy, and ensuring the practice in the field. The OSCE drafted guidelines and a police information sheet informing all relevant agencies and local officials of the obligation police have to both attend and intervene at evictions on request from the housing authorities. On several occasions, UNMIBH has delivered instructions to the Entity Ministers of the Interior setting out the police obligations to attend and intervene at evictions on request by the housing authorities and once there, to invoke provisions of the criminal code which apply to the obstruction of evictions. Since these instructions were issued, the OSCE has noted a marked improvement in police attendance and involvement at evictions scheduled by the housing authorities.

1.2.3. Current developments

A major initiative undertaken by the OSCE in seeking to counteract political obstruction to the implementation of the property laws has been the introduction into the Provisional Election Commission's (PEC) Rules and Regulations of a provision by which a candidate or elected official must be in compliance with the property laws. The Mission's HROs, in close co-operation with the PEC, have received and investigated hundreds of complaints against candidates and elected officials. In many cases, HROs' interventions have resulted in a candidate returning the property to the pre-war owner/occupant. In several dozen other cases, candidates were struck off the ballot for failing to voluntarily resolve their housing situations.

It is noteworthy to mention that a change of attitude amongst the population can be observed. People have started to realize that they can no longer stay in the property they have been occupying for several years, a change in attitude that can be attributed to a number of the initiatives referred to above.

An issue that needs to be immediately addressed is the shortage of alternative accommodation for those who occupy property illegally but lost their own property (either because the premises were destroyed or they lost the right to such premises). The responsible authorities have not begun identifying the available housing stock nor creating alternative accommodation.

1.2.4. Promoting cross border co-operation

Property implementation problems transcend the borders of B&H to the Republic of Croatia and to the Federal Republic of Yugoslavia. During the war Bosnian Croats fled to the Republic of Croatia and are now occupying, and in many cases have illegally purchased the property of Croatian Serbs, who in turn fled to the RS and the Federal Republic of Yugoslavia. Bosnian Croats are thus impeding the return of Croatian Serbs to Croatia, while Croatian Serbs in the RS are currently occupying housing units belonging to returnees, be they Bosnian Croat refugees or Bosniac

displaced persons living the FB&H. Cross-border return issues of greatest concern to the Mission are the Bosnian Croat refugees and settlers in Croatia and the estimated 30,000 to 40,000 Croatian Serb refugees.

The HRD represents the Mission at a field and regional level in an effort to develop strategies to facilitate and expedite cross-border return. In order for B&H to implement the property laws, cases of double-occupancy in Croatia and information about occupants and owners are exchanged between UNCHR and OSCE Missions in B&H and the Republic of Croatia, and UNCHR in the Federal Republic of Yugoslavia. Problems that are larger and more complex are addressed through regular high level meetings between UNHCR and OSCE Heads of Missions.

1.3. Sustainability of Return

1.3.1. Utilities

Non-discriminatory access to utilities in the current context is of paramount importance to ensure the sustainability of the return process. The OSCE intervenes to ensure that all citizens have access to electricity, water, gas and telephone. Current efforts by the Mission centre upon ensuring that returnees are not prohibitively charged to reconnect their phone lines, and extending this policy to all utilities. Although local interventions have met with some success, the scale of the problem necessitates a national strategy that offers solutions across the range of utilities. Furthermore, the political dimension must not be under-estimated: large, cash generating utilities of strategic importance are heavily influenced and driven by political interests.

1.3.2. ID cards

Like in most European countries, B&H citizens are required by law to hold an ID card. However, B&H does not have a common ID card or issuing authority; rather, laws governing ID cards are wartime modifications of the former Socialist Federal Republic of Yugoslavia law.

ID cards are of interest to human rights because of the central role they play in access to the panoply of social and economic benefits. Citizens without a valid ID card cannot access these rights, a fact apparent in areas of minority return, where returnees are prevented through a variety of administrative obstacles and legal uncertainty from obtaining an ID card valid in their place of return.

In order to bring B&H to European standards, a range of actions has been and is in the process of being done. On 30 July 1999, the High Representative issued a Decision allowing citizens in possession of a former Socialist Federal Republic of Yugoslavia ID card to exchange that card for a currently valid ID. A working group consisting of OHR, UNHCR, SFOR and OSCE is drafting common ID card legislation (including also legislation on residence). The card will contain all Council of Europe standards and a range of security devices against fraud.

1.3.3. Conscription

Like other European countries, both Entities in B&H conscript into their respective armies. Although laws in both Entities provide for it, in practice there is no mechanism by which conscientious objectors and others who do not wish to do military service can do alternative service. As the rate of return increases – in particular amongst those in the age range of conscription (which until now has not been the majority of returnees) – conscription is going to be a bigger issue, particularly as the provision for alternative service in conscription countries is a Council of Europe standard, based on the application of Article 11 of the European Convention.

1.3.4. Economic and social rights

Abuse of economic and social rights constitutes a major barrier to return and a significant impediment for those who live in, or have returned to, an area where they are in a minority grouping. While shelter is still perhaps the overriding concern of those wishing to return to their pre-war homes, access to employment, education, pension and health services follow closely behind. Discrimination in these areas, as well as in the privatization process, therefore works against the re-establishment of multi-ethnic society in B&H. Each of these issues is discussed in greater detail below.

1.3.4.1. Discrimination in Employment

The Mission's HRD completed the first systematic survey of employment discrimination in B&H in June 1999. The survey report reveals:

- widespread firing of members of persecuted ethnic groups and political opposition members during and immediately following the war;
- recruitment of workers from the majority ethnic group while minority employees who have been laid off remain on the waiting list for employment;
- dismissals of opposition party members from key positions after elections;
- women excluded from new vacancies by a system giving priority to ex-soldiers; and
- extensive discrimination against teachers from minority groups.

A range of strategies has been developed in response to these trends. Key cases of discrimination are referred to local lawyers and Advice Centres and supported through the courts, if necessary up to the Human Rights Chamber. A non-discriminatory list of Fair Employment Principles has been developed in co-operation with other IOs. The strategy, which integrates the terms of the Human Rights Task Force Priorities for 2000, articulates standards for employment practices and the redress of labor disputes. Thus, it promotes clear mechanisms to ensure compliance with inclusive, non-discriminatory hiring practices within the public and private sectors; it does not purport to establish quotas or other rigid preferences but sets forth guidelines for merit-based, transparent personnel policies and accessible redress mechanisms. The strategy is presently being implemented only in one small area in the FB&H where issues of sustainability are pressing due to minority returns.

However, implementation of the strategy is yet to begin on a countrywide basis. This will involve resources on the part of OSCE and other IOs that are currently channeled into property law implementation.

By opening a dialogue with international investors, NGOs and embassies located in B&H, the Mission is encouraging that financial support be conditioned upon non-discrimination and respect for human rights as emphasized in the Brussels Declaration of the Peace Implementation Council of 24 May, 2000. To this end, the Mission is working to establish relations with investors in order to identify businesses that are willing to undergo a 'discrimination audit' prior to the approval of their funding request. The project is designed to encourage donors to investigate the employment practices of their intended beneficiaries, and to take these into account before allocating funds. After the first audit conducted on behalf of the World Bank, the Mission has continued its co-operation with the audited company, which in turn has led to the recruitment of the company's first senior employee from the non-dominant ethnicity.

The legal framework itself also contributes to employment discrimination. On an OSCE initiative, the Group on Economic and Social Rights, consisting of several IOs and chaired by OSCE, provided a comprehensive review of the relevant laws from a human rights perspective to the FB&H ad hoc commission of the Ministry for Social Policy, Displaced Persons and Refugees. A number of the suggested amendments have become law, including strengthening the non-discrimination clause. Other changes include provisions relating to maternity leave, employment of minors, employment activities of women at night work and the formation of an appeal commission as a forum for individuals on company waiting lists.

1.3.4.4. Education

Ethnic divisions plague the education system in B&H, which in turn deter return, particularly of families with school-aged children. Despite the opposition of the High Representative, three different curricula are in use in the country, each defined by the majority ethnic group. While work is being done at a central level on textbook and curriculum reform, HROs in the field attempt to resolve problems on a case by case basis, guided by the principles to pursue integration and not segregation, and for all children to learn by a system that neither contains material offensive to others, nor which is likely to foster intolerance or hatred.

In order to increase the effectiveness and consistency of interventions in the field on primary and secondary education matters, the Human Rights Co-ordination Centre, in which several IOs participate, issued a set of practical guidelines in advance of the 1999-2000 academic year on what can and should be done in the field in order to encourage integration, tolerance and respect for human rights within primary and secondary education.

As part of the drive for use of textbooks that contain no offensive material, OHR obtained the agreement of the Minister and Deputy Minister for Education, Science, Culture and Sport (FB&H) and the Minister for Education (RS) for the deletion of offensive materials in all textbooks in use in the country. In order to verify compliance, the OSCE, together with OHR and the European Community Monitoring Mission, conducted spot checks in every municipality. Ten per cent of schools (or

just over 200) throughout B&H were visited, over half by OSCE staff. Preliminary results show that the levels of compliance around the country are mixed. Bosniac controlled areas (FB&H) had a high degree of compliance, whereas compliance was at its lowest in the RS. Ensuring and verifying general compliance was an essential step in the curricula reform strategy of the international community.

1.3.4.2. Human Rights implications of the privatization process

Privatization is currently underway in both Entities, though at different stages of implementation. The impact on social and economic rights is enormous. Privatization allows for the purchase of socially owned apartments, publicly held assets and businesses, compensation for frozen foreign currency accounts; back payment of pensions and police and military wages; and also for purchase of shares in large companies, including utilities. The professed principles of privatization are 1) broad participation, 2) transparency, 3) speed, and 4) simplicity. Given the importance and enormity of the process, there is significant scope for abuse. Those primarily at risk of discrimination and exclusion include refugees, displaced persons and minorities within any particular location.

The OSCE has been engaged in raising awareness within the international community and around the country of the possibilities for discrimination and in intervening in cases where violations are alleged or established. During the registration of citizens in the RS privatization process, the Mission took a lead role in providing information to Field Officers who in turn were able to inform displaced persons and facilitate their participation in the process.

1.3.4.3. Pensions

Access to pensions is an issue of increasing concern for many returning displaced persons and refugees. Many returnees are prevented from registering by local authorities. As registration is a precondition for social benefits, these returnees are thereby disenfranchised. Furthermore, the present structure of pension and invalid insurance funds itself impedes return. Three ethnically controlled pension funds, based in Sarajevo and Mostar (FB&H), and Banja Luka (RS), are presently attached to ethnically specific territory in B&H; each fund considers itself to be responsible for individuals only while they live within their territory. As the funds have very different levels of resources, pensions therefore vary greatly – sometimes by more than 100 per cent – depending on where the claimant lives. This variation in pensions adds serious financial considerations to a displaced person's decision to return.

In March 1999, the OSCE issued a report on the pension system and its problems in B&H. The paper discusses the relevant international and national laws related to pension rights and gives a historical overview of the pension system in pre-war Yugoslavia and during the war. The paper includes short and long-term recommendations. A research project providing an analysis of the problems that exist in the separation of the three funds, sponsored by UNHCR and the OSCE, has been completed and it is believed that the findings will be valuable in drafting future legislation.

Recent contacts with the OSCE Mission to the Republic of Croatia are allowing for mutually beneficial co-operation on cross border aspects to pensions; a recently signed agreement should have a positive impact.

2. Trial and judicial process monitoring

The OSCE monitors trials and behaviour of the judiciary. Monitoring ensures that the judiciary and the public understand that biased proceedings will not be tolerated and that international standards must be met in legal proceedings. Cases that are monitored vary. The HRD mostly selects cases that are related to the return process and the implementation of property legislation, those that are politically charged, trials related to war crimes, or relate to violence against returnees. The HRD also co-operates with the Media and Press Departments of the Mission as well as with other IOs on the monitoring of trials involving journalists.

2.1. Revision of the judicial appointment process

During 1999 and the first part of 2000, OSCE has been a member of the Judicial Law Reform Group (co-ordinated by OHR) which produced a final version of the *Law on Judicial and Prosecutorial Service* in the FB&H and the *Law on Courts and Judicial Service* in the RS. To address the issues concerning the prosecutors in the RS, the *Law on the Public Prosecutor's Office* was also drafted. The laws in the RS were recently passed by the RS National Assembly and the law in the FB&H was imposed by the High Representative. Among other issues, the laws provide for minimum salaries and a process for judicial appointments and disciplinary proceedings. These laws also provide for a vetting procedure which will allow the commissions and councils established under them to review the qualifications and conduct of all prosecutors and sitting judges. Many sitting judges were appointed during the war, without qualifications or simply on the basis of political affiliation. The HRD has established a "conduct report form" for judges and prosecutors, to be used to gather information to feed into the vetting process delineated in the laws.

2.2. Strengthening the role of the Federation of B&H Prosecutor

The lack of proper police investigation and prosecution is a significant concern in B&H.

In co-operation with the Judicial Law Reform Group, the OSCE assisted in the drafting of the amendments to the laws concerning the FB&H Prosecutor's office and the Supreme Court, both of which were imposed by the High Representative in July 1999. It is anticipated that ultimately these laws will allow for effective investigations and prosecutions of issues important to the work of the OSCE, especially ethnically-related violence, return-related violence, organized crime, especially trafficking in human beings, and terrorism.

The OSCE will continue to monitor the behavior of the police, prosecutors and judiciary in all matters relevant to the OSCE's work, in particular property and returnee related issues.

3. National human rights institutions

The existence of efficient national human rights protection mechanisms in B&H is a fundamental cornerstone to peace in the region. In the long term, the national human rights institutions of B&H and its Entities will be able to address and also remedy grievances regarding ethnic tensions before such disputes evolve into open conflict. It

is hoped that the national human rights institutions will strengthen the internal stability and external viability of B&H as a state. In December 1998, the Madrid Peace Implementation Council made it clear that such a system is crucial if B&H wishes to accede to the Council of Europe. The willingness of the B&H and Entity governments to co-operate with existing human rights institutions and to implement their decisions and reports is a test of their claim to respect for human rights and prospective membership in the Council of Europe.

3.1. The Human Rights Commission for B&H

The Human Rights Commission is comprised of the Human Rights Ombudsperson for B&H and the Human Rights Chamber, and was established under Annex 6 of the GFAP. The Commission was established to assist B&H and the Entities in fulfilling their obligation under the GFAP to secure the highest level of internationally recognized human rights and fundamental freedoms. The most important of these international instruments is the European Convention on Human Rights which is applicable as domestic law in B&H and its Entities, even though B&H is not yet a member of the Council of Europe.

The Human Rights Ombudsperson has the power to investigate alleged human rights violations and to recommend possible remedies. The Ombudsperson can act upon complaints or on his/her own initiative. The efforts of the Ombudsperson are aimed at amicable solutions. Where such solutions cannot be reached, the Ombudsperson can either forward a report on such a case to the OHR for political action, or to the Human Rights Chamber for a final legal resolution of the matter.

The Human Rights Chamber is a judicial body consisting of 14 judges, four appointed by the FB&H, two by the RS, and the remaining eight international members by the Committee of Ministers of the Council of Europe. According to Paragraph 1, Article VIII of Annex 6 to the GFAP, the Chamber can receive applications concerning alleged violations of human rights. Its decisions are final and binding.

The OSCE works with the Human Rights Commission in a number of ways. First, the OSCE channels selected cases to these institutions. The strategy behind this is to provide the Chamber and the Ombudsperson with cases that involve serious or systematic community human rights violations where a decision or investigation by these institutions will provide a clear legal analysis. At the same time, this strategy increases the visibility of these two institutions among the population and the various public bodies of the state and the Entities. Furthermore, this strategy also assists the Chamber to develop a case law of leading cases on issues of principle for which the Chamber's decisions can serve as precedents to be followed by the public, the authorities, including the national courts, and the Chamber itself.

Second, the OSCE endeavours to ensure that Chamber decisions are implemented by the national authorities. To date this has not been achieved in most cases: in fact, of the 507 final decisions in cases heard by the Chamber, 36 have had their judgements fully and 5 partly implemented, while 24 cases remain without designated action on the part of government authorities.

Third, HROs in the field work to ensure that interim decisions issued by the Human Rights Chamber are respected. For instance, if the Chamber has issued an interim

order to stay an illegal eviction, a HRO will monitor to ensure that the eviction is stayed.

In addition to this work, HROs prepare reports in different cases pending before the Chamber. HROs have also been called to testify in hearings before the Chamber.

3.2. The Federation Ombudsmen

The Washington Agreement of 1994, which contains the Constitution of the FB&H, envisaged the establishment of an Ombudsmen Institution. As a consequence of the ethnic conflict in B&H, the FB&H Ombudsmen Institution consists of three Ombudsmen, one Bosniac, one Croat, and one 'Other', currently a Serb. The Federation Ombudsmen are specifically charged with the protection of human dignity, rights, and liberties. In particular, they are expected to act to reverse the consequences of the violations of these rights and liberties and especially those relating to ethnic cleansing. The Institution is thus a traditional Ombudsman Institution with an additional, very specific role in the peace process. The Institution is based in Sarajevo, the capital of the FB&H, and has 10 field offices throughout the FB&H.

The OSCE maintains close relations with the Ombudsmen Institution. The HRD assists by channeling appropriate cases to the Ombudsmen and in some cases, assists in their investigations. In the field, HROs co-operate closely with the Ombudsmen's Assistants and Deputies working in the offices throughout the FB&H to resolve concrete human rights cases, as well as to gather evidence in support of the Institution's casework. The OSCE has also supported the FB&H Ombudsmen financially. While the FB&H has begun to contribute as well, its contribution falls well short of full funding. The OSCE continues to work towards ensuring full financial responsibility is assumed by the FB&H.

In early 1998, the OSCE became involved in the drafting of an organic law for the FB&H Ombudsmen. This law transfers the Ombudsmen Institution to the FB&H, including the appointment of the three Ombudsmen. The law strengthens the legal foundation of the Institution so that transfer to the FB&H will not compromise its work. The OSCE worked alongside the OHR, the Venice Commission of the Council of Europe, and the present Ombudsmen to draft the law. In August 1999, the draft was presented to the FB&H Ministry of Justice for proposition to the Parliament of the FB&H. On 29 July, 2000, the law was adopted, however, with substantive amendments that may endanger the functioning and independence of the Ombudsmen in the future. Therefore, OSCE is working with its partners in the international community for amendments to the law along the Venice Commission draft.

3.3. Ombudsmen of Republika Srpska

The Constitution of the RS did not create an Entity Ombudsmen. The need for such an institution -to ensure a balanced and coherent system of human rights protection throughout B&H - was recognized nearly two years ago. It was only after the political situation in the RS changed following the 1997 elections, however, that such a project became realistic.

Since then, the OSCE, in concert with the OHR and the Council of Europe's Commission for Democracy through Law, has been working on the establishment of

an Office of the Ombudsmen and in particular on the drafting of a law that could form the basis of such an institution. The *Law on the Ombudsman of the Republika Srpska* prepared by the Venice Commission and other organizations, which includes the establishment of the Ombudsmen as a multi-ethnic institution, was adopted on February 8, 2000, and came into force on 17 February 2000. The Law conforms to European standards and is in accordance with the Venice Commission Draft Law. However, the law remains to be implemented. The three Ombudsmen have been appointed on 30 April and took office on 30 May. The OSCE together with the Ombudsmen established a plan of necessary steps to be taken to enable the Ombudsmen to accept claimants by November, including training for the Ombudsmen, the setting up and staffing of the Head Office and four field offices and the adoption of Rules and Procedures.

4. Regional initiatives

The Mission participates in both the OSCE Regional Dimension and contributes to the goals of the Stability Pact. In particular, the Mission supports initiatives relating to Roma/Sinti issues, trafficking in human beings, the establishment of regional co-operation amongst relevant institutions and of course, on regional return.

4.1. Trafficking in human beings

In an effort to assist ODIHR in the implementation of its Proposed Action Plan 2000 for Activities to Combat Trafficking in Human Beings, and to support the recently established OSCE Chair of the Stability Pact Task Force on Trafficking in Human Beings, the Mission established a Focal Point on trafficking. The Focal Point coordinates involvement of the various departments and serves as a contact point for the field offices encountering trafficking cases.

Since the lead on trafficking issues lies with the office of the UN High Commissioner for Human Rights and UNMIBH, trafficking is not among the Mission's core priorities. OSCE will, however, be involved in legislative reform and has identified laws applicable to both prostitution and possible trafficking offences. The Mission contributes legal and political support to existing networks to tackle legislative reforms including a comprehensive definition of trafficking and specific penalties to penalise and prevent trafficking. Furthermore, the OSCE acts as a liaison between IOs/NGOs in B&H dealing with trafficking and the OSCE Chair of the Stability Pact Task Force on Trafficking in Human Beings. The Mission's HROs do not themselves deal with trafficked persons. Instead, they refer all individual cases to UN IPTF, pursuant to an agreement with the UN IPTF and the office of the High Commissioner for Human Rights entered into for reasons of security. It is thought that these cases should be dealt with by a "uniformed officer" and that by decreasing the number of IOs involved, the identity of the person is more likely to remain confidential.

4.2. Roma/Sinti

Roma are an often neglected and marginalised minority not only in B&H, but throughout Southeast Europe. Roma in B&H face employment, educational, political and social discrimination. Apart from the Bosniac, Croat and Serb minorities in B&H who have official constitutional recognition as "constituent peoples", Roma in B&H,

who comprise the largest minority¹ are often neglected by international donors and receive limited support from human rights agencies in B&H. Roma do not have official recognition as a national minority in neither the state level constitution nor the two respective Entity constitutions.

In an effort to support and strengthen the movement of Romani leaders to combat discrimination and ameliorate their position in B&H, the HRD has been serving as a facilitator between the international community and the Romani community.

The OSCE works at a policy level while dealing with complaints of human rights violations from Romani individuals and families. The OSCE is also active through the Roma Co-ordination Group (RCG), which the Mission established in co-operation with OHR and UNHCR, consisting of an equal number of international organizations and Romani NGOs. The RCG serves as a forum to exchange information and identify gaps and needs with regard to the protection of human rights of Roma. Furthermore, the Mission supports Roma NGOs by ensuring their participation at various meetings and seminars and organizing roundtable discussions with the NGO Roma community in B&H. In the fall of 2000, the OSCE is co-chairing a roundtable on the question of constitutional status of Roma and other national minorities in B&H.

DEMOCRATIZATION

The Democratization Department of the Mission aids the development of democratic structures and culture throughout B&H from the grassroots level to the government level. Its mandate originates in the GFAP, Annex III, and is supported by the OSCE Copenhagen Document of 1990 and further elaborated by the Lisbon Summit Document (1996), the OSCE Ministerial Troika in Warsaw (1998), and Peace Implementation Council Steering Board Declarations in Sintra (1997), Bonn (1997) and Madrid (1998).

• Governance

The Municipal Infrastructure Finance and Implementation (MIFI) programme was developed in 1998 to provide municipal administrators in B&H with tools for better day-to-day management and operations. Beginning with an initial training group of 10 municipalities in an intensive workshop series, MIFI was focused on 1) providing tools and mechanisms with concrete, tangible applications, which include the creation of capital planning committees comprised of citizens as well as elected and non-elected municipal officials; 2) establishing a project prioritisation matrix to assist municipalities in ranking community needs; and 3) setting up a logical framework for project planning to improve infrastructure project design and implementation. In addition to these management tools, in 2000, an important focus of the MIFI programme has been direct assistance to municipalities' Finance Departments in improving their budget planning and design, including the separation of operational and capital budgets for the 2000 planning cycle. For the year of 2000, MIFI has

¹ The number of Roma living in B&H is extremely difficult to assess since Roma were either registered in the 1991 population census under the category "other nationalities" or registered themselves as members of the Serb/Bosniac population. According to the 1991 population census, in 1991, there were approximately 9,000 Romani minority members in B&H. However, estimates of the OSCE High Commissioner on National Minorities and a Council of Europe fact-finding mission which visited B&H estimate the number of Roma in B&H to be between 30,000-60,000.

expanded its reach to 13 new municipalities with an added IT component to enable municipalities to concretely strengthen the way they work.

The Mission's Governance Programme is also conducting Municipal Councillor Training Workshops for Newly Elected Councillors from May through September 2000 for newly elected councillors. Participants include newly elected officials from over 60 municipalities throughout B&H who are provided with training in two primary areas: 1) roles and responsibilities of newly elected officials and 2) financial management.

In 2001, the Governance Programme will continue to provide training and technical assistance to municipal government officials through the Local and Regional Government Programmes. To accommodate interest by municipal officials, MIFI will expand its reach to 10 new municipalities, at the same time expanding the training modules to address an even wider range of important issues pertaining to local government. Continuing the momentum granted to women in local governance as a result of the April 2000 elections, and building on the 2000 Women in Local Governance project, Governance will continue to support the capacity-building and networking of local women officials in 2001. The Governance Programme will provide training, on-site assistance and institution-building support to the newly formed Task Force of Women in Local Governance in an effort to enhance the role of women municipal officials.

Many problems and weaknesses in local governance in B&H exist as a direct result of inefficiency and mismanagement in public administration at the cantonal level. To address this issue, the Governance Programme has developed a module-based project for implementation in select cantons in 2001 that will promote the application of public management tools to encourage efficient and effective leadership more responsive to local needs, and sustain a transparent, corruption-free political environment.

Recognising that a logical progression of governance reform lies within the bodies of the two Entity-level and state-level parliaments, the Governance Programme has also developed the Parliamentary Support Project (PSP). Primary objectives inherent in PSP include: facilitating the proper functioning of the parliament committee system to promote improvements in legislation drafting, provide greater access to and participation in government for citizens and other civil society groups, increase contact and co-operation between different ethnic groups and political parties as well as increase the levels of transparency and accountability in government and other public agencies.

- **Political Party Development**

In line with the mission priorities for 2000, the overall goal of the programme is to provide voters with moderate political alternatives in the elections.

Political Party Development has aimed to establish and consolidate the presence of moderate political parties in Western Herzegovina and the eastern part of RS. The low voter turnout in Western Herzegovina in particular has shown that there is no way for Bosnian Croats to register support for new moderate alternatives except by abstaining from the vote altogether. Full use will be made of the presence of five Political Resource Centres (PRCs) in Herzegovina to facilitate the outreach activities of moderate parties and factions, in particular in Cantons 8 and 7.

In Bosniac majority regions (FB&H) and in the RS, the PRCs will facilitate a number of outreach activities for moderate political forces. The overall goal of the PRC strategy for the general elections of November 2000 is to provide all political parties with equal access to specific constituencies in rural and hard-line communities, by increasing the outreach of democratic and moderate parties which have had limited access to such communities in the past.

In the months preceding the general elections, campaign related activities (political tribunes, roundtables, press conferences for youth and women candidates) specifically tailored to the regional differences are being implemented.

Youth Parliament related activities will aim to mobilise young people in developing their own political agendas and creating the structures through which these agendas can be advocated. In particular, inter-Entity youth fora will aim to bring together youth from the two Entities, thus contributing to the growing recognition of youth as an integral component of the electoral and democratization processes in B&H.

In 2001, PRCs will expand their activities so as to monitor public opinion on political developments and work more closely on projects aimed at promoting intra-party democracy.

- **Women In Politics**

During the first half of 2000, Women In Politics (WIP) focus has been on political empowerment of women to participate in local elections through training and strategic planning for women candidates entitled “Women Can Do It” (WCDI). The Mission has prepared B&H women trainers who in turn trained over 3,000 women candidates / potential candidates. In the municipal elections in April 2000, women in B&H made history with 18% women elected, three times as many women as had been elected in the last municipal elections, and higher than any local election result ever in B&H. Women in B&H have proven that they can impose themselves as capable politicians. The introduction in the PEC’s Rules and Regulations of a provision mandating a percentage of women to be included on a candidates list and the WIP programme are significant contributors to this development.

Newly elected women municipal councillors were also encouraged to enter the executive branch, from which women have traditionally been excluded. A database of elected women and a “Women in Local Governance Task Force” were set up with regional chapters throughout B&H, to provide opportunities for newly elected women officials to network and receive training and support as well as conduct outreach-activities towards citizens.

In preparation for the general elections in November 2000, an information campaign is being conducted to encourage women voters to choose / vote actively, as well as media and political skills training for women candidates. Work with women in parliament and parliamentary gender equality committees will continue and be particularly intensive in 2001. The regional or Stability Pact component of the WIP programme is the active support to the Gender Task Force (GTF) and its activities. B&H has its own national GTF Advisory Board made up of B&H activists, experts and officials interested in work on gender equality. The regional GTF Clearinghouse Office is also based in Sarajevo and is the gathering point for all of the activities and information on gender initiatives in Southeast Europe.

- **Civil Society**

In 2000, the Civil Society Section emphasised increased citizens' participation in the policy/decision-making processes. By advancing the capacity and sustainability of local civil society actors, including the Community Facilitation Programme and the Nove Nade network of Democracy Centres, and strengthening national and regional NGO representative structures, the goals of the year 2000 were widely achieved.

Adhering to the new mission priorities for 2001, the Civil Society Section will become an integral contributor to the Governance Programme by providing essential support to citizens' organizations and networks who will be counted upon to assist and guide governmental structures. As the Governance Programme embarks on its new programmes for 2000 – 2001, increased participation of citizens is required to make sure that the Governance programmes have maximum impact. Building upon the Civil Society Section's work in 2000, the goal for and beyond 2001 is to ensure that citizens have an adequate representation and a substantial voice in the decisions of the Capital Planning Committees in their respective municipalities.

In addition, beginning in 2001, the Civil Society Section will introduce two new programmes. The Local Citizens Participation Project, complementing the MIFI programme, will target municipal public officials, and provide field activities on a national scale to build the social capital of local communities. This will be achieved by identifying, through an on-going assessment, an active network of local civil society actors. The Regional Citizens Coalition Building Project will be complementary to the Parliamentary Support and Cantonal Administration Project, and will include strengthening regional and national citizens coalitions to be able to influence cantonal, Entity, and state level institutions.

PUBLIC INFORMATION

Fight against corruption

In view of widespread corruption in B&H affecting almost every segment of society, which creates a serious obstacle to establishing a functioning market economy and undermines basic rule of law, in the wake of the general elections in B&H in November 2000, the Mission has initiated an anti-corruption campaign. The purpose of the anti-corruption campaign is to raise public awareness regarding the importance of transparency and accountability in government, and to encourage citizens to hold their political representatives accountable during the election campaign and once in office. The goal is to educate voters about the various types of corruption and how it impacts them in their day-to-day lives, particularly as this relates to jobs.

The message is that corruption is not an inevitable part of politics and that voters should use the ballot as a way to vote for those politicians who are taking a stand against corruption. This is the meaning behind the campaign slogan, “nadglasajte korupciju” or “raise your voice over/vote out corruption”.

A variety of media are being used, including billboards, newspaper ads, television and radio spots, and even matchbooks, to get the message across to as wide a cross-section

of the population as possible. Public tribunals and roundtables are organized throughout B&H. In addition, a detailed voter education brochure, intended to educate the public about the various forms of corruption and its adverse effects, as well as a media fact sheet have been produced. Another aspect of the campaign is a journalist training programme, which aims to educate B&H media professionals in investigative journalism techniques so that they can more effectively report on corruption issues. The campaign was launched on September 15, and runs consecutively with the general election campaign in B&H.

The OSCE, together with other partners, has undertaken measures to fight corruption, including drafting and promoting the *Draft Freedom of Information Legislation*, the *Law on Party Financing*; the Provisional Election Commission Rules and Regulations *Articles 108, 109 and 1606*; and the *Municipal Infrastructure Finance and Implementation Training (MIFI)* programme.

MEDIA

The Mission, through its Department of Media Affairs, continues to support the development of free, pluralistic, independent and self-sustaining media in B&H. The oppression of journalists, particularly regarding rights to freedom of speech and movement, continues to hinder the ability of the B&H media to report accurately and professionally. At the forefront of its work in 2000 are the OSCE's efforts to promote and protect freedom of expression and independent media.

• FreeMedia Help Line

The powerful influence of government officials and political parties on the functioning of media, particularly through direct threats against individual journalists and through political abuse of slander and libel laws, has severely hampered the activities of journalists in B&H. It has chilled investigative reporting of all kinds and prevented exposure of all but the most egregious crimes and offences of government officials, political parties and their apparatchiks. In this climate, the Mission established the FreeMedia Help Line, which acts as a direct point of contact in B&H for journalists experiencing threats in their work. The Free Media Help Line performs two important functions:

- 1) **to track and disseminate information on freedom of expression violations experienced by or involving journalists and media outlets in B&H.** Our database is not exhaustive – we know of cases that remain unreported to OSCE – but it has become definitive, and clearly establishes the patterns of abuse, their relative impact on media freedom, and is based on accurate and careful investigation and follow-up. For this reason, the Help Line data is credible. The Help Line was launched through the “Progovori” (Speak Out) campaign which distributed posters and wallet size cards to all media outlets and journalists in B&H telling them how to contact the FreeMedia Help Line. In addition, the OSCE website provides a means for journalists to report incidents, along with more conventional routes via email, phone, fax or personal visit.
- 2) **to provide direct assistance – though a variety of interventions –to journalists and media outlets that have experienced violation(s) of their**

rights. The Mission provides several forms of assistance, as needed: case verification; assistance in making reports to police and the UN IPTF; referral for legal assistance; trial monitoring; referral to and assistance in obtaining services available through other organizations; and when necessary, official public statements regarding the most serious cases of violation of journalists' rights. In extreme cases of persistent abuse by a political party or government official, the Mission may move to exercise its authorities under the GFAP in co-operation with the OHR (e.g., striking of candidates from electoral lists or removal from office). The Mission closely co-operates with other international organizations, including the OHR, the UN IPTF and the Independent Media Commission (IMC) to ensure that an appropriate response is taken jointly.

As well, the OSCE's Press Office is informed when there is a need for the Mission to issue a public statement about an incident, and the OSCE's Human Rights Department is informed when incidents require monitoring of legal proceedings.

- **Police/Media Guidelines**

The Police Guidelines for Dealing with the Media and Journalists' Guidelines for dealing with the Police, were jointly developed with UNMIBH/IPTF. The combined police/media Guidelines, made available in vest-pocket form and in large posters for mounting in public places, inform the police about the rights and appropriate treatment afforded to journalists, and inform journalists about their responsibilities in dealing with police. These guidelines have been reviewed and accepted by journalists and police, and widely distributed throughout the country.

- **Anti-corruption training programme**

The registration of journalists' rights cases through the FreeMedia Help Line has substantiated that those journalists who most experience threats or intimidation in their work are those who write about two issues: war crimes and corruption. The burden for reporting on these topics has fallen on a few experienced journalists who bear the brunt of the threats and harassment. The Mission has developed an anti-corruption training programme for journalists to develop and/or improve their ability to conduct accurate and focussed investigative reports on corruption in B&H. This training has been conceived as an effort to both widen the corps of investigative journalists, and to reduce the individual risks incurred in exposing war crimes and corruption by encouraging investigative reporting as a mainstream practice. Co-sponsored with the Soros Media Centre, this training involves 80 journalists from all over B&H and is a component of the OSCE's broader anti-corruption public information campaign.

- **Media Ombudsman**

The Mission has committed salaries, equipment and support to the office of the Federation Ombudsmen for the Special Assistant on Media. The Media Ombudsman position was established in early 1999. The creation of such a position, which provides for the legal means to redress violations of freedom of expression, represents an important step forward in the creation of an environment in which journalists can work without fear of intimidation or harassment.

- **Media laws**

Significant steps have also been taken to further the development of legislation in B&H that will ensure the right to freedom of expression and to freedom of information, as provided for in the Constitution of B&H. In 2000, with the cooperation and guidance of the OHR, the Mission has drafted two essential laws – the Freedom of Information Act (FoIA) and the Defamation Act, which is specifically required by a Decision of the High Representative to de-criminalise defamation. An Advisory Group, comprised of national and international experts, representatives of the B&H governments and representatives of the OHR, the IMC and the OSCE has developed and reviewed the draft FoIA legislation to ensure that it meets the highest international standards. The draft has been formally presented to the State and Entity governments and is now under legislative review at the State and Federation of B&H levels. The Defamation Law is expected to be ready for public comment in mid-October 2000.

Both pieces of legislation were also presented to the public through a series of meetings held throughout the country in which comments and suggestions were sought and used.

As with the creation of the position of Special Assistant on Media in the Federation Ombudsmen's office, the OSCE believes that the creation of such legislation will be an important and essential step forward in institutionalising the advancement and protection of journalistic freedoms. Moreover, the drafting of such legislation will also allow for the establishment of uniformity in law not only between the two Entities, but also with European standards. These laws will have a profound impact on the journalistic community, as well as on all citizens of B&H.

- **Press Council**

The OSCE has also worked to promote more responsible journalism through its support of the development of journalists' associations, and the creation of a Press Code for B&H and a Press Council for press self-regulation. The OSCE worked with the IMC and five journalists associations in the development of the Press Code, assisting with technical support, subsidies for planning and drafting meetings, and research. In addition, after the adoption of the Press Code by all journalists' associations in B&H, the OSCE and the IMC jointly sponsored a conference to inform the media about the Press Code and to explore options for self-regulation. Options presented included press councils, ombudsman offices, civilian complaints councils, unions, and media advocacy groups as mechanisms for self-regulation that have been successfully implemented in other states. The journalists decided to pursue the option of Press Councils, and have received continuing support from the OSCE in the development of this mechanism. The Mission developed the Press Council Statute whose key principles were endorsed by five journalists' associations. An official launch of the B&H Press Council is expected to take place in early fall 2000.

- **Media monitoring**

The OSCE has also supported media monitoring activities within B&H, through the IMC and other organizations, to ensure that journalistic practices in media adhere to the IMC Broadcasting Code of Practice (in which the IMC Code on Media Rules for Elections is encompassed) and the PEC's Rules and Regulations on Media. These two codes of practice for media during election periods are mutually complementary, and together ensure that coverage of political party and candidates' activities is

balanced and objective, and that political party access is fair and equitable. In this way the Mission is working to promote the highest international standards of journalistic practices. This monitoring process has ensured a high level of compliance with the IMC Code and PEC Rules, and has also served to protect journalists and media managers who are coerced by political forces to broadcast inaccurate, inflammatory or hateful material. In this vein, the Mission is contributing to the Permanent Election Law Working Group its expertise on media access guidelines and guidelines for political advertising during election periods. Although a permanent election law has not yet been adopted, these guidelines will serve to promote freedom of expression and fair and open elections.

It is hoped that these media monitoring functions will in time be turned over to local NGOs, strengthened with international support for media advocacy and watchdog capacities. With the OSCE's role in organizing elections will be significantly reduced to that of monitoring in the year 2001, the capacity of B&H citizens to monitor the activities of the media and of political parties using the media will be critical to holding free and fair elections under local authorities.

- **Support to independent media**

The Mission is also actively engaged in the development of independent media in a number of ways. Through its Small Grants Programme, the OSCE gives direct support to independent print, radio and TV outlets in B&H. Its Media Management Training Programme prepares leaders of media outlets to run more pluralistic and independent media while at the same time developing management skills to run efficient, professional and self-sustaining media. The Mission provides considerable technical and management support to Radio FERN, the only nation wide independent radio station in B&H, and is overseeing and assisting in its transition from international ownership to become part of a B&H-controlled public broadcasting service. The OSCE has also been central to the creation of BORAM, the first marketing and programming co-operative of independent radio stations in B&H. BORAM was created with an aim to give these independent stations a significant advantage in a limited market and a powerful and diverse programme base to serve the needs of all B&H citizens for accurate information, open discourse and culturally diverse programmes.



**Organization For Security and Co-operation in Europe
Liaison Office in Central Asia**

**HUMAN DIMENSION ACTIVITY REPORT
CALO 2000**

CALO Human Dimension Programmes:

The past nine months:

During the first nine months of 2000, the CALO implemented programmes that were part of its regular budget and ODIHR-supported projects. Based on an assessment of the needs of the country and the CALO's mandate, the office's programmes focused on rule of law, promotion of human rights, NGO and gender development.

Rule of Law Programme

Strengthening of Ombudsman Office Project. For the past several years the CALO and the ODIHR have been working with the Uzbekistan Ombudsman institution to help strengthen its capacities. The CALO and ODIHR invited the former ombudsman of Alaska to share his experience and expertise from 28 April to 5 May. He prepared comments to proposals to amend the national law on ombudsman, participated in a roundtable with government officials, and led a training course targeting the Ombudsman's office's newly appointed regional representatives. The main topics dealt with during the training were: procedures for dealing with complaints about human rights violations, investigation procedures, and the division of responsibilities between the Ombudsman central and regional offices. The participants openly shared their experiences and the problems they face.

In mid-November, the CALO and the ODIHR are planning to provide a second training for the central and regional offices of the ombudsman on interrelation with law-enforcement bodies and public authorities. Two trainers with CIS experience and experience in dealing with law-enforcement bodies will be invited. The main focus of the training will be on complaints to, communication to and co-ordination with law-enforcement bodies of Uzbekistan. Staff of the central ombudsman office, regional representatives, representatives of procuratura, judiciary, MVD, Customs and tax police will be invited as participants.

International Human Rights Law Standards Training for Judges, Prosecutors and Lawyers. The OSCE/ODIHR International Human Rights Law Standards (IHRLS) Training Programme aimed to provide knowledge and understanding of the

International Convention on Civil and Political Rights (ICCPR) and its application in Uzbekistan's penal and judicial system. The programme from 12-20 August 2000 brought together 90 judges, prosecutors and lawyers. The three-day training sessions were held in three cities of Uzbekistan: Tashkent, Urgench and Fergana. In the lectures and discussions, the main focus was on Arts. 6, 9, 10, 14 of ICCPR and their practical application in Uzbekistan's criminal process. Participants learned the minimal international requirements to follow in administration of criminal justice, and in imposing the death penalty. They also had opportunity to participate in a mock hearing of the UN Human Rights Committee (the trainers designed the mock hearing, though all proceedings in UNHRC are in writing). The programme was implemented in co-operation with the American Bar Association/Central Eastern European Law Initiative (ABA-CEELI), the UNHCR, and Uzbekistan's National Centre for Human Rights.

Promotion of Human Rights Programme

The CALO developed an extensive Human Rights Monitoring and Reporting Programme, with ODIHR support, to strengthen the capacities of local human rights activists working in the governmental and non-governmental sector. Twenty-seven participants from different parts of Uzbekistan are taking part in the three-part course, led by three trainers with long-standing human rights background from Russia and Poland.

The three-session training programme was highly successive, serving as an interactive forum to develop dialogue between human rights activists working in the governmental and non-governmental spheres. In the first course, 17-20 April, the trainers introduced monitoring instruments and techniques, as well as international standards and mechanisms of human rights protection. In the second session, 2-6 June, the main focus was on procedures to submit communications about violations to UN bodies. The participants brought up real cases, and the trainers assisted them in identifying which monitoring instruments and methodology could best be used. An intensive workshop on how to draft a communication followed. Participants were also trained on how to conduct monitoring of trials, psychiatric clinics, prisons, and media.

In the third session, 8-12 September, participants learned about practical experience of monitoring, organized by Helsinki Human Rights Foundation, issues of protection of rights of human rights activists. Trainers also introduced possible ways of co-operation of NGOs with international organizations dealing with human rights protection, participation of NGO in the preparation and discussion of governmental reports to UN Treaty bodies, as well as possibilities of co-operation of human rights NGOs and Ombudsman of Uzbekistan. Participants discussed the projects of monitoring, prepared by them. Participants learned more about the OSCE, its structure and role in the field of human rights protection.

Law Reform Project. The CALO is also interested in following ongoing legal-judiciary reforms, aiming to guarantee the independence of the judiciary, and equal footing for defense and prosecution. It will also encourage the legislature to continue improving the legal basis for the work of NGOs and other civil society actors.

Democratization Programmes

NGO Development Project: The CALO continued working closely with local non-governmental organizations (NGOs) to strengthen their networking and lobbying potential through the creation of an NGO network. After two (second and third) NGO Strategy Meeting organized in the first half of 2000, the fourth Strategy Meeting have been organized in the second half of 2000. From 13-16 September, the NGOs elaborated a further plan of work of the newly established networking structure of a coordinating council and regional bodies. At the meeting, participants developed the network's structure and began a discussion on network membership, financing, regional work and co-operation with Government and media, etc. Through the organization of these meetings, the OSCE CALO has assisted NGOs to increase their co-operation, co-ordination and ability to affect change in society.

On 17-19 September the OSCE organized a workshop “Advocacy through community Mobilization” in Tashkent. This training was designed especially for the members of the network “Khamkor” and aimed to provide them with some particular skills necessary to begin advocating for their interests and the interests of the communities. There were 20 participants involved from 9 regions of Uzbekistan in the workshop.

As a follow-up to the NGO-Government meetings held in 1998 and 1999, the CALO and ODIHR, jointly with the National Centre for Human Rights and the Authorities of Samarkand Region, organized an NGO-Government meeting on 12 April in Samarkand. The topic of the meeting was “The role of NGOs in society and their co-operation with local authorities”. It attracted around forty participants from NGOs, City and Regional governmental departments. The meeting helped both sides become more familiar with each other’s work and to discuss possible co-operation.

Gender Development Project: The CALO supported women’s groups in 2000 in their efforts to develop co-operation and affect change in society. With the Open Society Institute (OSI)/Soros Foundation, the First Women NGO Strategy Development Forum was organized from 18-21 February. Thirty women leaders from eight Uzbek cities and 22 organizations agreed to five priority strategic directions for their work in 2000 and decided who would work on which issue. They agreed to develop women’s education programs, increase co-operation between NGOs/government/media, improve the economic status of women, upgrade the legislative framework for women’s rights protection and promote a new image of woman in society. It was the first time in the development of women’s movement in Uzbekistan, when women-leaders came to an agreement on common priorities and directions.

Promotion of Women’s Rights Project: The CALO and ODIHR are planing to organize a two-session training programme on “Monitoring and Reporting Women’s Human Rights” in October and December 2000. The first session is planned to be held in Samarkand on 11-16 October. This programme will provide for a small number of committed individuals with different background and from different regions of Uzbekistan the skills to monitor and report on women's' rights violations, as well as to advocate and lobby for change. In-between the two sessions, participants

will be provided with small funds to carry out a pilot women's rights monitoring project.

Human Rights Issues:

The past nine months:

The main human rights activities which the CALO has been engaged in the past nine months are: monitoring and reporting on the overall situation, trial monitoring, responding to individual complaints, and co-ordinating information-exchange on human rights issues amongst international organizations and interested diplomatic representations through the organization of regular co-ordination meetings.

On a daily basis, the CALO received written and oral complaints from individual citizens. Though more than half of the cases that come to the CALO's attention are beyond the office's competence, the CALO got involved in at least 30 cases during the period March-October. The majority of these involve violations of fundamental human rights allegedly made by police and personnel of the Prosecutor's office. The second most common complaint concerns courts' sentencing to disproportional punishment. In these 30 instances, the CALO reviewed the complaint in its entirety, and sent it to the appropriate national authority - the Ombudsman's office, the Ministry of Justice, and the Prosecutor General's office, etc. - requesting that they consider it. Since the beginning of the year, national authorities, in particular the Ombudsman and Prosecutor's Office, have been responding in writing to these requests to the CALO more and more frequently.

During the period of March - October 2000, OSCE CALO monitored 17 trials, 11 in Tashkent regional and district courts, in which a total of 197 people were accused of taking part in illegal religious activities, in particular being members of the illegal religious organization "Hizb-ut-Tahrir". At least three quarters of these people were sentenced to prison terms exceeding 14 years, for attempting to overthrow the constitutional order, disseminating leaflets containing threats to public order, and organizing or participating in an illegal religious organization and criminal community. Due to its limited capacities, the CALO was unable to get information on all the trials involving persons allegedly involved in illegal political or religious activities carried out in Tashkent or in other cities during the first half of the year.

During the reporting period the CALO compiled data on persons sentenced to death in 1999 and 2000 based on the cases it monitored. The appropriate authorities would not provide this information officially. In total the CALO gathered the names of 49 persons sentenced to death. The sentences of two of these were converted to 15 years imprisonment this spring. The Uzbek courts issued at least 11 death sentences during the period of March - October 2000. During this period the CALO also reported on several deaths in detention.

In April 2000 OSCE CALO made a trip to four cities in the Ferghana valley to meet Governor authorities, law-enforcement officials and human rights activists, and gather information on crimes committed and tried in the region. The CALO also met and interviewed family members of the alleged victims of human rights violations in the region.

The CALO will continue to monitor and report on the human rights situation, emphasizing in particular trial monitoring of persons accused of belonging to political or religious opposition groups, of domestic human rights defenders, and of persons appealing death sentences. The CALO hopes that its access to trials will continue to improve, and that its contacts with lawyers, judges and prosecutors will further develop. The CALO will continue to receive individual complainants in the office, and when appropriate facilitating their contacts with national institutions. In this context, the CALO will also continue to request meetings with the Prosecutor General's Office, the Supreme Court, the Ministry of Justice and the Ministry of Interior.

In order to be able to support Uzbek authorities in the implementation of its OSCE commitments and its incorporation in the OSCE community, the CALO needs to have a more regular and open exchange with local authorities. We will continue to look for ways to establish a mechanism for regular meetings. We will also seek comprehensive information and statistics on criminal cases being investigated, persons being charged with criminal offenses, persons being held in detention, places of detention, the number of death penalties passed and executed.

For the past several years, the OSCE has attempted to begin a discussion with Uzbek authorities on access to prisons for OSCE experts, the International Committee of the Red Cross (ICRC) and other international expert bodies. The OSCE remains committed to engaging in dialogue with the relevant officials on the issue of conditions in prisons, and access, and keep making efforts to start this dialogue with the appropriate officials.



**Organization for Security and Co-operation in Europe
Assistance Group to Chechnya**

Activities of the OSCE Assistance Group to Chechnya in the Human Dimension field 1999/2000

The Assistance Group was evacuated from Chechnya to Moscow in December 1998. It would return to Chechnya as soon as the basic prerequisites for such a return, including the security requirements, would be fulfilled. As of the 14th September 2000 these prerequisites failed to materialize. Despite the fact that Russian forces have taken control of the territory of the Chechen Republic, local militants continue to engage them daily in military action in hit and run attacks. Thus, despite RF's President Vladimir Putin's declaration of 14 April 2000 that the military part of the operation was over, Chechnya is still far from being really pacified.

With the evacuation from Chechnya to Moscow, the ability of the Assistance Group to monitor its human dimension activities throughout its application area by the international staff has sharply decreased. However, despite these difficult circumstances, the Assistance Group, from its temporary deployment in Moscow, was trying to perform useful tasks in compliance with its mandate – reconfirmed without restriction at the OSCE Summit of Heads of States and Governments in November 1999. One of the main area of its work were regular, by-weekly reports on the situation in war-torn Chechnya providing the OSCE Participating States with an objective assessment of the political, military, economic, ecological situation as well the plight of over 250,000 internally displaced persons. The Assistance Group also focused its activities on the field of human dimension, including humanitarian assistance based on its own projects and the facilitation of such assistance rendered by voluntary contributors. For instance, the implementation of aid programmes of a number of international aid providers or governments like the delivery of medicines and medical equipment purchased by the Austrian OSCE Chairmanship for the city hospital in Argun, Chechnya, to give just one example.

This year the Head of the Assistance Group and its members visited Chechnya several times on different occasions (March-May 2000). As a result, notwithstanding difficulties, it is able to perform some of its human dimension programmes in Chechnya in co-operation with its foreign and local implementing partners. The Assistance Group also uses its locally employed staff for monitoring purposes and has developed certain procedures, which allow the provision of assistance in the humanitarian field.

Observing the Human Rights Situation in Chechnya was a mandatory task the Assistance Group performed throughout the year. As the armed conflict in Chechnya is dragging on, more and more human rights violations are being observed committed by both the federal forces and the Chechen separatists causing concern in Russia and abroad.

The Russian human rights watch group "Memorial" and International Human Rights Watch, ICRC, Amnesty International and other organizations have documented facts

of mass killings and humiliations of any kind, among others in the detention camp of Chernokozovo. The HoAG had an opportunity to visit the camp in March 2000 together with a delegation of the Council of Europe.

The Assistance Group in all its activity reports informed the OSCE Chairmanship and Participating States of documented instances of human rights violations in Chechnya. It also prepared a written contribution for the ODIHR seminar on “Children in Armed Conflict” stating explicitly that both Russian armed forces and the so-called “Chechen illegal armed formations” did not succeed to restrict losses among the civilian population to a minimum. Also, the so-called “mine war” conducted by Chechen militants against Russian troops have led to disablement of civilians, including children.

Taking into account the dramatic situation of children suffering of psychological traumata, the Assistance Group prepared and implemented a special project “Psycho-medical Therapy & Sojourns” (July-September 2000). Thanks to this programme, 100 children from IDP camps in Znamenskoye, Chechnya received psycho-medical treatment during their three-week stay together with their mothers (in four separate groups) at the “Preelbrusie” rehabilitation centre in Kabardino-Balkaria. Voluntary contribution for this project has been received from the Austrian OSCE Chairmanship. Another project “Clothes for children in IDP camps in Znamenskoye, Chechnya” (June-August 2000) was aimed at providing basic clothes for 100 children. The programme was financed from the Assistance Group’s humanitarian aid budget.

The above said shows that one of the main areas of the Assistance Group’s human dimension activities during the last year was and remains – humanitarian aid. A list of its aid projects has been included into its annual report for 2000. Up to date, there is no evidence that the security situation has improved so that expatriate staff and other humanitarian aid providers could again start working in Chechnya. As a consequence, the Assistance Group will proceed in its efforts to convince the OSCE Participating States to implement their humanitarian aid programmes through local NGOs with a monitoring by the Assistance Group.

The Assistance Group’s ability to assist the Chechen people in rebuilding a civil society will certainly become its major task once it is re-deployed to Chechnya. So far, it is building-up contacts with relevant Russian authorities, including the Russian parliament, the Representative of the Chechen Administration in Moscow, the deputy of the State Duma from Chechnya elected on 20 August 2000 and many others engaged in preventing abuses of human rights in Chechnya, including:

- * Oleg Mironov – the Russian Federation’s Ombudsman;
 - * Vladimir Kalamonov – the Russian President’s Representative for Freedom and Human Rights in Chechnya;
 - * Pavel Krashenninikov – chairman of the State Duma Legislative Committee and head of the Russian Independent Commission to Investigate Violations of Human Rights in Chechnya;
 - * Andrei N. Tkachev – chairman of the parliamentary “Commission on Assistance to the Restoration of the Social-Economic Sphere of the Chechen Republic;
- and last but not least with

* “Memorial” and other Russian human rights watch groups, which are documenting human rights violations in the North Caucasus region of the Russian Federation and especially in Chechnya.

The Assistance Group also took part in an international seminar on the rule of law, democratization and the human rights situation in the North Caucasus region of the Russian Federation – organized jointly by the Council of Europe and the RF’s MFA on 29-31 May 2000 in Vladikavkaz. It also participates in meetings called by the Moscow-based UN Coordinators for Security and Humanitarian Affairs as well as by other international organizations and NGOs in Moscow, Nazran (Ingushetia) and Geneva.

The level of interaction between the Assistance Group, relevant Russian authorities and international organizations increased remarkably this year because of growing concern over the situation in the war-torn Chechen Republic. For the Assistance Group a main source of concern remains the enormous number of displaced persons in Chechnya and adjacent regions, mainly in Ingushetia (148,000 persons). The Assistance Group decided to concentrate on displaced persons living in camps in Znamenskoye of the Nadterechny district of Chechnya, who are the beneficiaries of most of its humanitarian assistance.

The Assistance Group expects that co-operation with international organizations and relevant Russian authorities in the field of human dimension will increase significantly following its redeployment in Chechnya.

Expecting redeployment in Chechnya some time ago the Assistance Group hired an office in the town of Znamenskoye from which place it would start to conduct field operations in the Chechen Republic. Apart from security reasons, Znamenskoye seems to be a good option because the office of the Presidential Representative for Freedoms and Human Rights in Chechnya, Mr. Vladimir Kalamonov, has also been established there. Furthermore, the choice of Znamenskoye for the Assistance Group’s temporary office in Chechnya was also dictated by the presence of some 35,000 internally displaced Chechens in the immediate neighborhood. In Znamenskoye itself there are two camps with a total occupancy of 5,000 IDPs.

The Assistance Group, in its reports, has undertaken to explain to the OSCE Participating States the basic truth that the use of excessive force alone and the establishment of the State’s authority by military rule would never bring peace to the Chechen Republic of the Russian Federation. The problems facing the deeply divided people must be solved by the Chechens themselves as internal peace within Chechnya, in the view of the Assistance Group, remains the indispensable precondition for the restoration of political, economic and social normality. A deeply humanistic approach is required to cope with the enormous challenges of building a civic society in Chechnya. The Assistance Group, once re-deployed to Znamenskoye in Chechnya, could continue to fulfill the human dimension part of its mandate by developing a number of activities and concrete projects as far as democratic institutions and the rebuilding of a civic society are concerned.



**Organization for Security and Co-operation in Europe
Mission to the Republic of Croatia**

2000 ACTIVITIES OF THE MISSION IN THE HUMAN DIMENSION FIELD

The mandate of the OSCE Mission to Croatia covers a wide range of matters falling within the purview of the Human Dimension Field of the OSCE; the protection of human rights, the rights of persons belonging to national minorities, the rights of refugees and displaced persons; the promotion of the rule of law; and, the development of democratic institutions, processes and mechanisms. The Mission is meant to fulfil its mandate through a number of means; by providing assistance and expertise to the Croatian authorities at all levels and to interested individuals, groups and organizations in the field of human and minority rights; by making specific recommendations to the Croatian authorities; and by co-operating with other international organizations and institutions and relevant non-governmental organizations.

Continuing a practice begun in 1998 and continued in 1999, the Mission has issued one 'Report of the OSCE Mission to the Republic of Croatia on Croatia's progress in meeting international commitments', in July 2000. As with previous 'Progress Reports', the July 2000 report focused broadly on post-conflict normalisation and human rights and democratization. It also addressed developments within the country during the first few months after the election of the new Parliament and the new President. The next 'Progress Report' will be issued by the Mission in early November, 2000.

Within the ambit of the human dimension activities undertaken by the Mission, the following have been the main areas of the Mission's activities in the year 2000:

Legislative reform, with an emphasis on human rights, the rights of minorities and the rule of law

The new Government has set an ambitious agenda for itself in the area of legislative reform, with up to 200 new pieces of legislation scheduled to be introduced into parliamentary procedure by the end of the year 2000. The Mission has been consulted by the new Government on the revision of several pieces of legislation needing to be brought into conformity with international human rights legal obligations, and remains available to respond to similar requests in the future. The Mission looks forward to seeing improvements in the separation of powers and the independence and impartiality of the judiciary, the resolution of the massive backlog of cases in administrative bodies and courts, more timely and fair implementation of the convalidation law (validating documents issued in formerly Serb-controlled areas) and other needed changes in law and practice.

Return

A major aspect of the Mission's work continues to be engagement with the problems of displaced persons and refugees, with a particular emphasis on the implementation of programme for the return of displaced persons and refugees and the removal of obstacles to sustainable return. The resolution of property issues outstanding from the period of conflict and the revision of property and reconstruction laws to eliminate discriminatory effects continue to be high on the Mission's agenda. Although certain changes have been made to relevant laws, at the time of writing these changes have not yet had a major impact on the return process.

Amnesty, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and Trust Establishment

Mission members have monitored the conduct of war crimes trials held in Croatia, in co-operation with other international partners. War Crimes, co-operation with ICTY and the application of the Amnesty Law are the focus of regular meetings of the War Crimes Working Group comprised of representatives of key organizations. Under the auspices of the new Government, new mechanisms for reconciliation and establishment of trust have been established under a Co-ordination Board established for the facilitation of sustainable returns. The Mission stays abreast of developments in all these key areas.

Democratization and Support of Civil Society

Through its three Co-ordination Centres, the Mission has continued to support democratization projects that contribute to the functioning of Croatia's civil society over the long term, particularly regarding 1) training and assistance to local NGOs; 2) local governance, institution building, and civic education; 3) trust establishment, conflict resolution, and return and reconciliation efforts; 4) human rights, women's and youth organizations.

The Mission also maintains a data base of proposals for democratization projects. Some of these proposals fall outside the Mission's mandate and others require greater financial support than the Mission can provide from its limited democratization budget. In these cases, the Mission helps to facilitate fundraising with bilateral or multilateral donors.

Mission Activities in the context of the OSCE Regional Strategy for South Eastern Europe

The Mission has played a role in certain activities conducted under the auspices of the OSCE Regional Stability Initiative. Mission members have participated in a number of meetings related to combating organised crime in Southeastern Europe, including trafficking, and ensuring the independence and impartiality of the judiciary.

On 26-27 April, the Mission and the Croatian Government co-hosted the second regional meeting of the Gender Task Force, part of Table I of the Stability Pact, for

the purpose of discussing the need for political empowerment of women. The meeting was attended by high-ranking Government officials, women parliamentarians, international community representatives, non-governmental organizations as well as Mission staff.

Mission members have participated in a number of meetings of the Stability Pact Initiative against Organised Crime (SPOC), as well as the inaugural meeting of the Stability Pact Task Force on Trafficking in Human Beings. Together with the ODIHR and the Adriatic Sea Initiative, the Mission will help facilitate a South Eastern European Trafficking Ministerial ??? in Zagreb in December 2000.

Policing

Two years after the OSCE Mission to Croatia became the first OSCE Mission to take up civilian police monitoring (on the expiration of the mandate of the UN civilian police force in the Danube Region), it is expected that the OSCE Police Monitoring Group (PMG) is to be disbanded as of 31 October, 2000. However, individuals with policing backgrounds will remain active as regular monitors in all geographical areas covered by the Mission, providing regular assessments of the security situation and the performance of the police in light of democratic policing standards.

Other matters

In 2000, the Mission also continued its co-operation with other international organizations active on Croatian issues, in particular the OSCE High Commissioner for National Minorities, the OSCE Special Representative for the Media, the OSCE Office for Democratic Institutions and Human Rights, and the Council of Europe.

The present mandate of the OSCE Mission to Croatia ends on 31 December 2000. In the event that the Permanent Council decides to extend that mandate into 2001, the Mission anticipates continuing to work along the same lines as in 2000.



**Organization for Security and Co-operation in Europe
Mission to Estonia**

HUMAN DIMENSION AND NGO ACTIVITIES IN THE YEAR 2000

During 2000 the Mission to Estonia continued to monitor Estonian legislation concerning citizenship and residency, language, integration, elections, the role of the ombudsman in the country, education and public assembly. The Mission also monitored Governments policies and state administrative practises in all of these spheres, especially with respect to residency, education and requirements for language proficiency in the public and private spheres. It also continued to strengthen its co-operation with national authorities, as well as with regional and local organizations in the Human Dimension field. The Mission also continued the co-ordination of its activities with other international organizations.

The Mission is one of the few international organizations with a substantive presence in the North-East (Ida-Virumaa) region of Estonia. As this part of the country is inhabited primarily by Russian-speakers who account for approximately 82% of the population, the Mission pays particular attention to human dimension issues from the area.

In all of its activities, the Mission informs embassies and other international organizations about developments throughout the country.

Mandate Related Activities and Co-operation with National Authorities:

The OSCE Mission to Estonia is in close contact with several ministries, specifically the Ministries of Foreign Affairs, Education, the Interior, and the Office of the Minister Responsible for Population Issues. The Mission also has close communications with other national authorities including the Citizenship and Migration Board (central CMB in Tallinn and branches in Ida-Virumaa), the Legal Chancellor (ombudsman), the State Language Inspector, and the National Examination and Qualification Centre.

The Mission also closely observes the work of the Non-Estonian Integration Foundation (now known as the Integration Foundation), which was established in March 1998 in order to implement integration activities. With the adoption in March 2000 of the State Integration Programme, the importance of the work of the Foundation has increased as it one of the main institutions responsible for implementation of the Programme.

The State Integration Programme outlines the strategy for integration among the communities in the country from 2000 until 2007. The Integration Programme will serve as an action plan for social integration by government institutions, county governments, local governments, institutions and organizations for the years 2000-

2007. The plan is based on the directions and principles of two earlier documents: “The Bases of the State Integration Policy” (adopted by the Riigikogu on 10 June 1998) and the “Government Action Plan” (adopted by the former Government on 10 February 1998). The Programme indicates three main objectives: Firstly, it states the aim of having *linguistic-communicative integration*, or the recreation of a “common sphere of communication and the daily reproduction of an Estonian language environment in Estonian society under the conditions of cultural diversity and tolerance.” Secondly, the Programme states the objective of having *legal-political integration*, defined as the formation of a population loyal to the Estonian State and the reduction of the number of residents without Estonian citizenship.

The third objective noted by the Programme is the creation of *socio-economic integration*, which is referred to as increased competitiveness and social mobility of every member of Estonian society. The programme is aimed at changing attitudes related to non-Estonians, reducing significantly the number of persons with undetermined citizenship, and improving the knowledge of the Estonian language among non-Estonians, and adapting non-Estonians to the Estonian culture as well as promote their active participation in Estonian society. Furthermore, the policy strives to reduce the regional isolation of non-Estonians (especially in Ida-Virumaa) and to promote the political integration of all Estonian citizens.

With respect to the Integration Programme, the Mission is in close and regular contact with the Office of the Minister Responsible for Population Affairs, which is responsible for overseeing implementation of the Programme. The Mission has excellent communications with this Office and regularly receives information from it that benefits the Mission’s assessment of the integration process.

With the Ministry of Education, the Mission has had excellent interchanges and mutually beneficial programmes as a result of the Integration Programme’s recognition that development of the educational system is regarded as a main factor of integration. These programmes have helped, among other things, in the Mission’s analysis and reporting on the adoption this year of a change to the education laws which foresees a greater role for Estonian language in the future of all education in the country. To this end, the Mission, the Ministry of Education and the Tartu University Narva Teachers College recently hosted a seminar in the City of Narva entitled, “Integration through Education”, which was opened by the High Commissioner.

The Mission works closely with the State Language Inspectorate and the National Examination and Qualification Centre to be able to assess and report on language requirements and the overall language certification process in the country.

The Presidential Roundtable on National Minorities, founded by President Meri in 1993, used to be regularly attended by the Mission as it played a key role in dialogue among the communities. In 1999, the Roundtable underwent some difficulties regarding questions of membership and activities, which had not been fully resolved in early 2000. However, it now appears that the Roundtable is returning to its role as a participant in the integration process. The Mission closely observes the work of this group by participating in all meetings.

One Mission member, who is a specialist in Human Rights, is involved in human rights training at Tartu University by working as an adjunct lecturer in Human Rights.

Mission Co-operation with Embassies and International Organizations:

The Mission continues to work closely with the Office of the High Commissioner on National Minorities and ODIHR personnel. It also informs embassies about what is happening in the country on specific topics of interest and regularly provides background information to this community.

UNDP is one of the most important international organizations with which the OSCE Mission co-operates. The UNDP office in Tallinn is the central office for several programmes including the European Union PHARE Estonian Language Training Programme which began operations in September, 1998 with an agreement signed by representatives of the Government of Estonia, the UNDP and the Delegation of the European Commission. The Programme is mainly aimed at teaching Estonian as a Second Language and provides support to Adult Language Training and Language Training in the Educational System. The second goal of the Programme is to raise public awareness about the integration process and the Programme's activities. The Mission is a member of the Steering Committee for this programme and takes part in monthly meetings in this regard.

The UNDP is also the central office for the Nordic/British Council/ UNDP Project which began in August 1998 with an agreement between the Estonian Government, Nordic countries (Denmark, Finland, Norway, Sweden) and United Nations Development Programme (UNDP). The British Council joined the Programme in 2000. The aim of the project is to promote the integration of non-Estonian residents into an open, democratic, cohesive and multi-cultural Estonian society. The objective of Estonia's integration policy is to ensure rapid modernisation of society in the context of accession to the European Union, while preserving both stability and a commitment to the protection and continued development of Estonian culture. It is also the goal of this project to remove barriers, which hinder many non-Estonians from participating fully in Estonian society. The Mission confers with the persons implementing this programme on a regular basis.

The Mission co-operates with the Council of Baltic Sea States Commissioner on Human Rights and the Rights of National Minorities. The Mission sometimes refers persons with specific problems to the CBSS Commissioner's Office and receives requests from the Office for information on developments in Estonia.

The Mission has contacts and, in some cases, has had joint programmes, with the Nordic Council of Ministers including NGO development seminars and training sessions.

The Mission has contacts with the relevant Council of Europe personnel on issues pertaining to language certification, language education, language requirements, citizenship and residency information provision and processes.

The Mission provides information and discusses issues with the UNHCR Representation both locally and regionally. In this area the Mission shares its information to the UNHCR on citizenship and residency processes and statistics. The Mission occasionally also refers some persons to the UNHCR offices for support.

The Mission attends many conferences and seminar on integration issues throughout the country organised by various embassies or international organizations.

Mission's Work with Non-Governmental Organizations

The Mission has continued its efforts to support the integration process through a number of concrete projects being conducted in conjunction with NGOs, and national as well as international organizations and foreign donors. With financial support from ODIHR, the Mission has supported the development of a regional office of a human rights NGO in the North-East to assist persons with difficult questions relating to residency and citizenship.

ODIHR funds are also allowing the Mission to support another NGO's production of a videofilm and book on multiculturalism for use in schools. As well, funds have been obtained to support the operation of an NGO centre in the North-East. Finally, the Mission is also supporting human rights education through the production of an Estonian language version of a human rights text and through lectures being provided by Mission members at different educational institutions.

The Mission has encouraged the creation of NGOs and supported their work by assisting them in obtaining and exchanging information in order to create awareness of the practical potential of NGOs in a civil society.

In the next months, the Mission plans to co-host an Estonian media seminar for representatives of the two language media in the country. This will provide opportunities for both Estonian and Russian speaking journalists to discuss common professional issues and, more specifically, the media code of conduct. It is expected that this project will, therefore, help to strengthen civil society in Estonia.

The Mission has also co-ordinated a field study trip for representatives of the education sector to travel to Germany to study developments in education and integration.



**Organization for Security and Co-operation in Europe
Mission to Georgia**

Overview of the Activities of the Human Dimension Team of the OSCE Mission to Georgia

Mandate

The mandate of the OSCE Mission to Georgia covers monitoring, evaluation, and promotion of the respect for human rights and rule of law, monitoring and promotion of free media principles as well as assistance in the process of democratization.

Activities

The Mission's activities focus on the following activities:

- Monitoring activities of the law enforcement bodies and the implementation of the rule of law
- Following legal reforms, in particular the reform of the penitentiary system
- Monitoring the situation and status of the ethnic minorities in Georgia
- Monitoring the status of religious freedom in Georgia (currently with a focus on Jehovah's Witnesses)
- Monitoring the return of those deported in the forties (Meskhetians)
- Promote gender issues

This all is being done with a view to monitoring the implementation of the commitments taken with accessing the Council of Europe.

While observing the Human Rights Situation in the country, the Mission's Human Rights Office partially operates as a classical Field Office, open to the public, and receiving individual cases and complaints. The Tskhinvali Field Office is open to the public every Thursday, when a Human Rights Officer receives people.

Projects

Apart from this, the Mission is developing, carrying out and supervising Projects in the Human Dimension along the following tracks:

- Media
- Civic Diplomacy
- Public Awareness and Rule of Law
- Gender Issues
- Development of Civil Society
- Regional Development

Crossover projects and effects are not contingent but desired.

Projects are carried out by NGOs. The Mission is bound to facilitate coalition building of NGOs on concrete issues, with a focus also on the regional development of NGOs.

The Mission is currently working on a so-called *Donor Mechanism*. Aim of this mechanism is on the one hand to provide NGOs with the possibility to tune their efforts in order to avoid duplication of work and assist them in developing reasonable projects. On the other hand it aims at providing donors with a comprehensive overview over projects on one of the tracks so that they can choose a project to be funded more competently.

Currently the Mission is working together with 25 women NGOs dealing with the issue of Trafficking in Human Beings. This informal roundtable is a pilot project for developing the *Donor Mechanism* on Gender issues.

Contacts

While carrying out these tasks, the Mission keeps close contacts with other international organizations, among those the EU, UNDP, UNHCR, IOM, and with the Embassies of OSCE participating countries.

Apart from that the Mission assists other OSCE bodies and institutions in carrying out their duties:

- ODIHR - Technical Assistance before the Parliamentary Elections, Election Observation, Women's leadership training workshops
- HCNM – Project on Prevention of Ethnic Conflict in Georgia, upcoming a project on Monitoring inter-ethnic relations in Javakhetia
- Co-operation with other OSCE Field Presences (following the issue of Trafficking in Human Beings with the ODIHR as a focal point; planning a journalists project jointly with the OSCE Offices in Armenia and Azerbaijan)



Organization for Security and Co-operation in Europe
MISSION IN KOSOVO

Human Rights

HUMAN RIGHTS MANDATE AND STRUCTURE

In UN Security Council Resolution 1244, the Security Council authorised the UN Secretary General to establish the international civil presence in Kosovo. One of the primary tasks of that international presence was to ‘promote and protect human rights’ (para 11(j)). In the Secretary General’s report of 12 July 1999, the lead role in human rights was assigned to OSCE, the institution-building Pillar within the overall UN Mission in Kosovo (UNMIK); one of the key tasks for the OSCE Mission in Kosovo (OMIK) was human rights monitoring and capacity building. Paragraph 87 of the Secretary General’s report states that,

“UNMIK will have a core of human rights monitors and advisers who will have unhindered access to all parts of Kosovo to investigate abuses and to ensure that human rights protection and promotion concerns are addressed through the overall structures of the Mission....”

The human rights tasks of the OSCE Mission in Kosovo include the monitoring, protection and promotion of human rights.² In order to fulfill the mandate the Human Rights Division currently has 63 human rights officers deployed in five regional centres and twenty one field offices in Kosovo. At headquarters, the management staff consists of the Head of Division and two field co-ordinators (the senior of which acts as a deputy head). There is a human rights training unit, a human rights NGO co-ordinator post that is staffed by the division’s first national professional, two advisers on property issues and one gender adviser. Two staff of the OSCE Victim Recovery and Identification Commission are also based in Pristina/Prishtine; the project’s other staff are currently based in the field but will move to Pristina/Prishtine in November.

PRIORITIES

The OSCE’s human rights field operation in Kosovo functions in a complex political and security climate. Usually, a human rights field operation would monitor the behavior of state actors vis-à-vis the treatment of citizens. In Kosovo, however, the “state actors” include the UN Civil Administration, KFOR and UNMIK Police. OSCE monitors such international bodies to the extent complaints of human rights violations are received and when the conduct of such bodies relates to other monitoring tasks such as minorities and their treatment. The Human Rights Division will also play a role in monitoring the Municipal Assemblies, to be formed after the 28 October elections. In the run-up to those elections, human rights officers have focused on monitoring politically-motivated violence, harassment and intimidation, transmitting complaints to the Elections Complaints and Appeals sub-Commission, and contributing to overall Mission reporting on the climate surrounding the elections campaign.

² OSCE Permanent Council Decision No. 305

The monitoring conducted by the Human Rights Division is proactive, not passive. So long as those providing information about alleged human rights abuses consent, information is shared with UNMIK Police, KFOR and other relevant agencies and organizations. Interventions are made on a daily basis at all levels to improve the human rights situation in Kosovo. Interventions take many forms, including making suggestions to KFOR and UNMIK Police to improve the local security situation through the establishment of checkpoints, increased patrols and raids on suspected detention facilities. In addition, human rights officers often intervene with UN Civil Administrators to ensure that information about local conditions and concerns is being considered. Efforts to bring local leaders together in order to discuss human rights issues of mutual concern are underway throughout Kosovo.

The need for the Human Rights Division to conduct investigations has decreased with the establishment of UNMIK Police and the UN Civil Administration who as the official authorities are now responsible for investigations into criminal acts. Information obtained by the Human Rights Division about alleged human rights abuses is shared with the relevant authorities and the progress of the case is monitored by the Human Rights Division. Effective remedies remain elusive though some progress is now being made. Consistent and systematic court monitoring is seeking to recommend improvements to the legal system, and the establishment of the independent Ombudsperson Institution, due to open in late 2000, will provide one possible remedy for human rights violations and will prove critical to investigating and recommending corrective action or redress for such violations or for abuse of power.

In the second half of 2000 – the start of the second year of its existence - the Division has focused more on systematic monitoring of critical areas, on developing concrete recommendations to address the issues identified, and on planning out follow up to those recommendations with a range of actors and institutions. The approach originally developed with the systematic monitoring and reporting on the situation of minorities in Kosovo has been expanded to other critical areas; legal systems monitoring, property issues, security, and trafficking. In late 2000, the Division will also look more systematically at policing so that from initial incident to the final disposition of a case, the Division will have an overview of each stage of the law enforcement and criminal justice process. This approach has also been extended to property issues (on which a report was published in September 2000), and to action against trafficking in human beings, two critical issues first identified through intensive field monitoring, and now tackled both at field and headquarters level with a range of initiatives from basic information-exchange to training and direct victim assistance.

Alongside its monitoring, the Division is building up the capacity building element of its mandate, both with in-service training for field staff, specific human rights training courses for key target groups, and through co-operation with the OMIK Rule of Law Division, OMIK's Independent Media Support Section, and the Department of Democratisation. The Rule of Law Division comprises institutions with specific training and dissemination mandates, to which the Human Rights Division passes information so that critical areas can be addressed. Through the Kosovo Judicial Institute, for example, training on UNMIK Regulations is designed and implemented,

the target audience here being judges and prosecutors. With Legal Community Support, the Human Rights Division is working to implement part of its action against trafficking strategy by developing a legal aid programme for victims of trafficking. The Division's work with Independent Media Support includes information exchange and joint interventions as part of a journalist protection programme set up to provide advice and support to journalists, and to gather more comprehensive information on the problems faced by journalists. With Democratisation, work focuses on minorities; the main programme at the moment being access to education for Roma, Ashkalia and Egyptian children, a programme in which UNICEF is also closely involved.

Specific Tasks in Monitoring and Capacity Building

More and More, the Division is developing a capacity building component alongside its monitoring activities, as well as developing separate capacity building activities in areas such as human rights education. Therefore, below, monitoring and capacity building are generally dealt with together. We take a broad view of capacity building – from making specific recommendations for policy initiatives, to training, to community work, to human rights education. Therefore, as well as its day to day interventions on specific cases, the Division is developing longer term programmes to tackle critical human rights issues both at field and at central level.

Minorities

Systematic monitoring of the situation of minorities has been a priority for the Human Rights Division since June 1999. Work with minorities forms a large part of daily field monitoring, and feeds into the joint Assessments of the Situation of Minorities carried out with UNHCR. The Sixth such Assessment is published on 23 October, and provides a comprehensive overview of all the critical areas identified over the first 14 months of the Mission. As well as this field monitoring and reporting, the Division is an active participant in the inter-agency Ad Hoc Task Force on Minorities, initially chaired by UNHCR, now jointly chaired by OSCE and UNHCR, and due to be chaired only by OSCE after the 28 October elections. OMIK's Department of Democratisation also participates in the Task Force, along with ICRC, KFOR, UNMIK Police, UNICEF, World Food Programme and the Office for Human Right and Community Affairs of UNMIK. The Task Force has, since July, been engaged in a systematic review of the critical problems identified in 1999 and 2000, with a view to following up on past recommendations and developing new recommendations. The following areas were covered: public utilities; education; health care; media; legal systems; security and policing; and access to political structures. Where relevant, the appropriate Joint Interim Administrative Structure Department was called to the Task Force to provide an update and report on progress. Much of this review, combined with intensive field work, is incorporated into the Sixth Minorities Assessment.

The Task Force remains the only body in Kosovo that maintains an overview of the situation of all minority communities. In summer 2000, a range of other initiatives aimed at specific minorities have also been developed by various agencies – these include the packet of initiatives for non-Serb Minorities which is led by the Office of the SRSG, the UNHCR Platform for Action on Roma, Ahskalia and Egyptian communities, and the agreement between the SRSG and the Serb community. OSCE participates in all these initiatives either through the Human Rights Division or the Minorities Programme Officer of the Department of Democratisation.

Returns

Linked, though not exclusively, to its minorities work is the Division's participation in the Joint Committee on Returns which focuses primarily on Serb returns. The Committee, again with inter-agency co-operation, conducts assessment visits to possible returns areas to assess security needs and sustainability factors such as access to health care, schooling and employment. Many of the priority areas monitored by the Division impact on returns, particularly property issues.

The Division also plays a role in monitoring majority returns from third countries, through a special working group. The Division's role here primarily focuses on identifying vulnerable returnees, such as the mentally ill or those from minority groups. The working group maintains an overview of the situation and conducts joint interventions in specific cases.

Legal Systems Monitoring

Within the Division, a specialist Legal Systems Monitoring Section focuses on pre-trial and trial observation. With a headquarters staff of three, and ten monitors in the field throughout Kosovo, the Section is tasked with monitoring one of the critical institutions in Kosovo and with making concrete recommendations to improve the legal system.

In October 2000, OMIK published a review of the Section's findings over the period from 1 February to 31 July 2000. The review was based on trial reports of nearly 70% of District Court trials held during the reporting period. Since it is not possible to monitor every case in depth, the Section identified priority cases and categories of defendant or victim; the priority trials were those on war crimes and ethnically-motivated crimes, the priority defendants or victims were juveniles and victims of sexual violence. The report shows that while much has been done to establish a functioning legal system, in a short time and against a complex and difficult background, there remain many fundamental flaws in the system which must be urgently addressed. In line with the Human Rights Division's overall policy of not only identifying problems but also recommending solutions and undertaking consistent follow up, the Legal Systems Monitoring Section is now working with other agencies to set out priorities for action to start addressing the problems identified.

Property Issues

Property is a critical concern in Kosovo. The legacy of discriminatory laws, major population movements, extensive damage to property in some regions, and the lack of a fully functioning mechanism to resolve property disputes all contribute to ongoing human rights violations. Added to this legacy, there is currently a lack of clear central policy to address property issues, and this has led to widely divergent approaches to resolving property disputes at municipal and regional level. Jurisdiction over many residential property disputes falls to the Housing and Property Directorate and its Claims Commission; at time of writing, the Regulation setting out rules of evidence and procedure for the Claims Commission is not signed, so while the Commission can receive complaints, it cannot yet resolve them.

Monitoring the property situation is the primary responsibility of Property Focal Points in each region – Human Rights Officers who receive training on this area and

whose daily activities concentrate on the property situation. The information they gather is passed to headquarters for analysis, and recommendations are then developed. The property report of September 2000 summarised the critical issues identified from this monitoring, and set out a series of detailed recommendations to the Housing and Property Directorate. The Division is now pressing for those recommendations to be taken up.

Gender Issues

The Division has become more involved in gender issues in 2000, primarily through its action against trafficking (see below) but also through its participation in legislative review and its work on women in public life, the latter in the context of elections. The Gender Adviser is currently chairing a legislative review committee on domestic violence, a particularly complex area, and building contacts with women's organizations on this and other issues. The NGO Co-ordinator has been working with a women's coalition during the electoral campaign period, as part of the Division's overall aim of tackling empowerment as well as victim-assistance issues. The Coalition, supported by a range of agencies, brings women candidates from the major political parties together with women journalists and women's NGOs both to encourage women to vote, to identify common areas of concern, and to build alliances for the post-election period. The Division will continue to work with this Coalition after the elections.

Action against Trafficking

In February 2000, with a voluntary contribution from the Austrian Chairmanship, the Human Rights Division set up a Shelter to provide temporary accommodation for victims of trafficking while arrangements were made for their return home. The Shelter has now assisted over 100 victims of trafficking, and continues to run with the aid of a US voluntary contribution.

The Shelter was initially an emergency response. Today, it is part of a systematic programme to monitor and combat trafficking that involves UNMIK Police, the International Organization for Migration, the Human Rights Division's Trafficking Focal Points in each region, and a range of other agencies. The programme falls into three broad areas. First, victim assistance, where a system has been set up to ensure victims of trafficking who wish to return home can be brought from point of discovery into the Shelter in an orderly and humane manner. Trafficking Focal Points, UNMIK Police Focal Points and IOM all participate in this system. Second, legislative development, in which OSCE Human Rights and Rule of Law Division's participated in drafting a Regulation to combat trafficking, along with IOM, UNHCR, and the OSCE Department for Democratic Governance. The Regulation is currently at its second review stage, and is still urgently required. As well as making trafficking or holding identity documents specific offences, the draft Regulation provides a full defence for victims of trafficking. As things stand, those victims may face prosecution and may be issued with a deportation order, which complicates their return home. Third, the Division is focusing on more systematic analysis of interviews with victims of trafficking, to obtain information on how they were recruited, the routes they travelled by to reach Kosovo, how they were treated both in transit and at point of destination, and who their clients were.

Missing Persons and the Victim Recovery and Identification Commission

Since June 1999, the Division has been heavily involved in gathering data on missing persons, and on setting up a crucial component of UNMIK's identification programme. In 1999, Human Rights Officers both monitored exhumations, took statements and case histories from the families of the missing from all communities, and collected ante-mortem data from those families to assist in the identification process. In 2000, the Division as a whole has focused more on identifications, through the OSCE component of the Victim Recovery and Identification Commission (VRIC). OSCE VRIC's task is primarily one of building local capacity for identification, and to this end it has trained a team of local pathologists in identification techniques and procedures. This training takes place against a background in which OSCE's international consultants have played a key role in the identification of remains through a system of presumptive identifications based on matching ante- and post-mortem data, and seeking preliminary identifications based on photographs of the victims' clothing. OSCE has set up a series of photograph shows attended by the families of the missing. These shows have been run both in majority and in minority communities.

NGOs

Both through its training section and the NGO Co-ordinator, the Human Rights Division has this year aimed to work more systematically with local NGOs. The task has not been easy. While there was a strong civil society in Kosovo prior to the air campaign, particularly among women's organizations, the situation since June 1999 has been more mixed. Many former NGOs became fragmented, some NGO leaders were imprisoned in Serbia proper, others moved into other sectors. Earlier this year, the Division tried to set up an NGO forum for human rights NGOs, but was unable to move the project forward. However, in September, the Forum was reconstituted, with greater success. A three stage plan of action has been developed for human rights NGOs, including consultative needs assessment, planning of recommendations, and implementation and evaluation phases. The needs assessment phase is nearing completion. The Division has also been contributing to training NGOs as domestic election observers for the 28 October elections, and to the Women's Coalition.

CAPACITY BUILDING IN THE FIELD

Through Training Focal Points in each region, the Division aims to identify local capacity building needs, and where possible to co-design projects to meet these needs. Training Focal Points have set up projects on Roma and education, human rights education (in schools, for youth groups and for other international agencies), identifying community concerns (for example, by working with village leaders from groups of villages to find common issues to work on) and have facilitated inter-community meetings. Training Focal Points, along with all Human Rights Officers, also play a critical role in disseminating information on specific human rights issues, such as property, where efforts have been made to explain the property claims mechanism to the communities.

Capacity building activity will continue to increase for 2000 and 2001, and this will require in-service training also to increase so that the Training Focal Points are able to deliver a range of training, and to develop and implement projects. The in-service training has already begun, with a preliminary meeting of the Training Section and the Training Focal Points to set out a programme of support.

2001

The Division's programme for 2001 will continue to focus on the critical areas outlined above: minorities, legal systems monitoring, returns, property and gender, while further developing its capacity building work. In the wake of the 2000 elections, the Division will also develop its role in monitoring the new municipal structures, work which will be closely co-ordinated with the new Ombudsperson Institution. Contributions to legislative review and development will continue, and police monitoring will become more systematic. Field officers in the municipalities and those in regional centres are being given greater autonomy to conduct special investigations in their areas of responsibility, so that the Division will also develop more in-depth analysis of specific situations to complement its overall analysis of the situation. In service training to support the wide range of monitoring and capacity building activities will also increase, with regular courses for Human Rights Officers on general and specific issues.

As with all Missions, the range of activity is determined by resources. The OMIK Human Rights Division is extremely fortunate to have been allocated the extensive field resources that enable it to monitor all the critical issues comprehensively.³ In order for those resources to be used effectively, ongoing training is required so that the Division can maintain its flexibility of response and continue to develop new initiatives.

The Six Month Review of the Legal System and the Minorities Assessments referred to above can be found on the OSCE Mission in Kosovo website, along with 'As seen, as told' parts 1 and 2.

³ The Division is currently fully staffed both in the field and in HQ. Its total strength is now seventy seven overall.



**Organization for Security and Co-operation in Europe
OSCE Mission to Latvia**

REPORT ON HUMAN DIMENSION ACTIVITIES 2000

INTRODUCTION

The mandate of the OSCE Mission to Latvia relates primarily to citizenship issues and related matters. Since the Mission began its operations in November 1993, the adoption of successive laws and regulations relating to citizenship has also highlighted the importance of integration strategies for the substantial number of Soviet era immigrants who have not yet naturalised as Latvian citizens. This has increasingly focused the Mission's attention on the processes of integration itself, including issues related to language and education, as well as other topics which affect the status of the various national minorities. The paragraphs which follow describe in outline the main issues bearing on the human dimension which the Mission has addressed since the last Warsaw meeting, leaving to one side more technical questions relating to citizenship and the naturalisation process which form an essential part of its co-operation with the Latvian Naturalisation Board and Department of Citizenship and Migration. The paper concludes with a look forward to our future plans in the field of human dimension activities.

CURRENT HUMAN DIMENSION ISSUES

Citizenship; Non-citizenship; Stateless persons

Over the last year the interest in naturalisation has remained stable since the amendments to the Citizenship Law in 1998. In 1999 queues of applicants occurred, especially in the capital Riga. However, additional funding enabled the responsible institution – the Naturalisation Board – to efficiently process the increased number of applicants and has prevented queues from re-occurring. Currently, the naturalisation process takes six to seven months in Riga and five months in other parts of the country.

In the course of the last year the Mission has followed closely developments in relation to the law regulating the issuance of non-citizen passports. The non-citizen passport serves a double function. It serves both as a document of identification within the country and a travel document. Those eligible for the document had to exchange their old Soviet passports by 31 March 2000, when these lost validity within Latvia. It is estimated that currently approximately 26,000 people are without a valid document of identification since they have yet to apply for the non-citizen passport. Currently, the number of non-citizens is decreasing by naturalisation by 12,000 – 15,000 annually. As of August 2000, 38,000 persons have naturalised, whereas 561,000 persons hold the non-citizen passports.

On 1 October 1999 the issue of identification documents for stateless persons began. Residents of Latvia who lost or gave up their former citizenship (other than Soviet) will be entitled to the new document. The Department for Citizenship and Migration Affairs (DCMA) estimates that a total of 100 – 200 residents will obtain the booklet in the future. Until now 60 persons have obtained the passports.

The Mission has continued to use its good offices to help resolve cases that have been brought to its attention in connection with all the above mentioned issues. It is to be noted positively that the number of persons facing difficulties with their legal status seems to have decreased substantially over the last years.

Language

In December 1999 the revised State Language Law was adopted by the Parliament. The High Commissioner on National Minorities stated that the law is "essentially in conformity with Latvia's international obligations and commitments". During the spring and summer months of year 2000, a team of experts from the HCNM Office, the Council of Europe and independent experts, has communicated with the respective Latvian authorities to bring the draft Language Law regulations into compliance with the letter and the spirit of the Law. On 22 August the Latvian Government approved the regulations bringing them essentially in conformity with both the Law and Latvia's international commitments. The HCNM also noted that "(...) virtually all of my recommendations were accepted by the Government in the drafting process".

Social Integration Programme

The Mission has continued monitoring developments in relation to the drafting of the State Integration Programme. In spite of the commitment and hard work of the management group drafting the Programme, the final completion of the Programme has been delayed for various reasons. A short version of the Programme was adopted by the Government in May this year, and it is hoped that the longer Programme – which contains concrete projects in the field of integration – will be approved in due time once it is submitted to the Government by the end of September this year. Moreover, the Mission trusts that the Latvian Parliament will adopt a Law on the Social Integration Fund in due time and ensure adequate financial support for the implementation of the Programme.

Draft Law to Amend the Law on the Constitutional Court

The Mission welcomes the initiative to amend the Law on the Constitutional Court to make the Court more accessible. In a first reading, the Parliament approved a text stipulating that also individuals may present cases to the Constitutional Court. It is expected that the amendments may be adopted in the fall session of the Parliament.

Ratification of International Conventions on Children's Rights

On 11 August and 29 September 1999 Latvia signed respectively the European Convention on Adoption of Children and the European Convention on Recognition of Decisions and Enforcement of Decisions Concerning Custody of Children and Restoration of Custody of Children.

MISSION PROJECTS

Publication of Textbooks

In September this year, the textbook "Human Rights in the World and in Latvia" saw its completion. The book is the result of the co-operation between the Mission and the Latvian Human Rights Institute in the preparation and publication of the first book in the Latvian language to be devoted to human rights. Whilst ODIHR has provided the

necessary funding of USD 10,000 for the project, the Mission has undertaken monitoring activity to ensure the publication of the book. The Mission has decided to mark the 25th Anniversary of the signing of the Helsinki Final Act with the launching of the textbook in an event on 29 September.

On 26 April the Latvian State Administration School published a textbook on good public administration. The book was published with the financial support of the Danish government. The need to publish a handbook for civil servants on key components of good public administration was first addressed by the Mission. The Mission has continued to support the publication of the book by participation in the Advisory Board set up to monitor the drafting process of the book.

Integration Projects

In March 2000 the Mission, in co-operation with the Latvian Naturalisation Board and with the financial support of the Danish Government, conducted a seminar entitled 'Regional Integration'. Some 75 participants, representing local authorities, NGOs, mass media and others, were invited to discuss integration strategies in their respective regions.

In the first half of this year, the Mission initiated the umbrella project "Integration 2000" where regional NGOs were invited to take part in a competition to submit projects supporting multicultural dialogue in their respective regions. Nine regional NGOs were selected regional winners and received funding to materialise their projects with the financial support of bilateral missions to Latvia. The awarded projects cover a wide range of activities, from language summer camps; discussion clubs for youth; to the production of video clips on how different nationalities reside together in respective regions.

In co-operation with the Latvian Naturalisation Board, the Mission is undertaking a project to publish the booklet "10 Questions on Integration". The booklet, which will be published in March next year, is a multi-donor project, which has also received financial support from ODIHR. The booklet will be published in Latvian, Russian and English and will be used at schools to raise awareness of the importance of integration.

MISSION CONTACTS

Governmental institutions

As indicated above Mission members maintain regular dialogue with representatives of Latvian authorities. Contact points cover a vast range of areas and levels from meetings with locally and centrally deployed civil servants, individual MPs, participation in sessions of the standing committees of the Saeima, to discussion on ministerial and presidential levels. The Mission is received well and faces few obstacles in its dealings with Latvian authorities. This is particularly felt in contacts with the Naturalisation Board and the Department of Citizenship and Migration Affairs. Similarly, we have enjoyed working with the staff of the Latvian Language Training Programme, who has given us valuable insight in their work and challenges related to raising sufficient funding for the Programme. The Mission's programme of

visits to different regions of Latvia also permits a familiarity with distinct situations and problems experienced by people away from the capital.

Non-Governmental Organizations

The Mission maintains and is further developing close contacts with the main NGOs in Latvia, which have an interest in the topics covered by the Mission's mandate. The Latvian NGO Centre and its regional branches compose key counterparts, and their broad spectrum of users gives the Mission valuable access to information about relevant NGOs. Moreover, in the majority of the Mission's projects we have involved Latvian NGOs which in an impressive manner have ensured the successful implementation of our various projects (see above).

The National Human Rights Office

Over the past year the National Human Rights Office (NHRO) has failed to meet the expectations regarding the functions which it was foreseen to perform when it was first set up. An Advisory Board, in which the Mission is participating, is intended to steer the NHRO in a more effective direction. However, the Advisory Board itself has so far not been able to focus its work sufficiently.

International Community

The Mission maintains very good contacts with representatives from the international community. This includes regular contacts with embassies for briefing falling under our mandate. Co-operation has also included Mission co-ordination of funding from bilateral missions, lately in organising a fund-raising meeting on language training for naturalisation candidates.

The Mission meets regularly with representatives from other international organizations present in Latvia. By doing so we can exchange information on issues relevant to our mandate, getting an overview of their activities and co-operate on common projects. One example of the latter, is the Mission's contact with the UNDP Office in Riga, which has been co-ordinating funding for the NHRO and the Latvian Language Training Programme. Similarly, we have benefited from co-operating with the SOROS Foundation, which has assisted the Mission in monitoring our project on the textbook on Human Rights. Whilst the IOM office in Latvia has given us valuable information on migration issues, we have been able to provide support in raising funding for their programme providing for voluntary repatriation to Russia. Finally, the Mission keeps in contact with organizations that are not present in Latvia and briefs representatives from among others the Council of Europe and Council of Baltic Sea States on issues of common interest.

CONTACTS WITH OSCE INSTITUTIONS

The Mission enjoys good working relations with different officers at ODIHR. This applies both to the support and advice provided for in relation to above-mentioned projects and in exchange of information on relevant developments in Latvia.

The Mission works very closely with the High Commissioner on National Minorities, Mr. Max van der Stoel, and his staff, particularly over minority issues of language, education and citizenship.

The Mission also appreciated the visit of the President of the OSCE Parliamentary Assembly, Ms Helle Degn, in October last year.

PROPOSALS FOR THE FUTURE

In its continued work, the Mission will focus on three areas of activities in the field of human dimension. First, continued monitoring of relevant legislation and implementation of these acts. Secondly, the Mission would be glad to maintain its role as a keen supporter in the process of completing and implementing the Social Integration Programme. Finally, the Mission will to the best of its efforts continue to co-operate and support the NGO sector in ways of joint projects and capacity building in general.

**OSCE Mission to Latvia
28 September 2000**



**Organization for Security and Co-operation in Europe
Mission to Moldova**

CURRENT HUMAN DIMENSION ACTIVITIES

The OSCE Mission to Moldova was deployed in Chisinau, capital of the Republic of Moldova, on 25 April 1993. It also maintains a branch office in Tiraspol, centre of the breakaway Transdniestrian region. The current strength is eight mission members including one Human Dimension Officer, who is supported by a local staff Human Rights Assistant. The task of the Mission is “to facilitate the achievement of a lasting, comprehensive political settlement of the conflict involving the secessionist and predominantly Russian-speaking Transdniestrian region in all its aspects on the basis of the consolidation of the territorial integrity of the Republic of Moldova”.

The Mission *inter alia* is mandated to:

- “provide advice and expertise, as well as a framework for other contributions, on such elements of a political settlement as the effective observance of international obligations and commitments regarding human and minority rights, democratic transformation, the repatriation of refugees;
- initiate a visible OSCE presence in the region and establish contacts with all parties to the conflict, local authorities and local populations”.

The Mission’s main fields of activity in the Human Dimension area are:

- mediation, in co-operation with local authorities, in individual human rights complaints;
- participation in seminars related to Human Dimension issues;
- organization and implementation of seminars (for instance the OSCE Seminar “Interrelationship between Central and Regional Authorities” (July 1998), the Mission Seminar on “Schoolbook Evaluation and the Work of Historical Commissions (September/October 1999), the APT/ODIHR Workshop on “Visiting places of detention by national NGOs” (July 2000));
- distribution of related information and expertise for individuals, NGOs, international organizations and official authorities, especially in the Transdniestrian region;
- briefing for diplomatic and individual missions to Moldova on the actual situation concerning the Human Dimension;

- close co-operation with international organizations (especially Council of Europe, UNDP, UNICEF, UNHCR, IOM, TACIS, World Bank);
- assistance to ODIHR in election monitoring (for instance of the Parliamentary elections in March 1998);
- assistance to the Office of the HCNM in monitoring minority issues (especially questions of language legislation);
- political assessment of local or regional elections, not observed by ODIHR (e.g. the elections to the Bashkan (Governor) and the People's Assembly of the autonomous region Gagauz Yeri (Gagauzia) in August and September 1999, and the Transdnestrian local elections in March and April 2000);
- improvement of the situation in the penitentiary system (together with national and international NGOs and the Ministry of Justice);
- monitoring of interethnic relations (e.g. post conflict rehabilitation in Gagauzia);
- monitoring and mediation in the field of education and language policy (e.g. the Romanian language schools in the Transdnester region, the Moldovan law on radio and television, and the draft amendment to the law on advertisement).

PRIORITIES FOR 2000/2001

The Mission will have to carry on in principle with all the above mentioned issues. Nevertheless it will focus on some special problems as:

- national minorities and language policy (supporting the Office of the HCNM, as well as the Moldovan Government and UNDP in carrying out activities to strengthen the teaching of the state language, monitoring developments in the field of language regulations in radio/television and advertisement, implementing the European Framework Convention on National Minorities);
- monitoring the political situation in the autonomous region of Gagauz Yeri (Gagauzia) and the Moldovan-Gagauzian centre-region relations in the areas of tax revenues, budget allocation, public property ownership, and adjustment of legislation;
- further monitoring the implementation of constitutional amendments for possible effects on OSCE commitments;
- monitoring trafficking in human beings and supporting Moldovan state institutions, international organizations, as well as national and international NGOs in carrying out and coordinating activities to fight trafficking from the Republic of Moldova and to support and reintegrate returning victims of trafficking;

- support, co-ordination and supervision of the working groups on historical textbooks between Moldova and its Transdnestrian region, established in autumn 1999;
- mediating in disputes related to the Romanian language schools in the Transdnestrian region;
- Roma and Sinti issues (co-operation with Roma NGOs, regional round tables with Roma and local authorities on the situation of Roma);
- strengthening co-operation with and support for local NGOs and the Ombudsmen Centre of Human Rights with stress on national capacity building (e.g. individual human rights complaints, visiting places of detention);
- gender issues (e.g. women in prisons);
- identification of areas of common interest between the Transdnestrian region and Moldova proper which might benefit from international assistance and co-ordination of such international assistance (the Mission itself has only a small budget with which to make a symbolic contribution).



ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE
Spillover Monitor Mission to Skopje

Summary:

Human Dimension activities of this Mission have been focused on events arising out of the murder of three police officers in the line of duty which occurred in January 2000. This incident and the strong police response in the ethnic Albanian community near where the incident occurred led to multiple claims of excessive force and violations of human rights by the police in the course of their investigation, including an allegation of extra-judicial killing of one suspect. In addition to issues arising out of this incident, the Mission has been extensively involved in issues related to the trafficking in women and children, the alleged abuse of official power in general, the rights of accused persons in the pre-trial criminal procedure, educational rights of ethnic minorities, claims related to state pressure on the media, and to the political participation and empowerment of women.

ISSUES RELATED TO CRIMINAL JUSTICE:

The Macedonian police have frequently been the target of allegations of excessive force and inappropriate investigatory techniques. During 2000 these allegations have been focused on circumstances arising out of the murder of 3 police officers, but that incident and its aftermath is not the only source of complaints.

The practice of “informational talks”, authorised as a technique of investigation in criminal cases by the law of criminal procedure, is a common source of complaints alleging the abuse of police power for political purposes or intimidation. During 1999, the police were criticised for requiring the attendance of two trial court judges at informational talks after the judges refused to grant the police a warrant they had requested. The officers involved were disciplined by their Ministry, but the courts took no independent action to defend their judges.

Recently, complaints about the misuse and abuse of procedure have arisen in the context of requests that certain Directors of banks and enterprises and one reporter with ties to the opposition submit to an informational talk. Supporters of the affected persons claim the procedure is used to intimidate the opposition, while officials contend they are pursuing legitimate legal issues by legally authorised means. The Mission HDO interviews complainants and the authorities to attempt to determine where the truth falls between these claims.

In the high profile Arachinovo case referenced above, the Mission has investigated complaints and monitored a wide variety of circumstances related to the rule of law and protection of human rights. Police actions in the village nearest to where the murders occurred led to complaints that many citizens and their property were subjected to excessive force while the police searched the village without presenting a warrant. The Mission contacted the Macedonian authorities on behalf of the uncharged villagers, requested clarification on the actions of the police, and verified that compensation awarded to families for damage to their property was promptly paid.

Subsequent to the search of the village, the police took several persons into custody. One of these persons later died, allegedly of a heart attack induced by illegal drug use. When his body was returned to his family for burial he was observed to have numerous abrasions and contusions on the face and head with some indications that he may have been shot in the head at close range. This person's autopsy has never been released and the Mission has only had access to photographs of the deceased taken by his family before burial. The Mission has been in regular contact with Macedonian authorities regarding the need to explain the circumstances of this death in greater detail and to assure that an appropriate investigation is conducted and that appropriate legal and institutional accountability is imposed.

The surviving persons placed under arrest were held in detention without charge for 180 days. During this time the Mission made regular visits to the detainees and met with members of their families to assure that the circumstances of their confinement met international standards. One detainee was a juvenile. The condition of the juvenile and circumstances of his detention were regularly monitored by the Mission.

ISSUES RELATED TO WOMEN:

The Mission has been extensively involved in matters related to trafficking in women and children. Mission members have participated in establishing protocols for handling the release and repatriation of trafficked women with emphasis on creating more humane practices for police and immigration handling of trafficked women. The Mission was instrumental in arranging for the first group of trafficked women to be housed in a hotel pending departure from Macedonia, rather than being held in jail. The Mission continues to work with the Macedonian government for the establishment of a safe-house and a government co-ordinator.

The Mission has also worked with the Union of Macedonian Women to encourage women's empowerment and political participation. This has included actions to encourage parties to place women in higher positions on their candidate lists and to develop a pool of potential candidates among women. The Mission has also worked to help the Union of Macedonian Women establish and promote the National Action Plan for Gender Equality. In addition to its efforts with the Union of Macedonian Women the Mission has also assisted NGOs to improve services to battered women and to promote draft legislation on domestic violence.

OTHER ACTIVITIES:

In addition to the foregoing, the Mission has investigated claims that tax and property investigations were being used to apply pressure to political groups and that linguistic minorities were not being allowed to have their children educated in their parents language. Prior to local elections there were numerous instances where the law of construction permits was applied to the property of opposition supporters and buildings without permits were legally destroyed. In some cases the opposition media was the recipient of both legal orders to have their buildings destroyed and tax collection efforts. The Mission encouraged the local authorities to consider the appearance of unequal application of the law which could develop if only opposition media and supporters were the subjects of enforcement of the tax and building codes.



**Organization for Security and Co-operation in Europe
Mission to Tajikistan**

Report on Human Dimension Activities 2000

The OSCE Mission to Tajikistan was established in 1994 in the aftermath of the civil war in 1993/95. Consequently, the original mandate covers a wide scope: to facilitate confidence-building between regionalist forces, to promote the respect of human rights, to promote and to monitor adherence of OSCE principles, to assist in the development of legal and democratic political institutions. In the *General Agreement on the Establishment of Peace and National Accord in Tajikistan* (Moscow 1997) the Mission is additionally requested to “facilitate the implementation of the General Agreement in the areas related to the observance of human rights and establishment of democratic political and legal institutions and processes in the Republic of Tajikistan”. Together with the former United Nations Mission of Observers to Tajikistan (UNMOT) the OSCE Mission has actively supported the implementation of the Peace Agreement in all areas related to Human Rights, Democratisation and Peacebuilding throughout the peace process. The parliamentary elections in February 2000 were jointly observed with the United Nations within the Joint Election Observation Mission to Tajikistan (JEOMT). The OSCE Mission also observed repeated elections in seven districts and followed up a series of election-related complaints. Although the Parliamentary elections fell short of OSCE standards they were perceived as the fulfilment of the peace process. In May 2000 UNMOT was dissolved and by decision of the UN Security Council in May 2000 the Office of the United Nations Tajikistan Office for Peacebuilding (UNTOP) was mandated .

The Mission is entitled to eleven international mission members and to maintain five Field Offices. At present the Mission consists of ten mission members and five field offices are operational. Three Field Offices are located in the South of Tajikistan (Kurgan-Teppe, Dusti, Shahrituz), one office is located in the Karategin Valley (Garm). In January 2000 the Mission opened a Field Office in the capital of the Northern Province of Leninabad in Khojent. During the reporting period the general security situation improved, although the Field Office in Garm, is still faced with security restrictions in its activities.

HUMAN RIGHTS MONITORING / REPORTING / INTERVENTION

The OSCE Mission is the leading human rights organization in Tajikistan and enjoys extensive co-operation in this field with UN agencies, international organizations, national and international NGOs. The main focus of OSCE's monitoring activities are monitoring of trials, cases of looting and harassment committed by members of the armed forces, freedom of media, freedom of association, cases of illegal detention and house occupation, the reintegration of refugees, the situation of minors and children in prison, death penalty cases, trafficking of human beings, drug trafficking and related crimes. During the reporting period the Mission monitored several death penalty trials. From all the cases the Mission followed, the case of a young Tajik woman received the widest public attention in Tajik and international media. Dilfuza Nomonova was sentenced to death by the Dushanbe City Court after an unfair investigation, an incorrect trial and severe human rights violations during pre-trial detention. The death penalty was confirmed by the Supreme Court in April 2000. As a result of the convergent efforts by the Chairmanship and other personalities from different countries, ODIHR, as well as the Mission's actions in co-operation with the Tajik League of Female Lawyers, several Embassies and international organizations, the verdict was commuted to imprisonment in a second hearing by the Presidium of the Supreme Court in August 2000.

Due to the strong regionalisation and fractionalisation of Tajik society and power structures the Field Offices fulfil an indispensable role in monitoring human rights violations and offering advocacy to victims in the regions. During the reporting period the Mission has developed a co-ordinated programme for Human Rights and Democratisation activities on the local level and increased its regional activities.

HUMAN RIGHTS EDUCATION / CIVIC EDUCATION

Within its comprehensive Human Rights and Civic Education Programme, the Mission started this year to conduct seminars on Human Rights and Governance for local governmental authorities in Garm, Khorugh, Shahrituz, Kurghon-Teppa and Dusti. More than ten seminars for representatives of local governments were conducted, thus upgrading the political and professional skills of over 150 local administration officials. The seminars provided participants with an overview of the legal framework of the Human Rights conventions Tajikistan is party to and translated the commitments into practical recommendations for local governance. The Missions seminars were highly welcomed by local authorities.

Following the Missions pre-election education activities (voter education, candidate forums and election-related publications) the Mission developed a programme to sustain political plurality also in the post-election period. To this end, in addition to the periodical meetings of national leaders of political parties and movements hosted

by the Mission in Dushanbe, ten roundtables, seminars and training activities were organized in Khujand, Kurghon-Teppa, Dusti, Garm, Tursunzade, Hissor, Nurek and other location with the participation of over 300 regional and district political leaders. The participants assessed the existing situation and explored major topics such as the role of political parties in the democratization of a post-conflict society, the evolving multi-party system in Tajikistan and the activities of the parliamentary and non-parliamentary political parties. There was a convergent opinion about the need for more active involvement of women and youth in the parties' activities.

The Mission also developed a programme on the Rights of Children and conducted more than ten seminars throughout the country with participants from local NGOs and governmental representatives, addressing the need to further strengthen public and governmental awareness of the Rights of the Child.

In collaboration with Tajik and international partners the Mission organized five summer camps, providing more than 200 students with basic education on human rights.

The OSCE Mission continued its efforts to encourage a more action-oriented debate followed by appropriate measures with regard to protection of human rights during pre-trial detention, death penalty, the situation in prisons and trafficking of human beings. In this connection the Mission together with ODIHR, IOM, UNICEF, UNDCCP and SDC, as well as with the Tajik NGO "Modar" is supporting a research project on trafficking of human beings, particularly women and children.

With support from the Austrian government and the American Bar Association the Mission initiated a Human Rights Summer School implemented by the Tajik NGO "Human Rights Office" in order to build local capacity and support local Human Rights NGOs.

In November 2000 the Field Office in Khujand organized the first conference on Human Rights during pre-trial detention in Tajikistan, with the participation of international experts, Tajik law enforcement representatives, the regional prosecutor, representatives from the Judicial system and prison administration. The conference was a further step in the Mission's efforts to address the serious shortcomings and problems in the Tajik prison and pre-trial detention system. During the reporting period the Mission gained access to prisons for the first time since 1994. The process of confidence-building with the relevant Tajik authorities is actively pursued by the Mission.

FREEDOM OF MEDIA / REHABILITATION OF MEDIA

In close co-operation with the Office of the Representative on Freedom of the Media and with financial support of several OSCE member States the Mission is actively supporting the creation of free and independent media. During the reporting period a media assistant has been hired in the main office to provide support to more than a dozen rehabilitation projects. The Mission continued its rehabilitation programme for media in the regions of Tajikistan. Based on the experiences with the successful revitalization of five regional newspapers in different districts of the country - Sadokat in Shahrtuz, Sharaf in Kabodiyon, Navidi Dusti in Kumsangirt, Hakikati Kolkhozobod in Kolokhozobod and Oinai Rasht in Garm, the Mission continued with

the rehabilitation of eight more newspapers funded by a grant from USAID. The following rehabilitation projects are being implemented:

in Gorno-Badakhshan

1. “Zindagi” newspaper, Ishkoshim district
2. “Shohdara” newspaper, Roshtkala district
3. “Darvoz” newspaper, Darvoz district
- 4.

in the region of Garm

5. the “Karotegin” newspaper, Jirgatal district
- in the region of Leninabad
6. the “Sugd” newspaper,

and in the region of Khatlon

7. “Subhi Ghozimalik” newspaper
8. “Hayoti Nav” newspaper, Panj district
9. “Bishkent” newspaper

Within the Civic Education programme funded by UNDP the Mission is implementing two media projects aimed at upgrading public awareness of the first professional Parliament in Tajikistan. Weekly TV broadcasts on the private TV channel “Poytakht” inform about the function of the Parliament within a democratic system and on the work of the parliament, its committees and the heads of the committees. At the same time the “National Association of Independent Media in Tajikistan” publishes a series of articles on Civic Society and its structures in different Tajik Media.

After one and half years of advocacy by the Mission the Tajik authorities finally issued a license for the Khatlon TV and Radio station project. The Mission actively supports and supervises the implementation of the project, which receives considerable attention from local authorities, as it will be the first independent TV and Radio station in the region.

The Mission also facilitated the creation of the first independent information agency in the Leninabad region. The information agency “Varorud” has been funded with USD 38.000 by the Danish Government. The implementation of the project has started in October and is scheduled to run for fifteen month.

At the same time the Mission has extended its activities for training of journalists. In February 2000 a national Conference on the Electoral Process and Media in Tajikistan was held with participation of BBC journalists, followed by a series of training seminars in the regions.

In co-operation with the OSCE Representative on Freedom of the Media, the Mission has is implementing the Second Conference on the Media in Central Asia in Dushanbe in November 2000.

GENDER ISSUES / CIVIC EDUCATION FOR WOMEN / WOMEN'S SUPPORT GROUPS

In co-operation with ODIHR and using funding provided by OSCE member States and international organizations the Mission continued the implementation of a countrywide programme of seminars for women activists in rural areas. After an evaluation of the Mission's gender programme in March and April 2000 the gender programme was revised and a countrywide network of Women's Support Groups established. During the reporting period the overall numbers of seminars for active women on political and social rights, women and elections, family rights, involvement of women in business, health and medical services raised to 360 with more than 7200 participants.

MINORITY ISSUES

In Tajikistan, as in all other Central Asian states, the population is ethnically mixed. The Mission regularly meets with minority representatives on national as well as local level and intervenes where minority rights are neglected. During the reporting period a series of ethnically motivated problems were observed in the Southern district Panj. As mentioned above, the Mission has conducted ethnically mixed summer camps for youth in that region to address this problem also on the grassroots level.

POLITICAL PLURALISM

Through a number of activities, the Mission contributes to further develop political pluralism in Tajikistan. By means of silent diplomacy as well as by monitoring the application of existing legislation, the Mission assists a number of political parties, regional and national NGOs and human rights organizations in their endeavor to strengthen the rule of law and respect for human rights.

In August 2000 the Mission, together with the George Marshall European Center for Security Studies, conducted a course for political party leaders on the topic: "Political Parties in a Post Election Environment". Leaders of all political parties participated, representing the governmental parties, the parties of the United Tajik Opposition, and other opposition parties.

ECONOMY / ECOLOGY

During the reporting period the OSCE Mission has elaborated a strategy regarding economic, environmental and drug related issues, serving as a roadmap for the activity in this area, which represents the highest priorities for Tajikistan in the current period of post-conflict rehabilitation. A workshop for small entrepreneurs and NGOs acting in the economic field was organized in Dushanbe on 31 July and the Mission is considering a number of specific proposals advanced by the participants, regarding creation of centers for providing legal assistance to small and medium business, organizing professional training of entrepreneurs and holding seminars on tax and other legislation concerning economic activities in the country. In addition, the Mission and its Field Offices introduced economic, environmental and drug-related problems into the agenda of youth summer camps and women's seminars, organized during the last couple of months. Among the priority projects envisaged for implementation in the immediate future is a seminar on economic rights for entrepreneurs to be conducted together with the American Bar Association, a basic business training for participants in the Women Support Groups, a roundtable on the "Aarhus Convention and its possibilities to contribute to the process of democracy building in Tajikistan", a workshop on community level co-operation for sustainable

economic development in Tajikistan, business training for small private business people, and a seminar on computer/Internet training. At the same time, the Mission conducted two roundtables on drug prevention in Dusti and Khujand with the participation of experts from the Tajik Drug Control Agency, representatives from the education departments, the Tax and Customs Committee, the courts, local prosecutors and the militia. The Mission welcomes the initiative of the CiO to promote a regional approach to drug control and related problems and is developing relevant projects, which will contain a cross border component.



**Organization for Security and Co-operation in Europe
Project Co-ordinator in Ukraine**

Activities in the field of the human dimension

1. Mandate of the OSCE Project Co-ordinator in Ukraine

Following the OSCE Permanent Council Decision No. 294, 1 June 1999 and the signing of a Memorandum of Understanding on 13 July 1999, which the Verkhovna Rada of Ukraine ratified on 10 February 2000, a new form of co-operation was initiated between the OSCE and the Government of Ukraine. This co-operation consists in the planning, implementation and monitoring of projects between relevant authorities of Ukraine and the OSCE and its institutions. In order to carry out this task, the OSCE Project Co-ordinator in Ukraine was established. The projects may cover all aspects of OSCE activities and may involve governmental as well as non-governmental bodies of Ukraine. They are mainly to be financed by voluntary contributions of OSCE Participating States.

2. Background regarding the human dimension

The new Constitution of Ukraine, adopted in 1996 and modeled on those of Western European democracies, provides a good legal framework for protecting civil and human rights. This framework, however, still needs to be filled by corresponding legislation. The bulk of the current legislation dates from Soviet times and needs to be revised. At present there are some 4,000 draft laws pending in Parliament, among them basic law codes (e.g. criminal, civil and commercial codes) and other fundamental legislation. In particular the existing system of courts and law enforcement bodies has to be brought in line with the constitutional provisions. For this, a five-year transitional period has been foreseen in the constitution. This means that by 28 June 2001 major legal acts regarding the judicial system, the Procuratura (Office of Public Prosecutor) and the criminal procedure have to be adopted.

In 1998 the institution of the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine (Ombudsman) was established. It is vested by law with broad powers, including unrestricted and unannounced access to any public official, including the President, unrestricted access to any government installation, and oversight of implementation of human rights treaties and agreements signed by Ukraine. However, the law does not provide the Ombudsman with appropriate enforcement authority. Any citizen of Ukraine and any person residing in Ukraine can address their concerns directly to the Human Rights Representative. The Ombudsman also serves as an intermediary between citizens and the Constitutional Court, since individuals cannot address the Constitutional Court directly on the issues of unconstitutionality of legal acts.

In October 2000 the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine is expected to release the first annual report on its activities and on the state of the human rights in Ukraine. It will be the first time that such a report will be

available not from foreign (e.g. U.S. Department of State Country Reports on Human Rights Practices) but official Ukrainian sources.

Ukraine is still in a deep economic crisis. The budget constraints are very tight, which negatively affects the functioning of all institutions that are relevant for the safeguard of civil and human rights. They lack adequate equipment and infrastructure, and the very low salaries in the public sector negatively influence its performance, corruption being a widespread phenomenon. The consequences, which the economic crisis has for the social rights of the citizens, e.g. the non-payment of salaries or the inaccessibility of adequate medical care, seem to be the most serious concern of the majority of the Ukrainian population, a large percentage of which is living under the poverty level. Especially in winter the energy crisis makes living conditions precarious in most parts of the country outside the capital.

3. Project Co-ordinator's Activities and Priorities

The implementation of projects started on the basis of a list of project proposals that were submitted by the Project Co-ordinator to the Ministry of Foreign Affairs of Ukraine and that were approved by the latter early in January 2000. Most of the initial projects were of pilot nature. Therefore the Project Co-ordinator devoted much effort in the past year to develop further the projects in close co-operation with the partners. Additionally possibilities for new projects were explored.

As an overall guideline the focus was laid on activities that support Ukraine in adapting legislation, institutions and processes to the requirements of a modern democracy based on the rule of law. Given limited resources concentration on key issues and institutions was crucial. Special emphasis was placed on the support for the rule of law as an important general priority, strengthening the judicial institutions being key in view of promoting rule of law under the current conditions.

Basically the projects were designed along two main directions:

- Assistance in the adaptation of legislation
- Support for key institutions for the rule of law as such as the Supreme Court, the Constitutional Court and the Human Rights Ombudsman

The most important partner on the OSCE side for the programmes that are carried out in 2000 by the Project Co-ordinator's office in close co-operation with the relevant Ukrainian authorities is the ODIHR.

Among the most important project activities are the following:

- Comprehensive review of human rights legislation: This project, which goes back to a proposal of the Ministry of Justice of Ukraine, aims at bringing Ukrainian legislation regarding Human Rights in line with European and international standards. The project is implemented by the ODIHR through the Project Co-ordinator in co-ordination with the Council of Europe. In carrying out this broad project, international and Ukrainian experts are actively working with all relevant actors in the legislative process. As an "off-shoot" of this programme a project regarding the reform of the so-called propiska system was started with the Presidential Administration in autumn 2000.

- Technical and practical support to the Authorized Human Rights Representative of the Verkhovna Rada (“Ombudsman”) of Ukraine: The Office of the Ombudsman is a key instrument for the promotion and protection of the rights of the individual in Ukraine. The Project Co-ordinator supported the Ombudsman institution through several projects of technical and advisory assistance. Areas of particular attention were the office management and the administration of complaints as well as the backup by appropriate equipment.
- Assistance to the Supreme Court: The Supreme Court as the highest body in the Ukrainian Court system of general jurisdiction plays a central role regarding the Ukrainian judiciary. A first activity with the Supreme Court concerned the access of judges on the regional and district level to the case law and expertise of the highest judicial bodies. For this aim the establishment of a nationwide database on Court rulings and jurisprudence was initiated. As a second activity assistance regarding the establishment of an administrative Courts system was started. Technical assistance in this field is planned to become a major project as soon as the necessary legislative basis is completed.
- Combating trafficking in human beings: In a joint project of the ODIHR and the International Organization for Migration, the Project Co-ordinator was actively involved in providing technical assistance to support the National Co-ordination Council against Trafficking under the Office of the Ombudsman. The Co-ordination Council serves as a focal point both for a national strategy and international co-operation. In the framework of the project, special emphasis was laid on legislation and law enforcement.
- Rule of law aspects in the military field: The project started with a round table seminar on the role of Military Courts, the Military Prosecutor’s offices the Military Police, which was organised with the Ministry of Defence against a backdrop of reforms in this field that are under way in Ukraine. As a follow up, a project of assistance regarding the planned establishment of a Military Police and a project regarding the education of high-ranking officers were started.



**Organization for Security and Co-operation in Europe
Office in Yerevan**

MISSION MANDATE AND THE HUMAN DIMENSION

After the ratification of the memorandum of understanding in February 2000, the OSCE Office in Yerevan started to operate officially. After attending induction and detailed briefing sessions in Vienna and Warsaw, the international staff, prepared for the future work, initiated contact making to enable themselves to make a speedy start on the handling current and future ODIHR projects in the area of the human dimension.

A great deal of valuable information was also handed over to us. The Armenian authorities welcomed the presence of the Office and the coverage afforded by the Office mandate understanding its importance and the opportunities this would give better to increase co-ordination with existing international organizations and supporting the democratic processes and reforms in the country.

Overview of Missions Activities in the Human Dimension Fields

- 1. ELECTIONS.** One of the first steps taken was, along with UNDP and IFES representatives, to start work with the experts of the relevant Parliamentary Standing Committee on State and Legal Affairs to discuss modalities of further international assistance in the drafting process of the Electoral Code. It was agreed that the international representatives would make their comments and recommendations on the various proposed amendments. The Office strongly supported the ODIHR project for assistance in the review of election legislation. This was welcomed by the Armenian Parliament. The Office hosted meetings of international agencies and parliamentary legal experts to discuss the latest state of play in the preparation of amendments to the Electoral Code. In addition, during those meetings the participants also looked at ways of involving extra-parliamentary groups, the judiciary and civil society representatives in the work – probably through a series of round tables and seminars. The objective of all actions related to this issue was to finalise the work on the preparation of amendments by the autumn for parliamentary debate at the end of October. The time frame for consultations with experts provided by ODIHR was also agreed and the Office is preparing now their visit to Yerevan (September 18-19).
- 2. MIGRATION/REFUGEES.** The Office has begun to define its spheres of interest in the refugee situation in the Republic of Armenia, in co-ordination with UNHCR and Armenian authorities involved. It is continuing to develop a network of contacts, including on-site visits to refugee centres and areas of settlement. Our involvement has been in the areas of assessing the effectiveness of the legal and administrative framework regarding refugees together with assistance in the preparation of a new refugee survey and promotion of the implementation of proposed Government programmes for post-conflict rehabilitation and re-settlement. The office and two local NGOs will take part in the OSCE

Supplementary Human Dimension Meeting on Migration to be held on September 25 in Vienna.

3. **REGISTRATION.** One of the main areas of activity has been the ODIHR project on registration of permanent residents of Armenia. Based on the Government it was agreed that OSCE/ODIHR will support the Government in developing a concept and legal basis for a new registration system conforming to international standards, training for officials of relevant Government bodies and organization of a public awareness campaign. Additional to activities like co-ordinating and supporting the Governmental working group and ODIHR experts, the Office started to find ways of involving other agencies keeping or using data on citizens for their own needs. The lack of co-operation or co-ordination between agencies has led to inefficiency and confusion. Raising the problem with the Minister of Foreign Affairs, we have expanded the Working Group to include experts from some other Governmental bodies and invited as consultants-experts representatives of local powers and some other state agencies interested in developing a new system of registration as users or holders of data.

The office has worked out a timetable for the next four month within the project on registration of permanent citizens. This has been submitted to ODIHR. The Armenian Government has announced that it will hold a census in October 2001 and we have held discussions with the Ministries involved to see whether it will be possible to speed up work on the registration project so that its results can be implemented immediately following the census. Both the concept and necessary legislation now need to be fast tracked.

The experts agreed with the work-plan and the timetable proposed by the Office and decided to start with looking for experts to draft the Concept of the new system of registration. The Office received recommendations from the Parliament and Government as well as from different association of professionals.

The Office held a meeting with representatives of several ministries to discuss the requirement for legislation on personal data protection. Since the ODIHR project on registration will also involve the holding of personal information on computer data banks, the officials agreed that OSCE/ODIHR could take the lead in elaborating an umbrella law on data protection. The Office worked out a project proposal and submitted it to Warsaw.

4. **MINORITIES.**

- a. **RELIGIOUS MINORITIES.** The Office was engaged in the preparations for the Roundtable on Ethnic and Religious Tolerance, which ODIHR hosted in Yerevan on 24-25 May in conjunction with the Armenian Ministry of Foreign Affairs. The preparatory work and the Expert Roundtable itself identified a number of problem areas: the need to review existing legislation, particularly as it concerns conscientious objectors, establishing alternatives to military service, the measures to be taken on issues of religious tolerance, inter-religious affairs and the rights of religious organizations and the promotion of religious tolerance, in schools, through public awareness campaigns and enhancing the dialogue between different religious groups. The Office has been approached by the State Council on Religious Affairs for assistance in printing and distributing a brochure on

religious groups and organizations active in Armenia. Providing background information on registered and non-registered religious groups as well as charitable organizations it also contains the texts of international conventions on Freedom of Conscience and Religion or Belief as well as the Armenian Law on Freedom of Conscience and Religious Organizations. The brochure, which has been sent to ODIHR for comments, will be distributed to religious communities and organizations, state bodies, NGOs, educational and cultural bodies.

b. ETHNIC MINORITIES. Prior to the Expert Roundtable the Office was represented at the first ever Congress of National Minorities held in Armenia. The second topic of the roundtable was devoted to ethnic tolerance issues. Presentations on International Conventions and commitments aroused much discussion. Key issues involving political, economic and cultural rights were identified and suggestions made to promote inter-ethnic tolerance. There was also discussion of the role and responsibilities of the recently established Co-ordination Council of National Minorities. The produced a number of recommendations followed up by ODIHR and the MFA.

- 5. NON-GOVERNMENTAL ORGANIZATIONS.** Representatives of the Office have started to establish direct links with Armenian NGOs working in the fields of human rights and democratization issues and build up our own internal databases. Given the plethora of non-governmental groups within the country this is intended to establish the most appropriate partners for our future work.

The Office funded or recommended for other donors some projects, participated in NGO activities and invited their leaders or experts to become involved in all the projects or activities that the Office is running.

Apart from attending seminars and conferences organised by NGOs in different issues the Office elaborated a programme strategy for NGOs. The project proposal to support and train them as well as to help to establish a dialog between the society and authorities has been submitted to ODIHR.

- 6. GENDER.** One of the first fields where we became actively involved is the gender sphere. At meetings with non-governmental organizations engaged with women's issues, together with women politicians, Governmental officials and students, problems hindering women's active participation in politics and decision making were discussed. Based on published evidence the participants stressed that there has been no improvement in women's situation in Armenia which is considered to be worse than in Georgia and Azerbaijan, where special state bodies are established to deal with the women's issues. However, despite the plan for action on the issue that the Government adopted in July 1998, the Armenian authorities are said to be reluctant to establish such a body. The Office has now become actively involved in the elaboration of an ODIHR project on gender issues. Wide-ranging discussions have been held with official and non-official bodies and individuals to identify potential partners. The object of the work in the gender field is to increase participation in democratic processes and civil and political life and to support and enhance the role of women in all spheres of

science, education, culture and mass media. Trying to support the gender unit, the Office brought together 25 representatives from 20 NGOs dealing with gender issues to look at ways of co-ordinating their activities and to have their opinions and recommendations about the objectives and activities in the frame of the future project. The conclusions will be sent to Warsaw. Following the agreement of this meeting the Office is organising, on monthly basis, such gatherings to share experiences and examine ways in which efforts could be combined. Our initiative was welcomed by the participants, which now include all the 37 gender organizations. We are looking to invite and involve authorities in those meetings to establish a dialogue about the approaches to the Armenian authorities to make them more focussed and relevant.

The participants decided to follow-up soon with another meeting of all non-governmental organizations dealing with women's issues, in order to initiate a move from general discussion to action. A major issue would be to request the establishment of a proper state or executive body; the Office intends to support that initiative.

7. OFFICE OF HUMAN RIGHTS DEFENDER - OMBUDSMAN. The Office initiated a co-operation with the National Assembly over the discussions on the Draft Law on the creation of a Public Defender of Human Rights. Based on a received Governmental decision requesting that the National Assembly to accelerate the discussion and adoption of the draft law the Office contacted ODIHR and have forwarded to the Assembly comments on the legislation from the Office of the Polish Ombudsman. Following a parliamentary request for our assistance – we have also provided examples of similar legislation from other countries. We involved in our activities other interested international organizations, in particular UNDP and the Council of Europe. Considering that the involvement of local NGOs in raising awareness, monitoring the human rights situation and acting as intermediaries between the public and the new institution is crucial the Office hosted a meeting with representatives of the civil society. We received the first set of comments from NGOs on the draft law creating the Ombudsman institution. Our aim is to put together a single commentary from the representatives of civil society, which will be presented to the National Assembly's Commission on State and Legal Issues.

8. HUMAN RIGHTS.

INDIVIDUAL CASES. Apart from national NGOs acting in the sphere of human rights the Office is closely working with the Presidential Human Rights Commission as well as with charitable international organizations in issues related to individual cases of human rights violations.

HUMAN RIGHTS NGOs. The most immediate activity was to organise, at short notice, an NGO team from Armenia to attend the Meeting on Human Rights and Inhuman Treatment or Punishment held in Vienna on 27 March. This involved not only identifying suitable participants but also trying to raise funding for their attendance from the Open Society Institute and the Soros Foundation. The Office prepared a project to support and help NGOs in different activities related to fact-finding, reporting or drafting national reports on human rights. Training for

leaders of organizations working in the field as well as joint seminars with Armenian authorities on different topics are the proposals to develop skills and professionalism and to establish a dialog with the Government within the project mentioned above.

HUMAN RIGHTS EDUCATION. We started discussion with donors and local NGOs about plans for the future promotion of human rights. Similar discussions were held with representatives of the Ministries of Foreign Affairs and Education with regard to human rights education in schools. The Office met with the Expert Group, which initiated a pilot project aiming at producing a textbook for **human rights education for 8th grade schools and training teachers in relevant topics**. The pilot project is based on a March 2000 decision of the Ministry of Education to include human rights in the national education plan. The objective is to introduce human rights curricula in all the 1407 Armenian 8th grade schools from September 2001

9. PUBLIC AWARENESS. As implementing partners of the OSCE/ODIHR project, we finalized three other broadcasts on different human rights topics, which were released on the National Television. The films raised issues such as ill treatment in the army, conscientious objection, alternative military service, freedom of movement and the judiciary reform in Armenia.

10. CHILDREN'S ISSUES. The Office participated in the Human Dimension Seminar on "Children and Armed Conflict" held in Warsaw from 16-23 May. The Office contributed a paper on the situation in Armenia and the Seminar provided a valuable opportunity to make contact with other international actors in the field of children's' rights and protection. Discussions with UNICEF and UNHCR on further joint work followed.

11. LOCAL POWERS AND DECENTRALISATION. From the beginning of May the Office started to pay visits to regions to discuss issues of local self-government with Governors and mayors of towns. Identifying international and local partners interested in decentralisation and the administrative reform in Armenia we have begun work with all the actors creating a link with the authorities. After one of the donor's meetings it became clear that a large number of projects were underway in the field of local self-government and decentralisation. There was, however, little co-ordination. With impending membership of the Council of Europe, Armenia will need to sign and ratify the European Charter on Local self-government and amend the current legislation governing the powers of local authorities. In view of all this, the Office has proposed the creation of a single international working group to work with the Government at a national level.

12. TRAFFICKING IN HUMAN BEINGS. The Office facilitated the participation of representatives of two Armenian NGOs at the OSCE Supplementary Human Dimension Meeting on Trafficking in Human Beings, held in Vienna on 19 June 2000. In preparation for this Conference we drew together material and information on the situation in Armenia for a background paper on the subject and sent it to Warsaw. Following the OSCE proposal to all Member States to pay

more attention to this phenomenon and to agree on the upcoming activities directly related to the topic, a report on the Meeting was prepared. The report, containing information about the aim of the Meeting, conclusions and recommendations to the Government proposals for further activity, has been forwarded to ministries and NGOs acting on the issue with a view to establish further steps and measures at national level.

In order to follow up the recommendations of the Vienna meeting on Human Trafficking, the Office has agreed a plan of action with IOM and UNICEF. The first part consists of a survey on the situation in Armenia and to propose ways of raising public awareness and lobbying Government on the importance of this issue.

Government and non-government representatives from Georgia and Azerbaijan saw value in extending the IOM/UNICEF/OSCE project to their countries. Being aware of that a regional approach to both policy and implementation measures is essential because of the presence of the problem of trafficking in all three countries the Office proposed an integrated approach and network to be established on the basis of the ODIHR Action Plan.

As a follow-up to these conclusions the Office has drawn up a proposal to look at two issues – protection of victims (repatriation, rehabilitation and reintegration) and prosecution of traffickers (no legislation currently exists in any Caucasian country).

- 13. PRISONS.** The Office visited the Women's' Jail and the Children's' Reformatory in Abovian. Following the visit, we are looking for a sponsor to provide urgent, professional psychological assistance.

In order to be able to support ODIHR in implementing the project on training of prison officials, we had meetings with the Minister of Internal Affairs and his deputies as well as with the director of the prisons department to find out their opinion and proposals for the project to be implemented next year.

Taking into account that the process of transferring prisons under the Ministry of Justice – as a condition of the Council of Europe membership – we had produced an assessment of the current situation and state/social opinion

- 14. ARMY/POLICE.** The related ministers expressed their interest in the Office assisting the ministries of national defence and internal affairs in introducing human rights awareness courses into **the military schools and academies**. We were also asked for assistance and participation in the process of drawing up legislation on alternatives to military service and conscientious objectors.

The Office attended a two-day seminar on **Police and Human Rights** organized by Council of Europe and the Legal Department of MFA, with the participation of representatives from Ministry of Justice, Ministry of Interior and non-governmental organizations, as well as Council of Europe experts. Review of international human rights standards in relation to the police, contents and method of human rights training for police forces, relations between police and civil

society, role of police forces in protection of human rights and legal developments were the main issues addressed. The Office expressed readiness to co-operate with the Armenian authorities and the Council of Europe experts for enhancing role of police forces in the protection of human rights in Armenia.

The Office met with the Chairman of the Parliamentary Standing Committee on Defence, National Security and Internal Affairs to discuss the proposed **new legislation on the police**. The National Assembly is working on a draft law and would appreciate OSCE assistance in refining it and acting as a link to the Council of Europe. Based on this official request, we have translated the draft into English and sent it to Warsaw to identify future action with the relevant parts of the Council of Europe Secretariat.

15. YOUTH. Following a series of visits to youth organizations, the Office hosted a meeting of 15 representatives of NGOs. This was the first time they had met together to exchange views and look at the possible need for a national strategy for youth issues. A follow up meeting is planned to look at concrete ideas and proposals.

MASS MEDIA. Separate discussions have also been held with representatives of the mass media to identify the kind of support/assistance which this Office can provide in the context of new Media legislation. We have also co-funded with the European Union a visit of two journalists to Brussels, Strasbourg and Paris to study European Institutions. At the request of the Ministry of Foreign Affairs, members of the Office took part in a monitoring exercise looking at the coverage of international issues in the Armenian media. The results were presented at a two-day seminar sponsored by the Council of Europe.