



HUMAN DIMENSION IMPLEMENTATION MEETING

CONSOLIDATED SUMMARY

Warsaw, 9-19 September 2002

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I. EXECUTIVE SUMMARY

The OSCE Human Dimension Implementation Meeting took place on 9-19 September 2002 in Warsaw. The Meeting, organised by the Office for Democratic Institutions and Human Rights, was the seventh of its kind. The Meeting was not mandated to produce any negotiated texts, but a draft summary report prepared by the rapporteurs appointed for the first week of the meeting was presented in the closing Plenary Session at the end of the first week.

The Meeting was organised in line with the new modalities adopted on 23 May 2002 at the 395th Plenary Meeting of the OSCE Permanent Council (see attachment). According to the new modalities, the meeting consisted of two parts.

During the first part of the Meeting, the implementation of full range of OSCE human dimension commitments in 55 OSCE participating States was reviewed. These working sessions were thematically organised as decided by the Permanent Council and were devoted to the following themes: Democratic Institutions; Rule of Law I; Rule of Law II; Tolerance and Non-Discrimination I; Tolerance and Non-Discrimination II; Fundamental Freedoms I; Fundamental Freedoms II; Humanitarian Issues and Other Commitments.

The second part of the meeting was devoted to forward looking discussions with a view to fostering implementation of, as well as to refining and further developing, OSCE commitments. The discussions during the second part of the meeting were devoted to human dimension activities, with a special emphasis on project work, followed by discussions – each lasting one full day - of two specifically selected topics. In 2002 these topics – decided by the Permanent Council - were Trafficking in Human Beings and Election Standards. The annotated agenda of the Meeting is attached to the present report (see attachment). In addition, in advance of the meeting the ODIHR submitted a draft paper on “International Standards and Commitments on the Right to Democratic Elections – A practical Guide to Democratic Elections – Best Practice” to better prepare for the discussion on Election Standards.

In accordance with the requirements of the new modalities, the participants were encouraged to make recommendations during the working sessions and were requested to circulate them in writing immediately to ensure an accurate record of the HDIM and to facilitate follow-up. The ODIHR compiled, collated and circulated the recommendations to the participants well in advance of the closing Reinforced Plenary Session at the end of the second part of the Meeting. In addition, the participants were encouraged to circulate written statements in advance in order to stimulate a livelier debate during the working sessions.

The Meeting gathered in total 754 participants, including 259 representatives of 187 NGOs. Particular efforts were made to foster the NGO participation and NGOs were given equal access to the speakers' list. With the support of the financial contribution of US, more NGOs were able to participate from the recently admitted participating States.

In recognition that broad attendance by representatives of all the participating States is essential, upon request, financial assistance to the extent available was provided from the OSCE Voluntary Fund to foster the integration of recently admitted participating States. Only 3 out of 55 participating States did not send a delegation to the Meeting.

Participants were encouraged to endeavour to be represented at an appropriately high level, both from their OSCE delegations/missions and by those responsible in their Foreign Ministries for their policies relating to Human Dimension issues, in particular for the Reinforced Closing Plenary at the end of the second week.

At the Opening Plenary opening statements were delivered by the OSCE Chairman-in-Office, Minister of Foreign Affairs of Portugal, H.E. Antonio Martins da Cruz and the Minister of Foreign Affairs of Poland, H.E. Włodzimierz Cimoszewicz. The Opening Plenary was also addressed by the Director of the Office for Democratic Institutions and Human Rights, Ambassador Gerard Stoudmann and the Vice-President of the OSCE Parliamentary Assembly, Mr. Kimmo Kiljunen. The OSCE High Commissioner on National Minorities, Ambassador Rolf Ekeus and the OSCE Representative on Freedom of Media, Mr. Freimut Duve also made opening statements. The former Finnish President Martti Ahtisaari delivered a key-note address, which is attached to the present report (see attachment).

At the Reinforced Closing Plenary, Ms. Hina Jilani, the UN Special Representative on Human Rights Defenders delivered a key-note address. The closing remarks of the Meeting were made by the OSCE Secretary General, Mr. Jan Kubis and the Director of the Office of the Democratic Institutions and Human Rights, Ambassador Gerard Stoudmann.

Moderators and rapporteurs were appointed on the basis of proposals by the Chairmanship-in-Office and the ODIHR. As required by the new modalities, particular attention was paid to appoint “experienced and particularly qualified moderator to chair the working sessions” during the first week. For the second week, the modalities called for moderators with “particularly relevant knowledge to chair the discussions of each topic”. They were also tasked to sum up the discussions and seek common understanding concerning further work required, in particular with a view to preparations for the next OSCE Ministerial Council Meeting.

The following moderators were involved in the facilitation of the meeting’s process: Mr. Hrair Balian, Head of Election Section of ODIHR, Mrs. Elena Mizulina, Deputy of the State Duma, Mr. Steven Wagenseil, First Deputy Director of ODIHR, Professor Victor-Yves Ghebali, Geneva University, Mr. John Packer, Director of the OSCE HCNM, Mr. Alex Ivanko, Senior Advisor to the OSCE Representative on FOM, Mr. Adam Bernatowicz, Polish Refugee Board, Mr. Jacek Paliszewski, Second Deputy Director of ODIHR, Ambassador Danielle Del Marmol-Guilbert, Head of the Permanent Mission of Belgium to the OSCE and Dr. Vera Gracheva, Counciller of the Permanent Mission of the Russian Federation to the OSCE (the last two moderators are also Co-Chairs of the Informal Group on Gender Equality and Anti-Trafficking of the OSCE in Vienna).

Four rapporteurs compiled suggestions and recommendations made during the first week’s working sessions. (see attachment).

A number of side events organised by the participating States, OSCE and its institutions and NGOs highlighted a broad range of human rights topics. The Annotated Agenda of the side events is attached to the present report (see attachment).

A list of documents distributed during the Implementation Meeting is available from the ODIHR upon request (see Index of Documents attached).

II. SCHEDULE OF THE 2002 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 9 to 19 September 2002

MONDAY, 9 SEPTEMBER

- 10 a.m. - 1 p.m. Opening Plenary Session
- 1-3 p.m. Break
- 3-6 p.m. Working session: Democratic Institutions, including
- Democratic elections - observation and technical assistance
 - Democracy at the national, regional and local levels
 - Citizenship and political rights
 - Ombudsman and national human rights institutions

Tuesday, 10 September

- 10 a.m. - 1 p.m. Working session: Rule of Law I, including
- Legislative transparency
 - Independence of the judiciary
 - Right to a fair trial
 - Follow up to the 23-25 April Human Dimension Seminar on Judicial Systems and Human Rights
- 1-3 p.m. Break
- 3-6 p.m. Working session: Rule of Law II, including
- Exchange of views on the question of the abolition of capital punishment
 - Prevention of torture
 - Follow up to the 8 and 9 July Supplementary Human Dimension Meeting on Prison Reform

Wednesday, 11 September

- 10 a.m. - 1 p.m. Working session: Tolerance and non-discrimination I, including
- Address by the High Commissioner on National Minorities or a senior representative of High Commissioner on National Minorities
 - National minorities
 - Roma/Sinti
- 1-3 p.m. Break

- 3-6 p.m. Working session: Tolerance and non-discrimination II, including
- Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic-cleansing
 - Equal opportunities for women and men
 - Follow up to the 18 and 19 March Supplementary Human Dimension Meeting on Violence against Women

Thursday, 12 September

- 10 a.m. - 1 p.m. Working session: Fundamental Freedoms I, including
- Address by the Representative on Freedom of the Media or a senior representative of the Representative on Freedom of the Media
 - Freedom of expression, free media and information
 - Freedom of association and the right of peaceful assembly
 - Follow up to the 22 and 23 October 2001 Supplementary Human Dimension Meeting on Human Rights: Advocacy and Defenders

1-3 p.m. Break

- 3-6 p.m. Working session: Fundamental Freedoms II, including
- Freedom of thought, conscience, religion or belief
 - Freedom of movement

Friday, 13 September

- 10 a.m. - 1 p.m. Working session: Humanitarian Issues and other commitments, including
- Migration, refugees and displaced persons
 - Migrant workers
 - Treatment of citizens of other participating States

1-3 p.m. Break

- 3-4 p.m. Working session: Humanitarian Issues and other commitments (cont.)
- International humanitarian law

Any other business

4-6 p.m. Plenary Session

Monday, 16 September

- 10 a.m. - 1 p.m. Working session: Discussion of human dimension activities (special emphasis on project work)
- 1-3 p.m. Break
- 3-6 p.m. Working session: Discussion of human dimension activities (special emphasis on project work) (cont.)

Tuesday, 17 September

- 10 a.m. - 1 p.m. Specifically selected topic
Trafficking in human beings
- 1-3 p.m. Break
- 3-6 p.m. Trafficking in human beings (cont.)

Wednesday, 18 September

- 10 a.m. - 1 p.m. Specifically selected topic
Election standards
- 1-3 p.m. Break
- 3-6 p.m. Election standards (cont.)

Thursday, 19 September

- 10 a.m. - 1 p.m. Closing Reinforced Plenary Session

III. PARTICIPATION

The Meeting was attended by a total of 754 participants (out of which 339 delegates from 52 OSCE participating States). Eight delegates from five Mediterranean Partners for Cooperation (Algeria, Egypt, Israel, Morocco and Tunisia) as well as three representatives from Korea and Thailand, were also present.

In addition, 41 representatives from 11 International Organizations were represented: Council of Europe, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Idea, International Labour Organization, SECI-Regional Center for Combating Transborder Crime, Stability Pact, UNDP, UNESCO, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, and UN Office for Drug Control and Crime Prevention.

The meeting was attended by 259 participants from 187 NGOs.

There were 67 representatives from OSCE Institutions and Field Missions. All OSCE Field Missions were represented at the meeting.

In addition, 27 ODIHR experts attended working sessions devoted to special topics – “Trafficking in Human Beings” and “ Election Standards”.

IV. RAPPORTEURS' REPORT

The Human Dimension Implementation Meeting consisted of two parts. The first week was opened by a Plenary Session followed by eight Working Sessions to review the implementation of commitments. These sessions were thematically organized and together covered the full range of OSCE commitments in the human dimension as reflected in the agreed agenda. Rapporteurs were appointed for the Working Sessions during the first week. The first part of the Human Dimension Implementation Meeting was concluded by a Plenary Session chaired by the First Deputy Director of the ODIHR. This Plenary Session was devoted to the presentation of the outcome of the Working Sessions and to a preliminary discussion of the recommendations made during these sessions.

In developing and presenting their reports, the Rapporteurs focused on the specific recommendations emerging from the debate. These recommendations, however, were not formally adopted and therefore do not necessarily reflect the views of the OSCE.

The Rapporteurs were Mr. Ivaylo Ivanov, Counsellor, Ministry of Foreign Affairs, Republic of Bulgaria (covering working sessions 1 and 5), Mr. Fernando Nogales, Counsellor, Permanent Representation of Spain to the OSCE (covering working sessions 2 and 8), Ms. Sabine Nolke, Counsellor, Permanent Representation of Canada to the OSCE (covering working sessions 3, 4, 6 and 7) and Ms. Sirpa Rautio, Head of Monitoring Unit, ODIHR (covering working session 9). The following is a consolidated report derived from the separate reports presented at the closing plenary session by the four Rapporteurs.

Working Session 1: Democratic Institutions (Democratic Elections – observation and technical assistance; Democracy at national, regional and local levels; Citizenship and Political Rights; Ombudsman and National Human Rights Institutions)

The discussions during the Working Session focused on some of the key elements of the democratic political system, such as the importance of free and fair elections by secret ballot as the main prerequisite for the existence of a democratic society. The possibility of a change in power positions at all levels was highlighted as an essential feature of democracy. In this connection, disappointment was expressed with the introduction of “presidency for life” in one of the OSCE participating States. To achieve better degrees of pluralism and democracy, it was stressed that a functioning municipal and regional self-administration at the level closest to the citizens is invaluable. As regards citizenship and political rights, the persistence of statelessness in the OSCE region is regretted. As the lack of citizenship deprives persons of their enjoyment of fundamental rights, more efforts should be made to reduce statelessness by all States in the OSCE area. As regards National Human Rights Institutions, an Ombudsman, truly independent from any other power, together with the NGOs can play an important “whistle-blower” function to enhance the rule of law.

Recommendations from the discussion:

To the OSCE and its institutions:

- A stronger link should be created between the recommendations of the election observation missions and the Permanent Council.
- The necessity to increase participation of experts from developing democracies in election observation missions was underlined.

- The HCNM should continue to be proactive in citizenship-related issues throughout the OSCE area.

To participating States:

- Participating States are urged to facilitate the work of non-partisan domestic observation organizations.
- Participating States are urged to take on the responsibility for the political and practical follow-up of ODIHR's election observation reports.
- Participating States are encouraged to sign and ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness as well as ensuring that they are adequately transposed into national legislation and thoroughly implemented.
- Participating States should step up their efforts to facilitate the naturalization of stateless persons, i.e. by means of simplified procedures and providing those schemes with the necessary financial and personal resources.
- Participating States should aim at harmonization of the application of citizenship laws to avoid any negative cross-border impact on individuals and to avoid conflicts of law.
- Local and regional bodies should enjoy financial independence.
- The mechanism for appointment should prevent the Ombudsman from being perceived as a partisan figure.
- The Ombudsman should be independent of any political party.
- The Ombudsman's mandate should not coincide with the mandate of the Parliament and should exceed it.
- The national human rights institutions should be well funded and be provided with the necessary human resources to carry effectively its duties. Budgetary autonomy of the Ombudsman should be granted.
- The Ombudsman should have the right to launch investigations on its own on those questions that are of interest to the society.

Working Session 2: Rule of Law I (Legislative Transparency; Independence of the judiciary; The right to a fair trial; Follow-up to the 23-25 April 2002 Human Dimension Seminar on Judicial Systems and Human Rights)

During the discussion it was widely acknowledged that the freedom of the media has an important role to play as regards the legislative transparency. Although most of the participants focused their comments on the criminal justice system, it was also acknowledged by many participants that many of the recommendations made apply equally to the civil and commercial courts. This is due to the direct link between the respect for rule of law, good functioning of the courts and economic development.

Recommendations from the discussion:

Legislative Transparency

To Participating States:

- Activities of the Parliament should be public and subjected to a calendar known to the public in advance

- All normative acts should be effectively published and disseminated. Parliamentary proceedings should be broadcast. Public hearings should be included in the law-making procedure
- Restrictions to legislative transparency based on arguments such as National Security or State Secrets should be kept to a minimum.
- Rule by decree should be kept to a minimum and any decrees subjected to review by a Parliament.
- The compliance of any legal acts with international human rights standards should be fully ensured.
- Appeal to the Constitutional Court should be open to civil society.

To the OSCE and its institutions:

- It was suggested that ODIHR develop and issue guidelines concerning the elaboration of laws.
- The OSCE Parliamentary Assembly should share the best practices in law-making procedure throughout the OSCE region.

Independence of the Judiciary and the right to a fair trial

To participating States:

- Attention should be paid to arbitration mechanisms and to alternative sentencing as ways to alleviate the workload of courts.
- Independence of judges should be guaranteed with provisions on their salary, length and other circumstances of their appointment.
- Lawyers should have full freedom of association as a safeguard against political harassment.
- Networking and training of judges must be facilitated as they can play a great role in increasing the standards of independence and competence of judges.
- The prosecution should not have a monopoly on the initiation of procedures thus allowing natural or legal persons to do so. The checks and balances should be established to ensure equality of arms in legal proceedings.
- Availability of free legal aid should be guaranteed by adequate financial resources coming from the State budget.
- In criminal process, every individual should be entitled to presumption of innocence, right to effective defense and the right to non-self-incrimination. Non-professional legal counsel should be allowed if the defendant wishes to have it.
- The use of anonymous witnesses should remain exceptional and their use compensated by an increase in the rights of defendants.
- Every defendant should have access to all documents of the trial, even if not assisted by legal counsel.

To the OSCE and its institutions:

- The OSCE/ODIHR should provide technical assistance to support or create training centers for judges and other legal professionals in particular in countries in transition.

Working Session 3: Rule of Law II (Exchange of Views on the question of abolition of capital punishment; Prevention of Torture; Follow up to the SHDM on Prison Reform)

This session began with an unscheduled appearance by the Legal Adviser to the US State Department, William Taft, who briefed delegates and responded to questions on the US position in respect of a number of issues, including the treatment of suspected Al Qaida terrorists detained in Guantanamo Bay/Cuba; the use of military commissions to try persons captured in the course of an armed conflict; the International Criminal Court; and the use of the death penalty.

The session then proceeded as per the agenda, with the exchange of views on the question of abolition of capital punishment. Speakers noted positive developments in participating States who had taken steps towards abolishing the death penalty, but expressed concern at its continued use by a small number of OSCE participating States. Concerns focused on the execution of persons under age at the time of committing the offence, suffering from a mental disability, or who had been denied consular access under international treaties. The lack of transparency and absence of data in some states was noted, as was the failure of some states to take into account requests from international human rights treaty bodies or the international community for stays of execution in some circumstances.

Serious concerns were expressed by many participants regarding the continued application of torture by law enforcement and security forces, as well as military personnel, in a number of OSCE participating States. The culture of impunity seems to persist.

As regards prison reform, the discussion highlighted the importance of transferring penitentiary systems from military to civilian control and oversight. Overcrowding of prisons was addressed as a problem requiring attention by several participants; besides requiring a review of sentencing provisions in law and practice, this issue also required careful attention to economic factors. The need for training of prison and law enforcement personnel was highlighted by several speakers.

Recommendations from the discussion:

Abolition of capital punishment

To participating States:

- Participating States who had not already done so should ratify relevant international human rights instruments (e.g. the Second Optional Protocol to the ICCPR, Protocol 13 of the European Convention on Human Rights).
- Participating States that maintained the death penalty in their legislation should declare a moratorium on its application.
- Participating States should seek full compliance with international standards and commitments within the OSCE region, and pay attention to failure to implement OSCE commitments.
- Participating States should continue dialogue on this issue and make data and information available.

To the OSCE and its institutions:

- The OSCE political bodies should urge field missions to put death penalty issue on the agenda.

- The OSCE should monitor public opinion in participating States and facilitate public dialogue and understanding of the issues.

Prevention of torture

To participating States:

- Participating States should support the adoption at the UN General Assembly of the Draft Optional Protocol to the Convention against Torture, and proceed to speedy ratification and implementation.
- Participating States that had not already done so should ratify the Convention against Torture and accept the competence of the complaints mechanism under the Convention against Torture.
- Participating States should amend their domestic criminal legislation to define and prohibit torture and eliminate the ability of courts to accept evidence obtained under torture.
- Criminal Procedure Codes should ensure access to legal counsel from the moment of detention.
- Participating States should comply with their reporting obligations to UN and other bodies, and co-operate in particular with the UN's Special Rapporteur on Torture.
- Law enforcement and military personnel should be given human rights awareness training.

Follow up on SHDM on Prison Reform

To participating States:

- Prison officials should be treated and paid as professionals, and receive adequate training;
- Prison systems should provide for monitoring by independent bodies or NGOs;
- Participating States should improve the rehabilitative aspects of imprisonment and provide for training and education of inmates;
- Prison reform should encompass pre-trial detention facilities.

Working Session 4: Tolerance and Non-Discrimination I (National minorities; Roma and Sinti).

This session opened with a minute of silence, in memory of the victims of the terror attacks in the United States on 11 September 2001 and of terrorist violence around the world.

This session saw a particularly rich debate, in which speakers -- including the OSCE High Commissioner for National Minorities -- universally condemned discrimination as fundamentally wrong and a major cause of conflict and instability. While the international legal framework, OSCE commitments and, in many cases, national legislation were *prima facie* adequate in protecting the rights of national minorities, the actual implementation of these commitments by States across the OSCE region was noted by many speakers as insufficient. The gap between commitments and implementation was said to be especially noticeable at the level of local authorities, in attitudes of the media and members of the majority population, and in the reluctance by States to embrace monitoring of their

performance (including by NGOs). Minorities continued to be under-represented in public life and the policy-making process, and suffered particular disadvantages in the enjoyment of economic and social rights and education.

Recommendations from the discussion:

To participating States:

- Participating States should ratify and fully implement all relevant legal instruments, including the European Framework Convention for the Protection of National Minorities, and improve their compliance with these instruments as well as their OSCE commitments.
- To that end, Participating States should adopt and implement appropriate laws to combat discrimination; provide better conditions for minority cultures, languages and religions; ensure equal access to the labour market; increase the number of persons belonging to minority groups in the public sector; ensure access to all levels of education; and ensure effective dialogue and participation of minority groups in policy development process.
- Participating States should disseminate to minorities, in their first language, knowledge of the functioning of the legal system of the state, and of their rights under applicable international conventions and complaints procedures.
- Participating States should include information on the implementation of the economic and social rights of the minorities in their human rights reporting.
- Participating States should ensure that Hague, Oslo and Lund recommendations are widely disseminated and applied, especially at the level of local authorities.

To the OSCE and its institutions:

- The OSCE and other international organizations should promote a culture of monitoring both at the inter-governmental level and within individual member states, including permanent mechanisms for reporting, assessment and evaluation of government policies with input from civil societies.
- The OSCE could provide training and support to independent human rights monitoring organizations.
- OSCE field missions should pay particular attention to the ability of minority groups to enjoy their social and economic rights.
- Minority media and minority-related reporting needed to be strengthened and adequately funded.
- OSCE, in particular the HCNM and the field missions should ensure that Hague, Oslo and Lund recommendations are widely disseminated and applied by governmental authorities.

Roma and Sinti

Speakers noted progress in national legislation and programmes for action, but a failure of any real progress in the day-to-day situation of Roma and Sinti. Access to basic social and health services, housing, education and economic opportunities was particularly problematic for members of this group. Several speakers compared the living conditions of Roma communities to a form of apartheid. The proposal of the Finnish President to establish a pan-European forum for Roma was positively received by several speakers.

Recommendations from the discussion:

To Participating States:

- Participating States should sign all relevant international legal instruments on minority protection
- Participating States should mainstream Roma and Sinti-related policies and programmes into all relevant sectors of governmental responsibilities to avoid isolating them;

To the OSCE and its institutions:

- Efforts should be made to include Roma and Sinti issues into the mainstream of OSCE activities, in particular of its field missions, media representative and of ODIHR;
- ODIHR/Contact Point on Roma and Sinti Issues should continue to co-ordinate with other international actors and continue to work on the Roma and Sinti Action Plan;
- The OSCE should take action against networks engaged in the trafficking in human beings, and ensure the protection of women and children within the Roma community;
- The OSCE should devote a special session of the next Human Dimension Implementation Meeting to Roma and Sinti issues, and participating States should ensure participation of high-level political officials;
- The OSCE Ministerial Council should build on the Resolution on Roma and Sinti passed by the OSCE Parliamentary Assembly in Berlin in July 2002, and call for the implementation of comprehensive desegregation programmes as the basis for educational policies.

Working Session 5: Tolerance and Non-Discrimination II (Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic cleansing; Equal opportunities for women and men; Follow up to the 18 and 19 March 2002 SHDM on Violence Against Women)

The first part of the session addressed intolerance in all its forms, which is a serious violation of fundamental human rights and undermines the democratic system. Participants underlined the necessity to conduct uncompromising struggle against aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic cleansing both by political and legislative means and by promoting awareness and understanding of the subject. Importance of education was highlighted. The second part of the session was dedicated to the still existing inequality between women and men and the ways to overcome it.

Recommendations from the discussion:

To the OSCE and its institutions:

- To organize a follow-up Human Dimension Meeting on anti-Semitism in 2003.
- To develop educational programs on xenophobia, anti-Semitism and racism.
- To conduct educational campaigns to eliminate the violence against women.
- To engage the OSCE Police Adviser to conduct police training and to provide “tool kits” for the OSCE participating States.
- To ensure a greater presence of women in high positions within the OSCE and its field missions.

To participating States:

- Those Participating States, which are also Members of the Council of Europe, should ratify Protocol 12 to the European Convention on Human Rights, providing for a general prohibition of discrimination.
- Participating States should take immediate steps to eliminate barriers to effective criminal prosecutions of domestic violence and abuse. Physical assault is a crime, regardless of the sex or marital status of the victim and domestic penal codes should treat it as such.
- Participating States should introduce gender education in schools.
- Participating States should nominate more women for senior positions for OSCE, its Institutions and field missions.
- Participating States should support the plans of the Council of Europe to adopt a Recommendation of the Committee of Ministers on the balanced participation of women and men in political and public decision-making.

Working Session 6: Fundamental Freedoms I (Freedom of expression, free media and information; Freedom of association and the rights of peaceful assembly: Follow up to the October 2001 SHDM on Human Rights Advocacy and Defenders

In this working session, participants expressed concerns at the continued existence – and in some cases, increasing use – of state repression of the right to freedom of expression and free media and information in the OSCE region. Speakers, including the Representative on Freedom of the Media, referred to harassment, intimidation and physical attacks on journalists, attacks on premises of independent media and broadcast facilities, abuse of regulatory and administrative powers including licensing regimes, as well as the continued existence and use of criminal libel legislation. Many speakers linked an increase in these instances to the war against terrorism, which they said was used by some states to justify restrictions in the interest of national security.

The role of the media in the propagation of hate-speech and, conversely, in the promotion of tolerance, was highlighted by some. Several speakers voiced concerns about the reduction of plurality of views in the media in some OSCE participating States. This is as a result of the privileged position enjoyed by state-owned media; concentration of media ownership in a few hands; links between media owners and political interests; and corporate ownership interests that put lowest common denominator market demands ahead of independent analysis and reporting.

Freedom of expression, free media and information

Recommendations from the discussion:

To participating States:

- Participating States should reduce over-protection of political figures against criticism by repealing criminal libel legislation and reducing the availability of excessive civil awards for defamation.
- Participating States should improve the transparency of public media, and ban government ownership or funding of printing presses.
- Participating States should improve access of members of minorities to information by increasing the availability of media and broadcasting in minority languages.

- Participating States intending to pass legislation on media should submit this to scrutiny of the OSCE and/or to the Council of Europe.
- Participating States should improve remedies against using the internet for the distribution of radical ideology, terrorism, political extremism, and racial and religious intolerance.
- Participating States should ensure pluralism of information sources by limiting monopolization of the mass media market.

To the OSCE and its institutions:

- The professionalism of journalists in transition states should be improved by providing training, including abroad, and improving their ability to gather information.
- The OSCE and RFM should elaborate a “code of conduct” for journalists;
- The use of the media to disseminate hate speech and intolerance should be addressed by the RFM and participating States as a matter of priority;
- The mandates of the OSCE Field Missions should be widened, and they should be more active in supporting the activities of the RFM

Freedom of association and peaceful assembly:

Interventions on this agenda item at times cut across issues from other topics, such as torture, freedom of religion. Speakers stressed the right to peaceful assembly in connection with state action against political demonstrations or groups of human rights defenders. One speaker noted an instance of trade unions being dissolved or brought under government control. The macro-economic policies of international financial institutions were criticized as having a negative impact on labour movements as well as on labour conditions in transition states.

Recommendations from the discussion:

To participating States:

- Participating States were urged to pay attention to infringements on the right to Freedom of Association in other OSCE participating states;

To OSCE and its institutions:

- The OSCE/ODIHR was urged to scrutinize NGOs participating in OSCE events as to whether they were genuine associations formed by representatives of civil society, or organized for political purposes, including by Governments.

Working Session 7: Fundamental Freedoms II (Freedom of thought, conscience, religion and belief; Freedom of Movement)

In this working session, as in previous ones, NGO participants – but also some Governmental delegations – noted a widening gap between legal and constitutional guarantees and their implementation in practice. While all OSCE participating States guarantee the right to freedom of religion, conscience and belief, many speakers noted that members of non-traditional or minority religions across the OSCE region frequently faced obstacles to the full exercise of these rights. These obstacles included state-imposed administrative or regulatory burdens, such as excessive requirements or opaque or arbitrary criteria for registration; confiscation or outright destruction of places of worship; physical intimidation and attacks;

harassment of church members and their families; acts of intolerance and discrimination; as well as the failure of authorities to intervene in, or investigate and prosecute, attacks on members of minority religion carried out by third parties.

Several speakers noted the counter-productive nature of excessive restrictions on religious freedom or the activities by members of minority religions that were imposed in the name of national security or the prevention of terrorism. However, one delegation cautioned that the nature of prevention required action *before* religious extremism manifested itself in violent action. It was noted that the forthcoming seminar on “The Role of Religion in a Democratic Society: Searching for ways to combat Terrorism and Extremism” in Baku would offer an opportunity for further in-depth study of these difficult issues.

Recommendations from the discussion:

To participating States:

- Participating States should repeal or amend legislation imposing excessive restrictions on the right to freedom of religion and belief. Registration requirements should not serve as preconditions to the exercise of freedom of religion and belief, and should be transparent, not arbitrary. Any restriction on the freedom to enjoy and exercise one’s faith should be subject only to such limit as were prescribed by law and in accordance with international standards.
- Participating States should fully implement their commitments to take effective measures to eliminate discrimination based on religion or belief in all fields of civic, social, political and economic life;
- Participating States should implement their commitments to respect and safeguard the right of religious groups to maintain places of worship and to organize themselves according to structures dictated by their faith;

To the OSCE and its institutions:

- Freedom of religion, conscience and belief should form the theme for one of the “special topics” at next year’s Human Dimension Implementation Meeting;
- A Supplementary Human Dimension Meeting on Religious Freedom and Tolerance should follow up on the 1999 SHDM, to develop new strategies, and to elaborate OSCE commitments to combat impunity for violations by state and non-state actors;
- Strengthened OSCE commitments were also called for in the area of religious education;
- Participating States and the OSCE should encourage inter-faith dialogue to promote tolerance; this was especially necessary in states where one religion enjoyed special status;
- The OSCE should reflect on the role of the media in the promotion of tolerance;

Freedom of Movement

In this session, participants spoke on issues arising both from internal movement and movement between participating States. Concerns were raised that internal registration requirements, especially temporary registration, could lead to discriminatory treatment and that impending changes in the European landscape could lead to “new divisions” among participating States.

Recommendations from the discussion:

To participating States:

- In respect of stateless persons holding “alien passports”, OSCE participating States should recognize these or expand bilateral agreements to cover them;
- As to movement between OSCE participating States, entry requirements should be consistent with the Madrid and Vienna documents and procedures for entry must be carried out in good faith and without undue delay.

To OSCE and its institutions:

- The OSCE and ODIHR should give attention to the consequences on freedom of movement resulting from the reshaping of Europe;

Working Session 8: Humanitarian Issues and other commitments (Migration, refugees and other commitments: Treatment of other participating States; Migrant workers)

During the discussion, migration was widely acknowledged as a phenomenon that has important links to issues such as trafficking in human beings, child labour, discriminatory practices, instances of police brutality, the use of minority languages as well as the situation of the Roma population. In the current environment characterized by the fight against terrorism and economic recession, there was concern about the potential exploitation of the migration issue. The fight against terrorism should not be used to undermine the commitments undertaken by the participating states. In particular, special care should be taken in not equating refugees and asylum seekers with security threats. A true dialogue and partnership between authorities and civil society was seen as the best remedy against these risks.

Recommendations from the discussion:

To Participating States:

- The participating States were called upon to continue to respect the 1951 Convention and the 1967 Protocol as they provide a very solid framework for the international protection of refugee populations. In particular, respect for the principle of *non refoulement* was considered vitally important.
- Children and women refugee populations should be treated by Participating States with particular priority.
- Participating states should try to avoid detention of asylum seekers at all cost. Particular attention should be paid to the physical conditions of shelter facilities for asylum seekers.
- Participating states should carry out awareness campaigns on the risks associated with illegal migration.
- As regards the sustainable return of refugees, the importance of effective property restitution policies was widely acknowledged.
- Participating States were encouraged to sign and ratify the UN Convention on the right of migrant workers as well as the two Conventions related to Statelessness.

- Participating States were also encouraged to take note and to incorporate into their legislation the Guiding Principles on Internal Displacement formulated by Mr. Francis Deng, The UN Secretary General's Special Representative on IDPs.

To the OSCE and its institutions:

- In order to address the root causes of displacements of refugees and IDP's, the potential for the OSCE institutions for early warning, conflict prevention should be exploited to the full.
- The ODIHR was encouraged to work with the CiO's Special Representative for Terrorism in order to monitor the impact of security measures taken to fight terrorism in migration policies across the region and their compliance with OSCE commitments.
- The ODIHR Contact Point for Roma and Sinti activities and initiatives in awareness raising should be continued.

**Working Session 9: Humanitarian Issues and other commitments (continued)
(International Humanitarian Law and other commitments)**

The issues raised during this short working session covered most of the topics on the annotated agenda. In particular attention was paid by several speakers to the need to fully comply with all the requirements of international humanitarian law under all circumstances. It was stressed that human rights and international humanitarian law must be complied with fully in the fight against terrorism and that any documents adopted by the OSCE on terrorism must include both elements. The issues of accountability and impunity were raised and in this regard the need to fully co-operate with the ICTY was stressed. The significance of the entering into force of the Rome Statute of the ICC was highlighted. The Participating States were encouraged to ratify the ICC Treaty by several speakers although different views were also expressed by some. Ratification of the Ottawa Convention on banning landmines was encouraged as was the taking up of the issue of children and armed conflict by the OSCE bodies.

Recommendations from the discussion:

To participating States:

- Participating States should comply with international humanitarian law under all circumstances. Violations of IHL can never be justified.
- Participating States should fully co-operate with the ICTY.
- Participating States should consider ratifying the ICC Treaty and support the work of the ICC.
- Participating States should ratify the Ottawa Convention.

To the OSCE and its institutions:

- Any OSCE document terrorism should include references to both human rights and international humanitarian law.
- The issue of children and armed conflict should be taken up by the OSCE bodies.

- The OSCE should monitor and report on the impact of counter-terrorist measures on human rights and fully integrate human rights considerations into its work on countering terrorism

V. ANNEXES

• KEY-NOTE ADDRESS

By President Martti Ahtisaari, Former President of the Republic of Finland, at the Opening Plenary

I would like to start my statement with the words, which President Gerald Ford ended his speech at the signing of the Helsinki Final Act in 1975: “History will judge this Conference not by what we say here today, but by what we do tomorrow - not only by the promises we make, but by the promises we keep.” I believe this is exactly why we are gathered here today: to see which promises we have kept, reviewing the implementation of OSCE commitments in the fields of human rights and democracy in the Participating States.

All Participating States made a promise when they joined this organisation. The commitments they entered in are universal in nature and there should be no excuse for not turning them into reality for their citizens. The “Human Dimension Implementation Meeting” and other OSCE instruments in this field are useful tools in assisting the Participating States in fulfilling their promise and carrying their responsibilities. Therefore, I welcome the new modalities adopted for the meeting. And I hope they will succeed in bringing the Human Dimension closer to the Permanent Council and the decision-making and policy debate of the OSCE. This is particularly important when we are thinking about comprehensive approaches to deal with the new security threats of the present times. Human dimension issues should be an integral part of the international community's response.

First, I would like briefly to address the question of the new security threats and the OSCE's role in responding to them. Then I would like to touch upon some of the substantive issues in the agenda of this Implementation Meeting, namely election standards, trafficking in human beings and the protection of minorities.

As the last years have demonstrated to us, the foreign and security policy challenges that states are facing in the 21st century are almost invariably global and tackling them effectively demands multilateral co-operation. A year has passed after the tragic attacks in New York and Washington DC that changed our perception of security fundamentally and irrevocably. For the past decades, terrorists have operated in many countries, also here in Europe but the United States has been relatively free of this plague. I feel deep sympathy with the people and the nation that had to face terrorism in such a massive scale.

The scale and scope of terrorism's targeting of innocent civilians across borders and the stateless nature of the organisers represent a security challenge the likes of which the world has never seen before. Indeed, terrorism is an appalling example of the new security threats that can seriously challenge what is still a largely state-centred security system. It is a dangerous illusion that terrorism could be won only by using military power. In parallel the international community should address the root causes of conflicts and the sometimes-legitimate sense of injustice through diplomacy, economic aid and peace processes. This means both mobilising the will and building the capacity of states to tackle terrorism. Fragile states with frail institutions are an easy target for global terrorism. Terrorists take advantage

of porous borders, weak and corrupt law-enforcement forces and impotent judicial systems. These issues should be tackled using resources in the fields of rule of law, civilian administration and police co-operation.

In addition to terrorism, new security threats include organised crime, trafficking of drugs and human beings, proliferation of weapons of mass destruction, especially biological weapons and the uncontrolled spreading of small arms. Taken together, these new threats are such that it is extremely difficult for governments alone to come up with effective responses.

How as a regional organisation can the OSCE contribute to the management of threats that are global in scale? When the CSCE process started, nobody knew where it would lead. Time has demonstrated that those who in the beginning had serious misgivings about the usefulness of the process, are now the organisation's most adamant supporters. On the other hand those that thought they could use it for their own purposes have been disappointed. The seed of freedom of thought and transparency embedded in the CSCE process made it one of the key factors that contributed to the ending of the Cold War.

Clearly, these new security threats are such that by itself the OSCE's impact is at best limited. We need ever-closer cooperation between the United Nations and other regional organisations. It is therefore critical, above all, to improve the ways in which we cooperate and exchange information.

The OSCE's strength lies in its wide field presence and flexibility in adapting its agenda according to suit continually changing security challenges. It has staff working in those geographical spots where many of these challenges emerge. This is a long-term preventive work in strengthening the rule of law in societies where the local administration is weak. From my own experience in the Balkans and other crisis areas I have realized that human rights and democracy are an integral parts of conflict prevention and conflict management. The promotion and protection of human rights is particularly relevant to an effective strategy to counter terrorism. I believe that it is important that the OSCE continues to further enhance linkages between its three dimensions both at the conceptual level and in its field work.

At the regional level the European security architecture continues to change, the European Union and NATO are in a process of enlargement after which their membership will grow closer to that of the OSCE. It is important to realise, that these enlargements do not encompass the whole of Europe, but a number of countries will still be outside the EU and NATO: Russia, Ukraine, Belarus, Moldova etc. After these enlargements there will be need for fresh thinking. How to repeat the successful transition of Central Europe in Russia and other Eastern European countries, which face even more serious problems and which do not have the stimulating prospect of becoming EU members in the nearest future? It is up to the OSCE to ensure from its part that no dividing lines will appear amidst the Participating States.

During the last decade the process of democratisation has manifested itself in several OSCE Participating States by the holding of true multi-party elections for the first time. Elections are not equal to democracy per se but they are an essential step in the democratisation process. It is important that last year's Implementation Meeting underlined the need to observe the elections during all the stages of the electoral process. We know that the free and

fair conduct of the candidate nomination process and the guarantee of a level playing field are as important as the proceedings during the polling day. There is also a need for follow-up after the elections to make sure that the election results are implemented in a manner that reflects and respects the will of the electorate.

Elections give voice to the political will of the people. If we think about the Balkans example, for the first time there all the countries have democratically elected governments in power. They represent an important step forward. However, reform processes take time and the gains sometimes remain very abstract for citizens that are struggling with their every day survival.

Since I was involved in the Yugoslavia Peace Conference in 1993 and in the Kosovo negotiations in 1999, I follow the developments in the region with great interest. I am gratified that people in the region have experienced considerable beneficial changes by being democratically represented. The phenomenon I am very concerned about is the distrust and disconnect of citizens with political elites and government in the Balkan countries. Part of the frustration is created by the fact that the ethnic-based nationalistic parties and 'strong-men' still have real power in many areas. High unemployment, the decline in the standard of living and growing social inequalities together with endemic corruption are widening the gap between those in power and their electorate. Furthermore, a side-effect of the EU's and IMF's reform policies, is that citizens are free to vote and change the politicians but the policies won't change. The governments of this region should enhance their ability to communicate and explain the reform processes to their citizens.

It is important that we do not focus only on national elections. To consolidate democracy, free elections are necessary at all levels. At a local level, popular involvement is often stronger. A real danger is that the political system will turn into an institutional shell without functioning representative democracy. One of the crucial challenges for the local authorities and the international community is to bridge the gap between the political elites and the citizens. Functioning local democracy could make citizens feel that they can participate in the decision-making process. The question of decentralisation is vital for the whole region.

I have no illusions that the democratisation process would be easy or results rapidly attainable. However, without a solid institutional framework for the exercise of public power, free and fair elections will not lead to representative or accountable government. Without effective institutions to implement the rule of law, states will not be able to provide protection of human rights and minority rights. Without stable economic regulatory structures to establish a climate favourable to business enterprise, neither privatisation nor trade liberalisation will generate sustainable economic growth.

I was pleased to note that particular attention in this Implementation Meeting will be devoted to trafficking in human beings. Trafficking is one of the gravest human rights violations and so far the ability of the international community to deal with the issue effectively has been lacking. The increased ease and speed of travel, and the availability of the latest information technology has increased the capacity of criminal networks to engage in trans-national crimes. Technological innovations improve communication within criminal networks, facilitate the falsification of official documents and even improve the capacity of criminal networks to locate and exploit institutional weaknesses in government organisations. The smuggling and trafficking of human beings has increased throughout the world, owing to this

globalisation process and other factors. The problem is exacerbated in size and seriousness by the growing involvement of organised crime groups.

The OSCE region has long included many of the major countries of destination and transit. Currently it also constitutes the fastest growing source region for trafficked human beings. One repulsive dimension has been the involvement of the employees of some international organizations. All organisations should adopt without delay a Code of Conduct that would guide their personnel.

By the same token whilst the attention and implementation of concrete remedial action in this field is welcomed, there is a need for a word of caution in the sense that trafficking is now one of the most fashionable themes for the international organizations working in crisis areas. When deciding on concrete measures, it is important to see where the OSCE can provide added value to the efforts of others. Would it also be timely to consider setting more elaborated OSCE standards? The primary responsibility for combating trafficking rests with the Participating States and currently the legislation in many of these countries fails to treat trafficking as a serious human rights issue but approaches it as a prostitution or illegal migration question.

Now I would like to turn to the question of minority protection, which I feel is a key commitment in the OSCE framework. A general consensus exists that more effective policy, including the monitoring of developments and a country's historical record, could and should be employed. One of the best examples of existing early warning instruments, which have proved successful in many cases, has been the OSCE High Commissioner on National Minorities. The work done demonstrates that ensuring legal and political frameworks for protecting minority rights can't be achieved overnight. It requires a steady, continuous and constructive engagement. We should not take our eye off an issue just because it is no longer in the news. Rather, we should re-enforce fragile situations and strengthen processes precisely so that they avoid making headlines.

There are no easy answers or simplistic solutions to preventing ethnic conflict. Rather there are a variety of instruments and techniques that can be applied to different situations. A crucial long-term conflict prevention tool is education. Multiethnic education can promote understanding, multiculturalism and group identity. Another long-term conflict prevention process is the implementation of minority related standards such as the OSCE's "1990 Copenhagen Document" and the Council of Europe's "Framework Convention for the Protection of National Minorities of 1994". The key is to move from the abstract to the concrete, to get governments to take measures – legal and political – to create the types of conditions foreseen in these standards concerning minorities.

In this context, I would like to refer to the International Commission on Intervention and State Sovereignty and its report titled "The Responsibility to Protect" that was published in December 2001. The Commission proposed a shift from a right-based framework towards duties. According to the Commission state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself. If a state fails in protecting its citizens then the international community has the responsibility to intervene to stop the human suffering.

The Roma are a discriminated minority in every country where they live and they are seldom represented in political offices or in public service. From the governance perspective the effective participation of national minorities in public life is an absolute essential to avoid the development of socio-economically disadvantaged minorities. The full participation of minorities in the electoral and political processes should be guaranteed.

However, in order to combat discrimination effectively, we should not exclude any forms of discrimination by limiting ourselves to narrow or outdated definitions. Intolerance and incitement is inflicted upon all kinds of minorities today, including linguistic and religious minorities as well as on grounds of sexual orientation.

The meetings of the UN, OSCE or European Union are often referred as useless talking shops. Talk, we are told, is a poor substitute for action; all too often talk becomes an end in itself, masking the absence of real progress. The remedy is simple: abolish the talking shops.

I do not agree. I believe that the discussions here in Warsaw have an important function, since talk is the necessary precursor for action. Nothing will change unless the world agrees, through talk. The series of CSCE conferences and seminars since the early 1970s established the commitments in the Human Dimension and defined standards now implemented by most countries. Talking got them there. Without a genuine dialogue, there would never be agreement; without agreement, there would be no action.

Yale law professor Stephen Carter warns, "If terrorists can cause us to become a closed and fearful society, they win." I agree. The new security threats should not turn our societies into closed national bastions. The biggest challenge for all countries is that we keep our societies open to cultural and religious diversity and tolerance and use them as building blocks of a democratic society.

I would like to wish all the delegates from Participating States, NGOs and Institutions a very fruitful and substantive Implementation Meeting.

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

DECISION No. 476 (Relevant Provisions)

The Permanent Council,

Recalling Decision No. 4 of the Bucharest Ministerial Council (MC(9).DEC/4), which tasked the Permanent Council with further reviewing the modalities of the human dimension meetings by 30 June 2002,

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

Decides to adopt the modalities for the OSCE meetings on human dimension issues set out in the annexes to this Decision.

The modalities for the human dimension implementation meetings will, *mutatis mutandis*, be reflected in the human dimension segment of the Review Conference.

The Permanent Council may, in light of the experience gained, decide to make additional adjustments to the arrangements set out in the annexes, with a view to strengthening the effectiveness and attraction of the human dimension meetings further.

I. Human Dimension Implementation Meetings

The following modalities amend and complement the provisions of Chapter VI, paragraph (9), of the Helsinki Document 1992.

1. During each year in which a Review Conference does not take place, the ODIHR will organize a Human Dimension Implementation Meeting (HDIM) of all the participating States, at its seat, to discuss implementation of OSCE human dimension commitments. The HDIM will last 10 working days, unless otherwise decided by the participating States. The HDIM will be concluded by a Reinforced Plenary Session, in accordance with paragraph 10, below.

2. The participating States will endeavour to be represented at the Human Dimension Implementation Meetings at an appropriately high level, both from their OSCE delegations/missions and by those responsible in their Foreign Ministries for their policies regarding human dimension issues. The High Commissioner on National Minorities (HCNM), the Representative on Freedom of the Media (RFOM) and the Director of the ODIHR, as well as their representatives, will also participate. The OSCE Parliamentary Assembly will be invited to participate. The ODIHR will be responsible for the distribution of written contributions and information material made available before the HDIM, and will endeavour to circulate such contributions and material well in advance for consideration by the participants.

3. The Human Dimension Implementation Meetings will consist of two parts. Each HDIM will start with an opening Plenary Session. The opening Plenary Session will, as a rule, be addressed by the Chairman-in-Office, a high representative of the host country, the Director

of the ODIHR, the HCNM and the RFOM. The President of the OSCE Parliamentary Assembly will be invited to address this Plenary Session. A prominent international personality in the field of the human dimension may also be invited to address the opening Plenary Session.

4. The opening Plenary Session will be followed by eight Working Sessions to review the implementation of commitments. An experienced and particularly qualified moderator will be appointed to chair Working Sessions. Rapporteurs will also be appointed for the Working Sessions. The Working Sessions will be thematically organized and will together cover the full range of OSCE commitments in the human dimension. This will be reflected in the agreed agenda. Unless otherwise decided by the Permanent Council, the Working Sessions will be devoted to the following themes: Democratic Institutions; Rule of Law I; Rule of Law II; Tolerance and Non-Discrimination I; Tolerance and Non-Discrimination II; Fundamental Freedoms I; Fundamental Freedoms II; Humanitarian Issues and Other Commitments. (The HCNM or a senior representative of the HCNM will speak under Working Session Tolerance and Non-Discrimination I. The RFOM or a senior representative of the RFOM will speak under Working Session Fundamental Freedoms I.)

5. Where appropriate, Working Sessions may be opened with an overview presented by an expert from within the OSCE. The participating States, international organizations and NGOs are encouraged to make recommendations during the Working Sessions. The participants are requested to circulate their recommendations in writing immediately to ensure an accurate record of the HDIM and to facilitate follow-up. Written recommendations will be compiled, collated and circulated to the participants by the ODIHR well in advance of the Reinforced Plenary Session at the end of the second part of the HDIM. The participating States are also encouraged to circulate written statements in advance in order to stimulate a more lively debate during the Working Sessions.

6. The first part of the Human Dimension Implementation Meeting will be concluded by a Plenary Session chaired by the Director of the ODIHR. This Plenary Session will be devoted to the presentation of the outcome of the Working Sessions and to a preliminary discussion of the recommendations made during these sessions in order to prepare for the Reinforced Plenary Session, which will take place in accordance with paragraph 1, above, and paragraph 10, below.

7. All participants will have equal access to the list of speakers in order to provide their contributions to each Working Session. Interventions during Working Sessions should not exceed seven minutes. Interventions during the concluding Plenary Session should not exceed five minutes. As a means of facilitating dialogue, delegations intending to raise an issue related to a specific country are encouraged to notify that country in advance. The speakers' list will be opened one hour prior to the opening of each session, with a view to ensuring equal access to the speakers' list. When appropriate, moderators may call on speakers out of order to facilitate a genuine discussion.

8. The second part of the Human Dimension Implementation Meeting will be devoted to forward-looking discussions with a view to fostering implementation of, as well as to refining and - if necessary including in order to meet new risks and challenges - further developing OSCE commitments. This part will be divided into eight Working Sessions. The first two Working Sessions, each with a duration of half a working day, will be devoted to a discussion of human dimension activities, with special emphasis on project work. This discussion will

be opened by a senior representative of the ODIHR, who will present key future projects and priorities. Senior representatives of other OSCE institutions and field operations will make similar presentations. International organizations and NGOs are invited to comment on the OSCE presentations and to present their own project priorities. The participants will be given the opportunity to direct questions or comments to the speakers and to present their views on OSCE priorities and project work. With the exception of the introduction presented by the ODIHR, contributions at these sessions should not exceed seven minutes. In summing up the discussion, the moderator of these Working Sessions will strive to identify trends in the discussion and priorities for the future.

9. The following six Working Sessions will be devoted to discussion of, as a rule, three specifically selected topics. These topics will be selected and prepared in advance by the ODIHR, as described in paragraph 12, below. Unless otherwise decided by the Permanent Council, two Working Sessions, each with a duration of half a working day, will be devoted to each topic. The discussion of each of these topics will be opened by a particularly qualified person who has been closely involved in the preparation of the HDIM concerning the relevant topic. The discussion will be forward-looking and aimed at concrete results. Particular attention should be paid to providing contributions to the preparation of the next OSCE Ministerial Council Meeting. Where relevant, presentation and discussion of concrete projects are also encouraged. For each topic, recommendations will be made with regard to the substance as well as to further follow-up. A moderator with particularly relevant knowledge will be appointed to chair the discussion of each topic. The moderator may propose to conduct parts of the discussion in an informal manner in order to stimulate more open deliberations. NGOs, specifically those with relevant experience, are particularly encouraged to participate in the discussion of the selected topics and to provide their suggestions and recommendations. The moderator of each topic will sum up the discussion and seek common understanding concerning further work required, in particular with a view to preparations for the next OSCE Ministerial Council Meeting.

10. The Human Dimension Implementation Meeting will be concluded by a Plenary Session reinforced by the participation of Human Rights Directors or similar senior officials responsible for human dimension matters in the Foreign Ministries of participating States, as well as OSCE Ambassadors. Heads of OSCE institutions will also participate and present their priorities for the future as well as their preliminary assessment of recommendations made during the HDIM. The Reinforced Plenary Session will receive reports from the work of the HDIM and review results and recommendations from the first and the second week. It will seek to provide direction with regard to follow-up of recommendations presented at the HDIM and with regard to the preparations for the next OSCE Ministerial Council Meeting.

11. The Chairmanship will organize a discussion in the Permanent Council within two weeks after the HDIM in order to discuss further the follow-up to the HDIM. The Director of the ODIHR will present a report from the HDIM. This Permanent Council will provide further direction required with regard to the follow-up to the results of the HDIM and to the recommendations made, in particular with a view to the preparations for the next OSCE Ministerial Council Meeting. It will also provide topics for the next three Supplementary Human Dimension Meetings (SHDMs), to be decided by 1 February. To assist the Permanent Council in its deliberations, the OSCE institutions and field operations will analyse the recommendations of the HDIM relevant to their activities and will present their views in writing prior to the above-mentioned Permanent Council meeting.

12. In January, the Director of the ODIHR will present proposals to the Permanent Council for the specific topics to be prepared for discussions during Working Sessions III - VIII of the second part of the HDIM. These proposals will take into account the results of the previous OSCE Ministerial Council Meeting and of the meeting of the Permanent Council referred to in paragraph 11, above. They will be presented following consultations with the Chairmanship and, as appropriate, with Heads of OSCE institutions. The Permanent Council will decide on the topics by 1 February. By the same date, it will also decide on the date of the HDIM. The Chairmanship will then task the Director of the ODIHR and Heads of other OSCE institutions, as appropriate, with carrying out preparations required to facilitate a result-oriented discussion of these topics at the HDIM. Such preparations may, *inter alia*, include the use of informal open-ended working groups and/or established OSCE human dimension events, including the SHDMs.

13. The agenda for the entire Human Dimension Implementation Meeting will be approved by the Permanent Council at the latest four months prior to the Meeting. An annotated agenda, including side events, will be prepared by the Chairmanship, in consultation with the ODIHR, the HCNM and the RFOM. This annotated agenda for the Meeting will be distributed at the latest one month prior to it.

14. The Human Dimension Implementation Meeting will be scheduled in such a way as to avoid competition with similar meetings of other international fora and to attract higher-level participation, and to allow time for recommendations to be followed up, discussed and reflected at the next OSCE Ministerial Council Meeting.

15. The Chairmanship will ensure that other regular meetings, with the exception of matters requiring urgent attention, will be suspended for the duration of the HDIM.

16. The remaining provisions of Chapter VI of the Helsinki Document 1992 will continue to apply in their entirety.

17. For the purpose of the Human Dimension Implementation Meeting in 2002 only, the following specific rules and modalities will apply: The six working sessions stipulated in paragraph 9 will be reduced to four working sessions. Consequently, the discussions during these working sessions will be devoted to two specifically selected topics, with two Working Sessions for each topic. These topics will be selected and decided upon no later than 23 May 2002. This decision and the subsequent preparations will take place in accordance with the procedures described in paragraph 12, above. The entire agenda for the HDIM in 2002 will be approved no later than 6 June 2002.

[...]

III. General issues

1. By 15 February at the latest, the Chairmanship will distribute an over-all annual calendar of OSCE human dimension events, including the HDIMs, the SHDMs, the Human Dimension Seminar and other relevant events, in order to facilitate planning and participation by the participating States, OSCE institutions and field structures, other international organizations and NGOs. The participating States will make every effort to ensure appropriate participation in OSCE meetings devoted to human dimension issues, including by the NGO community. The topics for the second week of the HDIMs, the SHDMs and the

Human Dimension Seminar will be chosen with the aim of ensuring that they complement and reinforce each other and in order to stimulate further progress. Particular attention will be given to providing inputs to the Permanent Council meeting referred to in Annex 1, above, and to the next OSCE Ministerial Council Meeting.

2. The participating States are entitled to exercise their right of reply in accordance with the provisions of paragraph 87 (Chapter 6) of the Final Recommendations of the Helsinki Consultations.

3. All non-governmental organizations having relevant experience in the field of the human dimension will be invited to participate, subject to the provisions contained in Chapter IV, paragraph (16), of the Helsinki Document 1992, following registration with the ODIHR.

4. The Partners for Co-operation, the Mediterranean Partners for Co-operation, international organizations and institutions, as well as non-governmental organizations, are invited to ensure appropriate participation in OSCE meetings devoted to human dimension issues.

5. The moderators of the human dimension meetings are encouraged to adopt a proactive attitude to help ensure that the participants engage in a constructive debate aimed at improving the implementation of OSCE commitments and formulating recommendations, thereby reinforcing the relevance of the human dimension meetings.

6. Further contributions to the Voluntary Fund to Foster the Integration of Recently Admitted Participating States are encouraged in order to promote appropriate participation in OSCE meetings devoted to the human dimension.

TOPICS FOR THE SECOND PART OF THE HUMAN DIMENSION IMPLEMENTATION MEETING

DECISION No. 477

The Permanent Council,

Recalling Decision No. 476 (PC.DEC/476) of 23 May 2002, on the modalities for OSCE meetings on human dimension issues,

Decides to select the topics, “Trafficking in Human Beings” and “Election Standards”, for the second part of the 2002 Human Dimension Implementation Meeting.

- **ANNOTATED AGENDA**

Monday, 9 September

OPENING PLENARY SESSION

SIDE EVENT: Challenges for 2003: Discussions of projects and activities”
Convenor: Democratization Section, OSCE/ODIHR

WORKING SESSION 1

Democratic Institutions *including*

- Democratic elections – observation and technical assistance
- Democracy at the national, regional, and local levels
- Citizenship and political rights
- Ombudsman and national human rights institutions

Democratic elections - observation and technical assistance

The OSCE/ODIHR faced an extraordinarily busy calendar of observation missions during 2002. The initial indicative calendar included eight observation missions. As the year unfolded, some of the elections originally foreseen were cancelled and additional elections were scheduled. The ODIHR ended up planning 14 observation missions for the year. As a result, some technical assistance projects had to be cancelled. Nonetheless, some significant projects were undertaken, including in the area of election standards (to be discussed during Working Sessions 14 and 15).

Questions that could be addressed:

- Are participating States meeting their commitments to conduct free and fair elections?
- How to improve the political follow up to the OSCE/ODIHR election observation missions, reports and recommendations in accordance with the Istanbul Summit Declaration and the 2001 ODIHR Human Dimension Seminar conclusions?
- How to best assist in the consolidation of considerable improvements noted in the electoral processes in a number of participating States?
- What steps should participating States take to improve conditions for upcoming elections?
- How to contribute to confidence building in electoral processes in participating States where elections have been highly contested and results disputed?
- How to improve independence and non-partisanship of “non-partisan” domestic election observers with a view to improving their effectiveness?
- Diversification of the staff of the OSCE/ODIHR election observation missions by increasing the participation of experts, long-term and short-term observers from South-east, Central and Eastern Europe as well as the CIS through the recently established voluntary fund for the purpose.

Democracy at the national, regional and local levels

It is essential to develop local democratic institutions and to provide sufficient financial resources to local governments in order to make them more effective and enable them to carry out their duties.

Questions that could be addressed:

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

Citizenship and political rights

While the link between citizenship and political rights is apparent, it is less evident that the absence of citizenship does or should exclude the individual from enjoyment of all political rights at all levels in the country where that person lives. In fact, under international law, this link is made only with respect to the political participatory rights to vote and stand for office, which may be reserved for citizens. For example, it is clear that existing international human rights instruments prescribe entitlements relating to and necessary for political life (including freedoms of expression, information, the press, assembly, association and movement) for "everyone" exactly not on the basis of citizenship. Similarly, there is a clear tendency in democratic societies to extend full political rights (including the rights to vote and stand for elected office) also to non-citizen residents at least at the local level.

Questions that could be addressed:

- Are participating States meeting their commitments concerning citizenship and political rights?
- What steps can participating States take to improve implementation of their OSCE commitments?
- With this in mind, a further exploration of the relationship between citizenship and the extent and/or criteria for enjoyment of specific political rights would appear to be merited.

Ombudsman and national human rights institutions

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

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

Questions that could be addressed:

- What can the participating States do to improve the efficiency of independent human rights Ombudsman institutions (legal safeguards, financial independence, respect for recommendations, etc.)?

- What are the benchmarks for the success of Ombudsman institutions and the reasons for limited success? What are the threats to the independence and the effectiveness of Ombudsman institutions?
- What are the obstacles to creating independent human rights Ombudsman in participating States who have not yet done so?
- How can the ODIHR and other OSCE bodies assist to improve the performance of Ombudsman Institutions?

TUESDAY, 10 SEPTEMBER

WORKING SESSION 2

Rule of Law I, *including*

- Legislative transparency
- Independence of the judiciary
- The right to a fair trial
- Follow up to the 23-25 April 2002 Human Dimension Seminar on Judicial Systems and Human Rights

Legislative transparency

OSCE commitments stipulate that democracy is an inherent element in the rule of law. They consequently also call for a legislative process to be open and public. In order for laws to be considered as legitimate by citizens the law making process must be open and citizens must have access to the legislative process. Citizens and civil society groups should have the ability to comment publicly on proposed legislation and to have access to all information concerning the legislative process. To this end participating States should have clearly defined rules concerning the passage of legislation which include provisions for maximum public input and transparency in the law making process. An open and transparent law making process is also a safeguard against the imposition of special and hidden interests and helps to ensure better compliance with OSCE human dimension commitments.

Questions that could be addressed:

- Do all OSCE states ensure legislative transparency?
- What is the relationship between laws and other normative acts enacted by the Executive branch of power?
- What are the obstacles to implementing rules that improve legislative transparency?
- What can participating States do to ensure that the public has access to the legislative process and public documents?
- How can the OSCE, its Institutions and field operations support the transparency of the law making process?

Independence of the judiciary

Independence of the judiciary continues to be an important concern in many participating States. Despite the passage of laws and constitutions that appear to assure some independence for the judiciary, there is still too frequent political or executive interference in judicial decision making. A number of OSCE participating States have established judicial councils and similar bodies over the last years. However the level of competencies and the level of self-governance for the internal autonomy of the judicial branch of power varies widely within the OSCE region.

A truly independent judiciary can restore the public trust in the judiciary and ensure that judicial decisions are based on the rule of law. It will also lead to stability and to the necessary framework for sound economic development.

Questions that could be addressed:

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

The right to a fair trial

The right to be tried fairly in accordance with international standards is essential to any democratic state governed by the rule of law. The notion is also closely related to a notion of administration of justice. In order to achieve better implementation of the fair trial concept, in many participating states legislative reform is necessary in order to ensure fully the fairness of the process to all parties involved. Central to the notion of fair trial is the concept of equality of arms between the prosecution and the defence within the judicial process. A fair trial is thus not exclusively dependent on the judiciary, but also on the status and competence of the Prosecutor's Office and lawyers. Frequently, fair trial violations are the result of human rights violations in the investigative process, as well as in access to justice, including to the courts and legal counsel.

Questions that could be addressed:

- Can major reform of the justice system take place without the leadership of a country exhibiting the political will to make the changes?
- Do all participating States ensure fair trial in military as well as civil courts?
- Do participating States allow for early access to legal counsel and do they provide for the necessary possibility to prepare an effective defence?
- Is the balance of powers between different actors sufficiently safeguarded?

Follow-up to the 23-25 April 2002 Human Dimension Seminar on Judicial Systems and Human Rights

The OSCE Human Dimension Seminar 2002 addressed essential questions with regard to judicial systems and human rights. It discussed issues such as the independence of the judiciary, the balance of powers and competencies among different actors, such as the Judiciary, Prosecutors, Lawyers and the Police. The importance of a well functioning judicial system for economic development and stability, the question of an effective access to justice and the role of the judiciary in post-conflict societies were also considered.

The Human Dimension Seminar concluded with a range of recommendations to the participating States as well as the OSCE and its institutions in order to enhance the performance of the judiciary with regard to human rights. The Implementation Meeting provides for a first opportunity to reflect and to discuss follow-up to the implementation of the recommendations stemming from this meeting.

SIDE EVENT: “Freedom from torture, prevention, impunity, rehabilitation – joining forces with civil society”

Convenor: Danish MFA and International Rehabilitation Council for Torture Victims

WORKING SESSION 3

Rule of Law II, *including*

- Exchange of views on the question of the abolition of capital punishment
- Prevention of torture
- Follow up to the 8-9 July 2002 Supplementary Human Dimension Meeting on Prison Reform

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

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

Questions that could be addressed in this discussion:

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

Prevention of torture

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

Questions that could be addressed:

- Are participating States implementing their commitments to prevent torture?
- Does the legal framework provide sufficient safeguards against torture? How can the issue of impunity be addressed? How to ensure the effectiveness of complaint mechanisms?
- How to ensure transparency in places of custody as a preventive tool?
- What steps can the governments and the OSCE take to prevent torture by local police immediately after arrest?
- What is needed to better follow-up on recommendations by the United Nations Committee for the Prevention of Torture (CAT), and the recommendations of the European Committee for the Prevention of Torture (CPT)?
- How to develop a concerted strategy for the prevention of torture in law and in fact?
- How can the OSCE, its field operations and the ODIHR improve its contribution to the prevention of torture?

Follow-up to the 8- 9 July 2002 Supplementary Human Dimension Meeting on Prison Reform

The Supplementary Meeting on prison reform focused on three important themes. It addressed namely the question of how to engage in a structural reform leading to the demilitarisation and humanization of the penitentiary system; of how to improve the human rights situation within the penitentiary and of the role of civil society with regard to the penitentiary in a democratic society. The Implementation Meeting is the first opportunity to reflect on the implementation of the many concrete recommendations resulting from this meeting.

SIDE EVENT: Briefing on discrimination and anti-Semitism

Convenor: International League for Human Rights

WEDNESDAY, 11 SEPTEMBER

WORKING SESSION 4

Tolerance and non-discrimination I, including

- National minorities
- Roma and Sinti

National Minorities

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

Questions that could be addressed:

- Are OSCE participating States implementing their commitments to ensure the rights of persons belonging to national minorities?
- Do States have sufficient anti-discrimination legislation in place and is it being implemented properly?
- How can the effective participation of national minorities in public life be achieved beyond mere representation in legislative bodies?
- To what extent are persons belonging to national minorities represented in governmental institutions and public bodies and administration?
- The policies of OSCE participating States regarding political participation should be based on objective and non-discriminatory criteria and should not be used to restrict the enjoyment of minority rights. What good practices of OSCE participating States exist to avoid discriminatory criteria in the field of political participation?

- Notwithstanding the contemporary importance of multilateral standards and institutions in protecting and promoting the rights of persons belonging to national minorities, bilateral co-operation among States regarding specific issues and groups remains a matter of interest for many OSCE participating States. Which elements of such co-operation are best suited for bilateral co-operation, and which elements might best be left to the multilateral level?

Roma and Sinti

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

Questions that could be addressed:

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

SIDE EVENT: Panel discussion on Monitoring Minority Rights in the OSCE region

Convenor: ODIHR (CPRSI) and the EU Accession Monitoring Program of the Open Society Institute

WORKING SESSION 5

Tolerance and non-discrimination II, including

- Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic cleansing
- Equal opportunities for women and men
- Follow up to the 18-19 March 2002 Supplementary Human Dimension Meeting on Violence against Women

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

Aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic-cleansing still manifest themselves in the OSCE area. As such manifestations evolve in form and complexity particularly following the events of September 11 2001, they become more of a challenge for the

OSCE region. As a result, new tools are called for. This discussion could look at the root causes and other factors of these phenomena and how they can be addressed. This should be looked at in terms of human rights and conflict prevention. This session should examine what legal and political steps can be taken to prevent discrimination, ensure equality and respect for diverse cultural identities, and facilitate the effective participation of minorities in public life.

Questions that could be addressed:

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

Equal opportunities for women and men

The equality of women and men is an integral part of sustainable democracy. Advancing equality and addressing the human rights of women is therefore an indispensable element of the OSCE's work. Supporting transition to democratic and law-based systems requires inclusion of specific projects to target women's rights and gender equality issues as well as gender mainstreaming of other human dimension initiatives.

Participating States and OSCE institutions need to promote gender equality, meaning the equal rights and equal opportunities of women and men to participate in and contribute to the democratic processes in the OSCE region. One of the key measures in this process is ensuring the participation of women in all decision-making levels across the policy-making spectrum, that their views are taken seriously and incorporated into decisions. In other words, the mere presence of women in elected bodies is not enough and more efforts should be made to increase women's active participation in all spheres of public life.

Special attention should be paid to implementing OSCE commitments in the field of equality between women and men, recognizing the role of such efforts in progress towards stability and democracy.

Questions that could be addressed:

- Are participating States ensuring equal opportunities for men and women?
- How are existing gender equality policies being translated into practice?
- What strategies are used to increase the number of women in decision making processes in national, regional and local level?
- Role of NGOs in promoting women's participation in decision making level.

- OSCE assistance in promoting empowerment of women in the OSCE region.
- How is the OSCE Gender Action Plan being implemented?

Follow up to the 18-19 March 2002 Supplementary Human Dimension Meeting on Violence against Women

International organizations, as well as the OSCE, have recognized violence against women not only as pervasive and insidious phenomena, but as a serious human rights issue. To address this concern and define the role of the OSCE in combating violence against women the Supplementary Human Dimension Meeting “Preventing and Combating Violence Against Women” was held on 18-19 March 2002.

Questions that could be addressed:

- Follow-up discussion on the outcomes of Supplementary Human Dimension Meeting.
- Recommendations for action to the OSCE participating States, OSCE Institutions and field operations, Non-Governmental Organizations and other bodies.

SIDE EVENT: “Addressing Discrimination and working for equality of opportunity for Roma communities in Central and Eastern Europe”

Convenor: RrAJE (Roma Rights and Access to Justice in Europe) program

Thursday, 12 September

WORKING SESSION 6

Fundamental Freedoms I, *including*

- Freedom of expression, free media and information
- Freedom of association and the right to peaceful assembly
- Follow up to the 22-23 October 2001 Supplementary Human Dimension Meeting on Human Rights: Advocacy and Defenders

Freedom of expression, free media and information

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

Questions that could be addressed:

- Are OSCE States fulfilling their commitments to ensure freedom of expression, information and free media?
- What kind of protection measures can be provided by the relevant players, i.e. governments of participating States, IGOs, NGOs, journalistic associations and media itself, to support investigative journalism, including involved in reporting on corruption?

- How can IGOs, NGOs, and journalistic associations work better with OSCE member governments to ensure freedom of the media and to discourage censorship? What can be done to counter structural censorship?
- Are criminal defamation laws used to silence freedom of media and freedom of expression?
- What measures can be taken to increase the level of safety of journalists in the OSCE region?
- What measures have States taken to provide access to minority language media?

Freedom of association and the right of peaceful assembly

Observance of OSCE commitments to the right to freedom of association and the right of peaceful assembly is essential to the development of a democratic civil society. Commitments in this field date back to the third OSCE follow-up meeting of 1989 in Vienna and the 1990 Copenhagen meeting. Commitments on the right to freedom of association were supplemented when at the 1991 Moscow meeting on the Human Dimension the participating States undertook to facilitate the work of NGOs on their territories and to include them more in the work of the OSCE. Moreover, the 2001 Human Dimension Seminar noted the importance of the exercise of such fundamental freedoms as association and peaceful assembly for democratic election processes, and for the general development of democracy and the rule of law.

Nevertheless, in some participating States implementation of these commitments has been lacking as evidenced by obstacles to NGO activity through the selective application of laws and regulations, restrictions on NGO funding, registration and other forms of harassment.

Questions that could be addressed:

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

Follow up to the 22-23 October 2001 Supplementary Human Dimension Meeting on Human Rights: Advocacy and Defenders

The Supplementary Meeting on Human Rights: Advocacy and Defenders focused on three important issues. It focused on challenges, obstacles and problems for human rights defenders and the ways to overcome those obstacles. It discussed how the OSCE as an organisation could improve its performance with regard to the above issue. The meeting also focused on the protection of human rights advocates and defenders and on how security for human rights defenders could be ensured particularly in times of war and armed conflict. The role of ombudsman-like institutions and the judiciary was discussed in the course of the meeting. The

discussion clearly demonstrated that there was still lack of information about the UN Special Representative on Human Rights Defenders and the UN Declaration on Human Rights Defenders. One of the meeting's sessions concentrated on discussions about human rights training for national and local governmental officials and for human rights advocates themselves.

Questions that could be addressed:

- Follow-up discussion on the outcomes of Supplementary Human Dimension Meeting.
- Recommendations for further action to the OSCE participating States, OSCE Institutions and field operations, Non-Governmental Organizations and other bodies.

SIDE EVENTS: "Corruption, a serious obstacle to democratic development – practical approaches to fight against corruption in the OSCE region"

Convenor: UNDP and OSCE/ODIHR

"Journalistic work during times of conflict"

Convenor: OSCE Representative on Freedom of the Media

WORKING SESSION 7

Fundamental Freedoms II, *including*

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

Freedom of thought, conscience, religion, or belief

Freedom of religion or belief is widely recognised as a fundamental human right (and relevant OSCE commitments are amongst the oldest, dating back to the Helsinki Final Act of 1975). The issue of the limitations governments may place on the exercise of the fundamental freedom of religion or belief has been of continuing concern in the past ten years with the increase in activity of religious or belief groups across the whole OSCE region. The question of whether governments are imposing limitations appropriately and fairly has become more topical in recent times. The spread of religious or belief groups has led in some countries to the imposition of restrictive requirements for registration or re-registration, and to governments and organs of the government operating in a discriminatory manner against some religious or belief communities. In addition, the events of September 11 2001 and other events appear to have led to an increase in anti-Jewish and anti-Muslim sentiments.

Questions that could be addressed:

- Are OSCE States fulfilling their commitments to ensure freedom of religion?
- Are the current OSCE commitments in the area of freedom of religion or belief sufficient today?
- What international standards on registration and religious activities could be used to ensure that religious groups can practise freely?

Freedom of movement

While most of the OSCE commitments related to migration and freedom of movement were developed in the 1980s, there are still deficiencies in a number of areas such as exit visas, and internal registration regimes that restrict freedom to choose one's place of residence. It should also be noted that while the Western part of the OSCE region has been expanding the "common

migration space” of the Schengen agreement, the CIS Bishkek agreement on visa-free travel has been losing much of its significance due to the exit of a number of States from this agreement.

Questions that could be addressed:

- How can the OSCE, and in particular the ODIHR, assist the participating States in implementing best practices of humane migration management? What are the lessons learned from past ODIHR migration projects?
- How can the OSCE enhance co-operation with other actors in the field at the local, regional, national and international level?
- What measures have participating States taken to ensure apprehension of terrorists at borders?
- Are these measures consistent with OSCE commitments?

(Also for discussion at Working Session 8)

SIDE EVENT: Presentation of the Russian Encyclopaedia of Religion
Convenor: Keston Institute

Friday, 13 September

WORKING SESSION 8

Humanitarian Issues and other commitments, *including*

- Migration, refugees and displaced persons
- Migrant workers
- Treatment of citizens of other participating States

Migration, refugees and displaced persons

Migrant workers

(See also Working Session 7: Freedom of movement). Conflicts, economic disparity and other factors continue to cause displacement, including refugee flows and internal displacement, as well as migration in the OSCE region. Protecting the human rights of these people is an important issue in the OSCE region.

Questions that could be addressed:

- Do participating States provide sufficient human rights protection to refugees and IDPs and migrants and migrant workers? What more needs to be done?
- Is the right to voluntary return respected?
- What role can NGOs play in assisting governments in providing support to refugees and IDPs?

Treatment of citizens of other participating States

- Are participating States’ treatment of citizens of other participating States consistent with OSCE commitments?

SIDE EVENT: “Release of the Landmine Monitor Report 2002”
Convenor: International Campaign to Ban Landmines

WORKING SESSION 9

Humanitarian Issues and other commitments (cont.)

- International Humanitarian law

Any other business

International Humanitarian law

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

Questions that could be addressed:

- The principle of distinction between civilians and combatants and the principle of proportionality.
- The Rome Statute of the International Criminal Court entered into force on 1 July 2002. Significance and importance of this event.
- The Additional Protocols to the Geneva Conventions, the Ottawa Convention on the ban of anti-personnel mines and the co-operation with the International Criminal Tribunals for the former Yugoslavia and for Rwanda.
- Respect for non-derogable rights in time of emergency (art. 4 ICCPR and 15 ECHR), and the right to a fair trial (art. 75 Protocol I, art. 6 Protocol II, art. 9 of the Turku Declaration of Minimum Humanitarian Standards).

Any Other Business

Participants may use this Session to raise any other OSCE human dimension commitments that have not been previously covered

PLENARY SESSION

Presentation of the outcome of the Working Sessions.

Preliminary discussion of the recommendations as a preparation for the Closing Reinforced Plenary Session.

SIDE EVENT: Briefing on Central Asia

Convenor: International League for Human Rights

Monday, 16 September

WORKING SESSION 10, 11

Discussion of human dimension activities (special emphasis on project work)

In the past several years, the OSCE has played a much more active role in seeking to strengthen democracy and human rights practices, as well as to promote the strengthening and compliance of Human Dimension Commitments by OSCE participating States. The human dimension activities, including project work, of OSCE/ODIHR, other OSCE institutions as well as the OSCE field

offices – both large and small - have grown in number, intricacy and duration. These include specific assistance efforts, programs and projects (i.e. legislative and technical assistance, training, and workshops for both government officials and members of civil society); work with specific States (i.e. Ministries and other governmental structures, civic society, etc.); as well as work at the international political level (i.e. consultation and co-ordination with other international organizations, etc.).

With heavy program loads and increasing demands by States and the NGO community for human dimension expertise, as well as external demands to co-ordinate and co-operate on project work with international organisations and partner organisations, the OSCE needs to continue to co-ordinate with other international organizations and NGOs in the OSCE region to increase effectiveness and to prevent duplication.

The Human Dimension Implementation Meeting provides an important forum for participating States and other participants at which to highlight Human Dimension activities that would benefit from greater focus from the OSCE institutions and field missions. It also provides an opportunity for all participants to discuss and identify trends and priorities for the future.

OSCE institutions and field missions will make presentations on their projects and future priorities. International organizations and NGOs – as well as participating States and other participants - are invited to comment on the presentations and to present their own project priorities.

Questions that could be addressed:

- How can the OSCE Institutions and field missions best assist participating States in implementing their Human Dimension commitments?
- What, if any, human dimension activities might participating States choose for new or enhanced focus by the OSCE Institutions and field missions, and what form might that focus take?
- What are the benefits and liabilities of long- and short-term programming?
- How does the OSCE maintain its “added value” in Human Dimension activities?
- How effective is the co-operation with other international actors (for example CoE, EU, UNHCHR, UNHCR, IOM) in Human Dimension activities? How can it be improved?
- How effective is the co-operation with local actors - both governmental and non-governmental – in Human Dimension activities? How can it be improved?
- How do NGOs evaluate the project work of OSCE institutions and missions? How could the co-operation with NGOs be improved?

SIDE EVENT: Presentation of activities and plans

Convenor: OSCE Senior Police Advisor

Tuesday, 17 September

WORKING SESSION 12, 13

Specifically selected topic: Trafficking in Human Beings

N.B. Questions and recommendations from the Berlin Conference “Europe Against Trafficking in Persons” will be further explored and elaborated during the course of this day with a view to specifying priority issues to be addressed at the Ministerial Council meeting later this year.

National Referral Mechanisms:

Co-operation among relevant state authorities and civil society

In keeping with commitments made by OSCE participating States, the ODIHR and OSCE field missions have identified the establishment of effective and inclusive national referral mechanisms (including identification, referral and assistance) addressing all target groups as defined in the UN Protocol as a key priority for their work.

The smooth functioning of national referral mechanisms is dependent on priorities and policies laid out in national plans of action to prevent and to combat trafficking, which are ideally elaborated by a multi-disciplinary working group composed of relevant state authorities as well as members of civil society.

The foundation of a national referral mechanism is a comprehensive analysis outlining the roles and responsibilities of all relevant institutions and organisations, which may come into contact with a victim of trafficking. Identified agencies should receive training on anti-trafficking issues and develop a clear memorandum of understanding for their co-operation.

The main aim of establishing a national referral mechanism is to improve assistance to and protection of trafficked persons. As a result of this enhanced co-operation, in particular between law enforcement and non-governmental organisations (NGOs), the stabilization of the victim’s situation should be ensured. This often leads to more successful prosecution efforts.

Taking into account that measures to develop, implement and monitor national referral mechanisms should include capacity building of all relevant agencies and strengthening of the legal framework, an increasing number of activities in this field are being carried out by OSCE participating States.

Questions that could be addressed:

- How are trafficked persons identified?
- What are the benefits of co-operation between NGOs and governmental bodies?
- What are the components of an effective referral mechanism on the national level?
- What models of co-operation exist which clearly define responsibilities while ensuring adequate victim protection and assistance?

SIDE EVENT: “Public Outreach: Awareness Raising about the Risks of Trafficking and Your Rights Abroad.” Briefing and discussion with NGO experts.

Convenor: OSCE/ODIHR Anti-Trafficking Unit

Advocacy and Assistance:

Promoting and Ensuring the Rights of Trafficked Persons

Victim advocacy efforts seek to promote proper identification of trafficked persons as well as an unbiased approach to their counselling and care. Victims of trafficking should not be criminalised for their status as undocumented migrants or for any migration or labour violations committed as a

direct result of having been trafficked. This means that on the one hand, a victim's advocate must sometimes protect a trafficked person from unjust prosecution. Yet, on the other hand, they must also work to empower a victim and to ensure that state authorities provide victims with access to justice, as well as access to the asylum process in relevant cases.

Victim advocacy and assistance programs should include providing victims with information about their rights and choices. In order to consider their choices fully, victims should be given a reflection period in the country of destination. With this in mind, OSCE participating States have committed themselves to "consider adopting legislative or other appropriate measures such as shelters, which permit victims of trafficking in persons to remain in their territories, temporarily or permanently, in appropriate cases." In addition to temporary residency and shelter, many trafficked persons require medical and psychological care.

In the course of investigation and criminal proceedings, state authorities are also responsible for protecting trafficked persons who agree to act as witnesses. Witness protection includes a wide range of measures. For example, states should consider intimidation of a witness as a separate criminal offence and should set up alternative methods of giving evidence, which protect victims from intimidation and direct confrontation with the accused. In exceptional cases, witness relocation and the creation of a new identity may be necessary.

Finally, in order to break the cycle of trafficking, efforts to protect and to assist trafficked persons must include the development of rehabilitation and reintegration programmes both in countries of destination and origin.

Questions that could be addressed:

- What is a reasonable period of reflection for a victim to recover and to consider their choices?
- Should the right of temporary residency be pegged to the willingness of the victim to appear as a witness?
- Once a victim's residency status is stable, who is responsible for addressing their other needs?
- With what preconditions does a victim have to comply in order to receive assistance?
- What measures can be taken to strengthen rehabilitation and reintegration efforts?

Wednesday, 18 September

WORKING SESSION 14, 15

Specifically selected topic: Election standards

Since the adoption of the 1990 Copenhagen Document, additional commitments have supplemented its initial provisions. Other international organisations have codified standards related to elections. The Council of Europe has adopted election-related standards, and the European Court of Human Rights has interpreted these standards in a growing number of cases. Other regional inter-governmental organisations have been active in the issue, including the Council of Europe's Venice Commission and the CIS Parliamentary Assembly. The UN Human Rights Committee has adopted a General Commentary on standards for democratic elections.

Other UN fora have also contributed to a growing list of international instruments enriching the standards for democratic elections.

These commitments, standards, case law, comments and reports are dispersed across a considerable number of documents in various fora. As Europe's foremost institution addressing democratic elections, the ODIHR has accumulated a rich experience in the implementation of election-related commitments and is uniquely placed to review and analyse these documents. The ODIHR has compiled a comprehensive and annotated initial document reviewing these standards and commitments. This review, analysis and compilation could assist ODIHR with a more consistent methodology when observing elections and providing technical assistance. Moreover, this document could serve to initiate a debate on the future development of OSCE commitments for democratic elections. The need to enhance the OSCE commitments for democratic elections was acknowledged at the 2001 OSCE Human Dimension Seminar dedicated to electoral processes.

The draft document "International Standards and Commitments on the Right to Democratic Elections: A Practical Reference Guide to Democratic Elections Best Practice" will be submitted to participating States for their advance consideration and for discussion during this working session at the HDIM. The document will be revised based on comments received from participating States and experts during the HDIM.

Thursday, 19 September

CLOSING REINFORCED PLENARY SESSION

• **ANNOTATED AGENDA: SIDE EVENTS**

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

The side meetings below have been exclusively organized and scheduled at the request of participants of the Human Dimension Implementation Meeting. The annotated agenda and content for each meeting was prepared by the organization convening the meeting and does not necessarily reflect the views of the OSCE, or the ODIHR.

Monday, 9 September

13.00-15.00 “**CHALLENGES FOR 2003: DISCUSSION OF PROJECTS AND ACTIVITIES**”
CONVENOR: DEMOCRATIZATION SECTION, OSCE/ODIHR
Meeting Room 2

This meeting will be devoted to discussion of the work and priorities of the ODIHR Democratization Section for the coming year. In 2002 the Democratization Section was engaged in implementation of over 100 projects in many parts of the OSCE region. In 2003, the Section will consolidate some of its activities and expand in new directions. The staff of the Section will discuss its strategic vision for 2003, targets of opportunities and priorities for the coming year. Success stories and lessons learned from the work of the Section will be highlighted.

Tuesday, 10 September

13.00-15.00 “**Freedom from torture: prevention, impunity, rehabilitation - joining forces with civil society**”
Convenor: Danish MFA and International Rehabilitation Council for Torture Victims
Meeting Room 1

Panelists include:

- **Ambassador Tyge Lehmann**, Head of the Human Rights Department, Danish Ministry of Foreign Affairs
- **Dr Jens Modvig**, Secretary General, IRCT
- **Mr Andres Lehtmets**, First Vice-President, European Committee for the Prevention of Torture (CPT)
- **Mr Malcolm D. Evans**, Professor of Public International Law, University of Bristol.

The meeting will address the latest developments in international action on prevention of and protection against torture, including:

- Role of the OSCE and other regional and international bodies
- Developments in standard setting

- Role of civil society
- Potential for enhanced co-operation between governments and civil society
- Immediate challenges in working towards freedom from torture.

18.00-19.30 “Briefing on discrimination and anti-Semitism”
Convenor: International League for Human Rights
Meeting Room 1

This meeting will offer a briefing from Russian activists in the Russian NGOs Anti-Racism Network on their follow-up work to the Durban World Conference Against Racism. Recent reports from a variety of human rights groups across Russia indicate that problems of racism are increasing and greater engagement is urgently needed from both local and international institutions in order to provide effective remedies.

Representatives of five Russian human rights NGOs will discuss current issues related to xenophobia, racism, and discrimination in Russia today:

- the growth of anti-Caucasian sentiment throughout the Russia provoked by the war in Chechnya;
- a surge of racist violence, including recent beatings and killings of people of color in Moscow and elsewhere by skinheads and other extremist youth groups;
- a wave of anti-Semitic hate crimes, including with booby-trapped signs saying "Death to the Jews" which have maimed and killed people;
- incessant police persecution of many ethnic minorities, primarily in the capital of Moscow, leading to wrongful arrest and often torture;
- deterioration of the situation specifically in Krasnodar Krai, where local government officials are attempting to violently deport Meskhetian Turks, a displaced minority denied citizenship, along with rights to housing, property ownership, education, and health care which hinge on registration status.

In their presentations, NGOs will draw both from their field investigations as well as experiences of best practices in encouraging dialogue between local government and law-enforcement agencies and minority communities about human rights protection as well as efforts to bring about improvements in law and practice, and promote tolerance in education and public affairs.

Wednesday, 11 September

13.00-15.00 “Panel discussion on Monitoring Minority Rights in the OSCE region”
Convenor: The EU Accession Monitoring Program of the Open Society Institute (EUMAP) and ODIHR (CPRSI)
Meeting room 1

This meeting aims to present and discuss the approaches to monitoring of compliance with human rights standards in the OSCE participating States and the importance of both intergovernmental and NGO monitoring, and how tools and methodologies for such monitoring can be developed and refined.

As an example, the EU’s monitoring of candidate states’ efforts to meet the political criteria/minority rights for accession will be presented, as well as one attempt to encourage

complementary but independent, non-governmental monitoring: Open Society Institute's (OSI) EU Accession Monitoring Program.

The meeting is organized by the ODIHR Contact Point for Roma and Sinti in co-operation with Open Society Institute. After the introduction and OSI presentation of their Monitoring Program and country reports (both EU candidate and member states), there will be a moderated discussion, in which everybody is welcomed to participate. Further, there will be an intervention by a representative of Minority Rights Group (MRG) (tbc).

Questions to be addressed/raised during the meeting:

- The role of OSCE and other international organizations in monitoring compliance with human dimension and human rights standards
- How international organizations can establish a coherent framework and effective mechanisms for monitoring human rights/minority rights on an ongoing basis?
- How the effectiveness of governmental policies on the issue can be assessed?

18.00-19.30 “Addressing Discrimination and working for equality of opportunity for Roma communities in Central and Eastern Europe”

Convenor: RrAJE (Roma Rights and Access to Justice in Europe) program and ODIHR Contact Point for Roma and Sinti Issues (CPRSI)

Meeting Room 1

This meeting aims to assess the protection provided by national and international legislature as well as by legally non-binding commitments in connection with the minorities, especially Roma and Sinti. The focus is on the access to justice – what can be done so that the existing human rights tools, (laws, regulations, provisions, conventions, commitments) could be effectively used to protect the (human) rights of Roma and Sinti and to allow them to seek and receive legal help when needed.

The meeting will be in a form of a panel discussion, with three panellists and a moderator. Also, a recently published book on the topic will be introduced.

Since 1990 the treatment of Roma and Sinti has become more and more a burning issue as many fundamental rights of Roma and Sinti continue to be violated in Europe. Access to justice is essential for them to be able to realize their human rights. But access to justice is not self-evident for discriminated groups like Roma and Sinti. United Nations and Council of Europe Committees supervising the implementation of human rights treaties advise states on how to improve the implementation of treaties. The treatment of Roma and Sinti is a recurring item, as is the improvement of access to justice on a national level.

Some Roma and Sinti have filed complaints with the European Court of Human Rights or with a United Nations Committee supervising the implementation of human rights treaties. Other Roma and Sinti have successfully lodged complaints on a national level.

Thursday, 12 September

13.00-15.00

“Corruption, a serious obstacle to democratic development - practical approaches to fight against corruption in the OSCE region”

Convenor: UNDP and OSCE/ODIHR

Meeting Room 1

The side event is hosted jointly by UNDP and the OSCE and will be chaired by **Mr. Marcin Swiecicki**, OSCE Co-ordinator on Economic and Environmental Activities, **and Ms. Renee Friedman**, UNDP Senior Economist and Chief Technical Adviser on Economic Governance.

Panelists include:

- **Mr Steven Wagenseil**, First Deputy Director, OSCE ODIHR
- **Mr Tomasz Anusiewicz**, Ombudsman Adviser, UNDP, Regional Support Centre, RBEC, Slovak Republic
- Representative of the Special Investigation Service, Seimas of the Republic of Lithuania
- **Ms. Grazyna Kopinska**, Against-Corruption Programme, Batory Foundation
- Representative of the office of the Commissioner for Civil Rights Protection of Poland (tbc)

Building open and transparent systems of Governance is one of the key challenges that states in Central and Eastern Europe and the CIS are facing. The reduction of levels of corruption is an integral element of this challenge. A number of states in the region have started putting in places mechanisms and institutions to reduce levels of corruption.

One of the key issues raised in the debate on the development of effective mechanisms to fight corruption is the unavoidable tension between the fight against corruption and the protection of human rights, in particular in states where powerful enforcement agencies are created. The side event will be therefore devoted to a debate on 'Reducing levels of corruption: balancing effective enforcement with the protection of human rights'.

“Journalistic work during times of conflict”

Convenor: OSCE Representative on Freedom of the Media

Meeting Room 2

This side event will discuss journalists covering conflict areas, with the example of Chechnya. Two prominent journalists, Anna Politkovskaya from Novaya Gazeta, Moscow, and Dirk Sager from ZDF, Germany, will participate with their own experiences. Mr. Duve, the Representative on Freedom of the Media, will facilitate the meeting.

• **COMPILATION OF WRITTEN RECOMMENDATIONS**

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by working sessions and by what was submitted by Delegations/Organizations. Recommendations are compiled in the original language without any specific order.

MONDAY, 9 SEPTEMBER

WORKING SESSION 1: DEMOCRATIC INSTITUTIONS, INCLUDING

European Union¹:

- Participating States are urged to facilitate the work of non-partisan domestic observation organisations.
- A stronger link should be created between the recommendations of the election observation missions and the Permanent Council.
- Efforts should be made to increase participation of experts from developing democracies in election observation missions.
- Participating States are urged to take on responsibility for the follow-up of ODIHR's election observations reports.
- The HCNM should continue to be proactive in citizenship-related issues throughout the OSCE area
- Participating States should consider replacing the repealed issuance of temporary permits with the granting of permanent residence permits.
- Participating States are encouraged to sign and ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness as well as ensuring that they are adequately transposed into national legislation and thoroughly implemented.
- Participating States should step up their efforts to facilitate the assimilation and naturalisation of stateless persons, i.a. by means of simplified procedures and providing those schemes with the necessary financial and personal resources.
- Harmonisation of the application of citizenship laws to avoid any negative cross-border impact on individuals and to avoid conflicts of law is greatly encouraged.
- Local and regional bodies should enjoy financial independence.

Delegation of the USA:

¹ The Compilation of EU recommendations is also available in Russian. See attached Index of Documents.

Democratic Institutions:

- In light of local elections scheduled for early 2003, it is particularly important that Belarus brings its electoral code up to democratic standards and that the inadequacies enumerated by the OSCE be addressed.
- We urge all parties to refrain from fomenting ethnic tensions or instigating violence as means of gaining electoral advantages. This has been a special concern in Macedonia and Kosovo.
- In Montenegro, we also call upon all parties to work with the OSCE Mission to Yugoslavia and others in overcoming problems which could threaten the degree to which the parliamentary elections in that republic will be free and fair. We wish the people of Bosnia-Herzegovina well as they take the responsibility for implementing the upcoming general elections from the OSCE. We have every expectation that the Serbian presidential elections will show further progress in the democratic transition of that republic.
- It is with profound disappointment that we have learned of the creation, this year, of a system based on the concept of “presidency for life” in Turkmenistan.

Democracy First, Washington, D.C.

- In light of the continuing denial of equal voting representation to 570,000 residents of the capital city of the United States of America in their national legislature, recognizing that the right to representation may not be limited or restricted in an arbitrary manner, and appreciating the fact that the OSCE human dimension commitments are matters of direct and legitimate concern to all participating States, we recommend that the United States of America adopts such legislation as may be necessary to bring its domestic law into conformity with its OSCE human dimension commitments under articles 6 and 7.3 of the 1990 Copenhagen Document.
- The OSCE should establish an ad hoc mission of experts under the Moscow Mechanism to assist in the resolution of this human dimension problem, should the OSCE determine it requires further information regarding the disenfranchised status of the people of Washington, D.C. prior to making the above recommendation.

- **DEMOCRATIC ELECTIONS - OBSERVATION AND TECHNICAL ASSISTANCE**

European Union:

- Participating states are urged to strengthen the political follow-up of the ODIHR's election reports and recommendations. While this responsibility lies with the concerned states, the OSCE and its institutions should continue to encourage such follow-up.
- Constant attention should be given to the preparations of election observations through in-depth exploratory missions and pre-mission training for core-team, long term and short term observers.

- Efforts should be made to increase participation of experts from developing democracies in election observation missions. One possibility is an ODIHR-organised forum for domestic observation organisations in order to share experiences, discuss matters of training and build up networks to facilitate regional co-operation.
- Domestic election observation being a very important element in democratic and credible election processes, participating states are urged to facilitate the work of non-partisan domestic organisations, e. g. by removing administrative, legal and practical obstacles.

Delegation of Norway:

- The OSCE should facilitate participation of non-partisan domestic election observers.
- The OSCE should encourage the political and practical follow-up to ODIHR's election reports and recommendations. Such political follow-up could most usefully be done by having the Permanent Council of the OSCE discuss reports on the follow up of recommendations in a particular country.

Human Rights Educational Centre, Belarus:

- Constructing the draft of the Convention for democratic election.
- Constructing the draft of the Protocol of the Convention for democratic election.
- The convention should be short on volume, a brief document.
- The Convention should be the guaranty for participation of the Opposition at election commission and large rights of observers. Observers must have the right to confirm results of voting, tabulation and protocols by their signatures.

OSCE/ODIHR:

- ODIHR and the participating States should invest greater effort towards improved political follow up to election observation mission recommendations in accordance with the 1999 Istanbul Summit Declaration. To this end, and in order to promote dialogue, the ODIHR should submit periodic reports to the Permanent Council on the measures that participating States have undertaken to implement those recommendations during the period since an ODIHR election observation mission. In addition, the ODIHR could submit an annual report on the subject to the annual Human Dimension Implementation Meeting, as well as to the OSCE Ministerial Meeting or Summit, whichever appropriate.
- ODIHR should continue and expand the project launched in 2001 to further diversify the participation of experts and observers in election observation missions and participating States should ensure adequate resources are available for the voluntary fund created for the purpose.
- ODIHR should continue its effort to improve the effectiveness of domestic election observation organisations. The Guidelines developed during 2002 should be disseminated widely, including outside the OSCE region. All participating States should review and revise their legislation where appropriate to ensure that domestic election observers are granted full access to the electoral process.

- ODIHR should prepare a training course for long-term observers (LTOs) that can be offered to individual or groups of participating States and be conducted in convenient locations. The aims are to enhance the effectiveness and efficiency of LTOs and to improve the uniformity of their methodology.

- **DEMOCRACY AT THE NATIONAL, REGIONAL AND LOCAL LEVELS**

European Union:

- Local and regional self-administrative authorities should enjoy clearly defined and substantial responsibilities and competences.
- Local and regional bodies should enjoy financial independence in order to fulfill their tasks.
- They should find appropriate forms of organization in order to increase their influence on the national, European and international level.
- According to the principle of subsidiarity, the EU limits its right to take action to cases where this offers added value in comparison to problem-solving at national, regional or local levels.
- The EU's Council of Regions should continue the dialogue with comparable organizations within the OSCE area in order to share experience and best practices.
- The enlargement processes of the EU should duly take into account the important role of local and regional bodies in implementing the *acquis communautaire*.
- The Convention on the Future of the EU and the subsequent Inter-governmental Conference will discuss measures to enhance and ensure the application of the principle of subsidiarity.

- **CITIZENSHIP AND POLITICAL RIGHTS**

European Union:

- The HCNM should continue to be proactive in citizenship-related issues throughout the OSCE area.
- Participating States should consider replacing the repeated issuance of temporary permits with the granting of permanent residence permits.
- Refusal of issuance of permanent residence permits should not be based on ideological grounds: That would be contrary to the international instruments of human rights.
- States should step up their efforts to cooperate among themselves and with international organizations to assess situations of statelessness and to promote both appropriate strategies and durable solutions to those situations.

- Participating States are encouraged to sign and ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness as well as ensuring that they are adequately transposed into national legislation and thoroughly implemented.
- Participating States should step up their efforts to facilitate the assimilation and naturalization of stateless persons, i.e. by means of simplified procedures and providing those schemes with the necessary personal and financial resources.
- The different Conventions agreed under the aegis of the Council of Europe should be signed, ratified and incorporated into national law. The Resolutions and Recommendations of the Committee of Ministers of the Council of Europe should be integrated into national law and practice.
- Harmonization of the application of citizenship laws to avoid any negative cross-border impact on individuals and to avoid conflicts of law is greatly encouraged.

UNHCR:

Recommendations to the OSCE participating States:

- UNHCR calls upon all OSCE participating States who have not yet done so to accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness and to further their implementation through national legislation;
- UNHCR encourages states to strengthen cooperation with UNHCR, the OSCE, other concerned organisations as well as with other States in effective dialogue to identify and reduce instances of statelessness and to promote solutions;
- UNHCR encourages States to seek technical and advisory services from relevant institutions including UNHCR offices, in particular with a view to adopting complimentary approaches on nationality legislation reform and practice with reference to relevant international legal instruments;
- UNHCR recommends States take active steps to fully incorporate principles of international law concerning the avoidance of statelessness through effective implementation of national legislation, clear administrative procedures, and regular training of relevant Government officials.

Recommendations to the OSCE and its institutions:

- UNHCR recommends further consultations between the OSCE Institutions and UNHCR be systematically pursued to identify areas for enhanced cooperation towards the avoidance and reduction of statelessness and protection of stateless persons;
- UNHCR recommends a strengthening of partnership between UNHCR, the OSCE and other organizations as regard statelessness through information dissemination, monitoring of root

causes of displacement, and the early identification of cases, including those disproportionately impacting minorities, women and children;

- UNHCR encourages the OSCE to actively support UNHCR in promoting State accession to and implementation of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness as important tools in promoting solutions and in establishing harmonized legislative frameworks toward the avoidance and reduction of statelessness.

- **OMBUDSMAN AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

European Union:

- The mechanism for appointment should prevent the Ombudsman from being perceived as a partisan figure.
- The Ombudsman should be independent of any political party.
- The Ombudsman mandate should not coincide with the mandate of the Parliament and should exceed it.
- The institutions should be well funded and be also provided with the necessary human resources to carry effectively its duties.
- Budgetary autonomy should be granted.
- The Ombudsman should be entitled to launch investigations on its own on those questions that are of interest to society.

Delegation of Norway:

- Close connection between the Ombudsman and national institutions must not lead to the perception of the Ombudsman as a political or partisan figure. The appointment process of the Ombudsman must ensure that its independence is ensured.
- In order for all inhabitants in a country to be able to access the Ombudsman institution, this institution should take on a proactive approach and reach out to the public. Ombudsman field structures should be developed. In areas where OSCE field offices exist, these offices may assist in forwarding issues to the office of the Ombudsman. New ways of increasing the accessibility of the Ombudsman should be explored, e.g. by using the Internet. The effect of different solutions should be evaluated.

OSCE/ODIHR:

- OSCE participating States should establish if they have not yet done so National Human Rights Institutions such as Ombudsman Institutions.

- The legal basis of the institutions should conform to the so-called UN Paris Principles (ECOSOC Resolution 1992/54, GA Resolution 48/134). They should have a sufficiently broad human rights mandate to effectively influence the human rights situation in the country. Such institutions should have legal guarantees of their independence from the Executive branch of Government. This relates in particular to the election process for the Ombudsman and strict limitations on his or her dismissal, functional immunity and financial independence. Wherever feasible they should be given constitutional status.

Tuesday, 10 September

WORKING SESSION 2: RULE OF LAW I, INCLUDING

European Union:

- In a democratic society laws must be adopted after a thorough public discussion in the appropriate legislative bodies during which their purposes should be made clear and explicit.
- Every law should aim at protecting social values and goods that are cherished by society and are explicitly and concretely defined and described in the legal text.
- The members of the judiciary must be given every possibility to acquaint themselves not only with the new democratic ideals but also with every new ideological and philosophical development in the field of human rights in particular and of social sciences in general.
- The members of the judiciary must be offered the possibility for continuous training, participation in international meetings, exchanges with colleagues from mature democracies and visits to familiarize with other judicial systems.
- The procedure for recruitment of judges must be open, transparent and meritocratic without exclusions or restraints for persons of specific racial, religious or linguistic group.
- The remuneration of the judiciary members must be of a level allowing them a decent living while every action of dishonesty must be punished promptly and severely.
- Every indicted citizen, no matter what accusation is made against him should be presumed innocent until proven guilty according to the law. From the first moment of her implication with justice legal assistance should be available.
- The prosecuting authorities must provide full access to the lawyers of the accused to the material on which the indictment is based as well as full disclosure about the exact document.
- The pretrial detention must be no longer than what is prescribed by the law and the conditions of the detention must be up to international standards.
- The trials must be fair and public and all the procedural rules must be respected. The accused, if convicted must always have the right to appeal the conviction asking for a trial in a second-degree court.

- A convict is not deprived of human rights. Human rights must be observed and respected, particularly inside the penitentiary institutions.

International Helsinki Federation for Human Rights:

- While acknowledging that effective means must be developed to prevent heinous attacks such as those carried out on 11 September, the IHF stresses that the examples discussed above, as well as similar measures in a number of other OSCE countries, set a dangerous precedent by compromising human rights protections in the name of national security. The IHF calls on the OSCE participating states to ensure that all measures adopted in the fight against terrorism are in accordance with OSCE and other international standards and urges the chairman-in-office and the Permanent Council to be particularly vigilant in monitoring member states' compliance with or derogation from OSCE norms during this time. The IHF also calls on the incoming Chairman-in-Office to devote one of the supplemental review meetings during 2003 to an evaluation of the policies and practices taken by member states in the war against terrorism. By making sure that all anti-terrorist measures are in strict compliance with the rule of law and international human rights standards, the OSCE participating states can fulfill their obligation to protect their citizens without allowing fundamental rights and freedoms to become the "collateral damage" of the war on terrorism.

Human Rights Watch:

On Human Rights and counter-terrorism:

- The OSCE ministerial meeting should affirm unequivocally the requirement to adhere strictly to international humanitarian, human rights and refugee law when engaging in measures against terrorism.
- OSCE participating States should end the transfer, extradition or deportation of terrorist suspects without full guarantees of due process or in situations where they may face the death penalty, torture or other forms of ill-treatment.
- The Permanent Council should request the OSCE Action against Terrorism Unit and ODIHR to jointly monitor, review and make necessary representations to participating States on their compliance with these issues.
- The Personal Representative of the OSCE Chairman-in-Office for Preventing and Combating Terrorism should draw upon ODIHR staff and expertise to monitor and report regularly on the impact of counter-terrorist measures on human rights and the compliance of participating States with their human dimension commitments.
- The OSCE's new Action against Terrorism unit should include human rights experts and integrate human rights considerations fully into its reports, programs and activities.
- All other relevant OSCE bodies should be required to monitor and report on the impact of counter-terrorist measures on human rights that are their specific concern, including the High Commissioner for National Minorities; the Representative on Freedom of the Media; the

ODIHR Advisory Panel of Experts on the Freedom of Religion and Belief; and the ODIHR Advisory Panel of Experts on Combating Torture.

- The ODIHR Migration/Freedom of Movement Unit should include these concerns in its monitoring and project work.
- OSCE field missions should monitor, analyze, report and make representations to governments on the consistency of counter-terrorist laws and measures with international human rights standards.

On International Criminal Court:

- OSCE participating States should welcome the entry into force of the Rome Statute and ratify the ICC Treaty if they have not already done so.
- OSCE participating States should reject any proposed Article 98 agreement with the United States because it is inconsistent with their legal obligations under the Rome Statute not to undermine the objectives of that treaty; at minimum, OSCE participating States should defer any substantive negotiations on an Article 98 agreement for several months to analyze fully its legal implications.

Amnesty International:

- Calls on the OSCE to ensure that respect for and protection of human rights are integrated into the work of all OSCE bodies developing and implementing measures to counter "terrorism", and advise all Participating States of the assistance it can provide to enable them to act accordingly;
- Calls on all Participating States to ensure that the measures they take to counter "terrorism" conform with their obligations to respect human rights and international human rights law, and draw upon the expertise of the OSCE and of its Participating States to assist them to do so;
- Commends to all Participating States the Council of Europe "Guidelines of the Committee of Ministers of the Council of Europe on human rights and the fight against terrorism" (www.coe.int).

OSCE/ODIHR:

- The OSCE participating States are committed to take all necessary measures to protect those under their jurisdiction from acts of terrorism. They recognise that the effective fight against terrorism requires a functioning and fair system of rule of law as described in the OSCE Copenhagen Document. They undertake to intensify their efforts to build a stable rule of law with functioning institutions and checks and balances.
- OSCE participating States recognize the need to provide procedural safeguards against the abuse of anti-terrorism measures, including safeguards relating to the protection of privacy. OSCE participating States are encouraged to seek assistance from the ODIHR as to possible

measures for safeguarding human rights and the rule of law while fighting terrorism effectively.

- To preclude arbitrary application, definitions of terrorism, terrorist acts and support to terrorist groups should be defined by law in a precise and limited manner. Such qualification should be subject to a legal remedy.
- Anti-terrorism measures taken by the OSCE participating States must comply with the principle of non-discrimination. Anti-terrorism measures should never involve discrimination on the ground of race, colour, sex, language, religion or national or social origin.
- The OSCE participating States re-iterate their commitments undertaken under the OSCE Moscow Document regarding the derogation of human rights standards in times of emergency. Anti-terrorism measures must not under any circumstances limit or derogate from the non-derogable rights of the right to life; the prohibition of torture, inhuman and degrading treatment; the principle of non-retroactivity of criminal law; and the right to freedom of thought, conscience and religion.

- **LEGISLATIVE TRANSPARENCY**

Delegation of Canada:

- OSCE Parliamentary Assembly should show greater engagement in this issue, *inter alia* by sharing best practices with and facilitating exchange visits for parliamentarians from transition states to systems in which legislative processes include public committee hearings and consultations with civil society.

OSCE/ODIHR:

- Participating States should ensure that all legislative decisions are taken by the Parliament and that executive decrees are limited to a well-defined number of issues specified by law
- OSCE participating States should strengthen the transparency of law-making processes, in particular through genuine open debates in parliaments. They should strengthen the input by non-state actors, especially including professional groups and civil society, through such mechanisms as public hearings, round-tables, etc.. They should institute or improve procedures to ensure that draft laws are systematically reviewed for compliance with international human rights treaties prior to adoption. The ODIHR should provide assistance and advice, if so requested.

- **INDEPENDENCE OF THE JUDICIARY**

Delegation of Canada:

- The near-exclusive focus on the criminal justice system should be broadened to include civil/commercial tribunals and alternative dispute resolution mechanisms, in support of greater economic transparency and improved investment climates.

International Helsinki Federation for Human Rights

- The IHF urges the OSCE governments to take all measures in their power bring through necessary judicial reforms in line with international standards. We appeal for the respect of independence of the judiciary; the impartial operation of the public judicial service; equality before courts of law; and abidance by all international fair trial standards.

OSCE/ODIHR:

- Participating States should strengthen the role of the judiciary in the investigative process. In particular, those states that have not yet given mandatory authority over arrest and detention to judicial authorities should do so as a matter of urgency in order to ensure compliance with their obligations under the European Convention of Human Rights and the United Nations International Covenant on Civil and Political Rights, where applicable. States should also review their legislation to ensure that intrusive investigative measures, such as house searches, wire-taping, access to confidential information, are authorized not only by the Prosecution or another investigative authority, but by an authority exercising judicial control.
- The OSCE and its participating States should increase their work towards the establishment of the rule of law in conflict areas in the OSCE region, including the enhancement of judicial independence. This should include efforts to increase the accountability of international administration. Local citizens in internationally administered areas should be able to bring claims against international staff within the administered area. The immunity of international organizations and staff should not serve as a barrier to compensating locals for damage suffered as a result of activities of international organizations or their employees.
- To the extent possible, therefore, and to increase accountability, the OSCE and its participating States should ensure the participation of representatives of temporary international administrations within the OSCE area at all major OSCE Human Dimension events.

- FOLLOW UP TO THE 23-25 APRIL HUMAN DIMENSION SEMINAR ON JUDICIAL SYSTEMS AND HUMAN RIGHTS

Delegation of Canada:

- Canada wholly supports the outcome of the ODIHR Seminar on Judicial Systems and Human Rights, and believes that this constitute a viable platform for future engagement by the ODIHR on this issue.

Working session 3: RULE OF LAW II, INCLUDING

Delegation of the USA:

- The United States calls upon the Belarusian authorities to mount an independent, impartial, full and transparent investigation into the disappearances and probable deaths of these men.
- In Uzbekistan, individuals accused of belonging to banned organizations or distributing forbidden literature continue to be sentenced to long terms in trials that do not meet OSCE

standards. These cases indicate that the courts in Uzbekistan lack the independence necessary to guarantee fair trials. In practice, judges whose rulings are disfavored by the government may find themselves removed from office. The ODIHR Seminar on Judicial Systems and Human Rights made numerous recommendations on how to respond to such problems, for instance, by establishing life terms for judges, or in situations where the executive branch appoints judges, by ensuring that the executive can not terminate a judicial appointment/ We encourage Uzbekistan to review these recommendations and work with ODIHR to find appropriate solutions.

- In Kyrgyzstan, for example, Felix Kulov remains wrongly imprisoned, two years after he was sentenced in a closed proceeding by a military court. We urge the Government of Kyrgyzstan to release him without condition or delay. We also urge Kyrgyzstan to come into line with its Copenhagen commitment to only hold in camera proceedings in circumstances prescribed by law and consistent with obligations under international law and international commitments.

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

European Union:

- The EU strongly supports all efforts made towards the complete abolition of capital punishment;
- The EU calls for countries with a “de facto” moratoria to implement a “de jure” abolition of death penalty;
- The EU believes that in those countries which have not yet abolished the death penalty, it should not be imposed on persons who, at the time of the crime, were under 18 years of age or suffering from any form of mental disorder.
- The EU urges all participating States, which have not yet done so, to ratify Protocol n. 13 to the ECHR (European Convention on Human Rights) and second optional protocol to the ICCPR (International Convention on Civil and Political Rights).

Council of Europe:

- Promoting universal abolition of the death penalty;
- Signing and ratification of Protocol 13 to the European Convention of Human Rights, containing an unconditional prohibition of death penalty in all circumstances.

Delegation of Norway:

- All OSCE participating States should ratify the 6th as well as the 13th protocol to the European Convention on Human Rights and the Second optional protocol to the UN Covenant on Civil and Political Rights.

Delegation of Switzerland:

- La Suisse réitère son appel général à tous les États participants à proscrire la peine capitale et, si nécessaire dans un premier temps, à décréter un moratoire sur les exécutions, et/ou à commuer les peines de mort en peines d'emprisonnement à vie.
- Elle invite également tous les États connaissant encore la peine de mort à échanger des informations concernant cette peine ainsi qu'à publier des informations relatives à son application, conformément aux engagements politiques contractés par les États participants de l'OSCE dans le document de Copenhague de 1990.

Delegation of France:

- Que l'évolution vers l'abolition de la peine de mort s'accompagne d'une réflexion sur les modes alternatifs à la peine de mort et notamment sur la prison à vie.

Amnesty International:

- Amnesty International encourages those OSCE Participating States that are members of the Council of Europe to support its quest to eradicate capital punishment by signing and ratifying Protocol No. 13 to the European Convention on Human Rights, which abolishes the death penalty at all times;
- The OSCE should seek to secure compliance with existing OSCE commitments as regards capital punishment by investigating practical ways of assisting those Participating States that still apply the death penalty to comply with these commitments;
- In particular, the OSCE should condemn the veil of secrecy surrounding the use of the death penalty in some of those states which still apply it, and should explore ways of assisting the authorities in these states to ensure statistical and other information on the death penalty is made public;
- The OSCE should also pay particular attention to the failure to implement OSCE commitments on capital punishment by Belarus, Kazakstan, Tajikistan and Uzbekistan;
- The OSCE should condemn the disregard for existing commitments, and should explore ways of assisting these states to ensure due process of law, especially as regards fair trial and appeals processes. Consideration should be given to use of the Human Dimension mechanisms to address this issue;
- To help achieve these objectives, the OSCE political bodies should strongly back the efforts of relevant OSCE field operations to place the issue of the death penalty on the agenda for their dialogue with their host governments.

OSCE/ODIHR:

- In accordance with the Copenhagen Document of 1990, all participating States should make available to the public information about their use of the death penalty. This information

should include the number and identity of persons sentenced to death, the exact crime for which the death sentence is imposed, the number of persons on death row, the number of acts of clemency, and the number of persons executed. Legislative alterations to the scope or use of the death penalty should also be made public.

- Those OSCE participating States that still retain the death penalty should actively consider instituting a moratorium on executions.
- In accordance with the Vienna Document of 1989, the death penalty should only be imposed for the most serious of crimes. The death penalty should only be imposed for intentional crimes with lethal or other extremely grave consequences. Also, in accordance with the Vienna Document of 1989, participating States should only impose the death penalty in a manner not contrary to their international commitments.
- Those OSCE participating States that retain the death penalty should be guided by the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted 25 May 1984, and UN Commission on Human Rights Resolution 2002/77 on the Question of the Death Penalty, adopted – April 2002.
- Those OSCE participating States that have not yet done so should consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Those OSCE participating States that are members of the Council of Europe and have not done so should consider ratifying Protocol 6 and Protocol 13 to the European Convention on Human Rights and Fundamental Freedoms.
- Upon request, the ODIHR should provide technical assistance and expertise to the OSCE participating States on the implementation of international standards on the use of the death penalty.
- The OSCE/ODIHR should continue to facilitate the exchange of information on the question of the abolition of the death penalty through dissemination of information, publications and the organization of round tables and conferences.

- **PREVENTION OF TORTURE**

European Union:

The participating States should:

- Ensure that all torturers are brought to justice
- Ensure that all allegations of torture are investigated properly
- Ensure adequate conditions for detainees, including access to legal and medical assistance and interpretation

- Facilitate social and medical rehabilitation of torture victims
- Ratify expeditiously the United Nations Convention against Torture
- Consider recognizing the United Nations Committee against Torture as being competent to examine individual communications
- Support the adoption of the Optional Protocol to the United Nations Convention against Torture at the 57 UNGA.

The participating States and the relevant OSCE structures and institutions should:

- Consider a more focused contribution of the ODIHR to international co-operation against torture
- The parliaments and civil societies of the OSCE participating States should:
- Support EU efforts to turn the OSCE area into a torture free zone

The OSCE Partner States should:

- Support the EU in the efforts outlined in the EU statement on torture.

Council of Europe:

- Encouraging the adoption of an Optional Protocol to the UN Convention against torture;
- OSCE participating States that are Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment should actively pursue their efforts with a view to fully complying with the Committee for the Prevention of Torture (CPT) standards on police custody;
- With a view to allowing civil society and relevant organisations to contribute to the process of taking forward the implementation of the CPT's recommendations as well as to stimulating public debate on the treatment of persons deprived of their liberty, OSCE participating States bound by the European Convention for the Prevention of Torture should authorise, at the earliest opportunity, of the CPT's reports and of their responses. They are also encouraged to publish written preliminary observations forwarded to them by CPT visiting delegations after a visit, together with any comments in response.

Delegation of Canada:

- Canada is a strong proponent of measures to prevent and prohibit torture and attaches great importance to effective action by the OSCE and its participating States against torture. To that end, we urge OSCE participating States to support the adoption of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment at the 58th Session of the United Nations General Assembly.

Delegation of Norway:

- All States should, as speedily as possible, ratify the Optional Protocol to the UN Convention against torture once it is finally adopted. Participating States should also recognise the competence of the UN committee against torture to examine individual communications under article 22 of the Convention.
- OSCE participating States are urged to follow-up on recommendations by the United Nations Committee for the Prevention of Torture, and the recommendations of the European Committee for the Prevention of Torture (CPT).
- All member States should promptly launch criminal investigations and bring the case to trial when allegations of torture or ill-treatment are made, including by human rights groups or other non-governmental organisations. Mechanisms to ensure such action should be implemented. Member states should guarantee access to legal council.
- Training activities should target police forces and prison personnel, as most cases of torture and ill treatment happen during detention in police facilities. Furthermore, judges, prosecutors and military personnel should also receive human rights training. NGOs could be actively involved in training, education and awareness raising. OSCE, in particular through the ODIHR and the field missions where appropriate, could organise and implement education and training programs in close cooperation with the host country.
- OSCE member states should extend an open invitation to the UN Special Rapporteur on Torture, and communicate to the OSCE Permanent Council that such action has been taken.
- The OSCE should facilitate the exchange of experiences and promote best practices among Participating States on national monitoring of places of detention.

Delegation of the USA:

- We urge the Slovak Government to press ahead with its efforts to hold fully accountable those responsible for the death of Karol Sendrei, a Romani man who died last year after being chained to a radiator for 12 hours while in custody and beaten by police.
- We urge all OSCE participating States to treat confessions and other evidence obtained through the use of torture as inadmissible in legal proceedings.
- We urge the Uzbek Government to investigate the many other cases of those who have died at the hands of state authorities and immediately release those who are in jail for their religious or political views, including Rahima Amedalieva, Imam Abduvahid Yuldashev, Yusup Jumaev, Mamadali Makhmudov, and Elena Urlaeva.

Delegation of Switzerland

- Nous encourageons les États participants à voter en faveur du Protocole facultatif à la Convention contre la torture de l'ONU puis, les cas échéant, à le ratifier dans les meilleurs délais.

- Recommandation au panel d'experts de l'ODIHR de l'OSCE: Nous encourageons le panel à mettre son expertise de prévention à disposition des États qui auront ratifié le Protocole facultatif afin de les assister dans la mise sur pied de mécanismes nationaux de prévention de la torture.

Delegation of France:

- L'intervention d'un avocat dès le début de la privation de liberté afin de garantir les droits de la défense et de prévenir les risques de tortures ou de mauvais traitements.
- Une généralisation du droit au silence et du droit de ne pas être obligé de témoigner contre soi-même, de s'avouer coupable.

International Helsinki Federation for Human Rights:

- The IHF would like to recall the OSCE states' repeated formal commitments to the prevention of torture, as well as other international measures to this end. We welcome the 24 July adoption by the UN Economic and Social Council of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This protocol provides for a step further in the international anti-torture activities, i.e. the establishment of a system of regular visits to places of detention by a body of international experts as well as visits conducted by national visiting bodies. The IHF urges all OSCE participating States to ratify the protocol as soon as the UN General Assembly, including the United States of America that sought to block the adoption of the protocol, has adopted it.
- The IHF further notes wishes to stress that the crucial weapons in the struggle against torture and ill treatment are practical measures taken by governments towards eliminating this flagrant practice. These include, inter alia, adequate training of law enforcement and prison officials; prompt and thorough investigations of all allegations of torture; disciplinary measures and judicial charges against all perpetrators of torture; abolition of incommunicado detention; inaccessibility of "confessions" extracted under duress as evidence in courts of law; and public statements by authorities make it clear that tolerance and ill-treatment is not tolerated.

Human Rights Watch:

- OSCE participating States should ensure that reports of torture and ill-treatment are promptly and thoroughly investigated, including when reported by human rights groups, and that those found responsible for abuse of power are brought to justice; OSCE missions can play an important role in promoting accountability by maintaining records of torture allegations and tracking, monitoring and reporting on accountability procedures;
- Where their criminal codes do not already do so, participating states should amend them to specifically define torture as a criminal offence, as required by the UN Convention against Torture; ODIHR and OSCE missions should facilitate the provision of appropriate technical expertise in support of such legal reform;

- Where such provisions do not already exist, participating states should amend their criminal procedure codes to guarantee all detainees access to legal counsel from the first moment of detention, and introduce judicial review of detention (habeas corpus); again, ODIHR and mission expertise could be instrumental in promoting this reform;
- OSCE participating States should comply in a timely manner with their reporting obligations to UN treaty bodies, in particular the UN Committee against Torture, and implement the recommendations issued by these bodies, as well as those by other relevant applicable international monitoring mechanisms such as European Committee for the Prevention of Torture;
- Those participating states who have not already done so, should issue standing invitations to UN special mechanisms, in particular the Special Rapporteur on Torture;
- OSCE participating States should ensure that all law enforcement personnel receive regular human rights awareness training and be specifically instructed that they must comply with the requirements of the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the Standard Minimum Rules for the Treatment of Prisoners. Building on the OSCE's police training experience in the Balkans, it might consider developing a travelling police training course emphasizing curriculum in these areas.

Association for the Prevention of Torture:

Draft Optional Protocol to UN Convention against Torture:

- Participating States should support the adoption of the Draft Optional Protocol to the UN Convention against Torture at the 57th session of the UN General Assembly in New York (September-December 2002) and once adopted to give priority to its early ratification.
- Participating States should set up, designate or maintain one or several national mechanisms to visit places of detention.
- The OSCE/ODIHR should facilitate the exchange of experiences and promote best practices among participating States on national monitoring of places of detention.
- The OSCE/ODIHR should provide assistance for the implementation of recommendations of both international and national visiting bodies.

National Visiting Mechanisms:

- Participating States should allow and facilitate visits to places of detention by national mechanisms such as ombudsmen, National Human Rights Institutions, NGOs and other independent bodies, in order to monitor, the treatment of persons deprived of their liberty and conditions of detention.

- National visiting mechanisms must be guaranteed their functional independence, access to all places of detention, the opportunity to conduct private interviews and the opportunity to publish their reports and recommendations.
- Participating States party to the European Convention for the Prevention of Torture should continue to co-operate with the European Committee for the Prevention of Torture (CPT). In particular States should authorize the publication of the CPT reports and State responses.
- Participating States should formulate a co-ordinated and comprehensive strategy for the implementation of the CPT recommendations, for example by establishing an interdepartmental co-ordinating body mandated to monitor all implementation activities.

OSCE/ODIHR:

- OSCE participating States should improve their efforts towards actual implementation of international standards on torture. They should in particular improve the domestic impact of international treaty monitoring procedures. A broad, public consultation process with national and local authorities, NGOs and civil society should be established to improve the effectiveness of human rights treaties, both in preparation of and as a follow-up to examination of a country by treaty monitoring bodies.
- Each OSCE participating State should formulate a broad domestic strategy for the eradication of torture and other forms of degrading and inhuman treatment. This could include a mechanism for a systematic review of anti-torture policies. The ODIHR should provide advice on such a strategy whenever requested. It could also provide best practices on the domestic implementation of anti-torture policies in the OSCE area.
- OSCE participating States should consider the introduction of independent external monitoring mechanisms, such as Civil Society Monitoring boards or similar bodies. The ODIHR should render advice on the structure and nature of such domestic bodies.
- National Human Rights Institutions such as Ombudsman should increase their activities and monitoring of places of custody, in particular police stations, where the risk for human rights violations is particularly high.
- OSCE participating States are encouraged to ratify the Optional Protocol to the United Nations Convention Against Torture, once adopted by the UN General Assembly.

- FOLLOW UP TO THE 8 AND 9 JULY SUPPLEMENTARY HUMAN DIMENSION MEETING ON PRISON REFORM

European Union:

- Prisons have a dual function namely to protect the public from dangerous criminals and to rehabilitate prisoners so as to reduce the probability of them re-offending after their release. A successful prison system is one of the three pillars of the Rule of Law, alongside the police and

judiciary. We urge ODIHR to continue its work in supporting participatory states' efforts to develop their prison systems.

The European Union considers that if prisons are to carry out these two functions successfully, a number of principles must be upheld:

- Prisons should be regarded as part of civil society rather than an element of the military structure, and we encourage participatory states to continue the transfer of prison services from the Ministry of Interior to the Ministry of Justice. Prisons should also operate within the context of human rights standards set at international level by the UN, and regionally by bodies such as the Council of Europe.
- Staff in prisons should be recognised as respected and professional public servants. They should be carefully selected, properly trained and remunerated and continually encouraged to develop their skills.
- Prisons should be open to public scrutiny and monitoring. Inspections can be carried out by official agencies or NGOs, following agreed procedures.
- The EU urges all OSCE partners to respect these principles. It is the job of all governments, not just those in developing democracies, to ensure that their prison system is transparent and stands up to public scrutiny.

Delegation of Canada:

- Canada welcomes the presence of a high number and wide range of experts at that meeting, which resulted in substance and credibility. Canada is hopeful that future Supplementary Human Dimension Meetings will be similarly targeted.
- It is vital to include pre-detention facilities, including police stations, in all aspects of prison reform.

Delegation of the Republic of Azerbaijan:

- Organization of trainings for prison management officials on study of international documents in the field of human rights, as well as rules and guidelines on treatment of prisoners.
- Study of leading experience in the field of execution of court decisions.
- Elaboration of projects aimed at promotion of prisoners' rights and social rehabilitation of persons released from prisons.

Delegation of Turkey:

- The term “civil society” should be preferred to “NGOs”, thus enabling prison experts without any NGO connection to take part in independent monitoring activities. Such experts include retired prison doctors, psychologists, social workers and trainers.

- Civilian monitoring boards should be able to inspect penal execution systems, disciplinary measures, respect for human rights and dignity, workshops for inmates and hygiene conditions in prisons and detention centres, without depending on logistical support and involvement of prison administration.
- Members of civilian monitoring boards should be experts on prison issues. They should remain objective. Nomination should be made by independent authorities without any political interference. They should be able to carry out personal interviews with the prisoners and detainees. Access to all documents should be ensured. They should receive special training on prison law, international standards and fundamental rights of prisoners.
- Reports by the monitoring boards and their follow-up should be made public.

Wednesday, 11 September

WORKING SESSION 4: TOLERANCE AND NON-DISCRIMINATION I, INCLUDING

- NATIONAL MINORITIES

Delegation of Norway:

We urge the OSCE participating States to:

- Demonstrate a real political will to combat all forms of discrimination by adopting and implementing appropriate laws.
- Respect and provide better conditions for minority culture, languages and religion.
- Ensure equal access to the labour market.
- Increase the number of persons belonging to minority groups in the public sector.
- Ensure effective access to all levels of education.
- Include minority groups in policy development processes, through dialogue and through effective and meaningful mechanisms of consultation. A prerequisite for the implementation of these recommendations is that authorities facilitate participation and self-organisation of minority groups.

Delegation of Switzerland:

Strengthening of minority media and minority-related reporting:

Minority media can not achieve the aforementioned goals without substantial support. Their coverage is not market oriented and thus they can not be self-sustainable. We would therefore argue for a comprehensive support, in accordance to the following guidelines:

- As almost all minority media operate in quite poor conditions and improvement of infrastructure and further equipping are very much needed.
- Production capacities of minority media are in average rather limited and should be strengthened, especially those referring to production of the following programming:
 - Current affairs and other information programming in minority languages, with a specific focus on the minority community;
 - Education programs on identity issues and specific problems of the minority community;
 - Background programming on social, political and cultural issues with an integrative approach towards community participation.
- Building up of networking structures among minority media, both within a particular country and on a regional level can enable them program exchange and cooperation both with other minority media as well as with media targeting majority population.
- Joint projects of minority and majority media are especially important for facilitating inter-ethnic and inter-cultural dialogue.
- Multi-ethnic/ multi-lingual media projects represent the best practices of cross-cultural communication and as such should be especially encouraged.
- Within an overall support to majority media a special attention should be given to diversity reporting projects for a coverage of minority issues with an informative and educative approach towards understanding of minority problems.
- Level of professionalization of minority media is in average less developed compared to other media. Their staff is usually less represented in training provided by a number of organizations. More intensive work in this regard is indeed necessary.

European Union:

The Participating States and Partners for Cooperation should, where relevant,

- consider acceding to and/or ratifying the relevant international instruments pertaining to the protection of persons belonging to minorities.
- examine ways in which to advance respect for those rights, both in a domestic and international context.

The OSCE, and in particular ODIHR and the HCNM should

- raise awareness of and disseminate further the contents of the the Hague, Oslo and Lund Recommendations on the education rights, the linguistic rights and the effective participation of national minorities in public life.
- include an extensive exchange of views on lessons learnt, solutions found under specific circumstances and further projects envisaged for implementation in the specific areas of participation in public life, education and language of national minorities as a special topic for

the second week of the 2003 Human Dimension Implementation Meeting. This exchange of views would gather representatives of States, key institutions such as the Council of Europe, the Stability Pact for South Eastern Europe as well as representatives of Civil Society, and contribute to a wider dissemination and awareness of the instruments and possibilities available, such as the Hague, Oslo and Lund Recommendations.

Council of Europe:

- Encouraging the ratification of the Framework Convention for the Protection of National Minorities;
- Stressing the importance of the ratification of the European Charter for Regional and Minority Languages;
- Promoting the aims of the monitoring mechanisms of the Framework Convention for the Protection of National Minorities and of the European Charter for Regional and Minority Languages and ensuring an effective follow-up to the results of their respective monitoring processes. In this regard, *inter alia* strengthening co-operation and co-ordination between the Council of Europe and the OSCE High Commissioner on National Minorities;
- Stressing the importance of raising awareness with the majority population about the existence of minorities and regional identities in the country and of educating the majority population to accept and respect their specificity as an integral part of the national human, cultural and linguistic heritage.

International Helsinki Federation for Human Rights:

- The IHF urges the OSCE participating States to live up their commitments under the OSCE concluding documents and other commitments to protect minority rights, particularly those provided by the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (par. 30-40.7)

- ROMA/SINTI

European Union:

- Where Roma or Sinti minorities exist, States should recognize fully their existence, respecting the name by which the respective community wishes to be known, and comply with all human rights obligations towards them and abide by relevant OSCE commitments, including those on minority protection and non-discrimination.
- The ODIHR Contact Point (CPRSI) and the High Commissioner on National Minorities should continue efforts to integrate Roma and Sinti issues into the mainstream of OSCE activities, in particular of its field missions, of its media representative and of ODIHR. The CPRSI should continue to coordinate its efforts with other international actors such as the Council of Europe, the European Union and within the framework of the Stability Pact for South Eastern Europe.

- The Contact Point on Roma and Sinti Issues should continue its work on the Roma and Sinti Action Plan, with the aim of having this adopted by the end of 2003. The EU proposes to devote, including with the aim of facilitating this work, the first of the supplementary human dimension meetings of 2003 to Roma and Sinti issues.

States should *inter alia*:

- Support the CPRSI and ensure that it is provided with the necessary resources to perform its functions
- accede to or ratify relevant international legal instruments, particularly the UN core human rights treaties and their procedures for individual complaints, and as applicable the European Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and to consider ratifying Protocol no 12 to the European Convention on Human Rights.
- disseminate to Roma and Sinti, in their first languages where appropriate, knowledge of the functioning of the legal system and of their rights under applicable international conventions and complaints procedures
- enact legislation and design policies, strategies and programmes aimed at eliminating discrimination of Roma and Sinti, particularly in the fields of education, employment and housing, taking into account all the provisions and principles laid down in international instruments as well as relevant international recommendations, such as those issued by the Specialist Group on Roma/Gypsies of the Council of Europe (MG-S-ROM) and:
 - General Policy Recommendation no 3 of ECRI on Combating Racism and Intolerance against Roma/Gypsies,
 - Council of Europe Parliamentary Assembly Recommendation 1557 (2002) on The Legal Situation of Roma in Europe
 - General recommendation no 27 (2000) of the UN Committee on Racial Discrimination concerning Discrimination against Roma
 - The Lund Recommendations of the OSCE on the Participation of Minorities in Public Life
 - The 1992 UN Declaration on the Rights of Persons Belonging National or Ethnic, Linguistic and Religious Minorities
- involve into the design, implementation and evaluation of such policies, strategies and programmes the Roma and Sinti communities themselves and the local authorities and administrations while ensuring also that the gender perspective is systematically applied
- mainstream Roma and Sinti related policies into all relevant sectors of governmental responsibilities so that such policies are not isolated
- provide real and equal protection to Roma and Sinti, victims of inhuman treatment or persecution, particularly in conflict and post-conflict situations
- ensure the effective enjoyment of equal access to education by Roma and Sinti boys as well as girls and offer, where the Romani language is spoken and where parents so desire, opportunities to children to learn in the mother tongue

- find ways and means to enhance participation of Roma and Sinti men as well as women in public life and in the decision-making process, through consultative arrangements as well as through full opportunities to participate as voters, candidates and representatives in parliaments and local assemblies, include Roma and Sinti men as well as women in political settlements which affect their lives and create channels for Roma and Sinti to voice their views and influence the decision-making process at the Pan-European level through the establishment of institutional arrangements allowing for Roma and Sinti representation.

Parliamentary Assembly:

The Assembly recommends that the Committee of Ministers:

- Encourage all member States to condemn openly all forms of Gypsophobia if they have not yet done so and declare the Romani culture and language a precious part of their national heritage.
- Encourage all European States which comprise Romani communities to sign, ratify and implement the European Charter of Regional or Minority Languages and invite them to support the Rroma, Sinte and Kale, particularly in the following fields:
 - education in their mother tongue and about their civilisation, as a part of the common European patrimony, including for the refugees from other States;
 - recognition and promotion of modern Romani, a language flexible enough to respect the various dialectal specificities but also common enough to allow efficient communication among Rroma from all over Europe and meet the needs of a modern European language of culture;
 - literary creation, newspapers, magazines, journals and radio and TV programmes in common Rromani as well as in the local forms in vernacular use, all written in common Rromani spelling and always with an exchange of clearness, expressiveness and richness of vocabulary and style;
 - professional use of Rromani, for example in medical prevention and care, judicial advisory and other fields where the use of the mother tongue optimises the effect of undertaken action;
 - support for the cultural associations of the Rroma, Sinte and Kale and their international networks and exchanges.
- Invite the member States to support the Rromani culture and language, for instance by creating university professorships in the subject and disseminating the most interesting products of Rromani culture throughout Europe by means of translations, anthologies, courses, exhibitions and theatrical productions.
- Introduce scholarship for pupils and students in need, so that they can acquire a real professional competence in Rromani studies and in other field leading to professional activity, especially in scientific research.
- Introduce fellowships for artists, writers, researches and students of Rromani background throughout Europe, so that they can engage in appropriate creative work in the fields of Rromani language and culture.

- Request the Council for Cultural Cooperation, working together with recognized Rromani academic centres, to ensure an efficient co-ordination of Rromani cultural activities throughout Europe.
- Invite the education ministers of member States to include the history of Roma, Sinti and Kale in European history books with a special attention to their contribution to the European spirit, the persecutions they have suffered in the past and their current situation.
- Seek to establish co-operation and partnership with organisations, foundations and other interest bodies in the private sector with a view to implementing these recommendations.
- Take account of the Rromani culture and language under all their aspects in its follow-up to (1996), particularly where the “observatory for dispersed ethnic minorities is concerned.

International Helsinki Federation for Human Rights:

- The IHF appeals to European governments that they uphold the basic provisions of the Geneva Convention and continue to offer shelter to those who have genuine reasons to seek asylum in their countries.
- In several documents the OSCE participating State have recognized their particular problems and have committed themselves to provide Roma and Sinti with special protection and to initiate effective measures in order to enable them to achieve full equality of opportunities with the majority populations. To this end, for example, the participating States stated at the Istanbul Summit: “We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.” (Charter for European Security, par. 20) Furthermore, the States committed themselves “to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect.” (Par. 31)
- In order to improve the situation of Roma and Sinti in general, OSCE governments should, at the highest levels, speak out against racial discrimination against Roma and make clear that racism and segregation will not be tolerated; adopt and implement comprehensive anti-discrimination laws; investigate, discipline and prosecute police and other authorities for alleged acts of violence and other crimes against Roma and other authorities for acts of any form of discrimination; investigate and prosecute effectively anti-Roma crime as well as instances of discrimination against Roma by other population; adopt and implement effective policies and concrete measures to end racial segregation of Roma; implement special measures to ensure that Roma have equal access to education; and ratify the Optional Protocol to the ICCPR in order to open an avenue for communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.

SYNTHESE DES RECOMMANDATIONS DES ONG RROMANI:

Les ONG rromanies attendent de l'OSCE son appui pour les aider à:

- mieux assister les autorités de bonne volonté de France et de Roumanie, lesquelles ont effectivement montré leur bonne volonté et leur ouverture au problème sensible des Rroms dans leur mission difficile afin d'optimiser celle-ci dans le respect des personnes et de l'ordre public, notamment en ce qui concerne l'actuelle coopération franco-roumaine concernant les séjours illégaux ;
- faire avancer l'idée que les visas ne limitent les « flux migratoires » que très provisoirement, car les candidats à l'exil sont très motivés pour des raisons souvent vitales et sont prêts à payer le prix pour tenter l'expatriation, ce qui en fin de compte ne fait qu'enrichir les réseaux clandestins. Au contraire la suppression de l'obligation de visa, notamment pour les citoyens albanais, macédoniens et serbes dans l'espace Schengen leur permettrait de moins hésiter pour envisager le retour au pays si leur séjour s'avère un échec (cette remarque est valable pour toutes les personnes, Rroms ou non).
- encourager le véritable partenariat entre les gouvernements et les ONG rromanies et non-rromanies, avec transparence et contrôle pluraliste de leurs activités, et contribuer notamment à la création d'un observatoire visant à freiner les problèmes de corruption, à veiller au caractère effectif du partenariat entre les ONGs et les autorités des pays concernés et à suivre l'image des Rroms donnée dans la presse écrite et parlée ; si ces éléments ne sont pas appliqués il est vain de songer à une amélioration de la situation des Rroms et des sociétés en général ou à une régression des migrations illégales.
- lutter contre la corruption qui est actuellement le plus grand ennemi des Rroms, que les auteurs soient Rroms ou non, car non seulement elle fait gaspiller les subventions et les efforts, mais encore elle détruit toute confiance en la société civile et entraîne les citoyens, victimes directes ou indirectes, dans un cercle vicieux.
- aider les personnes pouvant être régularisées à obtenir cette régularisation sans obstacle, en les protégeant notamment des erreurs qu'ils peuvent commettre dans leurs démarches et des réseaux profitant de leur ignorance pour les entraîner vers des cabinets d'avocats (ou prétendus tels) sans respect pour la morale et la déontologie.
- renforcer le travail au niveau local dans une articulation internationale, afin que les principes, la plupart du temps excellents, mis en avant au niveau central des Etats soient effectivement mis en pratique pour qu'ils aient le résultat escompté.
- proposer que des groupes d'experts rroms soient formés ad hoc à partir des compétences existantes, pour évaluer sur le terrain et par le contact direct la situation effective des familles dans les régions de crise.
- conseiller les médias en leur fournissant en temps réel des informations vérifiées et les convaincre de suivre les exemples positifs de leurs confrères, notamment en évitant d'exagérer certains problèmes particuliers ou ponctuels liés aux déplacements internes et internationaux

des personnes catégorisées comme Rroms ou Tsiganes (même si cette attitude est hélas en accord avec les stéréotypes de la mentalité d'un certain public).

- mener des campagnes de sensibilisations dans les pays sources et expliquer de manière directe aux éventuels candidats à l'exil les véritables tenants et aboutissants d'une vente irréfléchie de biens immeubles dans les pays sources, sous diverses pressions et sous l'influence d'une vague de désespoir.
- réfléchir sur l'exercice du droit à la libre circulation, interne et internationale des personnes, comme part des droits universels des hommes et comme liberté civique fondamentale.
- développer et enrichir la discussion autour du projet de Statut des Rroms dans l'Union européenne (document du *Rromani Activists' Network on Legal and Political Issues* ranelpi@hotmail.com), pour une meilleure reconnaissance de ceux-ci en tant que partie constituante de l'Europe historique et actuelle et une réelle harmonisation de leur position dans les divers pays-membres.
- combattre les cas d'attitude discriminatoire au faciès relevés ces dernières semaines par la police roumaine des frontières vis-à-vis de voyageurs en règle sur le plan administratif, sachant qu'une telle attitude ne peut que faire naître de nouveaux réseaux de passeurs et de nouvelles situations clandestines. De telles attitudes apparaissent en outre comme des mesures de rétorsion individuelle inspirées par des accusations collectives d'une population déterminée.
- identifier et aider les personnes vulnérables (notamment jeunes femmes, enfants et infirmes) victimes de réseaux parfois rroms, mais aussi souvent non-rroms, développant un véritable esclavage moderne en abusant de leur faiblesse et en faisant pression sur les familles en amont.
- faire mieux connaître la notion « rapatriement volontaire », trop souvent sous-estimée, et conseiller les intéressés sur les options qui s'offrent à eux, en les déculpabilisant et en dédramatisant les situations particulières. Il est notamment essentiel qu'ils puissent être convaincus par l'évidence et préliminairement à toute tentative de retour, que ce rapatriement souhaité est possible sans risque pour leur vie et/ou pour leur vie normale (logement, travail, soins, scolarisation, formation, habitation, crédits etc...)
- réfléchir à terme sur les possibilités de régulariser les mouvements inévitables de Rroms dans l'espace européen en les canalisant vers les formes les plus efficaces pour l'intérêt public (comme par exemple des échanges de jeunes dans le cadre de travail temporaire en Occident afin qu'ils y acquièrent un savoir-faire technologique inconnu à l'Est et un petit capital pouvant être réinvesti dans leur pays à leur retour, tout en faisant profiter les Rroms, Sintés et Kalés de leur patrimoine linguistique et culturel - projet lancé en 1997 à la réunion organisée à Bruxelles par M. Lewis de la C.E. et réaffirmé par la Déclaration de Sibiu sous le titre « alternatives sur les plans interne et international en ce qui concerne le phénomène de la migration »).
- mieux s'intégrer dans le Pacte de Stabilité en tant que Rroms capables et responsables (et non simplement de manière formelle) pour apporter une véritable contribution constructive

rromani (fondée notamment sur la vision traditionnelle rromani de bon voisinage) à la paix et la stabilité dans les Balkans.

- monter, avec la coopération du Pacte de Stabilité, un véritable programme de dialogue entre les Rroms et les autorités cossovares, de reconstruction de maisons et du tissu de confiance dans cette région et de restauration de conditions de vie compatible avec les familles rromanies candidates au retour (projet « old home new hopes »).
- affermer la position de la langue rromani comme lien identitaire et culturelle du peuple rrom, mais aussi comme moyen d'expression sur le plan international des idées juridiques, politiques, administratives, de Droits de l'Homme etc... dans un esprit de respect mutuel et de promotion du patrimoine de la sagesse rromani. La mise en ligne de dictionnaires de terminologies juridique, administrative et politique en rromani, avec clarification des notions, l'amélioration du niveau professionnel des interprètes de conférence, la préparation de nouveaux, la diffusion en rromani clair de la documentation produite par l'OSCE, sa diffusion etc... doivent être des éléments constitutifs de ce programme, en même temps que l'enseignement auprès du public rrom le plus large des notions et des mécanismes en jeu dans la stabilité et la coopération sur notre continent. Le problème du rromani dans les contacts internationaux ne relève pas en effet de la langue, mais de l'ignorance des notions récemment introduites par l'OSCE dans la région.
- renforcer la solidarité des Rroms avec les autres nations, notamment celles sans territoire compact, comme les Aroumains, les Egyptiens/Ashkalis, les Arménierzs occidentaux, les Juifs d'Europe, les Saamis etc.
- Il est visible que cette liste, déjà très longue, n'est pas exhaustive, ceci du fait que le problème est d'une grande complexité et qu'à ce jour il a peu été traité en termes de « construction ». Par ailleurs, les points exposés ci-dessus nous paraissent indissociables, de sorte qu'un effort de hiérarchisation se révélerait rapidement vain. Toutefois, avec les progrès qui ne cessent de se réaliser, il est clair que la liste sera de plus en plus courte dans l'avenir. Nous demandons dans ces conditions et pour optimiser le travail, que puisse être tenu un séminaire de la dimension humaine entièrement consacré à la question rromani afin de mieux éclairer les problèmes, faire le point des résultats obtenus et articuler les actions à engager avec une plus grande efficacité.

OSCE/ODIHR:

- The process of adopting an OSCE Action Plan on Roma and Sinti must enter in a more advanced stage, eventually by discussing it at an OSCE Supplementary Human Dimension Meeting, to be organised in early spring 2003.
- Participating States should give additional resources, both in terms of funding and staffing, to the ODIHR for the work of the Contact Point, including the hiring of a project manager.
- Participating States should include in their Roma-related policies and programs a "migration-related basket". This should include policy recommendations for alternatives to irregular movements, illegal travelling and residence on other States' territory and should address the problem of Roma involvement in networks of trafficking in persons, mainly as victims but sometimes also as perpetrators.

- The ODIHR (CPRSI) should closely co-operate with the Office of the OSCE Economic Co-ordinator for Economic and Environmental Activities to explore the link between irregular migration and the employment opportunities for Roma and Sinti, as part of the agenda of the future meetings of the Economic Forum.
- Participating States should adopt urgent measures to eradicate any form of ethnically motivated discrimination against Roma and Sinti in their equal access to proper housing and legal settlement. The cases of evictions of Roma and Sinti from existing houses/settlements, and the planning of ethnically segregated residential areas, has to be strongly monitored and prevented by States, according to law.
- Participating States, local authorities and civil society should take effective actions to find legal and durable solutions to the issues of land rights of Roma-settlements and houses. Romani individuals and families should be provided with legal residence status, registration and identity-documents and be given equal access to basic public services and civic rights, including registration on the local and national electoral register on a non-discriminatory basis.
- Participating States (in co-operation with UNCHR, the OSCE, the Stability Pact and Roma representatives) should assist the countries in which there are Roma-refugees and IDPs to find long-term solutions to their plight. In cases where the return of Roma refugees and IDPs is not possible or sustainable, the whole range of durable solutions has to be considered and implemented, in particular the facilitation of local integration
- The OSCE Missions in countries in which significant Roma populations reside should as a rule include personnel dealing with Roma-related issues.

WORKING SESSION 5: TOLERANCE AND NON-DISCRIMINATION II, INCLUDING

Delegation of the Russian Federation:

- Значительно активизировать работу неформальной Рабочей группы открытого состава по вопросам толерантности, созданной португальским председательством ОБСЕ под эгидой Постоянного совета ОБСЕ, с тем, чтобы держать данную тему в сфере постоянного внимания делегаций.

Delegation of Turkey:

- OSCE Institutions should pay attention to and monitor, in accordance with their mandates, the manifestations of racism, racial discrimination, xenophobia and related intolerance and expand their related project activities to cover the OSCE region as a whole.
- OSCE should follow the relevant work carried out in other international for a, such as the UN and Council of Europe and undertake joint projects, where possible.
- One of the Supplementary Human Dimension Meetings in 2003 should be devoted to «aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism».

- Universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination should be ensured.
- Participating States should enact and implement anti-discrimination laws.
- Specialized national bodies, including minority units and ombudsman institutions should be established, where necessary, to follow the situation and deal with complaints arising from such acts in all sectors of society.
- The Representative on Freedom of the Media should pay attention to irresponsible media publication and broadcasting, as well as internet dissemination of promoting hatred and aggressive nationalist, racist, xenophobic ideologies. Methods of self-monitoring by the media, through a code of conduct for media organizations, in order to avoid racial, discriminatory or biased language should be encouraged.

Delegation of the USA:

- We hope that Croatia will renew its efforts to adopt a law on minorities in the near future.
- My delegation urges all OSCE countries to fulfill the Istanbul Summit commitment through the adoption and implementation of comprehensive anti-discrimination laws.
- We urge the Government of Ukraine to investigate fully the murder of a Romani family of five, including three young children, in the Poltava Province on October 28 of last year and hold those responsible accountable.
- We congratulate Turkey for taking the first steps toward righting these wrongs with the recent passage of new laws that allow the Kurdish language to be tutored and broadcast. At the same time, the new laws do not allow teaching in Kurdish in the public schools and pro-Kurdish political parties are still banned. We look forward to the removal of these vestiges of discrimination against the Kurdish people.
- We urge the Russian Government to investigate reported human rights abuses, prosecute those who have committed such violations, and undertake every possible effort to prevent their recurrence.

- **PREVENTION OF AGGRESSIVE NATIONALISM, RACISM, CHAUVINISM, XENOPHOBIA, ANTI-SEMITISM AND ETHNIC-CLEANSING**

Delegation of the Republic of Azerbaijan:

- Participating States should strongly condemn the persistence and resurgence of aggressive nationalism, xenophobia, chauvinism, extremism, separatism and terrorism based on national or racial prejudice and state that these phenomena, in all their forms and manifestations, can never be justified in any instance and any circumstances.

- As a follow-up to the European and World Conferences against Racism and Related Intolerance, as well as to the OSCE Supplementary Human Dimension Meeting on Promoting Tolerance and Non-Discrimination, the subject of “prevention of aggressive nationalism, racism, chauvinism and xenophobia” should be one of the main priorities of the OSCE activities in the field of human dimension for the year 2003. In this connection a holding of a Supplementary HDM on this topic is recommended.

Delegation of the USA:

- The OSCE participating States should ensure that manifestations of anti-Semitism in the OSCE region is rapidly and swiftly condemned and that anti-Semitic acts of violence are effectively countered accordingly.
- In doing so, the participating States should:
 - recognize violence against Jews and Jewish cultural property as anti-Semitic violence;
 - ensure that incidents of anti-Semitism are adequately monitored, accurately documented, and publicly reported;
 - condemn, at the highest levels of government, manifestations of anti-Semitism;
 - provide adequate protection to Jewish communities and thoroughly investigate incidents of anti-Semitic violence;
 - prosecute the perpetrators of anti-Semitic violence to the fullest extent of the law;
 - develop and implement strategies to prevent and combat acts of anti-Semitism through appropriate means in the fields of law enforcement, education, and interreligious and intercultural dialogue;
 - cooperate with Jewish and other religious communities and non-governmental organizations, as appropriate, with respect to the above; and
 - select the problem of anti-Semitism as one of the topics of particular focus during next year's human dimension meetings.

European Union:

- Participating States are encouraged to adopt national provisions prohibiting racism as well as provisions of remedies in case of discrimination.
- The EU calls upon the OSCE, ODIHR and participating States to assure concrete follow-up to and implementation of the program of action adopted by the World Conference against Racism.

Council of Europe:

- Early ratification of Protocol 12 to the European Convention on Human Rights, providing for a general prohibition of discrimination;
- Supporting the Action Programme on Inter-cultural Dialogue launched by the European Commission Against Racism and Intolerance;

Delegation of Canada:

- Canada calls on OSCE participating states to further develop coherent policies and programs to eliminate racism, intolerance and discrimination. To accomplish this, states should collect data and research to clearly identify priority areas where intervention is needed.
- Canada would like to remind participating states that the Portuguese Chairmanship constituted a Working Group on the Promotion of Tolerance, which is an excellent potential forum to discuss these and other strategies for improving compliance with our commitments.

The Jacob Blaustein Institute for the Advancement of Human Rights:

- OSCE first condemned antisemitism in 1990. Participating states should now move from the rhetorical to the practical. In 1990, the Conference for Security and Co-operation in Europe specifically criticized antisemitism by name at the Copenhagen meeting on the human dimension. This first recognition at the CSCE was a rare event for an international institution at that time. Since then, CSCE and OSCE summits have cited antisemitism in a list of other prohibited practices. However implementation mechanisms are lacking. Within OSCE, there is no comparative examination of national standards, no international mechanisms, and no discussion of other measures to combat antisemitism.
- International institutions in Europe should do more. This year's Parliamentary Assembly adopted a resolution urging states to hold a human dimension follow up meeting on antisemitism. The European Union's Justice and Home Affairs Council voiced concern in April. The United States Congress has adopted resolutions condemning antisemitic violence in Europe. According to an August 2002 report by the Lawyers Committee for Human Rights, "European governments are inadequately reporting antisemitic violence." In May, Amnesty International and Human Rights Watch jointly called on West European governments to take immediate and effective measures to prevent anti-Semitic violence.
- OSCE should hold a separate HDIM follow up meeting in 2003 to combat antisemitism. With racial, ethnic and religious elements, antisemitism is a distinct form of hatred. Only a separate HDIM human dimension follow up meeting will provide the appropriate broad forum in which to explore ways to combat this hatred and pave the way for much-needed measures to eradicate it and punish its perpetrators. Experts and officials from diverse OSCE countries, such as clergy, public officials, educators, political leaders and police professionals who work to prevent and monitor discrimination should come to this meeting to explore how these practices might be specifically applied to preventing and prosecuting acts of antisemitic violence. HDIM meetings attract large numbers of NGOs from Europe and North America. They also attract high level political leaders along with those who implement public policy. It is the premier European political and human rights forum in which to spotlight antisemitism and develop new ideas for eradicating it.
- Representatives at the HDIM in Warsaw should: Mention the problem of rising antisemitic incidents in your speech; Call for a separate human dimension follow-up meeting in 2003 on this issue; Urge the upcoming Dutch chair in office and other troika members to support this idea; Ensure it is emphasized in the chair's summary; Raise it with other colleagues; Commit

proper staffing and financing to such a meeting; Ensure that high-level participants attend and actively participate.

- **EQUAL OPPORTUNITIES FOR WOMEN AND MEN**

Delegation of Norway:

- The OSCE must ensure that the Guide for OSCE staff on gender aspects in post-conflict situation is applied in the practical day-to-day work, both in Field Missions and in the Secretariat.
- Member states should identify and present women candidates for the OSCE to leading positions both in OSCE institutions and the Field Missions.

Delegation of Switzerland:

- Im Anschluss an das Human Dimension Treffen und in Ausführung des Beschlusses von Bukarest ist die OSZE weiterhin gefordert, Gewalt gegen Frauen zu bekämpfen.
- Die OSZE könnte dabei von nationalen Erfahrungen ausgehen und best practices zusammenstellen. Dabei sollten vor allem das ODIHR und der Polizeiberater der OSZE zusammenarbeiten.
- Die OSZE könnte sodann einzelne Länder beraten, wie nationale Strategien zur Bekämpfung der häuslichen Gewalt initiiert werden könnten.
- Die OSZE und insbesondere die Missionen könnten Aufklärungskampagnen initiieren sowie Ausbildungsprogramme für die Polizei und Justizbehörden erarbeiten.
- Alle Teilnehmerstaaten sollten das Römer Statut zum Internationalen Strafgerichtshof ratifizieren, das Vergewaltigung, sexuelle Versklavung, erzwungene Schwangerschaft und jede andere Form schwerer sexueller Gewalt im Rahmen von Kriegshandlungen als Kriegsverbrechen definiert.

European Union:

L'Union européenne considère que l'OSCE et ses Etats participants devraient:

- poursuivre la promotion de la participation des femmes à la vie politique et publique et leur représentation dans les Assemblées parlementaires ;
- accorder une attention particulière à la situation des femmes dans les conflits armés et promouvoir notamment leur participation à la prise de décision ;
- accorder plus d'attention à la participation des femmes à la vie économique, par le biais d'un meilleur accès à l'éducation et à l'emploi, notamment en développant leurs capacités d'entreprise. Dans les mois à venir, l'Union européenne estime qu'une attention particulière devrait être portée à la situation économique et sociale des femmes dans l'espace OSCE : Cette

situation est en effet étroitement liée à des problèmes aussi intolérables que largement répandus dans l'espace OSCE, tels que la violence contre les femmes et la traite des femmes et des - parfois très - jeunes filles.

Le Coordonnateur économique et environnemental devrait aider les Missions et coopérer avec les institutions pour faciliter l'accès des femmes à l'éducation et au marché du travail et pour favoriser le développement de leurs capacités d'entreprise;

- favoriser une participation accrue des femmes dans les structures, Missions et institutions OSCE par l'adoption de politiques adéquates de mise à disposition de personnel.

L'Assemblée parlementaire de l'OSCE devrait utiliser toutes ses capacités de mobilisation des Parlements nationaux et des opinions publiques des Etats participants pour promouvoir ces principes. L'Unité du Bureau des institutions démocratiques et des droits de l'homme pour les questions d'égalité des chances, la Conseillère du Secrétariat pour les mêmes questions et le groupe de travail informel pour l'égalité des chances et la lutte contre la traite des êtres humains sont évidemment appelés à poursuivre leurs efforts pour réaliser des progrès dans ce domaine fondamental de développement de nos sociétés.

Council of Europe:

- Supporting plans of the Council of Europe to adopt a Recommendation of the Committee of Ministers on the balanced participation of women and men in political and public decision-making;
- Implementing the Committee of Ministers of the Council of Europe Recommendation (2002) 5 on the protection of women against violence.

Delegation of Canada:

- Canada renews its frequent call for greater presence of women in senior positions at the OSCE itself, and for staff regulations that take into account the needs of women in areas such as maternity leave policy and family postings.

Amnesty International:

- Amnesty International calls on those states who have not yet done so to ratify the Optional Protocol to CEDAW and publicise and disseminate information on this international complaint mechanism.

International Helsinki Federation for Human Rights:

The IHF once again urges OSCE member states to:

- Ratify and/or implement international human rights norms which are related to women's rights, in particular the Optional Protocol;
- Organize trainings on various gender issues for field missions, law enforcement bodies and officers, social workers, the judiciary, and the media, and encourage the active involvement of local NGOs in the process;

- Facilitate activities in the region related to awareness raising, training, exchange of skills and information, support for legislative reform and the monitoring of implementation;
- Promote the integration of equal opportunities for women and men in all policies and activities in relation to education, vocational training and the labor market;
- Promote women's better integration into the labor market and their improved status in society;
- Promote gender balance in decision-making processes and positions;
- Make an unambiguous commitment, where none exists, to combating violence against women in all its myriad forms, including but not limited to the problem of trafficking;
- Take increased steps to fight corruption and complicity in relation to violence against women, and support NGO efforts in this field.

OSCE/ODIHR:

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

- **FOLLOW UP TO THE 18 AND 19 MARCH SUPPLEMENTARY HUMAN DIMENSION MEETING ON VIOLENCE AGAINST WOMEN**

Delegation of the USA:

- The message that domestic violence is intolerable must be reinforced through the media, religious institutions, educational systems, educational systems, economic and business settings and in families. National and local authorities must provide a comprehensive legal response to domestic violence involving support for victims, treatment for abusers, legal remedies and judicial reforms.
- OSCE participating States can and must immediately take steps to eliminate barriers that prevent effective criminal prosecutions of domestic abuse. Physical assault is a crime, regardless of the sex or marital status of the victim. Domestic legal codes should treat it as such.
- We reiterate and support an idea to engage the OSCE Police Advisor to provide police training “tool kits” for OSCE States to utilize in dealing with domestic violence.

Delegation of Norway:

- The work on domestic violence must be followed by practical action, and measures must be taken to ensure that our determination to end violence against women is understood among the public in all parts of the OSCE region.
- The recommendations that were made at the Supplementary Human Dimension Meeting on Violence against Women in March 2002 must be followed-up in a sincere manner.

European Union:

- Les institutions, notamment le Bureau pour les institutions démocratiques et les droits de l'homme, le Secrétariat OSCE et les Missions disposent d'importantes capacités pour assurer des progrès dans ce domaine. Pour le secrétariat, le Coordonnateur économique et environnemental, le Conseiller de police de haut niveau et le Conseiller pour l'égalité homme/femme sont particulièrement qualifiés.
- Les Etats parties doivent respecter leurs engagements au titre de la convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes du 18 décembre 1979 (CEDAW). Par ailleurs, ils doivent s'appuyer sur la déclaration et la plate-forme de Pékin (1995) et sur les textes du Conseil de l'Europe, notamment la recommandation REC (2002)5 adoptée par le Comité des Ministres, en vue d'élaborer des stratégies visant à l'éradication de la violence contre les femmes.
- Les Etats participants devraient adopter des politiques et des mesures législatives spécifiques en vue de protéger les droits fondamentaux des victimes et de permettre l'arrestation et le jugement des coupables. Une assistance légale et sociale adéquate doit être assurée pour les victimes de violences, y compris la création de refuges.

- L'OSCE et les Etats participants devraient préparer des campagnes d'information et développer des stratégies pour la lutte contre la violence à l'encontre des femmes.
- L'OSCE devrait assurer une formation spécifique aux effectifs des organes judiciaires et aux policiers afin que ces derniers puissent reconnaître les femmes victimes, entre autres, de violence domestique ou de la traite et répondre à leurs besoins. Une formation spécialisée devrait également être assurée pour les effectifs des Missions qui peuvent être appelés à intervenir, par exemple comme médiateurs, dans des cas de violences à l'égard de femmes.
- L'Assemblée Parlementaire de l'OSCE est appelée à mobiliser l'attention des Parlements nationaux et de l'opinion publique en vue de renforcer la participation des femmes à la vie politique, de développer des plans d'action nationaux contre la violence à l'encontre des femmes et de promouvoir l'égalité des chances entre hommes et femmes.
- Les Etats participants devraient reconnaître que l'un des facteurs clés pour assurer l'égalité entre hommes et femmes est de s'assurer qu'ils bénéficient d'opportunités égales pour atteindre l'indépendance financière.
- L'OSCE et les Etats participants devraient renforcer leur coopération avec la société civile, notamment les organisations non gouvernementales et, en particulier, les organisations de femmes, afin de promouvoir la défense de leurs droits.
- L'OSCE et le BIDDH doivent poursuivre leurs programmes visant à promouvoir le rôle des femmes dans la société civile et en politique, et accorder une attention particulière au rôle des femmes dans les périodes post-confliktuelles.
- Une attention particulière devrait être accordée à la protection des droits des femmes dans les conflits armés (problème des réfugiés et des personnes déplacées, assistance humanitaire non discriminatoire, traite des êtres humains).
- Les Etats participants qui ne l'ont pas encore fait devraient ratifier la convention ONU sur le crime organisé transnational et son protocole additionnel relatif à la lutte contre la traite des êtres humains.

Amnesty International:

- Amnesty International calls on the OSCE to publish and make available on the OSCE website an action plan for the implementation of those recommendations of the Supplementary Human Dimension Meeting for which the institutions of the OSCE are responsible;
- Amnesty International calls on OSCE Participating States to make public measures they are adopting to implement the recommendations of the meeting;

Delegation of Canada:

- At the Supplementary Human Dimension Meeting on Violence against women, Canada called for the creation of a “tool kit” by the OSCE’s Senior Policy Advisor to improve law

enforcement responses to cases of domestic violence. While we are aware of the SPA's limited resources, we wish to renew this call.

Thursday, 12 September

WORKING SESSION 6: FUNDAMENTAL FREEDOMS I, INCLUDING

European Union:

- OSCE Participating States must ensure that independent media can work unrestricted and that information can flow freely. A free press is one of the basic conditions for the functioning of any democratic system. Similar action should be taken with regard to freedom of association.
- OSCE Participating States should also provide a just and independent judicial system. Adequate domestic judicial structures, including the role of the prosecutors and the lawyers, are the key to making human rights a reality in our societies.
- Judicial structures, including the management of cases, of personnel and finances, should be improved where necessary with the help of the Council of Europe, ODIHR or other actors.
- The independence of the judiciary must be translated into a legislative framework that reflects in detail the relevant OSCE commitments. Here again, the CoE, ODIHR and the field missions offer a potential for support that should be exploited.
- For a fair access to justice, thresholds like overly complicated procedures or prohibitive fees for legal services should be remedied.

- **FREEDOM OF EXPRESSION, FREE MEDIA AND INFORMATION**

Delegation of Switzerland:

- La Suisse recommande aux Etats participants à l'OSCE de ne pas utiliser les terribles attentats du 11 septembre 2001 aux Etats-Unis comme prétexte pour restreindre de manière abusive la liberté des médias.
- La Suisse recommande aux Etats participants à l'OSCE de respecter leurs engagements en matière de liberté des médias en vertu du Document de Copenhague (1990) – paragraphes 9 et 10 -, du Document Moscou (1991) – paragraphes 26 et 28 -, du Document de Budapest (1994) – paragraphes 36 à 38 -, de la Déclaration de Lisbonne (1996) – paragraphes 9 et 11 – ainsi que de la Déclaration d'Istanbul – paragraphe 27.
- D'ailleurs, ces engagements reflètent également les obligations Etats participants en vertu des traités internationaux pour la protection des droits humains auxquels ils sont parties.
- La Suisse recommande à l'OSCE de continuer à veiller au respect par les Etats participants de leurs engagements et, le cas échéant, d'encourager les réformes nécessaires à assurer ce respect. Elle recommande également aux institutions et aux missions de l'OSCE de contribuer de par leur compétences, comme elle l'ont fait jusqu'à présent, au processus législatif ainsi que

d'y intégrer d'autres acteurs, clés, comme les associations professionnelles des médias et des représentants de la société civile.

European Union:

- The OSCE Representative on Freedom of the Media is our key institution in this field. It is unique in many aspects, especially in its early warning capability. We appreciate his efforts to highlight many instances of threats and intimidation. We welcome his efforts to assist Participating States in implementing their commitments. We encourage participating states to continue a constructive dialogue with him. His advice should especially be considered when drafting and passing new legislation.
- States should not use criminal defamation laws in order to intimidate journalists or in order to restrict freedom of expression.
- States should ensure that full, transparent and timely investigations are carried out when media professionals are intimidated or harassed.
- Unrestricted access to the internet is central to the respect of freedom of expression and information in modern societies. States should not impose restrictions on internet service providers, provided that internet is not used to develop activities threatening human rights such as – among others – pedo-pornography, trafficking in human beings, racism and violent extremism.
- OSCE Field Missions have an important role to play in supporting freedom and plurality of the media. They should continue to focus on this topic and offer assistance to governments and media wherever useful.
- The EU attaches great importance to pluralism in the media. Bearing in mind the major impact of the electronic media and the huge role of the state in this area, the EU attaches particular importance to a diversity of views and ownership. Minorities should enjoy the right to express themselves through media in their own language.
- The OSCE should encourage the development of public service broadcasting. States should allow independent media to operate freely. States should ensure that state-owned media broadcast fairly and accurately.
- The EU urges the participating states to ensure the passage of media laws in line with international standards and to ensure the implementation of these laws.

Delegation of the Russian Federation:

- Обратить особое внимание на обеспечение прав лиц, принадлежащих к меньшинствам, на доступ к информации и ее распространение на родном языке;
- Противодействовать использованию возможностей СМИ, в том числе Интернета, для распространения идеологии и практики терроризма, политического экстремизма, национальной и религиозной нетерпимости;

- Поощрять разработку мер внутрикорпоративного саморегулирования журналистской деятельности и кодекса поведения журналистов;
- Содействовать обеспечению плюрализма источников информации путем ограничения процессов монополизации рынка СМИ.

Council of Europe:

- Guaranteeing freedom of expression and information within the framework of fight against terrorism;
- Strengthening co-operation and co-ordination between the Council of Europe and the OSCE Representative on Freedom of the Media.

Human Rights Watch:

- Participating States should eliminate all criminal defamation laws and ensure that civil defamation laws meet international standards and do not exempt government officials from public criticism. ODIHR and RFOM can facilitate this reform by identifying defamation laws that violate human rights norms and provide technical expertise to support their revision.
- Participating States should ensure that state advertising laws guarantee protection from biased allocations of government advertising or subsidies. ODIHR and RFOM should develop regional standards and best practices to support such reform.
- The OSCE should consider convening a Supplementary Human Dimension Meeting or Human Dimension Seminar devoted to the question of “Corruption and Human Rights”. Such a meeting could highlight the ways in which corruption is an element of many violations of human rights and how respect for human rights must be an essential component of any successful effort to combat corruption.

International Helsinki Federation for Human Rights:

- Free expression of all people is one of the basic prerequisites for truly democratic societies, and has been guaranteed by most OSCE concluding documents. The IHF appeals to OSCE governments to abide by this commitment. We also urge the governments to genuinely commit themselves to addressing the threats to the independent media and ensuring media freedom in their countries. Moreover, we urge them “take no measures aimed at barring journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation” (Moscow Concluding Document, par. 34).

- **FREEDOM OF ASSOCIATION AND THE RIGHT OF PEACEFUL ASSEMBLY**

European Union:

- The participating States and the OSCE Partner States should, where relevant, consider acceding to and/or ratifying relevant international instruments pertaining to the right of association and the right of peaceful assembly, including those mentioned in the first paragraph above. They should also examine ways in which to advance concrete respect for those rights, both in a domestic and an international context.
- The parliaments and civil societies of the OSCE participating States should seek to ensure that the right of association and the right of peaceful assembly are properly respected within each State, including through an examination of the adequacy of existing legislation and through comprehensive monitoring and reporting on implementation of legislation and respect for those rights in general.

International Helsinki Federation for Human Rights:

- The IHF urges the OSCE governments to ensure that people living in their countries can fully enjoy their right to establish their own parties and associations and to allow them to operate unhindered and without restrictions on their already precarious funding. This freedom should not be unduly restricted as it is now happening in many countries. The right of peaceful assembly and demonstration shall be enjoyed without interference by authorities, as guaranteed in the OSCE Copenhagen Document (par. 9,9.2).

OSCE/ODIHR:

- OSCE Participating States should welcome non-governmental organisations and political parties as partners in building democracy and human rights. As such, they should facilitate the creation and registration of new NGOs through adequate legal frameworks as well to ensure that NGO donations and grant laws are beneficial to the development and strengthening of the third sector.
- To the extent that participating States choose to adopt anti-terrorism measures, they should ensure that these comply fully with all OSCE commitments, including the ones on freedom of association and the right of peaceful assembly. In particular, these laws should not form an obstacle to the free development of civil society sector in the fields of democratic and human rights development;
- Participating States should ensure that laws on political parties provide necessary legal guarantees for equal treatment before the law and by the authorities to all political parties. The ODIHR should continue to monitor and offer advice on the drafting and implementation of any such laws pertaining to the activities of NGO and political parties.
- The OSCE should play an intermediary role in supporting a dialogue and discussions between the civil society and governments. The OSCE should encourage governments of OSCE participating States to strengthen co-operation with civil society actors.

- The OSCE field presences should strive to provide a forum for dialogue, where NGOs (both registered and non-registered), political parties and the respective governmental bodies could discuss matters of mutual concerns leading to better co-operation.
- When enacting or amending laws relating to the right of peaceful assembly, participating States should ensure that any restrictions of this right therein contained are consistent with the international standards and OSCE commitments. Proper implementation of these laws should be guaranteed.
- **FOLLOW UP TO THE 22 AND 23 OCTOBER 2001 SUPPLEMENTARY HUMAN DIMENSION MEETING ON HUMAN RIGHTS: ADVOCACY AND DEFENDERS**

Delegation of Switzerland:

- Conformément aux recommandations adoptées en octobre 2001 lors de la Réunion supplémentaire consacrée aux défenseurs des droits de l'homme, la Suisse encourage le Président-en-exercice de l'OSCE ainsi que les diverses institutions de l'OSCE à continuer d'intervenir régulièrement dans les cas de violations graves des droits des défenseurs des droits de l'homme ainsi que pour décourager l'adoption de mesures législatives freinant le développement de la société civile.

Recommandations aux Etats:

- Respecter les engagements souscrits dans la Déclaration de Copenhague (1990) qui reconnaît – aux paragraphes 10 et 11 – le droit de chaque individu de contribuer activement à la promotion et à la protection des droits de l'homme.
- Coopérer avec la Représentante spéciale de l'ONU sur la situation des défenseurs des droits de l'homme – Mme Hina Jilani – y compris en l'invitant à se rendre sur leur territoire.

European Union:

- The principles of the UN Declaration on Human Rights Defenders should be incorporated into national law and mechanisms and appropriate follow-up measures should be taken to enhance the national protection of human rights defenders.
- Those States that have not yet done so should put in practice the necessary regulations in order to ensure the protection of Human Rights Defenders, abolish the restrictive registration criteria and abusive judicial process targeting some Human Rights Defenders.
- The States should give more attention to women's organizations since they are particularly able to defend the rights of some vulnerable groups.
- The OSCE is encouraged to reinforce its cooperation with other international organizations, particularly the UN Special Representative on Human Rights Defenders. The increased day-to-day collaboration with the OHCHR has set a praiseworthy precedent.

- The OSCE should increase its help to national Human Rights programmes and could cooperate in this regard with similar programs carried out by the European Commission.
- The Permanent Council should be more often used as the forum where Participating States can raise any question regarding Human Rights in the OSCE region, particularly instances of persecution of Human Rights Defenders. “

International Helsinki Federation for Human Rights:

- The IHF stresses that the way governments treat human rights activists and respond to assaults against them reflects their commitment to the protection of human rights.
- In the Vienna Concluding Document the CSCE/OSCE participating States expressed that they “ (13.5) – respect the right of their citizens to contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms [...] (21) – [...] will ensure that the exercise of the above-mentioned rights will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law [...] These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.”
- Therefore we urge the OSCE participating states to live up to their commitments and allow human rights defenders and other members of the civil society to carry out their tasks unhindered; to bring promptly to justice all who use violence against them or in other ways try to stop their activities; and to support their work with all possible means.

Human Rights Watch:

- OSCE participating States should raise concern about the cases of detained human rights defenders Yuldash Rasulov, Elena Urlaeva and Jakhangir Shosalimov of Uzbekistan.
- OSCE participating States should ask the government of Uzbekistan why no one has been brought to justice for the death of Shovrik Ruzimuradov of the Human Rights Society of Uzbekistan, who died in the police custody over a year ago, in July 2001, apparently as a result of torture.
- OSCE participating States should inquire about restrictions on civil society in general in their bilateral dialogues with the Uzbek government, and in particular they should ask the Uzbek leadership why not a single human rights group has been registered since the widely-hailed registration of the Independent Human Rights Society of Uzbekistan in January, ahead of Uzbek president Karimov’s visit to Washington, D.C. They should inquire why the long-pending application of another human rights group, The Human Rights Society of Uzbekistan “Ezgulik” was turned down in May.
- OSCE missions in Uzbekistan and other parts of the region should closely monitor and report on the treatment of human rights defenders.

The International Federation for Human Rights (FIDH) and The World Organization Against Torture (OMCT):

- OSCE participating States should fully recognize the major role of human rights defenders in the building of democracy and the rule of law
- OSCE participating States should conform with the provisions of the final document of Copenhagen (1990) and with those of the Declaration on Human Rights Defenders.
- With these goals in mind, the States must commit themselves to adopting a specific regional monitoring and follow-up mechanism of protecting human rights defenders. The mechanism should solicit, question, and answer to the States. Further, this mechanism must work in close partnership with the mandate of the Special Representative of the UN Secretary General on human rights defenders, Mrs. Hina Jilani, who has already exchanged views with the highest OSCE authorities.
- The creation of such a mechanism is included in the recommendations of the supplementary meeting on “Human Rights: Advocates and Defenders”, 22 – 23 October 2001. These recommendations have, until now, not received appropriate follow-up action and have therefore not produced concrete results.
- The OSCE cannot afford to be cut off from this year’s dynamic regional developments in the protection of human rights defenders (for example, the creation of an operational unit on Defenders by the Inter-American Commission on Human Rights in December 2001). This regional mechanism is absolutely necessary to sensitise States and to lead them to respect their commitments and to guarantee the freedom of action of human rights defenders.

WORKING SESSION 7: FUNDAMENTAL FREEDOMS II, INCLUDING

- FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF

Delegation of the Holy See:

The Holy See recommends that Participating States

- Foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, irrespective of the fact if a particular religion or belief enjoys a special status in a country. This applies to everyone who resides, permanently or temporarily, on the territory or under the jurisdiction of a given country.
- Fully implement their commitment to take effective measures to prevent and eliminate discrimination against individual or communities on the ground of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers.

- Fully implement their commitment to respect and safeguard the right of religious communities to establish and maintain freely accessible places of worship, as well as organize themselves according to their hierarchical structure.
- Reaffirm that everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such limitations as are prescribed by law and are consistent with international standards.
- Fully implement their OSCE commitments on freedom of thought, conscience, religion or belief, including those in the 1975 Helsinki Final Act, the Madrid, Vienna and Copenhagen Concluding Documents and the 1994 Budapest Summit Declaration.

European Union:

- Participating States should fully respect the principle of non-discrimination between various religions or beliefs. If registration is considered necessary, this should not become a prerequisite for the enjoyment of rights generally attributed to religions or beliefs in accordance with international law.
- Participating States should see to it that if they impose restrictions on religious freedom, these restrictions are prescribed by law, necessary to protect public safety, order, health, morals and the fundamental rights of others and proportionate to the specified aim. They should not be used to undermine the underlying rights and freedoms that are guaranteed by OSCE-documents
- Misinformed, or in some occasions deliberately provocative media may create negative impressions of certain religious groups. The EU therefore recommends that the OSCE pays attention to the role of the media in promoting tolerance among various religions and beliefs and proposes to hold a Supplementary Human Dimension Meeting on the issue of "Democracy, Media and Religion."
- Both at national and international levels, policies should further be developed to prevent abuse of religions or beliefs for political or even terrorist ends. This should however not lead to the encroachment of the legitimate rights of everyone to manifest his or her religion or belief.

International Helsinki Federation for Human Rights:

- The IHF urges all OSCE participating States to be on guard against discrimination against religious minority groups and ensure that they are equally allowed to enjoy their basic rights. Moreover, we appeal to all governments to live up to their commitments in fostering a climate of tolerance toward all members of their societies. Particular attention should be paid to the protection of non-violent Muslim communities that have suffered from illegal and inadequate acts in the name of anti-terror activities.

Human Rights Watch:

- The OSCE should organize a Supplementary Human Dimension Meeting on religious freedom and tolerance, to follow up on the 1999 meeting, evaluate the degree to which its recommendations have been implemented, and develop new strategies for fostering religious tolerance in light of new challenges. The meeting should have as one of its aims the elaboration of OSCE commitments pertaining to combating impunity for discrimination, violence and other crimes perpetrated on the basis of religion by both state agents and non-state actors.
- The OSCE Advisory Panel of Experts on Freedom of Religion or Belief, established under the auspices of the Office for Democratic Institutions and Human Rights, should engage those OSCE participating States in which urgent reforms are needed, including Uzbekistan, Turkmenistan and Georgia, to amend and/or adopt, as appropriate, legislation pertaining to religion that guarantees freedom of religion and belief and brings it into compliance with international human rights standards.

Центр по правам человека, Беларусь

- Обеспечить в законах государств участников реальное осуществление свободы совести, религии или убеждений в том числе свободу деятельности религиозных групп без официальной регистрации; свободу перемещения иностранных проповедников по территории государств; реституцию церковного имущества; реальную возможность альтернативной службы в армии;
- Проводить консультации с представителями различных конфессий по вопросам обеспечения гарантированных прав и свобод при изменении национального законодательства.

OSCE/ODIHR:

- One year after the terrorist attacks of September 11, OSCE participating States should re-examine how they respect their commitments on freedom of thought, conscience, religion or belief while addressing the real dangers posed to democratic states in the modern world.
- As agreed in the Bucharest Plan of Action for Combating Terrorism, participating States, in conjunction with OSCE Institutions and the OSCE field presences, should promote and enhance tolerance, co-existence and harmonious relations between religious and other groups.
- Participating States should fulfil their obligations to religious groups, comply with their commitment to ensure the protection of such groups against violent attacks by private individuals or groups, and should prosecute those responsible for such attacks.
- Participating States should fully comply with their commitment to “allow the training of religious personnel in appropriate institutions” and to “allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials”.

- Recalling the right to “change one's religion or belief”, participating States should avoid all restrictions on “proselytism” or on missionary activity.
- Participating States should introduce, where this has not already been done, alternatives to compulsory military service, which are compatible with the reasons for conscientious objection. Such forms of alternative service should be non-combatant and of a non-punitive nature. Participating States should consider adopting a firm OSCE commitment on this issue.
- Where registration of religious or belief communities is required, States should ensure that the procedures or criteria for registration do not discriminate for or against any community. No obstacles against the registration of communities of believers should be instituted.
- Participating States should ensure their legislation is not discriminatory and is not applied in a manner that discriminates against any group or community of believers.

- **FREEDOM OF MOVEMENT**

Delegation of the Holy See:

The Holy See recommends that Participating States

- Reaffirm that freer movement and contacts among their citizens are important in the context of the protection and promotion of human rights and fundamental freedoms. They will ensure that their policies concerning entry into their territories are fully consistent with the aims set out in the relevant provisions of the Final Act, the Madrid Concluding Document and the Vienna Concluding Document.
- Implement the procedures for entry into the territories of the Participating States, including the issuing of visas and passport and customs control, in good faith and without unjustified delay.

European Union:

The participating States and the OSCE Partners for Cooperation should:

- Adhere to the OSCE Commitments on freedom of movement and choice of residence
- Exchange information and best practices on ways to avert illegal migration
- Establish co-operation with the countries of origin of third country nationals who wish to enter the territory of the OSCE participating and partner States, in order to avoid illegal trafficking of persons
- Maintain high standards of protection of human rights in their policies to fight irregular immigration

The relevant OSCE structures and institutions should:

- Examine the links between movement of persons and conflicts prevention and resolution, regional stability and economic and human development within the OSCE area
- Develop cooperation with other international institutions and organisations, notably the IOM, the UNHCR, the Council of Europe and the ICRC

OSCE/ODIHR:

- OSCE, and in particular the ODIHR, should continue its assistance to OSCE participating States in implementing best practices in institutionalizing policies of humane migration management, cross-border co-operation and exchange of migration-related information
- Participating States should reduce obstacles to freedom of movement, both internally and between states, as this would benefit both human rights and economic development. In particular, the residence permits/*propiska* system that significantly restricts freedom to choose one's place of residence should be abolished wherever it persists, and a new civil registration system should be elaborated in accordance with OSCE commitments on freedom of movement and choice of place of residence. Ongoing co-operation between a number of participating States and the ODIHR on implementing the reform of such registration systems should be supported. At the same time, exit visa requirements for citizens wishing to travel abroad should be abolished by all participating States, and no legal or administrative restrictions should impede the freedom to choose or change one's place of residence. Recent decisions by a number of OSCE participating States to abolish this practice should be followed by similar government actions wherever necessary.

Friday, 13 September

WORKING SESSION 8: HUMANITARIAN ISSUES AND OTHER COMMITMENTS, INCLUDING

L'UE RECOMMANDE QUE LES PAYS PARTICIPANTS :

- SOUSCRIVENT AUX ENGAGEMENTS DE L'OSCE SUR LA LIBERTE DE CIRCULATION ET LE LIBRE CHOIX DU LIEU DE RESIDENCE ;
- DEVELOPPENT DES POLITIQUES D'IMMIGRATION LIANT LES QUESTIONS D'INTEGRATION ET MAINTIENNENT UN NIVEAU ELEVE DE PROTECTION DES DROITS DE L'HOMME DANS LA LUTTE CONTRE L'IMMIGRATION CLANDESTINE ;

L'UE RECOMMANDE QUE LES INSTITUTIONS ET STRUCTURES DE L'OSCE :

- EXAMINENT LES LIENS ENTRE MIGRATION, PREVENTION ET RESOLUTION DES CONFLITS, STABILITE REGIONALE ET ECONOMIQUE ET DEVELOPPEMENT HUMAIN DANS LA ZONE DE L'OSCE ;
- DEVELOPPENT LA COOPERATION AVEC LES AUTRES INSTITUTIONS ET ORGANISATIONS, NOTAMMENT LE CONSEIL DE L'EUROPE.

CONCERNANT LES REFUGIES ET LES PERSONNES DEPLACEES, L'UE S'EST ENGAGEE A ETABLIR UN SYSTEME D'ASILE EUROPEEN COMMUN, FONDE SUR LA PLEINE APPLICATION DE LA CONVENTION DE GENEVE DE 1951 ET LA CHARTE EUROPEENNE DES DROITS DE L'HOMME, NOTAMMENT LES ARTICLES 18 ET 19, ET QUI DOIT ABOUTIR A LONG TERME A UNE PROCEDURE COMMUNE D'ASILE ET A UN STATUT UNIFORME POUR LES REFUGIES.

L'UE RECOMMANDE QUE LES ETATS PARTICIPANTS :

- DEVELOPPENT DES POLITIQUES D'ASILE EFFICACES PERMETTANT L'EXAMEN RAPIDE, OBJECTIF, COHERENT ET HUMAIN DE TOUTES LES DEMANDES ET LA PROTECTION DES REFUGIES;
- EXAMINENT LES CAUSES A L'ORIGINE DU DEPLACEMENT DES REFUGIES ET DES PERSONNES DEPLACEES, NOTAMMENT EN TERMES DE PREVENTION ET RESOLUTION DES CONFLITS ;
- QUI ONT DES PERSONNES DEPLACEES SUR LEUR TERRITOIRE DEVRAIENT ASSUMER UNE RESPONSABILITE PRINCIPALE S'AGISSANT DE LA PROTECTION ET L'ASSISTANCE A CES POPULATIONS ET FACILITER LEUR RETOUR DANS LEURS ZONES D'ORIGINE.

L'UE RECOMMANDE QUE LES INSTITUTIONS ET STRUCTURES DE L'OSCE :

- DEVELOPPENT LEUR COOPERATION AVEC LES AUTRES INSTITUTIONS ET ORGANISATIONS INTERNATIONALES, NOTAMMENT LE CONSEIL DE L'EUROPE;
- EXAMINENT LES DOMAINES OU L'OSCE POURRAIT APPORTER UNE VALEUR AJOUTEE, NOTAMMENT EN TERMES DE PREVENTION, ALERTE PRECOCE ET OBSERVATION DES CONFLITS LIES AUX MOUVEMENTS DE REFUGIES ET DE PERSONNES DEPLACEES.
- DANS CE CONTEXTE, LES MISSIONS DE L'OSCE DEVRAIENT FAIRE DES RAPPORTS SUR LA SITUATION DES REFUGIES ET DEPLACES ET, EN LIAISON AVEC LES AUTRES INSTITUTIONS ET ORGANISATIONS, CONTRIBUER A L'ELABORATION DE PROGRAMMES COHERENTS D'ASSISTANCE.

- **MIGRATION, REFUGEES AND DISPLACED PERSONS**

Delegation of Norway:

- In order to address the root causes of displacements of refugees and IDPs especially in terms of conflict prevention and conflict resolution, the OSCE could provide early warning monitoring of conflict related movements of refugees and IDPs.

- All OSCE member states should adhere to, and support the promotion of the Guiding Principles on IDPs elaborated by the UN Secretary General's Representative, Dr. Francis Deng, both within the UN system and on a national level.
- All states should take the necessary steps to safeguard the admission and facilitate the working conditions of humanitarian personnel.
- If and when the OSCE is involved in matters regarding IDPs and refugees, it should be done in coordination with other relevant international organisations, such as the UNHCR, IOM, ICRC and the EU.

Delegation of Azerbaijan:

- Expressing their deep concern over the severity of humanitarian sufferings of affected civilian population, the participating States should request the relevant international institutions to continue rendering financial and humanitarian assistance to populations expelled from their homes and call for enabling the internally displaced persons and refugees to return to their homes voluntarily, in safety and dignity.
- Taking into account the urgent necessity to address the problems of refugees and IDPs in a comprehensive manner, it is recommended to convey at the earliest possible an OSCE event with participation of main international and non-governmental organizations active in this field to rationalize and develop the existing OSCE practice in tackling this problem.

European Union:

1. Migrant workers and treatment of citizens of other participating states.

Among other recommendations, it:

- encouraged an improved co-operation and co-ordination between OSCE and other international organisations, such as UNHCR and IOM, the ICRC, the CoE and the EC;
- emphasised the importance of preventative measure concerning migration;
- stressed the necessity to exchange information on best practices;
- underlined the role of OCSE/ODHIR, the HCMN, the Economic and Environmental Co-ordinator and in particular the field operations in the protection of migrants and internally displaced persons (dissemination of information, training, awareness raising);
- recognised the UN Guiding principles on Internal Displacement as valuable tool that should be integrated into the OSCE context (in particular in OSCE training programmes).

The participating States and the OSCE Partners for Cooperation should:

- Adhere to the OSCE Commitments on freedom of movement and choice of residence;

- Develop policies linking immigration and integration;
- Maintain high standards of protection of human rights in their policies to fight irregular immigration;
- Adopt concrete measures facilitating family reunification;
- Consider ways to facilitate temporary movement of young people, notably students and young workers for purposes of education and professional qualification.

The relevant OSCE structures and institutions should:

- Examine the links between migration, conflict prevention and resolution, regional stability and economic and human development within the OSCE area;
- Develop cooperation with other international institutions and organisations, notably the IOM, the UNHCR, the Council of Europe and the ICRC.

2. Refugees and displaced persons

The participating States and the OSCE Partners for Cooperation should:

- Develop effective asylum policies enabling the early, objective, coherent and humane processing of all applications and the protection of genuine asylum seekers.
- Address the root causes of displacement of refugees and IDPs, notably in terms of conflict prevention and resolution and by scrupulous adherence to all relevant commitments, notably those pertaining to non-discrimination and the exercise of individual and minority rights and freedoms;
- Those States where persons are still internally displaced must assume the primary responsibility for their protection and assistance and promote the conditions allowing for their safe return to the place of origin;

The relevant OSCE structures and institutions should:

- Develop co-operation with other international institutions and organisations, notably the IOM, the UNHCR, the UNICEF, the Council of Europe and the ICRC;
- Examine areas where the OSCE could supply an added value to the works of the above, notably in prevention, early warning and monitoring of conflict related movement of refugees and IDPs.
- OSCE field missions should monitor the situation of refugees and displaced persons and, in cooperation with counterparts from other international institutions and organisations contribute to the establishment of coherent support and assistance programmes.

UNHCR:

- States should ensure that effective action against irregular migration should include positive admission policies concerning family reunification and a well developed return component for un-successful asylum seekers.
- To ensure that the protection needs of genuine asylum seekers and stateless persons are properly met, OSCE member states who haven't acceded to the 1951 Geneva Convention relating to the Status of Refugees, and the two Conventions related to the Statelessness, should be encouraged to do so,
- In the absence of a universally accepted regime for addressing and managing broader migratory movements comparable to that of refugees, the OSCE member States are encouraged to ensure that the needs of genuine asylum seekers and refugees are properly met within the broader context of migration management.
- OSCE member states who can impact on the economic performance of the states from where migration originates, are encouraged to provide more consistent support in the economic rehabilitation and building a democratic institution of the later.
- States are encouraged to undertake the task of building a well-resourced RSD procedure that is in conformity with the internationally accepted principles of fairness and due process of law.
- Detention of asylum seekers should be discouraged at all cost. However, in case where detention is permissible on exceptional basis, state should ensure that it is not arbitrary i.e the action by the state is clearly prescribed by a national and international human rights law.

Delegation of Canada:

- Canada urges other states to take the particular experiences and needs of refugee women and children into account in their provisions of protection -- and we understand this to mean not only legal, but also physical and social protection.
- Canada calls on OSCE field missions and Institutions, within their mandates, to address the particular needs of refugee and internally displaced women and children in their regular activities, including project work.

Norwegian Refugee Council:

Key Recommendation to all OSCE participating States:

- restate their commitment to the 1951 Refugee Convention and ensure its fair and effective implementation throughout the region
- support a Ministerial Council decision to integrate internal displacement into the activities of the OSCE, using the Guiding Principles on Internal Displacement as a framework

Serbia:

- return of civil registries to Croatia and Kosovo to ensure access to documentation for refugees, returnees and IDPs

Croatia:

- recognize legal priority of owners for the possession and use of their property
- discontinue disparate treatment of owners and users in the Danube region and elsewhere in terms of alternative accommodation and access to civil remedies
- adopt legislation restituting or otherwise compensating for terminated occupancy rights
- revise citizenship law consistent with Principles agreed to by Dayton signatories whereby citizenship determinations should take into account genuine and effective links and habitual residence of persons at the time of state succession (Principles on Citizenship Legislation Concerning the Parties to the Peace Agreements on Bosnia and Herzegovina, Council of Europe/UNHCR, 16 January 1997).
- re-instate permanent residence for all IDPs and refugees whose residence was terminated during the armed conflict
- eliminate requirement of formal renunciation of foreign citizenship where excessive fees imposed by other successor states of the former Yugoslavia
- reach an agreement with UNMIK permitting HPD to operate in Croatia

Bosnia and Herzegovina:

- reach agreement with Yugoslavia concerning recognition of documents and stamps and implement promptly.
- both entities should reconstitute property without undue delay, in particular property occupied by law enforcement officials.
- take steps to ensure that the property legislation in relation to occupancy rights comply with the decisions of the Human Rights Chamber, by abolishing the deadline for applying for repossession for socially owned flats.

Kosovo

- increase funding to the Housing and Property Directorate to be able to adjudicate more claims and allow IDPs to find durable solutions with regards to their property in Kosovo.
- Abolish the criterion of habitual residency to apply for humanitarian assistance, as it discriminates against displaced persons.

OSCE/ODIHR:

- Participating States should ensure that measures to fight against terrorism and to combat illegal migration are consistent with OSCE human dimension commitments and do not contribute to the creation of new artificial divides within the OSCE region.
- Participating States are encouraged to take note of and incorporate in their legislation the Guiding Principles on Internal Displacement, formulated by the UN Secretary General's Special Representative on IDPs, Dr. Francis Deng as an international standard to guide governments in providing assistance and protection to IDPs.

- **MIGRANT WORKERS**

Delegation of Turkey:

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

Council of Europe:

- OSCE participating States should sign and/or ratify the European Convention on the Legal Status of Migrant Workers.

WORKING SESSION 9: HUMANITARIAN ISSUES AND OTHER COMMITMENTS
(CONT.)

- **INTERNATIONAL HUMANITARIAN LAW**

European Union:

LES ETATS PARTICIPANTS DEVRAIENT :

- RATIFIER DANS LES MEILLEURS DELAIS, S'ILS NE L'ONT PAS ENCORE FAIT, LE STATUT DE LA COUR PENALE INTERNATIONALE;
- APPELER A LA RATIFICATION UNIVERSELLE DU STATUT;
- ASSUMER, A TITRE NATIONAL, LA RESPONSABILITE QUI LEUR INCOMBE DE POURSUIVRE ET JUGER LES AUTEURS DE CRIMES FIGURANT DANS LE STATUT,

LES ETATS PARTICIPANTS PARTIES AU STATUT DEVRAIENT RESPECTER LEURS ENGAGEMENTS AU REGARD DU STATUT:

- PRENDRE TOUTES MESURES POUR METTRE EN CONFORMITE LEUR DROIT INTERNE ET PREVOIR LES MODALITES DE COOPERATION AVEC LA COUR,
- REpondre RAPIDEMENT AUX APPELS A CONTRIBUTION OBLIGATOIRE,
- RESPECTER LEUR OBLIGATION DE COOPERER AVEC LA COUR;
-

LES ETATS PARTIES AU STATUT DEVRAIENT EGALEMENT, DANS LA MESURE DU POSSIBLE, CONTRIBUER AU FONDS D'AIDE AUX VICTIMES ET AUX FAMILLES DES VICTIMES.

LES ETATS PARTICIPANTS ET LES STRUCTURES COMPETENTES DE L'OSCE DEVRAIENT:

- VEILLER, DANS LE CADRE DE LA DIFFUSION DU DROIT INTERNATIONAL HUMANITAIRE, A INCLURE LES ELEMENTS RELATIFS A LA COUR PENALE INTERNATIONALE.

2. APRES LES EVENEMENTS TRAGIQUES DU 11 SEPTEMBRE 2001, L'ANNEE ECOULEE A ETE LARGEMENT MARQUEE PAR LA LUTTE CONTRE LE TERRORISME. LA QUESTION A ETE POSEE DE LA PERTINENCE DU DROIT INTERNATIONAL HUMANITAIRE DANS CE CONTEXTE PARTICULIER.

IL EST PRIMORDIAL DE SOULIGNER QUE LA LUTTE CONTRE LE TERRORISME NE DOIT PAS ALLER A L'ENCONTRE DU DEVOIR PERMANENT DE TOUS LES ETATS DE PROTEGER ET PROMOUVOIR LES DROITS DE L'HOMME, LES LIBERTES FONDAMENTALES ET DE RESPECTER LE DROIT HUMANITAIRE. EN RAPPELANT SON ENGAGEMENT DANS LA LUTTE CONTRE LE TERRORISME, L'UNION EUROPEENNE A TENU, DANS LE CADRE DU CONSEIL DU 11 MARS 2002, A

REAFFIRMER SA CONVICTION QUE CE COMBAT DOIT RESPECTER LES DROITS DE L'HOMME ET L'ETAT DE DROIT.

LA PROTECTION ACCORDEE AUX INDIVIDUS PAR LE DROIT INTERNATIONAL HUMANITAIRE NE CONSTITUE EN RIEN UNE ENTRAVE A LA JUSTICE DANS LA MESURE OU IL PRECONISE UN TRAITEMENT JURIDIQUE EQUITABLE POUR TOUS.

LE PROBLEME AUQUEL NOUS SOMMES AUJOURD'HUI CONFRONTES RESIDE MOINS DANS L'ABSENCE DE REGLES QUE DANS LA VOLONTE DE LES METTRE EN OEUVRE.

LES ETATS DEVRAIENT :

- DEVENIR PARTIES, S'ILS NE L'ONT PAS ENCORE FAIT, AUX PROTOCOLES DE 1977 AUX CONVENTIONS DE GENEVE,
- RESPECTER ET FAIRE RESPECTER LES CONVENTIONS DE GENEVE DE 1949 ET LES DEUX PROTOCOLES ADDITIONNELS DE 1977, EN APPLICATION DE L'ARTICLE PREMIER DE CES DIFFERENTS INSTRUMENTS,
- VEILLER A LA CONFORMITE DE LEUR LEGISLATION INTERNE AVEC LE DROIT INTERNATIONAL HUMANITAIRE ET A LA MISE EN APPLICATION EFFECTIVE DES REGLES DU DIH,
- VEILLER A CE QUE LES MESURES PRISES POUR LUTTER CONTRE LE TERRORISME N'AILLENT PAS A L'ENCONTRE DES DROITS DE L'HOMME ET DU DROIT INTERNATIONAL HUMANITAIRE,

3. LA PERSISTANCE DE CONFLITS NON-REGLES DANS L'ESPACE OSCE - , EN DEBIT DES EFFORTS INTERNATIONAUX DE MEDIATION -, (TCHETCHENIE, GEORGIE, HAUT-KARABAGH, MOLDAVIE) DEMEURE UN SUJET DE PREOCCUPATION.

L'UNION EUROPEENNE EST PARTICULIEREMENT SOUCIEUSE DES BESOINS DE PROTECTION ET D'ASSISTANCE DES REFUGIES ET PERSONNES DEPLACES.

S'AGISSANT DES BALKANS, L'UNION EUROPEENNE SE FELICITE DU TRAVAIL MENE PAR LE TPIY ET APPELLE LES ETATS DE LA REGION A APPORTER LEUR PLEINE COOPERATION AU TPIY, A FACILITER LE RETOUR DES REFUGIES ET DES DEPLACES ET A DEVELOPPER LA COOPERATION REGIONALE DANS TOUS LES DOMAINES, CONFORMEMENT AU MESSAGE DU SOMMET DE ZAGREB (NOV. 2000) ; L'UNION EUROPEENNE SE FELICITE, A CET EGARD, DE LA TENUE DU SOMMET DES CHEFS D'ETATS DE BOSNIE-HERZEGOVINE, CROATIE, RFY, A SARAJEVO LE 15 JUILLET.

LES ETATS DEVRAIENT:

- APPELER A UNE EFFICACITE ACCRUE DANS LA MISE EN OEUVRE DE L'ASSISTANCE HUMANITAIRE AUX REFUGIES ET DEPLACES

- FACILITER L'ACCES DES PERSONNELS HUMANITAIRES AUX POPULATIONS CONCERNEES ET GARANTIR LEUR SECURITE
- FACILITER LES RETOURS EN VEILLANT A CE QU'ILS S'EFFECTUENT SUR UNE BASE VOLONTAIRE,
- ENCOURAGER LE DEVELOPPEMENT DE LA COOPERATION REGIONALE DANS TOUS LES DOMAINES, Y COMPRIS DANS CELUI DES RETOURS DES REFUGIES ET DEPLACES.

International Campaign to Ban Landmines:

- ICBL congratulates the 36 members of the OSCE, which are already Parties to the Convention on the Prohibition of the Use, Stocking, Production and Transfer of Anti personnel Mines, and on their Destruction (also known as the Ottawa or Mine Ban Treaty), and calls on these States to fully implement all provisions of the Convention, which includes the destruction of stockpiles of antipersonnel mines within 4 years after the entry into force the Convention for each country, and the clearance of mined areas within 10 years.
- ICBL urges member of the OSCE which signed the Convention in 1997 (Cyprus, Greece, Lithuania, Poland and Ukraine) to fulfil this commitment by ratifying it without further delay.
- ICBL urges members of the OSCE which are not State Parties to the Convention (Armenia, Azerbaijan, Belarus, Estonia, Finland, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Russia, the US, Uzbekistan and the Federal Republic of Yugoslavia) to accede to the Convention as soon as possible.
- Bearing in mind that non State Parties to the Convention possess the majority of remaining stockpiled antipersonnel mines, the ICBL urges these states to prepare for and commence stockpile destruction in advance of accession to the Convention, as a preventive measure.
- ICBL urges States to engage in trust building measures, which may include demining of shared borders, such as that undertaken by Bulgaria and Turkey. Such initiatives contribute to establish not only a safer environment for civilians but also peace, trust and security on European soil.
- ICBL calls on the OSCE to actively promote ratification of and/or accession to the Convention on the Prohibition of the Use, Stocking, Production and Transfer of Anti personnel Mines, and on their Destruction and to place the issue on its political agenda.
- ICLB calls on appropriate bodies of the OSCE to explore all cooperative mechanisms, including informal consultations, to facilitate common progress towards accession by groups of states in this region.

International Helsinki Federation for Human Rights:

- The IHF insists that adequate security conditions, under which IDPs can safely return to their former homes, do not exist in Chechnya. Many of the camp residents cannot produce full

identity documents, official files having been destroyed, and these people are thus especially vulnerable. No IDP among scores interviewed by the IHF said it would be possible to return to Chechnya absent the removal of Russian troops. We demand that Russian authorities refrain from any actions aimed at forcefully returning IDPs to Chechnya. The state must take decisive measures in order to improve living conditions of refugees, ensure that they receive fair compensations for damages inflicted during the war, and provide for their physical and psychological rehabilitation.

- Most importantly, the highest levels of Russian state authority must order military and security forces immediately to cease any further actions that threaten the security of civilians in Chechnya and in IDPs' camps, and ensure that violations will be fully investigated and prosecuted in accordance with Russian domestic law and international standards.

Delegation of Canada:

- We call on the OSCE Ministerial Council to task the Permanent Council to conclude a document on Children Affected by Armed Conflict.
- We call on all participating States to ratify and implement the Ottawa Convention as soon as possible.
- Canada encourages strong participation at the forthcoming seminar on “Banning Anti-personnel Landmines: Co-operation and Capacity Building” in Yerevan on October 1 and 2, which is organized jointly by the Governments of Canada and Armenia and intended to complement other events in the OSCE framework.
- Canada calls on all participating States to ratify or accede to the Rome Statute for a Permanent International Criminal Court as soon as possible.

OSCE/ODIHR:

- In accordance with the Bucharest Plan of Action and the Bishkek Programme of Action, the fight against terrorism should at all times comply with OSCE commitments, international human rights law and international humanitarian law, where applicable

- ANY OTHER BUSINESS:

European Union

Intervention de l'UE sur les enfants et les conflits armés:

DESTINEES AUX ETATS PARTICIPANTS :

- METTRE EN OEUVRE LES ENGAGEMENTS PRIS A L'OCCASION DE LA SESSION EXTRAORDINAIRE DE L'AGNU SUR LES ENFANTS;

- RATIFIER ET METTRE EN OEUVRE SANS DELAI, POUR CEUX QUI NE L'ONT PAS ENCORE FAIT, LA CONVENTION SUR LES DROITS DE L'ENFANT, LE PROTOCOLE FACULTATIF CONCERNANT L'IMPLICATION D'ENFANTS DANS LES CONFLITS ARMES, AINSI QUE LE PROTOCOLE CONCERNANT LA VENTE D'ENFANTS, LA PROSTITUTION DES ENFANTS ET LA PORNOGRAPHIE METTANT EN SCENE LES ENFANTS;
- COOPERER AVEC LE REPRESENTANT SPECIAL DU SGNU POUR LES ENFANTS ET LES CONFLITS ARMES ET LES AUTRES AGENCES DES NATIONS UNIES CHARGEES DE LA PROTECTION DES ENFANTS EN TEMPS DE CONFLIT;
- S'ASSURER QUE TOUTES LES PARTIES A UN CONFLIT RESPECTENT PLEINEMENT LES NORMES INTERNATIONALES RELATIVES AUX DROITS ET A LA PROTECTION DES ENFANTS DANS LES CONFLITS ARMES;
- ENVISAGER A CETTE FIN LES MESURES JURIDIQUES, POLITIQUES, DIPLOMATIQUES, FINANCIERES ET MATERIELLES CONFORMES A LA CHARTE DES NATIONS UNIES;
- ENVISAGER, LE CAS ECHEANT, LES MESURES SUSCEPTIBLES DE DECOURAGER LES ENTREPRISES RELEVANT DE LEUR JURIDICTION D'ENTREtenir DES RELATIONS COMMERCIALES AVEC DES PARTIES A UN CONFLIT QUI VIOLERAIENT CES NORMES;
- LUTTER CONTRE L'IMPUNITE DES RESPONSABLES DE GENOCIDE, DE CRIMES CONTRE L'HUMANITE, DE CRIMES DE GUERRE ET AUTRES CRIMES ABOMINABLES COMMIS CONTRE DES ENFANTS (CONSEIL DE SECURITE, SESSION EXTRAORDINAIRE DE L'ASSEMBLEE GENERALE);
- DEVENIR PARTIES AU STATUT DE LA CPI, S'ILS NE L'ONT PAS ENCORE FAIT;
- FOURNIR AIDE ET PROTECTION AUX ENFANTS REFUGIES ET DEPLACES, ET FACILITER LEUR RETOUR ET LEUR REINTEGRATION LORSQUE LES CONDITIONS LE PERMETTENT;
- ASSURER UN ACCES TOTAL, SUR ET SANS ENTRAVES DE L'AIDE HUMANITAIRE AUX ENFANTS AFFECTES PAR UN CONFLIT;
- PRENDRE EN COMPTE DANS LA RECONSTRUCTION POST-CONFLIT LES BESOINS PARTICULIERS DES ENFANTS ET SOUTENIR LE DEVELOPPEMENT DE CAPACITES NATIONALES DE PROTECTION DES DROITS DE L'ENFANT;
- VEILLER A LA DEMOBILISATION, LA READAPTATION ET LA REINSERTION DES ENFANTS-SOLDATS, EN TENANT DUMENT COMPTE DE LEUR SEXE;
- REHABILITER LES SERVICES DE BASE, NOTAMMENT DANS LE DOMAINE DES SOINS ET DE L'EDUCATION, NECESSAIRES A LA READAPTATION A UNE VIE NORMALE;

DESTINEES AUX INSTITUTIONS ET STRUCTURES DE L'OSCE :

- INCLURE LA QUESTION DE LA SITUATION DES ENFANTS AFFECTES PAR LES CONFLITS ET DU RESPECT DE LEURS DROITS DANS LEURS ACTIVITES;
- LE BIDDH POURRAIT ENVISAGER DE DESIGNER UN CONSEILLER SUR LES DROITS DES ENFANTS;
- LES MISSIONS DEVRAIENT FAIRE RAPPORT, EN TANT QUE DE BESOIN, SUR LA SITUATION DES ENFANTS AFFECTES PAR LES CONFLITS ET FAIRE DES RECOMMANDATIONS SUR CE SUJET;
- LE SECRETARIAT DEVRAIT ELABORER UN RAPPORT SUR LA QUESTION, REUNISSANT LES CONTRIBUTIONS DES INSTITUTIONS ET DES MISSIONS DE TERRAIN;
- It could be envisaged to establish an open ended Working Group on this issue.

Human Rights Watch:

- The Permanent Council should revisit previous recommendations on the protection of children in armed conflict to ensure their full implementation in OSCE programs and activities.
- OSCE participating States that have not already done so should ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict at the earliest opportunity, setting at least 18 as the minimum age for military recruitment.

Ассоциация неправительственных и некоммерческих организаций из Кыргызстана:

- Обратиться от имени участников данной конференции в ООН, с предложением утвердить 11 сентября Международным Днем памяти жертв терроризма.

Moldovan Helsinki Committee for Human Rights:

The year 2001-2002 in the aftermath of communist returning to power had marked by a significant comparative regress on the subject of respect for human rights taken into consideration the previous years. The problematic areas extended to such fields as local and regional self-governing, independence of judiciary, brutal inhibition of freedom of expression, escalation of abusive powers of the investigative authorities into the privacy of individuals and their security and liberty, particular brutality and torture during pre-trial investigation. The problematic areas are those of forced labor of socially disadvantaged groups, under quality of the administration of justice, unproportionate and uncontrolled use of the administrative detention; government reprisal of religious minorities had persisted. All the recommendations are mainly based on the findings of 2001 (Jan 2001, En, 89 pages) and 2002 (Jul 2002, En, 75 pages) Human Rights Respect Practice Reports in the Republic of Moldova (including Transnistria region), Alternative Report to the Initial Report and the First Regular Report of the Republic of Moldova On the Stage of Implementation of the International Covenant on Civil and Political Rights (Jan 2001, En, 151

pages) written by Moldovan Helsinki Committee for Human Rights (can be obtained in electronic format upon request).

1. Working session: Democratic institutions (democratic elections, democracy at the national/regional/local levels, citizenship and political rights, Ombudsman/national human rights institutions)

With regard to local and regional self-governance and local public decentralization in Moldova (especially in Transnistria region):

Moldovan authorities to urgently stop the process of centralization of the local and regional powers and local public administration:

- refrain from adopting and enforcing the modifications to the Law on local public administration aiming at returning to centrally controlled small district divisions;
- adopt modifications in the Law on local public administration to empower local public authorities with effective and decentralized budget planning and execution.

Central Moldovan authorities (Parliament, President, Government) to respect the regional autonomy of Gagauzia self-governance:

- refrain from exercise pressure and political influence on the electoral process of election of head of the executive in Gagauz autonomy;
- refrain from political unilateral intervention in the functioning of the political process in the Legislative Assembly and the Executive of Gagauzia.

With regard to the Center for Human Rights (Ombudsman office) in Moldova (especially in Transnistria region):

Recommendations deemed for improvement of the work of the Center for Human Rights:

- Parliament of Moldova, parliamentary commission on human rights should take action on defining and clarification of the mission of the Center for Human Rights by either narrowing down the institutional sphere of activity (public administration) and/or take the most urgent thematic approach, subject of revision as appropriate;
- Commission on human rights should actively oversee the activity of the Center to identify the specific objectives of the Center for the respective periods of time and on needs assessment basis;
- Human Rights Center should not engage in the educational activity as a priority area and rather engage in the educational activities exclusively in extent to the need improvements established in view of their promotion, educational activities should target specifically the stockholders of the problems, and educational activities should have narrowly defined result oriented and practical objectives;
- Human Rights center should predominantly focus its attention and resources on petitioning the Constitutional Court bearing in mind the underrepresented and marginalized strata of society.
- Moldovan parliament should appoint persons with clear and strong human rights image shared and enjoyed in Moldovan society free from biased perceptions or being strongly and negatively affected on different grounds and reasons;
- The Center should continuously and persistently build upon raising personnel competence and knowledge in the field of human rights;

- The Center should develop capacity on taking active and authoritative position on the subjects and situations of human rights interest or sensitivity;
- The Center analysis of the cases and situations should be considered and examined in the light of the existing developed international bodies of jurisprudence and case law;
- The Center should be actively engaged in legal work of analysis of compatibility of the existing legislation with human rights law pertinent to the cases and situations.

2. Working session: Rule of Law I (legislative transparency, independence of judiciary, right to fair trial)

With regard to the draft Codes examining in the second reading by the Parliament in Moldova (especially in Transnistria region):

In view of adoption Civil Code and adoption in first readings the drafts of Penal Code, Contravention Code, etc

- Moldovan Parliament should revise and modify all the provisions of the draft laws of Penal Code, Contravention Code and Civil Code highlighted in the Report affecting freedom of speech, assembly, privacy and infringing on other individual liberties;
- the draft Penal Code should be substantially revised so that the tendency for heavy detention penalties and criminalization is balanced to the needs and societal value balance is found of the penalty and the detention of the person.

With regard to independence of judiciary in Moldova:

In view of deteriorating situation and further political process affecting the independence of the administration of justice:

- Transfer further functions for economic and financial self-administration of the judiciary to the Superior Council of Magistrates;
- Provide necessary and proportionate budgetary allocations for the functioning of the judiciary and respect budgetary allocations assigned and approved by the parliament;
- Revise the laws on the judiciary organization and statute of the judge to limit the excessive executive influence on the administration of the justice and the appointment of judges procedure;
- Refrain from practices of interference of the executive (President administration) in the appointment of judges;
- Urgently finalize the re-appointment of judges for life, as provided by law on the statute of judge, based on the professional competence as proposed by the Superior Council of Magistrates;
- Improve management capacity of the courts and raise the statute of court registers.

3. Working session: Rule of Law II (abolition of death penalty, prevention of torture, prison reform)

With regard to Conditions of Detention in Penitentiary System in Moldova (especially in Transnistria region):

- Pursue policies for significant lowering number of persons in detention by revisiting the understanding of the nature of penalty, elaborate forms of alternative non-private sanctions;

- Raise at least several times the expenditures for alimentation in accordance with laws of Moldova and international standards;
- allocate needed budgetary finance to the real needs of the medical service and for the places of detention integrally;
- improve hygiene conditions including running and hot water, electricity;
- provide adequate food, necessary infrastructure for cleaning and supporting the medical services to oppose the raising number of TB infected people in detention;

With regard to the torture and police abuses in pre-trial detention and effective investigation of them in Moldova:

Moldovan authorities, most notable, central authorities and politicians should strongly emphasize the inadmissibility of the practices of the use of force as a mean for carrying out the criminal and administrative investigation:

- establish a task force, with participation of the Center for Human Rights, parliamentary human rights commission, independent think tanks, Ministry of Interior, prosecutor office to identifying the needed steps to combat the widespread practices of beatings and extortion of the evidence in the pre-trial detention;
- public prosecutor and parliamentary advocates should work hand-in-hand to in effective investigation of the allegations of torture and developing specific recommendations on the effective investigation of torture and establishing the punishment for perpetrators;
- encourage and allow upon request monitoring of places of detention by independent human rights watchdog organizations.

With regard to security and liberty of person in Moldova:

- carefully review the legal provisions and practices with regard to use of the various administrative procedures affecting the security and liberty of person in order to repeal the existing practices;

With regard to legislative initiatives for combating the terrorism and tax procedural legislation in Moldova:

- carefully review the Law on combating of terrorism for specifically specifying the limits of it application, time framework, public inspection thru independent media and public interests watchdogs reporting be assured;
- substantially revise the procedural tax law to assure the compliance with the Council of Europe standards on security and liberty of persons, fair trial guarantees, privacy;

4. Working session: Tolerance and Non-discrimination I (national minorities, Roma/Sinti)

With regard to Roma rural communities in Moldova (especially in Transnistria region):

It is considered extremely important that local and central authorities through positive measures include the following measures that will improve the situation of the people living in rural communities of Roma:

- Take measures that will provide Roma representative counselor in local administration and political bodies and local decision-making bodies;
- Eliminate discriminatory practices with regard to allocation of public finances on education and culture for rural communities of Roma;
- Assure minimal human conditions of existence including but certainly not limiting to, running and drinking water, electricity, telephone communication, access means to the community, medical care;
- Assure access to schooling system and create minimal conditions;
- Undertake measures for compensation of past injustices regarding the privation of majority of rural Roma communities of access to asset generation (access to land privatization).

National minorities

Reinforcement of minority rights practical implementation with respect particularly disadvantaged and in past unjustly discriminated Roma, Gagauz, Bulgarians, Ukrainians:

With regard to applicability of the definition of national minority:

- Approach for but specific and concrete references should be developed in view of determination of positive obligations relating to the geographical (area) of application of the minority rights legislation based on the internationally recognized principles should be perused;
- Criteria relating to citizenship should not be relevant as concerns the possibilities of individuals to benefit from the provisions of legislation on national minorities.

With regard to the minority language rights:

- Positive measures to take an active role in protecting the Roma, Gagauz, Bulgarian, Ukrainian minorities from language assimilation in order to repair the injustices of the past;
- Affirmative actions to be perused that inter alia specifically protects the Taraclia Bulgarians in the South of Moldova against further language assimilation on the public sphere language use, education rights and respectfully their effective implementation in practice;
- Affirmative actions to be perused that inter alia specifically protects the North and East-North Ukrainians against further language assimilation on the public sphere language use, education rights and respectfully their effective implementation in practice;

With regard to minority education rights:

- Implementation of the minority rights obligations in respect to Bulgarians, Ukrainians, Gagauz minorities on educational rights through the effective establishment and support for the development of mother tongue education should constitute the another priority for the Moldovan government.

With regard to minority use of media rights:

- State radio and TV programs in Ukrainian, Bulgarian and Gagauz languages, specifically in the regions where they constitute compact population should be encouraged and provided public support;

- Private outlets in Ukrainian, Bulgarian and Gagauz languages should be encouraged by temporary affirmative actions of support.

With regard to establishing minority organizations and political association:

- Law on political parties and social movement should be modified so that to remove the restrictions for political association based on ethnic principles that preclude effective representation the interests of minorities through political process;
- The National Council of Minority organizations with consultative status to the Department of National Minorities should take into consideration and be proportionally composed of the community interest based minority organizations.

With regard to participation in the decision-making process:

- Greater emphasis should be placed on the representation and consultation of community based national minority organizations in the elaboration and implementation of policies relevant to the respective minorities, especially with regard to the Roma, Bulgarian, Ukrainian and Gagauz national minorities;

With regard to enforcement of provisions of the agreements:

- Implementing and enforcement of minority rights provisions should be undertaken under the initiative of the Department of the National Minorities that needs further capacity building and raising of professionalism;
- The Department of National Minorities and other public authorities (Ministry of Education, etc) should closely co-ordinate their efforts in advancement minority rights obligations;

5. Working session: Tolerance and Non-discrimination I (prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic cleansing; equal opportunities for men and women

With regard to the forcible assimilation and ethnic cleansing of more than 100 000 Moldovan children and about 300 000 Moldovans in the region taking place in Transnistria region:

- oblige the de facto Transnistrian leadership to refrain from forbidding and punishing by law the use in private and public schools the use of Moldovan language in Latin script;
- oblige the de facto Transnistrian leadership to refrain from prosecution of children parents supporting the establishment of private and public education in Moldovan language in Latin script;
- oblige the de facto Transnistrian authorities to refrain from direct public support for aggressive anti-Moldovan propaganda, chauvinism in public media;

6. Working session: Fundamental Freedoms I (freedom of media and expression, access to information, freedom of association and right to peaceful assembly, advocacy and defenders)

With regard to Freedom of expression in Moldova (especially in Transnistria region):

- Review the practices of its various agencies regarding offering access to information so that they correspond in reality to the law, as well as give more efficient and faster remedies to the media in cases access is denied. Insure more transparency in all aspects of its work;
- Review the defamation law, including the Civil Code and Draft Civil Code as well as the Criminal Code and Draft Criminal Code, to make them less restrictive of the freedom of expression and correspond to international standards;
- Review various legislative acts analyzed above, in order to eliminate ambiguity and possibilities of abuse against the media;
- Organize explanatory work with the various state agencies, especially the judicial system, on the need to observe international standards of freedom of expression and information. Also, educational work needs to be done to ensure that national legislation is in reality observed in the actions and decisions of national authorities;
- Revise the Law on holding of public manifestations and meetings to eliminate the procedure of excessive prior censorship on the intent to hold a public manifestation conditioned by the permit to be issued 15 days before the event by local executive power.

7. Working session: Fundamental Freedoms II (freedom of thought, conscience, religion or belief, freedom of movement)

With regard to Right to Conscience, Religion and Thought in Moldova (especially in Transnistria region):

- Excessive limitations on passive right to religion will be eliminated and avoided;
- Exclusion of legal provisions restricting freedom of movement for religious purposes;
- Registration procedure will be substantially modified to allow clear unbiased and publicly open procedure, with possibility to contest in court of law the decision;
- preferential practices for dominant-Orthodox Church of Moldova should be avoided and inter-confessional communication encouraged, refrain from preferential treatment of Metropolitan Church of Moldova by granting tax relief and discriminatory public budget allocations;
- refrain from physical and psychological harassment and prosecution of Muslim religion (Spiritual Council of Muslims of Moldova) and register the Muslim religion;
- lift the ban for non-governmental organizations to propagate religious beliefs in the law on Non-governmental associations;
- enforce the final decision of the Supreme Court of Justice to register the True Orthodox Church of Moldova;

8. Working session: Humanitarian Issues and other commitments (migration, refugees and displaced persons; migrant workers; treatment of citizens of other participating states, international humanitarian law).

With regard to the proposed solution on federalization plan as a mean to solve Transnistrian problem in Moldova, a Special session of ODIHR devoted to the discussion of settlement of Transnistria conflict by OSCE:

- the solution of Transnistrian problem plan should be developing with large participation in a time way by variety of political and other societal forces and representatives of both banks assuring that people of both banks of Nistru voice is effectively heard;

- the role of external political interest in settling Transnistrian problem should not be a governing and predominant driving force behind the seeking of the solution, the will of people democratically represented at the negotiations should be upheld as a fundamental principle of OSCE core values of democracy and human rights;
- the potential solutions should be narrowly aimed at solving the existing Transnistrian problem rather than aiming at general objectives serving primarily political interests;
- the solution to Transnistrian problem should be placed in hands of democratically elected, representative and accountable governments, whereas the role of parties guarantors should not be substituting the role of the Government in solving the problem;
- the sought solution should be developed and implemented in the conditions of existent international and OSCE human rights and political agreements as the foundation and premises of Transnistrian conflict resolution;
- the solution to be preferred should feature the sustainability and underlying democratic principles results, commensurable and measurable by the existing realities and capacities of country democratic forces to implement the solution;

MONDAY, 16 SEPTEMBER

Working session 10-11:

DISCUSSION OF HUMAN DIMENSION ACTIVITIES (SPECIAL EMPHASIS ON PROJECT WORK)

European Union:

Work of the OSCE Field Missions

- strengthen cooperation between OSCE Missions and institutions at all stages of the project cycle,
- mainstream human dimension values across the full spectrum of OSCE field activities. This includes a human dimension proofing or audit of all new and existing projects,
- introduce a formal system of project assessment and evaluation
- encourage the OSCE, its institutions and the participating States to make available sufficient resources for the implementation of human dimension projects.

Human Dimension Mechanisms and the Functioning of the OSCE Institutions

- the continued independence of the OSCE institutions, under their mandates, should be fully preserved,
- continued efforts ought to be made to further mainstream conflict prevention aspects in the activities of the institutions, including through the sharing of reports and other information between the field presences, the institutions and the Secretariat,
- efforts should be made to increase the resources of the contact point for Roma and Sinti within the ODIHR,

- the HCNM continues to work against discrimination and in support of the creation of ombudsman-type institutions and equality commissions,
- the institutions continue to promote national minority representation in public decision-making processes and electoral processes, e.g. under the so called Lund Recommendations on the Effective Participation of National Minorities in Public Life and the Guidelines to Assist National Minority Participation in Electoral Processes,
- the Representative on the Freedom of the Media continues to direct his attention towards the relationship between the media and multiethnic relations,
- the use of the Internet and complete access to information should be given the full attention of the Media Representative,
- the OSCE Parliamentary Assembly should continue to work closely with other OSCE bodies and to mobilise national parliaments and public opinion with regard to issues within the Human Dimension.

Delegation of the Russian Federation:

- ODIHR through the relevant mechanisms of the Permanent Council and the other OSCE collective bodies should further build its strategy in Human Dimension with more attention to the overall OSCE activities, first of all in strengthening its capacity to address new risks and challenges to security in the OSCE area, which are common to all participant States (violations of rights of national minorities, manifestations of extremism and aggressive nationalism, promotion of tolerance, migration regulation procedures in accordance with international legal instruments, norms and principles, ensuring freedom of movement across the OSCE area, etc).
- Invite ODIHR to contribute (in terms of identifying common risks to human rights) to the elaboration of a comprehensive OSCE concept of addressing challenges to stability in XXI-st century to be endorsed following the OSCE Ministerial decision in Bucharest in 2001.
- Project implementation activities of ODIHR should not be limited to a number of operational programmes in some OSCE participating States or certain regions where OSCE Missions and field presence are functional. The geographical scope of ODIHR human rights expertise and applicability should be significantly broadened, including countries of "mature democracy".
- Project planning of ODIHR and other OSCE institutions in Human Dimension should be accomplished through the endorsement of the Permanent Council, be transparent and accountable to all participating States, including cases of funding through voluntary contributions. The planning and implementation of ODIHR and other OSCE institutions' projects should be based on the readiness and willingness of an OSCE State - recipient and conducted with due respect to its national legislation. Partnership and cooperation in this regard should be sustained.

Delegation of Thailand:

Follow - up to the 21 – 22 June 2002 OSCE-Thailand Conference on Human Dimension of Security (focus on the cooperation between the OSCE and Asian Partners, and the OSCE and ASEAN/ARF).

- In response to the new global challenges, OSCE and the Asian region should undertake efforts to build partnership and establish dialogue as well as promote more frequent exchange of views in dealing with new security issues.
- OSCE and Asia should pursue dialogue to explore way and means to establish links between relevant institutions and mechanism through a network of intellectual and academic resources.
- OSCE and Asia should exchange more information and may explore ways and means to increase cooperation between each other in future such as CBMs, human dimension, drugs and human trafficking, and respective capacity building.
- OSCE and Asia should share experiences on training programs for law enforcement agencies, and exchange expertise in the area of legislative development and rule of law, poverty reduction and education. In this regard, Thailand would work towards developing closer ties between OSCE and ASEAN.
- OSCE and ASEAN/ARF should consider sharing their experiences and concerns on some security-related issues through the ASEAN/ARF chairmanship and secretariats.

Right to Development

- OSCE should consider promoting the right to development (RTD) both in principle and practice in human dimension.

Council of Europe:

- Promoting the application of the Council of Europe Guidelines on Human Rights and the Fight against Terrorism.
- Taking into account the work and the experience of the Council of Europe, in particular the Guidelines on Human Rights and the Fight against Terrorism in drafting an OSCE Charter on Fighting Terrorism.

Amnesty International Norway:

Amnesty International Norway calls on the Russian authorities to:

- Show a clear political commitment to promote and protect fundamental human rights for everybody and give an unequivocal message that violations of these rights will not be tolerated.
- Ensure that prompt, impartial, independent and thorough investigations of complaints of torture are carried out and that the perpetrators are brought to justice in line with international human rights standards.
- Take urgent steps to ensure that civilians in Chechnya are protected at all times from the impact of security force operations.
- Hold comprehensive and impartial investigations into allegations of violations of international human rights and humanitarian law, including war crimes, and bring those responsible to justice in accordance with international standards.

Amnesty International Norway calls on the OSCE to:

- Urge, and if necessary, to assist the Russian authorities to ensure that all law enforcement personnel are trained in international law on the prohibition of torture and ill-treatment in all circumstances and are informed of the criminal liability that the use of torture and ill-treatment entails, regardless of rank.
- Urge and, if necessary, to assist the Russian authorities to ensure that all those responsible for abuses of human rights or international humanitarian law are brought to justice before independent impartial courts established by law and in proceedings which meet international standards of fairness, and take measures to facilitate such proceedings.

Minority Rights Group International:

- The Office of the High Commissioner on National Minorities and the Contact Point on Roma and Sinti issues should be further supported and strengthened, including having a second permanent member of staff in the latter.
- Minority rights should be mainstreamed throughout the OSCE institutions. In particular, all OSCE staff should receive basic training in minority rights protection.
- Any member of OSCE staff, particularly in the field missions, working with minorities and/or on minority issues should be fully aware of minority rights standards (including the OSCE commitments) and how the OSCE and other organizations have developed the protection of minority rights. This will involve intensive training and bringing members of field missions to Warsaw and The Hague in order for them to learn from the OSCE's experience, and have a closer relationship with both the Office of the HCNM and ODIHR.
- All OSCE organizations and institutions working on minority rights should maintain close co-operation with other inter-governmental and non-governmental organizations working in the same area so that knowledge and best practice are more fully shared.

RECOMMENDATIONS MADE AT THE THIRD OSCE REGIONAL CO-ORDINATION MEETING FOR SOUTH EASTERN EUROPE ORGANISED BY ODIHR IN

CONJUNCTION TO THE ANNUAL HUMAN DIMENSION IMPLEMENTATION MEETING:

Having considered the recommendations made at the three OSCE Regional Co-ordination meetings for South Eastern Europe, organised by ODIHR earlier this year in Belgrade and Sarajevo as well as in conjunction with the HDIM in Warsaw,

the discussions on and substantial support given to the ODIHR initiated Strategic Regional Co-ordination process at the Human Dimensions Implementation meeting in Warsaw on 16 September 2002, particularly from the distinguished representatives of Sweden and Ireland, both representing the European Union, the distinguished representative of the Russian Federation, the distinguished representative of Norway, and the distinguished representative of Canada,

the participants of the Third OSCE Regional Co-ordination meeting in Warsaw hereby make the following recommendations to the organisers of the HDIM for their consideration:

- There continues to be a need to improve coordination of Human Dimension (HD) activities at national, sub-regional and regional levels. This would enhance the OSCE's capacity to co-ordinate and co-operate with other international organizations and bodies such as the European Union, Stability Pact, Council of Europe, United Nations as well as OSCE Permanent Delegations on HD issues.
- Greater effort should be devoted to developing HD engagement, co-ordination and activities (be they political intervention or through projects as instruments of change) to address short and long term conflict and terrorism concerns in order to effect what UN Secretary General Kofi Anan called "structural conflict prevention."
- The OSCE needs to further enhance its own "cross fertilization" between HD, Economic & Environmental issues and Security matters to secure sustainability and comprehensive security objectives. Clearer divisions of responsibilities among the central substantive bodies of OSCE, between the "center" and the "field" and among the field missions as well as the development of modalities for closer co-ordination between those bodies are prerequisites for achieving enhanced efficiency and accountability.
- In this regard the locus of responsibility should remain with the Missions in the South Eastern European Region acting in Committee, facilitated and supported by ODIHR. The three recent regional meetings organized and hosted by ODIHR is part of a series of strategic meetings and have proved very useful in developing communication, co-ordination and operational and intellectual synergies between and among missions. Periodic meetings of this type at the managerial as well as at the technical or issue specific level can strengthen regional and sub-regional work among the missions.
- OSCE should create an electronic archive to house Best Practices from OSCE Missions and Institutions in specific Human Dimension activities, publications and other relevant documents. It is advisable to create a database for in-house experts and external consultants by substantive area. Both the electronic archive and the database will allow the capture of institutional memory now. In this regard, the participants at the Third OSCE Regional Co-

ordination meeting welcome and fully support the ODIHR initiative to create such a database/archive system in the near future.

- Moreover, OSCE should ensure that specially trained OSCE staff, both international and national staff, in HD matters can be transferred to other Missions upon request for short-term lecture and training program. ODIHR should set aside funding to ensure flexibility and financing of such a system.
- OSCE should continue to identify long term national, sub-regional and regional HD goals and objectives as well as develop “hand-over” strategies to local authorities and NGOs throughout the OSCE area.
- ODIHR should in this regard build on the common values and commitments amongst Participating States such as e.g. strengthening democratic values and institutions, judiciary systems, human rights and bilateral and multi-lateral co-operation and co-ordination to ensure that the HD goals, OSCE commitments, sustainability and conflict prevention can be achieved.
- The OSCE should also continue to strengthen its co-operation, co-ordination and partnership with the host countries in South Eastern Europe on HD projects and program planning. The participants urges the host countries to see the OSCE Missions and Institutions as partners and a resource to further strengthen the democratic process and implementation of OSCE HD Commitments. OSCE should increase its efforts as a facilitator of further regional and sub-regional co-operation between the host countries in South Eastern Europe.
- Finally, OSCE Mission with the facilitation and support of ODIHR should strive to identify a joint plan of action in the region within the project and program planning process.

OSCE/ODIHR:

- OSCE political bodies should develop more effective and consistent means of follow-up to violations of OSCE human dimension commitments. In particular, OSCE participating States should put into practice the measures outlined in paragraph 36 of the Charter for European Security.
- Human rights and democratization issues should be fully integrated into the work of all OSCE field operations, in fulfilment of the OSCE’s comprehensive concept of security, and in recognition that OSCE missions cannot be blind to OSCE human dimension commitments. The need to deal with human dimension issues should be taken more carefully into account when establishing or amending/adjusting/revising OSCE field missions, especially in conflict and post-conflict situations.
- OSCE participating States welcome the ODIHR’s work undertaken in 2002 to develop guidelines on how to handle and respond to individual complaints of human rights violations and look forward to their distribution and implementation. Training on this, as well as other HD issues for OSCE personnel, should be strengthened. The ODIHR role in this regard should be increased.

- The early-warning capacities of the OSCE, including in particular its institutions and field missions, should be enhanced by improving their capacities to monitor and report on human dimension issues and through a rapid sharing of relevant information among them.
- There is a need to create a substantive centre of excellence to provide strategic OSCE Human Dimension (HD) policy guidance and co-ordination of HD activities at national, sub-regional and regional levels. The ODIHR efforts to co-ordinate and provide substantive support for HD work amongst the OSCE missions in the Balkans in 2002 in this regard are welcomed and should be continued. Expansion of this initiative to other areas of the OSCE region should be encouraged and supported.

Tuesday, 17 September

**Working sessions 12-13:
TRAFFICKING IN HUMAN BEINGS**

Delegation of the USA:

- Governments should cooperate with nongovernmental organizations through practical initiatives at every level.
- OSCE participating States should use ODIHR's extensive legislative resources, including "Legislation On-line". States should give ODIHR copies of legislation and other anti-trafficking materials in local languages to help others design similar tools.
- States with an OSCE field presence can engage those offices as resources for legal and judicial reform and police training.
- Representatives of governments must seek out opportunities to empower NGOs attuned to the spiritual and cultural background of the victim NGOs that can provide the long-term, personal assistance that victims of trafficking need to recover physically and emotionally from their trauma.
- Sexual exploitation or forced labor laws should be clearly established in domestic law. Such measures should be promptly enacted and faithfully implemented, in all source, transit and destination countries throughout the OSCE region. All participating States should adopt legislation to criminalize trafficking for sexual exploitation or forced labor, accompanied by appropriately strong penalties.
- Law enforcement authorities should be made aware of anti-trafficking law and properly trained to implement it at national and local levels.
- Law enforcement should cooperate with civil society to ensure that victims of trafficking are made aware of their legal rights.
- OSCE States, particularly Croatia, Greece and Turkey, should initiate aggressive, government-sponsored data collection efforts.

- Upon identifying a person as a victim of trafficking, they must not face prosecution solely because they have been trafficked and lack legal immigration status. Protection from prosecution should be clearly stated in all legal codes. All participating States must screen potential victims before prosecutions or deportations, particularly Bosnia-Herzegovina, Greece, and Turkey, where victims of trafficking continue to be subject to criminal sanctions for illegal border crossings or prostitution which resulted from having been trafficked.
- OSCE participating States should fulfill their Vienna Ministerial commitment to "consider adopting legislative or other appropriate measures ... which permit victims of trafficking in persons to remain in the [country], temporarily or permanently in appropriate cases."
- The United States encourages other participating States to consider adopting measures similar to the "T visa" adopted in the United States which allows a victim of trafficking to remain in the United States if he or she "would suffer extreme hardship involving unusual and severe harm upon removal." If the victim is more than 15 years old, the issuance of this immigration status is also tied to a victim's compliance with "any reasonable request for assistance in the investigation or prosecution of acts of trafficking.

Delegation of the Republic of Azerbaijan:

- The OSCE ODIHR in cooperation with the other international structures, in particularly IOM should elaborate and conduct programs and trainings for the representatives of the relevant Governmental structures on illegal migration, examination of travel documents, victim protection and rehabilitation; relevant trainings should be organized for judges and police;
- The International Organizations, in particular the OSCE ODIHR, IOM and the Council of Europe should provide necessary assistance to the States in conducting of the awarenessraising campaigns among the potential risk groups, students and mass media not only in capitals, but also in the regions of the countries;
- The issue of trafficking in human beings should be included into the curricula of the national police academies; the International Organizations should thus organize necessary trainings for the teaching personnel of these institutions.

Delegation of Canada:

- OSCE participating States should ratify and implement the UN Convention against Transnational Organized Crime and its supplementary Protocol on Trafficking in Human Beings, Particularly Women and Children as soon as possible;
- Ratification, entry into force and implementation of these legal instruments should be given priority over the development of international legal norms;
- Subject to consistency with the aforementioned legal instruments, Canada recommends the development of new OSCE commitments in two areas:
demand reduction, including through awareness raising among existing and potential clients in destination states and states contributing to international presences in third countries;

trafficking in children, including through addressing their special needs as regards prevention, protection, rehabilitation/mental health and conditions for safe return.

Delegation of Croatia:

Taking into account that this is a complex international problem, it is necessary to bear in mind several important elements:

- Each state should be well organized on the national level, primarily by developing national mechanisms for combating trafficking in human beings (national bodies and national action plans, judiciary), and it should establish good interstate co-operation with the states in its immediate neighbourhood and in a wider region.
- The international organizations that play major roles in combating this phenomenon should assume the role of co-ordinators of international activities of various states: both in terms of their bilateral co-operation and the regional one.
- The donor states should play an important role by providing aid to countries that cannot confront trafficking in human beings on their own, so that the chain of countries organized in combating this crime is not broken - that would certainly undermine the efforts of other countries.
- All European countries should develop their National Action Plans, in accordance with the previously given recommendations.
- It is necessary to involve national and international non-governmental organization into all government activities both on the national and international level.

European Union:

En conclusion, l'Union européenne souhaite que les recommandations formulées à l'issue de la Conférence organisée à Berlin les 15 et 16 octobre 2001 soient mises en œuvre, et notamment: celle portant sur la ratification de la Convention des Nations Unies sur le crime organisé transnational et de ses protocoles additionnels, dont celui qui porte sur la traite des êtres humains et sur les autres Conventions des Nations Unies pertinentes ; celles portant sur les efforts de coordination et de coopération nationales et internationales, la prévention, la protection des victimes et la poursuite des trafiquants.

- Les Etats participants et, en particulier, les pays de destination, devraient élaborer et mettre en oeuvre un statut harmonisé de protection et d'assistance aux victimes.
- L'OSCE devrait accroître son rôle dans la recherche et documentation, dans la prévention et l'information et dans l'accroissement des capacités des Etats participants, des institutions et des Organisations non gouvernementales.
Dans toutes ces activités, elle agira, bien entendu, en coopération avec les autres organisations internationales concernées, conformément à l'esprit de la plateforme de sécurité coopérative.

Delegation of Portugal:

- Se sugiere a los estados para que se esfuercen por prever en su ordenamiento juridico interno, medidas que brinden a las victimas con la posibilidad de obtener autorizacion de residencia temporaria o permanente, con la finalidad de acogida y integracion social en los paises donde se encuentran.
- Instigar a los estados no solamente a rectificar pero también a implementar los diversos documentos juridicos internacionales.
- Instigar a los estados no solamente a legislar, pero a proporcionar recursos que permitan desarrollar pianos de acciôn.
- Se sugiere la realizacion de campanas en todos los passes de la OSCE. Es fundamental traer at debate pùblico una de las mas severas formas de violacion de los derechos humanos (art. 1,4,5 Decl Universal de los Derechos Humanos)
- Alertar a los estados para la necesidad de reglamentar los procedimientos y la actuaciôn de fuerzas del orden y a adoptar aun sistemas de registro de manera a identificar debidamente las victimas de la trata.
- Sensibilizar a los estados para aumentar el n° de mujeres en las fuerzas del orden particularmente en el combate a la trata, favoreciendo ass el, contacto con las victimas de la trata.
- Desarrollar formaciôn dirigida a los policias y a todos los trabajadores sociales.
- La prostituciôn, en general, tiene por detrâs las relaciones de género, la relaciôn de poder de los hombres sobre las mujeres, alcanza en esto punto un real atentado a la dignidad y integridad de un ser humano; por to tanto es esencial hacer una reflexiôn profunda acerca del cliente (sin clientes jamâs podrian existir mujeres en la prostituciôn).
- En una perspectiva de prevencion es aún esencial:
 - a. redefinir las relaciones de género y educar en una perspective de igualdad
 - b. proporcionar a todos los jôvenes a adolecientes educaciôn sexual, educaciôn civics y en to derechos humanos.

Delegation of Turkey:

- The participating states should adopt a multi-disciplinary approach, including appropriate social and economic measures which will address the root causes of trafficking in human beings such as poverty, economic disparities and unemployment.
In this respect, trafficking in human beings should receive regular attention in the OSCE's economic dimension.

Council of Europe:

Acknowledging the need for urgent concrete action in Europe to prevent trafficking in human beings it is recommended to:

- Support the idea of elaboration in the framework of the Council of Europe of a European Convention on trafficking in human beings, open to non-member states, which would concentrate on the protection of the rights and interests of victims of trafficking and, through a mechanism to monitor application of its provisions, make it possible to assess progress made by member states as regards legislation and practice to combat trafficking.
- Establish a European observatory on trafficking in order to:
 - a. Launch information and awareness raising campaigns in all members states;
 - b. Set up an international network of experts on trafficking in women and children;
 - c. Study the effects of use of new information technologies on trafficking and their impact on victims of trafficking;
 - d. Conduct, in co-operation with other international organisations, systematic research into trafficking in women and children.
- Implement the Council of Europe Committee of Ministers' Recommendation (2000) 11 on Combating Trafficking in Human Beings for the purpose of sexual exploitation.
- Finalise the Stability Pact Project on Criminal Law Reform in South-Eastern Europe, extending the project to a number of other European States.
- Encourage member states to appoint national rapporteurs on trafficking in human beings in each country affected by the problem, with a view to devising and implementing a specific national plan of action against trafficking
- Create a legislative framework for voluntary organisations which defend victims of trafficking, allowing them to take legal action against traffickers.
- Develop multi-disciplinary coordinated action, involving all parties concerned, not only at national, regional and international levels but also at the level of local authorities and NGOs, who are often the first concerned by the problem of trafficking especially in disadvantaged rural areas; develop specific training for all those involved the fight against trafficking.
- Support the idea of granting residence permits to victims of trafficking in human beings.
- Develop at national and international levels the collection of data and statistics in order to better understand the phenomenon of trafficking.

UNHCR:

Recommendations to OSCE participating States:

- The responsibility of participating States in combating trafficking extends not only to law enforcement efforts and providing humanitarian assistance to victims, but also to protecting their full range of fundamental rights.
- Participating States are encouraged to consider acceding to the United Nations Convention Against Transnational Organised Crime and its Protocols so that these instruments can come into force without delay.
- Policies, legislation and operational arrangements should, at a minimum, respect those rights and standards of treatment established in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (hereafter referred to as the Trafficking Protocol).
- Participating States need to reflect in their policies, legislation and operational arrangements the distinctive nature and definition of smuggling and trafficking in persons.
- Participating States are encouraged to give due consideration to the fate of victims of trafficking who do not wish to return to their countries of origin, particularly where they express a fear to return. This issue is particularly acute when States have not yet established comprehensive referral systems or where only voluntary referral programmes are in place.
- Participating States' response to trafficking should duly consider victims' rights to seek asylum, inter alia by including saving clauses in their national anti-trafficking policies and legislation, using the saving clause of Article 14 of the Trafficking Protocol as model text.
- Participating States are encouraged to work on the harmonisation of criteria concerning the assistance to and protection of victims, including arrangements for return, preferably voluntary and with due regard for the safety of the person. Information on the conditions that await victims of trafficking upon return needs to be collected and appropriately used in procedures for counselling on return.
- Participating States are encouraged to pay greater attention to the complex challenges presented by trafficking in children, placing appropriate emphasis on the Convention on the Rights of the Child and its Optional Protocol, especially the cornerstone principle of acting in the best interests of the child, in the development of specific responses for child victims.

Recommendations to the OSCE (bodies, institutions, incl. ODIHR, and field missions):

- Inter-agency co-ordination at the field level, notably where State authorities require assistance in dealing with the consequences of irregular movements of refugees, migrants and trafficked persons, should be fostered. Such co-ordination should take due account of the specific

institutional mandates of different agencies and be aimed at enabling State authorities to comply with their international obligations.

- Regional and international co-ordination on policy and operational arrangements is essential. In this regard, the role of the Stability Pact Task Force on Trafficking merits support.

Anti-Slavery International:

General Recommendations

- Government agencies responsible for administration of justice should develop a law enforcement model for interviewing undocumented migrants to ensure appropriate questions are asked to ascertain if they may have been trafficked. Guidelines for interviewing undocumented migrants should be developed by experienced law enforcement officials working on these cases in conjunction with agencies that work with migrants and trafficked persons.
- Government agencies responsible for administration of justice should train law enforcement (i.e. police and immigration) and the judiciary (prosecutors, judges, lawyers) as well as service providers (e.g. medical, migrant, refugee, trade unions) to help them understand the complex situations and decisions trafficked persons face due to their vulnerable situation.
- Government agencies responsible for administration of justice should develop guidelines and procedures on treatment of trafficked persons by law enforcement officials in conjunction with non-governmental organisations that deal with trafficked persons on a day-to-day basis. These need to be circulated widely and updated regularly.
- States, inter-governmental organisations and NGOs should raise awareness and sensitise society in general about the violations of human rights that trafficked persons experience, paying particular attention to the effects of their treatment by the State.

Investigation and prosecution of traffickers

- States should adopt legislation setting out a criminal offence of 'trafficking' that covers trafficking for all purposes, in line with the Tracking Protocol as part of comprehensive anti-trafficking legislation which protects the rights of trafficked persons. Consideration of the United States criminal definitions of trafficking and forced labour, as a good working model, may be helpful.
- States should interpret and amend existing provisions of the law punishing slavery and unlawful imprisonment to ensure that clearly identifiable and provable elements of psychological coercion are recognised as a method of constraint. States should apply existing slavery provisions to cover modern forms of slavery such as trafficking, consistent with a new provision against trafficking.
- At a regional level within countries, justice ministries should create integrated multi-agency task forces to combat trafficking, involving police, immigration officials, labour ministry

officials or labour inspectors, prosecutors and non-governmental organisations to co-ordinate their activities in relation to trafficking and thereby to ensure more effective prosecutions of traffickers.

Contradiction between laws concerning undocumented migrants and those affecting trafficked persons - the failure to recognise trafficked persons.

- States should ensure trafficked persons are not punished for any offences or activities under national laws related to them having been trafficked, such as prostitution and immigration violations.

Residency status for trafficked persons

- States should ensure their immigration service establishes a special section to deal with trafficking, issue residency permits to trafficked persons and co-ordinate with the police, prosecution and those supporting trafficked persons.
- States should require law enforcement officials who come into contact with individuals who it is suspected may have been trafficked, to refer such persons to a specialised centre or NGO that can address or assess their mental and physical health needs, inform them of their rights to a reflection delay and explain clearly their legal rights and details of their personal experience and the specific violations committed against them.
- States should provide the right to a reflection delay of no less than three months in cases where there are indications that a person may have been trafficked. Recommendation 12: States should ensure that trafficked persons who are in the country during a reflection delay are able to access basic services and support (see part 7. right to recovery for details).
- States should provide residency status for a term of no less than three years available for trafficked persons who have been a victim of serious abuse/harm, or if they are in danger of further harm (through stigmatisation, discrimination, risk of reprisals or likely to be re-trafficked) or who are assisting the investigation or prosecution of traffickers.
- States should allow trafficked persons who have been resident legally in the country for three years to be eligible for permanent residency.
- Trafficked persons should be informed of their right to asylum, and be granted asylum in appropriate cases.
- Immigration services should systematically collect and record information regarding the number and type of residency permits issued to trafficked persons, especially concerning the number of persons who file complaints against traffickers.

Protection from reprisals

- Governments should ensure that appropriate guidelines or regulations are in place to ensure that relevant agencies automatically provide information about victim or witness protection to

vulnerable victims and witnesses, and people close to them. A range of measures and different levels of protection should be made available to victims and witnesses, including both informal (panic alarm, access to police, police escorts) and formal measures (secure housing, confidentiality, change of identity, and, in exceptional cases, relocation of the trafficked person and their relatives).

- States should fund and provide victim and witness protection, and not rely on non-governmental organisations to protect victim witnesses in trafficking cases.
- State should fund shelters for trafficked persons.
- States should ensure that specialised units or task forces rather than local police forces, deal with trafficking cases, including both trafficking investigations and providing protection from reprisals. Units to investigate reprisals could also be set up within anticorruption police units.
- Destination countries should provide for relocation of family members to the destination country where there is a threat of reprisals. States must undertake or assist in relocation of family members in country of origin as well as to the country of destination.

In-court evidentiary measures to protect victim witnesses

- Law enforcement officials should inform trafficked persons of the consequences of giving testimony, such as the possibility of secondary trauma, reprisals, seeing their trafficker and his relatives or associates at court. This should be clearly explained by the authorities (or by an NGO) at the time they are asked to give a statement against the trafficker.
- The prosecution, police or others responsible for the administration of trials should be required to inform tracked persons of what, if any, in-court measures for protecting victims and witnesses will be available to the witness at the earliest possible opportunity, in any event before trial.
- Whatever practices are now current in their legal system, States should review the need for and possibility of introducing measures to minimise additional trauma being caused to trafficked person who testify against alleged traffickers, such as preliminary deposition of evidence, preliminary hearings and testifying in the absence of the alleged tracker.
- States should provide and guarantee legal rights to confidentiality, in particular, this means instructing law enforcement agencies and the courts not to publish names or addresses of anyone who has been trafficked or information that may easily identify a victim and thus jeopardise his or her safety.
- The Government Ministry responsible for the administration of justice should instruct criminal courts to provide informal protection measures extending down to the most basic level to protect witnesses from intimidation. For example, in courtrooms victim witnesses should be provided different entrances, corridors, waiting rooms, toilets, places to eat or, where these measures are not possible, different times to enter/exit and escorts to and from the courtroom.

- States should provide trafficked persons with free access to specialised social workers or counselling post-trial to address any further trauma caused by testifying.

Right to recovery (assistance measures)

- States should provide immediate access to basic support and assistance measures for trafficked persons. Immigration services should process immigration permits within 24 hours to enable this to occur.
- States should provide and fund shelters and support services for trafficked persons. There should be a range of shelters and secure housing available to trafficked persons.
- States should provide trafficked persons with access to training and employment opportunities. Work permits should be issued swiftly without complicated procedures.

Role of Lawyers

- States should provide trafficked persons with access to free independent legal advice to allow them to exercise their legal rights.
- Lawyers, on behalf of trafficked persons, should be present in interviews with law enforcement and prosecutors.
- Lawyers, on behalf of trafficked persons, should engage with the prosecution in ensuring the trafficked person is recognised as a victim of crime in the criminal proceedings and, with the trafficked person's knowledge and consent, pass relevant information to the prosecutor to support the criminal case.

Legal redress and compensation

- Law enforcement officials should inform trafficked persons of their right to a lawyer, the possibilities of obtaining compensation, and that lawyers can assist and inform them regarding the related procedures.
- Law enforcement officials should proactively pursue trafficked persons claims for compensation, especially through providing more in-depth information regarding compensation procedures and assist trafficked persons who wish to claim compensation from traffickers.
- States should enact or enforce laws regarding immediate seizure and confiscation of assets from traffickers, and ensure that the first priority for such assets, once seized, is to pay any compensation claims of trafficked persons. Seizure laws and practice should be amended so as to be more effective, through international co-operation between police to share models of best practice of seizure.

- States should ensure in all criminal cases that the status of the trafficked person as a victim of crime is acknowledged (as an injured party in civil law countries) to facilitate orders of compensation.
- Immigration services should permit trafficked persons to remain in the country whilst pursuing civil claims against traffickers.
- States should ensure trafficked persons have access to State compensation funds, such as victims of crime funds. The process of claiming money from such funds must be made clearer and more efficient for trafficked persons, especially if they are considering returning home.

Return and repatriation

- The authorities, i.e. immigration and police services should not remove trafficked persons to a country of origin where there is reasonable suspicion they may suffer further harm, through stigmatisation, discrimination or risk of reprisals.
- Immigration services should support and make use of existing voluntary repatriation programmes involving local organisations in countries of origin. For example, the IOM coordinates such programmes, characterised by a holistic approach to return and recovery.
- Immigration and police services in countries of destination should not reveal to authorities in countries of origin that a person has been trafficked, without their explicit consent. This is especially important where there are concerns regarding corruption of local officials or, for those trafficked into prostitution, because of stigmatisation associated with prostitution.
- Immigration and police services should make available to trafficked persons contact information and telephone numbers of NGOs, lawyers and social welfare agencies that can assist them in their country of origin. This should not only be in the country's capital, but also any relevant regional centres. They must ensure that this information is authentic and up to date (i.e. latest telephone numbers) by reviewing it periodically, by contacting organisations themselves and also through local NGO networks in the country of destination. NGOs should assist the authorities in collecting such information, and ensure that it is given to the authorities, and not simply made available through websites.
- For trafficked persons who wish to go home, immigration services should ask if they wish to be met by a local NGO and, in accordance with their wishes, contact local NGOs in countries of origin to assist those who return home.
- In returning trafficked persons who want to go home, immigration and police services should provide them with contact information for a law enforcement office in the country of origin that they can contact if a trafficker threatens them.

Legal advice for women – JURK (Norway):

- We recommend that all states claim that women's situation needs to be taken into consideration before investing in or giving economic support to other states.
- Furthermore we recommend ethical rules implemented in working agreements. These rules should prohibit buying as well as receiving sexual favours on business trips.
- For successful reintegration of victims they need to be rehabilitated into the labour market. In this relation there has to be shown a strong dissociation of the sex industry.

Romani CRISS, Roma Center for Social Intervention and Studies:

The Roma organizations present to the HDIM in Warsaw,

Reaffirming the right to freedom of movement of the person, as part of the universal human rights
Stressing the fact that trafficking in human beings is not a cultural practice of Roma and Sinti communities;

Being aware that trafficking in human beings in the case of Roma communities is the result of the social conditions and of the corruption in the society as a whole and in civil society,

Recognizing that the members of Roma communities are both victims and traffickers,

Recommend to the Participating States:

- To focus more, on protecting the groups particularly vulnerable to this phenomenon- minors, women, children, persons with disabilities, and to consider them victims of trafficking even though they are exploited for other purposes than the prostitution (false promises for job opportunities, misleading, beggary and other forms of exploitations with the purpose of obtaining profit by slave dealers).
- To initiate public campaigns and trainings on the basic issues on trafficking in human beings for the Roma NGOs. Those may act as a facilitator to access the Roma communities with this campaigns;

Recommend to ODIHR, Contact Point for Roma and Sinti issues:

- To put on its agenda and implement projects addressed to the issue on trafficking in human beings;

Recommend to the Stability Pact in SEE, and its Task Force on Anti- Trafficking:

- To mainstream the participation of the Roma NGOs to its activities.

Stop Violence:

- To establish in OSCE participating-States specialized commissions capable of relevant authority with the view to providing multi-faceted interagency interaction with regard to combating trafficking.

- To adopt target oriented programmes aimed at preventing trafficking in human beings.
- To call upon OSCE participating-States to facilitate through their national procedures a sustainable financing to an extent possible with soft fiscal regime of NGO's activities which are functional in the sphere human dimension including programmes related to combating trafficking.
- To encourage through ODIHR's capabilities the promotion of experience exchange programmes with regard to prevention of trafficking in human beings in participating-States.

OSCE/ODIHR:

OSCE participating States should:

- Nominate national co-ordinators to combat trafficking in human beings and to develop national anti-trafficking action plans in co-ordination with all relevant national and international actors.
- Establish effective and inclusive national referral mechanisms (including identification, referral and assistance) addressing all target groups as defined in the UN Protocol regardless of the nature of exploitation.
- Include capacity building of all relevant agencies and strengthening of the legal framework to develop, implement and monitor national referral mechanisms.
- Further develop and monitor coherent and integrated national anti-trafficking strategies, in line with the Stability Pact Task Force (SPTF) Guidelines for National Plans of Action.
- Create a regular reporting mechanism by which they would report on progress in preventing and combating trafficking in human beings, including successful prosecutions.
- Raise awareness of trafficking among their secondees and other professionals going into the field, to strengthen implementation of the OSCE's Code of Conduct for Mission Members, as well as to ensure that those who engage in trafficking related activities face appropriate criminal charges.
- Consider making further contributions to support the ODIHR's Anti-Trafficking Project Fund and thereby encourage more anti-trafficking initiatives by OSCE field missions at the grassroots level.

Key recommendations for the OSCE:

- The Informal Group on Gender Equality and Anti-Trafficking should be supported as a forum for raising awareness and exchanging expertise. Furthermore, the Informal Group should develop strategies for how the OSCE can best address emerging challenges such as trafficking in children and trafficking affecting minority communities.

- Routine training on human rights issues including trafficking should be provided to all OSCE personnel at Headquarters and in field Missions.
- Guidelines for the anti-trafficking work of the missions and institutions should be further elaborated.
- Each field mission in South Eastern Europe should have a position focusing solely on anti-trafficking issues.
- A representative of an OSCE field mission should be appointed as an active member of the SPTF Expert Co-ordination Team in order to enhance co-ordination and information exchange.

Wednesday, 18 September

Working sessions 14-15: ELECTION STANDARDS

European Union:

- Election processes must be inclusive and provide equal opportunities for all groups in society to participate, as candidates or voters, otherwise elections can be a source of instability and conflict
- The ODIHR and field missions could reinforce their awareness campaigns and distribution of information about human rights, including the rights of persons belonging to national minorities
- OSCE institutions and field missions should be encouraged to monitor and report on participating states' fulfilment of the OSCE commitments regarding the conduction of elections

Delegation of the Russian Federation:

- To call upon OSCE participating-States for a wide support for the initiative by ODIHR/OSCE to further elaborate, in close co-operation with other international and regional organizations and institutions, in particular the Council of Europe, Commonwealth of Independent States, Association of Election Organizers for Central and Eastern Europe, an OSCE comprehensive document on international standards and commitments of democratic elections in pursuit of 1990 CSCE Copenhagen Document (possible Copenhagen Document-2).
This process should also complement attempts to agree on a European Convention on Election Standards, Electoral Rights and Freedoms.
The Russian Federation is prepared to assist through its expertise in these concerted efforts to enhance norm-setting capabilities of the OSCE.
- To convene within this initiative by ODIHR/OSCE a targetoriented conference in 2003 to consider progress on the mentioned avenue.

- To recommend to the forthcoming OSCE Ministerial Meeting in Porto (6-7 December, 2002) to give an appropriate impulse and guidelines towards follow-up work on the above initiative by ODIHR/OSCE.

Council of Europe:

- Studying the possibility of drafting a Council of Europe legal instrument on international standards for elections procedures, based on the principles developed by the ODIHR and the Venice Commission.

Democracy First:

- Regarding to the disenfranchisement of the people of Washington, D.C., the OSCE hereby recommends to the United States of America that it amend its constitution or adopt such legislation as may be necessary to bring its domestic law into conformity with its OSCE human dimension commitments under articles 5.9, 6 and 7.3 of the 1990 Copenhagen Document.

Human Rights Educational Centre, Belarus:

- Constructing the draft of The Convention for democratic election.
- Constructing the draft of the Protocol of The Convention for democratic election.
- The Convention should be short on volume, brief document.
- The Convention should be the Guaranty for the participation of the Opposition at election commission and large rights of Observers. Observers must have the right to confirm of results of voting, tabulations and protocols by their signatures.

OSCE/ODIHR:

- ODIHR should continue as a matter of priority the effort started in 2002 to compile a comprehensive document on the international standards for democratic elections, to expand the document with best practices from various international bodies and domestic sources, and, in coordination with participating States, expert bodies, civil society and other international organizations, to make progress towards developing new norms and commitments in this important field.

• PLENARY MEETINGS AND SESSION JOURNALS

*1st DAY OF THE IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES/Corrected reissue**

FIRST PLENARY MEETING (open)

1. Date: Monday, 9 September 2002

Opened: 10.05 a.m.

Closed: 1.30 p.m.

2. Chairperson: Mr. R. Aleixo

3. Subjects discussed - Statements - Decisions:

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

Mr. Antonio Martins da Cruz, Chairman-in-Office, Minister for Foreign Affairs of Portugal, addressed the meeting.

Mr. Włodzimierz Cimoszewicz, Minister for Foreign Affairs of Poland, addressed the meeting.

STATEMENTS BY REPRESENTATIVES OF OSCE INSTITUTIONS

Mr. G. Stoudmann, Director of the ODIHR

Mr. R. Ekeus, High Commissioner on National Minorities

Mr. F. Duve, Representative on Freedom of the Media

KEY-NOTE ADDRESS

Mr. M. Ahtisaari, former President of the Republic of Finland

OPENING STATEMENTS

Council of Europe, Denmark-European Union (with the Central and Eastern European countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), United States of America, Russian Federation, Holy See, United Nations Educational, Scientific and Cultural Organization, Democracy First, Kyrgyzstan, Uzbekistan, Switzerland, Office of the United Nations High Commissioner for Refugees, Special Co-ordinator of the Stability Pact for South Eastern Europe, Norway, Yugoslavia

4. Next meeting:

Thursday, 19 September 2002, at 10 a.m., in the Plenary Hall
Chair: Portugal

SESSION 1 (open)

1. Date: Monday, 9 September 2002

Opened: 3.10 p.m.

Closed: 6.18 p.m.

2. Chairperson: Mr. H. Balian (Moderator)

3. Subjects discussed - Statements - Decisions:

Democratic Institutions, including

- *Democratic elections - observation and technical assistance*
- *Democracy at national, regional and local levels*
- *Citizenship and political rights*
- *Ombudsman and national human rights institutions*

Office of the United Nations High Commissioner for Refugees, Council of Europe, Spain (also on behalf of the European Union with the associated countries Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey in alignment) Caucasian Centre for Human Rights, International Educational Development, Latvian Human Rights Committee, GONG, Kyrgyzstan, Norway, Azerbaijan, United States of America, Switzerland, Moscow Helsinki Group, Human Rights Protection Center "Memorial", Croatia, Albania, Yugoslavia, OSCE Advisory and Monitoring Group in Belarus, France, Institute for Human Rights and Liberties, Greece, Russian Federation, Azerbaijan Women and Development Centre, Latvia, Uzbekistan, Norwegian Institute of Human Rights, Human Rights Educational Center.

4. Next meeting:

Tuesday, 10 September 2002, at 10 a.m., in the Conference Hall

***2nd DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue****

SESSION 2 (open)

1. Date: Tuesday, 10 September 2002

Opened: 10.10 a.m.

Closed: 1.10 p.m.

2. Chairperson: Ms. E. Mizulina (Moderator)

3. Subjects discussed - Statements - Decisions:

Rule of Law I, including

- *Legislative transparency*
- *Independence of the judiciary*
- *Right to a fair trial*
- *Follow-up to the 23 to 25 April Human Dimension Seminar on Judicial Systems and Human Rights.*

Armenia, Kyrgyzstan, Belarusian Helsinki Committee, Greece (also on behalf of the European Union with the Central and Eastern European countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), Eurasian Institute, Uzbekistan, Canada, Belarus, "Mazlum" - Human Rights Organization in Uzbekistan, Tajikistan, Russian Federation, International Helsinki Federation, Human Rights Society of Uzbekistan, Council of Europe, Legal Aid Society of Uzbekistan, Poland, Switzerland, Helsinki Committee for Human Rights in Moldova, United States of America, Latvian Human Rights Committee, Institute for Human Rights and Liberties in Kyrgyzstan, Centre for Human Rights, Amnesty International, Human Rights Centre of Azerbaijan, France, ODIHR

4. Next meeting:

Tuesday, 10 September 2002, at 3 p.m., in the Plenary Hall

SESSION 3 (open)

1. Date: Tuesday, 10 September 2002

Opened: 3.40 p.m.

Closed: 6.20 p.m.

2. Chairman: Mr. S. Wagenseil (Moderator)

3. Subjects discussed - Statements - Decisions:

Rule of Law II, including

- *Exchange of views on the question of the abolition of capital punishment*
- *Prevention of torture*
- *Follow-up to the 8 and 9 July Supplementary Human Dimension Meeting on Prison Reform*

Amnesty International, Russian Federation, Switzerland, Norway, Ukraine, United Kingdom, Human Rights Centre of Azerbaijan, Council of Europe, Human Rights Protection Centre "Memorial", Human Rights Watch, Canada, Human Rights Society of Uzbekistan, Denmark-European Union (with the associated countries Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and the Czech Republic in alignment), Association for the

Prevention of Torture, Mazlum - Human Rights Organization in Uzbekistan, Azerbaijan, Civil Society Development Union, Kyrgyzstan, Foundation "Help and Support for Prisoners", Association of Non-Governmental and Non-Commercial Organizations, Uzbekistan, Yugoslavia, Greece, Centre for Human Rights, Charitable Fund, International Helsinki Federation for Human Rights, Ukrainian Committee "Helsinki-90"

Right of reply: Turkey

Statement by the Moderator

4. Next meeting:

Wednesday, 11 September 2002, at 10 a.m., in the Plenary Hall

***3rd DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue****

SESSION 4 (open)

1. Date: Wednesday, 11 September 2002

Opened: 10 a.m.

Closed: 1.25 p.m.

2. Chairperson: Mr. V.-Y. Ghebali (Moderator)

3. Subjects discussed - Statements - Decisions:

Tolerance and Non-Discrimination I, including

- *National minorities*

- *Roma/Sinti*

Austria (also on behalf of the European Union with the Central and Eastern European Countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), Romania, Germany, International Helsinki Federation, Open Society Institute, Mothers Against the Death Penalty and Torture, Council of Europe, Minority Rights Group International, Legal Information Centre for Human Rights, Georgia, Russian Federation, Danish Church Aid, United States of America, Federation of the Western Thrace Turks in Europe, Croatia, Poland, Switzerland, Norway, Roma National Congress, Romano Kulturno Vekhetaniben, Ion Budai Deleanu Foundation, Roma Community Centre "DROM", European Roma Rights Centre, Hungary, Finland, Finnish Helsinki Committee, Romani CRISS, Greece, Belarus, Slovakia, Russian Society in Latvia, Kyrgyzstan, Armenia, Albania, Centre "Rrom Aver" Against Racism, League of Human Rights, Fraternity-IBAR, Romani Association of Eastern Albania

Right of reply: Yugoslavia, Uzbekistan, Greece, Turkey, Russian Federation, Luxembourg

4. Next meeting:

Wednesday, 11 September 2002, at 3 p.m., in the Plenary Hall

SESSION 5 (open)

1. Date: Wednesday, 11 September 2002

Opened: 3.10 p.m.

Closed: 6.35 p.m.

2. Chairperson: Mr. J. Packer (Moderator)

3. Subjects discussed - Statements - Decisions:

Tolerance and Non-Discrimination II, including (continued)

- *Prevention of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic cleansing*
- *Equal opportunities for women and men*
- *Follow-up to the 18 and 19 March Supplementary Human Dimension Meeting on Violence against Women*

Israel, European Association of Jehovah's Witnesses for Cyprus, Religious Organization of Jehovah's Witnesses in Armenia, Administrative Centre of Jehovah's Witnesses in Uzbekistan, Denmark-European Union (with the Central and Eastern European countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), Federal Republic of Yugoslavia, Council of Europe, Helsinki Citizens Assembly - Armenian Committee, Association of Non-Governmental and Non-Commercial Organizations in Kyrgyzstan, Canada, United Nations Educational, Scientific and Cultural Organization, Russian Federation, Russian Society in Latvia, Association in Support of Contemporary Living, Jacob Blaustein Institute for the Advancement of Human Rights, Ukrainian Committee "Helsinki-90", Moscow Helsinki Group, International League for Human Rights, Turkey, International Helsinki Federation, Azerbaijan, Educational Centre, ODIHR, Tajikistan, Issyk-Kul Sabati - Kyrgyzstan, Romani CRISS, Switzerland, Kyrgyzstan, United States of America, Armenia, Norway, Poland, Croatia, Amnesty International, OSCE Secretariat

Right of reply: France, Armenia, Azerbaijan, Belarus

4. Next meeting:

Thursday, 12 September 2002, at 10 a.m., in the Plenary Hall

***4th DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue****

SESSION 6 (open)

1. Date: Thursday, 12 September 2002

Opened: 10.05 a.m.

Closed: 1.10 p.m.

2. Chairman: Mr. A. Ivanko (Moderator)

3. Subjects discussed - Statements - Decisions:

Fundamental Freedoms I, including

- *Freedom of expression, free media and information*
- *Freedom of association and the right of peaceful assembly*
- *Follow-up to the October 2001 Supplementary Meeting on Human Rights Advocacy and Defenders*

OSCE Representative on Freedom of the Media, Council of Europe, Czech Republic, Hungary, Russian Society in Latvia, Charter 97, "Charogy Ruz" Newspaper, Lawyer Agency "Borys Kuznetsow and Partners", Belarusian Association of Journalists, Radio Station Grand, "Mazlum" - Human Rights Organization in Uzbekistan, Belarusian Helsinki Committee, Armenian Helsinki Committee, Human Rights Centre of Azerbaijan, Union of Journalists of Russia, Uzbekistan, Denmark-European Union (with the Central and Eastern European countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), Norway, Russian Federation, Armenia, Kazakhstan International Bureau for Human Rights and Rule of Law, Independent Newspaper "Litsa", Switzerland, Adil Soz International Foundation for Freedom of Speech, United States of America, Belarus, Coalition for Democracy and Civil Society, Kyrgyzstan, International Confederation of Free Trade Unions, International Helsinki Federation, International Federation for Human Rights against Torture, Institute for Human Rights and Liberties

Right of reply: Switzerland, Tajikistan, Kyrgyzstan, Yugoslavia

4. Next meeting:

Thursday, 12 September 2002, at 3 p.m., in the Plenary Hall

SESSION 7 (open)

1. Date: Thursday, 12 September 2002

Opened: 3.05 p.m.

Closed: 6.15 p.m.

2. Chairman: Mr. S. Wagenseil (Moderator)

3. Subjects discussed - Statements - Decisions:

Fundamental Freedoms II, including

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

The Russian Chapter of the International Religious Liberty Association, Netherlands (also on behalf of the European Union with the Central and Eastern European countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), OSCE Network in Sweden, United States of America, Norway, Centre for Human Rights, Belarus, Canada, Administrative Centre for Jehovah's Witnesses in Russia, International Helsinki Federation, Associations of Christian Churches in Russia "Union of Christians", Human Rights Watch, Holy See, Uzbekistan, Georgia, Azerbaijan, Russian Federation, Poland, Moscow Helsinki Group, Legal Information Centre for Human Rights, Constantinopolitan Society, Moscow Patriarchate Russian Orthodox Church, Association "Macierz", Federation of the Western Thrace Turks in Europe, Ukrainian Committee "Helsinki-90", Kyrgyzstan, Belarusian Helsinki Committee

Right of reply: France, Greece, Germany, Turkey

4. Next meeting:

Friday, 13 September 2002, at 10 a.m., in the Plenary Hall

***5th DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue****

SESSION 8 (open)

1. Date: Friday, 13 September 2002

Opened: 10.05 a.m.
Closed: 1.10 p.m.
2. Chairperson: Mr. A. Bernatowicz (Moderator)
3. Subjects discussed - Statements - Decisions:

Humanitarian Issues and other commitments, including

- *Migration, refugees and displaced persons*
- *Migrant workers*
- *Treatment of citizens of other participating States*

Office of the United Nations High Commissioner for Refugees, Roma Community Centre "Drom", Rromani Baxt, Rromano Phralipen "IBAR", International Romani Union, Georgia, United States of America, Norway, European Roma Rights Centre, ODIHR, Migrant's Association for Social Cooperation, Human Rights Watch,

Yugoslavia, Canada, Russian Federation, Issyk-Kul Sabati, Educational Centre, Azerbaijan, Croatia, Armenia, Association of Non-Governmental and Non-Commercial Organizations, France (also on behalf of the European Union with the associated countries Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and the Czech Republic in alignment), “Society and Law”, Greece, Aver Center, Council of Europe, International Confederation of the Free Trade Union, Turkey

Right of reply: Croatia, Italy, Poland, Azerbaijan, Turkey, Uzbekistan, Greece, Germany, Armenia, Kyrgyzstan

4. Next meeting:

Friday, 13 September 2002, at 3 p.m., in the Plenary Hall

SESSION 9 (open)

1. Date: Friday, 13 September 2002

Opened: 3.05 p.m.

Closed: 4.05 p.m.

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

3. Subjects discussed - Statements - Decisions:

Humanitarian Issues and other commitments, including (continued)

- *International humanitarian law*

Any other business

United States of America, Helsinki Committee for Human Rights in Moldova, International Helsinki Federation, International Committee of the Red Cross, International Campaign to Ban Landmines, Human Rights Watch, Ukrainian Committee “Helsinki-90”, Croatia, Russian Federation, Canada, France (also on behalf of the European Union with the associated countries Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and the Czech Republic in alignment).

Right of reply: United States of America

4. Next meeting:

Monday, 16 September 2002, at 10 a.m., in the Plenary Hall

SECOND PLENARY MEETING

1. Date: Friday, 13 September 2002

Opened: 4.15 p.m.
Closed: 5.55 p.m.

2. Chairperson: Mr. S. Wagenseil

3. Subjects discussed - Statements - Decisions:

Presentation of the outcome of the working sessions.

Preliminary discussion of the recommendations as a preparation for the Reinforced Plenary Session.

Rapporteurs: Mr. I. Ivanov, Mr. F. Nogales, Ms. S. Nolke

STATEMENT BY THE CHAIRPERSON

Mr. S. Wagenseil, Deputy Director of the ODIHR

OPENING STATEMENTS

Uzbekistan, Denmark-European Union, United States of America, Institute for Human Rights and Liberties, Association of Non-Governmental and Non-Commercial Organizations, Russian Federation, Switzerland, Turkey, Canada, Holy See, Yugoslavia, Kyrgyzstan, Albania

4. Next meeting:

Thursday, 19 September 2002, at 10 a.m., in the Plenary Hall
Chair: Portugal

***6th DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue****

SESSION 10 (open)

1. Date: Monday, 16 September 2002

Opened: 10.05 a.m.
Closed: 1 p.m.

2. Chairperson: Mr. S. Wagenseil (Moderator)

3. Subjects discussed - Statements - Decisions:

SPECIAL STATEMENTS

Mr. E. Rudenshiold, Head of Democratization Section, ODIHR

Ms. C. McCool, Director of Democratization, OSCE Mission in Kosovo

Ms. B. Kainz, OSCE Centre in Almaty

Mr. J. Packer, Director, Office of the OSCE High Commissioner on National Minorities

Discussion of human dimension activities

Ireland (also on behalf of the European Union with the Central and Eastern European countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), Office of the United Nations High Commissioner for Human Rights, Canada, Norway, Russian Federation, Kyrgyzstan, Amnesty International, Yugoslavia, Minority Rights Group International, Uzbekistan, Co-ordinator of OSCE Economic and Environmental Activities, United States of America, United Kingdom, OSCE Mission to Bosnia and Herzegovina

4. Next meeting:

Monday, 16 September 2002, at 3 p.m., in the Plenary Hall

SESSION 11 (open)

1. Date: Monday, 16 September 2002

Opened: 3.05 p.m.

Closed: 5.05 p.m.

2. Chairperson: Mr. S. Wagenseil (Moderator)

3. Subjects discussed - Statements - Decisions:

Legislationline presentation - ODIHR

Discussion of human dimension activities (continued)

Thailand (Partner for Co-operation), Helsinki Citizens' Assembly Armenia Committee, Sweden (also on behalf of the European Union with the associated countries Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and the Czech Republic in alignment), OSCE Presence in Albania, Kazakhstan, Educational Centre, Denmark-European Union (also on behalf of the European Commission), Issyk-Kul Sabati, France, Norway, United Kingdom

Right of reply: Belarus

4. Next meeting:

Tuesday, 17 September 2002, at 10 a.m., in the Plenary Hall

**7th DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue***

SESSION 12 (open)

1. Date: Tuesday, 17 September 2002

Opened: 10.05 a.m.

Closed: 1 p.m.

2. Chairperson: Ms. D. Del Marmol-Guilbert (Moderator)

3. Subjects discussed - Statements - Decisions:

Trafficking in human beings

- *National referral mechanisms: co-operation among relevant State authorities and civil society*

Expert interventions:

Ms. T. Kroeger, Legal Adviser, KOBRA, Project of Phoenix e.V., Germany

Mr. W. Schelker, Federal Criminal Police Office, Germany

International Organization for Migration, ODIHR, Council of Europe, Belgium (also on behalf of the European Union with the Central and Eastern European countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in alignment), Canada, Croatia, United States of America, Liechtenstein, Azerbaijan, Holy See, Russian Federation, Stop Violence, Armenia, OSCE Presence in Albania, Norway, Yugoslavia, Germany, Bulgaria, Switzerland, Italy, Kyrgyzstan, Pag-Asa, Uzbekistan

4. Next meeting:

Tuesday, 17 September 2002, at 3 p.m., in the Plenary Hall

SESSION 13 (open)

1. Date: Tuesday, 17 September 2002

Opened: 3.10 p.m.

Closed: 6.05 p.m.

2. Chairperson: Ms. V. Gracheva (Moderator)

3. Subjects discussed - Statements - Decisions:

Trafficking in human beings (continued)

- *Advocacy and assistance: promoting and ensuring the rights of trafficked persons*

Expert interventions:

Ms. H. Konrad, Chairperson of the Stability Pact Task Force on Trafficking in Human Beings

Ms. M. Platek, Adviser on Victims' Rights to the Polish Ombudsmen

Office of the United Nations High Commissioner for Refugees, Albania, United States of America, Romani CRISS, International Labour Organization Anti-Slavery International, International Helsinki Federation for Human Rights, Legal Advice for Women, Denmark, Czech Republic, OSCE Mission to Bosnia and Herzegovina, Stop Violence, Thailand (Partner for Co-operation), Portugal, Women's Council of Denmark, Turkey, Ukraine, Segi Regional Centre for Combating Transborder Crime, European Commission, Netherlands

4. Next meeting:

Wednesday, 18 September 2002, at 10 a.m., in the Plenary Hall

***8th DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue****

SESSION 14 (open)

1. Date: Wednesday, 18 September 2002

Opened: 10.10 a.m.

Closed: 12.35 p.m.

2. Chairperson: Mr. H. Balian (Moderator)

3. Subjects discussed - Statements - Decisions:

Election standards

Expert's intervention:

Mr. Merloe, Senior Associate and Director of Election Programs, National Democratic Institute for International Affairs

ODIHR, Parliamentary Assembly of the Council of Europe, Sweden (also on behalf of the European Union with the Central and Eastern countries associated with the European Union and the associated countries Cyprus, Malta and Turkey in

alignment), Russian Federation, United States of America, Norway, France, Switzerland, Turkey, Kurdish Human Rights Project, Democracy First, Coalition of NGOs for Democracy and Civil Society, Norwegian Helsinki Committee, Educational Centre, Venice Commission of the Council of Europe, Sweden, International Institute for Democracy and Election Assistance, Association of Non-Governmental and Non-Commercial Organizations, Italy, National Democratic Institute for International Affairs, Belarus, United Kingdom

Right of reply: United States of America, Kyrgyzstan, Turkey

4. Next meeting:

Wednesday, 18 September 2002, at 3 p.m., in the Plenary Hall

SESSION 15 (open)

1. Date: Wednesday, 18 September 2002

Opened: 3.10 p.m.

Closed: 5.10 p.m.

2. Chairperson: Mr. H. Balian (Moderator)

3. Subjects discussed - Statements - Decisions:

Election standards (continued)

Albania, Russian Federation, International Foundation for Election Systems, Italy, Inter-Parliamentary Union, Sweden, European Commission, Electoral Commission - United Kingdom, College of Europe, Osservatorio della Comunicazione Radio Televisiva di Pavia, National Democratic Institute for International Affairs, Venice Commission of the Council of Europe, Independent Election Consultant - United Kingdom, Centre for the Comparative Study of Elections

4. Next meeting:

Thursday, 19 September 2002, at 10 a.m., in the Plenary Hall

***9th DAY OF THE IMPLEMENTATION MEETING
ON HUMAN DIMENSION ISSUES/Corrected reissue****

CLOSING REINFORCED PLENARY MEETING (closed)

1. Date: Thursday, 19 September 2002

Opened: 10.10 a.m.

Closed: 1.30 p.m.

2. Chairperson: Mr. F. Seixas da Costa

3. Subjects discussed - Statements - Decisions:

STATEMENT BY REPRESENTATIVE OF OSCE INSTITUTIONS

Mr. G. Stoudmann, Director of the ODIHR

KEYNOTE ADDRESS

Ms. H. Jilani, United Nations Special Representative on Human Rights Defenders

CLOSING STATEMENTS

Kazakhstan, Denmark (also on behalf of the European Union), Poland, Democracy First, Holy See, Council of Europe, Norway, Office of the United Nations High Commissioner for Refugees, Armenia, Russian Federation, Switzerland, Turkey, Kyrgyzstan, Yugoslavia, Canada, United States of America, Azerbaijan

STATEMENT BY REPRESENTATIVE OF OSCE INSTITUTIONS

Mr. J. Kubis, OSCE Secretary General

The Chairperson formally closed the Implementation Meeting on Human Dimension Issues.

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