



# **HUMAN DIMENSION IMPLEMENTATION MEETING**

## **CONSOLIDATED SUMMARY**

**Warsaw, 19 – 30 September 2005**

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## **I. EXECUTIVE SUMMARY**

The OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw 19 – 30 September 2005. This HDIM was the tenth of its kind, organized by the Office for Democratic Institutions and Human Rights to review implementation of the broad range of OSCE human dimension commitments. The HDIM provides a unique opportunity for the exchange of ideas and good practices between government representatives, international organizations and civil society.

Following the Permanent Council decision the structure of the HDIM was modified. The “review” sessions, traditionally set for the first week, were clustered thematically around the specifically selected topics. This allowed for a more focused discussion.

The meeting was opened by a statement of the ODIHR Director, Ambassador Christian Strohal. The opening plenary was continued with opening statements by Head of the OSCE Task Force, Ministry of Foreign Affairs of the Republic of Slovenia, Ambassador Boris Frlec and Undersecretary of State, Ministry of Foreign Affairs of Poland, Dr. Piotr Switalski. The OSCE Secretary General, Ambassador Marc Perrin de Brichambaut, the OSCE High Commissioner on National Minorities, Ambassador Rolf Ekeus and the OSCE Representative on Freedom of the Media, Mr. Miklos Haraszti also delivered opening statements. Ms. Liudmila Alexeeva, Chairperson of the Moscow Helsinki Group, delivered a key note address.

30 years of collective efforts and achievements within the Human Dimension was a central theme in those opening addresses, which set the scene for forward looking, free and frank debates during the HDIM. The important role of the Human Dimension for Security and the importance of commitments being fully implemented were underlined. (All addresses are enclosed in this compilation).

The Working Sessions of the first week were devoted to: Democratic Institutions; Humanitarian Issues and Other Commitments (part 1); Fundamental Freedoms I; Two Working Sessions on the specifically selected topic: The situation of the media in the OSCE region and the role of the State and the non-State actors in promoting the media freedom; Two working sessions on the specifically selected topic: Methods to prevent and combat torture, Rule of Law I; Rule of Law II.

The first week’s discussions were summarized in the Plenary Session on Friday afternoon, where the Rapporteurs reports from the first weeks Working Sessions were presented (enclosed in this compilation).

The Working Sessions of the second week included: Two Working Sessions on discussion of human dimension activities (with special emphasis on project work). Speakers from various missions as well as from NGOs highlighted examples of best practices from their own experience and offered ideas and models which may be useful in other field operations; Humanitarian Issues and Other Commitments (part 2): Tolerance and non-Discrimination I; Tolerance and non-Discrimination II; Two Working Session on the specifically selected topic: Tolerance and non-Discrimination, where one session was devoted to review of implementation of OSCE Commitments related to Tolerance and non-Discrimination and one focusing on ways forward for the OSCE work in this field.

In the Reinforced Closing Plenary Session the Rapporteurs reports from the second weeks Working Sessions were presented, and the second week's discussions were summarized. Acting Director General, Ministry of Foreign Affairs of the Republic of Slovenia, Mr. Stanislav Rascan addressed the Plenary on behalf of the Chairman in Office of the OSCE. A closing statement was given by the Director of the Office of Democratic Institutions and Human Rights, Ambassador Christian Strohal.

The following moderators were involved during the HDIM: Ambassador Christian Strohal moderated sessions on Democratic Institutions, as well as special day on Tolerance and non-Discrimination. The working session on Humanitarian issues and other commitments was moderated by Ambassador John de Fonblanque, Director of the Office of the OSCE High Commissioner on National Minorities. Mr. Andreas Halbach, Special Liaison Mission of the International Organization for Migration was selected to moderate working session item on Freedom of movement, whereas Mr. Neil Jarman, Director of Institute of Conflict research to moderate working session item on Freedom of assembly and association. Discussions during the special day devoted to the situation of the media in the OSCE region and the role of State and non-State actors in promoting media freedom were facilitated by Mr. Alexander Ivanko, Special Adviser, OSCE Representative on Freedom of the Media. Mr. Mark Thomson, Secretary General of the Association for the Prevention of Torture moderated the special day, devoted to methods to prevent and combat torture. Rule of Law session was moderated by Ms. Cynthia Alkon, Head of Rule of Law Unit of the Democratization Department of the ODIHR. Ms. Jasna Malkoc, Senior Planning and Programming Adviser of the ODIHR and Ambassador Lamberto Zannier, Director of the Conflict Prevention Centre of the OSCE were invited to facilitate discussions at working sessions related to human dimension activities. Working session items Trafficking in human beings and International humanitarian Law were respectively moderated by Ms. Helga Konrad, Special Representative on Combating Trafficking in Human Beings and Ms. Natascha Kandic of the Humanitarian Law Centre. Ms. Tamar Beruchashvili, Deputy State Minister of Georgia on European and Euro-Atlantic Integration and Mr. Nicolae Gheorghe, Adviser on Roma and Sinti Issues of the ODIHR facilitated discussions during two working sessions devoted to tolerance and non-discrimination. Mr. Malcolm Evans, Member of the Panel of Experts on Freedom of Religion or Belief moderated the second part of the session on fundamental freedoms.

A record number of 60 side events profiled a broad range of human dimension topics. These provided opportunities for governments to present best practices, for NGOs to brief on their activities and for more in depth and focused discussion on various topics. (A detailed list of side events and conveners is available in the attached timetable).

Participating States as well as NGOs provided a wide range of recommendations on human dimension issues that addressed the implementation of OSCE commitments in participating States and relevant programmes for OSCE Institutions. These recommendations were compiled thematically by the ODIHR and distributed to all participants prior to the Reinforced Closing Plenary session.

For the second consecutive year the ODIHR used its electronic Documents Distribution System (DDS). This tool allows all documents and recommendations to be immediately displayed in electronic form on terminals adjacent to the meeting room, available to all participants. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates

additional impact to the debate. It also significantly reduces costs of the Meeting. A list of documents distributed during the HDIM is attached to this report. A CD-ROM with copies of all documents distributed is available upon request from the ODIHR.

A total of 945 participants attended the HDIM, including 433 representatives of 315 Non-Governmental Organizations (NGOs). Only 6 out of the 55 participating States did not send a delegation to the Meeting.

Particular efforts were made to foster NGO participation: in line with the modalities, all NGOs were given equal access to the list of speakers, and, additionally, with the support of financial contributions of Germany, USA, Canada (CIDA) and France more NGOs were able to participate from the recently admitted participating States.

## II. TIMETABLE

	<b>Monday 19 September 2005</b>
Morning 10.00-13.00	<p>OPENING PLENARY  <b>Chair:</b> Amb. Christian Strohal, Director of the OSCE ODIHR</p> <p><b>Opening Statements:</b>            Amb. Dr. Boris Frlec, Head of the OSCE Task Force, Ministry of Foreign Affairs of the Republic of Slovenia            Dr. Piotr Switalski, Undersecretary of State, Ministry of Foreign Affairs of Poland            Amb. Marc Perrin de Brichambaut, Secretary General of the OSCE            Amb. Rolf Ekeus, the OSCE High Commissioner on National Minorities            Mr. Miklos Haraszti, the OSCE Representative on Freedom of the Media</p> <p><b>Key-note address:</b>            Ms. Liudmila Alexeeva, Chairperson of the Moscow Helsinki Group</p> <p>Discussion</p>
Lunch 13.00-15.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 2</u>            Title: Strengthening Democratic Governance: ODIHR Strategy and Partnership            Convenor: ODIHR, Democratization Department</p> <p><u>Meeting Room 3</u>            Title: Participation of Roma and Sinti in electoral processes (OSCE Action Plan on Roma and Sinti, chapter IV. Enhanced participation in public and political life)            Convenor: ODIHR, Contact Point for Roma and Sinti Issues (CPRSI); Team of the Project “Roma use your ballot wisely”</p> <p><u>EU Presidency Room (first floor, 13.30-14.45)</u>            Title: UK General Elections: ODIHR Report and UK Response            Convenor: Government of the United Kingdom</p>
Afternoon 15.00-18.00	<p>WORKING SESSION 1            Democratic institutions, including:            Democratic elections;            Follow-up to the 21–22 April 2005 Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures;            Democracy at the national, regional and local levels;            Citizenship and political rights.</p> <p><u>Moderator:</u> Amb. Christian Strohal  <u>Introducer:</u> Mr. Gerald Mitchell, Head of Elections Department, ODIHR  <u>Rapporteur:</u> Mr. Luis Francisco Martinez Montes, Counsellor, Permanent Mission of Spain to the OSCE</p> <p>-----</p>
19.00-21.00	<p><i>Reception hosted by the Ministry of Foreign Affairs of Poland ( MFA Palace, Foksal Str. 6)</i></p>
	<b>Tuesday 20 September 2005</b>
Morning 10.00-13.00	<p>WORKING SESSION 2            Humanitarian issues and other commitments (part 1), including:            Migration, refugees and displaced persons, including follow-up to the 3–4 November 2004 Supplementary Human Dimension Meeting on Internally Displaced Persons;</p>

	<p>Follow-up to the 11–13 May 2005 Human Dimension Seminar on Migration — Integration; Migrant workers; Treatment of citizens of other participating States.</p> <p><u>Moderator:</u> Amb. John de Fonblanque , Director, Office of the OSCE High Commissioner on National Minorities  <u>Rapporteur:</u> Mr. Mustafa Osman Turan, First Secretary, Permanent Mission of Turkey to the OSCE</p>
<p>Lunch 13.00-15.00</p>	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u>  Title: 15 Years of domestic observation in the OSCE region  Convenor: ODIHR, Elections Department</p> <p><u>Meeting Room 2</u>  Title: Kosovo Roma: as minorities in Kosovo; as refugees and IDPs in OSCE areas – (OSCE Action Plan on Roma and Sinti, chapter VII. Roma and Sinti in crisis and post-crisis situation)  Convenor: ODIHR, CPRSI</p> <p><u>Meeting Room 3</u>  Title: Freedom of Association and Assembly in the Post-Soviet States  Convenor: International League for Human Rights (ILHR)</p> <p><u>Plenary Hall (13.15-14.45)</u>  Title: Hate Crimes and Discrimination: taking the bull by the horns  Convenor: Association for Asylum Seekers and Refugees in Poland</p> <p><u>Opera Room</u>  Title: Illicit drug policies compromising human rights of drug users in Central and Eastern Europe and the former Soviet Union  Convenor: Soros Foundation of Kazakhstan, Open Society Institute</p>
<p>Afternoon 15.00-16.30</p>	<p>WORKING SESSION 3:  Fundamental freedoms I, including:  Freedom of movement.</p> <p><u>Moderator:</u> Mr. Andreas Halbach, Special Liaison Mission, IOM  <u>Rapporteur:</u> Mr. Frederic De Touchet, Counsellor, Permanent Representation of France to the OSCE</p> <p>-----</p>
<p>16.30-18.00</p>	<p>Freedom of assembly and association.</p> <p><u>Moderator:</u> Mr. Neil Jarman, Director, Institute for Conflict Research  <u>Rapporteur:</u> Mr. Frederic De Touchet, Counsellor, Permanent Representation of France to the OSCE</p>
<p>Evening 18.00-20.00</p>	<p>SIDE EVENTS</p> <p><u>Meeting Room 2</u>  Title: Polling Briefing: Belarus and its Civil Society before 2006  Convenor: Pontis Foundation, Freedom House</p> <p><u>Meeting Room 3</u>  Title: The Human Rights situation in Central Asia  Convenor: International Helsinki Federation for Human Rights (IHF)</p>
	<p><b>Wednesday 21 September 2005</b></p>
<p>Morning</p>	<p>WORKING SESSION 4 (specifically selected topic):</p>

10.00-13.00	<p>The situation of the media in the OSCE region and the role of State and non-State actors in promoting media freedom, including:</p> <p><u>Address</u> by Mr. Miklos Haraszti, the OSCE Representative on Freedom of the Media;</p> <p>Freedom of expression, free media and information.</p> <p><u>Moderator</u>: Mr. Alexander Ivanko, Senior Adviser, OSCE Representative on Freedom of the Media  <u>Rapporteur</u>: Mr. Nairi Petrossian, Second Secretary, The Delegation of the Republic of Armenia to the OSCE</p>
Lunch 13.00-15.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u>  Title: Uzbekistan: OSCE, Post-Andijan  Convenor: International League for Human Rights (ILHR)</p> <p><u>Meeting Room 2</u>  Title: Prevention of torture in closed institutions in Central and Eastern Europe  Convenor: International Helsinki Federation for Human Rights (IHF)</p> <p><u>Meeting Room 3</u>  Title: State Secrets and Freedom of Journalism: From the US to the CIS  Convenor: OSCE Representative on Freedom of the Media</p> <p><u>Plenary Hall (13.15-14.45)</u>  Title: Fear of reform in Central Asia  Convenor: Freedom House</p>
Afternoon 15.00-18.00	<p>WORKING SESSION 5</p> <p>The situation of the media in the OSCE region and the role of State and non-State actors in promoting media freedom (continued)</p> <p><u>Moderator</u>: Mr. Alexander Ivanko, Senior Adviser, OSCE Representative on Freedom of the Media  <u>Introducer</u>: Mr. Toby Mendel, Law Programme Director, Article 19  <u>Rapporteur</u>: Mr. Nairi Petrossian, Second Secretary, The Delegation of the Republic of Armenia to the OSCE</p>
Evening 18.00-20.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u>  Title: Human Rights situation in Afghanistan after the first Democratic Elections  Convenor: International Helsinki Federation for Human Rights (IHF)</p> <p><u>Meeting Room 2</u>  Title: Update on the tulip revolution in Kyrgyzstan: new hopes and fresh disappointments  Convenor: Coalition for Democracy and Civil Society</p> <p><u>Meeting Room 3</u>  Title: Freedom of the Media in Kazakhstan and Central Asia  Convenor: International Freedom Network</p>
<b>Thursday 22 September 2005</b>	
Morning 10.00-13.00	<p>WORKING SESSION 6 (specifically selected topic):  Methods to prevent and combat torture</p> <p><u>Key note speech for sessions 6 and 7</u>: Mr. Theo van Boven, Former United Nations Special Rapporteur on Torture, Emeritus Professor of International Law at the University of Maastricht</p>



	<p><u>Moderator:</u> Mr. Mark Thomson, Secretary General, Association for the Prevention of Torture  <u>Introducers:</u> Mr. Ole Espersen, Rehabilitation and Research Center for Torture Victims (RCT, Denmark)  Mr. Arkady Bushchenko, Kharkiv Human Rights Group  <u>Rapporteur:</u> Ms. Robin Brooks, Political Officer, United States Mission to the Organization for Security and Cooperation in Europe</p>
Lunch 13.00-15.00	<p>SIDE EVENTS  <u>Meeting Room 1</u>  Title: The Optional Protocol to the UN Convention against Torture: unlocking the closed Institutions of OSCE Participating States  Convenor: ODIHR, Delegation of Denmark to the OSCE, Swiss Delegations to the OSCE, Bulgarian Helsinki Committee, Association for the Prevention of Torture (APT)</p> <p><u>Meeting Room 2</u>  Title: Six years of the Second Chechen War: Why is there still no progress?  Convenor: International Helsinki Federation for Human Rights (IHF)</p> <p><u>Plenary Hall (13.15-14.45)</u>  Title: Freedom of Expression, free media and information in Post-Soviet States  Convenor: International League for Human Rights (ILHR)</p>
Afternoon 15.00-18.00	<p>WORKING SESSION 7  Methods to prevent and combat torture (continued)</p> <p><u>Moderator:</u> Mr. Mark Thomson, Secretary General, Association for the Prevention of Torture  <u>Introducers:</u> Ms. Renate Kicker, European Committee for the Prevention of Torture, Council of Europe  Mr. Mark Thomson, Secretary General of the Association for the Prevention of Torture  <u>Rapporteur:</u> Ms. Robin Brooks, Political Officer, United States Mission to the Organization for Security and Cooperation in Europe</p>
Evening 18.00-20.00	<p>SIDE EVENTS  <u>Meeting Room 1</u>  Title: Democratic Movement in Central Asia  Convenor: Eurasian Transition Group (ETG)</p> <p><u>Meeting Room 2</u>  Title: Uzbekistan: The events in Andijan on 13 May 2005 – only an independent investigation will reveal the truth  Convenor: Amnesty International</p> <p><u>Meeting Room 3</u>  Title: The Human Rights situation in Belarus, Moldova and Ukraine  Convenor: International Helsinki Foundation for Human Rights (IHF)</p> <p><u>Opera Room</u>  Title: Standstill moments (a play)  Convenor: Association for Asylum Seekers and Refugees in Poland</p>
	<b>Friday 23 September 2005</b>
Morning 10.00-13.00	<p>WORKING SESSION 8  Rule of Law I, including:  Legislative transparency;  Independence of the judiciary;  Right to a fair trial;</p>

	<p>Follow-up to the 14–15 July 2005 Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism.</p> <p><u>Moderator:</u> Ms. Cynthia Alkon, Chief of Rule of Law Unit, Democratization Department, ODIHR  <u>Rapporteur:</u> Ms. Maria Kostyanaya, Attaché, Permanent Mission of the Russian Federation to the OSCE</p>
Lunch 13.00-15.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u>  Title: Anti-Phobia  Convenor: Campaign Against Homophobia (KPH)</p> <p><u>Meeting Room 2</u>  Title: Independence of the judiciary and right to a fair trials in post-Soviet States  Convenor: International League for Human Rights (ILHR)</p> <p><u>Meeting Room 3</u>  Title: The Human Rights situation in the Caucasus  Convenor: International Helsinki Federation for Human Rights (IHF)</p> <p><u>Plenary Hall (13.15-14.45)</u>  Title: Human Rights in Serbia and Montenegro  Convenor: Montenegrin Helsinki Committee for Human Rights, Kosovo Helsinki Monitor</p>
Afternoon 15.00-16.00	<p>WORKING SESSION 9  Rule of Law II, including:  Exchange of views on the question of the abolition of capital punishment;  Ombudsperson and national human rights institutions.</p> <p><u>Moderator:</u> Ms. Cynthia Alkon, Chief of Rule of Law Unit, Democratization Department, ODIHR  <u>Rapporteur:</u> Mr. Timon Bo Salomonson, Third Secretary, Permanent Mission of Belgium to the OSCE</p> <p>-----</p>
16.00–18.00	<p>PLENARY SESSION  Any other business;  Presentation of the outcome of the first week’s Working Sessions;  Preliminary discussion of the recommendations made, to prepare for the Closing Reinforced Plenary Session.</p> <p><u>Moderator:</u> Amb. Christian Strohal</p>
<b>Monday 26 September 2005</b>	
Morning 10.00-13.00	<p>WORKING SESSION 10  Discussion of human dimension activities (with special emphasis on project work), including:</p> <p>Presentation of key future projects and priorities of the ODIHR, of other OSCE institutions and field operations, international organizations and non-governmental organizations.</p> <p><u>Moderator:</u> Ms. Jasna Malkoc, Senior Planning and Programming Adviser, ODIHR  <u>Rapporteur:</u> Ms. Simona Drenik, Third Secretary, Permanent Mission of Slovenia to the OSCE</p>
Lunch 13.00-15.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 2</u>  Title: Lives on Hold: The Human Cost of Statelessness  Convenor: Refugees International</p>

	<p><u>Meeting Room 3</u> Title: Canada's new Action Plan Against Racism Convenor: Department of Canadian Heritage</p> <p><u>Plenary Hall (13.15-14.45)</u> Title: Presentation of the OSCE Human Rights Education Pilot Project Convenor: OSCE Task Force, MFA, Slovenia</p> <p><u>Opera Room</u> Title: The International Criminal Court Convenor: Coalition for the International Criminal Court (CICC)</p>
Afternoon 15.00-18.00	<p>WORKING SESSION 11 Discussion of human dimension activities (with special emphasis on project work) (continued)</p> <p><u>Moderator:</u> Amb. Lamberto Zannier, Director of the Conflict Prevention Centre, OSCE <u>Rapporteur:</u> Ms. Simona Drenik, Third Secretary, Permanent Mission of Slovenia to the OSCE</p>
Evening 18.00-20.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 2</u> Title: Transitional justice in Serbia and Montenegro – Truth and Accountability Convenor: Humanitarian Law Centre</p> <p><u>Meeting Room 3</u> Title: Hidden sorrows: The Persecution of Romanian Gypsies during WW II (demonstration of film) Convenor: US Fulbright Fellow</p>
	<b>Tuesday 27 September 2005</b>
Morning  10.00-11.30  11.30-13.00	<p>WORKING SESSION 12 Humanitarian issues and other commitments (part 2), including:</p> <p>Trafficking in human beings; Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings, and the 2005 focus on the special needs of child victims of trafficking for protection and assistance;</p> <p><u>Moderator:</u> Ms. Helga Konrad, Special Representative on Combating Trafficking in Human Beings <u>Rapporteur:</u> Mr. John Myraunet, Executive Officer, Permanent Delegation of Norway to the OSCE</p> <p>International humanitarian law</p> <p><u>Moderator:</u> Ms. Natascha Kandic, Humanitarian Law Centre <u>Rapporteur:</u> Mr. John Myraunet, Executive Officer, Permanent Delegation of Norway to the OSCE</p>
Lunch 13.00-15.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u> Title: Participation of Women in Democratic Processes in South Caucasus and Central Asia Convenor: ODIHR, Democratization Department</p> <p><u>Meeting Room 2</u> Title: Is the return of trafficked victims always safe? Convenor: ODIHR Human Rights Department</p> <p><u>Meeting Room 3</u> Title: HIV-related stigma and discrimination in Europe: Whose security is threatened? Convenor: European network of People Living with HIV/AIDS</p>

	<p><u>Plenary Hall (13.15-14.45)</u>  Title: Multiple Identities as a Source of Strength and Discrimination: the case of Romani Women and National Policies on Roma  Convenor: ODIHR Tolerance and Non-Discrimination Programme (TND), CPRSI, Open Society Institute (OSI) – Women Network Program, Minority Rights Group International (MRG)</p>
<p>Afternoon  15.00-18.00</p>	<p>WORKING SESSION 13  Tolerance and non-discrimination I, including:  Equality of opportunity for women and men;  Implementation of the OSCE Action Plan for the Promotion of Gender Equality;  Role of women in conflict prevention and crisis management;  Prevention of violence against women.</p> <p><u>Moderator:</u> Ms. Tamar Beruchashvili, Deputy State Minister of Georgia on European and Euro-Atlantic Integration, Chair of the Georgian Government Commission on Gender Equality  <u>Rapporteur:</u> Ms. Helena Torgerson, Second Secretary, Permanent Delegation of Sweden to the OSCE</p>
<p>Evening  18.00-20.00</p>	<p>SIDE EVENTS  <u>Meeting Room 1</u>  Title: UNSCR 1325 – a challenge for the OSCE  Convenor: Permanent Delegation of Sweden to the OSCE</p> <p><u>Meeting Room 2</u>  Title: Canadian Muslim Women: Culture, Identity and Struggle for Social Justice  Convenor: Canadian Council of Muslim Women</p> <p><u>Meeting Room 3</u>  Title: The Children of Beslan Drawing Life: Photos, drawings and film demonstration  Convenor: Assembly of Humanity</p> <p><u>Opera Room</u>  Title: We are fair game-Evidence from Scotland on the incidents of disability as a bias ground for hate crimes  Convenor: Capability Scotland</p>
<b>Wednesday 28 September 2005</b>	
<p>Morning  10.00-13.00</p>	<p>WORKING SESSION 14  Tolerance and non-discrimination II, including:</p> <p><u>Address</u> by Amb. Rolf Ekeus, the OSCE High Commissioner on National Minorities;</p> <p>National Minorities;  Roma/Sinti; Implementation of the OSCE Action Plan on Roma and Sinti Issues;  Prevention of aggressive nationalism, chauvinism, and ethnic cleansing.</p> <p><u>Moderator:</u> Mr. Nicolae Gheorghe, Adviser on Roma and Sinti Issues, ODIHR  <u>Rapporteur:</u> Ms. Alina Popescu, Third Secretary, Permanent Mission of Romania to the OSCE</p>
<p>Lunch  13.00-15.00</p>	<p>SIDE EVENTS  <u>Meeting Room 1</u>  Title: Rights and Protection of Persons Belonging to National Minorities - Current Issues of Interest for the OSCE and the Swiss Experience  Convenor: Swiss Federal Department of Foreign Affairs</p> <p><u>Meeting Room 2</u></p>

	<p>Title: How to Match Words with Funds: Equal Access of Roma to Housing and Residential security and to Quality Education  Convenor: ODIHR CPRSI and CoE  (as joint Secretariat of the Informal Contact Group of Roma of the IGOs)</p> <p><u>Meeting Room 3</u>  Title: Inter-Religious Dialogue vs Hate Crimes  Convenor: The Union “Century 21”</p> <p><u>Plenary Hall (13.15-14.45)</u>  Title: Religious Dress and Symbols  Convenor: Oslo Coalition</p> <p><u>Opera Room</u>  Title: Reaction of Polish law against anti-Semitism and discrimination of Roma minority in contemporary Poland  Convenor: Society against Xenophobia, Racism and anti-Semitism “Otwarta Rzeczpospolita”</p>
<p>Afternoon  15.00-18.00</p>	<p>WORKING SESSION 15  Fundamental freedoms II (continued), including:  Freedom of thought, conscience, religion or belief.</p> <p><u>Moderator:</u> Mr. Malcolm Evans, Member of the Panel of Experts on Freedom of Religion or Belief  <u>Rapporteur:</u> Ms. Martina Petek Stupar, Counsellor, Permanent Mission of the Republic of Croatia to the OSCE, UN and other International Organizations in Vienna</p>
<p>Evening  18.00-20.00</p>	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u>  Title: May discrimination ground decide the legal gravity of the act of discrimination? The hierarchy of the discriminated and the European human rights regime.  Convenor: The Norwegian Human Rights Alliance</p> <p><u>Meeting Room 2</u>  Title: Tolerance and non-Discrimination Information Base  Convenor: ODIHR TND</p> <p><u>Meeting Room 3</u>  Title: The status of non believers in Europe  Convenor: European Humanist Federation together with Centre d’Action Laïque (Belgium), Prometheus Society (Slovakia), Unie Vrijzinnige Verenigingen (Belgium), Unione degli Atei e degli Agnostici Razionalisti (Italy)</p> <p><u>Opera Room</u>  Title: The Shared Space of Human Rights &amp; Religious Freedom: Three short films for religious freedom training at the grassroots in four non-EU countries  Convenor: International Association for Religious Freedom (IARF)</p> <p>-----</p> <p>19.30-21.30 Reception hosted by the Slovenian Chairmanship of the OSCE ( Hotel Bristol)</p>
	<p><b>Thursday 29 September 2005</b></p>
<p>Morning  10.00-13.00</p>	<p>WORKING SESSION 16 (specifically selected topic):  Tolerance and non-discrimination  Review of Implementation of OSCE Commitments related to Tolerance and Non-Discrimination by participating States</p>

	<p><u>Moderator:</u> Amb. Christian Strohal  <u>Rapporteur:</u> Ms. Eltje Aderhold, Counsellor, Permanent Mission of Germany to the OSCE</p>
Lunch 13.00-15.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u>  Title: Education promoting respect and diversity – Experiences and Prospectives  Convenor: ODIHR TND</p> <p><u>Meeting Room 2</u>  Title: Minority within a minority: Multiple grounds of discrimination against the LGBT commitments  Convenor: ILGA Europe</p> <p><u>Meeting Room 3</u>  Title: How to teach about the experience of Roma during the WW II – (OSCE Action Plan on Roma and Sinti, chapter V. Improving access to education)  Convenor: ODIHR, CPRSI, TND, CoE</p> <p><u>Plenary Hall (13.15-14.45)</u>  Title: Populism of power as one of cause of the growth of xenophobia in Russia  Convenor: Citizen’s Watch, ILHR Centre for Information and Analysis SOVA</p> <p><u>Opera Room</u>  Title: Sport as an anti-discrimination tool  Convenor: Never Again Association (Poland), Association of Asylum Seekers (Poland), Football Against Racism in Europe, FATIMA (Moldova)</p>
Afternoon 15.00-18.00	<p>WORKING SESSION 17  Tolerance and non-discrimination (continued)  Forward-looking discussion: Ways Forward for the OSCE’s Work on Tolerance and Non-Discrimination</p> <p><u>Moderator:</u> Amb. Christian Strohal  <u>Introducers:</u> Mr. Shahid Malik, MP, United Kingdom  Ms. Marie-Thérèse Boisseau, Former Minister, Vice-President of the High Authority for the Fight Against Discriminations and for the Promotion of Equality of the Republic of France  <u>Rapporteur:</u> Ms. Eltje Aderhold, Counsellor, Permanent Mission of Germany to the OSCE</p>
Evening 18.00-20.00	<p>SIDE EVENTS</p> <p><u>Meeting Room 1</u>  Title: Anti-Semitism in immigration societies in Western Europe – a challenge for education and local authorities  Convenor: Kreuzberger Initiative gegen Antisemitismus</p> <p><u>Meeting Room 3</u>  Title: Facilitating Multi-Lateral Dialogue and Cooperation on Freedom of Religion or Belief Between Supra-State and State Actors and NGOs  Convenor: Human Rights Without Frontiers</p> <p><u>EU Presidency Room</u>  Title: Recording and responding to racist violence and crimes: Experience of member States  Convenor: EU European Monitoring Centre on Racism and Xenophobia (EUMC)</p> <p><u>Opera Room</u>  Title: Andijan events (film demonstration)  Convenor: Embassy of Uzbekistan in Poland</p>

	<b>Friday 30 September 2005</b>
Morning <i>10.00-13.00</i>	<p>CLOSING REINFORCED PLENARY SESSION ( reinforced by the participation of Human Rights Directors, OSCE Ambassadors, Heads of OSCE Institutions)</p> <p>Chair: Amb. Christian Strohal</p> <p>Mr. Stanislav Rascan, Acting Director General for Policy Planning and Multilateral Political Relations on behalf of the Chairman-in-Office of the OSCE</p> <p>Presentation of the outcome of the second week's Working Sessions;  Reports on the Working Sessions on Human Dimension Activities as well as on the specifically selected topic;  Review of the results and recommendations from the first and second week.</p>

### **III. PARTICIPATION**

The Meeting was attended by a total of 945 participants, out of which 386 representatives of 49 OSCE participating States (apart from Andorra, Bosnia and Herzegovina, Liechtenstein, Monaco, San Marino and Tajikistan). There were 7 representatives of 5 OSCE Mediterranean Partners for Co-operation (except Jordan) and 3 representatives of 3 OSCE Partners for Co-operation: Japan, Mongolia and Thailand (except Afghanistan and Republic of Korea) also present at the Meeting.

Additionally, 33 representatives from 12 International Organizations were present: Council of Europe, Council of the European Union, European Parliament, International Committee of the Red Cross, International Organization for Migration from Geneva, Austria and Poland, OECD – Partnership in Statistics for Development in the 21<sup>st</sup> Century (PARIS21), Stability Pact for South Eastern Europe, Task Force for International Co-operation on Holocaust Education, Remembrance and Research, UN Economic Commission for Europe, UN High Commissioner for Human Rights, UN High Commissioner for Refugees (Branch Office in Warsaw) and UN Mission in Kosovo.

The OSCE Institutions were represented by 29 participants as well as there were 54 representatives of all 17 OSCE Field Missions.

The Meeting was also attended by 433 representatives of 315 Non-governmental Organizations.



## IV. RAPPORTEURS' REPORTS

### Working Session 1: Democratic institutions.

*Democratic elections; Follow-up to the 21–22 April 2005 Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures; Democracy at the national, regional and local levels; Citizenship and political rights.*

Mr. Chairman,

The first working Session of the 2005 HDIM dealt with the issue of Democratic Institutions. In particular, the topics covered in the Session were: Democratic elections; Follow-up to the 21–22 April 2005 Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures; Democracy at the national, regional and local levels; Citizenship and political rights.

The tone for the Session was set by the Introducer. His intervention paved the way to a extremely interesting and vivid exchange of ideas and a flow of recommendations. To give an example of the interest demonstrated by participants on the topic, there were more than 34 interventions. Therefore I will try to summarise the main issues adressed from the floor without getting into too many details for lack of time and space.

Let me first say that there were numerous references to the intense involvement of ODIHR in election observation over the last year. Support for one Partner for Cooperation and outreach activities were also highlighted. On this respect, it was said that ODIHR is ready to further share its experience on election observation. Regarding the Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures on April this year, some comments were made as to the concrete follow up. On this regard, discussions on the so-called Copenhagen plus are part of an ongoing process. Topics like election observation methodology or the possible need to add additional commitments to the existing ones were raised by several participants. Many delegations while being ready to engage in discussions about a possible Copenhagen plus stressed that they will not accept a reopening of existing commitments. Regarding ODIHR'S methodology some participants expressed their satisfaction with it as it stands while others called for its revision.

The role of domestic observers vs. international observers was also a subject of many interventions. That was also the case when it came to the issue of geographical and linguistic balance, or lack thereof, in the composition of the election observation missions. On this regard, it was said that the election diversification fund acquires a particular importance. Some delegations also stressed the need that equal standards on observing elections should be applied to all participating States.

Many participants agreed that fulfilling our commitments in the field of elections requires the political will and involvement of all participating States. On this particular issue, many interventions were focused on concrete examples of recent and incoming electoral processes. In some instances there were positive remarks on the progress made by some participating States.

On the contrary, in many other cases the persistence of shortcomings and irregularities in the implementation of electoral commitments were pointed out.

As to concrete examples of the shortcomings many participants made reference to the following ones, among others:

Inadequacies in existing electoral legislation and in the workings of Electoral Committees; denial of equal representation to entire sections of the electorate or, as in one case, to an entire city; lack of transparency and accountability throughout the electoral process; refusal of registration or de- registration of candidates; media bias and irregular use of State resources to back one particular option.

The persistence of these shortcomings over the years was referred to by some participants. In order to correct this state of affairs, most of them insisted on the need to strengthen the follow up mechanisms to ODIHR's recommendations following election observation missions.

Finally, Mr Chairman, some participants mentioned that elections, important as they are, are not entirely sufficient to ensure a sustainable democracy. Much also depends on the strength of democratic institutions, the respect of human rights, the rule of law, tolerance, good governance, media freedom and justice.

Let me now make a reference to the recommendations stemming from the discussions summarised above.

Recommendations to the OSCE participating states:

- To reaffirm that democratic elections are an OSCE fundamental commitment.
- To fully implement ODIHR Election Observation Mission recommendations and to further enhance their co-operation before, during and after elections.
- To strengthen the follow up to ODIHR's recommendations, possibly via the Permanent Council.
- To explore the possibility of a Copenhagen plus with a view to complement existing commitments. This would not mean reopening existing commitments or distracting States from implementing them.
- To elaborate a Copenhagen plus document in order to improve effectiveness in implementing existing commitments and to enhance election observation missions. To that effect to continue consultations with a view to concrete results at the Liubiana Ministerial Council.
- To amend, when needed, existing electoral legislation in line with international and OSCE standards.
- To allow that voters can decide themselves whether to cast their vote directly at the polling station, by postal vote, at the voting machine in the polling station or even by Internet.
- To correct, when needed, the composition and workings of Election Commissions.
- To grant ODIHR the means and resources necessary to pursue its activities in election observation.

- To improve the status and rights of domestic observers.
- To improve the dialogue between participating States and domestic NGOs on follow up to recommendations.
- To guarantee, when necessary, the electoral rights of disenfranchised citizens and to take to that effect the appropriate action also via the OSCE decision making bodies.
- To further examine the concept of “democratic governance” and to consider the means to examine the lessons learned from best practises in this field.

Recommendations to the OSCE, its institutions and field operations:

- To explore means to strengthen and ameliorate, when and if necessary, the methodology of election observation and the composition and workings of election observation missions.
- The Permanent Council should monitor the implementation of the ODIHR recommendations.
- To examine the possibility of adding additional commitments to the existing ones in the field of elections, with a view to further increase voter’s confidence, transparency, accountability and the extension of universal and equal suffrage. The uses of new technologies can also be examined.
- To ensure that equal standards and equal attention should be applied to all participating States in observing their elections.
- Election Observation Missions should discuss their statements with the Central Election Commissions before issuing them. Reporting on elections must be professional and balanced.

**Working Session 2: Humanitarian Issues and Other Commitments (part 1)**

Working Session 2 was devoted to migration and migrant workers with special emphasis on their integration as well as refugees and displaced persons.

Debate was structured by the Moderator around five key themes stemming from the recent OSCE meetings; i.e. Supplementary Human Dimension Meeting on Internally Displaced Persons (3-4 November 2004), Human Dimension Seminar on Migration and Integration (11-13 May 2005), Economic Forum (23-27 May 2005) and Mediterranean Seminar (8-9 September 2005): responsibility of the receiving states for the protection of migrants; co-operation between the receiving and the sending states; co-operation between different stakeholders within a state dealing with migrant communities; issues of return, reintegration and property of those who have been forcibly displaced; and finally integration – promoting long-term solutions for participation in the public life of the host societies.

*Migration, Migrant Workers and Integration*

During the discussion, integration was presented by many speakers as a “two-way process” assigning not only rights but also responsibilities both on the receiving state and society as well as on the migrants themselves. As for the responsibilities of the receiving side, provision of

shelter and basic needs, ensuring personal security, non-discrimination and equal opportunities, facilitating access to rights and participation in public life have been emphasized. Two delegations urged the OSCE participating States to accede to international instruments on ensuring the rights of migrants. On the other hand, migrants, both male and female, are expected to respect the laws of the host country; to take up, when available, the opportunities like language and integration courses or vocational training; and to participate in public life. One speaker underlined the need of vulnerable groups of migrants, such as women and minors, for special protection. The need to ensure the right to manifest publicly religious beliefs and cultural identities within limitations prescribed by law and international standards was also highlighted.

One speaker drew a distinction between a “policy of integration” and a “policy of diversity”, the latter being broader through involving all members of society. Policy of multiculturalism and diversity in Canada was presented as an example of reconciliation between facilitation and control, short-term and long-term market needs, security and human rights. This kind of integration policy aims at cultivating a sense of belonging and making permanent immigrants full members of society, including through citizenship policies. Due to the scarcity of international normative frameworks on migration, OSCE participating States could benefit from cooperative dialogue on such good practices in the elaboration of new migration legislation.

Despite challenges, the argument that migration can and do have positive effects on economy and society both in sending and receiving countries was acknowledged as one of the basic premises upon which sound policies on migration and integration should be built. This approach would contribute to the efforts in combating intolerance and stereotypes especially in the media. Moreover, it would also facilitate cooperation between sending and receiving countries in order to improve the conditions of the migrants, for instance, in the area of services including information, documentation and registration. These services are vital to combat exploitation and discrimination. In this vein, several international, regional and bilateral frameworks for dialogue and partnership on migration issues were mentioned. Some participants also drew attention to the importance of these trans-boundary cooperation schemes in terms of migratory flow management, including prevention of illegal migration. It was also advocated that once legal migration takes place, similar cooperation and partnership schemes should be established among national and local authorities, civil society, associations of employers, trade unions and other possible stakeholders in order to discuss and formulate effective integration policies.

The debate revealed participants’ common sentiment that the issues of migration and integration have been posing growing challenges with new dimensions to all societies. Developing effective migrant integration policies became all the more important in the face of potentially grave consequences of marginalization for public security. Therefore, Slovenian Chairmanship was commended for its timely initiative to place these issues high on the OSCE agenda. Furthermore, OSCE and its Institutions were called upon to play a greater role in addressing the challenges of migration and integration, in close cooperation with other specialized agencies such as IOM and ICMPD. In this context, there were several calls for support regarding Slovenian Chairmanship’s food-for-thought papers on the OSCE Strategy on Managing Migration and on Principles of Integration Respecting Diversity.

## *Refugees and Displaced Persons*

During the debate it was pointed out that the magnitude of involuntary migration which creates millions of refugees and displaced persons is growing. Participants expressed concern on the problem of environmental refugees and displaced persons especially in Central Asia who also need protection.

A large portion of the discussion was based on the review of the situation in the countries affected. Some participants shared their concerns over the difficult and at times inhuman conditions where refugees and displaced persons are forced to live. Their number now amounts to some 3 million in the OSCE area. The situation of Roma IDPs in the Northern Mitrovica required urgent international attention. Concern over the safety of the Andijan refugees was raised by several speakers. Criticism in this regard was not only confined to East of Vienna but touched upon the existing practices of treatment of asylum seekers in three established democracies. The need to find durable solutions in the areas of registration, housing, education, access to social services, property restitution and voting rights was highlighted in most cases. Positive trends were also mentioned, particularly in Bosnia and Herzegovina, Serbia and Montenegro, Croatia and Turkey. The countries affected were called upon to make full use of the UN Guiding Principles on Internal Displacement. One delegation has suggested that inter-ministerial co-ordination mechanisms should be established to review national laws in the countries concerned. The significant role played by NGOs in promoting reconstruction of communities and advocating for transitional justice was praised. A number of delegations proposed that the OSCE should keep the situation of refugees and IDPs on its agenda and increase the activities of its Institutions and field missions in order to raise awareness and address their problems. Many speakers acknowledged the significance of international financial support for creating conditions of return.

During this lively discussion on migration and integration as well as on refugees and displaced persons, quite a number of recommendations have been made and will be incorporated in the consolidated report of the HDIM.

### **Working Session 3: Fundamental freedoms I, including:**

#### *Freedom of movement*

During this session the historical significance of freedom of movement for the OSCE was recalled. Interventions mentioned progress achieved by Participating States to live up to their commitments related to the freedom of movement. Situation regarding the freedom of movement throughout the OSCE region is uneven and marked by disruptions in conflict areas, but there are also positive examples of visa liberalization.

Some positive developments have been described concerning freedom of movement and the right to a free choice of the place of residence by some Participating States, which have been adopted new provisions in line with their OSCE commitments, in particular by introducing new population registration system and suppressing existing limitations on registration in specific areas.

Despite encouraging steps taken by some states, much remains to be done. A number of obstacles continue to hinder the full implementation of this commitment in some participating states. Among others were mentioned:

- persistence of severe barriers to travel abroad, such as exit visas or other practices designed to deterring citizens, division of barriers to freedom of movement within the country (e.g. population registration systems) and on cross-border movements (e.g. visas). Situation regarding the freedom of movement in the region is uneven and uneven marked by disruptions in the areas of conflict, but also there are also positive examples of visa liberalization.

- regarding freedom of movement within the country, serious obstacles remain, due in particular to the restrictions imposed through various systems of residency registration permit, stemming from the Soviet-era exit visa system and internal propiska aimed at controlling internal migrations,

- limitations imposed to IDPs who may be obliged to live only in approved areas, existence of restrictions targeting members of national, ethnic and racial minorities, which in some cases may include forced resettlement of minorities groups,

- one delegation mentioned problems posed by the specific situation of separatist regions,

- one delegation voiced request of the Western Balkans for liberalization of the EU visa regime towards these countries and called for establishing concrete grounds for the so-called Balkan Schengen zone on the road of these countries to the European Schengen, with a view to increasing free movement through modernization and compatibility with the European Visa and Passport System.

Recommendations for Action on Human Dimension Issues:

- One delegation expressed hope that co-operation with the ODIHR would continue on the elaboration of by-laws and instructions to the new law and the creation of the unified population register.

### *Freedom of Assembly and Association*

This session confirmed that much remains to be done throughout the OSCE area to ensure a full implementation of OSCE commitments related to freedom of assembly and association. The relevance of ODIHR guidelines on freedom of assembly was stressed. Some progress was highlighted.

Concerns were expressed regarding the introduction by states of restrictions on civil and civil liberties motivated by the fight against political violence and terrorism. It was stressed in some cases that these restrictions targeted specifically human rights defenders as well as any association or movement voicing criticism against the government. It was noted that in some cases violence had unduly been used by states

to curb expression of political dissent, including by obstructing in a systematic manner the right to peacefully demonstrate and by using physical violence against members of dissenting organizations.

Many interventions mentioned increasing difficulties faced by political parties and NGOs, which are confronted with various measures, ranging from legal, administrative and financial obstacles up to interdiction.

Some participants regretted the absence of dialogue with governments and civil society, aggravated by the fact that some governments manage to control the judiciary.

Emphasis was laid upon difficulties faced by political parties and NGOs representing minority groups. It was reported that in numerous cases minority religious groups as well as international NGOs are directly targeted.

Many interventions expressed concerns about the adoption by states of new security legislation allowing government to close down organizations, to introduce undue state control of civil society activities, and to restrict international funding.

One intervention focussed on limitations with regard to freedom of association for military personnel.

On the other hand, it was stated that civil society and NGOs play an important role, helping documenting violations of human rights and preventing violations from happening. They monitor situation at international and regional level. Since the last HDIM a lot of violations occurred in the OSCE area. Special emphasis should therefore be given to the support of civil societies. Dialogue and co-operation with civil society should be enhanced.

#### Recommendations for Action on Human Dimension Issues

- Military personnel should be given the right to exercise the right to associate and explanations from the countries that restrict this freedom for the military personnel should give explanations to the ODIHR as to the reason of those restrictions (Euromil).
- Freedom of Assembly and Association should be monitored by the ODIHR, including monitoring of parades. OSCE special representatives should have instruments in place to raise issues with respective governments. Sufficient funding should be given to the ODIHR to organize a meeting/conference on Freedom of Assembly and Association with a special focus on vulnerable groups, including LGBT people. (ILGA)
- IHF has submitted written recommendations.
- Amnesty International calls on the OSCE and OSCE participating States to support the work of individuals, groups and associations in reporting about human rights violations.
- The EU urges the OSCE participating States to honour their international commitments regarding freedom of assembly and association and to recognize the value of these commitments for the society. Participating States should recognise positive role of Human Rights defenders. OSCE should monitor implementation of these freedoms and inform about any violations. Special emphasis should be given to the support of civil societies. Dialogue and co-operation with civil society should be enhanced.

- Belarus violates OSCE commitments, and Poland called on Belarusian authorities to allow civil society to freely function.
- OSCE should design programs to bring together human rights defenders and governments. There should be a policy of small steps. A mechanism should be created for monitoring freedom of assembly and association in Uzbekistan (a special rapporteur). OSCE should support training events on protection strategies for human rights defenders. (Ezgulik)
- OSCE should extend ODIHR's program on freedom of association and assembly and to appoint a focal point (or a rapporteur) on this issue. (Observatory)
- International organizations, including the OSCE, should pay more attention to the situation in Uzbekistan. (legal Aid Society).
- International organizations, including the OSCE, should pay more attention to the situation in Turkmenistan. (Turkmenistan Helsinki Federation).

#### Mention of ODIHR

- Military personnel should be given the right to exercise the right to associate and explanations from the countries that restrict this freedom for the military personnel should give explanations to the ODIHR as to the reason of those restrictions (Euromil).
- Gratitude was expressed to the ODIHR for its activities in the field of police training and hate crimes reporting. They also recognised the role of the OSCE special representatives in raising the issue of obstruction of demonstrations with the abovementioned countries. Freedom of Assembly and Association should be monitored by the ODIHR, including monitoring of parades. OSCE special representatives should have instruments in place to raise issues with respective governments. Sufficient funding should be given to the ODIHR to organize a meeting/conference on Freedom of Assembly and Association with a special focus on vulnerable groups, including LGBT people. We are open to co-operation with ODIHR and other organizations in working in this area. (ILGA)
- A mechanism should be created for monitoring freedom of assembly and association in Uzbekistan (a special rapporteur). OSCE should support training events on protection strategies for human rights defenders.
- OSCE should extend ODIHR's program on freedom of association and assembly and to appoint a focal point (or a rapporteur) on this issue. (Observatory)

#### **Working Sessions 4 and 5: (specifically selected topic) The Situation of the Media in the OSCE Region and the Role of State and Non-State Actors in Promoting Media Freedom**

The Working Sessions 4 and 5 took a whole day and were dedicated to specifically selected topic *The Situation of the Media in the OSCE Region and the Role of State and Non-State Actors in Promoting Media Freedom*. At the outset Moderator, Mr. Alexander Ivanko, Senior Adviser at the Office of the Representative on Freedom of the Media, invited Ambassador Christian Strohal, Director of OSCE ODIHR, to take the floor first. Amb Strohal proposed the Meeting to pay tribute to great intellectual, champion of justice Mr. Simon Wiesenthal who passed away on September 20, 2005. Amb Strohal illustrated the importance and the role of free media in a democratic society on the example and personal integrity of late Mr. Wiesenthal. The



tone of the further discussion was set by the Address of Mr. Miklos Haraszti, the OSCE Representative on Freedom of the Media and the Introductory Remarks to the following session by Mr. Toby Mendel, Law Program Director of *Article XIX*, a London-based NGO.

Mr. Haraszti acknowledged despair that may be felt about the fact that the same issues are coming up year after year. He spoke of the need to promote the three “D”-s for the freedom of the media: Democratization, De-monopolization and De-criminalization. He stressed that the overall goal should be to move the press from the government to society since the democratic experience of many countries shows the ineffectiveness of spending tax-payers’ money for the sake of state media. In this context, importance of a purely European invention, public TV and Radio broadcasting were mentioned. De-monopolization should further strengthen freedom and independence of the media not only through promotion of tolerance but also by preventing emergence of new monopolistic entities that may impose and dictate their agenda to the societies through the media. Meanwhile measures must be taken to prevent misuse of administrative and economic pressure by the government on independent mass media. The Representative urged participating States to remove the “fear factor” and decriminalize to maximum possible extent and reform several punitive codes with regard to defamation and label that can be seen also in the so called “old democracies”. He further called to get rid of criminal responsibility replacing it with civil liability for journalists as well as to put certain limits to civil fines thus making sure that those are not meant to extinguish independent media. He also reminded of the possible criminal penalization of journalists for leaking state secrets, noting meanwhile that it is the responsibility of those who are handling state secrets but not the journalists to take care for appropriate security of state secrets. The Representative reported on assessment visits by his Office to Moldova and Transdnistria, Belarus, Azerbaijan and Italy as well as reports issued by his Office on governmental handling of media in times of crisis, i.e. Kosovo March 2004 inter-ethnic violence, Beslan and Andijan crises.

Mr. Toby Mendel, Introducer to the Session 5, started his remarks with referring to the State as well as media’s social responsibility for promoting tolerance in order to strengthen security. In general, there is legislation almost everywhere around prohibiting incitement of terrorism; nevertheless, terrorist threats do not necessitate adopting new laws to regulate freedom of expression. In this context, the introducer finds any legislation that limits the freedom of expression too difficult and expensive to be implemented. Therefore, even yellow media’s intolerant attacks should be kept responsible not legally but socially. He then touched upon the issue of criminalization of defamation, noting that it is unjustifiable in modern societies and called upon the “old democracies” of Europe to follow the pattern of abolishment in this regard following the example of many “new democracies”, catching up with them. Any attempt to use criminal defamation and libel against journalists are inappropriate for modern European and other politicians and leaders. In this context legal reform is needed for enforcing protection of “reputation” vs. “honor”, which is quite subjective to be defined legally. An example of a participating State was brought, where businesses are denied the right to claim judicial protection of their reputation but meanwhile allowed to apply legally for recovering possible damages. Then the Introducer addressed the issue of secrecy and access to information laws proposing the OSCE and other international organizations to adopt some guidelines, including protection of possible whistle-blowers who may play an important role in the self-regulation of a democratic society since such “leaks” are important safety valves. In general, the right of the public to receive information will be undermined if media cannot protect confidential sources of information,

which hence will necessitate legislation for the protection of sources. The Introducer saw registration requirement for print media unnecessary and open to abuse. Meanwhile, public broadcasters should promote unbiased presentation of current affairs, diversity of available information and pluralism of opinions, which can also be ensured through stable rule-bound long-term approach to licensing. Licensing rules can require minimum of balanced mixture of news with local content. Content diversity can be promoted by three – public, community and commercial – tiers of broadcasting as well as through ownership diversification. Formal guarantees of independence for the media are not enough – governments must respect independence, while owners must also respect freedom in the newsrooms and on the editorial boards. Finally, the Introducer addressed new forms of information dissemination such as Internet. Proposals for regulating internet are generally crude; while rejecting internet-anarchism, the Introducer was extremely skeptical about prospects of possible regulation or even self-regulation of internet based media.

Both states and NGOs brought several cases of concern with regard to the freedom and independence of the media, referring *inter alia* to the cases of

- government procedures and obstacles that constrain media,
- systematic harassment and silencing of journalists, including appalling cases of murder,
- unofficial censorship that is still present in few participating states,
- banning, closure and suspension of mass-media outlets and media-monitoring NGOs, also through misuse of administrative and fiscal authorities.

During discussion participants emphasized the need

- to create an environment for free debate in media during the electoral cycles,
- to ensure that the libel legislation does not ensure more protection for officials than journalists,
- to prevent government pressure on mass-media and bias in state media as well as better regulation of mass media ownership.

Participating States were encouraged to continue reforms in this area and to improve the situation with freedom and independence of media through exchanging best practices.

Many participating States touched upon the issues of tolerance and the paramount importance of minority engagement through media including broadcasting and printing in minority languages supported by governments. Some concerns were raised with the privatization of mass media, which consequently may lead to marginalization of media and broadcasting in minority languages.

Several participating States pointed out to necessity to counter hate speech and incitement to hatred, to show further vigilance towards such dangerous practices and to develop mechanisms to counter them. Particular attention was given to racist and xenophobic content on internet while general monitoring of the internet use had been viewed as a violation of human rights. Several speakers underlined that there is need to do more, look at issues in depth, for both guaranteeing freedom of speech and ethical responsibility to prevent censorship lurking around the corner. Governments, societies and media shall continue to react to hate speech, in particular remove it from servers but more needs to be done. ODIHR, in collaboration with NGOs may develop methodology of collecting information on hate speech on the internet while strengthening civil society mechanisms through regular publication of such data, encouraging a message of tolerance.

Interventions by participating States had shown good deal of support to the activities and the three “D”-s agenda of the OSCE Representative on Freedom of the Media and his Office.

*A selection of the recommendations for action on freedom of the media:*

- States, including “Old Europe”, should abolish criminal defamation laws.
- States should review registration requirements for print media, which are generally unnecessary and open to abuse.
- States should not only protect independence of media in law, but also prevent practical abuse and misuse of administrative and market mechanisms.
- Access to advertising market and ownership of media outlets should be pluralistic and not keen on political pressure.
- Laws should be adopted to protect confidential sources of information.
- International organizations, including the OSCE, should adopt policies on access to information.
- States should review secrecy laws and should pass legislation to protect whistle-blowers.
- States should refrain from adopting new laws to regulate freedom of expression in reaction to terrorism.
- States should consider adopting licensing rules that require minimum balanced mixture of news with local content.
- Public broadcasters should promote diversity of available information, which may be ensured through stable rule-bound long-term approach to broadcast licensing.
- Broadcasters should be unbiased in presentation of current affairs and ensure diversity and pluralism of opinions.
- Media outlets, civil society structures and governments should work to promote tolerance in society.
- International organizations, including the OSCE, should elaborate further policies and mechanisms to counter such dangerous practices as hate speech and incitement to hatred. RFOM should elaborate further on and mechanisms to counter them.
- Regulation of internet should generally be avoided since those are difficult and cost-ineffective to enforce.

**Working Sessions 6 and 7: (specifically selected topic) Methods to Prevent and Combat Torture**

ODIHR Director Strohal opened the session on methods to prevent and combat torture by noting that this day should not be necessary at the HDIM, since everyone knows that torture is prohibited and all national laws confirm this prohibition. However, everyone also knows that torture happens. That is why it is important for OSCE participating States to engage in dialogue about methods to prevent and to combat torture and cruel, inhuman or degrading punishment or treatment. The OSCE has contributed to this dialogue through several recent meetings, including the 2003 SHDM on combating torture and the July 2005 SHDM on human rights and the fight against terrorism. The upcoming SHDM on the role of defense lawyers is also relevant, since defense lawyers are a key tool in preventing and tracking torture and ill treatment. ODIHR has also contributed to the fight against torture by creating a focal point on torture and mainstreaming

anti-torture work into most of its other programs. OSCE and ODIHR experts are available to assist all OSCE participating States who want to implement their international commitments to protect citizens against torture through legislative reform, judicial reform, monitoring places of detention, and training of magistrates.

Keynote speaker Theo von Boven, former UN Special Rapporteur on Torture emphasized that the prohibition on torture is a universal and non-derogable right, which applies everywhere, under all circumstances, and to everyone. Especially during the fight against terrorism, States must remain aware that there is no legitimate justification for torture. Mr. Ole Esperson added that States must also provide assistance to victims of torture and explained that non-governmental organizations have a role to play in ensuring that States provide this assistance. Several governmental and NGO speakers highlighted activities in participating States to assist victims of torture, including independent legal aid, medical and psychological treatment, support to victims' families, and other activities. In Session 7, which was a continuation of Session 6, Ms. Renate Kicker and Mr. Mark Thompson highlighted the role of international organizations and international legal instruments in preventing torture through monitoring of places of detention. Ms. Kicker focused on the monitoring done by the European Committee for the Prevention of Torture, or CPT. Mr. Thompson presented the history of the Optional Protocol to the UN Convention Against Torture (OPCAT) and outlined its seven unique features. Both introducers in Session 7 emphasized, however, that States bear the ultimate responsibility for preventing torture. Mr. Thompson underscored that in considering whether to sign and ratify OPCAT, States should also look ahead and consider the possible composition of the international sub-committee and how it will cooperate with national preventative mechanisms.

During Sessions 6 and 7, many recommendations were made to participating States, including:

- To immediately investigate all credible allegations of torture and to suspend immediately any law enforcement officer suspected of committing torture or abuse, while the case is being investigated;
- To disallow confessions and evidence obtained through torture in criminal proceedings;
- To create democratic and public space in which society and authorities can actively debate human rights issues, including torture;
- To provide assistance to the victims of torture;
- To provide independent and competent medical assistance to detainees;
- To acknowledge that torture exists and to denounce it publicly and at the highest level; also, to make public reports of the CPT along with responses to them;
- To implement minimum legally binding rules on prison capacity, size of cells, and humane conditions in places of detention;
- To monitor places of detention and to facilitate access for independent monitors such as the ICRC and the CPT to these facilities;
- To establish alternative sentencing measures in order to reduce prison overcrowding and improve the rehabilitative function of sentences;
- To cooperate with non-governmental human rights organizations, including those that monitor places of detention, and to refrain from excessive restrictions on the activities of civil society;

- To provide accused persons access to legal assistance within the first 36 hours of detention, as a method to prevent torture and to help the victim get redress for any ill-treatment;
- To maintain accurate and complete records on every person who has access to a detainee, including during interrogation;
- To build an active and independent judiciary capable of correcting executive orders that undermine the absolute prohibition on torture;
- To provide human rights training for judges and police;
- Not to extradite, return, or deport detainees to countries where it is likely that they will be tortured; In this regard, to verify any diplomatic assurances through independent monitoring and to provide a means of appeal to deportation decisions before an independent authority;
- To ratify the UN Convention Against Torture and other international instruments, and to consider signing and ratifying the Optional Protocol to the Convention Against Torture (OPCAT); Also, to ensure that national laws, regulations, practices and policies conform to obligations under international law;
- To transfer jurisdiction over prison systems to civilian ministries, such as the Ministry of Justice, rather than the Ministry of the Interior.

To international organizations:

- To establish a commission of international experts to study all forms of torture in Central Asia;

## **Working Session 8: Rule of Law I**

Thank you, Mr Chairman,

In discussing legislative transparency, participants underlined the necessity for free access to legal and sub-legislative acts, including acts passed by bodies of local self-government, as well as by court rulings. They underlined the importance of transparency at all stages of the legislative process and the need to consult the public during the drafting of legislation, as well as the necessity to make legislative bodies responsible to voters. This increases public trust in the authorities, and gives legitimacy to the law and improves its quality.

### Recommendations:

- Reaffirm the commitments of participating States regarding the rule of law;
- Provide for the translation of draft bills and laws into the languages of ethnic minorities living in participating States;
- Ensure the participation of ethnic minorities in the work of judicial and legislative bodies;
- Run public education programmes on the basic functions of state bodies;
- Ensure that society as a whole is involved at all stages of the legislative process, as well as in legal proceedings, and increase use of the Internet for these goals;
- Use scholarly expertise when drawing up legislation and incorporating international legal norms into national law.

Of greatest interest was the topic of the independence of the judiciary and the right to a fair trial. Participants noted that the independence and transparency of the legal system and the right to a fair trial are guarantees for the protection of human rights.

It was noted that pressure on judges, corruption, underfunding of courts, breaches of transparency in the judicial process, and limitations on access to legal services in participating States are all significant violations of the independence of the judiciary.

#### Recommendations:

- Ensure the independence of the courts;
- Develop a training programme for judges, including practice in the application of international law, and organize seminars to exchange experience;
- Put in place appropriate measures to prevent the use of evidence obtained through torture;
- Guarantee courts due financing and technical support;
- Develop special legal informational databases that also include court rulings, and guarantee free access to them;
- Provide full guarantees of the right to legal defence, including access to lawyers;
- Pay particular attention to support and defence of victims of trafficking in human beings and of torture.

When discussing the issue of human rights and the fight against terrorism, participants said that measures taken in the fight against terrorists should not infringe on, or lead to breaches of, human rights and fundamental freedoms. This aggravates the situation and creates conditions in which terrorism can thrive. The OSCE's great counter-terrorism potential was noted, and participants said that a counter-terrorism strategy should be based on the OSCE's overall concept of security. Some speakers expressed concern about increasing use of diplomatic immunity in extradition cases, which they said is leading to breaches of the non-extradition principle. Other participants noted that diplomatic guarantees in this sphere could be used as an instrument of bilateral obligations between states, in addition to international obligations.

#### Recommendations for participating States:

- Participating States should reaffirm the absolute ban on torture and the ban on extradition to states in which the person extradited could be subjected to torture;
- Grant the right to contest deportation orders.

#### Recommendations for the OSCE:

- Assist participating States to carry out assessments of the current impact of their anti-terrorism legislation on compliance with human rights;
- Develop a precise definition of terrorism and explain it with the aim of complying with legal principles and making sure it cannot be abused;
- Adopt a resolution on "human rights and terrorism" at the Ministerial Council in Ljubljana, and recognize the Council of Europe's recommendations on human rights and the fight against terrorism and on protection of the victims of terrorist attacks;
- Assist in spreading throughout society the idea of a categorical ban on, and condemnation of, terrorism as a means to achieve political or any other goals;

- Promote the development of inter-ethnic, inter-confessional, and inter-cultural dialogue and tolerance.

#### Recommendations for the ODIHR:

- Provide assistance in arranging co-operation between governments and civil society as part of the joint fight against terrorism;
- Focus in particular on defence of the rights of victims of terrorist acts, and continue the development and implementation of special programmes in this sphere;
- Prepare a model law or Criminal Code article outlawing incitement to terrorism and suggest that participating States include it in their national legislation;
- The ODIHR, together with the OSCE Representative on Freedom of the Media, should develop projects dealing with media activity when covering crisis situations.

### **Working Session 9: Rule of law II**

#### *1. Exchange of views on the question of the abolition of capital punishment*

The global trend towards universal abolition of the death penalty was welcomed by several participants. Although this trend applies to the OSCE-region as well, the lively discussion showed that the use of capital punishment is still a hotly debated issue in some of the participating States. A large majority of participants supported the abolition of the death penalty. One participant specified that this abolition should apply both in peace as in war times.

Capital punishment was regularly represented as a violation to the right to life and human dignity and a cruel and inhumane form of punishment. Some participants stated that capital punishment is often carried out arbitrarily or used disproportionately and that information on the use of the death penalty is often lacking. Participants also raised the widespread absence of fair trial and sentencing to death based on confessions coming from torture. Some participants raised the concern that the death penalty is used in some participating States to eliminate political enemies.

Other participants explained that there is a moratorium on the death penalty in their country that is working successfully. It was also stated that in some countries the abolition of death penalty is not a political reality and remains a vigorous and open discussion between the citizens. One participant urged to keep in mind that international law does not prohibit capital punishment as such.

Recommendations mentioned during Working Session 9 included the following:

#### Recommendations to participating States:

- The immediate abolition of the death penalty;
- When still in existence, to introduce an immediate moratorium on executions;
- To ensure detailed public information on the use of the death penalty;
- To refrain from the death sentence in cases of mentally ill or retarded persons;
- To actively explore the possibility of alternative punishments;

- To not extradite, deport or hand over any persons to States where there is a concrete risk of their being condemned to death.

## *2. Ombudsperson and national human rights institutions*

Several participants explained the legal, political and institutional provisions that provide for a good functioning of the national Ombudsperson or the Human rights institutions in their country. As the Ombudsperson protects civil rights and controls the work of the public administration, Participants stated that the independent functioning of the Ombudsperson should be guaranteed by participating States.

It was mentioned that the Ombudsperson should be open for appeals or complaints from individual citizens and civil society actors in general. Several participants stressed the need to ensure that the activities of the Ombudsperson provide both legal as well as practical help to citizens and keep them well informed.

One participant mentioned the particular monitoring role the Ombudsperson can play during elections. Another participant stated that the role of the Ombudsperson in upholding the rule of law is intimately tied with human rights protection. To ensure the effectiveness of the Ombudsperson, another participant expressed the need to hold seminars and training courses on the role of the Ombudsperson and to draw the attention of relevant governmental bodies to the problems citizens face through close co-ordination.

One participant stated that the OSCE has a role to play in enhancing co-operation between national human rights institutions.

Recommendations mentioned during Working Session 9 included the following:

### Recommendations to participating States

- To establish National Human Rights Institutions consistent with the Paris Principles;
- To respect unconditionally the independence and integrity of National Human Rights Institutions;
- To share best practices on effective co-operation with all relevant actors.

### Recommendations to OSCE

- ODIHR should set up liaison office with national human rights institutions to improve their work and existing techniques.

## **Working Sessions 10 and 11: Project and Programme activities**

The purpose of the so called day “Programme and Project Day” at the HDIM was to identifying best practices and to seeing where a greater focus from the OSCE Institutions, field operations and other OSCE Structures could prove useful in identifying trends and priorities for the future.



The lively discussion of this day was by many speakers seen from the perspective of the current discussions on the reform of the OSCE.

The day was divided into two sessions:

- The morning session tried to answer the question: What we are doing and what we should be doing in the future. With other words the substance of our work was addressed, including the discussion on how to address new challenges
- The afternoon session tried to answer the question: How do we do and how should we do our project and programme activities. The discussion also included analyses of the past work.

At both sessions representatives of the OSCE Secretariat, Institutions, field operation and other structures, as well as delegations, international and non-governmental organizations actively participated.

During the *morning session* many speakers recalled the importance of gender mainstreaming at all levels. Many participants, both governmental representatives and NGOs, emphasized the need to focus more on human rights education projects, where different models can be applied.

One speaker mentioned that best practices should be identified through comprehensive planning and the flexible approach in case that unexpected events take place. There OSCE should promote the implementation of its commitments. Implementation of programmes and expansion of OSCE project work in all three dimensions has been welcomed, yet the further need for streamlining to improve cross-dimensional coherence was also acknowledged.

One delegation recalled that the OSCE human dimension work requires a reform with the aim to raising effectiveness and promoting co-operation. The work of the OSCE in this field should be in a form of the friendly partnership advice to the participating States.

Some speakers expressed the need for local ownership and support programmes as well as the need for inter parliamentary cooperation.

One delegation emphasized that field presence activities should include both, dialogue with the government and with the public. The need for thematic and diplomatic missions was also emphasized.

Further, some suggestions were made with regard to the current discussions on the reform of the Organization. Also there were many suggestions for several possible future thematic priority areas.

The *afternoon session* focused on what institutional mechanisms to develop and how many. It was emphasized that projects should be based on the knowledge of the staff, best practices and initiatives of the Institutions. In this respect ODIHR is a source of direct activities.

Many participants raised the impotence of cooperation and coordination with international organizations. Several speakers mentioned that we need to try to make more efficient strategic planning projects also thorough more planning, cooperation and coordination with international

and regional organisations. These consultations should possibly become more operational and ambitious.

The focus on three potential mechanisms was proposed, and these are:

- the need assessment as a tool for strategic planning and cooperation,
- institutional thematic focal point meetings, and
- harvesting best practices.

It was recognized by many participants working at the OSCE field operations that work with the NGOs should be a major part of the project work. There is also the need for good balance between the three dimensions.

Some models for substantial cooperation within the OSCE were recommended:

- More should be done to exchange thematic expertise as strategic planning process is still pretty much an internal process. Thematic focal Pointe meetings were suggested to be useful, when institutions should be associated to this process and to facilitate it.
- The experiences from different regions should be exchanged, when at the same time regional differences should be acknowledged.
- The activities should aim to create impact. A choice should be done also either to focus on a large number of small projects or on the larger number of bigger ones.

It was acknowledged that there is a need to maximize the available expertise. Moving staff from one region to the other for the limited period could be one example.

Several speakers called for more specialized and more operational meetings. The need for more Focal Point Meetings was recognised by many participants. It would be advisable to have a clear agenda of these meetings and to make sure that they have an impact. In this respect best practices should be elaborated.

The impact of the size of the projects in the context of the impact and effectiveness of the OSCE as well as its reform was also discussed. The Organization should decide in this regard what it wants to achieve and how to make a difference.

## **Working Session 12: Humanitarian issues and other commitments (part 2)**

Working session 12 was divided into two parts: One on trafficking in Human Beings; and one part on International Humanitarian Law.

### *Trafficking in human beings*

In his introductory remarks the director of ODIHR underlined the importance of the victims-oriented approach. He thanked the OSCE Special Representative on Trafficking in Human Beings for her good work and that of the Alliance against trafficking. This was later repeated by many participants.

The Moderator, Helga Konrad, the Special Representative on Trafficking, noted in her introductory remarks that many countries have reformed, or are in the process of reforming their legislation. Unfortunately, action plans against trafficking are not always implemented due to lack of budget resources and clear defined responsibilities. She also underlined the need to address demand as well as supply, and look at the problem of internal trafficking.

During the discussion participating States reaffirmed their commitment to fight trafficking in human beings. They shared information about legislative measures taken, institutions set up, national action plans, interagency bodies, joint NGO-government commissions, regional and bilateral cooperation, national referral mechanisms and national and international coordinators. NGOs pointed to national commissions on anti-trafficking with NGO participations as a good practice.

The OSCE/ODIHR Contact Point for Roma and Sinti Issues (CPRSI) and other participants pointed to the special vulnerability of the Roma population to trafficking. There was a suggestion that anti-trafficking focal points in OSCE missions should put special attention to this vulnerable group. It was also expressed a need for awareness raising and capacity building of Roma activists and NGOs.

Many participants pointed to the importance of giving legal residence and support to victims of trafficking. The important role of NGOs was also highlighted, as well as the cooperation between government, institutions and NGOs inside a country, and regional cooperation of all these actors across borders. It was pointed out that trafficking is a transnational problem and that one must fight it at an international level and therefore strengthen international cooperation.

Some pointed to concrete cases or problems in specific countries and called for governments to take action against trafficking, enhance their investigating of trafficking cases, address problems of corruption in the law enforcement sector and take into account the advice of NGOs. Information campaigns for enhancing the awareness among vulnerable groups was highlighted as one priority area.

The problem of trafficking for labor exploitation was also highlighted, and the Special Representative informed that a conference on this subject will be held in Vienna in November this year.

The victims-oriented approach was mentioned by many participants and it was pointed out that trafficking is both a law enforcement and human rights concern. There was a call for a long-term approach towards victims of trafficking and the need for more support to the victims. Concrete suggestion and shared best practices was the establishment of shelters and safe houses, counseling, medical care and providing residence permit. There was also a suggestion to bring churches more into the work against trafficking since they often have a large presence throughout a country.

Some speakers underlined the importance of focusing on the root causes of trafficking such as poverty, marginalization and discrimination. A concrete suggestion was to increase business opportunities for women and micro finance funds for vulnerable groups.

The efforts of international organisations such as the OSCE, various UN bodies and the IOM were important and have achieved results. There was a call for the ratification of relevant United Nations and Council of Europe conventions.

One delegation brought up the issues of preventing military and civilian peacekeepers from contributing to the problem of trafficking and called for a decision on this issue at the Ministerial Council later this year.

Speakers commended the OSCE Action Plan and underlined the responsibility of participating States to implement it. The addendum to the OSCE Action Plan on Combating Trafficking in Human Beings addressing the special needs of child victims of trafficking for protection and assistance was welcomed by many of the participants.

### *International Humanitarian Law*

Turning to the second subject of the session the director of ODIHR pointed to the importance of civil society in the field of international humanitarian law. The moderator, Natascha Kandic from the Humanitarian Aid Centre, also pointed out NGOs key role in documenting war crimes. She also underlined the importance of learning from the past and apply best practices from earlier reconciliation processes. She argued that rule of law would not be established unless former crimes are punished. There was also a call from other participants of lifting practices of impunity and hold perpetrators accountable.

Some participants pointed to violations of international humanitarian law in countries in the OSCE region, e.g. shootings of demonstrators, torture and extra judicial killings. There was a call for the invitation of an independent international investigation in one specific geographic area, and of an OSCE engagement in another. In the latter conflict area NGOs gave testimonies of crimes committed and the difficulties they experience in making this public. These difficulties included personal threats, frozen bank accountants and being subject to criminal investigation.

The issue of the harm done by the spread and misuse of small arms and light weapons (SALW) was also brought up. It was pointed to the OSCE document on SALW and Handbook on best practices on SALW, decisions on brokering and projects under the framework of the Forum for Security Cooperation.

One participant shared practices of government-NGO commissions on humanitarian law.

There was also pointed out that perpetrators in conflict areas often are not prosecuted in the national courts and international structures are needed. The International Criminal Court (ICC) was pointed to as such an instrument. There was a call for participating States that have not done so to ratify the ICC Statute.

## **Working Session 13: Tolerance and non-discrimination 1**

Mr. Chairman, working session 13 dealt with;

1. *Equal opportunities for women and men;*
2. *The implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality;*
3. *The role of women in conflict prevention and crisis management;*
4. *The prevention of violence against women.*

The cross dimensional nature of gender mainstreaming was stressed by many participants, as well as the importance of increased gender awareness in the OSCE. The need for a full implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality and a special focus on UNSCR 1325 (2000) on Women, peace and Security was called for in many interventions. Several participants expressed their satisfaction with the Action Plan on Gender Equality, thanking Ambassador Kongslem for the fruitful work with finalizing it last year. A full implementation of the Action Plan - together with the two gender-related proposals for MC-decisions this year, namely one on *women in conflict prevention, crisis-management and post conflict rehabilitation*, and the other on *preventing and combating violence against women and girls* – were welcome tools for bringing about a change in the Organization.

Recruitment was discussed in the session. The urgent need for more women in the OSCE was stressed by many participants, and especially the need for more women in key positions such as head of mission, head of institutions as well as on other leading positions throughout the organization. One participant pointed out that the underlying logic behind the demand for more women in the OSCE was for the sake of greater efficiency. An effective organization dealing with such wide ranging activities as the OSCE could not really afford to have a gender imbalance at the top. Another participant stated that the introduction of quotas could bring about a positive change, at least in some extreme cases of patriarchal structures. A special MC decision on recruitment and gender mainstreaming was welcomed by many delegations.

A closer co-operation with local women NGOs was called for by many participants. NGOs on the ground can provide the OSCE missions with well developed networks, enabling the missions reaching out to the local women.

The OSCE Secretariat's Senior Gender Adviser gave a presentation on the upcoming implementation plan of the OSCE Action Plan for the Promotion of Gender Equality, which is to be presented by the Secretary General by 1 October. The plan will contain two main parts, one with regard to the internal support structure at the institutional level, accountability and responsibility for gender mainstreaming within the organization. The second part in the implementation plan will focus on the development of standards for gender mainstreaming in projects and programs in the field missions.

Violence against women was also stressed by several participants. Support was expressed by many participants for the current proposal to strengthen the OSCE as well as participating States efforts to adequately address domestic and economic violence against women and girls, combating trafficking, and combating violence against women and girls in armed conflicts. Several participants expressed concern over the fact that a number of OSCE participating States

lacks appropriate legislation with regard to domestic violence – in other words, domestic violence is not recognized as a crime in all participating States.

Given the fact that women were more vulnerable in armed conflicts, special attention needed to be given to women and girls as potential victims as well as efforts to rehabilitate women who have been victims of violence, particularly sexual violence. The need for further procedures to assisting victims was raised by one participant.

The problem of impunity was raised in several interventions.

Double discrimination against minority women, especially Roma, was also stressed by several NGOs and delegations. Since Roma women live in patriarchal structures they need special attention when OSCE programs and policies are elaborated.

#### A selection of the recommendations for action on human dimension issues

1. Recommendations for OSCE participating States to:
  - nominate more women to leading positions within the OSCE;
  - conduct targeted outreach programs to get more women to apply for high level posts;
  - ratify and implement all protocols related to eliminating violence against women and girls (as stated in the Moscow document).
  
2. Recommendations to the OSCE institutions and field missions to:
  - fully implement of the 2004 Action Plan for the Promotion of Gender Equality;
  - identify good practices for ensuring consistent tools for mainstreaming gender in programs, projects and activities;
  - carry out more efforts to broaden the participation of women, with special regard to voter education, women's leadership seminars, reaching out to women in participation in judicial trainings and ensuring full economic opportunities;
  - enable exchange of best practices on women's participation in democratic processes;
  - carry out targeted outreach measures to get more women to apply for high level posts.

#### **Working Session 14: Tolerance and non-discrimination II,**

including:

*National Minorities, Roma and Sinti, Prevention of aggressive nationalism, chauvinism and ethnic cleansing*

During session 14 on tolerance and non-discrimination II the discussion focused on national minorities, Roma and Sinti, and the prevention of nationalism chauvinism and ethnic cleansing.

In its introductory remarks, the High Commissioner on National Minorities concentrated his speech on the participation of national minorities in public life, emphasizing that the

promotion and development of effective institutions and mechanisms for the participation in public life has been among the leading objectives in the perspective of the conflict-prevention mandate. In this context, he mentioned the Lund Recommendations on the Effective Participation of National Minorities in Public Life, which are examples of a holistic approach, helping to address the lack of public participation of national minorities in all branches of governance - legislative, administrative and judicial, at all levels of the territorial organization of states – from national to regional and local.

High Commissioner also underlined that the topic of the participation of persons belonging to national minorities in public life is part of a wider debate concerning the question of integration. In this regard, he considers that the principle of integration with respect for diversity is the basis for any proposed solution.

Furthermore, an important part of his speech was dedicated to policing in multi-ethnic societies.

Participants reaffirmed their attachment to the importance of the rights of persons belonging to national minorities. It was recognized that this issue is a constant challenge. Nonetheless, the participating States should do their best to deal with it, bearing in mind that it is States' responsibility to put in place measures for integration of all persons, with respect of their identity. It was also stated that it is up to OSCE Participating States to increase the political will to effectively implement national strategies of action for national minorities.

The activity of the High Commissioner on National Minorities was highly appreciated, considering it as an effective system of early warning of conflicts and tension related to participating States national minorities.

Many participants elaborated on their national systems for the protection of national minorities, illustrating the legal framework, administrative measures and their means for implementation.

Some participants raised concerns about the specific situation of national minorities in some participating States. Particular attention was dedicated to the issue of the return of the refugees and internally displaced persons.

As regard to the part of the session dedicated to Roma and Sinti, participants agreed that the commitments for the improvement of their situation are in place and now it is important to move to the next step: implementation of the commitments. The Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area was referred to in many statements.

As a way to exchange best practice and share information, some interventions concentrated on presenting national policies created in order to improve Roma and Sinti situation and to implement the OSCE Action Plan.

A number of participants expressed concerned about the poor situation of Roma and Sinti population, and in this context, emphasis was put on the state of the Roma camps in toxic sites. It was recommended that the gender perspective should be taken also into consideration when elaborating national policies.

The necessity to work further to overcome aggressive nationalism and chauvinism was acknowledged.

The following recommendations were made during this session:

- Education of Roma and Sinti children should be treated as a long term priority,

- Encourage participating States to create national action plans on Roma and Sinti, and to share information and lessons learned with other partners in the OSCE,
- Intensify work in the area of education in the area of human rights, including rights of persons belonging to national minorities and prevention of aggressive nationalism, chauvinism and ethnic cleansing especially through the OSCE field operations,
- The OSCE participating States shall secure by introducing concrete regulations within their respective legal systems that is inhibited for public authorities and the media to indicate in reports about accusations the defendants minority status as Roma or Sinti issues unless it is necessary for the pressing reason of making the events reported intelligible,
- All participating States should ensure respect for the rights of national minorities, in particular the right to identity, protection against discrimination and to participate in decision processes that affect them.

## **Working Session 15: Fundamental Freedoms II**

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

There were 29 interventions during the Working Session on Freedom of thought, conscience, religion and belief, and, additionally, seven delegations used their right to reply. The session was moderated by Mr. Malcolm Evans, Member of the OSCE Panel of Experts on Freedom of Religion and Belief.

The discussion was vivid, comprised of expressions of various different positions, given by representatives of a number of religious groups, as well as various non-governmental organizations and some international associations. Representatives of participating states also voiced their positions on the subject of the session.

In general, most of the delegations underlined that the issues of freedom of thought, conscience, religion and belief is of great significance and some of them used the opportunity to invite the participating states to consistently implement all the OSCE commitments in order to achieve full tolerance and non-discrimination in that area. In that sense, an opinion was expressed that participating States are facing serious challenges and dilemmas with respect to the implementation and exercise of freedom of religion and belief.

During interventions, which covered very broad spectrum of issues and reflected a range of existing problems, one speaker, for instance, expressed position that representatives of Sikhs are faced with discrimination and that there is even a lack of terminology to classify them, so they called upon states to develop programs and policies to address that barriers. The representative of one other delegation shared the view that even thirty years after Helsinki, where freedom of thought, conscience, religion and belief was one of the founding principles, implementation of this principle remains problematic for many OSCE states. The same delegation called upon all participating States to be mindful of the OSCE commitments on religious freedom and to ensure that registration system facilitate, rather than hinder, religious practice.

Several representatives of non-governmental organizations drew attention of the participants of the session on problems that Jehovah's Witnesses are faced with. One speaker stated that



intolerance has taken root in certain countries and that ban on the activities of Jehovah's Witnesses has come into force. Also, the problems, even imprisonment, were mentioned in situations when their members do not wish to participate in military service in some countries and authorities were called to end that kind of discrimination.

Some other representatives of NGO's expressed their concern with situation in certain countries where too much religious intolerance still exists and also offered their opinion that people who make donations to religious organizations should be granted tax relief. Additionally, criticism was expressed by different speakers towards some authorities who still deny religious teaching, freedom of assembly and religious meetings.

One speaker specifically underlined the issues of intolerance towards Muslims, in particular in Europe. The opinion was highlighted that members of the Muslim minority in some countries presently, especially after recent terrorist attacks, face more fear, that there is a wave of assaults on people who are believed to be Muslims and that in general Muslims are confronted with obstacles in integration and pressure to assimilate.

A number of delegations discussed the issue of registration of religions. A group of countries highlighted that in some states traditional religions may feel threatened and that is why the pressures are established on new religious movements to register themselves. Although it may be useful, it was said that the freedom to manifest one's religion or belief in community with others or individually may not be subject to any such registration practices. One delegation stated its preparedness to register new faith groups and extended good understanding for them. Other representative expressed the opinion, that the registration of religious communities would mean that they are properly recognized and governed by national legislation and bodies. It was also said that the distinction between state and church does not mean hostility between the two of them.

Several speakers mentioned the need for inter-faith dialog and some also spoke on intra-faith dialog. It was said that bridges of trust and understanding on the grass-roots level should also be built. One delegation expressed the view that there is a lack of discussion on rights of non-believers who are also being discriminated, and highlighted the need for distinction between believers and non-believers.

During the Session the following recommendations have emerged:

Recommendations to the OSCE participating States:

- to develop policies and programs that would address barriers in exercising religious freedom created by legislation;
- to put an end to discrimination;
- to implement all OSCE commitments;
- to comply with international agreements on consciousness objectors;
- to follow on recommendations of the OSCE;
- to establish dialog with religious communities;
- to acknowledge violations being made against members of different religious communities;

- to monitor hate crimes, especially against Muslims;
- to implement criminal justice strategy;
- to find ways for political balance between religious freedoms and human rights;
- to bring together representatives of state, NGO's and religious groups;
- to protect individuals from persecution based on religion;
- to respect religion as a part of personal dignity;
- to avoid registration practices, especially with the aim to ban unregistered religious communities;
- religious leaders should promote rights and dignity for all;
- abuse of human rights should not be tolerated because a religious motivation is called into play;
- religious freedom should not be above human rights.

Recommendations to the OSCE institutions and field operations:

- OSCE should create a body to promote non-violence against religious communities;
- OSCE could play important role in moving the agenda on hate-crimes monitoring;
- OSCE should adopt additional non-discrimination protocols
- OSCE should provide all member states with the material on religious freedom, training seminars and workshops, especially in former Soviet Union countries;
- OSCE should follow-up on its resolution on equality between believers and non-believers;
- OSCE has a major role to play by helping all participating States in finding solutions to the challenges relating to the freedom of religion and belief;
- ODIHR should continue to pay specific attention to the freedom of religion and belief, also outside the context of combating of intolerance and discrimination.

**Working Sessions 16 and 17: (specifically selected topic) Tolerance and non-discrimination**

Ambassador Christian Strohal, Moderator of Working Sessions 16/17 paid tribute to Simon Wiesenthal. Simon Wiesenthal said:

„We need partners. We cannot fight against the neo-Nazis alone. We need friends. We can win them by telling them their history, by talking about the others, the millions of people other than the Jews, that the Nazis killed. The Holocaust began with the Jewish. But it did not end with the Jews.“

The Cordoba Conference on Combating Antisemitism and Other Forms of Intolerance showed that intolerance, discrimination and hate are still present throughout the OSCE region. We were all shocked last year by the murder of the Dutch film-maker Theo van Gogh and subsequent violence against Muslims. Action taken by the Netherlands authorities confirmed: We have to stand together. Government's policy should strengthen the resilience of society against radicalisation trends, encourage active citizenship, reinforce social cohesion and support the integration of newcomers.

OSCE is uniquely placed to promote cooperation with civil society. Unfortunately – until now – few of the civil society organisations west of Vienna are engaged in following up on the declarations of Berlin, Brussels and Cordoba.

Media and tolerance education can play an important role in promoting tolerant societies. Freedom of the speech goes together with responsibility. We shared best practices in the area of education. Delegations learned about ODIHR activities in this area.

In focusing on partnership, our discussion encouraged ODIHR and institutional partners such as ECRI, EUMC und UNCERD to further develop their co-operation in order to create synergy and prevent duplication.

Contributions commended ODIHR for its excellent work in setting up the Programme on Tolerance and Non-Discrimination. The ODIHR report on „Combating Hate Crimes in the OSCE Region“ reflects that roughly half of the pS until now did not send ODIHR any statistical information and shows that much work remains. It was highlighted that countries still have to develop capability and methodology in data collection and registration and that we could further draw on ODIHR expertise and high level representatives to this end.

Contributions thanked the Personal Representatives of the Chairman-in-Office on Tolerance for their valuable input and important work to help consolidating the ODIHR Programme on Tolerance and Non-Discrimination – in a co-ordinated and complementary fashion. Their was an open discussion on a prolongation of their mandates.

It was emphasized that in consolidating the ODIHR Programme, activities should be comprehensive in nature and adress all manifestations of intolerance and discrimination – without loosing the specificities of each and unique characteristics and origins. Speakers who said they continue to feel like left-out minorities urged to include discrimination based on sexual orientation and gender identity in future OSCE decisions and taskers. Persons with disabilities promoted practical tools to end discrimination, e.g. the introduction of a „Disabled Mentoring Day“. We had an exchange of views on how to address discrimination based on age. We realized that the 2003 Action Plan on Roma and Sinti largely awaits implementation.

Migration and integration is one of the major challenges of the 21<sup>st</sup> century. Societies of mutual acceptance go beyond tolerance and embrace difference, celebrate communalities to promote respect for diversity. Contributions pledged to follow up to recommendations made at the ODIHR seminar on migration and integration.

In Cordoba, inspired by the spirit of Cordoba, delegations had engaged themselves in inter- and intra-religious dialogue. Contributions to our discussion yesterday highlighted cases of discrimination against Christians and encouraged ODIHR - in cooperation with the Panel on Freedom of Religion our Belief – to continue and further develop activities to ensure that members of all religions or beliefs can enjoy their religious freedom.

Growing hate crimes and intolerance are a challenge to security. The delegations of Turkey and Spain drew our attention to the „Alliance of Civilizations Initiative“ and invited OSCE/ODIHR to participate in the respective UN working group.

Having witnessed the absolute horror of the Holocaust, it is hard to imagine that antisemitic incidents could once again increase in our societies. If we are to prevent such catastrophic acts of human cruelty taking place again, we must learn our lessons from the past.

### Recommendations

Recommendations to the OSCE participating States and to the OSCE institutions and field operations proposed a wide of actions aimed at strengthening our fight against intolerance and discrimination and promoting tolerance, mutual understanding and respect for diversity. Recommendations reiterated i.a. the need to assume political leadership and to continue to raise awareness and to spread best practices, to focus on monitoring of concrete action as well as the need to develop an appropriate methodology for applying uniform minimum standards in data collection and registration.

In order to ensure effective follow-up to the conferences held in 2004 and 2005 in Berlin, Brussels and Cordoba, one recommendation was highlighted and received wide support – the recommendation to focus next year on implementation and to allow all actors to concentrate on implementation of their existing mandates.

## V. ANNEXES:

### KEY-NOTE ADDRESS AND OPENING SPEECHES

#### Opening Statement

**Ambassador Christian Strohal,**

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

Excellencies, Ladies and Gentlemen,

#### *The 10<sup>th</sup> HDIM in an anniversary year*

I very warmly welcome you here in Warsaw, at the 10<sup>th</sup> Human Dimension Implementation Meeting in a year when we have also been celebrating the 30<sup>th</sup> anniversary of the Helsinki Final Act, as well as 15 years of the Copenhagen Document and the Charter of Paris for a New Europe. I could add a number of other anniversaries, but I would just like to mention one, namely the 25<sup>th</sup> anniversary of the Solidarity Movement in Poland, which was remembered in this very room exactly two weeks ago. The speeches and presentations made there – ranging from the role of the Final Act for change in Europe to the identification of new threats to human rights – could all have fitted well into the Implementation Meeting as well. Let me add that I was particularly impressed by the speeches of the former and the outgoing Presidents of our host country, who were on opposing sides 25 years ago, but who both acknowledged the need for mutual respect and joint efforts to master the challenges of the future.

I believe this should also be a good guide for the OSCE at large. 30 years ago, the Final Act was concluded in a situation characterized by opposing blocs, and no one in East or West could have foreseen the effect the Helsinki Accord would eventually have. It took the courage and determination of people like Ludmila Alexejeva – whom I herewith welcome warmly as our keynote speaker – defying oppression and intimidation to hold their governments accountable, and to take them at their word. Thirty years later, former opponents have become partners or even allies. They can look back together at successes and failures; they are also convinced of the need to join together in facing the challenges of our age. This Implementation Meeting serves this very purpose, namely to be frank and open about successes and failures across our region, but also to work together to identify ways and means to provide better human security for all in the region.

Let me also welcome our Chairman-in-Office, represented today by Ambassador Boris Frlec; Minister Piotr Switalski, representing our host country; the new OSCE Secretary General, Ambassador Marc Perrin de Brichambaut; and the Heads of the other two OSCE Institutions, Ambassador Rolf Ekeus, the High Commissioner for National Minorities, and Miklos Haraszti, the Representative for the Freedom of the Media.

I would also like to extend a special welcome to all other high-level representatives from participating States, especially those who have come here from their capitals from all over the world, from Canada to Kazakhstan. This again proves to me the relevance and attractiveness of this meeting. For us it is the highlight of our year, and I am looking forward to this HDIM being

at least as successful as last year's. Participation is high, especially from NGOs from across the region, whom I invite to engage actively and in a constructive manner. Openness and criticism are essential for making this exercise meaningful, but criticism should not become an end in itself – rather it risks, if exaggerated, meeting deaf ears and closed doors. And this, I guess, is not limited to NGOs. I would also like to thank all participants who organize side events, of which I believe we have a record number this year. We have always had the feedback from participants that these form an essential part of the HDIM and are, as it were, the 'salt in the menu'.

The participation of non-governmental organizations in OSCE discussions has just been identified as one of the important elements for improving the effectiveness of the OSCE in a meeting held in the Hofburg ten days ago, which was held under the auspices of the International Helsinki Federation and the Netherlands Helsinki Committee. At the HDIM and the other human dimension meetings, this is since long established practice. I hope that with an establishment of other new fora for human dimension work in the OSCE, this achievement can be further reinforced.

This year we hold the HDIM under slightly modified modalities, as Delegations felt that the meeting could still be improved in terms of its structural set up. We therefore have mixed up what we used to call the first and the second week – with an enhanced focus on thematic clusters of discussions. We combine the review of implementation of commitments with the more forward-looking approach. Hence, we have two days with a specifically selected topic already in the first week, namely "The situation of the media in the OSCE region and the role of State and non-State actors in promoting media freedom" on Wednesday, and "Methods to prevent and combat torture" on Thursday.

Next week, we will again start with a day focusing on human dimension activities, including projects, for which we expect a good participation from our colleagues in the field. That day should also serve as a good illustration of the broad range of concrete activities in assisting participating States towards implementing their commitments effectively. In the second half of next week, we will have the opportunity to concentrate again on an area of special focus since the last two years, including with a special day on "Tolerance and Non-Discrimination" on Thursday.

In the course of our discussions over the coming two weeks, we will also be able to examine the concrete follow up from the most recent Supplementary Human Dimension Meetings since the last HDIM, namely the SHDM on Internally Displaced Persons late last year, as well as the April SHDM on Challenges of Elections Technologies and Procedures, and the July SHDM on Human Rights and the Fight Against Terrorism. Certainly, we will also look at the outcome of the various meetings on Migration and Integration, a Chairmanship priority, in particular the Human Dimension Seminar on this issue which we held here in Warsaw in May.

Overall, the Meeting is also providing all of you with an opportunity to inform yourselves about the ODIHR work, to provide us with your comments and feedback, and to identify together with us possible future activities.

*The human dimension remains at the core of the OSCE's comprehensive security concept*

Ladies and Gentlemen,

Over the last months the various aspects of reform and efforts to strengthen this Organization were discussed, most recently at the High Level Consultations in Vienna last week. Together with my staff, I also had the honour to brief the Panel of Eminent Persons when it convened in Warsaw before the summer, and I am pleased that a number of our suggestions found their way into the Common Purpose report and its recommendations. I would therefore mention only one element, which I consider of particular relevance, not just for the ODIHR and the human dimension but in fact our entire organization.

We have heard a number of proposals on the bureaucratic reorganization of the institutional structure of the OSCE. The ODIHR is certainly interested in improving operational capacities, cooperation and coordination internally as well as with our partners inside and outside the organization. Under my leadership, the ODIHR has gone through a period of thorough reform, which has resulted in a more coherent structure, improved management and administration, longer-term programming, increased transparency and accountability. We have also strengthened communication with Delegations, field operations and other relevant partners.

As we have seen with our own restructuring, change is never easy, although it is also necessary to preserve what is good. I would, however, stress that I would see a danger for this Organization if it becomes permanently tied down with reshuffling of the bureaucratic boxes, or if it succumbs to the temptation of over-centralization, which may look nice on paper but risks losing the flexibility and operational speed which the OSCE has become known for, or if 'reform' becomes a permanent state of affairs which would risk making the OSCE inward-looking and focused on structures rather than content. I thank Ambassador Davidson, the Head of the OSCE Mission in Bosnia and Herzegovina, for recently reminding us, in this context, of the rule that "form follows function". This is precisely what should guide us in the OSCE at large, but also here at the HDIM.

It is the content that matters.

This has been the nature of the OSCE throughout its thirty years of success. I hope we can get through the reform debate with further improved procedures and practices, but I also hope we can get through it. There is a lot of work out there, throughout our region. I expect this Meeting to identify much of these concrete needs. I would in particular mention the numerous frozen or forgotten conflicts in our region, which still generate far too much pain and suffering for OSCE citizens. I would also point to all the areas where the OSCE is the instrument of choice of the international community, which can provide early warning and conflict prevention. And there are of course all other challenges related to the effective enjoyment of human rights, to the rule of law, the credibility of democratic institutions, and the need to preserve harmony and solidarity in our increasingly diverse societies. There is the need to specially protect the weak, victims of trafficking, minorities, Roma and Sinti, the millions of marginalized in our societies. Responding to these challenges cannot await the moment when the Organization has designed its perfect master plan, has brought its financial efficiency to perfection, or has ensured overall consensus on every little project, on every little activity.

### ***The responsibility to protect***

The ODIHR, as I have said, has been open for change and will continue to engage in reform efforts. It will continue to strive to be an attentive and strong partner to address these and other challenges effectively. Effective partnerships necessitate dialogue, cooperation, and political will, on all sides. I plead with you that we further strengthen this Organization, and all its other constituting elements, including my Institution, to be a strong partner, for governments, civil society, and each other. We can, and must, make a decisive contribution to improved human security. We share a joint responsibility, a responsibility which is currently discussed at another anniversary assembly, that of the United Nations: The responsibility to protect. In the OSCE, we share this responsibility already. I would hope that this year's Human Dimension Implementation Meeting can live up to this expectation. We have an excellent basis – a comprehensive range of commitments, by all 55 participating States. The latest collection of commitments for the human dimension we are publishing today, on the occasion of the anniversaries of our organization. They fill two volumes. They need to be brought to life, every day.

Thank you.

### **Opening Address by the Head of the OSCE Task Force, Ambassador Dr Boris Frlec**

Ladies and Gentlemen,

These are times of change.

We are witnessing shocking natural disasters, terrorism in our cities, and rising oil prices.

But we are also witnessing changes for the better – more attention is paid to alleviating world poverty and disease, spreading democracy, and rising consciousness about the need for taking global action to deal with global threats.

I speak on behalf of the OSCE Chairman-in-Office, Dr Dimitrij Rupel, who is at the time participating at the High-level Plenary Meeting of the UN General Assembly in New York. While such meetings have their limitations, one could not escape the feeling that the world is getting smaller and more inter-connected. We really do live in a global village.

What happens to one group of people living on this planet indirectly affects us all. Television, the Internet and the work of NGOs raise consciousness about events in far away places like Darfur or Zimbabwe, and bring the plight of the oppressed up the international agenda and onto our screens. The International Criminal Court and special tribunals have lengthened the arm of the law. It is getting harder for human rights violators to operate with impunity.

Yet, we should think globally and act locally. In these terms of human rights protection the OSCE is a world leader. Our standards and institutions are very progressive, and could be an example to other regions of the world.



The United Nations is grappling with the challenge of the responsibility to protect. How do we help people who are suffering at the hands of their own state?

As the UN high level panel report pointed out, “the principle of non-intervention in internal affairs cannot be used to protect genocidal acts or other atrocities, such as large-scale violations of international humanitarian law or large-scale ethnic cleansing”.

But what to do in such cases?

In the OSCE we have gone quite far. More than ten years ago, OSCE States took an important step and agreed to internationalize human rights. In the 1991 Moscow Document participating States – and I quote – “categorically and irrevocably declared that commitments undertaken in the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”. End of quote.

This means that in the OSCE context, human rights truly are everybody’s business. States can no longer complain about external interference in their internal affairs when it comes to upholding human rights standards.

The challenge is to make this work in practice. To some extent, OSCE institutions are the guardians of OSCE commitments and are normative intermediaries who can assist States to live up to their commitments whether it be in relation to minority rights, freedom of the media or their general commitments on human rights and democracy.

The Secretary General and the field missions are also mandated to ensure the implementation of commitments.

And of course, like our predecessors, we have always understood the role of the Chairmanship as one of promoting progress in the human dimension. With the assistance of the Institutions, we will continue to inform the Permanent Council of serious cases of alleged non-implementation of human dimension commitments, in line with a decision taken at Budapest in 1994 which was designed to enhance implementation.

Participating states have the possibility – even the obligation – to hold each other to account for the promises that they have made.

- Take for example the Moscow mechanism. Once this mechanism is invoked, participating States are obliged to respond to requests for information on a human dimension related situation, and can be visited by a panel of experts whose mission is to facilitate resolution of a particular question or problem relating to the human dimension of the OSCE. This peer pressure is based on legitimate intrusiveness, and enables states to request accountability for others.

- The annual Human Dimension Implementation Meeting is another example of how, through an open forum, states are obliged to answer questions about their human rights record.

The purpose is not to name and shame. The purpose is to make sure that we live up to the standards that we have set, because those standards are the basis of our freedoms and the guarantors of human dignity.

We are united by common principles. Every time these principles are violated, the integrity of the perpetrators and the legitimacy of our collective system are compromised.

Through multilateral and co-operative approaches, we need to help states to honor their commitments. And we need to hold them accountable if that fails.

History shows what happens when human rights are violated on a massive scale and the international community does not react. The result is usually discrimination, hate, violence and war.

History also shows what happens when people stand up for their rights. This year we are marking the 30<sup>th</sup> anniversary of the Helsinki Final Act. Perhaps it is more accurate to say that we are celebrating what happened next. The Act itself was a major achievement – a trade-off of interests and commitments that established a link between security, development and human rights and opened a forum for dialogue.

But the implementation of the Final Act would not have been successful if it had not been for the brave dissidents – like our keynote speaker Ljudmila Alexeeva – who were inspired by and even risked their health and lives for the implementation of those principles dealing with human rights and fundamental freedoms. They helped to expose the lies of communism, and break through the fear and terror on which it was based.

There are still brave and often unsung heroes around the OSCE area fighting to defend human rights. They need our support.

Ladies and gentlemen,

The OSCE has a strong track record in the human dimension and this must be maintained.

Perhaps it can be further enhanced. As you know, the OSCE is strengthening its activities in promoting tolerance and combating discrimination. The implementation of the commitments in this field should be in the center of our action and this was discussed extensively in June at the “Cordoba Conference”.

Slovenia’s Chairmanship has put a strong emphasis on human rights education so that children will learn to understand and appreciate diversity rather than learn to hate.

I would like to see the OSCE do more to address the challenge of migration and integration, and these were the topics of the Economic Forum, the Human Dimension Seminar, and a recent meeting with Mediterranean Partners.

The OSCE is taking on a more active role in promoting restorative justice by monitoring war crime trials in Serbia and Montenegro, Croatia and Bosnia and Herzegovina, in co-operation with the International Criminal Tribunal for Yugoslavia.

We should also look at how to do more to assist States integrate diversity in increasingly multi-cultural societies. There has been a lot of talk lately about preventing the opening of new dividing lines between states in Europe. We should also be careful to prevent the opening of dividing lines within our societies.

The OSCE has a well-deserved reputation for being Europe's elections watchdog. Perhaps sometimes we could bark a little less loudly, and there may be areas (like electronic voting) where we could further develop our monitoring techniques. Recommendations have also been made for more effective post-election follow-up.

It would also be good to have election monitors to be as representative as possible of the OSCE's wide geographic scope. I once again call on all participating States to second their nationals to the ODIHR's observation missions and to contribute to ODIHR's diversity fund.

In ensuring equal treatment we should not compromise professionalism and objectiveness. OSCE election monitoring must maintain its reputation as an impartial quality stamp, and here I would like to pay tribute to the outstanding work done by ODIHR on elections throughout the OSCE area. Also in other areas, our main institution in the human dimension is contributing decisively to the Organization's success and relevance.

As part of the on-going process on strengthening the effectiveness of the OSCE, suggestions have been made to further improve the monitoring of the implementation of human dimension standards. The Panel of Eminent Persons report noted the sensitivity of this task and said that "to encourage equal treatment and improve transparency, OSCE monitoring should be done in an unbiased and more standardized way". One of their recommendations was to create a Human Dimension Committee of the Permanent Council to enable a more continuous peer review.

This meeting offers an excellent and timely opportunity to exchange ideas and proposals. I particularly encourage members of the NGO community to bring fresh thinking to this debate. I welcome the fact that this year over 260 NGOs have registered to attend this meeting.

Indeed, the OSCE Human Dimension Implementation Meeting is a good example of how NGOs can have direct access and input to the OSCE process. It is a practice that should be considered in other areas of the OSCE's work in order to open our doors to those who are directly affected by the issues and commitments being discussed.

Ladies and Gentlemen,

Our aim should be to work towards a better and safer world. We need to maintain our security. But in the process we should not undermine human rights. With the other words we should promote human security.

Security and human rights are inextricably linked. That has been the OSCE example for the past thirty years. And it remains relevant today.

For example, in Kosovo we can not talk about status without looking at standards. In Uzbekistan, we need to address security threats but we can not condone human rights violations. In the fight against terrorism, we have to square the circle between protecting ourselves and protecting our rights. These are highly relevant contemporary challenges in which the OSCE should play an active role.

In conclusion, the human dimension remains at the core of the OSCE's concept of security. Inter-state and intra-state relations should be governed by OSCE commitments.

Over the next two weeks you will have a chance to access the effectiveness of how all OSCE States are doing in terms of keeping the promises that they have made to their people and to each other. There are no taboos here, and no teachers and pupils.

I encourage you to be open and constructive in your engagement on the wide range of topics that will be discussed here, and seek to bring new ideas to further strengthen the OSCE's important work in building, consolidating and strengthening democracy.

Thank you for your attention.

**Statement**  
**by Piotr A. Świtalski, Ph. D.**  
**Undersecretary of State,**  
**Ministry of Foreign Affairs of the Republic of Poland**

*Ladies and Gentlemen,*

We have gathered here in Warsaw to assess our progress, that is the progress of the participating States, in the implementation of the OSCE commitments in the Human Dimension. A few days ago Poland hosted the events celebrating the 25th anniversary of „Solidarity”. The birth of „Solidarity” was the apotheosis of the values which lay at the foundation of the OSCE. „Solidarity” embodied untamed quest for freedom, human dignity and personal liberty. Its spirit has changed the map of Europe. And, it lives on today. Its recent and vivid manifestation has been the Ukrainian Orange Revolution.

*Ladies and Gentlemen,*

The events, which took place in Ukraine in December 2004, resulted in a triumph of values on which the OSCE is based: democracy, rule of law, respect for human rights and fundamental freedoms. That triumph has proven the vitality of the OSCE ideas showing the strength of its standards. The fledging Ukrainian democracy is going now through a challenging period. Nobody said democracy would be easy. But we have every confidence that the spirit of the Orange Revolution will prevail.

The events of the recent past in Ukraine, Georgia or Kirgistan show that some disquieting myths which started emerging in the OSCE area are not simply true.

It is not true that there are countries, places and societies in the OSCE area immune, by their nature, to the values and standards of democracy, rule of law and human rights. It is not true that if such values – democracy, rule of law, human rights – reach these societies, they will do so in a specific form, different from the model we know, for example, the countries of the European Union. It is also not true that there is one single center of gravity in the region of the former Soviet Union, and all other states in this region have to inevitably, gravitate towards it. There can be no zones of exclusive influence in the OSCE area.

*Ladies and Gentlemen,*

As much as we are happy and satisfied in Poland with the triumph of democracy and the rule of law in Ukraine, we are also concerned with the lack of these values in another neighbor of ours – Belarus. The recent developments in that country demonstrate that systematic and increasing repression of the civil society, harassment of political opposition and independent media continue. We strongly condemn, among others, the recent actions taken by the Belarusian authorities against the Union of Poles in Belarus and the government's interference in the activities of this independent non-governmental organization. These actions are part of the policy of assault on the civil society in that country.

*Ladies and Gentlemen,*

I look to the future with optimism. As evidenced in Georgia, Ukraine and elsewhere, the values of freedom and dignity, are unstoppable. Freedom is a matter of time although it does not come by itself. No repression, no isolation are able to subdue freedom and democracy. Nobody, even the strongest tyrant, can suppress the quest for change. Therefore, before we start the discussion, before we engage in polemics, let us imagine how the words we pronounce today will sound in 10 or 20 years.

*Ladies and Gentlemen,*

As you have remarked, I am trying to share with you our concerns quite openly. The formal position of Poland will be duly reflected in the statement of the European Union. At the same I think it is important to set the right tone for our discussions at this meeting. This meeting can be useful only if the spirit of candidness truly prevails. It is probably the only way for the OSCE to regain its vigor and the sense of purpose. Only open and honest dialogue can improve the condition of the Organization.

The OSCE is going through a delicate phase, many call it a crisis. Reform proposals have been put forward in order to remedy the situation. They mostly center on institutional and operational aspects of the OSCE.

But the problem seems to lie deeper than that. And this meeting is quite opportune to look at it. The OSCE will be as strong as strong are the principles and values that constitute its foundations.

*Ladies and Gentlemen,*

To address these issues we must ask ourselves the fundamental question: how did it happen that 15 years after adopting the Charter of Paris for New Europe which heralded a new chapter in European history – a community of values and purpose – having so many institutions and mechanisms, we cannot still fully materialize and fulfill the objectives of the Charter, and in some parts of the OSCE we are observing clear setbacks.

The value gap, which has recently paralyzed the OSCE, is increasing. Let us be frank – the OSCE has become a proxy target. Some participating States have been indirectly questioning

not the OSCE as such, but the vitality of the OSCE standards – democracy, freedom of media, good governance.

What is particularly worrisome is that in some countries important segments of the public perceive democracy and some freedoms, in particular freedom of speech, as a catalyst of instability and chaos. It is true that there are countries which experience enormous social tensions, high risk of ethnic strife, and big potential for instability. But curbing democracy and freedoms will hardly help in the long run. Equating democracy with anarchy is a dead-end policy.

What is even more worrisome is that those who fear democracy look at us – partners who advocate these values – with suspicion. They see this advocacy on our part as a plot, as a geopolitical game, as an attempt to weaken, destabilize and finally gain influence. This mistrust, however, is ill-founded. This prejudice kills the OSCE.

*Ladies and Gentlemen,*

We must use the OSCE to overcome such prejudice. It is not easy. Some of our partners, with whom we would like to engage in a constructive dialogue, even fail to appear at relevant meetings. We should nevertheless understand that the recovery of the OSCE would not be possible without a thorough political debate which would clarify the basis of common values. Do believe me - the OSCE will hardly gain its strengths from acquiring a legal personality, restructuring its institutions and subsidiary bodies. The OSCE can be and will be strong only when it becomes the place of honest debate on three basic problems: The first is the value gap. Unfortunately, some domains of the OSCE are deeply affected by the crisis of values. We must not allow the OSCE area breaking up into two zones, where different values prevail. The OSCE should not serve as a platform that merely legitimizes the gap, smoothes out discrepancies, and defuses confrontation. The second is the solidarity gap. Too many countries and people in the OSCE area feel that they are left alone, that they are abandoned in the face of the gigantic social and economic problems they encounter. The third is the civilization gap. The gap which is presently seen as alienating Europe from its neighbors in Africa and Asia may – if not attended to – relocate to some parts of the OSCE area. *Ladies and Gentlemen,* A sincere review of the implementation of our joint commitments is central to the viability of the OSCE. For many years it used to be the OSCE's comparative advantage that it was so serious about the obligations it would undertake. If we want to make the OSCE stronger, we must eradicate our complacency when examining the present shortcomings. We must have the courage to face some tough questions that linger. How did it happen that we refrain from raising this issue of compliance and implementation at formal meetings, while only discussing it in the corridors? Why does it come that even informal mentioning of the activation of the Moscow Mechanism (which was designed as a purely cooperative one) becomes an offensive gesture? Why do we tend to hide behind the NGOs' backs when trying to voice our opinion?

At this point let me thank the NGOs and their activists for their contribution to the OSCE discussion on the Human Dimension. Some say that it is the NGOs who have saved the credibility of the Human Dimension meetings in the recent years. I have even heard that, if it was not for them, the HDIM would be seen as a Hypocrisy - Driven Information Meeting. On the other hand, the NGOs activities and their hard work should not be used as an excuse for not being direct and candid in the presentation of some governmental views.

*Ladies and Gentlemen,*

The renewal of the OSCE must begin here and now. Our approach towards the implementation of the Human Dimension commitments needs some fundamental changes. We

should foster a sincere debate not only at an expert level, but also at a higher, political level. We must strike a good balance between private and public meetings in the OSCE format. And last but not least, we need new tools and resources to extend the necessary assistance.

The central issue is how to restore the belief that our exercise is of a co-operative nature. The OSCE is not a diplomatic pillory. The OSCE is about the readiness to help. And, sharing our concerns here and now should encourage cooperation amongst us all.

*Ladies and Gentlemen,*

The general assumption underlying our approach to the discussion about the commitments and standards is, of course, that nobody is perfect. And that there is no state which has built a model of perfect democracy, with a full protection of human rights and the rule of law in a short period of time. And, I am also saying this from the point of view of my country and our own experience.

Even the most established democracies have to face new challenges, like for instance populism. People living in healthy democracies are, however, aware of those shortcomings, and are thus willing to acknowledge their existence. They need no international encouragement to continue their effort for a better country and a better quality of democracy.

*Ladies and Gentlemen,*

In many ways the Charter of Paris was only a declaration of intent. For many, the standards agreed on and adopted 15 years ago were nothing more than targets and objectives. But these 15 years is long enough to assess the credibility of the signatures made by the leaders from Vancouver to Vladivostok. Thinking about credibility in the context of the events like those in Ukraine, Georgia or Kirgistan may help to examine credibility of our own intentions. And, let us pay the credit to the OSCE for its contribution to promoting the ideals of freedom and democracy, while not being complacent about its weaknesses. I wish you a fruitful meeting.

Thank you for your attention.

**Opening Statement by the OSCE Secretary General  
Mr. Marc Perrin de Brichambaut**

Mr. Chairman,  
Minister,  
Colleagues,  
Ladies and Gentlemen,

It is a real pleasure for me to take part in this Human Dimension Implementation Meeting.

Allow me first to congratulate Ambassador Strohal for his outstanding leadership in the preparation for our meeting and steering the work of ODIHR. I very much share the points he made.

As the Chairman-in-Office reminded us, the first priority for your Secretary General is to help ensure that OSCE decisions are implemented. This is a tall order, and has to be approached with some modesty, especially in relation to my limited role in the human dimension. Nevertheless, my mandate gives me a degree of responsibility to assist you in your work and to assist ODIHR, and I intend to introduce a number of initiatives to improve our common capacity to implement OSCE decisions.

A major challenge is to strengthen the sense of internal coherence within the OSCE. Managing a de-centralized organization with a comprehensive approach to security is not easy. But in order to improve our effectiveness, practical co-ordination can be achieved.

The OSCE institutions, missions and the Units of the Secretariat should all pull in the same direction when it comes to addressing thematic or country-specific issues.

After all, as has been pointed out most recently by the report of the Panel of Eminent Persons, more and more of the OSCE's activities are cross-dimensional. Issues like anti-trafficking, dealing with transnational crime, promoting good governance, migration, and peace-building are just a few examples.

We have the expertise, but we need to connect the dots between our respective units and institutions in order to pool our resources. We have done this to good effect in Kyrgyzstan and Uzbekistan and should continue in this vein when, for example, looking at the OSCE's future role in Kosovo.

It is also the Secretary General's task to ensure effective and continuous working contacts with other international organizations and institutions. These relations should be as pragmatic and action-oriented as possible. A good model is the relationship that is evolving with the Council of Europe pursuant to the Declaration of Co-operation endorsed in May at the Council of Europe Summit. We should now put more meat on the bones of our mutually agreed skeleton.

It could also be a good time to further develop our relations with the United Nations and its agencies, in line with our special role as a regional arrangement of the UN under Chapter VIII. There could be scope for further co-operation in, for example, human rights (including national minorities issues), early warning, conflict prevention, small arms and light weapons, development issues, and peace building. We should also continue our work in the regional implementation of global instruments.

More generally, the OSCE could do more to share its experience and expertise with the UN and others in areas of capacity-building, particularly in the human dimension. We have almost unparalleled standards, instruments and institutions on national minorities, freedom of the media, democratization and the rule of law. This could be shared with others.

One area where further improvement is necessary is in promoting gender equality and strengthening the role of women in the prevention and resolution of conflicts. We have an Action Plan from 2004, but we still have to fully implement it. There will be an opportunity to discuss this at next week's session on equal opportunities for men and women.



Ladies and Gentlemen,

Intolerance, hate crimes, and terrorism are creating fear and distrust in our multi-cultural cities and our societies. We can not let this lead to divisions, ghettoization and religious or ethnic polarization. Tackling this challenge should be our highest priority, certainly within the human dimension.

A number of themes to be discussed here over the next two weeks should put a sharper focus on our efforts to promote human rights, tolerance and non-discrimination. We need to stimulate a dialogue between cultures in order to prevent a clash of civilizations.

I recall that in the past the CSCE had a cultural dimension to its work, for example through a cultural forum in Budapest in 1985 and a symposium on cultural heritage in Cracow in 1991. Perhaps, in co-operation with UNESCO, the Council of Europe and others, it is time to consider ways how culture can be a confidence building measure.

Stereotyping, marginalization, and a lack of integration can rip the fibres of our inter-woven communities. And this can lead to the anger and resentment that breeds hate and even violence.

We cannot only focus on the symptoms of terrorism, racism, bigotry, and sectarian violence. We need to get at the root causes. And here the OSCE, with its common values and rich cultural diversity could play a role in promoting inter-cultural and inter-faith dialogue.

Minister Switalski reminded us eloquently that the OSCE is not a military alliance or an economic union. It is a community of values, spanning the entire northern hemisphere. We need to ensure that the commitments designed to uphold those values remain in force. This meeting helps to maintain vigilance and to encourage states to keep the promises they have made.

The dignity and security of the individual have been at the heart of the OSCE for the past three decades and remain as relevant today as ever.

Thank you for your attention, and I look forward to observing this meeting and studying its outcome.

### **Remarks by the OSCE High Commissioner on National Minorities**

**Mr. Rolf EKEUS**

Mr Chairman,  
Excellencies, Ladies and Gentlemen,

In many regions of the OSCE area interethnic relations continue to give reasons for concern. We must note the occurrences of expressions of extreme nationalism which have tended to become more frequent in recent years and which have an impact on relations between majority and minorities. Over the years we have learned that lack of understanding between majority and minority can contain tensions which in their turn can develop into violent conflict. Indeed most

contemporary conflicts have been driven by interethnic or religious friction, a circumstance which has taken massive dimension in Africa, with deeply tragic consequences.

In our part of the world the situation is better than in Africa, as interethnic tensions are not fuelled by poverty, epidemics and illiteracy. But even in the affluent West we can observe how migration and the emergence of new minorities have led to tension and, in some instances, social unrest in participating States. I have repeatedly drawn the attention of the international community, including the OSCE Parliamentary Assembly, to the complexity and potential impact on society of the emergence of new minorities and the urgency of starting reflecting upon in which way the OSCE, and indeed the HCNM, can address these situations early to prevent them from developing into serious societal confrontation. The methods and practices of the HCNM in his traditional work space could usefully be applied also on new minority situations. This of course does not exclude that the HCNM continues to have his major attention and responsibility in accordance with his mandate directed towards the large number of questions concerning established national minority issues, whether in the Balkans, the Baltics, Central and Eastern Europe, the Caucasus and Central Asia.

The common denominator for all these regions is that they include States which have been challenged to create a new identity in the wake of the collapse of the socialist one party systems. National issues and by definition their ethnic, religious and minority dimension, have been core element in this process. A potential for tension and conflict within and between States in this context is obvious. Considering that a fundamental task for the OSCE, and indeed the HCNM, is conflict prevention, my engagement in these regions is highly motivated.

As a matter of fact the institution of HCNM is unique in an international context. Nowhere else in the world does it exist a corresponding mechanism of an international institution authorized to engage in the internal political affairs of a State. That this has been possible at all was based upon the fact of trust between the OSCE participating States in 1992 when the institution was established and the requirement of confidentiality in the operations of the HCNM.

Thus as HCNM I am expected to engage myself for the purpose of addressing tension between majority and minority within a State in order to prevent the situation from developing into friction and even full scale violence with potential even for international conflagration. Obviously I must acquire reliable information and be able to identify indicators of possible problems in concrete cases. Every situation is specific but my experience is that certain common denominators reappear. Key questions to address are problems around minority education and language use, minorities' participation in political bodies as well as in administrative and executive bodies, not least in the police force, as well as matters connected to citizenship, cultural expressions and repatriation and minority related property issues. The HCNM has to identify the issues which are in dispute and propose solutions frequently through draft proposals for legislation.

When ethnic groups appear unwilling to live together, the easy way out may appear to be a separation of the conflicting groups by dividing a State into separate entities according to ethnicity. However such solution creates new problems and can become a hotbed for international conflict. The dream of ethnically pure nation States carries with it the threat of forced separation, uprooting and deportation. Policies of separation run counter to the

fundamental principle of integration, which I consider a cornerstone of the OSCE approach to international security.

From my point of view, integration does not mean involuntary assimilation. It means living together, with tolerance and mutual respect for difference as regards culture, religion, language and historic perceptions. Integration in a multiethnic society of such differences is difficult and challenging. But is an absolute necessity if the forces for separation and conflict would not win out.

The special skills the HCNM is bringing to majority /minority problems where he is operating, is his local presence and contact in confidence with those directly affected by ethnic or religious tension, the methods of integration he delivers and his special experience of applying international norms to specific situations.

In this respect I work closely with a leading norm-giving body like the Council of Europe. I have over the last few years developed important contacts with the European Commission, especially in the context of the enlargement process, to which the HCNM has contributed by engagement in minority related problems to ease the accession of candidate countries. Furthermore I was actively engaged in the ultimately successful efforts to include in the EU constitution the respect for the rights of persons belonging to minorities as a fundamental value of the Union.

Thus the significance for international peace and security of rights of minorities, interethnic harmony and integration with respect for diversity is gaining understanding and recognition. It is left to us now to bring this insight into reality and realization.

I thank you.

**Speaking Notes of Mr. Miklos Haraszti  
OSCE Representative on Freedom of the Media**

This implementation meeting is taking place in the 30th year of the Helsinki process.

There have been quite a number of official and civil anniversary commemorations. I have participated in some of them, and noted the tributes paid to the merits of the beginnings of the unique process which in the early nineties led to the formation of OSCE.

Obviously, the intergovernmental commemorations, in a stately manner, focused on the wisdom of the signing governments; the bravery of starting the process at all, and of having a human rights basket in the original agreements.

Then, a month ago, here in Warsaw and in Gdansk, we came together with a lot of old friends from Poland, the former Czechoslovakia and the former Soviet Union – thank God, many of us were still in a huggable shape. The Solidarity movement was identified by many speakers as the first victory of the principles of the third basket of Helsinki.

Unavoidably, there was a self-congratulatory tone even in these civil commemorations. Indeed, personal bravery and civil courage was needed and will always be needed to start to demand from the governments to live up to their international commitments.

But little attention was paid to the fact that OSCE is not simply a direct continuation of the Helsinki process, but it is also a necessary improvement of it. And I consider the Warsaw Human Dimension Implementation Meeting to be the best embodiment of those improvements that the OSCE brought to the process.

In fact, my generation was not only pleased by the Helsinki process but also felt that several basic dimensions were painfully missing from its famous baskets.

Helsinki did not acknowledge the necessity of having free and fair elections in a pluralistic political environment.

Helsinki did not acknowledge the principle that only a free press can guarantee the access of all players to all citizens, and the access of all citizens to all information about their government.

Not only the rights of the majorities were missing from the original Helsinki agreements; neither were the rights of the minorities acknowledged.

In line with these deficiencies, the Helsinki agreement did not empower civil society to play an equal part in the fulfilment and control of the commitments along with governments.

In short, Helsinki did not yet acknowledge democracy. The by now 55 participating States have done so in the early 90s, by incorporating the above principles in the foundations of OSCE.

OSCE created three independent, autonomous institutions to safeguard these new commitments. With the creation of these institutions, the participating States acknowledged that the security of the northern hemisphere can be maintained only by maintaining democracy.

That is why I consider the Warsaw Meetings of OSCE's Human Dimension the guarantor of security and peace.

This is why we expect the ongoing reform of OSCE to strengthen, rather than weaken the institutions of the third basket.

I expect the discussions among participating States, the OSCE Institutions, and the NGOs to prove that the 10<sup>th</sup> HDIM will only be a new beginning.

### **Key-note speech by Ms. Liudmila Alexeeva, Chairperson of the Moscow Helsinki Group**

The act for Security and Cooperation in Europe was an agreement about the truce in the Cold War, which had started soon after the end of the Second World War. For over 30 years the war continued, tiring out the superpowers, their leaders and their nations. The 'arms race', having reached its limit, was destroying the possibilities for mankind to solve many key global problems.

In the USSR, like other countries in the 'socialist camp', the basic needs of the people such as food and good housing went to the state only, whereas in the capitalist countries people lived much better. Although even in the west they wanted an end to the Cold War, due to the constant fear of a nuclear attack from the other side. The leaders of all the countries were prepared to make serious concessions in order to improve the world atmosphere. With this object in mind the 'Helsinki Agreement' was in favor of a 'detente'.

There was no victor in the Cold War and a decision about the end of the war was needed, only possible in mutual conditions. As a result of the talks, the final act from the conference for Security and Cooperation in Europe was created. Uniquely, this document also came to an agreement about its upkeep in the countries with different political, economic systems. From such good negotiations the participants became partners of the Helsinki agreement and the signatures of 36 states were collected under the document.

Since it was the governments who created hostile camps, mutual trust was out of the question. Both sides were therefore interested in the creation of a mechanism to ensure the fulfillment of the Helsinki Agreement, a mechanism that was put into the text of the document. Almost every year, delegations from the member states were to gather for conferences. Such events were to begin with accounts from the main delegations about the fulfillment of the Helsinki Agreement. Every speaker had the right to express their views of the other members' fulfillment of the agreement.

Soviet diplomats had the right to be proud of the Helsinki Agreement, having won big concessions from the imperialist countries. Perhaps the key point of the Helsinki Agreement was that all those who signed up their countries agreed with the present borders of all the countries in Europe. Furthermore they agreed not to take any measures to change these borders. This included the agreement of the west that the Baltic states of Lithuania, Latvia and Estonia were part of the USSR. This was not the only achievement of the Soviet diplomats in the Helsinki Agreement. For example the camps agreed reciprocal granting of credit, and the exchange of scientific and technological innovations. Most importantly was the ending of the arms race, which had caused the Soviet economy to come close to collapse. However, there was one problem in this agreement for the Soviet Union, seen in the humanitarian articles included in the Helsinki agreement, in which basic human rights were to be recognised. However, in the long text of the final act, the human rights articles were barely noticeable, and were placed at the very end of the document. But these articles of the Helsinki agreement with time came to the foreground, and indeed became the very heart of the Helsinki process. This probably occurred because the partners of the Helsinki agreement were two worlds with very different values and agreements between them over such articles were constantly stressed. In the Soviet Union and in the other countries of the Socialist league, the relation between the powers and citizens was based on the principle of 'people for the state'. In democratic countries the principle was the opposite with state 'being for the people'. During the Helsinki process it became clear that these approaches effect questions such as borders, arms, finance and economics.

The Human rights movement of the USSR was born 10 year before the final act of Security and Cooperation in Europe, in the middle of the 1960's. Appeals were made to the state for freedom; such as freedom of religion, equal rights for all and so on. Appeals were constantly made to different official institutions and the reaction to these petitions were often, thankfully, silence. However, quite often the appeals were met with responses of repression, such as being discharged from work, excluded from institutes. From being arrested to being placed in psychiatric hospitals. Despite such repression, appeals continued to be sent to the government, as this was the only dialogue between the state and society that could help widen the rights of the

people. These appeals also aimed to get the citizens in dialogue with the government to solve national problems. After years of unsuccessful appeals, human rights activists realized that the state did not want a dialogue with society. The only option left was to find an intermediary outside of the country, which the state could not ignore. Naturally, they were to find such an intermediary in the west. In 1968 an attempt was made to appeal to the Committee of Human Rights at the UN. An action group of 15 human rights activists was created to defend the rights of the people of the USSR. In their appeal they wrote about the most intolerable breaches of the rights of citizens, such as the numerous cases of the deprivation of rights and the placing of people into mental hospitals because of their beliefs. No response was made by the UN to this petition or others and the members of the action committee were subjected to repression.

The human rights activist Yuri Fedorovich Orlov was especially concerned with the question of how to get the state into a dialogue with society. Orlov, having read the final act of the conference for safety and cooperation in Europe, realized that the Humanitarian articles of the document provided a mechanism to establish a dialogue between society and the state. The mediator for establishing such a dialogue would become head of the member states of the Helsinki agreement together with the Soviet Union. They now had a chance to demand the full observance of the Helsinki agreement, including the humanitarian articles, by all the member states of the Helsinki process. The problem was how to get the democratic countries to carry out this observance. Orlov argued how best to assist the Soviet human rights activists, arguing for the creation of a group to assist the Helsinki agreement in the USSR. This group would study the observance of the Helsinki agreement in the USSR, and to bring to the attention of all member states cases where human rights were breached, a simple idea, which proved to work.

The Moscow Helsinki Group's key feature became the process of 'monitoring'. Members of the group highlighted breaches of the humanitarian articles of the agreement in the USSR, and wrote articles on such breaches. These were then made public in order to provoke the Soviet leadership to observe the rights of people in the USSR. At first, the task was nearly impossible for the 11 founders of the group. The group had no more resources than their fellow citizens; at first the group just had two old typewriters at their disposal, and nothing more. However, documents were produced one by one, the group having just enough resources for their production. Many human rights activists joined MHG, bringing with them many years of experience. These activists also had information and facts about breaches of human rights in the USSR which broke the articles in the Helsinki agreement. Information was given about the inhuman housing conditions of political prisoners, the use of psychiatry for punishment, and the difficulty for citizens to leave the USSR. Moreover, foreign radio stations in the USSR announced the creation of the group and helped the Helsinki agreement to work. Thanks to these broadcasts, citizens from different areas and republics came forth with representatives, bringing reports about the breaches of their rights. These representatives informed MHG about regional persecutions; information was given about citizens of different nationalities denied equal rights. Workers gave reports about their socio-economic rights being denied.

Surprisingly, the first 9 months of the group's work went by almost without disruption. Of course, the group was followed and the telephones and flats of members were tapped. But despite interrogations and searches, no arrests were made. Possibly the powers in control hoped that the group's efforts would not receive any response, just as the action committee were ignored by the UN for 8 years before the founding of the Moscow Helsinki Group. For a long time there were no responses to the documents, even from the democratic countries. Unexpectedly, however, the group received the support of the public, first of all in its own country and then others. Half a year later, Ukrainian and Lithuanian 'Helsinki Groups' were created. Next Georgian and

Armenian groups were formed. In Moscow, a committee for the protection of the rights of believers was created. In January 1977 the charter of 77 was born in Czechoslovakia and in the Helsinki committee of Poland. The Moscow Helsinki Group found itself with more resources at its disposal, and started to work more intensively. As a result the committee of state security decided to respond with arrests. The Soviet government had a choice whether to decrease control over the country or to lose the respect of the western partner states. It was the latter path the Soviet powers took, and thus decided to have difficulties in their relationships with the west.

In February 1977, Yuri Orlov and MHG member A. Ginzburg were arrested. There were also a range of arrests in the Ukrainian Helsinki group. Soon all groups were suffering arrests – in USSR, in Czechoslovakia and in Poland. All verdicts for the “Helsinki activists” were very severe. For example Yuri Orlov was sentenced to seven years of imprisonment in a camp with a strict regime and to five years in jail. As it was expected, these arrests brought indignation of society in the democratic countries of the Helsinki process. Helsinki groups appeared in those countries and they were designed to follow the lead of the MHG – thus the Helsinki movement became international. Meanwhile, in democratic countries participants of Helsinki movements aimed to force their government to press USSR and its satellites with the following demands: to release arrested members of Helsinki groups and to observe the Helsinki accords in full, including the humanitarian articles.

In October 1980, during the Madrid conference, the USA, Canada and all democratic countries of Europe united and demanded the USSR and its satellites to release members of Helsinki groups and all political prisoners, to allow exit for all soviet people who wanted to leave the country, to stop persecution of believers and to observe national equality etc. The criticism of soviet practice in the sphere of rights was based not on governmental documents but on documents provided by the human rights NGO’s, first of all by the Moscow Helsinki Group. This was an unprecedented practice for partners on interstate agreements. Critics also were not swayed by the arguments of the soviet delegation at the Madrid conference that cooperation between government and citizens is internal business of a particular country and could not be discussed on a diplomatic level. USSR opponents refused to agree with this ancient diplomatic rule, such an approach was discredited and Helsinki agreements were thus allowed to reach their goals – assurance of security in Europe – if this approach to the humanitarian articles was not observed, agreements could not be fulfilled. It would have been impossible to create the atmosphere of openness and confidence between all states-members of Helsinki process without the creation of cooperation between power and citizens in countries with authoritarian regimes, i.e. USSR and countries of the soviet bloc. By 1980, the humanitarian and human right aspects of the Final Act became determinant in the development of the Helsinki process. Despite the unanimous action and firmness of the western partners of the USSR, however, the countries of the soviet bloc did not show inclination to make any concessions in this sphere. Mass repressions against progressive people took place in the USSR. This confrontation seemed to be hopeless, but both sides did not find it possible to refuse Helsinki agreements as those benefits given to both parties were real and valued in all member states of the Helsinki process.

Meanwhile, MHG, which appeared to be the stimulus of the Helsinki movement as well as the Helsinki process, announced on September 08, 1982 the postponing of its activity due to the persecutions. On that same day, however, a conference of Helsinki unions took place in Beladgio (Italy), where the International Helsinki Federation on Human Rights was founded. The

federation continued the activity of the Moscow Helsinki Group, producing materials about violations of the humanitarian articles from the Helsinki Accord, on the territory of the USSR and other member states of the Helsinki process. Due to the fact that the activity continued, during the Vienna conference of 1986 of all the member states of the Helsinki agreement, Yury Kashlev announced that the soviet government had decided to release all political prisoners. During 1987-1988 about three thousand people left places of detention. Unfortunately, we have to state that this decision was made under the pressure of the USSR's western partners of the Helsinki agreement, and not because the actions of soviet society, which remained impotent, even though it was time when the "perestroika" period has started and pressure from the regime on society began to decrease. The new soviet government – that of M. Gorbachev and the acting minister of international affairs of that time E. Shevardnadze, were trying to improve the relations with the West, and proposed to hold regular conferences with the member states of the Helsinki agreements in Moscow. This proposal was approved. A Conference was scheduled for Autumn 1991. But there was a condition that by this time all political prisoners should be released and all the most severe violations of humanitarian articles should be eliminated (such as leaving the country and coming back, persecutions of believers, silencing of foreign radio stations broadcasting in the USSR etc). In 1988, in Paris, during a regular conference of member states of the Helsinki accords, the Soviet Union had to inform its partners about activity implemented in this sphere. As a result, in 1990 the soviet people could get foreign passports in mass order, that gave them the possibility to leave the country and come back with ease. The law on freedom of conscious was approved, which stopped persecutions for "improper" behavior (Baptists, people of the fifties, Adventists, Jehovah's witnesses, Hare Krishnas etc.). Laws on mass media (which eliminated censorship) and laws on public organizations (which stated that independent organizations including Moscow Helsinki group which was restored in 1989, were granted the right to exist) were also adopted. Now the Moscow Helsinki group – is one of the oldest Russian NGOs, in 2006, and we will celebrate our 30<sup>th</sup> anniversary.

Now Russian diplomacy tries to decrease the meaning of the Final Act, decrease responsibilities of OSCE missions in the Russian Federation and other countries on the territory of the former USSR. It is claimed that there is a trend of Russian policy being directed at the constriction of civil and political rights guaranteed by the Russian Constitution. Meanwhile, the glorious history of the Helsinki process and its rather fruitful role in the democratization of the soviet regime continue to ask for a careful attitude toward this document and demand for all agreements reached as a result of the Helsinki process in the humanitarian sphere to be preserved. One of the most important achievements is the protocol adopted at the Moscow conference. It stipulates that all problems on observance of human rights in all member states of the Helsinki process cannot be internal business only, but are subjects of common concern (I would remind you that all OSCE documents are adopted on the basis of consensus, i.e. Protocol itself was approved with the agreement of the USSR and other "countries of socialist camp"). Approval of this principle became the real revolution in diplomacy as it always dealt with inter-states relations. Diplomats even found it "bad form" and non-professional to intervene in relations between citizens and the state where diplomatic peace was established. But the world has changed after two world wars and diplomatic rules have needed to be modernized. For today's acting diplomats it is even difficult to imagine that once they did not deal with human rights problems – today this issue is one of the key directions conversations between democratic countries and their partners on the international arena. The mechanism, built into the Helsinki agreement, helps to achieve the recognition of these rights.



I insist that it is very important to preserve and even expand the credentials of the OSCE missions in countries on the territory of the former USSR, as well as to restore the OSCE mission in the Chechen republic as experience of these missions' activity showed that they are most effective in those regions where human rights are violated more severely. It is clear, that in countries with developed democracy and even in those where democratic constitutions were adopted quite recently, the main law of the country is the essential legal base for human rights protection, Vice versa, when the constitution is not democratic or it does not work at all, the stress is on the humanitarian articles of Helsinki accords. The Chechen republic has such a situation now – mechanisms of Russian legislation do not work there. That is why Chechnya needs to lean on humanitarian articles from the Helsinki accords and on the OSCE mechanism to insure observance of these articles.

It also relates to the participation of the OSCE in observation over elections in the Russian Federation. The result of elections in our countries is determined by administrative resource, which fully intervenes into the voting process, not by the will of citizens as it is stipulated in the constitution. That is why it is very important that OSCE observers assist any elections in the Russian Federation and that is why Russian federal authorities try to achieve the elimination of this mechanism of control.

Russian and international non-governmental organizations dealing with human rights should play certain roles in Helsinki process. It will help make consultations more essential, open and effective.

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

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

## **ANNOTATED AGENDA**

Please refer to the OSCE Document with reference number CIO.GAL/118/05 or check the following link:

[http://194.8.63.155/documents/odihhr/2005/08/15901\\_en.pdf](http://194.8.63.155/documents/odihhr/2005/08/15901_en.pdf)

## **OVERVIEW OF SIDE EVENTS**

Please refer to the following link:

[http://www.osce.org/documents/odihhr/2005/09/16258\\_en.pdf](http://www.osce.org/documents/odihhr/2005/09/16258_en.pdf)

## 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 / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language.*

**Monday, 19 September 2005**

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

#### DEMOCRATIC ELECTIONS

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

##### **Germany:**

- Encourages participating States, in order to elaborate a „Copenhagen Plus“ document, to improve effectiveness in implementing existing commitments and to enhance election observation missions, to continue consultations with a view to concrete results at the Ljubljana Ministerial Council.

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

- The EU urges all participating States to reaffirm that democratic elections are an OSCE fundamental commitment.
- The EU urges all participating States to fully implement ODIHR Election Observation Mission recommendations and recommends that the Permanent Council takes a more active role in monitoring the implementation of those recommendations.
- The EU urges participating States to further enhance their cooperation with OSCE/ODIHR before, during and after elections through constructive long-term engagement within the framework of both existing and possible additional commitments.
- The EU recommends that participating States examine the possibility of adding additional commitments to the existing ones in the field of elections in particular with a view to further increase voter's confidence, transparency, accountability and the extension of universal and equal suffrage. The uses of new technologies in electoral processes can also be considered in this context.
- The EU urges participating States to further examine the concept and implications of "democratic governance" and also to consider the means to analyse the lessons learned from best practises in this field with a view to their potential dissemination throughout the OSCE area.

##### **Norway:**

- My delegation would therefore propose a process whereby participating States reply formally to the final report of ODIHR from the election observation, specifying how they intend to follow up the recommendations in the report and that these responses are discussed together with the EOM report in the Permanent Council or in a possible Human Dimension Committee which the Panel of

Eminent Persons suggested be established. In this way we will all profit from increased understanding of challenges facing each and every one of us in improving our election systems and learn from each other through best practices.

#### **Slovak Republic:**

- We recommend that all participating states first adopt and then follow such legislation which would enable observation of all aspects of the election process by domestic and foreign observers.
- States could pursue active measures to increase the participation of specific groups of voters on elections. For example, participating states which enjoy presence of national minorities within their territories could enhance their participation on the elections distributing the pre-election information papers also in their languages.
- Composition of election missions should be geographically balanced with adequate representation of all participating states. But it is also up to those participating states, which are underrepresented in observation missions, to be active in suggesting their election observers in the ODIHR observation teams and not to split unnecessarily the international observation presence.

#### **Switzerland:**

- Switzerland is in favour of the additional commitments outlined by ODIHR (universal and equal suffrage, transparency in election related processes, accountability for electoral authorities, public confidence in electoral processes).
- Switzerland supports the idea that a Participating State should formally set out the action it intends to take as a consequence of recommendations contained in the report of an election observation mission.
- Switzerland is of the view that the Permanent Council should be tasked on a regular basis with the review of recurring issues identified in the reports of election observation missions.
- Switzerland recommends that even in future voters can decide themselves whether to cast their vote directly at the polling station, by postal vote, at the voting machine in the polling station or even by Internet.

#### **Albanian Helsinki Committee:**

- During the up-coming elections for local government organs, the government of Albania should submit amendments to the election code to remedy the existing problems. National experts in the field should be involved in the process of further improvement of the electoral reforms, based on the recommendations provided by OSCE/ODIHR. Among them should be taking appropriate safeguards in order not to misuse the electoral system, be this mixed electoral system or only a proportional one. Special attention should be paid to the training of the commissioners and to the further improvement of the voters' list.

#### **Civic Eye (Obcianskie Oko)**

- The rights of domestic election observers should be guaranteed to maximum extent as to ensure domestic monitors free access to all stages of election process and to all election-related documentation.

- At present time domestic nonpartisan observers have difficulties in some countries such as Russia, Belarus or Azerbaijan where governments create partial obstacles or restrictions on effective monitoring by domestic nonpartisan civil society organizations. However, governments should not deny access for its citizens and civil society to watch over the fairness of election process, transparency of elections should be guaranteed by uninhibited presence of domestic election observers.

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

- During the up-coming 2006 elections, the government of **Ukraine** should abide by OSCE standards for free and democratic elections. This includes allowing independent election observation by all registered NGOs and guaranteeing all media outlets full freedom to cover the elections and to comment on political discourse. Following the 2006 elections, the government should promptly submit to parliament amendments to the election code so as to fully harmonize it with OSCE standards.
- The government of **Kyrgyzstan** should submit amendments to the election code to remedy the existing problems. Among them should be changes to make it easier for Kyrgyz migrants to vote. Special should be paid to bringing the voter lists up- to-date.
- With the presidential elections coming up in 2006, the government of **Kazakhstan** should take immediate steps to ensure that similar irregularities that took place in the 2004 elections will not reoccur. The government should follow the recommendations of the OSCE/ODIHR and immediately amend the election law to meet international standards. These include improvements regarding the voter lists; technical devices to enable a recount of votes; and political balance and transparency in the nomination and operation of election commissions at all levels. Further, inadequate practices by public officials need to be addressed, particularly the misuse of public administrative resources for candidates, pressure exerted on the electorate, and interference in the campaigning and polling by public officials.
- The governments of **Tajikistan, Uzbekistan and Belarus** must ensure that all alleged irregularities during the most recent elections are investigated by independent bodies and those responsible for them are brought to justice.
- In **Tajikistan, Uzbekistan, Turkmenistan, and Belarus**, prompt, large-scale reforms must be carried out to provide for the basic foundations for fair, free and democratic elections. These include amending the election codes in cooperation with OSCE/ODIHR and other international experts, guaranteeing all political parties the right to register and freedom to carry out their activities, ensuring the independent operation of courts, and showing full respect of freedom of the media.
- Authorities in **Macedonia** must take effective measures to amend the legal provisions governing elections so as to bring them in line with international standards. In order to prevent inadequate implementation of the procedures due to “personal knowledge of the voters” the new provisions should prescribe that members of local election boards must not be nominated to serve on boards of their own place of residence. Further, the provisions should provide that the composition of the boards must respect absolute gender balance and set clear limits to the direct involvement of representatives of the executive power and the state administration in pre-election campaigning. In addition, effective remedies must be established for violations of voting rights.

- Election board members must be adequately trained, a clearly-worded set of regulations must be adopted to govern their duties, and a system of sanctions must be established to punish misconduct.
- Authorities should consider the use of technical monitoring (e.g. video surveillance) of polling stations with previous records of serious irregularities or where abuses are expected. Such monitoring must, however, not violate the secrecy of the ballot.
- Consideration should also be given to setting up polling stations for women voters only, which would also be operated by women.
- The government of **Azerbaijan** should make clear to its officials that anti-opposition hate speech is unacceptable and discipline all who have resorted to it. It should stop arresting opposition members on unsubstantiated accusations.

#### **International Helsinki Federation and Belarusian Helsinki Committee:**

Denote gross infraction of the OSCE criteria for Belarusian elections and have the honour to recommend the following to the government of Belarus:

- The governments of Belarus must ensure that all alleged irregularities during the most recent elections are investigated by independent bodies and those responsible for them are brought to justice.
- The government of Belarus should revise existing legislation and practices to ensure that all requirements for official registration by NGOs are reasonable, non-discriminatory and objectively justifiable and that they are enforced in a transparent and predictable manner. It should also ensure that no measure to suspend and liquidate NGOs is taken unless it meets the conditions for acceptable restrictions of freedom of association under international law and is adopted in a process consistent with internationally protected due process standards. The harassment of the Belarusian Helsinki Committee should immediately be terminated.
- The government of Belarus should put an end to its campaign against the independent media outlets. It should also revoke the order on changing the names of newspapers and magazines.
- The government should introduce legislation that is in accordance with international standards for freedom of expression, including the abolishment of criminal libel and provisions for the arbitrary closure of media outlets for political reasons.
- The government of Belarus should revise sentences passed upon opposition figures and release political prisoners.

#### **NGO Coalition “Clean Elections”**

[Civic coalition addressed messages to the voters, other NGOs, power authorities, political parties and mass media in order that together conduct democratic elections in March 2006].

- Coalition [also] requests international community to send to Ukraine sufficient number of international observers, which will follow ethical and professional international observation standards, developed by famous international institutions, OSCE/ODIHR in particular. Presence of international observers and their reports will indicate our real achievement in conducting elections. Also it is important that world leaders support desire of Ukrainian people to have democratic elections by their statements and visits to Ukraine.

**Norwegian People's Aid, Regional Office for South Eastern Europe and MOST Citizen's Association:**

- Our recommendation is to have a separate law on financing of the election campaign [in Republic of Macedonia]. This will contribute not only towards more accountable behavior of the participants in the elections but to a greater transparency and trust in the process as well.

**CeSID, Serbia and Norwegian People's Aid**

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

**Worldrights:**

We recommend

- That the Ministerial Council in Slovenia take a decision to call on the United States Congress to pass such legislation as may be necessary to grant the people of Washington, DC full and equal voting rights in their national legislature in accordance with OSCE democratic election standards.

**Recommendations to the OSCE:**

**Civic Eye (Obcianskie Oko)**

- Respecting ODIHR election observation methodology as highly professional, we see certain area for improvement in the period of follow-up activities, where domestic observer groups offer ODIHR close cooperation to develop comprehensive process of dialogue on implementation of recommendations from ODIHR election observation missions.

**CeSID, Serbia and Norwegian People's Aid**

- ODIHR should take in serious consideration organizing monitoring missions through both LTO's and STO's for future elections in Serbia.

## CITIZENSHIP AND POLITICAL RIGHTS

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

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

- The government of **Slovenia** should collectively reinstate permanent residence rights to all former Yugoslav citizens who were permanent residents of Slovenia prior to the country's declaration of independence, and provide for redress for the losses they have experienced e.g. in terms of pension payments.
- The government of **Latvia** should propose amendments to the Law on Citizenship which
  - extend the right to acquire citizenship through registration for non-citizen and stateless children born in independent Latvia at least for a year after reaching majority age, thereby guaranteeing the possibility for the child to make a conscious, personal choice even when the parents have not used the opportunity to register their children as Latvian citizens;
  - provide for automatic registration of newborn non-citizen children as Latvian citizens, unless the parents explicitly object to this.

#### **Moldovan Helsinki Committee:**

Recommends:

- To support the NGO's of the Republic of Moldova from the right bank Nistru River in their efforts in extending the activity in the transnistrian region directed to the promotion and respect of human rights (Creation, development and consolidation of the civil society in the transnistrian region);
- To encourage and provide assistance in editing newspapers and magazines in the transnistrian region and to involve transnistrian journalists in seminars, trainings etc together with journalists from other regions of the Republic of Moldova;
- To build a network of transmitters on the right bank of Nistru River and to assure the coverage of Moldovan TV, radio channels and of main European channels in the transnistrian region;
- To organize on the TV and radio channels of the Republic of Moldova regularly public debates on the transnistrian issue with participation public actors, NGO's representatives and habitants of the transnistrian region;
- To change the negotiation format and include of USA, EU and Romania in the negotiation process as full members, not just as observers;
- To undertake all the necessary measure in order to determine Russian Federation to evacuate the peace keeping mission together with the armament, munitions and troupes of the former 14th soviet army from the territory of the Republic of Moldova;
- To remain consequently in promotion of the democratic values and in transnistrian region of the Republic of Moldova as it was achieved last summer in the school crisis within transnistria. A special attention should be directed to the freedom of movement, freedom of association and right to property;

**Tuesday, 20 September**

**WORKING SESSION 2 – Humanitarian Issues and other commitments (part I), including:**

MIGRATION, REFUGEES AND DISPLACED PERSONS, INCLUDING FOLLOW-UP TO THE 3-4 NOVEMBER 2004 SUPPLEMENTARY HUMAN DIMENSION MEETING ON INTERNALLY DISPLACED PERSONS

**Recommendations to Participating States:**

**European Union:**

- L'UE RECOMMANDE AUX ETATS PARTICIPANTS ET AUX ETATS PARTENAIRES DE L'OSCE LE PLEIN RESPECT DE LEURS OBLIGATIONS CONCERNANT LES REFUGIES ET DEMANDEURS D'ASILE, L'ADOPTION DE POLITIQUES EFFICACES, TRANSPARENTES ET HUMAINES DE TRAITEMENT DES DEMANDES D'ASILE, UNE CONCERTATION INTERNATIONALE EN VUE D'HARMONISER LES LEGISLATIONS ET PRATIQUES NATIONALES, ET DE PRENDRE TOUTES MESURES UTILES POUR PERMETTRE LE RETOUR VOLONTAIRE DES REFUGIES ET DES PERSONNES DEPLACEES DANS LES MEILLEURES CONDITIONS, POLITIQUES, ECONOMIQUES ET DE SECURITE.

**Turkey:**

We suggest that Participating States:

- Provide migrants with equal opportunities in education, language and vocational training as effective measures which would help create a sense of belonging thus facilitate integration.
- Give migrant representatives greater responsibility to participate and contribute in the formulation of integration policies, especially at local level. Strategies should be devised not only “for migrants” but “with migrants”.
- Pursue an active public policy campaign to bridge the cultural divide by ensuring reciprocal awareness of the cultures, traditions and beliefs of the citizens of host countries and migrant communities.
- Take effective measures to dispel misperception associating terrorism with a particular religion or culture which complicates the relationship between migrants and their host societies.
- Ensure that biased media coverage of issues related to migrants does not contribute to the ever-growing cycle of prejudice, intolerance, discrimination, racism and emergence of hate crimes.

**UNHCR:**

- UNHCR calls on participating States to carry out responsible management of refugee and migratory flows in a way that upholds protection principles under their international obligations, including the principle of *non-refoulement*. More specifically States need to:
- Work in cooperation with UNHCR and other organizations to ensure that the legitimate interests of States in combating illegal migration (including smuggling and trafficking of persons) do not



adversely affect the right of bona fide asylum seekers to physically accessing safety, and do not inhibit legal migration or freedom of travel.

- Harmonize asylum systems within regions with common interests, to ensure accessible, fair and expeditious asylum procedures, complemented by new approaches to particular refugee situations and proper sharing of responsibility for receiving asylum-seekers without shifting the burden to those least able to accept such responsibility.
- Incorporate migration and refugee policy concerns in development, aid and investment policies. This is essential to address situations where the lack of human security and decent work clearly drive migration, as well as contributing to discontent and instability that fuel repression, civil conflict and violations of human rights.
- Develop safeguards for the protection of intercepted persons in need of international protection, regardless of whether interception is undertaken outside States' territory and regardless of whether the interception is undertaken by non-State actors. This is especially relevant as States increasingly resort to measures such as visa restrictions, carrier sanctions, which bar undocumented or inadequately documented migrants from entering a country. Such measures compromise the ability of States to properly distinguish bona fide asylum-seekers from other migrants by, amongst other things, externalizing immigration control from the country of destination to the country of departure.
- Avoid the use of detention facilities and of legal mechanisms and methods of interception and/or deportation that curtail judicial control of the lawfulness of the detention and other rights, such as the right to seek asylum.
- Create a favorable climate for the integration of recognized refugees and prevent further secondary movements. This includes: fostering a more positive and respectful attitude towards refugees by initiating public awareness programs to reduce xenophobia, discrimination and intolerance towards refugees and asylum-seekers.
- Facilitate family reunification of refugees on participating States' territories, especially through the consideration of all related requests in a positive and humanitarian spirit.
- Emphasizing the need for and importance of reliable and compatible information and statistical systems on asylum-seekers, refugees, migrants and displaced persons, UNHCR urges participating States to strengthen their co-operation among themselves and with international agencies in relation to the registration and documentation of such groups.
- Work on developing a system for compiling reliable official statistics on illegal immigration. Failure to provide even a workable estimate feeds into general unease about a loss of control of the system, thus creating unnecessary concern about immigration in general.

**Amnesty International:**

- Amnesty International calls on all participating states to honour their commitments under international law and refugee standards not to return any person to a country or territory where they may face serious human rights violations or place barriers in the way of international protection for those who need it;

- Amnesty International calls for all participating states to introduce a presumption against detention. Individuals whose detention is justified on the grounds of legality, necessity, and proportionality should have access to UNHCR without delay, while others should be released. Detention facilities should uphold the physical and mental integrity of detainees. Decisions to detain should always be based on a detailed assessment of the individual case;
- Amnesty International urges participating states to implement fully the 20 Guidelines adopted by the Council of Europe for the repatriation of illegal immigrants and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- Amnesty International calls on all participating states to ensure that legislation and procedures are in place and implemented in order to protect the fundamental human rights of asylum-seekers and migrants, in line with international human rights law and refugee law.

#### **International association of independent democrats against authoritarian regimes:**

- Каждая страна-участница ОБСЕ должна определить квоту для легальных мигрантов, которые хотят временно работать в стране.  
Данную квоту надо расценивать также как один из вариантов предоставления временного убежища гражданам из стран с диктатурой или авторитарными режимами (Беларусь, Туркменистан, Узбекистан, Таджикистан, Казахстан.)
- Рекомендовать странам-участникам ОБСЕ толерантное, гуманное отношение к гражданам из стран с диктатурой или авторитарными режимами, которые ищут убежище. Организовать специальную конференцию в рамках ОБСЕ «Беженцы и мигранты в регионе ОБСЕ»
- Обратиться к Евросоюзу (EU) с предложением быстрее принятия документа, рекомендующего разумные квоты для мигрантов в странах Евросоюза. Например, так, как это сделала Италия.
- Принять усилия, способствовать предоставления убежища узбекскими (из Андижана) беженцами.

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

- The government of **Bosnia and Herzegovina** should take urgent steps to solve the housing issue for returnees in order to provide the minimum conditions for their return.
- The leading political parties in Bosnia and Herzegovina should clearly denounce all acts of discrimination or violence based on nationality, ethnicity or religion. Government authorities should make clear to local authorities that all who resort to discriminatory acts will be prosecuted.
- The governments of **Bosnia and Herzegovina, Serbia and Montenegro**, and **Croatia**, should give all possible support to the ICTY and other international actors to apprehend war criminals still at large and bring them to justice.
- The government of **Kosovo** should take rigorous measures to fully implement the Standards for Kosovo. This will provide for the upholding of internationally sanctioned standards for a functioning democracy, rule of law, minority and human rights. It should also employ appropriate post-traumatic inter-ethnic confidence building measures in Kosovo.

- The government and the international community should make expedient preparations for a just, stable and future-oriented resolution of the status of Kosovo.
- The government of **Serbia and Montenegro** should accept its responsibility for the stabilization in Kosovo. It should not hinder but facilitate the process of a just, stable and realistic resolution of the status of Kosovo, compatible with the will of its citizens. Only by doing so can the main factors that continue to generate tensions and instability in Kosovo and the whole region be eliminated.
- The government of **Kosovo** should raise awareness among the Kosovo Albanian leadership, the public and especially the media about the necessity of assuming responsibility for a post-war reconciliation process that can provide for full observation of international standards for minority rights. This would enhance significantly the process of return of IDPs and normalization of inter-ethnic relations.
- The government of **Croatia** should speed up the process of reconstruction and return of property and monitor closely to ensure that they are carried out according to law. The regulations governing the return of property should be implemented coherently so as to include also movable property (furniture, household appliances, etc.) The OSCE or selected independent Croatian organizations, such as Croatian Helsinki Committee for Human Rights, should be put in charge of monitoring the Croatian government's effort to that end.
- To put an end to the continued denial of minority rights on the local level, full implementation of the Constitutional Law on Minority Rights should be ensured through the adoption of additional legislation that provides for mandatory, adequate representation of ethnic or national minorities in all elected and administrative bodies on the local level.
- Economic reconstruction should be made a part of the national program of return. Even though funding of such programs is beyond the OSCE mission mandate, the OSCE should use its impact to encourage the Croatian government to give priority to economic development and the creation of new sustainable jobs in the areas of return. To that effect, independent centers for entrepreneurship can be involved as evaluators of the programs.
- The government of **Macedonia** should end its policy of placing IDPs under pressure to return against their will to their pre-conflict places of residence.
- Each IDP case should be given individual consideration, paying special attention to families whose members participated in the activities of the defence forces of the Republic of Macedonia (soldiers, reservists, police forces) in the course of the armed conflict, because these families face special difficulties when returning to their former homes.
- The government should provide IDPs with alternative solutions to their current situation, which would both stimulate their return and offer solutions which are better tailored to different groups, keeping in mind that all efforts should avoid the effect of ethnic cleansing. One such an alternative could be that the state purchases real estates belonging to IDPs and offer these under favorable conditions to other citizens of the same ethnicity.
- The state authorities should not neglect the fact that the situation of the IDPs is a direct consequence of the armed conflict, which was in no way their fault. Therefore, the IDPs must be awarded appropriate compensation for their losses.
- The government of the **United States** should take urgent steps to develop an efficient early warning system, adequate disaster preparedness plans at the local, state and national levels, as well as plans for the evacuation of people from areas of expected natural disasters who cannot leave by means of their own resources.
- An independent body should be established to review all claims of discriminatory treatment of the hurricane victims.

### **National Council of Roma National Minority:**

- There is need to establish delegation of Roma representatives who will negotiate with Acting Government of Kosovo on return, lost people, property rights, political position, human security, economical empowerment, employment.
- Roma have to be included in the Commissariat and Co-ordination Centre.
- Data-base on IDPs and their current residence needs to be established with new definition status and documentation of IDPs.

### **Regional Center of Civic Action, Lingua, Serbia and Norwegian People's Aid**

- Successful implementation of National strategy in securing the conditions for local integration and repatriation demands definition of concrete mechanisms, instruments and measures on republic, federal and local levels, intensive co-operation with international organisations and the donors community accompanied by number of organisations.
- IDPs from Kosovo need to be given the same legal status and assistance from the government as refugees from Bosnia and Herzegovina and Croatia. At the same time, the international community in Kosovo is obliged to work harder to create the necessary conditions for returns.
- Given the status of Kosovo, the Serbian government has no authority in Kosovo to facilitate returns. While the Serbian government can work with UNMIK and Kosovo authorities to support returns, there is little likelihood that Kosovo Serbs will be able to return to Kosovo *en masse*. The political situation in Kosovo also makes returns to all but rural areas unlikely.
- While the Serbian government cannot unilaterally implement returns, it can do everything in its power to assist in integrating IDPs who wish to stay in Serbia-proper.
- While the Serbian government is limited in its ability to help IDPs receive compensation for their property in Kosovo, it should accept that, six years after the conflict, the quality of life for many IDPs is extremely bad. More programmes must be implemented to help IDPs to find work, be properly housed and integrated into their adopted communities. At the very least, IDPs must be eligible for the same support as refugees. The international community in Kosovo should make an increased effort to resolve outstanding property issues in Kosovo. It must also take action to enforce the decisions of HPD once they are taken.

### **Union of Balkan Egyptians:**

- The international standard in Kosovo has to be fulfilling, but it has to be start from inside, not from outside. The repatriation of refugees in Kosovo has to start from inside, the people that are living in IDP camps, to rebuild their houses and to integrate in a Kosovo society, as a first group that has to be rehabilitated. The second groups, for repatriation has to be the IDPs and refugees in Serbia, Montenegro and Macedonia, and the last, not the first the repatriation of refugees has to be from the west European countries.

### Recommendations to the OSCE:

#### **European Union:**

- ENCOURAGER L'ENSEMBLE DES STRUCTURES CONCERNÉES DE L'OSCE (BIDDH, SECRETARIAT, HAUT COMMISSAIRE AUX MINORITÉS NATIONALES) A TRAVAILLER EN ETROITE CONCERTATION, Y COMPRIS AVEC LES ORGANISATIONS INTERNATIONALES COMPÉTENTES ET LES ONG SPÉCIALISÉES, SUR LES QUESTIONS INTÉGRATION/MIGRATION, EN TENANT COMPTE DE LA DIVERSITÉ DE LA ZONE OSCE,
- ENCOURAGER LES MISSIONS DE TERRAIN À RENFORCER LEUR ACTION, FAVORISER L'ÉCHANGE D'INFORMATIONS ET DE BONNES PRATIQUES ENTRE LES ETATS PARTICIPANTS ET LES ASSISTER, SI NÉCESSAIRE, À TROUVER DES SOLUTIONS CONCRETES À CERTAINS PROBLÈMES
- POUR LES PERSONNES DEPLACÉES, ELLE ATTACHE LA PLUS HAUTE IMPORTANCE AU SUIVI DE LA REUNION TENUE LES 4 ET 5 NOVEMBRE 2004 A VIENNE CONSACRÉE AUX DEPLACÉS INTERIEURS PAR UNE DIFFUSION LARGE DES PRINCIPES DIRECTEURS DES NATIONS UNIES SUR LES PERSONNES DEPLACÉES, ET PAR UNE MOBILISATION ACCRUE DES DIVERSES INSTITUTIONS CONCERNÉES, EN PARTICULIER DANS LE CADRE DES PROGRAMMES MIS EN OEUVRE PAR LES MISSIONS DE TERRAIN.

#### **Switzerland:**

- Die OSZE sollte eine organisationsweite IDP-Politik entwickeln und diese auf andere Politikbereiche abstimmen sowie ein systematisches Monitoring von und Reporting über IDP-Situationen einführen; der Ständige Rat sollte IDP-Situationen diskutieren.
- Die Umsetzung der Guiding Principles sollte in den Feldmissionen und den Gremien der OSZE gefördert und dieser Prozess einem angemessenen Monitoring unterzogen werden. Es ist auch zu überlegen, wie die wertvollen Erfahrungen in Fragen der Eigentumsrückerstattung bzw. der Entschädigung und der Berücksichtigung von IDPs in Wahlen gesammelt und für interessierte Kreise verfügbar gemacht werden können. Es sollte schliesslich auch näher geprüft werden, wie ganz generell der Dialog in Sachen IDPs gestärkt werden kann, und zwar sowohl mit nationalen Behörden als auch mit internationalen Organisationen, allen voran der UNO.
- Generell: Der Beitrag der OSZE zur Verbesserung des Schutzes von intern Vertriebenen soll die übrigen Anstrengungen der internationalen Gemeinschaft und insbesondere der UNO-Agenturen und des IKRK nicht konkurrenzieren, sondern sinnvoll ergänzen.

#### **Turkey:**

##### The OSCE :

- Continue to further develop commitments regarding migration and integration.
- Establish a mechanism to monitor implementation of participating States' existing commitments in the field of migration.

- Take on a more active role in encouraging participating States' accession to other international instruments regarding migration and integration.

### **WORKING SESSION 3 – Fundamental freedoms I, including:**

#### FREEDOM OF MOVEMENT

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

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

#### ***calls upon the OSCE member states:***

- to undertake all the necessary measure in order to determine Russian Federation to evacuate the peace keeping mission together with the armament, munitions and troupes of the former 14th soviet army from the territory of the Republic of Moldova;
- to remain consequently in promotion of the democratic values and Transnistrian region of the Republic of Moldova as it was achieved last summer in the school crisis within Transnistria. A special attention should be directed to the freedom of movement, freedom of association and right to property.

#### FREEDOM OF ASSEMBLY AND ASSOCIATION

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

#### **European Union:**

- The participating States should give full and practical recognition to the positive role played by human rights defenders in finding peaceful solution to political and social conflicts.
- The participating States should create regular fora for consultation between public authorities and NGOs in order to strengthen dialogue.
- Participating States should continue to place special emphasis on ways and means how to support the participation of citizens, civic organisations and human rights organisations in building democratic, free and fair societies. In this vein, we encourage participating States to enhance, also in the framework of the ongoing reform process, both dialogue and co-operation with civil society.

#### **Amnesty International**

calls on the OSCE and its Participating States to:

- Insist on thorough, independent and impartial investigations into the killings, "disappearances", torture and ill-treatment of human rights defenders and activists, and for the scope, methods and findings of these investigations to be made public;
- Acknowledge the important role and valuable work of individuals, groups and associations in contributing to monitoring, reporting, preventing and ending violations of human rights and

fundamental freedoms and take measures to support the legitimate work of human rights defenders and activists in those countries where they are being subjected to repressive measures.

#### **European Organization of Military Associations (EUROMIL):**

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

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

- The government and parliament of **Armenia** should ensure that the provisions of the amended draft Law on Conducting Meetings, Assemblies, Rallies and Demonstrations fully correspond to the recommendations of the Venice Commission and the ODIHR before it is adopted. Local NGOs, civil society representatives and other relevant stakeholders should be consulted during the process of finalizing the law.
- The government of **Belarus** should revise existing legislation and practices to ensure that all requirements for official registration by NGOs are reasonable, non-discriminatory and objectively justifiable and that they are enforced in a transparent and predictable manner. It should also ensure that no measure to suspend and liquidate NGOs is taken unless it meets the conditions for acceptable restrictions of freedom of association under international law and is adopted in a process consistent with internationally protected due process standards. The criminal investigation into the case of BHC Vice President Hary Pahaniaila should immediately be terminated.
- The government of **Kazakhstan** should revise the provisions affecting freedom of association that were recently introduced on national security grounds to ensure that they fully correspond to recommendations made by ODIHR. Any new effort to elaborate legislation related to NGOs should be based on relevant international standards and should closely involve representatives of non-governmental organizations in the drafting process.
- The government of the **Russian Federation** should take prompt measures to stop the persecution of human rights NGOs dealing with the crisis in Chechnya. It should condemn arbitrary administrative and legal measures targeting such NGOs, as well as physical and verbal harassment against their members, and ensure that any abuses are adequately remedied.
- The government should also conduct effective investigations into all cases of alleged use of excessive force against participants of rallies and other assemblies and bring to justice all law enforcement officials who have overstepped their authority.
- The government of **Turkmenistan** should take effective steps toward easing the severe restrictions on civil society. It should recognize the right of its citizens to freely organize in independent associations and undertake a major revision of its legislation pertaining to freedom of association in light of international human rights standards. It should immediately end all forms of harassment against relatives of exiled civil society actors.

- The government of **Uzbekistan** should allow an independent, international investigation into the May 2005 violence in Andijan to examine the course of events in an objective manner and to determine responsibility for the killings that took place. The government should speak out, in strong terms, against any form of intimidation or harassment targeting human rights NGOs that are involved in efforts to shed light on the Andijan events and immediately release all human rights defenders who have been arrested on spurious charges in the aftermath of the events. The government should also take effective steps to facilitate the registration of human rights NGOs.

#### **ILGA – Europe:**

We call on the OSCE and its member states to:

- put peer pressure on Moldovan, Polish, Romanian and Latvian governments to ensure that the principle of the freedom of assembly is accessible to all citizens without discrimination on the grounds of sexual orientation, gender identity and gender expression;
- to include monitoring of the freedom of assembly and association into the ODIHR mandate, as well as pride parades in countries, where there is threat to life and physical integrity of the marchers;
- continue and strengthen the mandate of Personal Representatives of the Chairman-in-Office to ensure they have strong instruments in place to take up the issues of discrimination and violence with the member states;
- develop police trainings inclusive of prevention and protection against homophobic crimes and protection of marchers in LGBT parades;
- adhere to the police training program, provided for ODIHR, and ensure sufficient funding for the program and associate NGOs in the training program;

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

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

- The OSCE institutions and field missions should actively monitor the participating States' compliance with the international norms concerning the fundamental freedoms, and report without delay about any violation against them.

##### **European Organization of Military Associations (EUROMIL):**

- In addition ODIHR should make a survey in all OSCE countries on this right and its implementation in the military. It's shameful if military personnel shall risk their lives for fundamental freedoms and is excluded by their governments from just these rights.

#### **ILGA – Europe:**

- the ODIHR to hold a special meeting or a conference on the freedom of assembly and association, with special attention to marginalized groups, such as Roma, ethnic and racial minorities, lesbian, gay, bisexual and transgender communities, disabled people, etc.



- We also call upon the OSCE to create horizontal approach in tackling discrimination, and as a result in its human rights work program to pay equal attention to different grounds of discrimination without creating an hierarchy.
- We further note that ILGA-Europe is open to cooperation with ODIHR, other relevant OSCE institutions and NGOs on tackling an intolerance-based breach of the freedom of assembly and association in the OSCE member states.

**Wednesday, 21 September 2005**

**WORKING SESSION 4-5 (specifically selected topic): The situation of the media in the OSCE region and the role of State and non-State actors in promoting media freedom, including:**

FREEDOM OF EXPRESSION, FREE MEDIA AND INFORMATION

**Recommendations to Participating States:**

**European Union:**

Participating States

- Should ensure that the media laws passed are in line with international standards and are implemented subsequently,
- should create an environment in which media can fully exercise their rights and freedoms,
- should work closely with ODIHR and the Representative on Freedom of the Media as well as other OSCE bodies and institutions in implementing recommendations by OSCE/ODIHR election observation missions,
- should not use taxation laws or criminal laws or other forms of structural censorship to intimidate journalists or to restrict freedom of the media,
- should ensure that journalists and those providing relevant information to the media have access to an independent judiciary, including defence lawyers, to defend their rights in accordance with OSCE commitments and other relevant international standards.

**France:**

- Poursuivre les efforts en vue de renforcer les capacités de la société civile
- Faciliter la publication et l'analyse régulière des données recueillies, notamment lors de la conférence annuelle d'examen de la dimension humaine du BIDDH
- Etudier l'impact des mesures législatives et réglementaires visant à juguler le discours de haine et signaler d'éventuels abus
- Encourager une approche sociétale et promouvoir la diffusion de messages de tolérance sur internet
- Renforcer la coopération avec les organisations internationales impliquées.

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

- The government of **Turkey** should continue to amend the penal code and other laws relating to freedom of expression and media freedom to harmonize them with international and European human rights instruments and OSCE standards. The first step to this effect is to move insult and defamation from the penal code to the civil code. Meanwhile, Turkish courts should respect international standards and not hand down prison sentences under the penal code provisions on insult and defamation.
- The government of **Ukraine** should take steps to clarify media ownership of former government-controlled outlets and make clear to their staff that free reporting is guaranteed.
- The government should stop issuing secret decrees and remove all restrictive legal regulations that place obstacles in the way of free and investigative journalism. When drafting new regulations on classified information, the government should do this in consultation with human rights organizations and journalists associations.
- The parliament should adopt a new law on public broadcasting, based on recommendations of the Council of Europe.
- The government of **Uzbekistan** should put an end to the information blockade on Andijan, and allow media outlets, reporters and human rights defenders to move freely about in that region.
- The government of Uzbekistan should drop charges against all media outlets and reporters who have been prosecuted while trying to find out the truth about the Andijan massacre.
- The government of **Belarus** should put an end to its campaign against Narodnaya Volia and other independent media outlets. It should also revoke the order on changing the names of independent newspapers and magazines.
- The government should introduce legislation that is in accordance with international standards for freedom of expression, including the abolishment of criminal libel and provisions for the arbitrary closure of media outlets for political reasons.
- The government of **Georgia** should stand by its declared commitments to guarantee full freedom of expression and publicly encourage the establishment of an open media landscape, as well as critical and investigative journalism.
- The government should stop all measures toward the concentration of media outlets in the hands of government members and people close to these circles.
- No measures targeted at intimidation of critical media outlets should be tolerated.
- The government of the **Russian Federation** should publicly commit itself to promoting free dissemination of information and diversity in its media policies.
- It should establish an independent committee to look into the maladministration of media strategies during the 2004 Beslan events and draw up a set of rules on how to secure free flow of information for possible future similar situations.
- The government should immediately release Igor Sutyagin and Valentin Danilov, who have been imprisoned despite lack of sufficient evidence and following proceedings that fell seriously short of international due process standards.

## **International Network Against Cyber Hate and the “Never again” Association**

We recommend that the OSCE participating states:

- Consider the possibilities of follow-up events on all forms of Hate speech and the Internet, including Jihad recruitment and terrorism, including the relation between on-line incitement and hate crime in society;
- Promote and support educational projects directed towards countering hate on the Internet;
- Make an effort to tangibly support hotlines dealing with cyber hate

### **Moldovan Helsinki Committee:**

Recommends:

- To organize on the TV and radio channels of the Republic of Moldova regularly public debates on the transnistrian issue with participation public actors, NGO’s representatives and habitants of the transnistrian region. This will be also a tool in democratization of public mass media institutions in the Republic of Moldova;
- To build a network of transmitters on the right bank of Nistru River and to assure the coverage of Moldovan TV, radio channels and of main European channels in the transnistrian region;
- To encourage and to provide assistance in editing newspapers and magazines in the transnistrian region and to involve transnistrian journalists in seminars, trainings etc together with journalists from other regions of the Republic of Moldova;
- To support the NGO’s of the Republic of Moldova from the right bank Nistru River in their efforts in extending the activity in the transnistrian region directed to the promotion and respect of human rights;

### **Novi Sad School of Journalism (NSSJ) and Norwegian People’s Aid**

*Privatisation and transformation of ethnic minority media in Serbia*

- If we recommend to take the responsibility from National Councils it would mean breaking of democratic principles and the Information Law according to which the State can not own or finance a media from the state budget (article 14). However, this is a paradox because also the National Councils are financed from the state budget. At the other hand the same Article 14 prescribes a possibility to finance media on “project basis”, but this cannot be considered as a long-term solution. Following the principle of positive discrimination, which is the leading principle in the domain of respect of human rights, these media could be supported by the state or some state agency. Another solution could be to change the electing procedure for members of National Councils (now it is electorate).
- *In the field of electronic media* this problem could be solved by taking 5 % of the subscription fee envisaged for the Public Broadcasting Service. This amount would not harm the PBS, it could be distributed to media that is broadcasted in more than one language. It should be noted that 30 % of the population in Serbia are national minorities (Roma, Hungarians, Ruthenians, Albanians, Slovak, Romanian, Croatian, Bulgarian).

- *In the field of print media* (regulated by the Information Law), stable financing should be ensured from the state budget, through transparent procedure that ensured independence of editorial policy of the media. The responsible Ministry could be the Ministry for Ethnical Minorities.

**Recommendations to the OSCE:**

**European Union:**

The OSCE Representative on Freedom of the Media

- should continue his work in promoting full implementation of the OSCE acquis as outlined in his mandate,
- should set up a task force which brings together his office, the ODIHR, the High Commissioner of National Minorities and, where appropriate, other OSCE bodies in order to ensure a systematic and comprehensive follow-up to recommendations by OSCE institutions and bodies related to freedom of the media,
- should participate in campaigns on behalf of human rights defenders who are suffering because of restriction on freedom of expression, free media and freedom of information.

**Thursday, 22 September 2005**

**WORKING SESSION 6-7 (specifically selected topic): Methods to prevent and combat torture**

**Recommendations to Participating States:**

**European Union:**

- The EU expects all participating States to ensure that no one is subjected to torture or to cruel, inhuman or degrading treatment or punishment under any circumstances, in accordance with their international obligations and OSCE commitments, and to cooperate in good faith with international organisations and independent international monitors such as the OSCE, ICRC, the Council of Europe and the UN human rights mechanisms, including the Special Rapporteur on Torture and to grant them unconditional and unhindered access.
- The EU recommends that participating States sign and ratify the Optional Protocol to the UN Convention Against Torture at the earliest opportunity and make the declarations provided for in Articles 21 and 22 of the Convention.
- The EU encourages all participating States to publicly express, at a high level, their abhorrence of the crime of torture and to strengthen procedural safeguards to prevent torture, particularly in the hands of law enforcement officers.
- EU expects that Participating states are aware of the causal links between criminal justice deficiencies and the use of torture and ill treatment, and recommends that they revisit the recommendations from the SHDM on prevention of torture in November 2003 with a view to their follow up, that they ensure the implementation of UN General Assembly res. A/59/182 and Commission on Human Rights res. 2005/39 on Torture and other Cruel, Inhuman and Degrading

Treatment and Punishment and that they share best practices on criminal justice reforms and torture prevention mechanisms.

**Switzerland:**

- Switzerland calls on the OSCE participating States to reaffirm their attachment to the absolute prohibition of torture or other cruel, inhuman or degrading treatment and to respect their obligations under international human rights and humanitarian law regarding all detained persons and in particular those detained in relation with the fight against terrorism.
- Switzerland recommends OSCE participating States to ratify treaties that create prevention and supervision bodies against torture, like those set up by the *European Convention for the Prevention of Torture and Inhuman Degrading Treatment and Punishment* and the *UN Optional Protocol on the Convention against Torture*.
- Switzerland welcomes OSCE's work with regard to national criminal systems reforms and encourages participating States to improve their systems in order to minimize and prevent risks of torture or other cruel, inhuman or degrading treatment.

**Albanian Helsinki Committee:**

Recommendations [to Albania]:

- Transference of the whole system of pre-trial detention centers under the supervision of the Ministry of Justice should take place as soon as possible.
- Measures should be taken to ensure a psycho-social treatment of juveniles in particular and prisoners in general.
- Immediate measures should be taken to make possible the provision of work and/or vocational training to prisoners in prisons.
- Training and increasing the capacities of the prison administration remains still a priority which will guarantee the strict implementation of domestic and international standards in this area and would provide a humane treatment of persons deprived of their liberty.

**Amnesty International:**

- OSCE participating states that have not ratified the Optional Protocol to the UN Convention against Torture should ratify it immediately. They should make sure that their Criminal Codes are amended and ensure that legislation accurately reflects all elements of the definition of torture as set out in Article 1 of the Convention against Torture.
- OSCE and all participating states should continue to call for a thorough, independent and impartial international investigation into the events in Andizhan.

**Association for the Prevention of Torture:**

To make the regular, independent monitoring of places of detention, as foreseen in the Optional Protocol, a reality in the OSCE region the APT recommends the following measures as a matter of priority:

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

### **Bar Human Rights Committee of England and Wales (“BHRC”)**

- The proposal to deport people suspected of involvement in terrorism to states which are known by the governments to use torture is unacceptable. Diplomatic assurances in relation to persons removed on national security grounds will not be subjected to torture are contrary to the international prohibition against torture because they are ineffective protection for the right not to be tortured.
- There are no circumstances in which torture can be justified or condoned.
- The use in court or other proceedings of information extracted under torture implicitly condones torture.
- Information obtained by torture is inherently unreliable and the very people governments propose to deport to states which use torture may have been implicated as a result of torture. This in part explains why there is not enough evidence to put them on trial in the deporting state.

### **Kharkiv Human Rights Group and Ukrainian Helsinki Human Rights Union:**

- to formulate *corpus delicti* of the crime “tortures” in Chapter XVIII “Official crimes” of Ukraine’s Criminal Code and adjust elements of this *corpus delicti* with the terminological apparatus of the General Provisions of UCC;
- to introduce statistics in courts and law-enforcement agencies concerning crimes, which contain elements of “tortures” in the meaning of Article 1 of the UN Convention against Torture;
- to create legislative provisions, which make it impossible to apply amnesty and parole for persons, who committed actions, which have elements of “tortures” in the meaning of Article 1 of the UN Convention against Torture;
- to create effective mechanisms of civic control over investigations of complaints about tortures and ill-treatment, which took place in law-enforcement agencies and detention facilities;
- to review the legislative framework of forensic examination in order to provide operation of non-state experts and expert bureaus;

- to exclude from the legislation those provisions, which make it impossible or complicated for victims and their legal representatives to obtain any documents, which contain medical information concerning victims, including conclusions by medical experts, regardless of the title and nature of those conclusions.
- to review the provisions of evidence law, which are present in Ukraine's Code of Criminal Procedure and court practice in order to assign evidentiary value to conclusions by independent medical and other experts, who conduct studies at request of the person, who claims about tortures, equal to the value of conclusions made by experts assigned by an investigator or court;
- to amend the legislation in order to provide legal aid for indigent persons, who initiate investigation and other legal proceedings concerning alleged tortures and ill-treatment;
- to introduce provisions into the legislation stipulating that it is inadmissible to use as evidence any testimonies by accused (suspected) person, obtained at pretrial stages of criminal proceeding without assistance by lawyer. Before these amendments are introduced, it would be desirable, if the Supreme Court develop regulations concerning admissibility of confessions and procedures of examining their willingness. Such regulations should provide for the following:
  - when there is a claim by a defendant concerning involuntariness of his/her confession made during pretrial investigation, it should be excluded from the evidence, unless a prosecutor proves the opposite beyond reasonable doubt;
  - when determining whether confession was voluntary, court should take into account all circumstances, which accompanied obtaining the confession: conditions and period of holding in custody by a law-enforcement agency, access to a lawyer, possibility to communicate with outside world, etc.;
  - the fact of bodily injuries should always entail the obligation on the part of a prosecutor to prove beyond reasonable doubt that no official was involved in inflicting these bodily injuries, or the obtained confession was not connected with events, which resulted in the bodily injuries;
  - absence of medical evidence concerning the use of torture or other forms of ill-treatment cannot as such excludes the trustworthiness of the claim about such treatment;
  - when assessing why medical evidence is absent, court should take into account the possibility for a defendant to timely turn to a physician or expert of his/her own choosing, his/her access to a lawyer, possibility to communicate with outside world, etc.;
  - in case, when a defendant earlier did not claim about extortion of her or his confession with the use of any form of ill-treatment, a prosecutor should prove that the defendant had a real opportunity to claim about it shortly after the respective events, taking into account that, among other things, access to a lawyer, period of detention without court control, grounds for delay in his/her bringing to a judge after arrest, etc.;
  - assessing the trustworthiness of defendant's claim about the use of any form illtreatment to him/her, court should assess diligence of the investigation of his/her claim, if such investigation was conducted, in particular, time of ordering expert examinations and conducting other investigating actions in order to determine, whether the defendant received sufficient and practical possibilities to make necessary claims and provide necessary evidence;
- to give relevant instructions to prosecutors and judges to take measures for providing protection of persons, who complain about the use of tortures to them, in particular, if this person is held in custody, to provide for his/her transferring to another detention place;
- to exclude from the legislation opportunity for the judge to "extend detention" of suspects held in police custody, or, at least, to introduce necessary amendments in order to transfer persons, whose

detention is extended by a judge, to an investigatory ward, but not leaving them held in police custody;

- to introduce into the legislation a enforceable right of access to an independent physician and independent expert of detainee's own choosing, especially for persons, who are held in custody, and create appropriate procedure; to review provisions of the current legislation in order to give a right for legal representation to persons, who submit claims about the use of tortures, regardless of the fact, whether a criminal case is opened;
- to give clear instructions to prosecutors and judges concerning immediate consideration of claims and complaints related to investigation of tortures.

### **Kharkiv Human Rights Group and Ukrainian Helsinki Human Rights Union**

- to introduce amendments into the legislation, which would exclude the practice of apprehension without a warrant in cases, which are not provided by Article 29 § 3 of the Constitution, in particular, to provide clearer formulation of circumstances, in which a law enforcement officer are empowered to apprehend a person without warrant;
- to adjust a period of bringing to a judge, provided by section 106 of UCCP with the requirements of Article 29 of the Constitution, taking into account time, necessary for a detention hearing;
- to determine a start point of detention on suspicion of committing a crime or an administrative offence depending on factual circumstances, which confirm factual depriving a person of liberty, but not on the decision by a law-enforcement officer, or, at least, extend the guarantees, given to a detainee, to persons, who are held in custody of a law-enforcement agency as "brought" persons;
- to determine in the law separate criteria of legality for arrest and police custody and turn down provisions in point 2.5 of Joint Order by Ukraine's Ministry of Interior and State Department of Penitentiaries No. 300/73 of 23 April 2001, which consider detainee's release, when the suspicion is not confirmed, or when the term of detention is expired, as breach of the law, and other similar instructions;
- to include in the subject matter of detention hearing circumstances, which address reasons for arrest without warrant, including:
  - reasons for the suspicion or charge, in connection with which prosecution demands to detain a suspect (accused);
  - reasons for the period, which a person is held in custody of a law-enforcement agency until he/she is brought before a judge;
- to establish a clear presumption in favor of person's release and provide that burden of proof about grounds for detention is shifted to prosecution;
- to introduce provisions, which would exclude pretrial detention or its extension on the basis of pure hypothetical assumption that a person could abscond, hamper establishing circumstances of the case, or continue his or her criminal activity;
- to formulate risks, in connection with which detention is allowed, in such a way, which excludes pretrial detention depending on the position of accused and tactics employed by defense;



- to exclude from the law provisions, which allow pretrial detention for executing possible procedural decisions (section 148 of UCCP) and securing due behavior (section 154-1 of UCCP), as these provisions fail to meet criteria of clarity and predictability;
- to introduce provisions, which would exclude the practice of arresting a person after his/her release by a judge, on the basis of “concealed” accusations;
- to exclude from the legislation the institution of “detention extension” by a judge, or, at least, introduce necessary amendments to the legislation, in order to exclude the practice of returning a person to a police unit after detention hearing;
- to introduce amendments into section 165-2 § 4 of UCCP, in order to exclude under police custody without judicial control over a period established by Article 29 § 3 of the Ukraine’s Constitution;
- to entitle persons, who are detained on remand, to take periodical review of the basis of their detention;
- to establish clear and detailed procedural rules of detention hearing and provide, in particular:
  - mandatory participation of a person, who is deprived of liberty, in any detention hearing;
  - mandatory providing a accused and his/her lawyer with a copy of investigator’s (prosecutor’s) request for his/her pretrial detention or extension of his/her detention;
  - a right to an accused and his/her lawyer to study the materials, which substantiate the request for his/her pretrial detention or extension of his/her detention;
- to work out procedures, which would encourage the use of bail instead of detention;
- to determine more clearly judge’s scope of power concerning pretrial detention, in particular, to establish more clear criteria for exceptional cases, when a judge can go beyond margin of his/her general authority;
- to shorten a maximum term of detention during pretrial investigation;
- to introduce into the legislation a maximum term of detention during court hearing;
- to exclude from section 1176 of Ukraine’s Civil Code and section 2 of Ukraine’s Law on Procedure for Redress of Damages Caused to Citizens by Unlawful Actions or Inactivity by Inquiring, Investigating, Prosecutorial, and Judicial Authorities formulations, which prevent any person, who sustained unlawful deprivation of liberty, from redress of damages;
- to adjust rules of administrative detention with the requirements of Article 29 of the Constitution;
- to introduce amendments into the legislation, which would exclude the use of *administrative* detention for purpose of *criminal* investigation, for example, by providing obligatory release of a suspect in committing an administrative offence pending a trial of the case;
- to introduce amendments into Ukraine’s Code on Administrative Offence (in particular, into section 263 of UCAO) and other legislative acts, which would exclude police custody of a person without court decision for over 72 hours;

- to reestablish a legal provision, which obliges a head of an investigatory ward or other detention facility to release by his/her own decision a person, if there is no court decision in force to hold this person in custody.

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

- The disciplinary cells in the Moscow Investigation Isolator No. 2 should be closed down as placement there amounts to inhuman punishment. For the same reason, the small cages for temporary placement of prisoners along the corridors and the waiting areas of that facility should no longer be used.
- Legal provisions for the placement of individuals in psychiatric institutions should be amended so as to guarantee that they are in accordance with international standards.
- The government of **Macedonia** should take prompt measures to establish an independent body to investigate all alleged cases of police misconduct and torture. In the meantime, an independent committee should be set up to look into all cases of violent deaths in custody.
- The government should give its full support to the work of the state commission for monitoring prisons. Yet, due to the fact that this commission only has consultative status and has not been charged with investigative competencies, it should not be expected to serve as a body to deal with allegations of torture and other abuses.
- The Nova Zagora pre-trial detention facility should be closed down due to inhuman conditions and the Plovdiv pre-trial detention facility should be urgently renovated. In addition, the conditions for life prisoners and those in disciplinary sections, should be improved.
- The **Bulgarian** government should seriously reconsider the future of labor education schools for delinquent children on the grounds that they deprive the students of a family environment and hardly serve the purposes of rehabilitation.
- The **Serbian** penitentiary system requires thorough reform. As a first step, general conditions in prisons should be improved, particularly to provide for adequate medical care and reduce overcrowding.
- An adequate complaint mechanism should be established for prisoners to file complaints about their treatment, and an independent control mechanism to monitor the administration of prisons.
- Regular training should be provided for prison staff on international standards for the treatment of prisoners.
- Measures should be taken to speed up the adoption of the criminal code of Serbia, the draft of the law on enforcement of criminal sanctions, and the juvenile justice law, in accordance with European standards.
- The **Czech** government should take steps to revoke the recent legal changes that legalize the use of restraints in Czech social care institutions and instead withdraw all cage beds. It should adopt legislation, which is consistent with the CPT recommendations.
- President Islam Karimov should publicly condemn the use of torture and ill-treatment and explicitly order the **Uzbek** police to put an end to such practices. Under his order, every officer who resorts to using torture should be made personally responsible and punished.
- Local and international human rights monitors should be granted access to Uzbek police stations and detention facilities and allowed to discuss with inmates in private.

### **International Rehabilitation Council for Torture Victims:**

- The IRCT strongly encourages all participating States, as well as the OSCE, to recognize the potentials of the work on rehabilitation of victims in the prevention of torture, and to make use of relevant medical expertise in concrete efforts to combat torture. This includes the participation of doctors and other relevant health professionals in national and international monitoring mechanisms.
- The IRCT urges all participating States to facilitate the full implementation of the international standards on the investigation and documentation of torture contained in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment ('The Istanbul Protocol'). This includes ensuring adequate competencies of health and legal professionals by institutionalising the inclusion of the Protocol in relevant educational curricula.
- The IRCT strongly encourages all participating States to ensure professional support and appropriate training on the prohibition against torture for all law enforcement and medical personnel working in the police and penitentiary systems, in order for them to fulfil their role and responsibility in accordance with international law and medical ethics.
- The IRCT recommends all participating States, overdue in reporting to the UN Committee against Torture, to undertake immediate steps to settle any outstanding reports and to do so in close dialogue and collaboration with relevant representatives of their respective national civil societies.

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

#### ***Recommendations to the OSCE, CPT and the Republic of Moldova:***

- To ensure compliance of current Moldovan practice in the field of concern with human rights standards regarding prohibition of torture, cruel, inhuman, degrading treatment and punishments *in all parts* of the territory of the Republic of Moldova;
- to insist before the transnistrian self proclaimed authorities for free access of human rights NGO's in prisons for monitoring purposes;
- to visit and monitor the situation and the penitentiary nr. 2 from Tiraspol city;
- to oversee effectively that transnistrian authorities refrain from policies of extrajudicial executions, ordered by state regional regime officials.

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

#### **Amnesty International:**

- OSCE should keep reminding all participating states that human dimension commitments are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned (Moscow Document, 1991)

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

- The APT very much welcomes valuable exchanges of information about torture prevention measures, including the Optional Protocol, as epitomized by working sessions no.6 and 7 of the OSCE Human Dimension Meeting today. The OSCE/ODIHR is therefore encouraged to facilitate further international exchanges of information and best practices in relation to such matters;
- The OSCE/ODIHR could also play an important role facilitating dialogue at the country level. These activities would be particularly relevant in the light of the OSCE/ODIHR's ongoing efforts to promote the monitoring of places of detention in certain OSCE participating States and its production of important information materials on the subject. The APT strongly encourages the OSCE/ODIHR to expand upon its invaluable activities in this respect and advance national discussions on the merits of the Optional Protocol to the UN Convention against Torture as an instrument to prevent acts of torture and other forms of ill-treatment;
- The aforementioned attempts to counter practices of torture and ill-treatment must take place in a climate of genuine political will both on the part of OSCE participating States and the political structures of the OSCE. In this latter respect there exist a clear necessity for the OSCE Chairman-in-Office and the Permanent Council to attach much greater importance to the need to prevent torture in the region and address the issue on a regular, consistent basis. Without genuine political will at this level, overall progress will be difficult.

### **International association of independent democrats against authoritarian regimes**

- Помочь в организации инспекций тюрем и, выборочно, отделов милиции. Прежде всего в странах: Туркменистан, Таджикистан, Узбекистан, Беларусь.
- Помогать активистам правозащитного движения с помощью структур OSCE получать, собирать информацию о пытках.
- Составлять специальные доклады по ситуации в странах о применении пыток для Парламентской Ассамблеи OSCE .
- По результатам слушаний на Парламентской Ассамблее OSCE обращаться в международные организации, межгосударственные союзы, к правительствам демократических стран о применении жестких санкций к государствам где применяются пытки.

### **International Rehabilitation Council for Torture Victims:**

- The IRCT strongly encourages all participating States, as well as the OSCE, to recognize the potentials of the work on rehabilitation of victims in the prevention of torture, and to make use of relevant medical expertise in concrete efforts to combat torture. This includes the participation of doctors and other relevant health professionals in national and international monitoring mechanisms.
- The IRCT strongly recommends the OSCE to disseminate knowledge on 'The Istanbul Protocol' in relevant national and international fore and to include the Protocol in the trainings of OSCE field staff and local authorities.

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

### ***Recommendations to the OSCE, CPT and the Republic of Moldova:***

- To ensure compliance of current Moldovan practice in the field of concern with human rights standards regarding prohibition of torture, cruel, inhuman, degrading treatment and punishments *in all parts* of the territory of the Republic of Moldova;
- to insist before the transnistrian self proclaimed authorities for free access of human rights NGO's in prisons for monitoring purposes;
- to visit and monitor the situation and the penitentiary nr. 2 from Tiraspol city;
- to oversee effectively that transnistrian authorities refrain from policies of extrajudicial executions, ordered by state regional regime officials.

**Friday, 23 September 2005**

### **WORKING SESSION 8: Rule of Law I, including:**

#### **Germany:**

- Participating States should translate international standards and commitments related to mutual assistance in criminal matters and extradition into national legislation. Such legislation should abide by UN norms concerning the protection of refugees and asylum seekers.
- Participating States should ensure that mutual assistance in criminal matters and extradition is based on close co-operation of the judiciary and Ministry of Interior with the Ministry of Foreign Affairs as well as embassies and consulate generals.
- Participating States should ensure that persons who might be extradited have access to an independent judicial body.
- Participating States should use diplomatic assurances in order to base mutual assistance in criminal matters and extradition on bilateral legal commitments, in addition to multilateral commitments.

#### INDEPENDENCE OF THE JUDICIARY

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

**Belgrade Centre for Human Rights**

**Legal Research Team**

and

**Norwegian People's Aid**

- Restoring respect for the rule of law and confidence in the judicial system by strengthening the principle of the separation of powers, preventing intimidation of judges and making political influence over their decisions, fighting organized crime and corruption, etc.

- Strengthening the capacity and mechanisms for achieving more independent and efficient judiciary through the professional advancement of legal professionals (particularly through the continuing legal education and other training programmes) and increased international judicial cooperation,
- Ensuring compliance with main international human rights standards (particularly those of the Council of Europe) with regard to the procedural rights, treatment of prisoners, etc.
- Bringing republic constitutions, statutes and other laws in conformity with the legislation at the State Union level (particularly with the Constitutional Charter and the Human Rights Charter),
- Further initiation of adoption and amending of the existing laws in the judicial field (particularly those which may help overcoming deficiencies bringing protracted delays in the court proceedings and huge number of backlog cases),
- Implementing the newly adopted legislation with regard to the restructuring of regular courts and other judicial institutions (the Court of Appeals, the Administrative Court, etc.),
- Making the Court of Serbia and Montenegro fully operational in cases involving enforcement of the State Union legislation and protection of individual human rights,
- Providing appropriate resources necessary for establishing and/or functioning of the institutions and organisations involved in the process of the judicial reform in both republics (i.e. Judicial Reform Commission, Judicial Training Centre, NGOs, etc.) and more effective implementation of the reform strategy,
- Establishing and improving other effective human rights institutions such as an Ombudsman's office supported by human rights expertise, assistance and training.

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

FIDH consequently issues the following recommendations to the authorities of Uzbekistan:

#### ***On the administration of criminal justice:***

- guarantee access to a lawyer from the time of the arrest and through all stages of the procedure and guarantee that the persons arrested are informed about their rights
- duly investigate and prosecute all allegations of torture, provide for the inadmissibility of evidence obtained under duress and train judges to implement these guarantees
- enforce the obligation to present prisoners on remand before a judge within the legal time limit by declaring void any procedure violating that obligation
- free prisoners on remand when the investigation is not completed in a specified legal timeframe
- respect the confidentiality of client-lawyer privilege in accordance with UN Basic Principles on the Role of Lawyers

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

- The government of Azerbaijan should publicly substantiate each individual replacement of the chairpersons of higher courts in order to show that these measures were not politically motivated. An independent mechanism must be established to deal with nominations and replacements of judges as well as disciplinary measures against them.
- The Bar Association of Azerbaijan should show commitment to the right to free choice of legal counsel and open its membership to all those lawyers who are qualified and licensed.
- The government of **Moldova** should take efficient measures to combat corruption at all levels of the administration, the judiciary and the police force.
- Moldovan judges and other judicial professions should be trained in international and European human rights standards and instructed to only abide by them and national law in their procedures and judicial decision-making.
- The government must take efficient measures to put an end to unlawful and politically motivated arrests and detention, as well as torture in all parts of the territory of the Republic of Moldova. State law enforcement agents must be trained in international norms for law enforcement and the government should make clear to them that all who violate these norms will be made personally responsible.
- The government of **Ukraine** must take urgent measures to secure the adequate financing of courts (incl. remuneration of judges) in order to ensure the independent administration of justice and access to courts. The parliament of Ukraine should adopt changes to the Budget Code of Ukraine to provide for new principles for the financing of the judicial branch.
- Better control mechanisms should be introduced to ensure full and prompt execution of court rulings.
- The mechanisms to discipline misconduct by judges should be improved.
- Measures should be taken to accelerate the adoption of:
  - the new law on the bar association and the law on legal aid, including adequate regulations on who can participate in criminal proceedings as defenders and on the organization of and remuneration for free legal aid;
  - the new law on the prosecutor's office, which is in conformity with the constitution of Ukraine;
  - the law on access to judicial decisions, which would increase transparency in the operation of the judiciary and lay down legal prerequisites for the establishment of a database for judicial decisions, which is accessible over the Internet.
- The government of **Uzbekistan** should make clear to all levels of administration that public officials have no right to interfere in the operation of courts, the decision-making by judges and the activities of the prosecutors. The courts must respect the equality of arms and treat both the prosecution and the defence in an equal manner. In order to secure evidence of possible violations of fair trial standards, both parties should be obligated to audio- and video-record court sessions.
- Effective mechanisms must be introduced to discipline judges who violate due process standards.

## RIGHT TO A FAIR TRIAL

### *Recommendations to Participating States:*

#### **International association of independent democrats against authoritarian regimes**

- Требовать от государств-участников ОБСЕ отчёт об открытости судебных процессов, данные о количестве процессов, открытых и закрытых. Объяснение причин закрытости судебного процесса.
- Обязать членов ОБСЕ создать базу данных в интернете (на WEB-страницах, соответствующих государственных органов) законов и проектов законов. С возможностью делать комментарии к проектам законов всем желающим через специальные «окна».

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

- The government of **Azerbaijan** should immediately release all political prisoners named on the list of the Federation of Human Rights Organizations in Azerbaijan, or have their cases reviewed in retrials, which strictly abide by international fair trial standards.
- The government of **Moldova** should ensure respect for the right to a fair trial in all parts of the territory of the Republic of Moldova. It must allow the judiciary to apply the law in a procedurally fair and just manner, and refrain from exerting any pressure on the judiciary.
- The government of **Turkmenistan** should reconfirm its statement of 5 May 2004 to grant international human rights monitors access to its penitentiary facilities and allow them to meet with all alleged political prisoners in private.
- Pending such visits, the authorities of Turkmenistan should video-record all prisoners who are believed to have been incarcerated for political reasons, to show the international community their current physical condition.
- The government of Turkmenistan should immediately and unconditionally release Mukhametkuli Aymuradov and Gurbandurdy Durdykulyev due to their dramatically deteriorating health.
- **Tajik** and **Russian** authorities should ensure that all cooperation in the judicial field must strictly follow internationally accepted procedures, including extraditions. Russian authorities should not extradite Tajik nationals to Tajikistan except when no doubt exists that they will receive a fair trial.
- The right to public trial should be respected. Cases should be tried behind closed doors only in very exceptional cases in which international prerequisites for closed trials are fulfilled.

#### **International Rehabilitation Council for Torture Victims:**

- The IRCT urge all countries to establish appropriate legislative and judicial measures to reject evidence and information obtained under torture and cruel, inhuman or degrading treatment.
- The IRCT calls upon the States to strengthen the role of such professionals. Further training as well as measures to guarantee their independence and security should be put in place.
- Vulnerable and intimidated witnesses and victims are to be interrogated and cross examined in an environment were they do not risk re-traumatisation.



- The IRCT urges the OSCE member states to ban these renditions, and to prohibit transit on their territory of foreign flights operating such methods.

**Moldovan Helsinki Committee:**

- Liberate the political prisoners from transnistria region, Andrei Ivantoc and Tudor Petrov Popa.
- Implement measures to combat corruption at all levels of the administration, the judiciary and the police force.
- Ensure respect for the right to a fair trial enshrined in the European Convention on Human Rights in *all* parts of the territory of the Republic of Moldova.
- Respect the prohibition against unlawful arrest and detention enshrined in the European Convention on Human Rights in *all* parts of the territory of the Republic of Moldova.
- Respect the prohibition against torture enshrined in the European Convention on Human Rights in *all* parts of the territory of the Republic of Moldova.
- Ensure that Moldovan courts are familiar with the European Convention on Human Rights and respect the rights enshrined therein in their procedures and judicial decision-making.

**Ukrainian Helsinki Human Rights Union**

and

**Foundation for Fair Justice**

The Joint Recommendations to Ukrainian Government for Observance of the Right to Fair Trial in Ukraine:

***To Verkhovna Rada of Ukraine***

- To draft and approve:
  - 1) the Conception of the development of justice in Ukraine by the year of 2015;
  - 2) the Conception of reforming of the pre-trial investigation;
  - 3) the Conception of the national complex training system, retraining and further training of judges, the workers of state judiciary administration.
- To make alterations into the Budget Code of Ukraine which shall establish the special and effective regulations as to the budgetary financing of judges.
- To define the detailed list of budgetary programs, by means of which the financing of courts shall be exercised.
- When passing a regular Budget Code of Ukraine, to appropriate funds for financing the judges' activity for factual need (on the basis of specific disbursement items) and to allocate the order and standards of the appropriate financial and material security of the process of training the judges by the state; Proceeding from the financial potential of the state, the budgetary funds for public authority must be appropriated pro rata, without violating the principle of equality of different branches of government and considering their real needs.

- To amend the Judicature Law of Ukraine in order to improve the system of courts, and to refuse from the following:
  - the Court of Review of Ukraine ( on the grounds of decision of the Constitutional Court of Ukraine as to its unconstitutional character ), to decode a point upon the civil and criminal cases;
  - the Court of Appeals of Ukraine proceeding from the constitutional principle of specialization, to create the district criminal courts;
  - military courts , and to provide the judges of military courts with the right to hold the offices in another courts or to pursue their carriers on military service, and also to provide them with the bonus right for resignation.
- To anticipate the implementation of separate specialization of courts, which shall try administrative cases within the system of courts of general jurisdiction instead of establishing new specialized courts (including administrative ones).
- To improve the system and order of judges' classification committees ( by means of gaining professional background ) for raising the effectiveness of their activity, to provide anonymous testing of the judges and candidates for the office of a judge;
- To institute a transparent procedure of judges' choice on a competitive basis; systematic training, retraining and further training of judges, the workers of state judiciary administration, having provided compulsory training of judges and candidates for the office of a judge, taking into account the results of training when deciding the issue of nomination of judges or election to a judgeship.
- To raise the effectiveness of the mechanism of disciplinary responsibility of courts, to introduce the competitive basis in disciplinary procedures; exercising the information check as to committing the disciplinary offences and to refer to judiciary inspectors proving judges' guilt in their commitment;
- To improve the provisions of legislation as to immunity of judges and the order of institution of criminal cases.
- To specify the administrative authorities of the Chief Justice aimed at non-assumption of illegal influence on judges when trying a case; to place the power to appoint the heads of courts of all jurisdiction to the bodies of judicial self-government;
- To make corresponding alterations as to the resubordination of State Judiciary Administration to the Supreme Court of Ukraine, and its local offices to the regional courts of appeal;
- To amend the laws as to the classification committees activity and the Superior Council of Justice of Ukraine on a regular basis and accretion of powers.
- To affirm by the law of Ukraine the basic principles of judiciary financing, bodies and establishments, that secure its activity (including forming the salaries for judges, financing of their social guarantees, technical aspect of the judicial process, providing the courts with appropriate location, work for judges and workers of the courts) . To pass a law of Ukraine on Judicial Duty, to define that the funds taken from payment of judicial duty, will be directed to financing of courts.
- To pass a law that shall define the procedure of salary accounting for a judge.
- To accelerate the adoption of the draft law on “Temporary order of judicial authority financing”

- To accelerate the adoption of new Criminal and Procedural Code, Commercial and Procedural Code, Code on Administrative Infraction aimed at providing the clearance, impartiality, and comprehensive aspect of judicial procedure, independence of court when taking the decisions, creation of effective judiciary, providing the equal legal adjustment of judicial institutions, removal of existing conflicts and collisions. To implement restitution judiciary, to envisage the possibility of the citizens to receive compensation in case of violating the reasonable time of trying a case.
- In case of recognizing any laws or their provisions by the Constitutional Court of Ukraine to be unconstitutional, to make the appropriate amendments at once. Also to amend Chapter 7 “ Procedure in cases in the Constitutional court of Ukraine” of the Law of Ukraine on Constitutional Court of Ukraine and to define the terms of the preliminary examination of constitutional submissions, applications of chambers of the Constitutional Court of Ukraine that takes 3 months. To define such notions as “ambiguous necessity of provisions of Constitution of Ukraine and the laws of Ukraine ”and “practical necessity in ascertainment and clarification, official interpretation of the provisions of Constitution of Ukraine and the law of Ukraine” in the Law of Ukraine on Constitutional Court of Ukraine.
- To bring the Law of Ukraine on Status of Judges in conformity with the Judicature Act on issues of providing the guarantees if independence and immunity of judges, forming of judiciary structure, exercising the disciplinary procedure. To define of salary payment order of judges in the way the salary of a judge shall nor depend on the discretion of executive authority or the head of the court and provide the independent administration of justice.
- To accelerate the adoption of new Law on Bar and the Law of Ukraine on Legal Aid. To define the kinds of legal aid, the grounds and mechanism of payment exemption of legal aid or its providing on bonus basis, to determine the responsibility of giving unqualified legal aid, to regulate the demands towards the professionals in the field of law, who are allowed to participate in the criminal procedure as defenders.
- To accelerate the adoption of new Law on Prosecutor’s Office by means of which to bring the authority of prosecutor’s office in conformity with the constitution of Ukraine.
- To adopt the Law of Ukraine on Access to Judicial Decisions aimed at raising the clearance of judicial activity, creation of legal prerequisites for running of the judicial decisions register with an open access to them by means of Internet.
- To ensure the legislative independence of judicial experts by means of administration of expert regulations through Ministry of Justice and Ministry of Public Health, and complex specialized system (subdivisions, laboratories, institutes)on definite directions of criminal investigations in the law establishment development agencies.
- To reconsider the provision of Ukraine on State Secret where to envisage the classification of the texts which contain state secret but not the documents on the whole.
- To envisage the control functions of the Ombudsman of the Verkhovna Rada of Ukraine on the observance of the right of a person to the access to information aimed at illicit suppression of the information.
- To amend the law of Ukraine on Higher Education which shall legislatively fix the substantial difference of educational level of master’s and specialist degree, to define the advantages of the persons who have master’s degree. To introduce the gradual transfer of higher legal educational

establishments and university law departments to double level training of legal specialists with educational and qualification levels indicated.

- To reconsider the approaches and principles of higher legal educational establishments licensing. To stop granting the licenses to higher educational establishments which do not have scholastic, scientific and material base, proper academic traditions. Taking into consideration the situation in educational field, these issues shall be settled by Law.

***To Supreme Court of Ukraine:***

- To continue the generalizing of exercising the legislation in the courts of general jurisdiction. To discuss the results of generalizing of the judicial practice and analysis of judicial statistics on the plenary session of the Supreme Court of Ukraine on the regular basis.
- On the basis of generalizing of the judicial practice and analysis of judicial statistics to give explanations to the courts on issues of exercising the legislation. To draw special attention to necessity of following the demands by the courts when examining the concrete types of cases.
- To draw attention of the Supreme Economic Court to the necessity of taking analogical measures in the field of economic jurisdiction.
- To learn the reasons of foot-dragging when trying the cases and to take measures as to their elimination. To direct the efforts of the courts towards raising the quality and efficiency of the judiciary, the role of courts in protection of human rights and fundamental freedoms, rights of injured persons, implementation of judicial decisions. Always to have in view the issues of imposition of criminal penalty, raising of judiciary culture, its preventive influence. To exercise the generalizing and analysis of judicial practice with a purpose to give explanations on issues of exercising the legislation not to let the courts to foot drag trying of cases and raising the quality and effectiveness of exercising the judiciary.
- Considering the demands of new procedural legislation together with State Judicial Administration to work out the way the cases will be allocated among the judges.
- With the purpose to provide the clearance of judicial decisions together with State Judicial Administration to implement their proclamation through Internet and another means, to create the single register of judicial decisions and giving the access to its data base in the procedure established by law on the condition to follow the demands of the article # 32 of the Constitution of Ukraine.
- To create the conception of national training, retraining and further training of judges, the workers of judicial establishment and state judicial administration system. With a purpose to prepare highly-qualified judges in Ukraine, it is necessary to implement a compulsory training for the office of a judge in a specialized educational establishment.
- Together with the Academy of Judges of Ukraine to provide the systematic conduction of seminars with judges in studying new legislation and judicial practice, to participate regularly in the conferences and meeting of judges, to support and develop the idea of judges' reports in periodicals and mass media.

### *To Supreme Council of Justice*

- To answer the messages of national deputies, bodies of public authority, bodies of self-government and citizens as to the violating of the demands be the judges envisaged by the 4th and 5th paragraphs of the 5th part, article 126 of the Constitution of Ukraine, and when having the grounds to file the application in the procedure established by law as to dismissal from the office.

### *To the Cabinet of Ministers of Ukraine*

- To bring the extents of financing the courts in conformity with factual needs, calculated on the basis of established standards.
- To work out and file for confirmation to VR of Ukraine the State program of providing the judges with allocations, which will anticipate the planned schedule of measures and extents of financing necessary for building, reconstruction, and major repairs of the allocations according to the demands to such allocations.
- To provide the newly created administrative courts with necessary allocations and equipment, to create the conditions for corresponding financing.
- To create separate account for the transparency of judges' activity, to which the funds from tax payment shall be allocated.
- To work out and give for the examination of the Verkhovna Rada of Ukraine the proposals concerning making alterations into the legislation, aimed at activation of prejudicial and extrajudicial forms of trying cases.
- To finish by the end of 2005 the computerization of the courts for fixing the judicial procedure in full, to provide divide the automatic system of dividing the cases, giving access to all judges to informational legislative e-base, providing availability of judicial decisions to persons concerned.
- To secure the timely provision of accommodation for the judges who are in need.
- To raise the effectiveness of judicial militia activity as to the protection of the courts' allocation, provision of safety for judges, workers of the court, their families, participants of the judicial process.
- To analyze the activity of State Department of execution of punishment and State Service of execution of judicial decisions within the system of Ministry of Justice, to take actions as to the raising of work effectiveness on enforcement of judicial decisions. To analyze the activity of State Executive Service of Ministry of Justice of Ukraine and considering the results of accomplished analysis to take actions as to the raising the level of work effectiveness on enforcement of judicial decisions, including improvement of the system of state executive service functioning as the body on issues of enforcement of judicial decisions and other bodies and mechanism of enforcement of these decisions.
- To strengthen exactingness and control over the implementation of the regional programs on organizational courts' activity provision by the executive bodies, to hear the reports of the head of the Ministry Council of the Crimea, the heads of the district state administrations of the cities of Kiev and Sevastopol during the meetings of the Cabinet of ministers of Ukraine on the regular basis.

***To General Prosecutor's Office of Ukraine :***

- To analyze the quality and efficiency of pre-judicial criminal cases, the grounds of submitting these cases for re-examination, to take corresponding actions.
- To raise the organization and quality of the prosecutor's work as to the sustaining of the state accusation when trying criminal cases. to provide their compulsory participation when trying the cases. To orient the prosecutors that they must prove their views by means of procedural means only. To study the works of prosecutors when entering the appeal or cassation submission to the judicial decision.

***To the Verkhovna Rada of Autonomous Republic of Crimea, district councils and also the codicils of cities of Kyiv and Sevastopol:***

- To analyze the implementation of the regional programs of organizational provision of courts' activity on the year of 2003-2005 and to affirm the corresponding budgets of these programs.
- To examine the question as to the responsibility of the officials who deviate from fulfillment of planned measures.

**Recommendations to the OSCE:**

**International association of independent democrats against authoritarian regimes**

- To request from OSCE participating states courts report on the right to fair and public hearing ; judgment shall be pronounced publicly ;
- To collect data about the number of public and non-public court cases. To demand an explanation of the reasons for non-public court processes.
- To oblige OSCE participating states to create law and draft law database on the Internet (on WEB-sites of the state bodies). This Web-page should have special frame for feedback for comments to draft laws.

Recommendation for ODIHR.

- To begin the new project "The Law for All ", i.e. to create legislation to guarantee equal access for everybody; a legislation of direct action where laws as much as possible describe situations and have no variations for a judgment. One crime has only one variant judgment, alone punishment. Such Law should be created in the form of a database by special computer program maintenance and in view of a case law.
- Предложение для ODIHR. Начать новый проект «Закон понятный всем», т.е. создание законодательства прямого действия, где законы максимально описывают ситуации и не имеют вариаций для судебного решения. За определенное преступление строго обозначенное наказание. Такая база должна быть создана в виде банка данных с использованием программного обеспечения, с учетом прецедентного права.

**Recommendations to Participating States:**

**Switzerland:**

- Recalling the 2004 *Sofia Ministerial Statement on Preventing and Combating Terrorism*, the *OSCE Charter on Preventing and Combating Terrorism* of 2002 and *The Bucharest Plan of Action for combating terrorism* of 2001, Switzerland urges all participating States to respect international human rights law, international humanitarian law and international refugee law in their struggle against terrorism.
- Switzerland welcomes the OSCE compilation of major anti-terrorism legislation from Participating States. Switzerland recommends that the OSCE helps the Participating States to conduct an evaluation of the impact of these legislations on the enjoyment of human rights. More specifically, Switzerland is of the opinion that particular attention should be given to the definition of terrorism so as to clarify it, in order to respect the principle of legality and avoid the abuse of the notion.
- Switzerland welcomes the Council of Europe 2002 *Guidelines on Human Rights and the Fight Against Terrorism* as a useful framework for the OSCE and the Participating States in their fight against terrorism.

**International Helsinki Federation for Human Rights:**

- The government of the **United States** should stop accepting diplomatic assurances in order to transfer terrorist suspects to countries where torture and ill-treatment have been documented as widespread or systematic or where the person subject to transfer is at risk of torture or ill-treatment. Anyone subject to transfer should be granted the right to challenge the legality of his or her transfer, including the reliability of any diplomatic assurances used to justify it, before an independent tribunal prior to removal. The government should cooperate constructively with domestic and foreign investigations into allegations that people have been transferred to situations of torture and ill-treatment – fully or partly – because of US action, including in the cases of Maher Arar, Ahmed Agiza and Muhammad El-Zari.
- The government of the **United Kingdom** should revoke the memorandum of understanding that was recently agreed with the government of Jordan and halt any ongoing negotiations about similar agreements with other countries with a serious record of torture and ill-treatment. It should re-affirm its opposition to torture and ill-treatment wherever these practices occur in the world and ensure that no one is removed from its territory in the face of risk of torture and ill-treatment.
- The government of the **Netherlands** should ensure the safety of Nuriye Kesbir and refrain from extraditing her to Turkey on grounds that she would be in serious danger of being subjected to torture and ill-treatment upon return. It should also ensure that no one else is transferred from the country to situations where they risk treatment in violation of the absolute ban on torture.
- The government of **Sweden** should not rely on diplomatic assurances to transfer anyone to a country where it has been established that he or she is in danger of torture. It should commission an independent, comprehensive investigation into the cases of Ahmed Agiza and Muhammad El-Zari, in particular with a view to clarifying the need for legislative changes to ensure compatibility of Swedish legislation with international standards. Amendments to the Aliens Act, which are

currently under consideration, should grant anyone subject to transfer from Sweden an effective opportunity prior to transfer to challenge the legality of the transfer decision, including the reliability of any foreign intelligence information used as evidence and any diplomatic assurances obtained from the receiving government. The amendments should also safeguard the right of those subject to transfer to bring their cases to international and regional human rights bodies. The Swedish government should press the Egyptian authorities to protect Agiza and El- Zari from any further human rights violations, including by granting Agiza a new, fair trial in a civil court.

- Finally, the IHF calls on all **OSCE participating States** to re-affirm the absolute nature of the obligation under international law not to send anyone to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment. They should recognize that diplomatic assurances against torture and ill-treatment are inherently unreliable and do not provide effective protection against such treatment and therefore should not be relied upon when the risk of torture and ill-treatment nevertheless remains. The OSCE participating States should also reject any attempt to establish “minimum standards” for the use of diplomatic assurances against torture and ill-treatment as incompatible with the non-refoulement obligation.

## **WORKING SESSION 9: Rule of Law II, including:**

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

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

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

- The EU urges all participating States that have not yet done so to abolish the death penalty in fact and in law.
- The EU urges Belarus, United States and Uzbekistan to introduce immediate moratoria on the death penalty.
- In accordance with the commitments of the Copenhagen and the Moscow Documents the EU urges Belarus and Uzbekistan to make information regarding the use of the death penalty available to the public, encompassing official statistics on the use of the death penalty and on executions, including dates and names of those convicted and the grounds for their conviction.
- The EU urges those states which regrettably continue to execute people to comply fully with the minimum standards established under international law, including not to execute persons suffering from any form of mental disorder, to inform the families of death row prisoners about the date of the execution, to allow them to meet with the prisoners prior to the execution and to allow them to collect and bury the bodies.
- The EU recommends all participating States to ensure the implementation of Commission on Human Rights res. 2005/59 on The Question of the Death Penalty.



## **Switzerland:**

### Recommendations to the States:

- Switzerland reiterates its appeal to all OSCE participating States which have not yet done so to abolish the death penalty as a contribution to efforts to eliminate the death penalty from the OSCE region within the foreseeable future.
- In addition, Switzerland calls on **Belarus** and **Uzbekistan** to provide transparent information about executions to the family members of people condemned to death. **Uzbekistan** is also called upon to adhere to its obligations under the Optional Protocol of the International Covenant on Civil and Political Rights, and in no circumstances to execute people whose cases are under examination by the UN Human Rights Committee.
- Switzerland calls on all OSCE participating States to ratify the relevant international instruments as an unambiguous signal of their commitment to the abolition of the death penalty. In particular, this includes the Second Additional Protocol of the International Covenant on Civil and Political Rights and – in the case of those States which are also members of the Council of Europe - Protocol No. 13 of the European Convention on the Protection of Human Rights and Fundamental Freedoms.
- Finally, Switzerland calls on all OSCE participating States in which the death penalty is no longer pronounced not to deport or hand over any persons to States where there is a concrete risk of their being condemned to death.

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

FIDH consequently issues the following recommendations to the authorities of Uzbekistan:

### *On the death Penalty*

- adopt an immediate moratorium on executions
- make public, statistics on the number of death sentences pronounced, and executed, every year, differentiated by age, gender, charges, etc. and allow for an informed public debate on the issue
- appeal against death sentences should be automatic
- put an immediate end to the secrecy surrounding executions
- ensure transparency of the clemency procedure
- respect the calls for suspension made by the UN Human Rights Committee pending examination of specific death penalty cases
- conduct sensitization campaigns to make the population of Uzbekistan aware of the necessity to abolish the death penalty
- ratify the second optional protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty

### ***On the Conditions of Detention***

- bring the conditions of detention in line with relevant international human rights standards, including basic facilities and medical care, and increase the relevant budget
- allow NGOs to visit prisons, including death row and execution chambers
- make public all statistics on deaths in custody

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

- The government of **Belarus** should take prompt steps to abolish the death penalty, regardless of the need cited by the authorities that “socio-economic conditions” must first be created. The first step in this direction is to immediately declare a moratorium on execution.
- Pending abolition, the Belarusian authorities should make public all information regarding capital punishment, such as names of the prisoners on death row and names of those executed, as well as the dates of the executions. The places of burial must be revealed to prisoners’ relatives.
- The **US** government and federal states should take prompt action to abolish legislation that provides for the death penalty.
- Pending the total abolishment of the death penalty, a moratorium should be introduced on executions and no prisoners who are mentally ill or retarded should be sentenced to death. Judicial review should be provided for all cases in which racial bias appears to have played a role and in cases where the defendant did not have adequate legal counsel.
- The government of **Uzbekistan** should bring forward from 2008 the date of abolition of the death penalty and impose an immediate moratorium on executions pending total abolition.
- The names of prisoners on death row should be provided, as well as the names of those who have already been executed, as required by the international human rights treaties Uzbekistan is party to and OSCE standards.
- The Uzbek authorities should cooperate with the UN Human Rights Committee and stay executions if so asked by the UN, investigate all cases of alleged misconduct by authorities in the course of judicial and police procedures of death row prisoners, and review the cases taken up by the UN Human Rights Committee.

### **International Helsinki Federation and Belarusian Helsinki Committee**

To the government of Belarus:

- The government of Belarus should take prompt steps to abolish the death penalty, regardless of the need cited by the authorities that “socio-economic conditions” must first be created. The first step in this direction is to immediately declare a moratorium on execution.
- Pending abolition, the Belarusian authorities should make public all information regarding capital punishment, such as names of the prisoners on death row and names of those executed, as well as the dates of the executions. The places of burial must be revealed to prisoners’ relatives.

## OMBUDSPERSON AND NATIONAL HUMAN RIGHTS INSTITUTIONS:

### **European Union:**

- Participating States, which have not yet done so, are recommended to establish National Human Rights Institutions consistent with the Paris Principles.
- Participating States are urged to respect unconditionally the independence and integrity of National Human Rights Institutions.
- Participating States are recommended to share best practices on effective co-operation of National Human Rights Institutions with all relevant actors including the administration, prosecutor's office, the judiciary, the legislative branch and the media.
- Participating States are recommended to respect and contribute to the realisation of res. 2005/74 of the UN Commission on Human Rights concerning National Institutions for the Promotion and Protection of Human Rights.

**Monday, 26 September 2005**

### **WORKING SESSIONS 10-11 Discussion of human dimension activities (with special emphasis on project work):**

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

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

- The OSCE participating States should support the establishment of a strong and efficient UN Human Rights Council, which is capable of taking authoritative and decisive action to prevent and stop human rights violations and to advance human rights protection worldwide.

The following criteria should be realized as part of the reform:

a. Members of the Council should be elected by two thirds majority of the General assembly and membership should require that a state has demonstrated its commitment to human rights protection in concrete ways;

b. The Council should meet at regular sessions throughout the year, and at extraordinary sessions when the situation so requires. It should have a mandate to monitor and respond to human rights developments all over the world. It should carry out regular reviews of the human rights situation in all member states through a transparent, objective and flexible process and should have specific procedures for reacting to the failure of member states and other UN bodies to implement its recommendations.

c. The system of special procedures should be maintained and strengthened in the Council by reforming the appointment of representatives and allocating additional resources to support their efforts. The opportunities of NGOs to contribute to the work of the Council should be safeguarded by preserving and extending current arrangements and practices for civil society participation.

- The OSCE participating States should commit to a clear timeline and procedure for determining the exact mandate and modalities of the new Human Rights Council, and they should facilitate the participation of NGOs in the continued reform process.

**Recommendations to the OSCE:**

**Switzerland:**

- Switzerland believes that more of the Organisation's project activities should be based on long-term programming.
- Close co-ordination between the field operations and the institutions is a key to the success of project activities.
- There is a need for an enhanced dialogue between fund managers, the Secretariat and the Participating States, also on the basis of an evaluation of the quality of a completed project.

**Tuesday, 27 September 2005**

**WORKING SESSION 12: Humanitarian issues and other commitments (part 2), including:**

TRAFFICKING IN HUMAN BEINGS; IMPLEMENTATION OF THE OSCE ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS, AND THE 2005 FOCUS ON THE SPECIAL NEEDS OF CHILD VICTIMS OF TRAFFICKING FOR PROTECTION AND ASSISTANCE.

**Recommendations to Participating States:**

**European Union:**

- The EU calls on all participating States to fully co-operate with the Special Representative and her Office in identifying main trends and priorities, as well as in coordinating and monitoring anti-trafficking activities. Likewise, the EU encourages participating States to promptly reply to the Questionnaire distributed last July, aiming at the elaboration of a comprehensive Report on trafficking in human beings, which will provide us with an in-depth analysis of the current situation. The EU looks forward to the publication of a comprehensive report of the Special Representative at the end of this year.

**Albanian Roma Union “Amaro Drom”**

[In this regard] we recommend to the Albanian Government to take concrete actions in the prevention and root causes of the phenomenon:

- To implement employment and education programs, applying the “National Strategy for the improvement of Living Conditions of Roma Minority”;
- Add in the criminal code, article 110/a on trafficking in human beings as an aggravating circumstance when this offence is committed against a person because of differences of ethnic background;

- To pass a law on Measures Against Domestic Violence in order to prevent and reduce all forms of domestic violence;
- To reapply the Law 9355 to provide free registration to all unregistered individuals;
- To implement long-term programs in order to sensitise the community about trafficking phenomenon and establish a National and Regional Network for exchanging information, concrete cases, legal assistance etc.

**Macedonian Women’s Lobby, Macedonia**

and

**Norwegian People’s Aid**

- Implementation of laws at national level that explicitly criminalize traffickers on women but do not criminalize the victim.
- Addressing the root causes of trafficking including poverty and gender based discrimination.
- Supporting the trafficking victims for example: safe houses and shelters, counseling, medical care, settling elsewhere then their country as appropriate.

**NGO “Istiqbolli avlod” (Surkhandarya region)**

- Необходимо выработать новые методы и подходы ведения информационно-превентивной работы, основываясь на реальных условиях конкретных стран-назначения и стран-транзита.
- Повысить уровень сотрудничества стран происхождения, транзита и назначения как реального механизма профилактики и противодействия торговли людьми.
- Координировать деятельность и усилия организаций-доноров, направленных на снижение уровня бедности и других причин, способствующих росту оттока населения развивающихся стран в страны с высоким уровнем экономического развития.

**Recommendations to the OSCE:**

**European Union:**

- The EU expects that the next Ministerial Council in Ljubljana will endorse the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings on "Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance", adopted last July by the Permanent Council in implementation of Sofia Ministerial Decision no.13.
- We furthermore encourage the Special Representative of the CiO on Trafficking in Human Beings to continue and enhance, with the help of the Anti Trafficking Assistance Unit and in close connection with the other relevant bodies of the OSCE (especially the ODIHR and the Strategic Police Matters Unit), the precious work she has already commenced, in particular in the framework of the "Alliance Against Trafficking"

- The EU considers concrete activities on the ground of the utmost importance in the fight against trafficking, and therefore invites the OSCE Missions to intensify their activities in the domain of anti-trafficking, in close co-ordination both with the OSCE Institutions and with relevant local NGOs.

#### **Greek Helsinki Monitor:**

- We call on the OSCE Special Representative on Combating Trafficking in Human Beings and the OSCE/ODIHR Contact Point for Roma and Sinti Issues to take up the issue with the Greek authorities and pursue it until a proper judicial investigation is carried out and appropriate sanctions are taken.

#### INTERNATIONAL HUMANITARIAN LAW

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

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

- The federal side of the conflict and the pro-Moscow government of **Chechnya**, must immediately put an end to arbitrary detentions, torture, ill-treatment, enforced “disappearances”, and extra-judicial executions, as well as stop targeting civilian dwellings in their operations.
- All groups on the side of the **Chechen rebel fighters** must refrain from all activities, which endanger the civilian population.
- **Russian authorities** must insist on accountability of all atrocities that have taken and are taking place in Chechnya and the adjacent regions. They should ensure independent and meaningful investigations of all reported crimes allegedly committed by members of security forces against civilians in Chechnya or Ingushetia. Russian authorities should publish a detailed list of all current and past investigations into such abuses and indicate their current status. Likewise, the Russian authorities should publish a complete list of all persons who “disappeared” in the course of the second Chechen war, with a detailed description of what is known about these “disappearances.”
- Russia should desist from coerced returns of internally displaced persons to Chechnya and instead ensure their security and protection in accordance with the Guiding Principles on Internal Displacement<sup>15</sup> and other relevant international standards.
- Russia should invite the UN Special Rapporteurs on torture and on extra-judicial, summary, and arbitrary executions to visit Chechnya and the surrounding regions. Russia should also invite the High Commissioner for Human Rights, Louise Arbour, to visit the region and report on her findings.
- The Russian government should agree to have the OSCE Assistance Group with a relevant mandate return to Chechnya.
- Following the recommendation of PACE’s Political Affairs Committee, the OSCE participating states should support the formation of a Round Table to provide a platform for an effective exchange of views with all those political parties from the Chechen Republic and the federal authorities, who renounce violence.

## **NGO Coalition for an International Criminal Court**

- We urge all OSCE States that are not yet party to the ICC, to become the 100th states to ratify the ICC Statute, thus also allowing your Government to participate in the upcoming Assembly of States Parties of the ICC and make full use of membership rights;
- We urge all OSCE participating States to give effect to the OSCE Parliamentary resolution on the ICC of July 2003 and to strengthen their existing commitment through the adoption of further instruments to meet the ICC current challenges;
- We call upon all States to provide all forms of cooperation to the ICC as provided under the Rome Statute and to eliminate all provisions preventing or potentially preventing cooperation with the Court, as well as to facilitate ICC investigations, by ratifying the Agreement on Privileges and Immunities of the ICC;
- We encourage States to enact effective implementing legislation which will allow national authorities to carry out their own investigations and prosecutions thus avoiding the OSCE region becoming a safe haven for perpetrators of international crimes;
- We call on all OSCE State Parties to ensure that the Court has sufficient resources to carry out its outreach and communications activities in the DRC, Sudan and Uganda to allow for deeper understanding of the Court mandate and functions by the local populations and in particular by victims;
- We urge all States authorities to provide victims and witnesses with the necessary protection, while ensuring that full reparation is awarded to victims, in accordance with international standards. We further urge all States to make voluntary contributions to the Trust Fund for Victims;
- States shall refrain from adopting any agreement that may be in contravention with the letter and spirit of the Rome Statute, violating their obligations under international law. We further encourage States to condemn any anti-ICC legislation and make all possible efforts to avoid the renewal of the Nethercutt amendment, adopted under the US Foreign Appropriations Bill in 2004, which authorises the US Government to cut Economic Support Funds aimed at promoting democratic development and strengthening Human Rights and Peace processes;
- We call upon States to work to build independent and strong judiciaries, which apply the highest human rights standards in the administration of justice and to strengthen other institutions of the justice sector, such as police services, prisons, bar associations, defence institutions, as well as to enact provisions for legal education and training.

## **Russian-Chechen Friendship Society:**

We urge all of you to impose adequate pressure upon the authorities of the Russian Federation so that they

- Put an end to all harassment against the RCFS and take effective measures to ensure the safety of the members of the RCFS.
- Protect the rights of all human rights defenders in the country in accordance with the international standards.

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

#### **Slovenia / OSCE Chairmanship**

- The OSCE should continue to be active in coordinating the work of and in assisting participating states to protect victims of trafficking in human beings, especially children, which are the most vulnerable. Therefore we look towards the full implementation of the OSCE Action Plan to Combat Trafficking in Human Beings, the recently adopted Addendum on addressing the special needs of child victims of trafficking for protection and assistance as well as of the Sofia Ministerial Council Decision No. 13/04.

#### **NGO Coalition for an International Criminal Court**

- Considering the determinant role of the OSCE in building democracy, human rights and the rule of law, and acknowledging that these are all interconnected and interdependent, we call upon the OSCE and in particular its Office for Democratic Institutions and Human Rights to include the 'Fight against impunity' of the most egregious crimes of mankind among the areas of work of its official mandate, and therefore, to include in the Human Dimension Implementation meeting in 2006 a working session on 'the fight against impunity' for serious international crimes.

**Tuesday, 27 September 2005**

#### **WORKING SESSIONS 13: Tolerance and non-discrimination I, including:**

##### **EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN:**

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

##### **Canada:**

- We strongly urge participating States to nominate more qualified female candidates for positions within the OSCE.
- We support the French proposal for a draft MC Decision on preventing and combating violence against women and girls and urge the participating States to adopt it. This MC decision outlines a few of the key ways in which participating States can develop and implement effective strategies for preventing and eliminating gender-based violence.

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

- To reaffirm participating States' commitment to more effectively implement their gender equality obligations and commitments, recognising the integral role of such efforts in progress towards stability and democracy
- To exchange best practices for the promotion of gender equality, particularly in increasing women's participation in democratic processes
- To identify effective measures for combating different forms of gender-based violence, in particular sexual violence and domestic violence



- To identify steps to be taken for strengthening expertise on gender aspects of conflict prevention, crisis management
- To integrate a gender perspective into all peace building activities, be it in conflict prevention, conflict resolution or post-conflict reconstruction
- To ensure integrated reporting of missions on the situation of women and their involvement in peace-building efforts as well as routine interaction with women's groups
- To consider possibilities for introducing targeted outreach measures to get more women to apply for positions in the OSCE

### **"Bibija" Rroma Women Center, Serbia**

I urge the Government of Serbia to undertake the following activities that will contribute to the reduction of violence against women:

- To urgently adopt the Action Plan for Roma Women before the end of this year. The adoption of the Plan must be accompanied by the allocation of adequate financial resources.
- Within the framework of this newly adopted Action Plan, to establish a working group in charge of carrying out a study on the causes and extent of violence against Roma women.
- To establish the Office of Ombudsman for women's rights in several towns in Serbia. The Ombudsman will look specifically into the rights of marginalized women. For the work of this office to be effective, an Ombudsman assistant should be a Rroma woman who is an expert on women's rights and has experience in working with Roma women.
- To establish a system for the collection of accurate data on the phenomenon of violence against women from marginalized communities

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

#### **Canada:**

- We encourage the ODIHR to work with participating States to ensure that commitments within the 2004 Action Plan are translated into concrete action through sustained implementation.
- We urge the OSCE and participating States to work toward the full implementation of UN Security Council resolution 1325 on "Women, Peace and Security," and to adopt the Swedish proposal for a draft MC Decision on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation.
- Lastly, we continue to express our disappointment that the target of universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by 2000 has yet to be achieved. This Convention is an integral component of the international guiding framework on human rights, and is unique in bringing together a wide range of human rights standards that are essential to women and girls in public and private life. Canada again encourages the ODIHR to work with participating States to achieve the full implementation of the CEDAW.

**European Union:**

- To identify good practices for ensuring a systematic and consistent integration of a gender perspective in OSCE activities, policies and decisions and ideas to strengthen implementation of the OSCE Action Plan for the Promotion of Gender Equality

IMPLEMENTATION OF THE OSCE ACTION PLAN FOR THE PROMOTION OF GENDER EQUALITY

**Recommendations to the OSCE:**

**Norway:**

- That the Chairmen-in Office, the Secretary General and the Heads of Institutions take the lead in a systematic and consistent implementation of the 2004 Gender Action Plan through the OSCE.
- That they also take measures to further increase awareness raising and change of attitude through effective gender sensitive training within the OSCE and in peace-related work and increase the appointment of women to decision-making positions in the OSCE, including in peace building missions .
- That the OSCE provide support to local women's organizations and peace initiatives and processes for conflict resolution at grass root level.

**Wednesday, 28 September 2005**

**WORKING SESSION 14: Tolerance and non-discrimination II, including:**

NATIONAL MINORITIES:

**Recommendations to Participating States:**

**Switzerland:**

- Switzerland calls on all OSCE participating States to ensure respect for the rights of national minorities, in particular the right to identity, the right of protection against discrimination, and the right to participate in decision processes that affect them.

**Ask NGO, Podgorica:**

- The Government should submit the Law on Minorities to the Parliament.
- The Parliament should consider and adopt the Law on Non - discrimination and Law on Minorities in Montenegro.
- OSCE, Council of Europe and other international institutions and organisations should support the Government and the Parliament of the Republic of Montenegro in the process of adoption of two laws mentioned above.

## **Center for Peace, Legal Advice and Psychosocial Assistance – Vukovar**

Urges Croatian government to:

- Implement the housing programs targeting former occupancy / tenancy rights holders and secure access to peaceful enjoyment of properties belonging to displaced Serbs without further delays
- Without further delays, ensure full and effective inclusion and participation of minorities in all spheres of public life in accordance with the Constitutional Law for the Protection of National Minorities and relevant international standards e.g. the Framework Convention for the Protection of National Minorities; International Convention on Elimination of all Forms of Discrimination and the UN Declaration on Minorities
- Take a more proactive and constructive approach in the regional efforts towards appropriate closure of the refugee file in accordance with the provisions of the January 2005 Sarajevo Declaration
- To protect private property and acquired rights pursuant to the provisions of the Annex G of the Treaty on Succession of Former Yugoslavia

The Center for Peace calls on the European Union to:

- Prioritize the respect for minority rights and fulfillment of Croatia's international commitments within the future negotiation framework for Croatia's EU membership

## **Centers for Civic Initiatives, Bosnia and Herzegovina**

I urge the government of Bosnia and Herzegovina, to:

- Entirely implement The Law on Protection of Rights of National Minorities in B&H,
- Establish the Council of national minorities in Parliament B&H and in National assembly of RS
- Adopt The Law on protection of rights of national minorities in Federation B&H,
- Change the Constitution of B&H- defining the national minorities in Constitution of B&H i.e not to use term «others» for national minorities.

## **Civil Rights Project - Vukovar**

We recommend to the government of Croatia to:

- Give a high priority to the provision of adequate housing and implement in a forceful and affirmative way without delay the programmes for former occupancy/tenancy right holders.
- Also, we recommend to the European Union and the OSCE Mission to Croatia to continue providing assistance to the Government of Croatia so that it can successfully carry out this process

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

- Pending negotiations on school curricula, authorities in the **Transdnestrian** region should abide by Moldovan law and international standards and guarantee schoolchildren and their parents freedom

of choice in education. In addition, they should ensure that no discrimination takes place against Moldovan-speakers in the public sector. Further, they should encourage and facilitate increased minority participation in regional and national decision-making and agenda setting.

- The government of **Turkmenistan** should put an end to its policy that aims at the virtual purge of national and ethnic minorities. As first steps, it should revoke the legal provisions which:
  - require proof of Turkmen ethnicity dating back three-generations for persons to be employed in the public sector;
  - provide for a decision on the closure of the last bi-lingual schools;
  - categorically declare invalid higher-level diplomas acquired from educational institutions abroad;
  - order students to wear traditional Turkmen dress to school

or in any other manner hinder national and ethnic minorities from exercising the rights guaranteed to them by OSCE standards (e.g. Copenhagen 1990) and international human rights treaties Turkmenistan is party to.

- The government should reopen those schools, which offered education in Russian, Uzbek, Kazakh and other minority languages, which have been closed in recent years.
- The government of **Turkey** should continue to abolish all obstacles that hinder ethnic minorities from exercising the minority rights guaranteed by the OSCE concluding documents and international human rights instruments. It should remove all remaining obstacles to the freedom of minority members to use their mother tongue in private as well as in public. In addition, it should guarantee that minority members can freely express, preserve and develop their culture in all forms. Further, the rights of minority members to disseminate, have access to and exchange information in their mother tongue must be ensured and prompt steps must be taken to offer adequate opportunities for instruction of their mother tongues also in public schools. (Copenhagen 1990, par. 32, 32.1, 32.5 and 34)
- The government must make public real figures regarding the return of IDPs and proceed to prepare, in cooperation with international experts, a realistic and practical strategy on how to ensure the safe return of IDPs to their former homes. The government should close down the infamous “village guard” system and bring to justice all their members as well any other individuals who have allegedly committed human rights violations in the area.
- The government of **Greece** should urgently take all necessary measures to respect, protect and fulfill the rights of the Roma of Patras to adequate housing, including;
  - to reconsider any plan that may result in forced eviction;
  - provide adequate compensation and relocation to any Roma who have been evicted;
  - investigate and prosecute all cases of abusive administrative actions and discriminatory treatment by public officials and police officers;
  - ensure that Roma, who are migrants from Albania, are not subjected to discriminatory treatment;
  - ensure that the provisions of the Sanitary Regulation of 1983 are not applied to any Roma communities or individuals.

### **Serbian Democratic Forum:**

[To overcome such difficult and complex situation] the Croatian Government must take concrete and swift action. We ask for:

- Substantial improvement and amendment of the Road Map;
- Prompt adoption of additional economical, legal, and social programs targeting minority population; and
- Research of implementation, and establishment of measures for full implementations of the Croatian Constitutional Law on the Rights of National Minorities

**Union of Balkan Egyptians:**

- Albanian authorities have to take the “Egyptian issue” in Albania very serious, with respecting the recommendations of various commissions and committees by the international organizations, especially bearing in mind that this group is one of the biggest minority in Albania.
- The authorities of FYR of Macedonia to stop with a conscious discrimination and non equal opportunities for all the citizens especially for the member of the communities that are not mentioned in Preamble of the Constitution of Republic of Macedonia, among which the greatest are Balkans Egyptians in FYR of Macedonia.

**Western Thrace Minority University Graduates Association:**

- We recommend OSCE to re-evaluate whether Greece fully implements the provisions of the 1990 OSCE Copenhagen Document which has signed and ratified.
- We, also, recommend Greece to ratify the Council of Europe’s Framework Convention for the Protection of National Minorities that has signed in 1997 but not ratified yet.
- Furthermore, we recommend Greece to fully implement all the regional and international instruments, which has signed and ratified, for the protection of minority rights.

**Recommendations to the OSCE:**

**Switzerland:**

- Switzerland recommends that the OSCE High Commissioner on National Minorities and the OSCE Coordinator for Economic and Environmental Activities draft a set of guidelines for the attention of the participating states on the creation of reliable statistics that give a clear picture of the degree of economic integration of national minorities.
- Switzerland welcomes that the OSCE Office for Democratic Institutions and Human Rights takes into account the ‘Decade of the Roma Inclusion’ initiative in its activities to improve the situation of the Roma and Sinti and urges the States taking part in this initiative to work towards tangible results.
- Switzerland recommends that the High Commissioner on National Minorities actively seeks contact and exchanges experiences with the closely related mechanism of the United Nations, and to establish with it a close and informal relationship of co-operation. This concerns in particular the newly created mandate of the Independent Expert of the UN Commission on Human Rights on Minority Issues, but also that of the UN Special Advisor on Genocide Prevention.

## **Center for Peace, Legal Advice and Psychosocial Assistance – Vukovar**

The Center for Peace suggests to the OSCE to:

- Keep its field presence and continue the mandate of the OSCE Mission to Croatia as long as sustainable progress in the implementation of relevant international and national standards is not ensured and achieved.

### **Minority Rights Group International:**

- [I would therefore like] to request that next year and in future these issues are given a full day's discussion, possibly in the form of special selected topic at the HDIM. Consideration might also be given to a supplementary Human Dimension meeting, or to a Human Dimension seminar, on the question of national minorities and Roma/Sinti issues.

### **Union of Balkan Egyptians:**

- To overview the possibility a Contact Point for Roma and Sinti Issue, to be renamed on one of the following variants:
  1. "Contact Point for Roma and other ethnic groups/communities vulnerable to racial prejudice and discrimination".
  2. "Contact Point for Roma other ethnic groups/communities vulnerable to racial discrimination".
- We are recommending the Tolerance and Non-Discrimination Programme OSCE/ODIHR to find the mechanism through the OSCE field missions to monitor the implementation of the ECRI's recommendations, with a greater attention to the "Communities without compact territory".
- Bearing in mind that Kosovo is post-conflict area and the non-Albanians and non-Serbs community, among them and Balkans Egyptians, are not protected by any state, HCNM has to devote much more attention to minorities in Kosovo, as well as to provide the participation of minorities among them and of Balkans Egyptians in future negotiations for the status of Kosovo.

## ROMA/SINTI; IMPLEMENTATION OF THE OSCE ACTION PLAN ON ROMA AND SINTI ISSUES

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

#### **Albanian Roma Union "Amaro Drom"**

We recommend to the Albanian Government::

- To implement employment and education programmes, applying the "National Strategy for the improvement of Living Conditions of Roma Minority";
- To establish a National and Regional Network for exchanging information, concrete cases and legal assistance on trafficking in human beings;
- To pass a law on Measures Against Domestic Violence in order to prevent and reduce all forms of domestic violence;
- To reapply the Law 9355 which provides free registration to all unregistered individuals.

**Center for Democratic Development & Initiative:**

We would like to suggest to the Government of Macedonia to:

- Provide exact data of how many Roma are included in the state authority's organs and other public institutions.
- Undertake concrete measures and activities for appropriate and equitable involvement of the Roma.
- Prepare a strategy on how, when, and how many Roma will be included with 2.7% in the authorities of the state.

We also suggest to the European Union to:

- Monitor the activities of the Government of Macedonia.
- Ensure that the standards and criteria for the strategy implementation are objective and transparent.
- Provide help to the Macedonian Government in order to realize this process efficiently and as soon as possible.

**Democratic Association of Roma in Belgrade:**

We urge the city government:

- To stop any further evictions unless alternative accommodation is provided for the Roma. If the authorities are building accommodation for poor people, they need to prevent evictions until buildings are finished.
- To take action against racial demonstrations based on hate speech and not to take them as an excuse not to fulfill its obligations against the destitute families.
- My country has ratified the whole plethora of Human Rights treaties but the local regulations on housing are not put in line with Human Rights. We urge both state government and city government to make sure that human rights are mainstreamed in the internal regulations issued by civil servants dealing with housing.

**International Helsinki Federation for Human Rights,  
European Roma Rights Center,  
European Network Against Racism  
and  
European Roma Information Office**

- Prompt and impartial investigations into all acts of violence to which Romani, Ashkali and Egyptian individuals and other persons regarded as "Gypsies" in Kosovo have been subjected are carried out; all perpetrators of racially-motivated acts of ethnic cleansing are brought swiftly to justice and victims or families of victims receive adequate compensation; justice is done and seen to be done.

- Sustained efforts are undertaken by all authorities in Kosovo and involved in the administration of Kosovo to ensure that no discussions of Kosovo's final status are embarked upon until such a time as all stakeholders achieve durable and lasting consensus in practice that Kosovo is a multi-cultural society in which all individuals can freely exercise in practice all of their fundamental human rights;
- Without any further delay, the inhabitants of camps for internally displaced persons in and around Mitrovica are evacuated from their highly toxic environs; in the very near term, return to their homes in the Mitrovica settlement is facilitated and adequate funding made available for the reconstruction of their houses; security is guaranteed by relevant authorities and all relevant infrastructure provided; long term health care is made available, such that the effects of the extreme toxicity to which they have been exposed for long periods of time can be ameliorated, to the best extent possible; all persons concerned are involved in discussion of decisions taken about them, and compensation is provided for the harms already suffered.

Any forced returns of Kosovo Romani, Ashkali or Egyptian individuals to Kosovo, or to the rest of Serbia and Montenegro are rendered impossible and impermissible until such a time as authorities in Kosovo are able to demonstrate durable and lasting security and freedom from racial discrimination and violence for all in all parts of the province.

### **Minority Rights Group International (MRG)**

To National Governments:

- Official National Minority Status should be accorded to the Roma in each of the states of Southeast Europe.
- Any policies or initiatives at national and local level effecting development or poverty of Roma should be planned and carried out with the participation of a wide range of Roma representatives reflecting their diverse needs (gender, age, cultural, linguistic).
- To respect, protect and fulfil the international human rights obligations to promote Roma inclusion the Roma National Strategies and Decade Action plans must be implemented immediately.
- There needs to be a coordinated and cross sector approach and general policies must complement the Strategies and Action Plans and not work against these special measures cancelling out efforts for improvement.
- Monitoring mechanisms with Roma men and women should be established with adequate resources and full co-operation of government ministries and local authorities to carry out their tasks.
- The governments should adopt a proactive information policy approach on the Strategies with a view to: informing beneficiaries, making particular efforts to reach Roma women, providing clear instructions on implementation to responsible officials, and informing the general public.
- Governments should adopt and effectively implement comprehensive antidiscrimination legislation in all countries as recommended in Articles 8 and 9 of the Action Plan on Improving the Situation of the Roma and Sinti within the OSCE area.



### **Roma Center For Democracy**

I urge the Government of Serbia to undertake the following:

- within the relevant ministries, to appoint a coordination official in charge of the implementation of the national action plans.
- to allocate the necessary financial resources for the implementation of the national action plans, including the local initiatives endorsed by local authorities.
- in cooperation with the Roma civil society, to establish a participatory and effective mechanism for the monitoring of the implementation of the national action plans.

### **Roma Humanitarian Association in Macedonia „Sun“, Tetovo**

We [therefore] recommend to the Macedonian Government:

- To implement the Action Plan for the Roma Decade and the Roma National Strategy - in particular the introduction of employment programmes targeting Roma is a matter of urgency.
- To improve Roma access and participation in national employment programmes. Roma participation in drafting the National Action Plan on Employment II (NAPE II) and implementation can prioritise means to achieve this.

To international actors, in particular the European Union, we recommend:

- That targeted and non-targeted employment programmes they support in Macedonia should be contingent on the involvement of Roma to ensure that they do not have the effect of deepening the inequality gap between Roma and other communities.
- That they should prioritise support for programmes targeting Roma education and employment in Macedonia.

### **Romani Working Group's recommendations for an OSCE Action Plan for Roma and Sinti**

- Policies and programmes aiming at improving the situation of Roma and Sinti should ensure effective participation of concerned communities and this during all phases of the process: design, implementation and evaluation.
- For a better efficiency, whenever adequate legislation ensuring equal opportunities for all exists, the appropriate measures should be taken to make full use of it and to make it effective before considering special measures for Roma and Sinti.
- The results of policies and programs should be assessed on a regular basis at all levels and Roma and Sinti communities should be given the possibility to participate actively in the evaluation process through a proper mechanism of monitoring which should combine democratic representation and solidly established professional skills. Both democratic representation and professional skills require a previous long lasting educational preparation to be started as soon as possible.

- A more balanced involvement of the Romani NGOs based in different participating States (Eastern and Western) is needed, in order to respond more efficiently to the new patterns of Roma and Sinti issues.

*Combating discrimination:*

- The Participating States should adopt and implement effective anti-discrimination legislation to combat racial and ethnic discrimination in all fields, including the respect towards ethnic identity, and this not only direct but also hidden, disguised or even speciously justified.

*Mass Media:*

- Medias should be encouraged to show positive aspects and a balanced portrayal of Romani life, as well as other minorities' who suffer from prejudices attached to "Gypsies".
- Participating States should support and promote Medias which give a sincere image of Roma and Sinti and which effectively contribute in mutual respect between different ethnic identities.
- Participating States should consider, in cooperation with Romani NGOs, mainstream training for Roma journalists, with a priority for journalists specialized in politics and human rights.

*Adressing Socio-Economic Problems:*

- Implement on a temporary basis affirmative action policies giving incentives to employers hiring qualified Roma and Sinti and proactively engage them when public employment, public contracting, and all other activities undertaken and/or funded by the government are concerned.
- Support resource generating activities for Roma and Sinti, with a priority on youth and women, by providing with training and access to credits.
- Develop policies and programs, especially those involving vocational training, to improve marketable skills and employability of Roma and Sinti, particularly young people and women. It is crucial to provide high level education of management and the various financial abilities in order to empower Roma and Sinti entrepreneurs administrate resource generating activities and avoid the existence of enterprises with second hand Roma and Sinti employees directed exclusively by non Roma managers.
- Carry out field study on the discrimination in the labour market, in the credits access and different goods renting, in order to better determinate the appropriate measures to be adopted. Such studies should be carried out in close cooperation with Roma and Sinti communities and NGOs, which could organise testing applications for jobs, bank credit or rent applications by Roma individuals easily identifiable as such.
- Avoid creating homelessness and evicting families from illegal housing without offering alternate accommodation.
- Ensure free vaccinations in Roma and Sinti settlements.
- Improve access of Roma and Sinti in health care services, through mediation and trainings for medical personnel.

- Support projects aiming at informing Roma and Sinti on health care facilities and medical education.

*Education:*

- Ensure that national legislation provide effective remedies to eliminate all forms of discrimination in the educational field.
- Consult Roma and Sinti experts in education when designing educational policies affecting them.
- Institute measures to rectify the under-representation of Roma and Sinti among school teachers by granting scholarships to Romani youngsters to complete pedagogical studies.
- Include Romani history and culture in educational texts, with a special emphasis on intercultural learning. As soon as possible, a team of Romani experts in Romani history and culture should be graduated and enabled to produce such educational texts combining a Romani perspective and European multicultural values.
- Consider measures to defend and promote the Romani language and culture as an integral part of the European cultural heritage.
- Provide support to bridge the gap between children of disadvantaged social background and other pupils, irrespectively of their ethnic identity, bearing in mind that Roma and Sinti children are to be encountered rather in the former.
- Improve the mental tests used in school evaluation to enable them reveal the real potential of the children and not their social background, often interpreted in ethnic terms.
- Open spaces, possibly in schools, where Roma and Sinti children living in very poor conditions could find quiet conditions for preparing home work, reading and playing educational games, together with non Romani children suffering a similar disadvantage.
- Launch awareness raising campaigns among non Roma parents to make them accept the coexistence of Romani children with their own children in schools. Such campaigns should be elaborated with the help of experts in communication.
- Pay particular attention to Roma and Sinti, especially women/girls, who have dropped out of school and, where necessary, make accommodations e.g. for part-time/home/distance education.
- Address illiteracy and lack of basic education for youth/adults who have not completed primary and/or secondary school. Combine basic and vocational training as appropriate.
- Develop scholarship programs for Romani students and ensure participation of Romani students in existing scholarship programs, including at European scale<sup>1</sup> bearing in mind that their studies should not be confined to social work faculties, what could confirm the wrong idea that Romani issues are exclusively of social character. Among others, pedagogical and medical studies should be made accessible to Romani students, for a better representation of Roma and Sinti in these services and thus, a better access for Roma and Sinti to them.

*Romani Art, Culture and Language:*

- The participating States should be aware of the importance of the Romani artistic creation in the past for the building of European culture and presently as an instrument of better understanding of Roma and Sinti by mainstream population and therefore they should invest in promoting, developing and disseminating contemporary Romani artistic creation with the aim of its full participation, recognition and acceptance as an integral part of European culture. Among others, they should foster contact between Romani and non-Romani artists and provide space and facilities for Romani cultural networks.
- Romani artistic and cultural creation should be valorised as a major educational resource for the strengthening of Romani cultural originality, self-esteem and development of critical senses through educational workshops and other training.
- The cultural identity of Roma and Sinti, as well as their language, should be properly preserved and developed, in accordance with the wishes and principles established by Roma and Sinti
- The everyday visibility of Romani in mass-media, education, publications (including translations), entertainment and other fields should be sufficient to encourage Romani parents use their mothertongue as a home language. Serious investment is needed for the editing, printing and circulation of the abundant Romani linguistic and literary so far unpublished material. Specific systems of encouragement, like competitions, prizes and public performances should be widely launched to stimulate literary creation in Romani by young or not yet revealed talents.
- Wherever needed and possible it will be advisable to introduce Romani into administrative and similar proceedings, including electoral campaigns.
- Specific devices for a high level knowledge of majority language by Romani children should be elaborated and implemented in order to help them transcend the often poor knowledge of majority language of their parents.

*Roma and Sinti in crisis and post-crisis situations:*

- Pay special attention to the needs of Roma and Sinti children in crisis and post-crisis situations, particularly providing them with full access to health services and schooling. The introduction of Romani language, history and culture within the mainstream educational system plays a fundamental role in re-establishing sustainable stability and interethnic dialogue in post-crisis situations. The good practices in this sense should be more clearly evidenced and circulated among participating States.
- Incorporate the UN Guiding Principles on Internal Displacement into their legal systems and should provide measures to implement and enforce them.
- Ensure that programs are in place to promote informed choice regarding the decision of Roma and Sinti IDPs, refugees and returnees to exercise the right to a safe return. Such programs should provide concrete information regarding each subject of concern to refugees and IDPs and should be made available in the relevant languages, including Romani.
- Of special significance is the initiative of University network launched recently among several chairs of Romani studies, intercultural communication and training to policy expertise, which should be enlarged to as many participating States as possible. A major aspect of this research and

education network will encompass training to crisis and conflict identification, prevention and resolution.

*Freedom of movement:*

- The participating States should coordinate their efforts in promoting the conditions of a lawful migration, which will benefit to Roma and Sinti in a foot of equality with other citizens of their respective countries.
- A prior condition for this purpose is the establishment of temporary migration agreements between participating States, with special view on movements of Roma and Sinti, in order to promote for them opportunities of temporary work and occupational training in Western countries. The outputs of such programs would, beyond immediate economical profit, bring a significant contribution in terms of civic, truly democratic and cultural education.
- Western hosting States should restrain from deporting back migrant Roma who have been living legally for years on their territory and provide them with an easier access to full citizenship.
- A great number of traditional values kept vivid among Roma and Sinti could be of significant profit for their encompassing country, especially in terms of home care to elder, impeded and isolated persons of the majority population as well as for village revival in desert rural areas. The participating States should systematically identify their needs in this domain and consider using the Roma and Sinti's abilities to meet them.
- More support should be granted to NGOs who monitor and evidence the phenomena of migration among Roma and Sinti and provide advice to both States and concerned population.

*Implementation and Evaluation:*

- In order to ensure efficient implementation of this Plan, the OSCE institutions and the Participating States will seek to consolidate the Roma Working Group on the Plan of Action (Group 2018) within a Roma Policy Monitoring Mechanism, to be created and managed by the ODIHR-CPRSI.

**Recommendations to the OSCE:**

**Center for Democratic Development & Initiative**

[Finally] we would recommend to OSCE and the OSCE mission in Macedonia:

- To continue helping the Macedonian Government in order to successfully realize this process.

**"La Voix des Rroms"**

Une fois de plus, nous recommandons donc aux institutions de l'OSCE et des Etats membres sur les points suivants:

- La reconnaissance des Rroms en tant que peuple européen sans territoire compact, défini par référence à sa langue, son histoire et sa culture. Seule une telle reconnaissance permettrait de

dépasser son traitement comme une classe sociale, qui non seulement est erroné dans les faits, mais s'est révélé être le facteur principal de l'échec des politiques menées à l'égard des Roms. L'article 72 du Plan d'Action, qui est rédigé ainsi: " Consider measures to ensure the respect, protection and promotion of the Rromani language and its teaching and of Rroma culture as an integral part of the Rroma and Sinti cultural heritage", devrait être modifié en conséquence selon la formulation " Consider measures to ensure the respect, protection and promotion of the Rromani language and its teaching as an integral part of the European cultural heritage". Une telle formulation correspond mieux à la réalité et à ce que le groupe de travail rom sur le Plan d'Action avait recommandé.

- Une fois ce premier pas affranchi, il serait indispensable de mettre sur pied un mécanisme de monitoring de la mise en oeuvre du Plan d'Action, un point également inscrit dans les recommandations du groupe rom de travail sur le Plan d'Action. En effet, trois ans après son adoption, nous pouvons nous rendre compte que sans un tel mécanisme, suivant de près et de manière régulière l'implémentation des mesures qu'il prévoit, l'efficacité du Plan d'Action risque fort de se réduire à néant.
- Il conviendrait aussi, pour la mise en oeuvre du Plan d'Action, se servir des recommandations du groupe de travail rom, comme cela a été envisagé tout au long du processus de son élaboration et précisé à maintes reprises par M. l'Ambassadeur Bota. Aussi, les principes énoncés dans le projet de statut-cadre du peuple rom dans l'Union européenne, un document élaboré par le Réseau des Activistes Roms sur les Questions Juridiques et Politiques (RANELPI), fournissent un excellent cadre pour l'application des diverses mesures envisagées dans le Plan d'Action.

### **Minority Rights Group International (MRG)**

To International Actors:

- International actors including but not limited to the OSCE, EU, UNDP, and World Bank should adhere to their own anti-discrimination policies in all their work. This should extend to mainstreaming Roma in development programmes and providing mechanisms for the participation of Roma.
- International actors should work to empower Roma for monitoring of the Roma National Strategies and the Decade of Roma Inclusion and should provide support to prepare Roma to be employed in public administration.

### **Romani Working Group's recommendations for an OSCE Action Plan for Roma and Sinti**

*Combating Discrimination:*

- ODIHR-CPRSI, with assistance from OSCE Missions, should compile a list of legislation that needs to be amended or adopted. This list could be presented to the OSCE representatives of the country concerned. ODIHR should also consider setting up an ad-hoc body to periodically review legislation.

#### *Mass Media:*

- The ODIHR-CPRSI will act as a catalyst for exchange of information and fertilising of good practices concerning the role of Medias in the construction of harmonious societies and the conflicts prevention and/or resolution.
- The Representative on the freedom of the Media, in close cooperation with ODIHR-CPRSI and with Roma experts and NGOs, should support training of Roma and non-Roma journalists in order to raise awareness of their role and their responsibilities in democratic societies.

#### *Addressing Socio-Economic Problems:*

- ODIHR-CPRSI and the OCEEA are encouraged to look at best practices concerning housing of Romani families and circulate the information as widely as possible. They also should inform clearly and in a fully transparent way the reasons of ineligibility of projects submitted, in order to help the applicants to improve and eventually to implement them.
- ODIHR-CPRSI and the OCEEA will facilitate access to financial resources for training and resource generating activities, including via publications and seminars for potential beneficiaries.
- ODIHR-CPRSI will support NGOs that work in health field by providing them with information and helping their dialogue with relevant authorities.
- OSCE field missions should jointly create a database of good practices with examples of successful integration of Roma in education, health care and employment.

#### *Education:*

- HCNM will encourage participating States to comply with their commitments to provide free and equal access to public education to all members of society, and encourage them to take steps to improve the situation of Roma and Sinti in this respect.
- HCNM will continue to provide guidance on models of education, on curriculum content, and the teaching of, or in, the mother tongue, drawing upon the Hague Recommendations regarding the Education Rights of National Minorities when applicable, or on a pattern of heritage language and culture promotion in countries committed in cultivating their rich linguistic and cultural variety as a common heritage of their nation as a whole.

#### *Romani Art, Culture and Language:*

- The good practice observed in many international seminars with interpretation from/into Romani language is a strong motivation to continue involving Romani as a debate language in as many meetings, conferences and seminars devoted to Romani issues from the early stage of preparation until the final document circulation. However a more professional training of many interpreters is very much needed and scholarships should be granted to talented candidates in order to help them acquire a level of proficiency and competence similar to interpreters of other languages.
- The preparation of a Romani language explicative dictionary of political, juridical and administrative terms, drafted in the democratic spirit promoted by the OSCE-ODIHR, would be of great benefit for a more fluent expression and communication of the various actors. A specific training should be scheduled to root this vocabulary and the values it conveys in effective use. In

this context, the integration of Romani into the European Common Framework has to be welcome since it provides an institutional basis for a real integration of Romani into all fields of activity, on an equal foot with all other European national languages.

- In order to achieve more efficiently these objectives, the OSCE Institutions will encourage the Participating States to sign and ratify the European Charter of Regional and Minority Languages and the Universal Declaration of Linguistic Rights (Barcelona, 1996), if not yet done. The OSCE Institutions will also assist the UNO Office in charge of drafting the final version of the Universal Declaration of Linguistic Rights in view of ensuring more space and rights to languages in use among minorities living in a dispersed settlement pattern.

*Roma and Sinti in Crisis and Post-Crisis Situations:*

- ODIHR-CPRSI is called to respond effectively to crisis situations by inter alia co-operating with relevant governments and inter-governmental bodies to ensure protection of Romani communities at risk and the re-establishment of peace and stability. In this respect, ODIHR-CPRSI will make full use of the expertise of Romani experts and NGOs in identifying crisis generating mechanisms and re-establishing stability, be these experts and NGOs based within the conflict areas or outside, and will actively support their dialogue with authorities of areas in conflict and international bodies susceptible to intervene in their resolution.
- ODIHR-CPRSI should encourage mass media to pay closer attention to the situation of Roma and Sinti in crisis areas, emphasizing the significant contribution which can be brought by Romani journalists in this respect.
- HCNM will continue to exercise his mandate of conflict prevention at the earliest possible stage. In States or regional entities built upon the principle of plural national identity in full equality between them, the HCNM will commit himself in advising the authorities how to ensure an equal treatment to the Romani identity among its pairs.

*Freedom of Movement:*

- ODIHR-CPRSI will collect data on numeric importance of migration, its different forms, its results (both positive and negative) and make them available for States and NGOs.
- It will assist and support State authorities and NGOs in their mutual dialogue devoted to the organization of lawful patterns of migration.
- It will contribute to the civic, democratic and cultural education of migrating Roma and Sinti through ad hoc activities, publications and other means of communication.
- It will lobby among governmental authorities to help NGOs involved in Roma and Sinti migration issues obtain regularly the necessary grants enabling their functioning for the sake of justice, social cohesion and stability in Europe.

*Co-operation and co-ordination with other International Organizations and Roma NGOs:*

- Both OSCE Institutions and Participating States will support the introduction within the draft of the European Constitution of a paragraph recognising the existence within the EU territory of a Romani transfrontier people as an integral part of the European society.



- ODIHR will support the initiative of creating a European Forum of Roma and Travellers and will advise the Working Group on this initiative on how ensuring a consistent profile and a truly democratic representation through this body.

*Implementation and Evaluation:*

- In order to ensure efficient implementation of this Plan, the OSCE institutions and the Participating States will seek to consolidate the Roma Working Group on the Plan of Action (Group 2018) within a Roma Policy Monitoring Mechanism, to be created and managed by the ODIHR-CPRSI.

PREVENTION OF AGGRESSIVE NATIONALISM, CHAUVINISM AND ETHNIC CLEANSING:

**Recommendations to the OSCE:**

**Order of St. Andrew:**

- The OSCE High Commissioner on National Minorities on his next visit to Turkey should undertake a thorough examination of the Turkish judiciary, which Cengiz Candar, a prominent columnist for the Turkish newspaper Bugun, has called "one of the most reactionary and backward institutions in Turkey".
- The OSCE High Commissioner on National Minorities should undertake a thorough examination of the "properties" issue, and seek to expose how the Turkish judiciary is conspiring with government officials in the confiscation of property belonging to the Ecumenical Patriarchate and its affiliated institutions, such as hospitals, monasteries, community schools, and seminaries.

**WORKING SESSION 15: Fundamental freedoms II (continued), including:**

FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF:

**Recommendations to Participating States:**

**Church of Scientology International:**

- The Beligan Observatory on Sects (CIAOSN) needs to be cancelled for repeatedly violating its legal mandate of providing objective and impartial information concerning new religious movements to government and the public at large. The propaganda it has generated is the cause of incitation to intolerance and misguided and discriminatory policy and practices toward minority faiths and their members in today's Belgium. It needs to be replaced by an independent agency with a distinctly different mandate – one aimed at establishing an open and transparent dialogue between new religious movements and government authorities, and act as an ombudsman to mediate conflicts, including familial tensions resulting from false and alarming information spread by agencies such as the current Observatory, and private anti-religious organizations it is affiliated with.
- Dialogue with new religions needs to be established with officials at senior government level who have sufficient authority to implement executive policy providing for the equal treatment of minority faiths on the basis of carefully verified factual information concerning the groups, gathered from the groups themselves and independent, unbiased scholarly sources. Such policy changes must include:

- a) Cancellation of the 1997 parliamentary commission report (and accompanying blacklist, even though not voted on) for being fatally flawed and being a source of widespread stigmatisation of minority faiths;
- b) Dismantling the apparatus erected and measures implemented on the basis on the recommendations of the report, including the Observatory and government “Coordination ‘Sects’ Cell”, and cancelling government support of “mental manipulation” and “abuse of state of weakness” law proposals, which were initially recommended by the commission and are now advocated by the Observatory and working group;
- c) Putting an end to the selective surveillance, administrative and judicial harassment of targeted minority faiths, and other discriminatory government actions stemming from the parliamentary commission report, recommendations, blacklisting and Observatory/Cell practices and dictates.

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

- We ask that Armenia comply with its international commitments regarding conscientious objectors by making provision for a genuine, alternative civilian service based on the European standard. We invite Armenia:
- to show further proofs of its good will and find a quick way for a definite solution by providing a genuine alternative civilian service that is not under the control, auspices or supervision of the military,
- to make sure that the genuine alternative civilian service is not punitive in nature,
- to release all conscientious objectors in harmony with PACE Resolution 1361.

We ask the authorities of Transnistria to:

- end the discrimination and libel against our religious minority; and re-register the community of Jehovah’s Witnesses of Tiraspol.

We invite the Uzbek authorities to:

- open a frank and constructive dialogue with the representatives of Jehovah's Witnesses in order to clarify the present situation and ensure that Jehovah’s Witnesses have the possibility to conduct their religious service without hindrance; and
- address the registration issue in cities where Jehovah’s Witnesses have their religious service.

We invite the Turkish authorities to:

- Release all Jehovah’s Witnesses who are imprisoned as conscientious objectors to military service, and;
- Offer an alternative civilian service in agreement with the Turkish Constitution, and international agreements adopted by Turkey.

### **European Raelian Movement:**

This is why we ask with insistence that the Belgian, French and Swiss governments:

- end the interference of public powers in religious organizations' internal and philosophical affairs and to renounce all political discrimination towards certain religious and philosophical minorities.
- abolish the subsidies and other financial support given to anti-cult associations. The money which financially supports them comes from tax-payers and among them are members of religious minorities. Which means that their own money is used to fight against their own beliefs! This is against the constitution which clearly stipulates a total separation between the State and religion.
- give tax relief to people who donate money to our religious organization.

We specifically ask that the Belgian government:

- repeal this exceptional law which creates an information and Opinion center on dangerous cult organizations and the Coordination Cell to fight against « dangerous » cults.
- review the Constitution to integrate the total separation of the State and the religions/philosophies by elaborating a financial system allowing all tax payers to choose and to donate to the philosophical and religious organization of their choice (based on the Norwegian system).

We specifically ask that the French government:

- immediately apply the Raffarin internal letter, whose former French Prime Minister rendered the 172 black listed movements labelled cults by the 1995 Parliamentary report null and void last May.
- the dissolution of UNADFI, an association which supposedly fights against "dangerous cults" at the expense of freedom of conscience and subsidized by our taxes.
- stop giving orders and sending internal letters to Law Schools, which recommend being severe with members of religious minorities who are brought to court for whatever pretext.

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

Recommends to Armenia, Nagorno-Karabakh, Turkmenistan, Uzbekistan and Russia

- to respect the OSCE norms protecting religious minorities and the right to conscientious objection to military service;
- to release conscientious objectors and/or to order a moratorium.

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

- The government of **Serbia** should speed up drafting the new law on religious organizations, and prepare it in consultation with a wide range of religious organizations and human rights experts to ensure that it is consistent with international standards on freedom of religion and religious tolerance. The law should provide for equal rights and freedoms to all registered religious

communities but also allow for free practice of religion in and outside of the premises of those communities that do not wish to register. Registration should be automatic for all applicants who fulfil the legal conditions. The provisions on deregistration of a religious organization must be reformulated to provide for adequate legal protection for organizations under threat of deregistration.

- The Serbian government should ensure that only national laws regulate the activities of religious organizations within the internationally agreed framework.
- The governments of **Macedonia** and **Serbia and Montenegro** should respect the separation of state and church and publicly distance themselves from all inter-denominational matters in both countries, and allow their citizens to freely practice the religion of their own choosing, without interference by the state.
- The government of **Macedonia** should revoke all legal provisions that restrict the establishment of several communities of the same religious tradition and automatically grant registration to them, as well as to religious minority communities.
- The governments of **Macedonia, Serbia and Montenegro**, and **Greece** should open an expert dialogue on the issues of conflict resolution in order to prevent inter-church disputes, which have implications on interstate relations.
- The government of **Kazakhstan** should submit the new law on state security for review by an independent body consisting of experts on international law and civil society representatives. In accordance with the recommendations made by this body, the government should urgently submit to parliament amendments to the state security law to bring it in line with the Constitution of Kazakhstan and the international human rights treaties Kazakhstan is party to.
- Pending review, the government should make clear to all authorities that the law should not be implemented. Moreover, it should order national and local authorities to stop all pressure on religious minority communities, regardless of their status, and to allow them to carry out peaceful activities unhindered.
- The government of **Turkmenistan** should grant automatic registration to all religious communities that seek legal status, regardless of their traditional background or form of organization.
- In addition, the government should make clear to all public and law enforcement officials and security agents that official registration is not mandatory for the peaceful practice of any religion. Further, all alleged cases of harassment and discriminatory practices by authorities should be investigated and those responsible for them brought to justice.
- Due to the failure to adopt a law on alternative service to military service in line with European and international human rights instruments Armenia is party to, the government of **Armenia** should stop arresting conscientious objectors and grant amnesty to all conscientious objectors who are serving prison sentences because of their refusal to carry out the inadequate “alternative labor service” under the present law.
- The government should submit to parliament a new law that is in accordance with international standards on alternative service to military service both in terms of length and content of the service. This means in the first place that alternative service should not be punitively long and

should not be subordinated to and supervised by the military forces. It is also not acceptable to set a limit to the number of persons eligible for alternative service.

**Recommendations to the OSCE:**

**European Raelian Movement:**

We ask the OSCE :

- to advise the State Members to ban the word « cult or sect» in all its texts and those of its administrations, and to replace this word by the term « religious minority » as the European Council has suggested, because the terms “cult and sect” generate serious discrimination and intolerance.
- That the European anti cult organizations be disengaged.
- To promote dialogue between the States and the religious and philosophic organizations of their countries.
- To create an international center for exchange between universities which will provide information and give council on religious, spiritual, esoteric and philosophical issues and which will be able to treat problems of a religious nature.
- To create a body in charge of censuring the world’s religious writings to rid them of the incitement to hatred and violence as well as rid them of anything which disrespects the basic principles of Human Rights. To follow the example of the European Council which has just condemned the religions (Catholic, Jewish, Islamic) who do not respect women in their writings and practices. The European Council explained that religious freedom must not override Human Rights.

**Human Rights Without Frontiers Int.**

Recommends to the ODIHR, its Advisory Panel and the Personal Representatives to the OSCE Chairman-in-Office:

- to assist Armenia, Turkmenistan and Russia in their dealing with the conscientious objection issue by organizing meetings in the capital cities of these countries with representatives of other OSCE participating states which have solved that issue in accordance with the OSCE norms;
- to assist Russia and Uzbekistan in giving their religious minorities easy access to official registration and legal personality so as to facilitate the exercise of their religious freedom by organizing meetings in the capital cities of these countries on the OSCE norms contained in the ODIHR brochure “Freedom of Religion or Belief: Laws affecting the structuring of religious communities.”

**Latvian Human Rights Committee:**

We kindly ask the OSCE and Office for Democratic Institutions and Human Rights:

- to provide the monitoring of the situation in Latvia in the field of implementation of freedom of thought, conscience and belief;
- to provide the official recommendations to the Latvian authorities to solve the existing problems of implementation of these fundamental freedoms.

**Order of St. Andrew:**

- The OSCE should affirm the right of the Ecumenical Patriarchate to invite, when he so chooses, the Pope to visit the Ecumenical Patriarchate.
- The OSCE should strongly urge Turkey to reopen Halki Seminary.

**Sikh Human Rights Centre:**

There is lack of terminology to accurately describe Sikhs as a community because of their distinct identity, which because of the complex interplay of cultural, ethnic, religious and other factors, continue to face discrimination.

To enable accurate and quality data collection and to move to a position of more positive language of understanding diversity we recommend, that in working to implement paragraph 67:

- ODIHR and state delegations specifically look at the issues that the Sikh community face; and

Consider the adoption and recognition of the word ‘quam’ (in the absence of any other word) to implement paragraph 67 into legal, administrative and social systems.

**Friday, 30 September 2005**

**WORKING SESSIONS 16-17 (specifically selected topic): Tolerance and non-discrimination****Recommendations to Participating States:****Canadian Council of Muslim Women:**

- It is equally important that as governments call upon Muslim communities for input on legislative and policy interventions, they reach out to the broadest possible spectrum of the Muslim population in their respective countries. We recommend that this process be open and transparent and that a call be made publicly for individuals and organizations to come to the table.
- [What our political leaders say and do sets the stage for how the society at large will react and respond to a particular incident or situation] To this end, we recommend that the OSCE undertake to implement specific measures that sensitize leaders to their role in managing and responding to situations that have the potential of inciting intolerance, hate and violence against any group.

**Capability Scotland (UK), ILGA-Europe (OSCE Region), European Network of People Living with HIV/AIDS (ENP+) (OSCE Region), the Norwegian Human Rights Alliance (Norway), Canadian Council of Muslim Women, International Roma Women’s Network (OSCE Region), European Network against Racism (OSCE Region), Roma Women Initiative (Open Society Institute) (OSCE Region), Little People of Kosovo and European Pride Organisers Association (OSCE Region):**

We recommend that OSCE participating states:

- Define hate crimes broadly to include those motivated by animus on the basis of the victim's race, religion, ethnicity, gender, gender identity and expression, sexual orientation, disability, health status, age or other similar forms of discrimination; this definition should be inclusive, consistent with the prevailing trend in international human rights law.
- Adopt the above definition during the Ministerial council meeting in Ljubljana in December 2005.
- Develop a consistent, inclusive and horizontal approach to the promotion of tolerance and non-discrimination, thus avoiding the continuation of a trend towards a hierarchy of discrimination grounds.
- Commit appropriate resources to the Tolerance and Non-Discrimination Programme and Personal Representatives of the Chairman-in-Office to enable commitments to be implemented.
- We call upon those participating states opposed to adopting this inclusive definition and horizontal approach to state their reasons openly within OSCE political debates.

**Capability Scotland recommends that:**

- OSCE participating states reconfirm the commitments made on the rights of persons with disabilities in Moscow in 1991
- the OSCE produces an action plan and resources a programme to monitor implementation of this plan
- the OSCE produces legislative guidelines to assist participating states with the implementation of the Moscow commitments
- Capability Scotland is keen to work with the OSCE and ODIHR to take these recommendations forward.

**Church of Scientology International**

*Non-Discrimination Legal Provisions*

- The OSCE should consider adopting additional non-discrimination initiatives that could be monitored and enforced by an international body of experts in instances of serious and long standing non-compliance with OSCE standards and other international human rights instruments.

*Dialogue*

- Empty government proclamations that they are in communication with religious groups are inadequate and must be supported with some kind of official structure where dialogue can occur.

*Defamation of Religions*

- Governments should take a far more pro-active role (and certainly desist from encouraging such instances) in preventing denigrating statements and actions against religious groups.

### **Civil Rights Project – Vukovar:**

We recommend to the Republic of Croatia to:

- resolve the problems that long-term residents, who are not ethnic Croats have in obtaining Croatian citizenship,
- respect the Law on Convalidation by recognizing without discrimination the documents issued by the so called “Republic of Srpska Krajina”, and grant a reasonable deadline for new applications;
- ensure that there is no discrimination against ethnic Serbs and other minorities in access to public sector job
- We, moreover, urge the European Union to prioritize the respect for minority rights and fulfilment of Croatia’s international commitments within the future negotiation framework for Croatia’s EU membership.

### **Family Europe:**

We recommend that to fulfil these commitments, the states should:

- Avoid using pejorative language, such as “cult” and “sect”, in its description of smaller minority religions.
- Refrain from establishing, and/or abolish, and/or withdraw if already in existence, any committee, law, publication or list that discriminates between newer and older established faiths.
- Seek out reliable information on “New Religious Movements” from scholars and genuine experts, rather than private organisations that have a particular bias or agenda.
- Contribute to public tolerance by acknowledging the positive contributions that religious believers make to society. Avoid generalisations if problems do occur in a specific religious community.
- Encourage the media to contribute to religious tolerance by dealing factually and not sensationally with the subject of non-mainstream religious groups.
- Open dialogue directly with religious movements if there are concerns about their activities or the welfare of their members.

### **ILGA-Europe**

#### **European Region of the International Lesbian and Gay Association:**

We call upon the OSCE member states to:

- Put pressure on Turkmenistan and Uzbekistan governments to decriminalize consenting same-sex acts
- To abolish legislation with discriminatory effects towards lesbian, gay, bisexual and transgender people



- To ensure that the OSCE develops a consistent, inclusive and horizontal approach to the promotion of tolerance and non-discrimination, thus avoiding creation of an hierarchy of discrimination
- To develop educational and awareness raising tools for the promotion of tolerance and non-discrimination, inclusive of sexual orientation and gender identity
- To ensure continuity, strengthen and fully resource the offices of the three Personal Representatives of the Chair-in-Office
- To make sure that OSCE events on tolerance and non-discrimination are explicitly inclusive of the themes of sexual orientation, gender identity, gender expression, disability, age, and Roma, Sinti and Travelers.

**International Helsinki Federation for Human Rights  
And  
Swedish Helsinki Committee**

Sexual Minorities in the Balkans

Generally speaking, the situation of the LGBTI population in different countries in Southeastern Europe amounts to basically the same problems and challenges. The IHF and the Swedish Helsinki Committee recommend the following:

- **Governments in Southeastern Europe** should show their commitment to the protection and improvement of the status of human rights by introducing adequate anti-discrimination legislation, and annulling legislation possibly facilitating discrimination. They should be committed to encouraging and endorsing the active emancipation and involvement of LGBTI communities in public life, through positive media, cultural, educational and other forms of social representation, as a result of affirmative action and programs.
- Governments and governmental bodies should be committed to promotion and affirmation of a general culture of rule of law, support for diversity and democratization.
- Governments and governmental bodies should be committed to devising and implementing programs and strategies to combat homophobia, homophobia-related violence and hatespeech, with special attention given to training of the police forces and the judiciary.
- Authorities in all countries should investigate all cases of violence toward members of the LGBTI community and bring the perpetrators to justice.
- Police officers in all countries must be trained to deal with discrimination/violation toward LGBTI community and employ a liaison officer for the LGBTI community.
- All countries in the region should ban the carrying out of genital operations on intersex infants for which there is no immediate medical need. They should also allow transsexual and transgender persons to change their legal status and identity documentation (including their birth certificate) to reflect their social gender without requiring intrusive surgery.
- Having in mind that all of these countries have ratified Protocol 12 to the European Convention on Human Rights, governments in all countries should engage in open and continued dialogue with

NGOs dealing with LGBTI and other human rights and formulate appropriate measures for implementation of the provisions laid down in Protocol 12

With respect to individual countries in this region, the IHD and the Swedish Helsinki Committee recommend the following:

- The government of **Croatia** should promote the adoption of a law on registered same-sex partnership and improve the implementation of the law on same-sex civil union, adopted in July 2003.
- **Serbia and Montenegro** should take urgent measures to introduce anti-discrimination legislation, which explicitly prohibits any discrimination, both direct and indirect, on grounds of sexual orientation and gender identity. This legislation must be adopted at republic level and provide effective mechanisms for victims of discrimination.
- Authorities in **Kosovo** should adopt by-laws provided by article 12.3 of the antidiscrimination law. The ombudsman in Kosovo should encourage the submission of and investigate all complaints of violence and all other forms of discrimination perpetrated against members of sexual minorities.
- The government of **Macedonia** should submit to parliament amendments to article 121(2.16) of the law on military service to harmonize it with European anti-discrimination standards.

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

Intolerance and Discrimination against Muslims in the EU

- The **EU member States** should intensify their efforts to ensure that religiously or racially motivated discrimination, hostility and violence targeting Muslims are adequately investigated, prosecuted and punished. They should ensure that anti-discrimination legislation in place in their countries fully corresponds with their obligations under international and EC law and they should promptly proceed to adopting the EU Framework Decision on Combating Racism and Xenophobia
- The **OSCE participating States** should promote systematic efforts to monitor discrimination against Muslims in employment, housing, access to service and other areas of society in order to increase knowledge of such trends and to facilitate the development of effective strategies to prevent and combat discrimination based on religious beliefs. They should encourage the adoption of codes of conduct, based on relevant national and international standards, to counter discriminatory practices.
- The OSCE participating States should strongly condemn instances of hostility against Muslims and take effective measures to promote tolerance toward Muslims among their citizens. They should encourage debate within the media about their responsibility to avoid perpetuating prejudice when reporting on developments related to the counter-terrorism campaign, implement educational campaigns to foster respect for cultural and religious pluralism, and raise awareness of positive contributions of Muslims and other minority members to society.
- The OSCE participating States should ensure that any measures adopted to counter religious extremism or terrorism do not create or perpetuate discrimination on grounds such as religion, nationality or ethnicity or unnecessarily serve to stigmatize any minority community. They should

Speak out against any form of ethnic, racial and religious profiling and ensure that such techniques are not used at any level of authority.

**International Network Against Cyber Hate**  
and  
**Anti-Defamation League:**

We recommend that OSCE participating states:

- Organize follow-up events on all forms of hate speech and the Internet, including racism, xenophobia, anti-Semitism, jihad recruitment and terrorism, including the relation between on-line incitement and hate crime in society;
- Tangibly and structurally support new and existing hotlines
- Promote and support educational projects directed towards countering hate on the Internet.
- Work with Internet providers in OSCE member states on the creation of codes of conduct, which can be enforced within existing structures in the particular state.

**Little People of Kosova**

We recommend that OSCE countries

- adopt DMD (Disability Mentoring Day) event as a tool an Non – Discrimination program
- pass and implement Disability Acts
- support countries alike Kosova to pass and implement Disability Act.

**Recommendations to the OSCE:**

**Spain and Turkey:**

- FOR THE OSCE/ODIHR TO FOLLOW CLOSELY THE WORKINGS OF THE U.N. HIGH LEVEL GROUP ON THE ALLIANCE OF CIVILISATIONS, CO-CHAIRLED BY SPAIN AND TURKEY, IN ORDER TO EXAMINE, IN DUE COURSE, WAYS AND MEANS BY WHICH THE OSCE COULD CONTRIBUTE TO THE IMPLEMENTATION OF THE PRACTICAL MEASURES TO BE RECOMMENDED BY THE SAID HIGH LEVEL GROUP TO PROMOTE RESPECT AND DIALOGUE IN DIVERSITY ACROSS THE OSCE AREA THROUGH THE PARTICIPATION, AMONG OTHERS, OF OSCE INSTITUTIONS AND FIELD PRESENCES, PUBLIC AUTHORITIES OF THE PARTICIPATING STATES, CIVIL SOCIETY, EDUCATION AND THE MEDIA.

## **Turkey:**

### ***OSCE's High Priority***

- Tolerance and non-discrimination should remain OSCE's high priority spanning the tenure of many chairmanships to come.
- A comprehensive and multidimensional approach addressing all forms of intolerance and discrimination should be adopted. Activities of the OSCE Secretariat, Institutions, Personal Representatives and Field Missions should be streamlined to implement this approach more effectively. It requires their collaboration beyond their cooperation.

### ***Political discourse and leadership***

- OSCE, its the Parliamentary Assembly and Institutions as well as Personal Representatives should call on the politicians and opinion leaders in the participating States to assume responsible political leadership to ensure that human rights and fundamental freedoms are not negotiated in exchange for more security and that cultural dividing lines are not deepened but mended within societies.

### ***Public discourse and media***

- ODIHR, in cooperation with the Council of Europe, should work on monitoring the trends of discriminatory and xenophobic media coverage in OSCE participating States and prepare guidelines on non-discriminatory journalism particularly in the context of fight against terrorism. In this effort the existing monitoring capabilities of Representative on the Freedom of the Media should be used.

### ***Human rights and Tolerance Education***

- Present and incoming Chairmanships, in close cooperation with ODIHR, should devise a strategy to streamline and implement various projects in human rights and tolerance education.

### ***Intercultural Dialogue***

- OSCE should take a more active role in promoting intercultural dialogue and interaction.

### ***Personal Representatives***

- The Personal Representatives should be reappointed in 2006.

## **Canadian Council of Muslim Women:**

- In reaching out to Muslim communities to help member states address intolerance and discrimination against Muslims, the OSCE must engage NGOs like the Canadian Council of Muslim Women as well as other Muslim women's organizations to ensure that Muslim women's voices are heard.
- We are calling upon the OSCE and its participating states to adopt a more comprehensive and inclusive definition of hate crimes that ensures the motivations behind the manifestation of hate crime are addressed.

- We call upon the OSCE to commit to working thematically, addressing broad themes of intolerance and discrimination, as well as tackling particular bias grounds. A key aspect of this will be to develop and implement human rights and citizenship curricula in schools.

#### **European Pride Organisers Association (EPOA):**

- We call upon the ODIHR to have a serious word with the city government of Warsaw and to make them understand that such a ban is not acceptable. If the city government cannot be persuaded to guarantee fundamental rights for all its citizens, we think, the logical consequence must be for ODIHR to move the annual Human Dimension Implementation Meeting to another place – because it would be a completely wrong signal to continue to hold this meeting in a city that does not respect fully the basic human rights of all its citizens.

#### **European Raelian Movement:**

We ask the OSCE:

- to advise the State Members to ban the word « cult or sect» in all its texts and those of its administrations, and to replace this word by the term « religious minority »
- To create a body in charge of censuring the world’ s religious writings to rid them of the incitement to hatred and violence as well as rid them of anything which disrespects the basic principles of Human Rights. To follow the example of the European Council which has just condemned the religions (Catholic, Jewish, Islamic) who do not respect women in their writings and practices. The European Council explained that religious freedom must not override Human Rights.

#### **Human Rights Without Frontiers International:**

- Wants to draw the attention of the OSCE to the existence of laws and practices that are not consistent with its nondiscrimination standards;
- Urges the ODIHR, its Advisory Panel and the Personal Representatives to the OSCE Chairman-in-Office to identify the laws and constitutional provisions that lead to various forms of discriminatory categorization of religions in the OSCE space;
- Urges the OSCE/ ODIHR
  - to organize a specific conference on the issue of the discrimination caused by the categorization of religions;
  - to open a dialogue with the concerned participating states and to offer them technical assistance to achieve a number of reforms;
  - to assess its own strategies, its own actions and the achievements of the concerned member-states on a regular basis.

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

- We ask the OSCE and all its member-countries to implement all possible measures to address problems and difficulties experienced by the Turkmenistan ethnic minority population and to require specifically from the Turkmenistan government:
  - To stop the forced resettlement of peoples, particularly ethnic Uzbeks;
  - To eliminate the ‘third-generation’ test throughout Turkmenistan society, particularly in higher education and public sector employment, and eliminate the requirements for it currently present in the law and employment regulations for civil servants;
  - To re-open Uzbek, Kazakh, Armenian, Russian and other language schools, and extend the availability of Russian-language education;
  - To eliminate the requirement for religious groups to register with the government;
  - To stop the harassment of religious services and gatherings, both public and private;
  - To stop the harassment of citizens of Turkmenistan who have sought refuge or exile abroad and their relatives inside Turkmenistan;
  - To allow foreign-language print and broadcast media to operate and circulate freely, including Russian and Uzbek;
  - To allow foreign and domestic NGOs and human rights groups to register and to operate freely in Turkmenistan.

### **Other recommendations:**

#### **Kosovo Helsinki Monitor (KHM):**

- calls upon the international community to open up internationally mediated negotiations about the final status of Kosovo as soon as possible;
- calls upon the Kosovo and UNMIK authorities to vigorously and rigorously enhance the implementations of Standards for Kosovo, especially with regards to functioning democratic institutions, rule of law, minority and human rights, and further advance them eventually to regional standards for the future EU integration processes;
- calls upon the government and international authorities of Kosovo to strongly raise the awareness among the Kosovo Albanian leadership, the party landscape, the overall public and especially the media about the necessity of assuming its part of responsibility for a post-war reconciliation process in Kosovo and the region that can provide for the full and complete observation of international standards, especially for minority and human rights as well as for normalization of interethnic relations.
- calls upon the Belgrade authorities for a responsible, constructive, and non-obstructive contribution to the international and domestic efforts for resolution of the status issue and stability and prosperity in Kosovo;
- call upon the international community to enable the resolution of the status issue of Kosovo and Montenegro on the basis of the universal basic human right to self-determination implemented through respective referenda and thus contribute to the stable and comprehensive conclusion of the process of transformation and restructuring of former Yugoslav territories;

- last but not least, we call upon the international community to accelerate significantly, despite the current difficulties, the EU integration and association processes for the entire region of the Western Balkans including Kosovo, Montenegro, Macedonia, Bosnia, Serbia and Albania.

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

- The Republic of Montenegro, The Republic of Serbia i.e. the Union of SiCG, regardless of their future status are supposed to start a true process of the military forces reform in accordance with international standards
- The military forces ought to be transformed into army forces of all the citizens of Montenegro, Serbia i.e. the Union (regardless of their ethnic, religious or any other belonging or difference) and effective mechanisms to remove any danger of using these forces against their own citizens ought to be established
- The concept of building army forces in all its aspects ought to observe multi ethnic and multi confessional character of states (Montenegro and Serbia i.e. the Union) and this concept ought to observe the constitutional principle of separation of the state and church
- In the process of reform of army forces it is necessary to apply all the mechanism of facing the recent past (cooperation and fulfilling the obligations to the Hague Tribunal, investigation, charging and bringing to justice of those persons for whom the Hague Tribunal is not competent and the lustration within these forces) and
- Establishing the effective mechanisms of the civil control over the army forces and making the army forces completely responsible to civil authorities.

#### **Amnesty International**

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

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

#### **International League for Human Rights (ILHR)**

#### ***Joint Appeal to the OSCE Participating States to Invoke the Moscow Mechanism with Respect to the Andijan events***

- We urge the OSCE participating States, in accordance with the spirit of these provisions and as a matter of urgency, to initiate a mission of international experts to examine the May events in Andijan, as well as related subsequent developments, in an impartial and comprehensive manner. Invoking the Moscow Mechanism would attest to the commitment of the OSCE participating States to human rights protection in Uzbekistan and demonstrate their resolve to ensure that the Uzbek government lives up to its OSCE commitments. It is, however, essential that the Moscow Mechanism is not used as a substitute, but as a *complement* to the independent, international investigation into the Andijan events that has been called for by the UN High Commissioner for Human Rights.

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<b>Netherlands</b>	<p>480.Statement on "Society's resilience and Integratoin Policy. Prevention of radicalisation in the context of integration policy", WS16: Tolerance and non-discrimination (specifically selected topic).</p>
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	<p>463. Act of 6 January 2005 on national and ethnic minorities and on the regional language, WS14: Tolerance and non-discrimination II.</p> <p>464. Statement on national minorities, WS14: Tolerance and non-discrimination II.</p>
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<b>Holy See</b>	<p>41. Statement on the follow-up to the OSCE Seminar on Migration-Integration, WS2: Humanitarian issues and other commitments I.</p> <p>150. Statement on the follow-up to the OSCE Meeting on Human Rights and the Fight against Terrorism, WS8: Rule of Law I.</p> <p>444. Statement on freedom of thought, conscience, religion or belief, WS15: Fundamental freedoms II (continued).</p>
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	<p>commitments I.</p> <p>167. Statement on Kosovo and Metohija, WS2: Humanitarian issues and other commitments I.</p> <p>80. Statement on freedom of assembly and association, WS3: Fundamental freedoms I.</p> <p>113. Statement on freedom of the media, WS4: The situation of the media in the OSCE region and the role of State and non-State actors in promoting media.</p> <p>149. Information relating to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, WS6: Methods to prevent and combat torture (specifically selected topic).</p> <p>148. Statement on methods of preventing and fighting torture, WS7: Methods to prevent and combat torture (cont.).</p> <p>180. Statement on Legislative transparency, Independence of the judiciary and right to a fair trial, WS8: Rule of Law I.</p> <p>181. Statement on the fundametals of the strategy on the reform of the judiciary, WS8: Rule of Law I.</p> <p>188. Statement on ombudsperson and national human rights institutions, WS9: Rule of Law II.</p> <p>268. Statement on trafficking in human beings, WS12: Humanitarian issues and other commitments (part 2).</p> <p>271. Statement on co-operation with the International Criminal Tribunal for the former Yugoslavia, WS12: Humanitarian issues and other commitments (part 2).</p> <p>293. Statement on equality of opportunity for women and men, WS13: Tolerance and non-discrimination I.</p> <p>294. Statement on prevention of violence against women, WS13: Tolerance and non-discrimination I.</p> <p>382. Statement on the Implementation of the OSCE Action Plan for the Promotion of the Position of Roma and Sinti, WS14: Tolerance and non-discrimination II.</p> <p>435. Information on Inter-ethnic relations in Vojvodina between 1 September 2004 and 31 August 2005, WS14: Tolerance and non-discrimination II.</p> <p>369. Statement on freedom of thought, conscience, religion and belief, WS15: Fundamental freedoms II (continued).</p>
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<b>Slovenia / OSCE Chairmanship</b>	<p>12. Opening statement by Ambassador Dr Boris Frlec, Head of the OSCE Task Force, Opening Plenary.</p> <p>154. Statement by Ms. Blazka Kopic, Deputy Head of the Mission of Slovenia to the OSCE, WS2: Humanitarian issues and other commitments I.</p> <p>237. Statement by Ms. Simona Drenik on the SHDM in Tbilisi in November as well as on the SHDM on the Human Rights and the Fight against Terrorism, WS8: Rule of Law I.</p> <p>136. Fact Sheet on "OSCE Human Rights Eduation Pilot Project", WS10: Discussion of</p>

	<p>human dimension activities (with special emphasis on project work).</p> <p>307. Statement by Ms. Simona Drenik on trafficking in children and violence against children., WS12: Humanitarian issues and other commitments (part 2).</p> <p>285. Statement by Blanka Jamnisek on Discrimination against Muslims (delivered at the Roundtable addressing Intolerance and Discrimination against Muslims), WS14: Tolerance and non-discrimination II.</p> <p>399. Information on the Roma Ethnic Community in the Republic of Slovenia, WS14: Tolerance and non-discrimination II.</p> <p>501. Right to Reply on the statement of the US Delegation on draft law on religious freedom, WS15: Fundamental freedoms II (continued).</p> <p>261. Consolidated Summary of the OSCE Conference on Anti-Semitism and on other Forms of Intolerance, WS16: Tolerance and non-discrimination (specifically selected topic).</p> <p>434. Key-note speech by Ambassador Omur Orhun, Personal Representative of the CIO on Combating Intolerance and Discrimination against Muslims, WS16: Tolerance and non-discrimination (specifically selected topic).</p> <p>438. Address by Anastasia Crickley, Personal Representative of the CIO on Combating Racism, Xenophobia and Discrimination also focussing on Intolerance and Discrimination against Christians and members of other religions., WS16: Tolerance and non-discrimination (specifically selected topic).</p> <p>453. Address by Prof. Gert Weisskirchen, Personal Representative of the CIO on Combating Antisemitism, WS16: Tolerance and non-discrimination (specifically selected topic).</p> <p>500. Closing remarks by Mr. Stanislav Rascan, Acting Director General for Policy Planning and Multilateral Political Relations (on behalf of the OSCE Chairman-in-Office Dr. Dimitrij Rupel), Closing reinforced plenary session.</p>
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<b>OSCE Project Co-ordinator in Ukraine</b>	256. Key-note speech by Ms. Cordula Wohlmuther, Senior Programme Officer, WS11: Discussion of human dimension activities (with special emphasis on project work) (cont.).
<b>OSCE Secretariat</b>	244. Opening statement by the OSCE Secretary General Marc Perrin de Brichambaut, Opening Plenary.
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- 68. Information on freedom of association as guaranteed by the European Social Charter, WS3: Fundamental freedoms I.
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- 401. Statement on prevention of aggressive nationalism, chauvinism and ethnic cleansing, WS14: Tolerance and non-discrimination II.
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- 457. Written contribution on "Non-discrimination as guarantee by the European Social Charter", WS17: Tolerance and non-discrimination.
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<b>European Dialogue</b>	355. Information on the programme "Police and Roma: Toward Safety for Multi-Ethnic Communities. Progress Report", WS14: Tolerance and non-discrimination II. 356. Information on the "RrAJE Programme - Roma Rights and Access to Justice in Europe", WS14: Tolerance and non-discrimination II. 410. Information on a Resource Manual on Policing and Roma, a Compilation of Document to Support Implementation of the OSCE Action Plan for Roma & Sinti, WS14: Tolerance and non-discrimination II.
<b>European Humanist Federation</b>	370. Statement on "The Limits of Freedom of Thought and Religion" based on speech by David Pollock at the European Humanist Federation General Assembly in Berlin (2005), WS15: Fundamental freedoms II (continued). 371. Written contribution on "the status of Non-believers in Europe", WS15: Fundamental

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<b>European Law Centre, Bulgaria</b>	514.Statement, WS17: Tolerance and non-discrimination.
<b>European Pride Organisers Association (EPOA)</b>	418.Statement on tolerance and non-discrimination in Poland, WS16: Tolerance and non-discrimination (specifically selected topic).
<b>European Raelian Movement</b>	341.Statement by Ms. Elsa Cabello, Spokesperson, WS14: Tolerance and non-discrimination II. 439.Statement on freedom of religion, WS16: Tolerance and non-discrimination (specifically selected topic).
<b>European Roma Information Office (ERIO)</b>	122.Statement on "Freedom of media - not really the case for Roma", WS4: The situation of the media in the OSCE region and the role of State and non-State actors in promoting media.
<b>European Roma Rights Center (ERRC)</b>	215.Joint statement with European Network Against Racism and European Roma Information Office on "Human Rights Situation of Roma in Kosovo", WS2: Humanitarian issues and other commitments I. 130.Contribution on "European Human Rights Court Moves to Redress Romanian Pogrom. Racial Discrimination and other Humiliation Amount to >Degrading Treatment<", WS6: Methods to prevent and combat torture (specifically selected topic).
<b>Family Europe</b>	430.Statement and background information provided by Ms. Abi Freeman, WS16: Tolerance and non-discrimination (specifically selected topic).
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<b>Greek Helsinki Monitor</b>	258.Written contribution on Trafficking in Human Beings, WS12: Humanitarian issues and other commitments (part 2). 259.Statement and written recommendations on children victims of trafficking, WS12: Humanitarian issues and other commitments (part 2).

	<p>292. Statement on gender equality, WS13: Tolerance and non-discrimination I.</p> <p>333. Statement on national minorities, WS14: Tolerance and non-discrimination II.</p> <p>334. Written contribution on Roma, WS14: Tolerance and non-discrimination II.</p> <p>386. Written contribution on freedom of thought, conscience, religion or belief, WS15: Fundamental freedoms II (continued).</p>
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	<p>220. Written recommendations on independence of the judiciary and right to a fair trial, WS8: Rule of Law I.</p> <p>404. Written recommendations on the right to a fair trial, WS8: Rule of Law I.</p> <p>498. Statement on "Tolerance and non-discrimination. Belarus example", WS17: Tolerance and non-discrimination.</p>
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<b>International Helsinki Federation for Human Rights</b>	<p>17. Contribution on Citizenship and Political Rights, WS1: Democratic institutions.</p> <p>18. Contribution on Democratic Elections, WS1: Democratic institutions.</p> <p>46. Statement and written recommendations on Refugees and Displaced Persons, WS2: Humanitarian issues and other commitments I.</p> <p>66. Statement and written recommendations on freedom of assembly and association, WS3: Fundamental freedoms I.</p> <p>120. Statement and written recommendations on freedom of expression, free media and information, WS4: The situation of the media in the OSCE region and the role of State and non-State actors in promoting media.</p> <p>139. Statement and written recommendations on torture and inhuman or degrading treatment, WS6: Methods to prevent and combat torture (specifically selected topic).</p> <p>171. Statement and written recommendations on independence of the right to a fair trial, WS8: Rule of Law I.</p> <p>172. Statement and written recommendations on the use of diplomatic assurance in the fight against terrorism, WS8: Rule of Law I.</p> <p>235. Statement on "Efforts to Establish a UN Human Rights Council", WS10: Discussion of human dimension activities (with special emphasis on project work).</p> <p>262. Statement on international humanitarian law - Chechnya, WS12: Humanitarian issues and other commitments (part 2).</p> <p>325. Statement and written recommendations on National and Ethnic Minorities, WS14: Tolerance and non-discrimination II.</p> <p>326. Statement and written recommendations on Human Rights Situation of Roma in Kosovo (jointly with the European Roma Rights Center, European Network Against Racism and the European Roma Information Office), WS14: Tolerance and non-discrimination II.</p> <p>408. Statement on freedom of thought, conscience, religion or belief, WS15: Fundamental freedoms II (continued).</p> <p>446. Statement and written recommendations on "Sexual Minorities in Balkans", WS16: Tolerance and non-discrimination (specifically selected topic).</p> <p>452. Statement on Intolerance and Discrimination against Muslims in the EU, WS17: Tolerance and non-discrimination.</p> <p>499. "Joint Appeal to the OSCE Participating States to Invoke the Moscow Mechanism with Respect to the Andijan events", Closing reinforced plenary session.</p>
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<b>Kvinna Till Kvinna - Women's Empowerment Projects</b>	<p>266. "Rethink! A Handbook for Sustainable Peace", WS12: Humanitarian issues and other commitments (part 2).</p> <p>267. Report by Agneta Soderberg Jacobson on "Security on whose terms? If men and women were equal", WS13: Tolerance and non-discrimination I.</p>
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132. Inter-American Commission on Human Rights "Report No 98/03, Case 11.204 Statehood Solidarity Committee", WS1: Democratic institutions.
236. "Washington, DC Declaration of the OSCE PA and Resolutions Adopted at the 14th Annual Session", WS1: Democratic institutions.
427. Statement by Mr. Timothy Cooper on tolerance and non-discrimination, WS17: Tolerance and non-discrimination.