

# ANNUAL REPORT 2006

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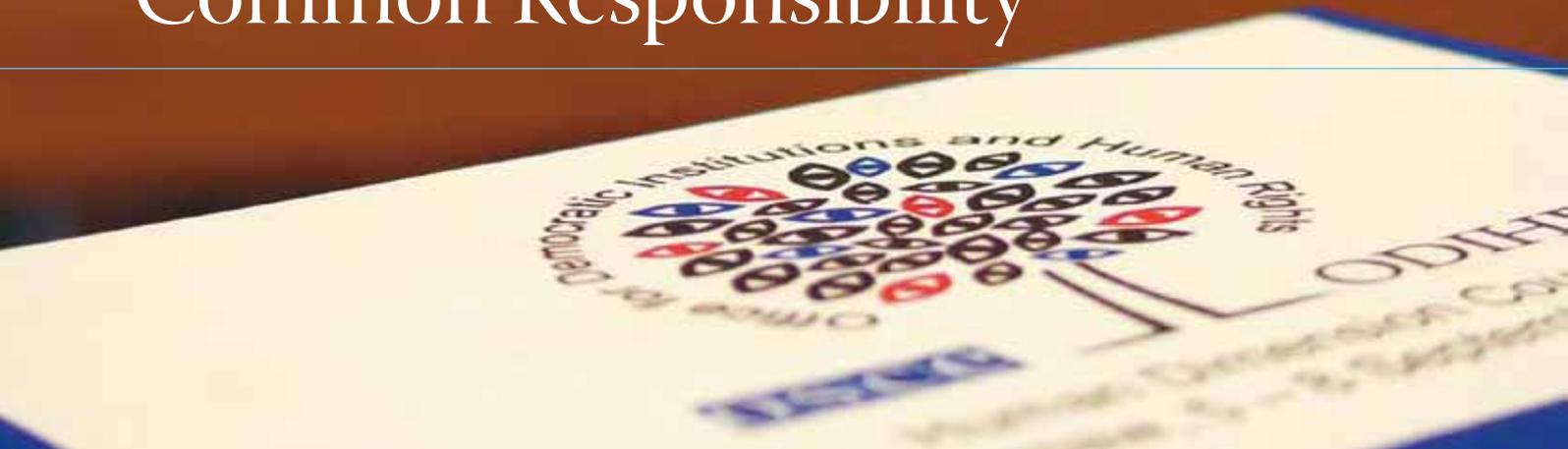
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# Common Responsibility



The year 2006 was another challenging one for the OSCE's Office for Democratic Institutions and Human Rights. Fifteen elections were monitored by the ODIHR, many drawing considerable international attention; monitoring of hate-motivated incidents was further enhanced; and the Office undertook extensive reporting on its activities, as directed by the 2005 Ministerial Council.

The report *Common Responsibility: Commitments and Implementation* focuses on implementation of OSCE commitments on human rights and democracy, possible supplementary commitments, and ways to strengthen and further the ODIHR's election observation and improve the effectiveness of its assistance to the 56 participating States.

It reflects not only our work, but also our understanding of the nature and depth of commitments undertaken by OSCE states. It offers concrete proposals about future election observation activities, human rights, and tolerance-related issues, as well as issues pertaining to democratic governance and the rule of law.

In the report, we identify a number of areas of concern for the entire OSCE region, such as curtailing freedom of assembly and association, the situation of human rights defenders, and electoral shortcomings. It suggests how these

issues may be addressed and discusses possible additional commitments on elections, separation of powers, democratic law-making, administration of justice, protection of human rights in the fight against terrorism, prevention of torture, and non-discrimination.

The report followed the launch of a tolerance and non-discrimination information system that focuses on issues such as hate incidents, xenophobia, and religious freedom in the OSCE region; and a report on hate crimes and violent manifestations of intolerance in the first half of 2006.

The information system's website and the hate-incidents report are our way of raising awareness about the need to fight intolerance and to carry out the task given to us by the OSCE's participating States to serve as a collection point for information related to tolerance and non-discrimination issues and to closely follow hate-motivated incidents in the OSCE region.

Both reports show some worrying trends, such as a rise in racist, xenophobic, anti-Semitic, and discriminatory discourse coming from political leaders, or restrictive actions against human rights defenders. They serve to remind us, yet again, that much remains to be done to ensure that human rights are respected, that there is genuine democracy, and that the rule of law prevails throughout the OSCE region.



The ODIHR published a report on its activities for the Ministerial Council in Brussels.

The OSCE and its 56 participating States need to do more to close the widening gap between human rights defenders and governmental authorities. The human dimension needs to be given more, and not less, attention. Participating States need to focus more, and not less, on implementation deficiencies.

An important part of our work is to bring together representatives of governments and of non-governmental organizations to discuss human dimension issues on an equal footing. This is particularly true of the yearly Human Dimension Implementation Meeting, which was held for the 11th time in 2006. For the first time, the number of participants exceeded 1,000, including representatives from 324 non-governmental organizations.

It is not called an implementation meeting without a reason. The commitments to protect and promote human rights, democracy, and the rule of law are not worth much if they are not implemented. This responsibility lies with the states, whereas our Office's role is to assist them with implementation, and to monitor their compliance with the commitments. We do this through our five programmes: Elections, Democratization, Human Rights, Tolerance and Non-discrimination, and the Contact Point for Roma and Sinti Issues.

As Europe's leading election observation agency, the ODIHR had a busy schedule in 2006, with 15 observation and assessment missions, deploying over 2,700 election observers across the OSCE region. In addition to monitoring elections in the newer democracies in the region, the ODIHR continued to follow elections in long-standing democracies, such as Italy, the United States, and the Netherlands.

In 2007, the ODIHR will maintain its approach to human dimension issues with a combination of constructive monitoring and assistance to help remedy shortfalls. We will further develop

our election-related activities, building on the achievements already made in 2006. We will continue to monitor and report on hate-motivated incidents and to support efforts to strengthen human rights and democracy in our region.

This annual report provides insights into the scope and impact of our activities. Taken together with our publications and website, it should be seen as an invitation for feedback, as well as for follow-up action by government authorities.

I wish to thank our partners throughout the OSCE region, including OSCE field missions and institutions and other international organizations, for their continued support and cooperation. I thank the Belgian Chairmanship for their unwavering support throughout the year. I express my admiration for those men and women who defend the human rights of others, all too often at personal risk, being harassed by some governments in contravention of basic OSCE principles. And my warmest thanks go again to the dedicated staff of the ODIHR.



**Ambassador Christian Strohal**  
**ODIHR Director**

# Introduction

Since its origin in 1975 as the Conference on Security and Co-operation in Europe (CSCE), the OSCE has taken a comprehensive view of security. The human dimension of security — the protection and promotion of human rights and fundamental freedoms and the promotion of strong democratic institutions and the rule of law — is considered to be as important for the maintenance of peace and stability as are the politico-military or economic dimensions. All OSCE participating States are equally committed to upholding democratic principles and to observing the full range of human rights.

They have confirmed their commitment to these principles on countless occasions:

- ▶ “Full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation.” (Copenhagen Document, 1990)
- ▶ “Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of gov-

ernment.” (Charter of Paris for a New Europe, 1990)

- ▶ “Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law.” (Charter of Paris for a New Europe, 1990)

- ▶ “Respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security.” (Istanbul Document – Charter for European Security, 1999)

The participating States have also agreed that human dimension issues are not internal affairs but are matters of immediate and legitimate concern to all other participating States. In fact, they have “categorically and irrevocably” declared that the “commitments undertaken in the field of the human dimension of the OSCE 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).

The ODIHR is the main OSCE institution for the human dimension, meaning that it has the

primary task of seeing that commitments such as those mentioned here are more than mere words. It does this both by monitoring their implementation by respective states and by conducting its own programmes that are aimed at helping states develop and uphold a democratic culture that will in and of itself respect and promote the ideals expressed in those commitments.

To do this, the ODIHR develops and implements a broad range of programmes aimed at protecting human rights, strengthening democratic institutions, respecting the rule of law, promoting democratic electoral processes, combating intolerance and discrimination, and fostering civil society in all participating States.

There is one underlying value behind all of the ODIHR's programmes: namely, that of protecting and promoting the human rights of every individual in the OSCE region. To achieve this goal, the ODIHR employs more than 130 staff members from some 30 different countries who are dedicated professionals in an array of areas of expertise, including lawyers, elections experts, and anti-trafficking specialists; individuals with experience in the fields of human rights education, monitoring places of detention, and minority rights, including staff with both academic and hands-on field experience.

This diversity of backgrounds and experience are what make the ODIHR the flexible, responsive, and dynamic institution that it is. Recent years have witnessed internal reforms that allow the ODIHR to provide long-term, country-specific programmes that meet the needs of individual participating States, while never losing sight of individuals at the heart of our efforts.

One example of how this works in practice is the use of experts and consultants with local knowledge and language skills, who provide a tremendous resource for implementing any programme, not only in terms of their expertise but

also with respect to their ability to gain the trust of their target group, which more often than not includes individuals with similar backgrounds. When conducting legal-reform activities in the Commonwealth of Independent States, for example, the ODIHR relies almost exclusively on lawyers with training and experience in the CIS, most of whom come from Russia. This practice has no doubt added to the effectiveness of our efforts.

But this rule applies equally to the full-time staff of the Office. Of the professional staff members, more than one-third come from countries of the CIS, while the rest come from all parts of Europe, as well as North America. This internal community of nations is a reflection of the make-up of the greater organization and represents the common values of all 56 of the OSCE's participating States. The ever-growing demand for ODIHR support from participating States is a clear expression of this shared sense of common value, and of common responsibility.



# Elections

“The will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of government.”

— Copenhagen, 1990

Since its establishment in 1990 — originally as the Office for Free Elections — the OSCE's Office for Democratic Institutions and Human Rights has been a leading supporter of democratic elections throughout the OSCE region. While its observation of elections is its most visible task, the Office also conducts a number of other election-related activities: reviewing electoral legislation to support emerging democracies, training observers, and publishing guidelines and handbooks about electoral issues.

Over the past fifteen years, major progress has been witnessed in a number of countries in terms of conducting democratic elections, while others continue to fail to hold elections that are in line with OSCE commitments. The ODIHR's comprehensive election observation methodology has permitted it to follow successive election processes in a number of participating States undergoing fundamental transition during the last decade and a half, as well as to offer recommendations to facilitate the conduct of elections that are more closely in line with OSCE commitments.

Since 2002, the ODIHR has been following electoral developments in a broader range of participating States, also assessing specific electoral issues in longer-standing democracies and post-transition countries. This has been achieved through the increased deployment of election assessment missions, which primarily focus on the legal and administrative framework for the conduct of elections, and other relevant issues such as the introduction of new voting technologies. By adjusting its approach to meet the relevant circumstances in a broader range of participating States, the ODIHR has been able to maximize its available human and financial resources.

Given the high interest in election-related issues, the ODIHR commented extensively on

challenges, as well as responses thereto, in its report *Common Responsibility: Commitments and Implementation*, which was mandated by the Ministerial Council and presented at its meeting in Brussels in December.

## Main Issues

▶ **Meeting standards for democratic elections:** OSCE participating States have made commitments to hold elections in accordance with the 1990 OSCE Copenhagen criteria, which the ODIHR uses as the basis for its evaluation of any given election. Despite improvements in the legal and administrative framework for elections in a number of OSCE states, the ODIHR continues to report serious flaws in the actual conduct of elections such as restrictions of fundamental freedoms, constraints on the right to stand for office, disenfranchisement of voters, inequi-

A voter casts his ballot during parliamentary elections in the former Yugoslav Republic of Macedonia, 5 July.



ODIHR/ODIHR/ODIHR

“[The Ministerial Council] recognizes ODIHR’s expertise in assisting the participating States through its election-related activities, including reviewing election legislation and carrying out election observations.”

—“Strengthening the Effectiveness of the OSCE”, Brussels, 2006

table media access and biased coverage in favour of one candidate or party, hindered access of domestic and international observers, as well as premeditated fraud during the vote count and tabulation process.

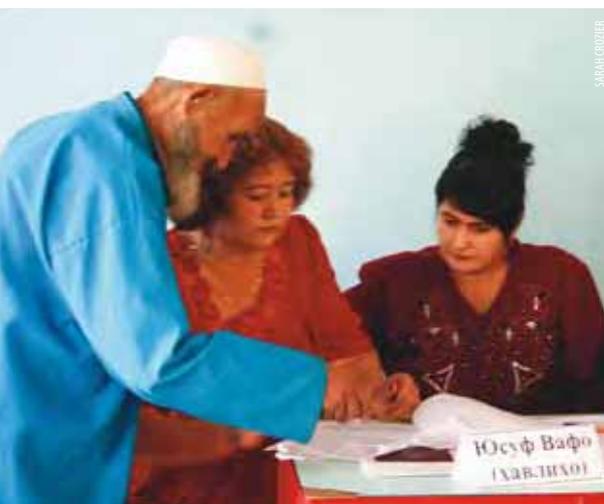
» **Formulating supplementary commitments:** Following a review of existing commitments and best practices, the ODIHR circulated an “Explanatory Note on Possible Additional Commitments for Democratic Elections” ahead of the OSCE Ministerial Council in Ljubljana in December 2005. The ODIHR concluded that three basic principles not included in the 1990 Copenhagen Document — transparency, accountability, and public confidence — could serve as the basis for new commitments. However, OSCE states have yet to decide on the adoption of supplementary commitments.

» **Implementing recommendations:** Election observation is not an end in itself. At the conclusion of any observation or assessment mission, the ODIHR provides constructive recommenda-

tions that address areas where the electoral practices of a particular state should, or could, be improved. Recommendations, however, are not always or everywhere acted upon. In order to enhance the impact of election observation and to ensure that OSCE states implement recommendations, the ODIHR continues to emphasize the need for post-election dialogue and follow-up activities. There are ongoing discussions among OSCE states on possible modalities for periodic follow-up reports examining the state of implementation of ODIHR recommendations.

» **Ongoing and emerging challenges:** Ongoing challenges include the need to ensure transparency, accountability, and confidence in electoral processes, as well as universal suffrage rights for both voters and candidates. In this context, the participation of women, the inclusion of national minorities, and access for disabled voters remain issues to be followed and addressed. The right to vote, free from interference and intimidation, is also an issue for certain groups that may be considered more vulnerable, such as the sick and elderly, who may vote at home or in hospital; military conscripts, who may vote in their barracks; internally displaced persons; and persons in pre-trial detention. Low voter turnout, particularly among young voters, is another concern in a number of participating

A man finds his name on the voters list at a polling station in Dushanbe during Tajikistan’s presidential election, 6 November.



The following are among the principal areas where the conduct of democratic elections requires further attention and improvement:

- » Respect for the civil and political rights of candidates and voters;
- » Access for disabled voters;
- » Compilation of accurate voter lists;
- » Honest counting and tabulation of the votes;
- » Equal opportunities to campaign, free from interference;
- » Effective complaints and appeals process with an independent judiciary;
- » Equitable access to the media;
- » Overall transparency and accountability that instils public confidence;
- » Unbiased coverage by the media;
- » Development and implementation of new voting technologies in a manner that is both transparent and accountable.
- » Access for international and domestic election observers;
- » Participation of women;
- » Inclusion of national minorities;

States. Emerging challenges include the monitoring of election campaign financing, as well as the development, implementation, and observation of new voting technologies, such as electronic voting, in a manner that is both transparent and accountable.

## Activities

Observation is the most visible aspect of the ODIHR's elections mandate, but it is just one part of a much broader range of activities aimed at fostering and strengthening democratic governance. Regarding election-related work, the Office's integrated work plan also includes the further development of methodology, as well as technical-assistance projects and legislative reviews. These activities concentrated in 2006 on the following areas:

- ▶ Election observation;
- ▶ Reform of electoral legislation;
- ▶ Methodological development;
- ▶ Follow-up; and
- ▶ Observer training.

### I. Election observation

Election observation has two principal objectives: (1) to determine whether a particular election meets OSCE commitments and other international standards for democratic elections, and



whether it is conducted in compliance with national legislation, which should reflect OSCE commitments; and (2) to offer recommendations, where necessary, to support governments in making improvements for future elections.

The purpose of election observation is not simply to commend those countries that conduct their elections well or to criticize those countries that fall short of meeting their commitments. Instead, the ODIHR offers proactive and constructive input, whereby it not only calls

An ODIHR observer takes notes at a polling station in Dushanbe during Tajikistan's presidential election, 6 November.

## Election Observation Missions

Country	Type of Election	Date
Belarus	Presidential	19 March
Ukraine	Parliamentary	26 March
Azerbaijan	Repeat parliamentary	13 May
Montenegro (Serbia and Montenegro)	Referendum	21 May
Former Yugoslav Republic of Macedonia	Parliamentary	5 July
Montenegro	Parliamentary	10 September
Bosnia and Herzegovina	General	1 October
Georgia	Municipal	5 October
Latvia	Parliamentary	7 October
Tajikistan	Presidential	6 November

## Elections

A woman checks the voter list in Kvemo Khartli during municipal elections in Georgia, 5 October.



attention to specific areas for possible improvement, but also makes recommendations and provides assistance to rectify any shortcomings. Election observation has thus become an effective service that is provided among OSCE participating States to enhance the integrity of electoral processes.

In the course of 2006, the ODIHR deployed over 2,700 observers to 10 election observation missions. In an effort to expand the geographic composition of observation missions, 70 short-term and 28 long-term observers were financed through the ODIHR's Fund for Enhancing the Diversification of Election Observation Missions. This voluntary fund was established in 2001 to ensure broader participation of nationals from 19 participating States that may not be in a position to regularly second observers.

### *Election assessment missions*

Since elections in longer-established democracies are expected to meet OSCE commitments and also enjoy greater public confidence, better-tested electoral practices, and checks and balances such as an independent judiciary, a more robust civil society, and pluralistic media, the deployment of comprehensive long-term election observation missions involving hundreds of observers would not appear to be necessary or even realistic in the face of limited resources. There is proven value, however, in following electoral issues and developments in longer-standing democracies and post-transition countries in the OSCE region, as all participating States are equally bound by the 1990 Copenhagen commitments, and therefore should peri-

### Election Assessment Missions

Country	Type of Election	Date
Canada	Parliamentary	23 January
Italy	Parliamentary	9-10 April
Bulgaria	Presidential	22/29 October
United States	General (mid-term)	7 November
Netherlands	Parliamentary	22 November

odically review their procedures to ensure best electoral practice.

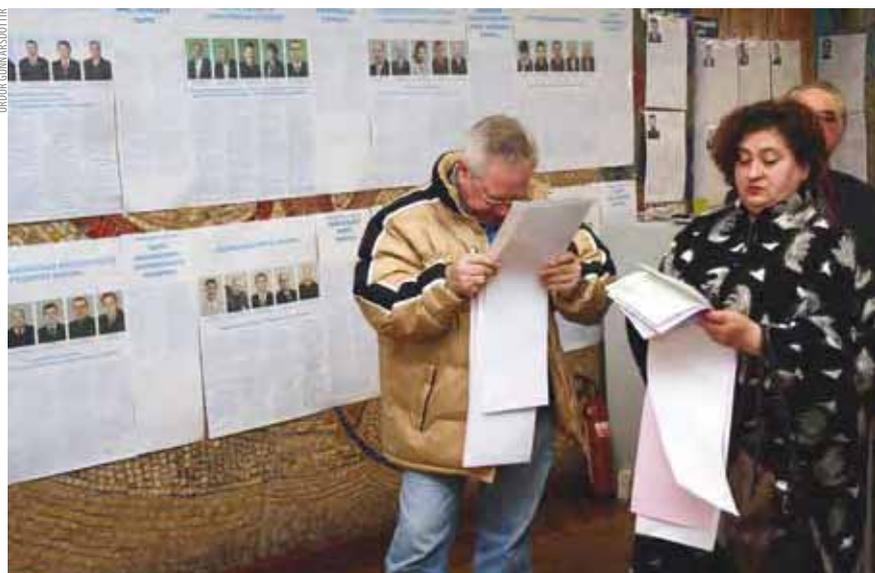
In this context, the ODIHR deploys election assessment missions, which consist of a group of experts who arrive in a given country several days prior to Election Day and remain until shortly after Election Day. They make an overall assessment of the administrative and legal framework for the conduct of elections and provide targeted recommendations. An assessment mission does not comment on the process in the same comprehensive manner as an observation mission, and it does not undertake any systematic or comprehensive observation on Election Day. Since 2002, this type of election mission has permitted the ODIHR to follow electoral issues in a broader range of OSCE participating States.

#### **Support to OSCE field presences in assessing elections and referenda**

In 2006, the ODIHR fielded five election support teams comprising a few experts each to support OSCE field presences in following electoral events where an observation or assessment mission was not deployed. An election support team provides expert advice on electoral developments to OSCE field missions that in turn report on the electoral event through their standard OSCE reporting channels. Such teams were deployed in 2006 for parliamentary by-elections in Kyrgyzstan, municipal by-elections in Ukraine, municipal elections in three municipalities in Southern Serbia and in Azerbaijan, as well as for the gubernatorial election in Gagauzia, Moldova.

## **II. Reform of electoral legislation**

A legal framework that does not sufficiently reflect OSCE commitments may not be conducive to the conduct of genuine and meaningful democratic elections. To further develop legislation that enhances and safeguards OSCE commitments for a democratic electoral process, the ODIHR established a voluntary fund in 2001 (Legislative Alert). This fund has permitted the ODIHR to provide expert advice on



electoral reform initiatives, as well as to make recommendations on how to bring legislation into line with OSCE commitments. Review of electoral legislation has become an integral part of ODIHR activities to follow up on recommendations contained in election reports.<sup>1</sup>

Voters examine their ballot papers as they stand next to lists of candidates during the Ukrainian parliamentary elections on 26 March.

## **III. Methodological development**

The ODIHR has developed a systematic and comprehensive methodology for long-term observation of elections that encompasses all elements of an election process. The ODIHR's *Election Observation Handbook*, published in its fifth edition in 2005, provides the guidelines that observers use to monitor all aspects of an electoral process, beginning with a review of the legal framework, and including the performance of the election administration; the conduct of the campaign; the media environment and equitable media access; the complaints and appeals process; voting, counting, and tabulation; and the announcement of results.

<sup>1</sup> See "Legislative Reviews" on p. 82.

**"To ensure that the will of the people serves as the basis of the authority of government, the participating States will . . . guarantee universal and equal suffrage to all adult citizens."  
— Copenhagen, 1990**



A detachable screen from an electronic voting machine at a Vienna, Virginia, polling station during the US mid-term elections, 7 November.

While this methodology has not been fundamentally altered since its introduction in 1996, the experience and insights gained over the past decade have led to refinements in some areas and expansion in others. For example, the Office has adapted its methodology to take more detailed account of issues such as the participation of women and the inclusion of national minorities in the electoral process, as well as expanding its media-monitoring methodology and considering the topic of new voting technologies.

#### **Monitoring the use of new voting technologies**

An increased number of OSCE participating States are considering and testing, or are in the process of introducing, new voting technologies, including voting machines, vote scanners, and even Internet voting options. While ODIHR staff have had the opportunity to familiarize themselves with such technologies in several participating States, the Office has stressed that, when using new voting technologies, OSCE

commitments must be met in the same manner as when using traditional voting methods.

Recognizing that the observation of new voting technologies requires innovative approaches, the ODIHR hosted an expert meeting on “Observation of Electronic Voting” to discuss the challenges of observing an electronic voting process and to identify areas in which the ODIHR’s election observation methodology could be further developed in this regard. Based on the conclusion that key aspects of new voting technologies should be observable, and that such systems should be introduced with appropriate safeguards to better ensure accountability, transparency, and public confidence, a paper is currently being prepared to serve as the basis for a broader discussion to include representatives of election administrations, electronic-voting and legal experts, and relevant international organizations. On this basis, the ODIHR intends to develop guidelines on observation of electronic voting.

The ODIHR had the opportunity to expand its comparative experience with new technologies during several elections in 2006, including its assessment missions to the mid-term congressional elections in the United States and to the parliamentary elections in the Netherlands, where new voting technologies were widely used. The ODIHR also deployed an expert study team for the local elections in Belgium, a country with considerable experience with e-voting.

#### **Publishing guidelines**

In recent years, the ODIHR has published guidelines and handbooks on a variety of election-related subjects that provide detailed guidance for international and domestic observers.

In 2006, the Office took the first steps towards developing guidelines for the observation of voter registration. Voter registration laws and practices make up an important aspect of any democratic election, ensuring that the principles of equality and universal suffrage are upheld.

Although the ODIHR has commented extensively on these issues in various election reports,

more specific and detailed guidance on best practices for observation of this fundamental element of an election process would strengthen the Office's observation methodology. In December, the ODIHR convened an expert meeting that discussed the drafting of guidelines for the observation of the voter registration process. The meeting concluded that, while voter registration is critical to ensuring universal and equal suffrage, it is a complex exercise that can present challenges to election observers. Guidelines should facilitate the necessary understanding of complex issues and guide election observers in their assessment of voter registration. A larger meeting is planned for 2007 that will include a broader range of participants to discuss draft guidelines.

The ODIHR also drafted a detailed handbook for long-term observers last year that provides a comprehensive overview of their responsibilities and role in observation missions. Due to be published in 2007, the handbook will offer long-term observers the benefit of ODIHR experience in order to ensure efficiency, effectiveness, and a common approach.

The Office also began updating two of its existing publications. A revised edition of the *Handbook to Assist National Minority Participation in the Electoral Process* will provide new content on issues pertaining to jurisprudence of the European Court of Human Rights and to interpretations by the Advisory Committee of the Framework Convention for the Protection of National Minorities, as well as on the concept of dual voting.

A new edition of the *Guidelines for Reviewing a Legal Framework for Elections* will take account of relevant international developments, including those stemming from the case law of the European Court of Human Rights. It will contain an expanded discussion on the subjects of districting and equal suffrage, national minorities, gender, voting by internally displaced persons, and the protection of electoral rights. It will also provide guidance on how to review laws related to the use of new voting technologies.



#### **Supporting domestic non-partisan election observation**

International and domestic election observation are distinct but complementary activities. Domestic election observation, as conducted by both partisan and non-partisan observers, helps to ensure transparency, accountability, and public confidence.

The ODIHR has supported capacity-building efforts and promoted exchange of experience and best practice among domestic observers since 2001. Given that methodologies and means of implementation may vary, considerable benefit can be gained from exchanges of experience among domestic observer groups in the OSCE region, ultimately leading to a more standardized approach.

In October, the Office convened an informal expert roundtable on current election issues where non-partisan domestic election observers were able to share their experiences and discuss

The chairwoman of a polling station in Riga speaks to ODIHR election observers during parliamentary elections in Latvia in October.

“[The Ministerial Council] tasks the ODIHR to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election-observation reports and inform the Permanent Council on progress made in fulfilling this task.”

— Maastricht Ministerial Council, 2003



The ODIHR organized a training course in November for short-term election observers from states that are currently under-represented in OSCE election observation missions.

issues of common interest. The ODIHR also continues to raise awareness and express concerns on occasions when the rights of domestic observers are obstructed or infringed by the authorities.

#### IV. Follow-up

Efficient and consistent follow-up is essential to maximize the impact of election observation missions and to avoid the repetition of shortcomings from one election to the next. The ODIHR has been continuing its efforts to sustain ongoing dialogue with OSCE participating States on electoral issues, and in this context has been further developing its capacity to follow up on the recommendations contained in its election reports. While follow-up to ODIHR recommendations is first and foremost the responsibility of participating States, the ODIHR's efforts are enhanced by an invitation from the respective country that clearly signals its interest in engaging in a follow-up process.

In 2006, the ODIHR published a total of 45 reports within the framework of its observation and assessment missions. These not only provide detailed information about all aspects of the respective electoral processes, but they

also serve as background for the development of other activities by participating States, often in co-operation with the ODIHR. In particular, the ODIHR has been developing its methods for engaging participating States on matters of post-election follow-up to facilitate implementation of recommendations contained in ODIHR final reports. The ODIHR is increasingly making it a practice for its Director to deliver final reports to the respective authorities, and the Office engages in constructive discussions with election stakeholders on the implementation of its recommendations.

The ODIHR's approach to follow-up is inclusive, involving all election stakeholders in discussions. Specific activities may include expert visits and roundtable meetings that discuss shortcomings, make recommendations, and identify possible technical-assistance projects aimed at the improvement of election processes. In 2006, in addition to its legal reviews, and in response to invitations, the Office conducted a variety of follow-up activities in Albania, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Serbia, and the United Kingdom. In Albania, for instance, the ODIHR contributed expert advice on the reform of civil/voter registers.

Voters cast their ballots in Golubovci during parliamentary elections in Montenegro, 10 September.



In the United Kingdom, the ODIHR provided expert advice on reforming legislation on the rights of election observers. In another case, ODIHR experts participated in a conference on improving the election process in Kyrgyzstan, Moldova, and Serbia.

#### V. Observer training

The ODIHR makes great efforts to implement its election observation methodology with the highest possible professional standards. While it is primarily the responsibility of OSCE participating States to provide the ODIHR with trained and experienced observers, the ODIHR has started to assist them by providing observer training. In 2006, the ODIHR followed a two-track approach to observer training that included: (1) the launch of a new extra-budgetary programme on training election observers; and (2) the provision of continued ad hoc support to national training centres.

The training programme assists participating States in their efforts to train observers and increases the level of professionalism of interna-

tional observers taking part in ODIHR election missions. Training teaches observers necessary skills and underscores the need for a common approach in implementing the ODIHR's election observation methodology. As an initial step, the programme has focused on training short-term observers, but it could be expanded in the future.

The ODIHR conducted its first training course for short-term election observers in November. It was held in Bishkek, Kyrgyzstan, in co-operation with the Training Section of the OSCE Secretariat and the OSCE Academy. Participants came from foreign ministries, non-governmental organizations, and central election commissions from 15 participating States. The ODIHR intends to conduct two more training courses in 2007, contingent upon extra-budgetary funding.

The ODIHR recognizes the national efforts made by some participating States to offer in-depth training to their observers before deployment to the field. In addition to the extra-budgetary programme for training election observ-



An ODIHR election monitor observes proceedings at a polling station in Kvemo Kartli during municipal elections in Georgia, 5 October.

ers, the ODIHR supports national efforts to train observers. It also strongly encourages participating States' efforts in this regard.

In 2006, members of the ODIHR's Election Department trained Austrian, German, Norwegian, and Russian observers to participate in future election missions. The ODIHR also cooperated with national training centres such as the German Centre for International Peace Operations, the Norwegian Centre for Human Rights, the Russian Diplomatic Academy, and the Austrian Study Center for Peace and Conflict Resolution, as well as with the European Commission's Network of Europeans for Electoral and Democracy Support.

These ad hoc training efforts complement the ODIHR's extra-budgetary programme and contribute to strengthening consistency and common standards for election observation.

## Future Priorities

The ODIHR's central election-related priority will remain the observation of elections in participating States, as well as providing them with considered recommendations to further improve election processes for democratic elections in line with OSCE commitments. Beyond this core activity, the ODIHR will focus on the following priority areas:

### Follow-up

The ODIHR will continue to enhance its follow-up activities by encouraging co-operation with other organizations involved in observation, OSCE institutions, parliamentary bodies, and domestic actors.

As stated in its report *Common Responsibility: Commitments and Implementation*, the ODIHR has been advocating for regular progress reports to the OSCE Permanent Council on the implementation of election-related recommendations. Greater involvement of the Per-

manent Council and the Chairmanship is crucial in this regard, as is that of the OSCE field missions.

Finally, the ODIHR plans to continue to cooperate closely with domestic non-partisan observer groups to build their capacity to advocate for electoral reform based on ODIHR recommendations. As election stakeholders, these groups could engage in advocacy activities for legal reform using ODIHR recommendations as benchmarks.

#### ***New voting technologies***

In recent years, new voting technologies have been used with increasing frequency. These technologies can pose challenges to the perceptions of transparency and accountability in an election process, as well as challenges to observing electronic voting. Key aspects of new voting technologies should be observable, and such systems should be introduced with appropriate safeguards to better ensure accountability, transparency, and public confidence. Broad public confidence is considered a prerequisite for the introduction of new election technologies. Electronic voting systems must meet the same democratic commitments and principles applied to traditional systems and modalities of voting, especially the principles of transparency, secrecy of the vote, and accountability. The ODIHR is committed to further examining the challenges surrounding the consideration and introduction of new voting technologies by increasingly including e-voting experts in relevant election missions. Furthermore, the ODIHR will continue to consider adaptations to its election observation methodology to take account of new developments in the field of voting technologies. This will be pursued through discussions at the expert level and through the publication of guidelines on observation of electronic voting.

#### ***Diversification of election observation missions***

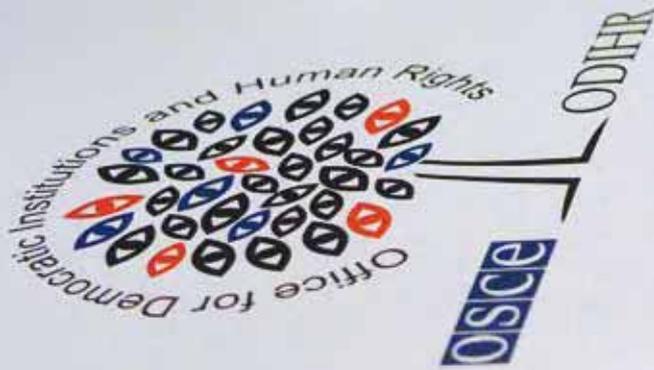
Since the ODIHR established its voluntary Diversification Fund in 2001, nearly a thousand long- and short-term observers have had

an opportunity to take part in ODIHR observation missions as a result. This has enabled the ODIHR to draw on a rich diversity of experience and enhance relations with officials and NGO representatives from 19 OSCE states that do not regularly second observers. The ODIHR is committed to reinforcing its efforts to further diversify the composition of its election observation missions by seconding an increased number of long- and short-term observers for each mission, subject to the availability of funds.

#### ***Co-operation with members of parliament***

Members of parliament have first-hand experience with election processes both as candidates and as elected officials. They therefore have an important role to play as election observers, as well as potential partners for follow-up to facilitate implementation of recommendations resulting from observation missions. For these reasons, the ODIHR seeks to continuously strengthen co-operation with international parliamentary assemblies within the context of its methodological framework for comprehensive election observation.

# Democratization



"[The participating States] recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character."

— Copenhagen, 1990

**S**trengthening democratic institutions and processes is a key objective of most, if not all, ODIHR activities. More specifically, the ODIHR has developed democratization assistance that focuses on longer-term programmes rather than short-term projects. This assistance is based on an identification methodology that includes a needs assessment prior to undertaking activities. This ensures that the best use is made of the Organization's financial, human, and time resources.

In 2006, the ODIHR continued to inform its democratization work by conducting regular consultations with international experts in the field, as well as by regularly discussing lessons learned from democratization work with OSCE field operations in South-Eastern Europe, where the OSCE's democratization programming is the most advanced. Regular co-ordination meetings with these field operations ensure an appropriate focus for the ODIHR's assistance and support. A number of lessons have emerged from these consultations that serve as principles to be used in democratization work (see box on pp. 22-23).

## Democratization Assistance

In assisting participating States with institution-building, the ODIHR's aim is to help governments become more responsive, responsible, and representative.

▶ **Responsiveness** means that governments are able to react to the demands and needs of society at large, are open to effective interaction with civil society and various interest groups, and are able to take a variety of views and interests into consideration in the policy- and law-making processes. In this respect, transparency in the work of governments is critical to making them responsive.

To assist governments in enhancing their responsiveness, the ODIHR supports improving legislative processes to ensure that relevant stakeholders, including civil society, play a part in debating and commenting on draft legislation, so that it reflects public needs. In addition, the ODIHR is prepared to lend assistance to political parties in their attempt to be more responsive to their membership and to help build cooperative relationships between governments and civil society, enabling non-governmental organizations to become a trusted and reliable source of advice, thereby enhancing the responsiveness of governments.

▶ **Responsibility** means that governments can be held accountable by their own societies. While this is most visible at the time of elections, a democratically governed country has permanent features. Responsible governments govern in accordance with the rule of law, where laws are open, well-known, and apply equally to all. Procedures should ensure that political minorities can contribute effectively to an inclusive law-making process and that a culture of boycotts and non-participation is avoided.

▶ **Representativeness** means that, while governments are responsive to public needs, they also represent distinct political interests, values, ideas, and programmes, not only during election periods, but also between elections. Representative governments work on institutionalizing political life and public political participation through legitimate institutions such as political parties, thus simplifying and clarifying political choices faced by individual citizens. In its work on the participation of women in democratic processes, for example, the ODIHR encourages politicians to incorporate the concerns of women into their pre-election agenda and also to implement this agenda once voted into office rather than abandoning it in favour of more popular or parochial issues. Similarly,

in its work on promoting multi-party democracy, the ODIHR assists parties in the development and clarification of their platforms so as to make clear to the public what ideas and values they represent.

## Thematic Areas of Work

】 **Rule of law:** The ODIHR is engaged in a broad range of technical-assistance projects designed to foster the rule of law. Through its programmes in the areas of criminal-justice reform and fair trials, the ODIHR provides practical assistance and training to lawyers, judges, prosecutors, and government officials, as well as to civil society.

】 **Democratic governance:** The ODIHR takes a comprehensive approach to strengthening democratic practices, targeting both government

institutions and civil society. The Office's strategy is to work with institutions of governance, political parties, and parliaments, as well as to assist civil society in making contributions to policy-making. The ODIHR also encourages transparent and inclusive legislative processes that enable all relevant stakeholders to provide input.

】 **Gender equality:** To promote gender equality, the ODIHR carries out targeted programmes and, at the same time, integrates gender aspects into all its work. Current programmes concentrate on three key areas: developing women's leadership and increasing the role of women in decision-making; fostering government/civil society co-operation to promote gender equality; and building local gender expertise and networks.

### **Lesson No. 1: Frame activities with a clear conception of the ODIHR's added value**

Keeping in mind the financial and personnel limitations of ODIHR contributions, its democratization assistance should aim to support the development of the institutional order of participating States rather than providing material aid.

### **Lesson No. 2: The OSCE is about co-operation: programmes should promote co-operative approaches**

The way the ODIHR plans and carries out programmes respects the OSCE's co-operative spirit. Sustainable democratization support cannot be built on simple transfer of knowledge, and no programme can be sustainable without a local partner. Instead, the ODIHR provides most value where it attempts to link existing expertise or integrates the developing expertise of transitional democracies into its own strategies and activities.

### **Lesson No. 3: Assess and create knowledge**

The "problem of knowledge" is recognized in the analytic community to be at the heart of much wasted energy in democratization support, where standard approaches are applied without deeper knowledge of the political, historical, and cultural context. Programme justification sometimes relies on general assumptions – e.g., "civil society is weak" – without deeper analysis. In this case, some further questions to be addressed are: Why is it considered weak? Which definition of civil society is employed? Is there empirical data available to underpin the assumption?

The ODIHR has the advantage of being able to rely, in most countries where it has project activities, on the advice of OSCE field operations. This is sought from the outset, and complemented by input from other international organizations on the ground. Should available information on the institutional situation prove insufficient, it is recommended to start programming with an analytical phase, such as carrying out a study, possibly together with a local institution (e.g., a think tank, university, or NGO).

### **Lesson No. 4: Process is as important as results**

Democracy is to a large extent concerned with proper process: that is to say, a process that is inclusive, transparent, well-informed, and sustained. Support for democratic institutions should likewise be concerned with process. Though it is easier to present donors with tangible results – a law changed, an institution created – the real benefit may lie in the process by which support was provided. If, for example, countrywide consultations are held before the creation of a new institution, local partners may learn more about democracy than they would from any general training.

### **Lesson No. 5: Democracy support should be inclusive**

The international aid community risks achieving no results, or even being counterproductive, when it imposes specific preconceived solutions. Even if such solutions have worked elsewhere, they may not work because of a lack of domestic support. Thus, when embarking on activities, specific attention should be paid to consulting governments, parliaments, local government units or their representatives, and possibly political parties on their intentions and priorities. The involvement of these stakeholders also needs to be maintained throughout the programme cycle. This helps to build long-term support.

► **Migration/freedom of movement:** To promote freedom of movement and enhance respect for the rights of migrants, the ODIHR facilitates regional and sub-regional co-operation and exchanges of experience between participating States, assists in the introduction of population registration systems that are in line with international standards, and raises awareness of migration issues among policy makers and the public in OSCE states.

► **Legislative support:** The ODIHR provides legislative assistance to participating States, usually taking the form of a review of draft legislation to ensure compliance with international standards, particularly OSCE commitments. The Office also maintains a free-of-charge online database ([www.legislationline.org](http://www.legislationline.org)) that contains more than 5,000 pieces of domestic and interna-

tional legislation related to the human dimension, such as human rights, elections, gender, and rule of law. This has become an important source for lawmakers throughout the region.

In addition to its programmatic work, the ODIHR organized a number of mandated meetings in 2006 dealing with various democratization-related issues: the Human Dimension Seminar on “Upholding the Rule of Law and Due Process in Criminal Justice Systems”, the Supplementary Human Dimension Meeting on “Democratization: Strengthening Democracy through Effective Representation”, and the special day on access to justice during the Human Dimension Implementation Meeting.

#### ***Lesson No. 6: Address multiple aspects of democratization in a wide-reaching programme***

Any item of democracy support can be addressed in isolation, for example, one could try to support the political participation of women by providing training on effective lobbying strategies. However, programmes will have more impact if they cover multiple dimensions. This is the essential characteristic of a programme as opposed to the narrower focus of a project. In the case of a programme on the political participation of women, one could include a parliamentary dimension by including female MPs; one could try to establish issues for lobbying, possibly addressing problems related to the rule of law; alternatively, one could address the aspect of equal gender participation in the context of an existing parliamentary project. One should also try to find partners for such a project that could provide it with continuity (e.g., parliament, parties, an NGO, a think tank, or an academic institution).

#### ***Lesson No. 7: Local needs and OSCE capacity must match***

Democracy programmes in transition countries are often “imported” in the sense that nothing similar existed before (for example, trial-monitoring). However, new initiatives can only work when they respond to specific local needs and when OSCE expertise is permanently available. A standard project management approach, heavily reliant on outside expertise, will not suffice for carrying out complex democratization programmes. Furthermore, where there is no local perception of a need, there can be no sense of local ownership, to the detriment of sustainability and effectiveness. (As former World Bank Chief Economist Lawrence Summers put it: “Nobody has ever washed a rented car.”)

#### ***Lesson No. 8: International support should not erode or substitute domestic capacities***

Following from the previous lesson, there is a risk that international actors will develop activities that do not correspond to local demand and are therefore never locally owned. In some cases, there is a risk that international actors will erode or substitute domestic capacities for policy debate and formulation. Erosion can take place on the administrative level (qualified staff joining international organizations) or in relation to tasks that were carried out by local organizations before the arrival of international actors (for example, legal aid). At the political level, erosion or substitution may occur when international bodies become the focal point for local grievances, to the detriment of domestic conflict management (for example, parties becoming unwilling to talk to each other, or to use the court system as a means of redress). This underlines the need for undertaking programmes in close co-operation with local partners.

#### ***Lesson No. 9: Co-operation among international bodies increases effectiveness***

Partner governments have to deal with a wide range of international actors trying to support democratization. It may be difficult for a single institution, such as the ODIHR, to ensure the focus of partners on a given project. Therefore, it is generally preferable that programmes form part of a more broadly defined and agreed international agenda, in which several organizations can play their respective roles.

# Rule of Law

The centuries-old idea of the rule of law is based on the understanding that laws should restrain the state and its actors, as well as protect people from abuse of power by individuals or by the state. Accordingly, the government itself should comply with the law and ensure that all its agents do so. This is especially important in spheres where the state is authorized to exercise coercive measures against individuals, such as in the area of criminal justice.

The ODIHR supports participating States in their efforts to comply with commitments on the rule of law, focusing in particular on criminal-justice reform and the implementation of fair-trial standards in courtroom practices. It does this through initiatives in the areas of capacity- and institution-building and legislative reform, as well as through the provision of policy advice to decision makers and enhancing dialogue with and between civil society and state actors. The ODIHR also works directly with legal policy makers by supplying governments and non-governmental partners with decision- and policy-making tools with respect to reform, e.g., the public website [www.legislationline.org](http://www.legislationline.org). Capacity-building activities target judges, prosecutors, and defence lawyers to ensure that they respect human rights and the rule of law in their work.

## Main Issues

» **Access to justice:** Legal and constitutional reforms alone are not enough without effective means to protect the rights set forth in legislative frameworks. Despite progress in recent years, the courtroom reality in some countries still points to a situation where laws are *in force* but are not *enforced*. Access to justice is at the core of rule of law in our countries. This implies ensuring access to legal assistance to those who

cannot afford it. Citizens of participating States must enjoy equality under the law and equal protection of the law regardless of their social status, wealth, or power. Insufficient political will to ensure this leads to unequal application of the law, when the rich and powerful are able to procure a favourable outcome from the legal system, while the poor are often left without redress. Moreover, corruption contributes to greater inequality before the law and erodes legal institutions and respect for the law.

» **Reform of criminal-justice systems:** The ODIHR pays particular attention to criminal-justice systems and reform of their key components. A professional and effective criminal-justice system is essential for combating crime, ensuring public safety, and upholding the rule of law. Poorly functioning criminal-justice systems undermine public trust in the administration of justice and erode the very foundations of the legal order. Criminal procedures in many participating States do not contain adequate safeguards for the protection of human rights, and existing safeguards are not vigorously enforced. Of particular concern are insufficient numbers of criminal defence lawyers and poor professional training, which, in some countries, undermine the ability of defendants to get a fair trial. In many countries, there is a lack of institutional and procedural checks on the activities of the police, investigative authorities, and the prosecution, thus leaving room for abuse.

## Activities

The ODIHR continued its long-term programme activities in 2006 in two main areas:

- » Fair trials; and
- » Criminal-justice reform.

Within this framework, the ODIHR implements activities in OSCE participating States in Central and Eastern Europe, South-Eastern Europe, and Central Asia. The Office uses expertise from a variety of sources, stressing good practices developed in various participating States. Where appropriate, the ODIHR relies on experts from states that have had comparable experiences. Included in this pool are a considerable number of experts from the Russian Federation.

Co-operation with OSCE field operations is vital, as those on the ground in the relevant countries are able to react quickly to developments in government policies or to cases that require OSCE involvement. The ODIHR also co-operates with a strong network of governmental and non-governmental partners, which is a fundamental aspect of all of its fieldwork.

## **I. Fair trials**

### ***Promoting access to justice***

The ODIHR emphasizes access to justice as a core element of the rule of law. Denial of justice and ineffective access to justice hinder implementation of the rights granted in constitutions and legislative acts, making legislative frameworks ultimately window dressing.

Through a variety of initiatives in 2006, the ODIHR provided states with advice on how to improve their legal-aid schemes and trained lawyers to improve their ability to implement the rights set forth in procedural legislation in the courtroom. A special day at the 2006 Human Dimension Implementation Meeting (HDIM) was devoted to this topic, during which participants addressed the issue of the availability and quality of legal assistance, as well as the need to ensure the enforcement of court decisions in civil and administrative cases. The HDIM provided a platform for dialogue and the exchange of expertise and know-how, and promoted the exchange of best practices and lessons learned among government and civil society representatives present at the meeting. In addition to policy discussions, the

ODIHR also supported a number of practical initiatives in participating States.

In Croatia, the ODIHR completed the implementation of a legal-aid project that ensured access to justice for particularly vulnerable groups, focusing on refugees and displaced persons who left the country during the period of armed conflict and wished to return to Croatia. The project was initiated in 2003 as a result of an ODIHR assessment highlighting the lack of an effective scheme for free legal aid in civil cases. By supporting a local legal-aid NGO, the ODIHR ensured that, between 2003 and 2006, more than 1,300 clients were provided with free legal assistance and in-court representation, thus contributing to sustainable return of refugees, displaced persons, and internally displaced persons in Croatia.

At the request of Kazakhstan's Justice Ministry, the ODIHR participated in discussions among political decision makers and professional civil society groups on reforming the legal-aid system and contributed technical expertise and comparative examples from other participating States to the official concept paper on the reform of the legal-aid system. The ODIHR also held consultations with all major stakeholders in the legal sphere. The ODIHR will continue to pay attention to this important area of justice reform in the coming year.

National human rights institutions such as ombudsmen can provide assistance with regard to the effective implementation of individual complaints and improve access to justice for individual citizens. The ODIHR continued in 2006 to provide legislative support through technical advice in drafting relevant legislative frameworks. It also provided technical assistance for the creation of national human rights institutions and promoted the sharing of best practices and experiences, as well as the transfer of technical know-how within the OSCE area through regional and international meetings bringing together professionals from various participating States. The ODIHR followed the appointment of a second human rights defender to Armenia's Office of the Human

Rights Defender. The ODIHR arranged for the new human rights defender to visit the Lithuanian Parliamentary Ombudsman's Office to facilitate knowledge-sharing on organizational aspects and on the Lithuanian practice in handling individual complaints with a view to increasing the operational capacities of the Office of the Human Rights Defender.<sup>2</sup>

### **Trial observation<sup>3</sup>**

In recent years, trial observation has become an increasingly important activity for the OSCE as a whole. The ODIHR has conducted several trial-observation projects, and nearly all OSCE field operations carry out trial-observation activities. Trial observation is a powerful tool for collecting objective data on the functioning of the judicial system and, therefore, on the actual implementation of fair-trial standards. The findings gained through standardized, objective procedures provide essential data on shortcomings and needs and thereby help with the prioritization and provision of assistance. Trial observation is also an efficient tool for promoting the right to a fair trial and improves the quality of the administration of justice through the implementation of recommended follow-up actions to remedy shortcomings.

OSCE field operations, especially those in South-Eastern Europe, have a wealth of experience in trial observation, and the ODIHR has been instrumental in ensuring that that expertise is shared across the Organization through periodic trial-observation co-ordination meetings.

As an outgrowth of these meetings and in order to preserve the OSCE's experience in the area of trial observation, the ODIHR has begun drafting a trial-observation reference manual. Due to be published in 2007, the manual will include best practices and lessons learned and

<sup>2</sup> The ODIHR's Human Rights Department established a Focal Point for Human Rights Defenders and National Human Rights Institutions in 2006. For more information, please see p. 63.

<sup>3</sup> The ODIHR's Human Rights Department also carries out trial-monitoring activities. For more information, please see p. 57.

will provide a ready resource for field operations developing a trial-observation programme. The purpose of the manual is to enhance the quality of trial-observation projects and thus lead to an improvement in terms of compliance with fair-trial standards in the courtrooms of participating States.

In 2006, the ODIHR followed discussions on the introduction of lay assessors in a number of participating States. Although there are no generally recognized standards on lay participation in the administration of justice, such reforms can have a long-term effect on the functioning of the criminal-justice sector and have serious implications in relation to the realization of fair-trial principles. Thus, such reforms merit a comprehensive public debate before they are introduced and an informed discussion about the course of implementation of the respective laws when they come into force.

Following the adoption of the law on the introduction of lay participation in criminal proceedings in Kazakhstan, the ODIHR started a project that will monitor implementation of the law. This builds on the role that the Office played in facilitating public debate on this issue in 2004-2005, when the ODIHR assisted the Kazakh authorities in organizing a series of public events that allowed discussion of various drafts of the law, and also presented the experience of other participating States, including Germany, France, Russia, the United States, and the United Kingdom.

In the framework of this new project, 21 monitors were trained to monitor jury trials throughout the country in 2007. In addition to the trial-monitoring component, the ODIHR and a team of monitors will analyse media coverage of the reform and other practical steps that are needed to integrate the new system into the existing justice model. The project, which was welcomed by Kazakhstan's Supreme Court, will enter its practical stage in 2007, when the adopted law comes into force.

### **Strengthening defence lawyers**

The ODIHR supports continuing legal education



Law professor Daniyar Kanafin speaks at the ODIHR Summer School on Criminal Justice, Almaty, 7 August.

and training programmes to build the capacity of legal professionals, with a special emphasis on strengthening the role of defence lawyers in the administration of justice. Defence lawyers, who play a crucial role in ensuring protection of the right to a fair trial, have not traditionally been the focus of the international community's assistance programmes. Insufficient numbers of criminal defence lawyers and their poor professional training in some countries undermine the ability of defendants to get a fair trial.

In 2006, the ODIHR supported the Continuing Training Centre at the Almaty City Collegium of Advocates, the largest regional defence bar in Kazakhstan with over 600 members. The ODIHR funded a series of advanced seminars in July and August that were conducted by national trainers and addressed practical aspects of criminal, administrative, and civil law, and also taught the special skills needed in the courtroom for lawyers to represent their clients and defend their rights effectively.

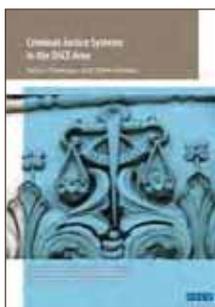
In the South Caucasus, the ODIHR continued to support the reform of the bar and raised awareness among decision makers and legal professionals of the need for increasing the number of defence lawyers to ensure the functioning of the judicial system, as a shortage of

defence lawyers is one impediment to effective access to justice. In recent years, the laws on advocates and the organizational structure of the advocate chambers have been amended in all the countries of the region, with varying results. Although the situation has improved in some aspects, these countries still have a shortage of criminal defence lawyers.

The ODIHR continued to render expert advice in relation to legislative reforms aimed at creating a unified bar (*advokatura*) in Kyrgyzstan. Under a poorly conceived reform in the 1990s, all unified structures for defence lawyers in Kyrgyzstan were abolished, triggering a rapid decrease in the quality of services provided. Following up on two expert assessments of the draft law in 2005, the ODIHR, upon the request of the authorities, produced an updated comment in 2006 on the draft law on the reform of the *advokatura* and took part in a series of consultations related to this law. The Office is currently assisting with the facilitation of discussions on organizational modalities related to the establishment of the unified bar in Kyrgyzstan. This assistance includes expert advice based on best practices from other OSCE participating States. The reunification of the bar will be a significant step in improving Kyr-

gyzstan's criminal-justice system and will also contribute to strengthening the role of defence lawyers in criminal proceedings. The ODIHR is also following other reforms ensuing from the adoption of a new edition of the Kyrgyz Constitution, which, *inter alia*, also requires a serious overhaul of the judiciary.

The ODIHR co-sponsored an advanced training programme on the International Covenant on Civil and Political Rights for lawyers in Kyrgyzstan. Implemented by the Youth Human Rights Group of Bishkek, the programme consisted of five training sessions that focused on administration of justice and fundamental freedoms. Twenty-three lawyers completed the programme in 2006, many of whom represent Kyrgyz victims of human rights violations in their communications to the UN Human Rights Committee.



A booklet about criminal-justice systems in the OSCE area.

## II. Criminal-justice reform

In many states of the former Soviet Union and South-Eastern Europe, criminal-justice systems are being reformed in order to meet relevant international standards and OSCE commitments. All reform efforts in the area of criminal justice should be comprehensive, since all the individual parts of the system must work together. Just as work in the area of criminal justice takes place at different levels — the working level of lawyers, prosecutors, judges, and law enforcement personnel, as well as the political level of criminal policy — so should reform assistance. This is the approach the ODIHR takes. At the working level, training is provided to judges and lawyers to help them improve their professional skills; opportunities to exchange experiences and skills are also created through the organization of seminars and conferences. And at the political level, the ODIHR provides advice and expertise to facilitate policy decisions to further uphold and strengthen the rule of law and human rights in criminal justice.

## War crimes

The issue of war crimes and dealing with the past remains contentious in several participating States in South-Eastern Europe and continues to be reflected prominently in their political agendas. Transitional justice matters in South-Eastern Europe remain predominantly issues of war-crimes prosecutions and trials. In addition to being politically charged, most war-crimes trials are complicated by issues of cross-border co-operation, as witnesses, victims, and alleged perpetrators often do not reside in the same jurisdiction. In the past, the lack of effective cross-border co-operation between prosecutors and judges has hampered prosecutions, ultimately resulting in impunity for those who committed war crimes. In order to assist participating States to address this impunity gap, the ODIHR participated in, and contributed to, the *Palic process*, a series of OSCE-sponsored meetings for legal practitioners from Bosnia and Herzegovina, Croatia, Montenegro, and Serbia to discuss and improve inter-state co-operation in war-crimes procedures. As a direct result of this process, several chief state prosecutors from the countries of South-Eastern Europe concluded agreements aimed at improving cross-border co-operation in war-crimes cases. Furthermore, some of the recommendations stemming from the *Palic process* resulted in amendments of domestic legislation in the criminal-justice sector.

Another issue of concern identified by the ODIHR is the inadequate level of international assistance provided to defence lawyers. All too frequently, defence lawyers have not been included in assistance programmes aimed at supporting legal professionals involved in war-crimes proceedings: as attention has focused on the investigation, prosecution, and trying of war-crimes cases, international assistance has focused on judges and prosecutors. Equality of arms between the defence and the prosecution in courtroom practice is a fair-trial standard and requires the inclusion of the defence in assistance initiatives.

To address these issues, the ODIHR organized a regional two-day seminar for some fifty experienced defence lawyers from Bosnia and Herzegovina, Croatia, and Serbia on defending in war-crimes cases. In addition to providing a forum for discussing access to evidence and equality of arms, the seminar also helped build a regional network of lawyers that will allow for sharing of expertise in this area.

#### **Promoting debate on criminal-justice reform**

Reforms can have long-term effects on the functioning of the criminal-justice sector and can have serious implications with respect to the implementation of fair-trial principles. Thus, such reforms merit a comprehensive public debate before they are introduced and an informed discussion about the course of implementation of the respective laws when they come into force. Under the heading of “reform through debate”, the ODIHR held a second week-long summer school on criminal-justice reform for Central Asia in Almaty in August. Experts, prominent scholars, and practitioners from Germany, Kazakhstan, Kyrgyzstan, Russia, Ukraine, and the United States provided information on their criminal-justice systems, presented comparative studies, and shared their experiences of reforming criminal procedure and legal institutions across the OSCE area. The school concluded with a roundtable called “Criminal Justice in Central Asia: Current Trends and Prospects for Further Development”. At the roundtable, senior policy makers and legal experts from Kazakhstan joined the participants to discuss issues relevant to criminal-justice reform in Central Asia, including reform of prosecutorial agencies, plea bargaining, evidentiary rules, and mediation of criminal cases.

#### **Prevention of torture**

According to the results of a variety of OSCE-sponsored monitoring initiatives and reports from other governmental and non-governmental institutions, torture and ill-treatment continue to undermine the effective implementation of the rule of law in many countries. Insuf-



Keynote speaker Judge Fausto Pocar (left), President of the International Criminal Tribunal for the former Yugoslavia, with ODIHR Director Ambassador Christian Strohal at a meeting on the rule of law, Warsaw, 10 May.

ficient political will to root out torture and ill-treatment is apparent in some states, where law enforcement agencies are given free rein to mistreat detainees, especially those accused of political or extremist activities. The combination of poor training, inadequate professional standards, and low pay in many states, coupled with the pressure to report “solved” criminal cases, leads to frequent abuse of suspects and witnesses. Adequate safeguards for the protection of human rights are missing from criminal procedure in many participating States, and the existing safeguards against abuse are not vigorously enforced.

Anti-torture work is prominently reflected in the ODIHR’s agenda. Preventing and combating torture are mainstreamed into all programme activities, with particular emphasis on pre-trial detention and prosecutorial reform, as well as targeted support to strengthen domestic monitoring programmes and capacities.

Access to detention facilities through public monitoring is a key to combating torture. Deprivation of liberty represents a radical limitation on individual freedoms in general, and places of detention are regularly closed institutions, where detainees depend on authorities in a situation of extremely unequal power relations and an ever-present danger of abuse of power. Monitoring, as based on standardized and objective criteria, can partly redress this problematic situation insofar as it pres-

ents a direct protection for detainees and can point to and address human rights violations. As a result of monitoring, which is carried out as a democratization assistance tool in direct dialogue and co-operation with the authorities, recommendations are made for addressing identified shortcomings. The enhancement of professional standards of official staff through training, workshops, and seminars contributes to the overall improvement of the functioning of the criminal-justice system.

The ODIHR has supported the prison administrations in Armenia, Georgia, and Kazakhstan in establishing institutionalized monitoring of places of detention by civil society. In Armenia, for example, two distinctive monitoring bodies have been operational for several years already: one for places of detention under the authority of the police (police arrest); the other for monitoring places of detention under the authority of the Central Prison Administration of the Ministry of Justice (for pre-trial detention and post-trial prison sentences).

The ODIHR's assistance to the Armenian prison monitoring board in 2006 focused on capacity-building initiatives to enhance understanding and implementation of relevant international standards. The ODIHR also supported the start-up of the monitoring board for detention facilities under the authority of the police and provided assistance through the organization of training seminars and workshops.

In Kazakhstan, a system for public monitoring of the penitentiary system has been gradually established in the regions of the country since 2005. The ODIHR continued its previous engagement by providing training for monitors and mid- and senior-level staff of detention facilities. In addition, the ODIHR facilitated discussions between the authorities and civil society organizations on the establishment of public monitoring in police detention facilities.

In Kyrgyzstan, the ODIHR held a series of consultations with the Presidential Administration and the Interior Ministry on public monitoring of places of detention and also provided expert advice to an informal working

group established by the Interior Ministry and the Prosecutor-General's Office, in co-operation with the OSCE Office in Bishkek and the Penal Reform International Office in Central Asia, to discuss legislative changes to expand public monitoring to police stations.

As in previous years, the ODIHR continued to work closely with governmental partners and NGOs to promote ratification and implementation of the Optional Protocol to the Convention against Torture (OPCAT), which entered into force in June after ratification by 20 countries, including many OSCE participating States. The national monitoring mechanisms in the OPCAT framework could serve in the future as an effective preventative instrument against torture. In 2006, the ODIHR advocated for the establishment of national monitoring mechanisms for places of detention in the participating States that lack them.

In co-operation with the OSCE Mission to Moldova, a conference on torture prevention was held in Chisinau in May. The event brought together representatives of civil society and the government, including officials from the Interior Ministry, the Prosecutor-General's Office, and the Parliamentary Human Rights Committee. Participants discussed procedural safeguards for the prevention of torture, as well as investigation and redress for torture victims. Implementation of OPCAT was prominent on the conference agenda.

#### **Prosecutorial reform**

The ODIHR promotes the reform of the prosecution and the judiciary to ensure that the legal systems of participating States comply with international standards and OSCE commitments. The reform of prosecutors' offices and the strengthening of the powers of the courts especially in post-communist countries is a long process. The ODIHR lobbies for various aspects of reform and works with prosecutors' offices in the region. A particular concern is that prosecutors' offices do not enjoy sufficient autonomy from the government and, in some participating States, are frequently used to settle politi-

cal scores or to serve commercial interests. The unnecessarily extensive powers of prosecutors in some countries to “oversee legality” create additional room for abuse. When one adds to this the insufficient independence of the judiciary, the executive branch has the ability to direct and influence the outcome of specific cases. The ODIHR provides a forum for the exchange of comparative experiences and expertise and the transfer of technical know-how, as well as policy advice to decision makers and legal professionals to promote professional standards for prosecutors (in combination with the judiciary).

In co-operation with the Research and Training Centre of the Prosecutor-General’s Office in Armenia, the ODIHR provided training on international professional standards for prosecutors and supported initiatives aimed at prosecutorial reform, such as a joint publication on judicial systems in Europe and the United States.

Together with the OSCE Office in Yerevan, the ODIHR conducted joint training courses for prosecutors, judges, and staff members of Armenia’s Justice Ministry to discuss the implementation of national legislation on alternative sanctions and supervision of conditional sentences, as well as international standards and best practices from other participating States.

In response to a proposal from the OSCE Mission to Montenegro, the ODIHR supported the Association of State Prosecutors of Montenegro in organizing a two-day seminar for approximately 100 Montenegrin prosecutors. The seminar promoted dialogue among legal professionals and government representatives with a view to enhancing the implementation of recent reforms in criminal law in Montenegro. Addressing the scarcity of legal literature in Montenegro, the ODIHR also provided financial assistance for the purchase of legal commentaries on Serbia’s Criminal Code for all prosecutors’ offices in Montenegro.

# Civil Society and Democratic Governance

The fundamental aspect of civil society is the voluntary participation of citizens in community life — both local and national — either directly or through organizations or institutions. The extent to which this participation is transparent and effective is a measure of the quality of democratic governance within a country. Over the past fifteen years, the ODIHR has sought to strengthen this participation in line with OSCE commitments on civil society.

Since 2004, the ODIHR has taken a more comprehensive approach to strengthening democratic practices by developing and adopting an inclusive strategy characterized by working simultaneously with government institutions, civil society, and political structures. While this approach is taken in a range of activities across all sectors of the Office, the ODIHR has developed, more specifically, a methodology for strengthening democratic governance: building on the results of the 2004 Human Dimension Seminar on “Democratic Institutions and Democratic Governance”, governance is addressed by underpinning democratic practices, improving parliamentary practices, developing political parties, and by forming partnerships with think tanks.

The Supplementary Human Dimension Meeting (SHDM) on “Democratization: Strengthening Democracy through Effective Representation”, held in November, highlighted this methodology and provided a valuable forum for discussing the results achieved, as well as an opportunity for aggregating important lessons learned, including from OSCE field operations. Discussions at the SHDM covered a number of aspects of democratic governance, including political representation, women’s participation, and legislative transparency.

## Main Issues

】 **Democratic culture:** More than a decade of OSCE work in the area of democracy-building has underlined that democracy is more than institutions and laws. A true, functioning democracy also requires the compatibility of norms, rules, and traditions of a given society with a culture of seeking the common good through deliberation. It is only through such a culture of democracy that institutions will be able to function democratically both internally and in relation to one another.

】 **Political representation:** International democratization programmes implemented in the OSCE region overall have mainly targeted two sectors: government institutions and NGOs. Political parties have been involved in a much less systematic manner, despite the evident problems of weak political actors with poor representativeness and accountability. Political parties need to be effective in order to ensure the proper functioning of legislative structures, a necessary precondition for inclusive democracy. Indeed, if political parties are to foster democratic governance effectively, they need to govern themselves democratically as well.

】 **Parliamentary reform:** Parliament is the democratic institution *par excellence*, where citizens’ opinions and government meet through the interaction of parties and factions, whether in opposition or in power. Institutional development of political parties and parliamentary reform are therefore two processes that should go hand-in-hand.

## Activities

In 2006, the ODIHR's activities focused on the following areas:

- › Providing parliamentary assistance;
- › Supporting political parties; and
- › Building local capacity for political analysis.

### I. Providing parliamentary assistance

In a move to support domestic efforts to reform and strengthen parliamentary practices in Georgia, the ODIHR entered into a partnership with the Georgian parliament, as well as with the OSCE Mission to Georgia, to create the Centre for Parliamentary Reform. Based within the parliament and staffed by Georgian experts, the Centre's main task is to formulate parliamentary reform strategies and to keep the parliamentary leadership abreast of reform initiatives. Sponsored by the ODIHR, the Centre is fully run by the parliament in order to ensure that the reform process is genuinely locally owned. During its initial phase of capacity-building and consolidation, the Centre has started to assist parliamentary leadership in the crucial tasks of donor co-ordination.

One of the Centre's staff members gained valuable experience during a month-long traineeship, facilitated by the OSCE Mission to Georgia, in the Bavarian *Landtag*. Its rules and practices, whereby minority parties in the parliament are in a position to contribute to governing (for example, in terms of agenda-setting and initiating legislation), are of particular relevance to the Georgian situation.

The Centre's staff also spent 10 days taking part in an intensive internship arranged by the OSCE Assembly Support Initiative in Kosovo. The experience greatly enhanced the staff's expertise in donor co-ordination and underscored the valuable experiences the OSCE can share between its field operations.

The Centre also carried out a quantitative needs analysis for the parliament, focusing in particular on communication and equipment. Through its publications, monthly donor co-ordination meetings, as well as its weekly brief-



ings to the parliament's leadership, the Centre has established itself as the Georgian parliament's main communication channel between international donors and the parliament in matters of reform.

The Centre presented its experiences with donor co-ordination in Georgia at the Supplementary Human Dimension Meeting in November. The meeting also provided the context for a special side event, convened by the ODIHR together with the OSCE missions to Albania, Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia. The objective was to consolidate the expertise of the OSCE field operations in South-Eastern Europe in the field of parliamentary assistance to participating States, and to draw out the emerging OSCE approach to this aspect of institution-building. The OSCE field operations in South-Eastern Europe have best practices to offer with regard to public participation and access, improving internal organization and procedures, developing the role and capacity of standing committees, and assisting national parliaments in the co-ordination of donor efforts, as well as valuable experience in assisting national parliaments in developing effective and fruitful bilateral arrangements with parliaments in other participating States. Building on the lessons learned presented at this meeting, the field operations in South-Eastern Europe encouraged further regional co-operation and exchange of experiences, experts, and knowledge. The ODIHR

Members of the Albanian Assembly. The ODIHR has been building on the expertise of the OSCE missions in South-Eastern Europe in its parliamentary assistance projects in other parts of the OSCE region.

was called upon to facilitate this process and was requested to organize a regional expert-level meeting in 2007.

## II. Supporting political parties

The effective representation of citizens requires responsive political parties. Political parties are indispensable instruments in democratic societies for aggregating and representing citizens' interests and priorities in a common policy platform.

In 2006, the ODIHR completed piloting a methodology for developing the capacity for critical self-assessment within political parties in order to strategize their development more effectively.

The ODIHR is conducting a pilot project in Georgia; it has engaged all six main political parties; a leading Tbilisi think tank, the Caucasus Institute for Peace, Development and Democracy (CIPDD); and the Netherlands Institute for Multi-party Democracy (NIMD) in a joint interactive assessment project. Following the change of government in November 2003, the political scene in Georgia presented an opportunity for assisting a modern multi-party framework. The purpose of the project was for Georgia's political parties to define themselves more clearly by addressing questions related to their party history, identity, philosophy, structure, procedures, and membership. The parties looked at themselves critically and identified ways of modernizing and democratizing their structures, and also examined interaction among themselves.

This exercise resulted in the publication of a book entitled *The Political Landscape in Georgia*, which was officially presented in Georgia and during the SHDM in November. The publication has since been integrated into the Political Science curriculum at the University of Tbilisi. This analysis provided local and foreign analysts, international donors, and organizations with a better understanding of the background and political forces at work in the country and has served as a catalyst for refining discussions on the current political situation. The

publication also offers recommendations on needs and strategies to further develop effective political parties.

Based upon these recommendations, the ODIHR implemented throughout 2006 (and will continue to do so throughout 2007) a multi-pronged programme of activities requested by the parties themselves. These include a series of tailor-made workshops on: 1) regional party politics; 2) strategic planning; 3) party funding, including training of trainers and the development of an interactive web-based tool (VoteMatch) to assist voters in finding information about party programmes; and 4) stimulating inter-party dialogue at the highest level.

The continuity of the engagement of the three partners, since early 2005, has developed a momentum based on an authentic commitment for further co-operation and multilateral dialogue between the parties involved in the programme. The Georgian parties participating in the programme have realized that an authentic multi-party system requires the involvement of all stakeholders in all phases of its development and consolidation. Legal frameworks, rules and procedures, traditions and practices need to be debated and, where necessary, negotiated by all parties involved and not by only a part of the political spectrum. Through a consistent multi-party approach, opposing parties have become aware of their common cause in building an effective political-party framework together.

Other participating States have indicated that they are interested in developing similar programmes based on this methodology.

## III. Building local capacity for political analysis

One of the fundamental elements of sound democratic governance is a broad and well-informed public debate on government policies. Such a debate can only be effective if participants (such as journalists, politicians and academics, as well as the public at large) have necessary information at their disposal. Such debates serve a number of purposes that are

crucial for the proper functioning of a democratic society: 1) they provide oversight of government and careful scrutiny of its proposals; 2) input from the public, both expert and non-expert, improves the quality of policies and the policy-making process; and 3) policies developed through a consultative process are easier to implement as a result of the greater sense of ownership.

Such informed debates on public policies are only effective if the policies are subject to expert comment; discussions are conducted in an appropriate manner; and the resulting information, comments, and feedback are properly processed. This complex mechanism involves many actors such as government, parliament, administration, media, interest groups, institutes of learning, and the public itself. Professional policy think tanks have a role in facilitating and contributing to this debate. The role of think tanks and of political science is still weak in a number of participating States, leaving the government as the sole policy-making and policy-discussion institution. Political science by its very nature has a critical function: to assess political reality.

In an effort to strengthen democratic governance through public debate and professional analysis, the ODIHR has been co-operating closely with the Institute for Public Policy in Bishkek to increase the capacity in Kyrgyzstan for pragmatic political research and analysis.

Some of the joint activities undertaken with the Institute include: arranging exchange internships with foreign think tanks, developing and maintaining the Institute's official website, and the publication of a bi-monthly newsletter. Major research projects were carried out in the framework of the programme on the state of the civil service and on attitudes to political and public institutions in Kyrgyzstan. A series of workshops on policy analysis for young researchers and analysts were carried out by the ODIHR in partnership with the Institute, as well as a special training programme for political parties and students of journalism and political science.

One result was the expansion of the team of analysts associated with the Institute, 10 of whom are now regular contributors to the Institute's work and assure in-house capacity to address policy issues ranging from education policy reform to strategic issues in regional and international politics. Second, throughout 2006, no fewer than 40 policy reports were published on domestic politics, foreign policy, and economics, all of which are now available on the website. A third result is the increased profile of the Institute and think tanks in general, as expert comment and advice are increasingly being sought by the media, as well as by government officials. Fourth, the project directly contributed to public debate in a challenging year in Kyrgyzstan.

# Gender Equality

The ODIHR works to foster within participating States an understanding that gender equality is an integral component of a functioning democracy. One of the barriers to achieving gender equality is that women's organizations and gender-equality mechanisms are often isolated from mainstream democracy development. The ODIHR has been addressing this issue by developing platforms for interaction between civil society and governments and by supporting mechanisms for integrating gender expertise into government policies.

Where women are under-represented in decision-making and governance structures, women's organizations need to build networks and form strong alliances, from grassroots to central levels, in order to ensure their own empowerment and to constitute a representative partner for dialogue and co-operation with government. The ODIHR supports collaboration among women's networks in the South Caucasus, Central Asia, and Eastern and South-Eastern Europe in order to promote women's political participation and an increased role in decision-making processes.<sup>4</sup>

## Main Issues

► **Awareness of gender equality:** In many societies, traditional patriarchal attitudes and behaviours prevail, and there is insufficient awareness that such attitudes constitute discriminatory practices. This has a negative impact on the status of women, as well as on the choices and opportunities available to them, limiting their participation and contribution to democratization processes. Effective awareness-raising needs

<sup>4</sup> The ODIHR's Human Rights Department also works on many gender-related issues through its Human Rights, Women and Security Programme. For more information, see pp. 61-62.

to underline the benefits of promoting equal rights and opportunities for women and men in terms of wider democratic development.

► **Civil society/government dialogue on gender equality:** In a number of countries, civil society has limited access to government, and there is a lack of awareness of the benefits of participatory democracy. Demands and pressure from civil society have proven to be a key factor in determining government engagement in developing gender-sensitive policy-making. Effective dialogue benefits both partners, providing a vehicle for government outreach to the public while giving civil society an instrument for influencing decision-making.

► **Women's participation in democratic processes:** Throughout the OSCE area, women tend to be under-represented in legislatures, political parties, and in decision-making in general. One reason for this is the lack of a culture of women's leadership. Supporting women leaders and coalition-building efforts and promoting co-operation between civil society and government structures are important means for empowering women in decision-making processes.

► **Mainstreaming gender aspects in policy-making:** National institutions for gender equality, such as government committees and parliamentary councils on equal opportunities, are instrumental in ensuring that gender aspects are integrated into all areas of policy-making and are important vehicles for implementing national and international commitments. Such institutions can also serve as primary vehicles for consultation and for effective public input into the policy-making process. In a number of participating States, these bodies have been established only recently and lack the expertise needed to fulfil their tasks.

► **National gender expertise:** Consultancy and advice on the promotion of gender equality in countries in transition are commonly provided



The ODIHR's gender programme promotes women's participation in public life.

by experts and academics from established democracies. However, external advice does not always result in sustainable local efforts to achieve gender equality. Therefore, experts with first-hand local knowledge are indispensable in developing tailor-made responses and in establishing local ownership of reform efforts. Building the capacity of national experts as advisors to gender policy makers on the national and regional level is therefore an overall priority.

## Activities

The ODIHR has been implementing a multi-year programme aimed at increasing the participation of women in democratic processes. Activities focus on fostering women's leadership and political participation at the local and national levels. Examples include training-of-trainers workshops on gender equality and women's rights, capacity-building seminars for women's NGOs and networks, providing assistance in developing expertise within state insti-

tutions for the promotion of gender equality, and providing training for state structures and NGOs in preventing and combating violence against women.

While the programme is mainly focused on the countries of the South Caucasus and Central Asia, assistance is also provided to civil society and state bodies in Eastern and South-Eastern Europe. In 2006, the ODIHR conducted activities in the following areas:

- ▶ Strengthening women's organizations and networks;
- ▶ Increasing women's political participation and access to decision-making;
- ▶ Combating domestic violence; and
- ▶ Developing effective national institutions to mainstream gender equality into policy-making.

### I. Strengthening women's organizations and networks

Reform initiatives that aim to increase the representation of women in governance structures and to promote equality of rights and opportu-

nities among women and men require the leadership and active participation of women from grassroots and national civil society organizations. Networks and coalitions uniting women's organizations are needed for effective advocacy and to lobby for needed legislative and policy changes.

The ODIHR conducts activities in the field of women's leadership development in order to help establish and support existing co-operation structures and foster networking among women's organizations. Activities are designed to provide training to grassroots and national civil society organizations on policy analysis, project development, co-operation building with government structures to include gender aspects in policy planning and budgeting, fundraising, and lobbying for gender-equality policies. In addition, the ODIHR organizes special training workshops to help develop skills in conducting public outreach and informa-

tion campaigns on the importance of gender equality and protecting women against domestic violence.

In rural areas of Azerbaijan, for example, where women are often unaware of their rights and are under-represented in local governance structures, the ODIHR has supported the establishment of a Regional Women's Network, bringing together more than 20 women leaders from different regions to increase their awareness of women's rights and to give voice and visibility to grassroots women. In 2006, the ODIHR continued to conduct training seminars for members of the network on women's political participation, effective networking among grassroots women leaders, and mainstreaming gender aspects in policy-making at the local level.

In Kyrgyzstan, the ODIHR's activities for strengthening women's NGOs and grassroots groups contributed to the development of a

## Conference on Increased Participation of Women in Democratic Processes, Tbilisi, Georgia, June 2006

In Georgia, the ODIHR has provided strategic guidance, expertise, and resources to the Women's NGO Coalition since its inception in 2001. The Coalition, which brings together more than 80 NGOs, including regional and grassroots organizations, has established itself as an important non-governmental actor involved in promoting increased participation of women in decision-making processes.

In June, the Coalition organized a high-level international conference to highlight the achievements of women's organizations in Georgia in promoting women's leadership and increased participation in decision-making processes at all levels.

The conference focused on three main areas of the Coalition's work: (1) building effective national mechanisms for increasing women's partici-

pation in democratization processes; (2) women, conflict resolution, and security; and (3) coalition-building and networking among women's NGOs.

Some 150 women's organizations from the South Caucasus participated in the conference, including the Women's NGO Coalition in Georgia, the Regional Women's Network of Azerbaijan, the Association of Armenian Women with University Education, representatives of the Regional Women's Network of Kyrgyzstan, the Mehr association from Uzbekistan, and participants from the Estonian Roundtable of Women's Organizations. Participants also included representatives of the Georgian Government, including Parliament Speaker Nino Burjanadze and the special envoy of the OSCE Chairman-in-Office, Senator Pierre Chevalier.

Participants highlighted the positive impact of ongoing co-operation among women's networks and government agencies at both the local and national levels in terms of developing policies and addressing women's needs in areas such as political participation, economic opportunities, health, and education. To promote dialogue, participants called for greater openness on the part of government agencies to encourage input from women's groups in policy development with respect to preventing and combating domestic violence and involving women in conflict resolution and peace-building activities. The conference also reflected the increased focus of the Coalition on promoting greater representation of women in town councils ahead of the municipal elections in Georgia in September.

team of local experts with strong expertise in integrating gender aspects into the legislative and budgetary processes. The ODIHR continued to provide expertise and resources to the Regional Women's Network by conducting training workshops and information seminars on gender-budgeting and gender-mainstreaming in media and public-information campaigns.

## II. Increasing women's political participation and access to decision-making

The ODIHR's long-term work in the South Caucasus and Central Asia on increasing women's political participation and access to decision-making focuses on strengthening women's leadership and development of co-operation among women leaders and political parties. A number of initiatives such as roundtables on political participation and platform development strategies, as well as meetings with representatives of civil society, political parties, and women constituents from various communities, are carried out to promote opportunities for women's advancement in political parties and in local councils.

In Armenia, the ODIHR provided expertise and financial assistance to the Association of Armenian Women with University Education in order to increase women's political participation before the parliamentary elections in May 2007. Programme activities, conducted by the Association in conjunction with experts from the Armenian National Assembly and leading political parties, included information seminars and workshops for women members of political parties and women leaders from rural communities. Activities were developed to promote awareness of the political and economic aspects of equal rights and opportunities for women and men and methodologies for integrating gender-equality objectives into political-party platforms. Additional training seminars were organized for women from various political parties on political campaigning and programme development methodologies, as

well as on the existing international commitments and standards in promoting democratic electoral practices.

In Georgia, in the run-up to the local elections in October, the ODIHR conducted a series of training workshops for the Women's NGO Coalition to develop strategies for increasing women's participation in local elections both as election candidates and as voters. At the outset, a workshop looked at developing community-level strategies for increasing the number of elected women in local councils. Following this, the ODIHR facilitated several workshops for developing an action plan for the Coalition with tailor-made objectives and a set of activities for all areas of the Coalition's work (political participation, economic opportunities, social and health-care issues, education, peace-building, and the environment) and for all 11 regions of Georgia. Priorities for activities were identified by members of the Coalition in all regions and focused on education of rural women (including women in ethnic-minority regions and women in IDP communities) on the mandate and structure of local self-governments, assisting women candidates in developing effective outreach campaigns towards constituent communities, and integrating gender issues into their electoral programmes.

Based on an analysis of party structures and the internal decision-making practices of all major political parties conducted by the Coalition in 2006 in the framework of the ODIHR's interactive political-party assessment project,<sup>5</sup> Coalition members worked with political-party leaders and party candidates to ensure increased attention to gender equality in their electoral platforms and to raise awareness among the electorate of issues related to internal party democracy and women's political participation. Overall, 197 women were elected out of a total of 1,734 members (11.36 per cent) of district and municipal councils. Despite fears among women's NGOs of a decrease in women's representation as a result of changes that revoked local self-government at the level of

<sup>5</sup> See "Civil Society and Democratic Governance", p. 34.



Women discuss domestic violence in Osh, Kyrgyzstan, 23 November.

villages, which have traditionally been more accessible for women, these results represent a relatively positive development. After the local elections, the Coalition organized roundtable discussions where Coalition members and women who had been elected to local councils had a chance to forge future partnerships.<sup>6</sup>

### III. Combating domestic violence

In many parts of the OSCE region, state authorities fail to prevent, or prosecute the perpetrators of, domestic violence, essentially denying women equality before the law and reinforcing their subordinate social status. The situation is particularly alarming in those countries where domestic violence has been traditionally viewed as a private issue, outside of the public domain, and where there are no legal or other state measures for prosecuting perpetrators and protecting victims of domestic violence. Following the adoption of the OSCE Action Plan for Gender Issues in 2000, and its revised version in 2004, which calls on OSCE structures to assist participating States in preventing and combating domestic violence, the ODIHR reinforced its activities with specific initiatives focused on awareness-raising and capacity-building of state structures and civil society organizations to effectively prevent domestic violence, prosecute perpetrators, and address victims' needs.

<sup>6</sup> The ODIHR's Contact Point for Roma and Sinti Issues has also worked on increasing the participation of women in elections through its project "Roma, use your ballot wisely".

To combat domestic violence, one of the first steps that must be taken is the adoption of legislation that makes domestic violence a crime and that provides measures for protecting victims. Then, it is important to raise awareness of the issue among law enforcement and medical professionals and to provide them with the necessary professional preparation.

The ODIHR's approach to combating domestic violence has three areas of focus: sensitizing law enforcement agencies (police, prosecutors, judges) to the fact that domestic violence is a crime, providing training for law enforcement agencies and health-care providers to play an effective role in preventing and combating domestic violence, and promoting cooperation between law enforcement bodies and NGOs on strategies and measures to combat such crimes.

In Azerbaijan and Georgia, the ODIHR works closely with police authorities and women's NGOs to assist them in building a sound legal framework and necessary law enforcement capacity to prevent and combat domestic violence. In Azerbaijan, for example, the ODIHR has provided expertise and financial support to a programme through which a local NGO, Symmetria, and a team of Austrian police have trained more than 200 police officers from all regions of the country on the role of the police and methods for preventing and prosecuting cases of domestic violence. In addition, the ODIHR organized a series of workshops with the participation of Austrian experts to assist in developing curriculum on combating domestic violence for the Police Academy in Baku.

Drawing on the Austrian model of developing effective victim-assistance and intervention facilities, the ODIHR organized a training seminar in Graz, Austria, for police officers, health-care workers, and civil society organizations from Georgia and Azerbaijan on legal and organizational aspects of intervention centres and co-operation methods among social workers and police structures. In follow-up to the training visit, representatives of Azerbaijan's Interior Ministry pledged to take all the steps nec-

essary to provide adequate assistance to victims of domestic violence and to work closely with civil society organizations to enable them to function as intervention centres.

In Georgia, consultations are under way in an attempt to improve co-operation among police, prosecutors, and victim-assistance organizations, while the Ministry of Health and Social Affairs has started to develop a comprehensive set of standards for the functioning of intervention centres.

Since the initial large-scale training of heads of city and regional police districts conducted in 2005 jointly by the Anti-Violence Network (a regional network of anti-domestic-violence advocates and social workers) and Austrian police experts, the ODIHR has been advising the Network on how to raise awareness of domestic violence among police officers. In 2006, some 150 police officers took part in roundtable discussions and training workshops conducted by the Network's trainers with the support of the ODIHR. The workshops were designed to discuss the implementation of the Law on Protection of Victims of Domestic Violence, adopted by Georgia's parliament in May. In addition, the ODIHR lends assistance to the Network in its operation of a crisis centre and a shelter for victims of domestic violence. This includes the provision of international expertise regarding methods of victim assistance and the development of legislative initiatives related to victim protection and rehabilitation issues.

#### **IV. Developing effective national institutions to mainstream gender equality into policy-making**

State institutions specifically mandated to promote gender equality are central to the effective design, implementation, and monitoring of comprehensive state policies on gender issues. The Beijing Platform for Action of 1995 points out that the main task of national mechanisms is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. These institutional bodies, often in the form of governmental committees or coun-

cils, conduct policy analysis and undertake advocacy, communication, co-ordination, and monitoring of the executive branch's actions and report to legislative bodies on the progress of these efforts. They are also mandated to encourage the active involvement of a broad and diverse range of institutional actors in the public, private, and voluntary sectors to work for equality between women and men and to promote and establish co-operative relations with relevant branches of government, NGOs, academic and educational institutions, the private sector, and the media.

In many participating States, newly established state mechanisms on gender equality face significant constraints in performing their tasks. Challenges include marginalization in national government structures; insufficient support from national political leadership; dependence on donor funding, and the accompanying implication that gender-equality issues are a foreign import; unclear and weak mandates; and a lack of adequate staff, expertise, and resources.

The ODIHR undertakes initiatives to assist such national structures through activities aimed at developing expertise, transparency, and accountability. In particular, the ODIHR provides assistance for staff training on women's human rights, gender-sensitive policy planning, gender-budgeting, etc. Training activities also target skill-building and co-operation development with civil society partners such as women's NGOs, grassroots women's groups, and think tanks to promote wider public input into their activities.

Furthermore, the ODIHR provides governments with advice on the development of state policies and national action plans on gender equality. In 2006, for example, upon a request from the Unit for Gender Equality of the Ministry of Labour and Social Affairs of the former Yugoslav Republic of Macedonia, the ODIHR provided expert guidance on international standards and best practices for developing a national action plan on gender equality. The ODIHR continues to provide expertise

to the governmental working group that is currently drafting the action plan. The final text of the action plan is due to be adopted in spring 2007.

#### **Education**

The ODIHR continued in 2006 to provide assistance in promoting education on gender-equality issues in Armenia. In co-operation with the Association of Armenian Women with University Education, the ODIHR initiated the integration of gender-equality aspects in primary- and higher-education curricula, aimed at intro-

ducing the subject of gender equality as an integral part of basic human rights and freedoms, thus promoting change in society's approach to issues of equality.

The Office also provided expertise and resources for the Association to continue to implement courses and seminars on gender studies in major undergraduate schools in Yerevan and in nine regions of the country. The Association also facilitated the integration of gender issues into curricula for various social-science disciplines in universities and high schools across the country.

## **Future Priorities**

Activities in 2007 will focus on fostering co-operation between civil society and government structures at the national and local levels to promote the increased participation of women in decision-making processes. The ODIHR will assist participating States in developing comprehensive policies that ensure equality of rights and opportunities among women and men and conduct specific measures to strengthen state mechanisms for gender equality.

Priority objectives will include:

- ▶ Increasing the awareness of civil society and government structures with respect to equality of rights and opportunities for women and men;
- ▶ Promoting co-operation between civil society and government to advance gender equality at national and local levels;
- ▶ Fostering state measures for integrating gender-equality aspects in national policy-making;
- ▶ Developing expertise among law enforcement structures (police, prosecutors), the judiciary, and civil society organizations with respect to preventing and combating domestic violence.

# Migration/Freedom of Movement

One of the consequences of globalization is that increasing population mobility has become one of the main characteristics of modern societies. As a result, countries are faced with the challenge of developing and implementing effective migration policies that are both humane and pragmatic.

As people in the OSCE region move both within their countries and between countries, migration patterns are becoming more complex than ever. Migration can be a positive factor in economic and social development for both host and home countries and can contribute to understanding among cultures and to democratization trends. But migrants can also become victims of negative stereotyping, intolerance, xenophobia, and violations of human rights.

A number of OSCE participating States have taken steps to accommodate significant waves of migrants in recent years, though they often lack the necessary legal and policy frameworks for their protection. States have undertaken a number of important commitments to create conditions to facilitate the movement of people across borders, as well as within their own countries, and to protect the human rights of migrants. The ODIHR assists participating States in their efforts towards further compliance with OSCE commitments on migration, freedom of movement, treatment of migrant workers, and treatment of citizens of other participating States.

Despite the efforts of the ODIHR and its numerous national and international partners, there remain serious obstacles to protecting the human rights of migrants in the OSCE region. Restrictions still exist in many places on the movement of citizens within their own country and between countries, while the lack of information on migration laws and policies of other participating States pose a challenge to citizens and governments alike. Moreover, there are persistent misconceptions throughout the

OSCE region about the impact of migrants, as well as a lack of understanding of the benefits of migration.

## Main Issues

▶ **Right to freedom of movement and free choice of place of residence:** Since the collapse of the Soviet Union and the subsequent changes in the political and economic situation, there has been a noticeable increase in migration in a number of countries in the region. People are moving both within and between countries in search of jobs and better living conditions. As a result, state institutions need to have information on the new places of residence of migrating people to ensure, for example, their rights to social and medical services, access to employment and education, and participation in electoral processes. This information can be made available by modernizing existing, or developing new, population registration systems that do not restrict people's freedom of movement and free choice of place of residence, that allow governments to keep track of population movements, and that provide state authorities with reliable demographic information.

▶ **Cross-border co-operation on labour migration and integration of migrants into host societies:** Co-operation between sending and receiving states is a

"[The Ministerial Council recognizes that] all States should adopt effective national frameworks in order to manage migration ... [and considers] that the OSCE ... could contribute ... by facilitating dialogue and co-operation between participating States, including countries of origin, transit and destination in the OSCE area ... [and] assisting the participating States ... to develop effective migration policies and to implement their relevant OSCE commitments."

— Ljubljana Ministerial Council Decision No. 5 on Migration, 2005

prerequisite to developing and enforcing effective migration management policies that would help to ensure that migration is beneficial for host societies, as well as for migrants. Lack of dialogue and data exchange between countries of origin and destination may result in biased estimates of migration flows and, consequently, in inadequate migration policies. Many migrant workers have limited knowledge of their rights in countries of destination and are vulnerable to exploitation and mistreatment. There is a need for co-operative mechanisms among OSCE participating States on the issue of labour migration to prevent discrimination, ill-treatment, and other violations of the rights of migrant workers.

## Activities

In 2006, the ODIHR's activities focused on the following areas:

- ▶ Internal migration; and
- ▶ Cross-border migration.

### I. Internal migration

#### *Assistance in reforming population registration systems and related areas*

A number of countries in Eastern Europe and Central Asia still maintain the Soviet-era population registration system known as *propiska*, though often under a different name. This system comprises legal and administrative restrictions on the freedom of movement and the choice of place of residence, including the stamping of a citizen's internal passport to indicate their permanent residence. Moreover, anyone wish-

**"Participants stressed the global character of international migration. They affirmed that international migration was a growing phenomenon, both in scope and in complexity, affecting virtually all countries in the world. They agreed that international migration could be a positive force for development both in countries of origin and countries of destination, provided that it was supported by the right set of policies."**

**– Chairperson's summary of the UN High-level Dialogue on International Migration and Development, 13 October 2006**

ing to change their place of residence within a particular country is required to obtain written permission from the state authorities to do so; otherwise, they could find themselves denied access to state services, even the right to work or to enrol in a school or institution of higher education. The system also places a number of restrictions on citizens intending to leave their country, as well as on foreigners arriving from abroad. Since these restrictions violate both domestic and international laws and contravene the fundamental rights to freedom of movement and choice of place of residence enshrined in OSCE commitments, some countries have been reforming the *propiska* system in order to establish alternative registration systems that do not restrict the freedom of movement.

In addition, some countries that did not use the *propiska* system have been modernizing their population registration systems to keep track of demographic data and population movements in order to provide public services and to ensure people's rights to social benefits, medical services, education, and employment without restricting their freedom of movement and the right to free choice of place of residence. The creation of modern and politically independent population registration systems can have an impact on the transparency of electoral systems by facilitating the compilation of accurate voter registers.

The ODIHR provides assistance in developing a conceptual and legal basis for the reform of population registration systems, and offers expertise in drafting concepts, laws, and regulations. In 2006, the ODIHR continued its work in this area in Ukraine and Albania.

The ODIHR prepared a practical commentary on the Law on Freedom of Movement and Free Choice of Place of Residence in Ukraine. The commentary will be published and distributed among officials, experts, and NGOs dealing with the enforcement of the law.

In Albania, the ODIHR, in co-operation with the OSCE Presence in Albania, is assisting the Albanian Government with the modernization of its population registration and address sys-

tems. The ODIHR and Albania's Interior Ministry have signed a memorandum of understanding regarding the provision of assistance and expertise in drafting an action plan for these reforms.

While many newly independent states in the OSCE region have established national legislation on citizenship and related procedures, many governments are still concerned with citizenship issues. For example, thousands of people are living without proper identity and travel documents because their citizenship status in some countries remains unclear.

In 2006, the ODIHR began providing assistance for the development of new legislation on citizenship in Kyrgyzstan. The Office provided financial support to a local partner organization that established a working group to develop legislation. Several members of the working group — comprised of members of parliament, as well as lawyers from state institutions, parliament, and the National University — made a study visit to Ukraine to learn about that country's recent experience in developing similar legislation. In addition, two Kyrgyz lawyers were contracted to provide legal advice to individuals residing in Kyrgyzstan in need of assistance with citizenship issues and in obtaining identification documents.

## II. Cross-border migration

### *Promoting interstate co-operation on labour migration and integration of migrants into host societies*

Because of changes to demographic, economic, and social structures, some countries in the OSCE region are in need of foreign workers and professionals, while others are experiencing economic decline and high unemployment rates. As a result, migration is now a significant social and economic phenomenon in the OSCE region, which requires considerable efforts by both sending and receiving countries in order to ensure its benefits.

In recent years, the Russian Federation and Kazakhstan have become the main destination countries in the post-Soviet area for migrant

workers, mostly citizens of neighbouring countries, including a growing number from Central Asia. Most of these people are irregular migrants, unable to obtain registration and rights to legal employment due to existing regulations. The improvement of migration management systems and effective co-operation between countries would be beneficial both to migrant workers and to host societies, where migrants can fill labour shortages by counterbalancing decreases in the working population. Replacing irregular migrant flows with regular migration is in the best interests of all governments, as irregular migration undermines the legitimacy and credibility of a legal admissions policy, does not result in any tax revenues, often involves corruption and organized crime, and results in widespread violations of migrants' rights.

The ODIHR and the International Organization for Migration (IOM) continued in 2006 to provide migration authorities in the Russian Federation with information on possibilities for the development of a state migration regularization programme to assist in the elaboration of an effective and well-grounded regularization campaign. The results of a survey conducted at the end of 2006 by the IOM, the ODIHR, and the Russian authorities to determine attitudes towards a potential regularization campaign among migrants, employers, and regional officials were presented at an international workshop held in Moscow with the participation of experts from Canada, Italy, Spain, and the United States, all of which had conducted similar regularization programmes in the past. Prior to the workshop, the ODIHR, in co-operation with the IOM and the International Labour Organization, published a compilation of materials and good practices in conducting regularization programmes in the OSCE region.

The ODIHR continued its co-operation with the educational institutions of the Interior Ministry of the Russian Federation to elaborate recommendations for regional authorities on improving their work in relation to the admission and employment of migrant workers; these changes are to take place on the basis of surveys

of migrants, employers, law enforcement officers, and regional officials, as well as on an analysis of regional legislation in the pilot regions of Moscow and Volgograd.

In the last few years, Kazakhstan has become another important receiving country in the region, particularly for migrants from other Central Asian states. Given the dynamic nature of the recent influx of labour migrants to Kazakhstan, no comprehensive attempt to explore its scope and characteristics has been undertaken so far. The ODIHR, in co-operation with the government and international partners, launched a research project aimed at filling the information gap, which is necessary for a better understanding of labour migration to Kazakhstan and to elaborate recommendations for the development of migration policy with the purpose of transforming migration into a factor for economic growth, human development, and socio-political stability in the countries of the region.

The ODIHR, together with the IOM, continued to support the Data-Sharing Mechanism (DSM), a tool for the collection, application, and exchange of migration-related data among several countries of Eastern Europe and Central Asia. An annual DSM meeting took place in Vienna in August and gathered participants from Azerbaijan, Georgia, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Ukraine. Migration-related information in Eastern Europe and Central Asia is often exchanged on an *ad hoc* basis, which underscores the need for the creation of a functional and user-friendly mechanism for data exchange that would contribute to well-grounded decision-making in the field of migration. The DSM process is a first step towards formalized regional information exchange on migration-related issues.

## Future Priorities

The ODIHR will continue to facilitate interstate dialogue and exchange of good practices on issues of labour migration and human rights of migrants between countries of origin, transit, and destination in the OSCE region. Furthermore, informational and analytical support will be provided to states aiming to reform their migration management systems to increase the benefits of migration for their countries and protect the human rights of migrants. The ODIHR will continue to call on states to exchange migration-related data at the regional level and to improve their procedures for collecting and analysing data at the national level. The ODIHR will also assist authorities in developing effective procedures for managing migration processes by providing relevant expertise and conducting workshops and training courses.

The ODIHR will continue to provide assistance to OSCE participating States in developing policies in line with their international commitments on freedom of movement and free choice of place of residence. In particular, the ODIHR will further enhance assistance in the development and implementation of new population registration systems and centralized population registers. The ODIHR will provide expertise and assistance to the countries of the former Soviet Union and South-Eastern Europe, and promote the exchange of good practices related to the reform of population registration systems among the countries of the region through expert meetings, training visits, and workshops.

# Legislative Support

All OSCE states face a legislative challenge: they have to ensure that the laws they pass measure up to the purposes for which they were conceived. In addition to ensuring compliance with the relevant international standards, this also implies a process of developing legislation that can be effectively enforced to achieve its goals. This requires that laws be prepared, drafted, adopted, and published through clearly defined stages and within a predetermined time frame. Only such a properly managed process allows for thorough discussions of the draft at each of its stages, as well as the performance of certain verifications indispensable to ensuring the effectiveness of the legislation. Ultimately, the real test of a law's effectiveness is its implementation: how it is treated by law enforcement, how it is interpreted by the courts, how it is respected or implemented by the target population.

In lending support to OSCE states in the development of sound legislation, the ODIHR first focuses on helping lawmakers draft legislation that complies with the relevant international standards on a particular issue in all areas of the human dimension. During the law-drafting stage, ODIHR experts provide advice on how to ensure that international standards are properly reflected, while also sharing experiences and practices from other countries that have dealt with similar issues.

Drafting a good law, however, is only half the work. Experience has shown that the most effective and efficient laws are the result of a legislative process that is composed of several stages such as policy analysis, evaluating draft legislation before it is adopted, gathering input from those who will be affected by the legislation, and monitoring how the legislation is implemented.

Scrutiny of individual laws often reveals more deep-seated weaknesses in a country's law-making system. The same weaknesses tend to re-emerge time and again, suggesting that, rather

than addressing them on an individual basis, law by law, the focus should be on addressing the underlying causes. Therefore, in addition to providing advice on the substantive drafting of legislation, the Office is also assisting states in the development of effective, open, and transparent legislative processes.

## Main Issues

► **Insufficient exposure to international standards:** Governments and lawmakers in the OSCE region are not always fully aware of the consequences for the legal system at the national level of the treaties, conventions, and other international instruments that they have ratified. Experience has shown that international human rights norms are not always properly interpreted or are insufficiently reflected in domestic legislation. This applies in particular to narrowly defined limitation clauses in human rights treaties.

► **Lack of resources and technical knowledge:** Legislators sometimes lack the resources and technical knowledge needed to draft legislation, particularly in areas where there are no domestic precedents. With limited exposure to practices and legal options from other countries, lawmakers rely on familiar concepts and models rather than adapting to new challenges, even where those models fail to address the task at hand.

David Goldberger (front) and Alexander Vashkevich, members of the ODIHR's expert panel on freedom of assembly, at a roundtable on legislation affecting freedom of assembly, Belgrade, 28 June.



MILAN BRADAVIC

► **Inefficient and non-transparent legislative processes:** In many countries, there is insufficient awareness of the need to manage the legislative process in its entirety, as opposed to relying on fragmented rules and inadequately co-ordinated procedures. Often, laws are adopted without the involvement of those who will eventually be affected by the legislation. Or a law will be hastily adopted without first being evaluated at the drafting stage. More often than not, the result is ineffective legislation that fails to fulfil the purpose for which it was adopted and that, furthermore, necessitates frequent revisions that could put public confidence at risk.

## Activities

In 2006, the ODIHR's activities focused on the following areas:

- Strengthening capacity for legislative reform;
- Improving legislative efficiency and transparency; and
- Improving [www.legislationline.org](http://www.legislationline.org).

## I. Strengthening capacity for legislative reform

Legislative reform is high on domestic agendas throughout the OSCE region. Whether inspired by a need to meet international standards or as a reaction to emerging domestic or international issues and challenges, existing laws are continually being assessed, reviewed, and revised, and new laws are being drafted and adopted. In many cases, however, the structures or procedures needed to produce effective legislation do not evolve in a commensurate manner. Where one process might lack the technical expertise needed to draft legislation on a particular topic, another might fail to include civil society in the drafting process.

Upon request, the ODIHR lends assistance to states to make up part of this capacity gap. This primarily consists of providing legal expertise to assess compliance with relevant standards, making recommendations to improve draft legislation, and sharing good practices that may help law drafters explore options other than those originally considered. In terms of sharing

Members of ODIHR's expert panel on freedom of assembly discuss draft legislative guidelines at a roundtable, Almaty, 11 September.



LIZA ZHUMAKHMETOVA

good practices, the ODIHR's legislative database ([www.legislationline.org](http://www.legislationline.org)) is a widely used tool for all those involved in legislative reform.

The ODIHR provides direct assistance to law-makers *while the legislative process is under way*. ODIHR experts work closely with local actors and make constructive recommendations that take into consideration the specifics of the domestic legal system.

Assistance does not, however, end at the law-drafting stage. Due attention is given to following up on recommendations both to clarify them for legislators and other relevant parties and, if necessary, to help incorporate them into the draft legislation under consideration. Such follow-up may take the form of conducting consultations with authorities and holding roundtable discussions on draft legislation. In June, for example, the UN, the OSCE, and Tajikistan's Justice Ministry convened a roundtable in Dushanbe where the ODIHR was afforded an opportunity to present its views on a draft law on civil society organizations.

The ODIHR suggested that the draft law lacked clarity with regard to its proposed typol-

ogy of non-profit organizations and on the question of whether or not the right to informal association was protected. Furthermore, it did not provide for adequate safeguards such as the requirement for a court decision as a basis for prohibiting individuals from founding or joining an NGO on the grounds of their association with a terrorist group.

The discussions at the roundtable proved useful in that they initiated a domestic process that eventually resulted in an appeal by the NGO community to the president of Tajikistan to veto the law.

Similarly, in November, the ODIHR held consultations with government experts in Ukraine to incorporate ODIHR recommendations into a draft law on public assemblies, a hitherto uncharted area of law in that country. These discussions, which were also attended by members of civic organizations, proved fruitful in that all of the recommendations were reviewed in terms of their applicability to the local context, and the solutions eventually found were thus respectful of the specificities of the Ukrainian legal environment and political situation.

## Case Study: Law on Prevention of Domestic Violence in Ukraine

Ukraine's development of legislation on domestic violence provides a good example of how the ODIHR's legislative support works in practice.

### Legislative context

Prevention of domestic violence is considered a priority in ensuring gender equality and thus permitting the exercise of all human rights and freedoms by women in OSCE participating States. Respect for, and protection of, human rights are, in turn, essential to ensuring security in participating States.

Prevention of domestic violence therefore requires a comprehensive approach, which includes preventative measures, such as awareness-raising and building of domestic capacity to deal with cases. It also requires the introduction of measures that would protect the victims of such violence and give them access to justice and compensation for harm suffered. It also involves ensuring effective prosecution and punishment of perpetrators of violence in order to protect victims from any further violations of their rights.

When drafting legislation on this issue, authorities have to take into account a number of aspects related to domestic violence, as well as the various state and non-state actors that ought to be involved in prevention, protection, and prosecution. Legislation forms the basis for national machinery for preventing domestic violence, thus making it particularly important to ensure that all relevant actors are involved in the law-drafting process in order to ensure its effective implementation.

### Assessment

In October, the ODIHR reviewed Ukraine's Law on Prevention of Domestic Violence. In preparing the assessment, the ODIHR used information from both the authorities and civil society related to the functioning of, and gaps in, the then-current law.

### Expert consultations

After issuing its assessment and recommendations, the ODIHR was invited to consult with the authorities and a range of non-governmental organizations in Ukraine to discuss recommendations and amendments. These consultations took the form of a roundtable in November that was organized by the Ministry of Health, Youth and Sport, with the support of the Office of the OSCE Project Co-ordinator in Ukraine. This provided another opportunity for the ODIHR to present its recommendations and to discuss them with the authorities and NGOs.

At the end of the roundtable, the Ukrainian authorities drew up a list of recommendations that would be given consideration in amending the law, taking into account the ODIHR's recommendations. In particular, the ODIHR wanted to ensure that a well-functioning national mechanism would be in place to ensure that the law was not only implemented, but also regularly reviewed by an interdisciplinary national body.

The ODIHR will continue to follow the legislative process until the amended law is adopted.

While the ODIHR uses this approach in all OSCE states, special efforts have been made within the framework of a joint programme with the European Commission with regard to Central Asia, where the work of legislators is often impeded by the scarcity of legal resources. The programme's priorities include closely following legislative developments in the region, improving access to legal information, ensuring follow-up on ODIHR recommendations, and promoting local networks of legal expertise. A legislative assistance co-ordinator for Central Asia was appointed to increase the ODIHR's capacity in these areas and to mobilize the relevant expertise to fulfil these objectives.

When addressing issues of relevance to lawmakers in a number of OSCE participating States, the ODIHR may consider alternatives to providing expertise on individual laws. One option is to offer expertise through the drafting of guidelines aimed at informing those responsible for drafting legislation of the development and requirements of international law on the topic considered. Guidelines may include examples of national legislation illustrating various means of satisfying the requirements of international law.

The ODIHR began drafting guidelines on freedom of assembly in 2004 in response to the fact that a number of states were taking more interest in the issue and were developing or amending legislation on this subject. The ODIHR further elaborated the guidelines in consultation with the Venice Commission of the Council of Europe, taking into account legal developments observed across the OSCE region. In 2006, the text of the guidelines was subject to broad consultations among law-drafters, politicians, legal professionals, police officers, local officials, trade unionists, and NGOs from various OSCE regions. Four roundtables were organized in Tbilisi, Belgrade, Almaty, and Warsaw, where good practices were identified, as were specific challenges and concerns faced in regulating and handling public assemblies. The draft guidelines were then finalized with the support of a panel of nine ODIHR experts representing different

legal systems. To be published in 2007 in both English and Russian, the guidelines will serve as a reference document for drafting, reviewing, and monitoring the implementation of legislation on freedom of assembly.

## **II. Improving legislative efficiency and transparency**

A successful piece of legislation usually goes through a number of stages from conception to adoption. Schematically outlined, it begins with an analysis of the proposed policy, combined with, or followed by, an assessment of the potential impact of the legislation (including its financial impact). A legislative agenda and timetables are established to ensure that adequate time is provided for the preparation of various legislative stages. The legislation is drafted in accordance with pre-established work plans and following standardized drafting techniques. Those who will be affected by the legislation — interest groups, NGOs, citizens — are given an opportunity to comment on the draft legislation. And finally, the functioning and effectiveness of the legislation are monitored and assessed on a regular basis.

While reviewing individual pieces of legislation, the ODIHR has found that some or all of these stages are missing or not properly regulated or conducted in the legislative processes of countries undergoing political transition or conducting major legislative reforms, resulting in inefficient legislative processes that lack transparency.

In response, the ODIHR developed a pilot methodology that aims to make legislative processes more efficient, open, and transparent. The point of departure is that any technical-assistance scheme needs to be preceded by an assessment of the legislative process. The assessment phase specifically aims to ensure that any assistance provided is based on actual needs and to provide a basis for effective co-ordination of the international community's efforts. This methodology was consolidated in 2006 on the basis of experiences with the first such assessment conducted in Georgia in 2005.

In 2006, the ODIHR concluded its assessment in Georgia, and contacts are now being made with the Justice Ministry to determine how to implement the recommendations contained in the report. In Ukraine, after a first visit in 2005, further steps were postponed pending the adoption of new legislation affecting parliamentary procedures, on the one hand, and the hierarchy of legal norms, on the other. (The ODIHR's assistance has been requested with regard to the latter.) In Moldova, a first visit took place in May, and an assessment is to be initiated in 2007 after new amendments to parliamentary procedures have been adopted. In Kyrgyzstan, following a first visit in February that pointed to serious shortcomings in parliamentary procedures, the ODIHR has undertaken a comprehensive review of several pieces of legislation regulating the law-making process. In the former Yugoslav Republic of Macedonia, a first visit is planned for 2007.

### III. Improving [www.legislationline.org](http://www.legislationline.org)

*Legislationline* ([www.legislationline.org](http://www.legislationline.org)) is a free-of-charge online legislative database that was created in 2002 to assist OSCE participating States in bringing their legislation into line with relevant international human rights standards. The database was designed as a drafting tool for lawmakers, not simply as an archive of domestic or international legislation. Its purpose is to provide assistance to those who prepare and draft laws at the working level. Through *Legislationline*, they can obtain examples and options from other countries' legislation that can help them make their own choices. The activities involved in maintaining the database not only benefit lawmakers but also permit ODIHR experts to observe patterns in legislative activity and identify good practices.

As a reference tool for a variety of users (primarily law-drafters, legal professionals, government officials, parliamentary staff, and legal specialists in international organizations), it is the most comprehensive database on legislation related to more than a dozen human dimension issues such as human trafficking, elections, and citizenship.

#### Assessment methodology

There are three main aspects to every assessment. First, an assessment should be comprehensive, covering the entirety of the process by which legislation is prepared, drafted, discussed, adopted, published, communicated, and evaluated. Second, it should describe the system both on paper and in practice. Finally, an assessment should be objective and sufficiently detailed to support credible recommendations for reform.

An assessment is a three-stage process. An initial on-site visit aims to ascertain the level of interest or support on the part of the relevant state authorities and to gather preliminary data on the legislative system, which is then followed by the preparation of a preliminary report giving a description of the key features of the legislative system. A second visit is conducted to interview senior members of government, parliament, civil servants, legal professionals, and non-governmental organizations on the basis of questionnaires sent in advance. The third and final stage involves the preparation of a report that provides an overview of the existing procedures and practices, an assessment of those procedures and practices, and recommendations for addressing any shortcomings identified.

An assessment is expected to act as a catalyst for reform. Whether it achieves this depends, of course, on the response of national decision makers. If there is support for reform, then the ODIHR's approach is to insist that the reform process be home-grown, comprehensive, and properly integrated.

The website went through an overhaul in 2006, including the introduction of a new design and the addition of new elements such as a search engine, all of the ODIHR's legal assessments, and several new topics. In addition, the entire site was translated into Russian.

## Future Priorities

The ODIHR will continue its work on promoting legislative efficiency in 2007. This is a long-term endeavour that can only bear fruit if it is supported by strong political commitments. 2007 will be decisive in Georgia, as the government has expressed strong interest in implementing the recommendations contained in the ODIHR's assessment report.

Depending on whether certain preconditions are met, it is anticipated that the first stage of the new methodology for conducting assessments of the legislative process will be carried out in the former Yugoslav Republic of Macedonia, with planning under way for the subsequent stages in Kazakhstan, Kyrgyzstan, Moldova, and Ukraine.

*Legislationline* will be maintained in both English and Russian. An important focus for 2007 will be on the collection and posting of domestic legislation and compiling international standards in Russian. The ODIHR has already begun updating many of the topics on the site, and this will be continued in 2007. Another priority will be to mobilize more expertise in connection with the topics addressed on the site and to develop a new section devoted to law-making issues.

Throughout the last two years, the ODIHR conducted an evaluation of its own legislative reviews in an attempt to improve its methodology and design a strategy to improve the impact of its legislative-assistance work. This process will continue in 2007.

# Human Rights



"Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government."

— Charter of Paris for a New Europe, 1990

In order to help participating States fulfil their obligations to protect and promote human rights and fundamental freedoms, the ODIHR monitors and assesses implementation of, and compliance with, human rights commitments, and also provides expert advice and assistance, including training and capacity-building.

The ODIHR's human rights programmes have three main activities in common:

- › Collecting information, monitoring and reporting on the implementation of commitments;
- › Supporting the implementation of commitments; and
- › Addressing key human rights issues in the OSCE region.

## Main Issues

Participating States have made extensive and detailed commitments in the areas of human rights and the rule of law. The effective implementation of these commitments remains a challenge, in many areas, and for all states. Consequently, they have created a number of specific OSCE instruments to monitor these commitments and to assist them in this regard, including the work of institutions like the ODIHR. In co-operation with numerous partners, governments, civil society, and international organizations, the ODIHR has developed specific tools to fulfil its mandate and detailed tasks from the participating States. Areas of specific interest include the following:

› **Threats to fundamental freedoms:** In some countries, the fight against terrorism and extremism is being used as a pretext to reinforce the power of the authorities and to restrict human rights. Non-governmental organizations, including

human rights defenders, face a variety of obstacles while trying to conduct their activities, including restrictions on their freedoms of association and assembly.

› **Protection of human rights in the fight against terrorism:** International efforts to combat terrorism are in some cases jeopardizing fundamental human rights, while certain counter-terrorism efforts have led to clear violations of human rights, including OSCE commitments. For example, individuals and rights groups have raised concerns about the protection of the rights of terrorist suspects being transferred from one state to another. The practices of irregular rendition and the use of secret detention centres and holding suspects in detention indefinitely without charge pose clear threats to human rights.

› **Death penalty:** Participating States have committed to keeping the question of capital punishment under consideration and to exchanging information on abolition of the death penalty. Some of the participating States that retain the death penalty continue to treat information on capital punishment as a state secret, and the level of public discourse on the use of the death penalty is often limited. OSCE commitments and international human rights law place a number of safeguards on the use of the death penalty, such as the requirement to ensure that trials leading to the imposition of the death penalty comply with national and international fair-trial standards. Concerns remain about the imposition of the death penalty following trials that fail to comply with fair-trial standards.

› **Trafficking in human beings:** While there have been increased efforts to combat trafficking for sexual exploitation, there has also been an increase in trafficking for the purposes of labour exploitation. A number of states have been slow to respond to these changes, thus contributing to the failure to ensure the rights of trafficked persons to justice and protection.

▶ **Human rights and the armed forces:** Armed forces personnel are entitled to the same rights and freedoms as all other people, subject to certain limitations imposed by military life. However, the extent to which they are able to enjoy their human rights and fundamental freedoms differs widely across the OSCE region. This may be due to restrictions on the exercise of certain rights, or it may also be due to the existence of legislative and regulatory shortcomings and the lack of appropriate control mechanisms for the protection and enforcement of these rights.

▶ **Human rights, women and security:** The ODIHR's work in the area of women and security is based on UN Security Council Resolution 1325. This resolution of 2000 expresses concern that women and children account for the vast majority of those adversely affected by armed conflict, reaffirms that women have an important role in the prevention and resolution of conflicts and in peace-building, and stresses the need to increase their role in decision-making with regard to conflict prevention and resolution.

## Activities

In 2006, the ODIHR conducted activities under the following programmes:

- ▶ Human rights and anti-terrorism;
- ▶ Human rights training and education;
- ▶ Human rights and the armed forces;
- ▶ Monitoring compliance with human dimension commitments;
- ▶ Anti-trafficking; and
- ▶ Human rights, women and security.

### I. Human rights and anti-terrorism

A state's failure to respect human rights and the rule of law in the fight against terrorism can add to the sense of injustice and persecution felt by some sectors of society and thereby exacerbate conditions conducive to the recruitment of terrorists and the furtherance of violent extremism. Prosecution of terrorist suspects that does not respect human rights may lead to miscarriage, or denial, of justice; thus, not only may the real

perpetrators of terrorist acts enjoy impunity, but this may also undermine the confidence of the population at large in the state's ability to protect them. Allegations of serious human rights violations by the state, such as torture and the illegal use of lethal force, can serve to bolster extremist discourse, while state actions that suppress political and religious groups prevent democratic discussion of issues and can force dissent to take other more radical forms.

The ODIHR helps participating States address the threat of terrorism in a way that respects human rights. For example, the ODIHR conducts a training programme for senior public officials that brings together policy makers from various ministries to raise awareness about the relevant international standards and to assist them in applying these standards in their daily work. This training is designed to allow policy makers to discuss and develop multifaceted strategies to prevent and combat terrorism. In 2006, national training courses were carried out in Belgrade and Astana and more are planned for 2007. As an additional tool for policy makers, the ODIHR is currently finalizing a manual on human rights and counter-terrorism that provides in-depth background on the rights at stake in counter-terrorism and the relevant standards that apply in the OSCE region.

Recent experience has shown that international co-operation in the fight against terrorism can compromise human rights and fundamental freedoms. There have been numerous examples that show that there are gaps in human rights protection when counter-terrorism measures cross borders. These include issues such as prolonged detention without trial or the transfer of individuals and lack of information related to their whereabouts. Many of the issues that arise involve complex questions of international and comparative law and highlight the intersection of international criminal, human rights, refugee, and humanitarian law, as well as the overlap of international and regional legal frameworks in the OSCE region.

One ODIHR activity in 2006 therefore aimed to provide a forum for discussion of these issues

and exchange of experiences between practitioners, academics, and NGOs working on these topics with a view to facilitating human-rights-compliant international co-operation to combat terrorism in the OSCE region: the ODIHR, in co-operation with the UN's Office of the High Commissioner for Human Rights (UN OHCHR), and with the support of the Government of Liechtenstein, organized a Technical Workshop on Human Rights and International Cooperation in Counter-Terrorism in November in Liechtenstein. The workshop focused on topics such as the principle of non-refoulement; procedural requirements for the transfer of persons, evidence, and intelligence between states; and the practical difficulties involved in the listing of terrorist groups and individuals at the national and international levels.

Terrorism issues are debated around the world. The ODIHR has made its voice heard by publishing research papers on important issues and sometimes proposing solutions to very difficult challenges. Papers published in 2006 covered the topics of human rights considerations in combating incitement to terrorism and related offences, protecting human rights while combating the use of the Internet for terrorist purposes, and solidarity with victims of terrorism. These complement the papers produced in 2005 on extradition, diplomatic assurances, and the right to life in the context of counter-terrorism.<sup>7</sup>

#### ***Solidarity with victims of terrorism***

On the basis of Permanent Council Decision No. 618 of 1 July 2004 on "Solidarity with the Victims of Terrorism", a technical workshop was organized in March in Oñati, Spain, involving academics and government representatives working on issues related to the rights of victims of terrorism, as well as delegates from international organizations, including the UN OHCHR, the Council of Europe, and the European Commission. A high-level meeting will take place in

Vienna in September 2007 focusing on access to justice for victims of terrorism, the role of civil society in solidarity with victims of terrorism, and solidarity with victims of terrorism at the international level.

## **II. Human rights training and education**

Human rights education and training are undertaken to equip members of government institutions and of civil society with the experience and skills necessary to have the greatest possible impact in their communities. The need to improve skills also extends to OSCE staff, especially when working in field missions.

#### ***Support for civil society***

Detainees make up one of the most vulnerable groups in any society, though their vulnerability is even more pronounced in countries — often those in transition — where places of detention remain part of a closed system. Developing a system of public monitoring of places of detention helps governments and societies to identify, rectify, and prevent abuse.<sup>8</sup> Between 2004 and 2006, the ODIHR conducted a regional project in Central Asia on public monitoring of human rights in pre-trial detention. The final phase took place in February 2006 in Almaty, where government officials and participants from NGOs from Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan met in a seminar on prevention of human rights abuses in places of detention; NGO participants also received training on how to write monitoring reports, and took part in a roundtable on torture prevention. The roundtable identified both human rights abuses in places of detention and positive steps taken by authorities to prevent them. The seminar provided a forum for the discussion of international standards and their implementation at the local level, as well as of concrete monitoring mechanisms. One of the seminar's main achievements was the high level of interaction between civil society representatives, who, by virtue of their experience and knowledge, demonstrated to the

<sup>7</sup> All of these papers may be found on the ODIHR's website at <http://www.osce.org/odihr/documents.html?lsi=true&limit=10&grp=309>.

<sup>8</sup> For more information on the ODIHR's work in the area of monitoring places of detention, see "Rule of Law", pp. 29-30.



Legal and military experts discuss protecting human rights in the armed forces, Berlin, 7-8 September.

relevant government authorities their value as future partners for co-operation.

Another project developed in 2006 involved a four-stage training course for civil society activists on planning and carrying out human rights monitoring. Conducted in Armenia and Tajikistan, the project equipped new civil society activists from outside of the capitals with the skills needed to work actively and effectively on human rights issues. To encourage the alumni of the programme not only to continue working as monitors but also as trainers, passing on their knowledge, skills, and values to others, a train-the-trainer session for a mixed Armenian-Tajik group was held in Ukraine in October. Participants will comprise the core team of trainers for planned projects in Tajikistan and Armenia.

#### *Training OSCE staff*

In 2006, the ODIHR continued offering a quarterly course for OSCE field staff working in the areas of human rights, rule of law, democratization, and elections. Four four-day sessions were held in Warsaw, covering issues such as human rights monitoring, human rights in the fight against terrorism, rule of law, anti-trafficking, Roma and Sinti issues, democratic governance, legislative assistance, gender mainstreaming, elections, and national minorities, which was introduced for the first time last year in cooperation with the Office of the High Commissioner on National Minorities. Around a hun-

dred OSCE staff from all field operations, the Secretariat, and institutions attended courses in 2006.

### **III. Human rights and the armed forces**

Armed forces are an integral part of a democratic state and society. By fulfilling their defence and national-security functions, the armed forces play a key role in creating an environment that allows citizens to enjoy the human rights and fundamental freedoms to which we are all entitled. As representatives of the state structure, armed forces personnel are bound to respect human rights and international humanitarian law in the exercise of their duties. The ODIHR's programme is based on the premise that, when the human rights of armed forces personnel are respected within their own institution, they in turn will be more likely to uphold human rights in the discharge of their tasks both in the barracks and during operations.

As citizens in uniform, armed forces personnel, whether professional or conscripted, are entitled, so far as is consistent with military life, to the same human rights and fundamental freedoms as other citizens. However, the exercise of their rights is often subject to excessive restrictions because of a perceived conflict between human rights and military effectiveness. Furthermore, there may be a discrepancy between the legal rights of armed forces personnel and whether or not these rights are enjoyed and protected in practice. Physical and psychological violence such as bullying and "hazing" of new recruits by other soldiers are some of the most common human rights violations that occur in the armed forces. Although laws and regulations prohibiting such practices often exist, it is their practical implementation that proves most difficult.

In 2006, the ODIHR launched a new programme on human rights and the armed forces. The core of the programme is the development of a handbook that presents an overview of legislation, policies, and mechanisms for ensuring the protection and enforcement of the human rights and fundamental freedoms of armed

forces personnel. While recognizing that no single model can apply equally to every individual country, the manual will present examples from across the OSCE region of practices that have proved successful. Ultimately, it is hoped that participating States will adopt the recommendations outlined in the handbook and that this will lead to a reduction in the number of human rights violations within armed forces.

The ODIHR also launched a series of roundtables last year on various thematic issues related to the human rights of armed forces personnel. The first two roundtables were dedicated to the “citizen in uniform” concept and to military unions and associations, and more are planned for 2007. The events were attended by participants from across the OSCE region, including representatives of ministries of defence and foreign affairs, armed forces, parliaments, national human rights institutions, and international and national non-governmental organizations. One of the key conclusions that emerged from these roundtables was that it is possible to reconcile the protection of human rights with the need for military discipline. The experience of many participating States has demonstrated that respect for the human rights of armed forces personnel *contributes* to military effectiveness, rather than detracting from it.

#### IV. Monitoring compliance with human dimension commitments

To implement human rights commitments effectively, states need to conduct systematic monitoring. Experience has shown that this can be developed and complemented by the activities of international organizations. While all of the ODIHR’s activities comprise elements of monitoring, some are targeted more specifically at developing the capacity of participating States in this regard.

##### *Trial-monitoring*<sup>9</sup>

The purpose of trial-monitoring is to assess criminal-court proceedings in terms of their

<sup>9</sup> For more on the ODIHR’s activities in this area, see “Rule of Law”, p. 26.

compliance with OSCE commitments and international fair-trial standards. Trial-monitoring is concerned only with the fairness of a trial, not with the guilt or innocence of the accused. The information gathered through monitoring trials can form the basis for recommendations for reform, as well as contribute to institution-building projects conducted by the ODIHR and other international and national organizations.

In 2006, the ODIHR completed two-year trial-monitoring projects in Kazakhstan and Kyrgyzstan that were launched in 2004. Monitors observed criminal cases in order to measure the extent to which international fair-trial standards were upheld, in particular the right to a fair and public hearing, the principle of equality of arms, the principle of presumption of innocence, and the right to adequate and effective legal defence. Upon the completion of the monitoring of trials in April, preparation began on the production of monitoring reports that will be presented in 2007 to the government. The reports contain recommendations that aim to assist both countries with ongoing reforms in the sphere of criminal justice and to improve their compliance with OSCE commitments on the right to a fair trial.

The ODIHR assisted the OSCE Mission to Moldova in establishing and implementing its own trial-monitoring project. In addition to financial support, the ODIHR provided one of the trainers for the first training session for trial monitors in March. The results of the first six months of the project will be published jointly by the Mission and the ODIHR in 2007.

##### *Assisting with the implementation of the ICCPR in Kazakhstan*

Having ratified the International Covenant on Civil and Political Rights (ICCPR) at the end of 2005, Kazakhstan now faces the task of amending domestic legislation that is in conflict with the ICCPR.

In 2006, the ODIHR and the OSCE Centre in Almaty supported a project called “Assisting in the Implementation of the International Cove-

nant on Civil and Political Rights (the ICCPR) in the Republic of Kazakhstan”, which was implemented by the national NGO Charter for Human Rights in co-operation with relevant state authorities and with the financial support of several donors.

Charter for Human Rights produced a publication with legal reviews, prepared by prominent Kazakh human rights experts, of national laws and their compliance with provisions of the ICCPR, including on the right to a fair trial, freedom of religion, freedom of expression, the freedoms of assembly and association, and freedom of movement. The publication was made available in both Kazakh and Russian and was distributed to participants at two roundtables organized as part of the project.

The purpose of the roundtables was to raise awareness among government officials of the provisions of the ICCPR, their interpretation by the UN Human Rights Committee, their application by national courts, and requirements for country reporting on implementation of the ICCPR to the Human Rights Committee. These issues are directly related to the obligation of the authorities to uphold the ICCPR; to their duty to report regularly to the UN on implementation of the ICCPR; and to the duty of the courts to ensure respect for, and direct application of, the ICCPR in their judicial practice.

The roundtables concluded with the adoption of a set of recommendations that included the recognition of all participants of the need to promote prompt ratification of the two optional protocols, to ensure the direct application of the ICCPR by judges, and to prepare a high-quality initial report for the Human Rights Committee in Geneva in 2007.

### **The death penalty**

The ODIHR monitors developments regarding the death penalty with the aim of facilitating exchanges of information, increasing transparency, and encouraging compliance with international safeguards.

The ODIHR produces an annual publication, *The Death Penalty in the OSCE Area*, which is

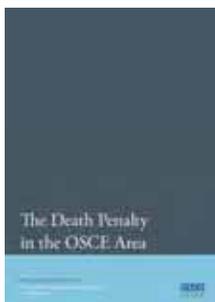
released at the Human Dimension Implementation Meeting. This publication provides a comparative overview of the use of the death penalty throughout the OSCE region based primarily on information provided by the participating States. For the first time, the 2006 edition of the publication included essays on different approaches to the death penalty. Experts from five countries — Belarus, France, Poland, Tajikistan, and the United States — discussed developments in the use of the death penalty and described national processes, experiences, and arguments that led those countries to their current position.

The publication also outlined a number of developments with respect to the use of the death penalty that had occurred over the preceding year. Moldova’s Constitution was amended, thus completing the legislative abolition of the death penalty. Kyrgyzstan adopted a new Constitution that provides that no one may be deprived of the right to life. The State of New York joined other US states that have abolished the death penalty in the United States. Monaco ratified Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which abolishes the death penalty during peacetime. Luxembourg, Monaco, the Netherlands, Norway, Slovakia, and Turkey ratified Protocol No. 13 to the ECHR, which abolishes the death penalty in all circumstances, including in time of war.

In 2006, the ODIHR also supported civil society groups that addressed death penalty issues at the local level. The ODIHR supported the efforts of a human rights group in Uzbekistan to conduct awareness-raising activities aimed at the general public on the issue of abolition of the death penalty. The group produced and distributed topical monthly bulletins and conducted targeted roundtables in several regions of the country.

### **V. Anti-trafficking**

Trafficking of human beings is a problem that affects all states in the OSCE region, whether as countries of origin, transit, or destination. Many



participating States have taken steps in recent years to tackle the problem, including by adopting anti-trafficking legislation, as well as by creating specialized law enforcement structures and mechanisms to ensure protection and assistance to trafficking victims.

In essence, trafficking concerns the exploitation of human beings. Until recently, participating States had focused almost exclusively on the exploitation of trafficked persons in the sex industry. However, they are now registering a growing problem with trafficking for labour exploitation in traditionally low-wage employment sectors such as agriculture, construction, hospitality, and care work. Action to address trafficking has to take account of the varying forms of exploitation. At the same time, measures taken must be examined to ensure that they do not result in unintended harm to victims of trafficking or vulnerable groups or lead to further violations of their human rights.

In 2003, participating States adopted an Action Plan to Combat Trafficking in Human Beings. This sets out detailed measures to be taken by participating States to address trafficking. The Action Plan has been subsequently updated by a number of Ministerial Council decisions, including a 2005 addendum on child trafficking.

Building on its tasks under the Action Plan, the ODIHR has focused its anti-trafficking work on promoting protection of the rights of trafficked persons. It developed the concept of National Referral Mechanisms (NRMs), which are widely recognized as an effective way of protecting trafficked persons' rights, preventing trafficking, and securing prosecution of the perpetrators of trafficking. Much of the ODIHR's work on anti-trafficking includes promoting the establishment of NRMs, as well as reporting on, and improving the protection of, victims' rights.

The ODIHR has initiated a series of assessments as the starting point for its work in supporting the establishment of NRMs. The aim of the assessments is to raise awareness of OSCE commitments and recommendations on trafficking, in particular on the principles of NRMs, and to help identify gaps in structures and responses. They evaluate policies and practices on the identification and protection of trafficked persons, including their access to justice, and include legislative and media reviews of trafficking in the respective country. It is expected that the findings from the assessments will be exchanged between countries to raise awareness of different approaches and stimulate change where necessary.

### **National Referral Mechanisms**

The NRM concept encompasses both institutional structures to combat trafficking and good working practices on the identification and referral of trafficked persons. On structures, it promotes the creation of multi-agency working groups for the development and implementation of anti-trafficking policy. It also recommends the creation of a national co-ordinator to head up such structures and to be accountable for action on trafficking in the respective country. "Multi-agency" refers to the participation of state labour, health, social-affairs, and criminal-justice actors alongside civil society.

It recommends the drawing-up of memoranda of understanding between law enforcement and social-service providers that outline the roles and responsi-

bilities of each. Such agreements help to ensure that, in the process of identification and referral, the victim does not become a pawn in the criminal-justice process, but is given immediate, unconditional access to assistance and protection. Appropriate legislation ensuring protection of trafficking victims is also important here, not least if the victim is in an irregular-immigration situation and needs residency status to access his or her rights.

The NRM concept also recognizes that the failure to identify trafficked persons is an obstacle to effective protection, prevention, and prosecution. It therefore recommends that numerous means to assist trafficked persons in accessing protection and rights be supported by states, such as hotlines, drop-in centres,

rights-awareness campaigns, and outreach services for migrant communities and those working in sectors prone to exploitation.

A well-functioning NRM could guard against the detention of trafficked persons, including their administrative detention while awaiting removal. It could also ensure that trafficked persons always enjoy protection of their data and privacy; are able to decide without duress whether or not to co-operate with criminal prosecution; when involved with criminal proceedings, are given opportunities to work or continue with their education; when acting as witnesses, benefit from witness-protection schemes and anonymity and are never returned to countries where they risk re-trafficking or ill-treatment.



SARAH GROZIER

Professor Julia O'Connell Davidson of the University of Nottingham discusses the demand side of trafficking in human beings during the Human Dimension Implementation Meeting, Warsaw, 3 October.

Assessments are currently under way or have been completed in Belarus, France, Kazakhstan, Russia, Turkey, and the United Kingdom. The process of preparing for and conducting assessments has provided visibility to OSCE commitments and has led to the identification of numerous national actors on trafficking that have become valuable sources of information and partners in OSCE anti-trafficking initiatives. Some actors have been invited to exchange practices from their countries and highlight problematic issues during ODIHR events and the high-level conferences of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. In a number of countries, assessments have been followed up with meetings, training courses, and other initiatives to promote compliance with OSCE commitments and NRM standards and to build the capacity of local structures. In the United Kingdom, for instance, the ODIHR presented the OSCE commitments and NRM standards during a conference in March for governmental and civil society actors on the draft UK national action plan on trafficking. The ODIHR also participated in public consultations on the UK action plan, drawing on the draft findings from its assessment to provide commentary, and in July provided oral evidence for a parliamentary committee enquiry on trafficking in the UK. In September, the ODIHR participated in a round-

table discussion in Kazakhstan on that country's NRM, which it followed with two training seminars for local authorities organized jointly with the OSCE Centre in Almaty. In Russia, the ODIHR presented its NRM recommendations during an NGO assembly in March and its draft research findings and recommendations during a workshop for law enforcement and civil society in December. In November, the ODIHR participated in a meeting in Turkey of that country's Trafficking Task Force.

The special day on trafficking during the Human Dimension Implementation Meeting in October firmly placed on the agenda the importance of unconditional assistance and protection to trafficked persons alongside the role of NRMs. Discussions led to numerous statements by states in support of the establishment of NRMs. The special day also included a discussion on the demand factors in trafficking and provided a forum for presenting recent research on this controversial issue.

In Albania, Georgia, and Romania, projects to enhance identification and assistance to trafficked persons were launched. These projects strengthen outreach services to trafficked persons and vulnerable groups, provide information on rights, and support legal representation of trafficked persons to improve their access to justice.

Side meetings during human dimension events were used to highlight recent research on protecting the rights of trafficking victims in criminal proceedings and the limitations of criminal-justice responses to tackling trafficking for labour exploitation. In May, a side meeting highlighted the failure of many states to provide adequate information on victims' rights or the requisite legal and physical security to secure victims' co-operation in criminal proceedings. In October, the ODIHR organized a side meeting during the Human Dimension Implementation Meeting to explore the role and limitations of criminal-justice actors in preventing labour exploitation or providing protection to trafficked persons or vulnerable migrants.

### Co-operation

The ODIHR works closely with other parts of the OSCE engaged in anti-trafficking work. It co-ordinates its activities with the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, sharing information and findings from its activities and contributing to the organization of the Representative's events and conferences, in addition to inviting the Representative to contribute to the organization of ODIHR events.

The ODIHR and the Anti-Trafficking Assistance Unit have prepared joint papers for the Permanent Council's Working Group on Human Rights Protection and Non-discrimination on new political commitments on trafficking, and have also provided joint comments on national policy documents, including, for example, on the national action plans of Kyrgyzstan, Ukraine, and the United Kingdom. The ODIHR continues to provide regular support to field missions and hosts an annual meeting in Warsaw for OSCE anti-trafficking focal points.

### VI. Human rights, women and security

UN Security Council Resolution 1325 (2000) was the first-ever resolution passed by the Security Council that focuses specifically on women and security. The OSCE took up the tasks outlined in the resolution in its own Action Plan for the Promotion of Gender Equality of 2004, which calls on OSCE structures to promote implementation of the resolution on the role of women in, *inter alia*, the prevention of conflicts and post-conflict reconstruction.

All OSCE participating States are obliged to implement the resolution; as member states of the United Nations, they have agreed to accept and implement the decisions of the Security Council. A number of countries, such as Sweden and the UK, have developed national action plans on implementation of UNSCR 1325. This means that different states can contribute in different ways to strengthening a gender perspective in prevention and resolution of conflicts, crisis management, and peace-building and peace-keeping. Doing so requires that states identify



their respective areas of priority and possibilities to contribute to the implementation of the resolution.

The ODIHR has been raising awareness of, and promoting implementation of, the resolution in South-Eastern Europe and Central Asia. In the former, the ODIHR, in co-operation with the OSCE Mission to Bosnia and Herzegovina and the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, conducted a one-day training workshop in Sarajevo for both government officials and representatives of non-governmental organizations from Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, and Serbia, including Kosovo. The second phase of the project involved a two-day roundtable, where participants developed a regional action plan for implementation of the resolution.

In Central Asia, the ODIHR organized the first-ever regional roundtable on implementation of UNSCR 1325. With both governmental officials and civil society representatives participating, from Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan, the purpose of the roundtable was to raise awareness of the provisions of the resolution and to find ways forward for further implementation and co-operation at both the national and regional levels. The event was organized in partnership with the United Nations Development Fund for Women in the

Representing an Italian NGO, Manfred Bergman spoke on the rights of migrant workers at a side event during the Human Dimension Implementation Meeting, Warsaw, 4 October.

## UN Security Council Resolution 1325

(...)

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

(...)

The Security Council

1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;

(...)

8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:

(a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;

(b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;

(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

(...)

Commonwealth of Independent States (UNIFEM CIS) and its regional office in Almaty, with contributions from UNIFEM Azerbaijan, and through co-ordination with the relevant OSCE field operations.

The roundtable identified respective national priorities, activities to be undertaken, and how national and regional co-operation could facilitate enhancement of implementation. A range of possible actions were presented, such as including a reference to UNSCR 1325 in national action plans on gender equality, orga-

nizing public-awareness campaigns, conducting training courses and roundtables in the region (with government, parliament, ministries, mass media, NGOs), and conducting research about the impact of conflict on women and the role of women in peace-building.

### Domestic violence

One of the first steps necessary in protecting women from domestic violence is to recognize the problem by enacting legislation making domestic violence a criminal offence. In Moldova, where domestic violence is a widespread problem, the Office has been supporting the drafting of legislation since 2005. Last year, the ODIHR partnered with a Moldovan organization to arrange a study tour to Romania for representatives of the government and NGOs. Several expert review meetings were held, including one regional event, where government representatives from Ukraine and Romania commented on Moldova's draft law and shared their experiences of drafting similar legislation. As a result, earlier draft provisions that could have discriminated against unmarried couples and illegal residents were removed and provisions for the protection of victims of violence were added.

## Future Priorities

### The death penalty

The ODIHR will continue to monitor developments in the area of capital punishment in order to facilitate an exchange of information on the death penalty and its alternatives among various actors and to encourage compliance with international safeguards on the use of the death penalty.

### Human rights and the armed forces

Upon publication of the handbook in 2007, the ODIHR will focus on providing expertise to participating States in implementing the recommendations contained in the handbook, including review of legislation and policies related to armed forces personnel, to ensure their com-

patibility with international human rights standards and OSCE commitments.

The ODIHR will also conduct training workshops for state and/or civil society representatives to assist them in the dissemination and implementation of the practical and policy recommendations contained in the handbook and to strengthen the capacity of interested parties to integrate human rights in the armed forces.

#### ***Focal point for human rights defenders and national human rights institutions***

Human rights defenders and national human rights institutions (NHRIs) play an important role in safeguarding democracy and promoting human rights and fundamental freedoms. In a number of OSCE states, however, human rights defenders continuously work under extreme pressure from state authorities and face restrictions on the exercise of freedom of expression, association, and assembly. There are still too many cases where human rights defenders are subjected to unnecessary bureaucratic burdens, arbitrary detentions, assaults, ill-treatment, or defamation campaigns.

In response to one of the recommendations made at the March 2006 Supplementary Human Dimension Meeting entitled "Human Rights Defenders and National Human Rights Institutions: Legislative, State and Non-State Aspects", the ODIHR decided to establish a Focal Point for Human Rights Defenders and National Human Rights Institutions.

As part of the new programme, the ODIHR will continue monitoring implementation of OSCE commitments relating to freedom of assembly and association, with a particular focus on human rights defenders. Among its priorities for 2007 will be building capacity to promote and protect human rights in policy and practice through training and other capacity-building activities for human rights defenders and relevant staff of NHRIs, promoting the dissemination of the ODIHR's *Guidelines on Freedom of Peaceful Assembly*, raising awareness among civil society about international standards on freedom of assembly, and building the capac-

ity of human rights defenders and independent NHRIs to monitor compliance with freedom-of-assembly standards and prepare objective reports for the use of national authorities and international actors.

The ODIHR will promote good practices among participating States, human rights defenders, and NHRIs and increase awareness of, and improve implementation of, OSCE human dimension commitments through targeted activities, including elaboration of a guidebook on freedom of association with a special focus on NGOs.

#### ***Human rights, women and security***

The priority will remain implementation of UNSCR 1325. To follow up on the regional roundtable in Central Asia, the next step will be to conduct country-level workshops.

The ODIHR will also enter the programmatic area of gender, women's rights, and security-sector reform. Despite the clear mandate given in UNSCR 1325 for increased female participation and gender mainstreaming within the area of peace and security, the field of security-sector reform remains largely unfocused with regard to issues of gender and women's participation. At the same time, there has been a significant lack of research, resources, policy analyses, and training materials on gender and issues related to security-sector reform. The ODIHR will cooperate with the Geneva Centre for Democratic Control of Armed Forces and the United Nations International Research and Training Institute for the Advancement of Women to implement a project on gender and security-sector reform. The aim of the project will be to increase knowledge and capacities regarding gender aspects of security-sector reform among researchers, policy makers, and practitioners. Among other activities, new research will be commissioned in the form of expert papers on a range of subjects relating to gender and security-sector reform, which together will form a toolkit on how aspects of gender and women's rights can be integrated in practice.

# Tolerance and Non-discrimination

"Aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism create ethnic, political and social tensions within and between States. They also undermine international stability and worldwide efforts to place universal human rights on a firm foundation."

— Rome, 1993

OSCE HUMAN DIMENSION  
COMMITMENTS

Volume 2  
Democracy and Human Rights

**V**iolations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, and manifestations of hate and intolerance threaten stability and security in the OSCE region. While OSCE participating States have undertaken numerous commitments to combat racism, xenophobia, anti-Semitism, and related intolerance, including against Muslims, much work remains to be done to foster democratic and pluralistic societies, where ethnic, cultural, and religious diversity is not only tolerated, but is truly respected and valued.

Tolerance and non-discrimination have ranked high among the priorities of the past several OSCE chairmanships. Under Belgium's leadership in 2006, the Chairman-in-Office reappointed the three personal representatives dedicated to particular aspects of tolerance and non-discrimination for another year. The OSCE also organized three tolerance implementation meetings on the topics of inter-cultural, inter-religious, and inter-ethnic dialogue; education to promote mutual respect and understanding and remembrance of the Holocaust; and hate crime data collection.

The year culminated with the adoption of a Ministerial Council Decision on "Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding". Under this Decision, the ODIHR was tasked with strengthening its early-warning function to identify, report on, and raise awareness of hate-motivated incidents and trends and to provide recommendations and assistance to participating States, upon their request, in areas where more adequate responses are needed. One specific tool developed by the Office in this regard is the public tolerance and non-discrimination information system (<http://tandis.odihr.pl>).

## Main Issues

▶ **Hate-motivated crimes and violent manifestations of intolerance:** Hate crimes involve violent expressions of bias; they may take the form of assault, murder, threats, or property damage, such as arson, desecration, or vandalism. Responding to hate crimes is problematic for a number of reasons. To begin with, most states lack accurate data about the nature and extent of hate crimes, which means that law enforcement and criminal-justice agencies are not armed with the information needed to combat such crimes. This is often compounded by an absence of legislation specifically on hate crimes, making it difficult to prosecute such cases.

▶ **Freedom of religion or belief:** Across the OSCE region, many individuals and groups face restrictions on their right to freedom of religion or belief. Problems include discrimination against individuals in the workplace and public services, defamation campaigns against minority religions or belief groups, the disruption or prohibition of worship even in private homes, censorship of religious literature, and imprisonment of those who object to military service on religious grounds. These restrictions may be a direct result of state legislation and policies, or, in other cases, they may arise as a result of a lack of protective action from state authorities, often in the face of a dominant religious majority. Throughout the Commonwealth of Independent States and elsewhere, registration rules and procedures continue to be systematically abused to infringe the rights of entire faith communities.

▶ **Education:** Since hate-motivated crime is often the result of negative stereotypes, often passed from generation to generation, educational efforts aimed at promoting mutual respect and understanding; an appreciation of cultural, reli-

gious, and ethnic diversity; and remembrance of the Holocaust can help eliminate such attitudes. While a number of participating States have undertaken such efforts, more long-term and coherent approaches are needed to have a real impact.

## Activities

Just how widespread is the problem of discrimination? How frequently are hate crimes committed? Where do they occur, and who are the victims? What steps are being taken by law enforcement agencies and by governments? Answers to such basic questions are needed before anyone can make a serious effort to combat hate in all its manifestations. For that reason, one of the most important parts of the ODIHR's work in this field is its role as a collection point for relevant information, including statistics from states and police agencies, as well as examples of good practices from a wide variety of sources, including governmental and non-governmental organizations.

The collection and analysis of such information has allowed the ODIHR to identify where good practices exist and where there are gaps in implementation of OSCE commitments related to tolerance and non-discrimination. This knowledge is the foundation for all the ODIHR's activities in this field and has provided the basis

for its ability to offer states and NGOs technical assistance, expert-to-expert training, and opportunities to exchange information and best practices. It has also provided the basis for the creation of regional partnerships and the development of joint strategies that recognize hate-motivated crimes and acts for what they are: namely, a problem that is not confined within borders and that demands an international response.

In many cases, the ODIHR's role has been simply to bring individuals and organizations together; in others, the ODIHR has played a larger role in developing methodologies, conducting training, carrying out research, and writing and disseminating reports and publications.

The result is a collection of technical tools and assistance programmes that help governments, law enforcement agencies, and educators, as well as broader civil society, including organizations and concerned individuals, to combat intolerance and to promote the ideals of mutual respect and understanding.

In 2006, activities were conducted in the following five areas in particular:

- › Improving responses to hate crimes;
- › Developing educational tools;
- › Supporting civil society;
- › Promoting freedom of religion or belief; and
- › Developing the Tolerance and Non-Discrimination Information System.

### I. Improving responses to hate crimes

#### Data collection

Most OSCE countries lack mechanisms for identifying perpetrators and victims of hate crime, which makes it difficult for governments and law enforcement agencies to know how extensive the problem is or where to target resources to combat it. The ODIHR has been assisting the efforts of states by serving as a collection point for information and statistics on hate crime, which is invaluable for states when developing their own responses.

In September, the ODIHR produced its first periodic report on hate crime, called "Chal-

In 2006, the ODIHR launched its Tolerance and Non-Discrimination Information System.<sup>10</sup> Available at <http://tandis.odhr.pl>, the site provides access to action plans, statistics, legislation, and information on practical initiatives from OSCE participating States, intergovernmental and non-governmental organizations, and other specialized bodies.

Information is accessible through entry points such as:

- } *Quick reference* for particular types of materials;
- } *Corners* for information for particular user groups;
- } *Key issues* for information about particular issues and working areas of the programme; and
- } *Country pages* for information about particular countries.

<sup>10</sup> For more information about the Tolerance and Non-Discrimination Information System, see p. 71.



Daniela Petkovic (right), the chief trainer of nine Croatian police trainers, with one of the participants at the first OSCE training course on combating hate crime in Croatia, 30 June.

Challenges and Responses to Hate-Motivated Incidents in the OSCE Region”. Based on information received from governments, international organizations, and civil society, this was the ODIHR’s first effort to provide an overview of patterns and trends pertaining to hate-motivated incidents, focusing on examples of responses from OSCE participating States. An annual report on hate-motivated incidents will be published beginning in 2007.

In November, the ODIHR organized an international meeting in Vienna that addressed the lack of accurate information on hate crime. Entitled “Addressing the Hate Crimes Data Deficit”, the meeting provided representatives of governments, international organizations, and civil society with a forum to exchange experiences and practical knowledge related to the collection of data on hate crime and to discuss ways of improving approaches to data collection. One of the main conclusions of the meeting was that a harmonized methodology for data collection would allow countries to compare information and to co-operate in identifying strategies to respond effectively to hate crime.

#### *Training law enforcement officers*

The ODIHR’s Law Enforcement Officer Programme on Combating Hate Crime was developed to increase the capacity of law enforcement officials to identify and respond effectively to hate crime and engage with affected communities.

Following the pilot phase in Hungary and Spain in 2005, training under the programme was conducted in Croatia in 2006. As a result of the signing of a memorandum of understanding with the ODIHR, Croatia’s Interior Ministry has committed to introducing training on hate crime into its regular police training curriculum. Plans are now under way to conduct the programme in Poland, where a needs assessment was conducted in November. The ODIHR and the Polish Government are currently working on adapting the programme to meet the country’s needs.

Given the interest in the programme on the part of several other OSCE states, the ODIHR organized an international training-of-trainers seminar in Paris on 11-13 December. The seminar, which provided an in-depth overview of the programme for police officers and prosecutors,



Torolv Nordbo (right), ODIHR Deputy Director, hands a certificate to a participant at a training seminar on responding to hate crimes, organized by the ODIHR and the French Gendarmerie in Paris in December.

consisted of 18 learning units and presentations covering causes and manifestations of hate, police investigation of hate-motivated crimes, interaction between police and the media, co-operation between police and victims and affected communities in dealing with hate incidents, and other relevant aspects of responding to hate-motivated crimes. The training was attended by experts from 14 OSCE participating States, many of whom are now expected to adapt and implement the programme within their respective states.

## II. Developing educational tools

### *Education on the Holocaust and anti-Semitism*

In response to the rise of anti-Semitism in the OSCE region, which often finds expression in neo-Nazi activities, Holocaust denial, and violent attacks on Jews and Jewish institutions, OSCE participating States have committed themselves to promote educational programmes to combat anti-Semitism, as well as to promote remembrance and education about the tragedy of the Holocaust.

In order to assist participating States in implementing these commitments, the ODIHR has developed a number of tools in co-operation with international organizations, institutions, and experts, especially with the International Task Force on Holocaust Education, Research

and Remembrance. One such tool is the document "Preparing Holocaust Memorial Days: Suggestions for Educators", which was developed with Yad Vashem, Israel, and 12 national experts. Available in 12 languages, this document has also been adopted by the United Nations Department for Public Information and has been distributed to all UN Public Information Centers worldwide. Country-specific teaching materials on anti-Semitism were also developed for seven OSCE states by the ODIHR, the Anne Frank House in Amsterdam, and national experts. These materials are now being used in teacher-training courses in the pilot countries.

### *Education to promote respect and diversity*

The ODIHR produced an assessment of educational strategies and initiatives on diversity education in school settings throughout the OSCE region. Based on an analysis of information from national education authorities, the assessment also includes comprehensive recommendations covering aspects of curricula development, teaching material, teacher training, quality standards in education, and strategic planning. These recommendations will be published in English and Russian in 2007. In addition, the expertise assembled for this project will be made available to interested participating States intending to introduce or strengthen diversity education in schools.

## III. Supporting civil society

The ODIHR maintains close relations with NGOs and provides support for their participation in OSCE events. For example, the ODIHR organized preparatory roundtables for NGOs prior to three tolerance implementation meetings in Almaty, Dubrovnik, and Vienna. More than one hundred NGOs attended at least one of these meetings, where they had an opportunity to exchange information and best practices, inform their governments of the results of their activities, and formulate recommendations that were presented at the implementation meetings.

In an attempt to bring the discussions at

Country-specific teaching materials on anti-Semitism were developed for seven OSCE states by the ODIHR and the Anne Frank House in Amsterdam.





Nuzhat Jafri of the Canadian Council of Muslim Women, speaking at a meeting on the representation of Muslims in public discourse in Warsaw in May.

the Human Dimension Implementation Meeting to a broader audience, the ODIHR piloted a project with ICARE ([www.icare.to](http://www.icare.to)), one of Western Europe's leading news services dealing with issues of racism and discrimination. During the meeting, ICARE provided online coverage of the debates on tolerance and non-discrimination, as well as issues related to Roma and Sinti. In addition to providing news from the venue, ICARE reporters also took questions from organizations that were unable to attend the event and asked respective government delegations on their behalf.

In 2005, the ODIHR conducted a mapping exercise of the organizations working in the field of tolerance and non-discrimination. As a result, the Office was able to identify non-governmental organizations that needed assistance in terms of identifying, preventing, and responding to hate crimes and hate-motivated incidents. In 2006, the ODIHR offered these organizations a variety of support, including the provision of small grants, as well as assistance in facilitating contacts, disseminating information on tolerance and non-discrimination issues, and preparing written recommendations for participating States. As a result, more than one hundred NGOs were able to

attend OSCE events, while a number of them used their grants to carry out projects aimed at monitoring and reporting on hate-motivated violence. For example, the Office helped a Slovak organization join the International Network against Cyberhate, a coalition of 11 NGOs that monitors hate-related content on the Internet and attempts to have it removed.

In May, the ODIHR, in co-operation with the Personal Representative on Combating Intolerance and Discrimination against Muslims, convened a roundtable to discuss practical measures to address negative stereotyping of Muslim communities in media reporting and political discourse. Topics discussed included the impact of media reporting on public perceptions and on minority communities, improving reporting standards and accountability while respecting the principles of freedom of expression and self-regulation, and the effect of media reporting on intercultural relations and community cohesion. The discussion brought together Muslim community-based organizations with media professionals and experts from across the OSCE region, as well as policy makers from international organizations. Representatives from the OSCE Parliamentary Assembly and the Office of the Representative

Participants at the Human Dimension Implementation Meeting, Warsaw, 10 October.



on Freedom of the Media also participated in the event.

Participants noted that insufficient information about Muslims and Islam contributed to inadvertent stereotyping. There were calls for journalists to learn more about cultural and religious diversity, as well as to develop reporting on diversity-related issues through ongoing professional training. Other proposed measures to increase accurate and balanced reporting on minority groups included establishing modules on ethics and diversity as standard components of journalism education, providing reference sources and resource guides on reporting on Muslim communities and Islam, increasing representation of minorities in newsrooms and in media programming, and increasing diversity in mainstream programming.

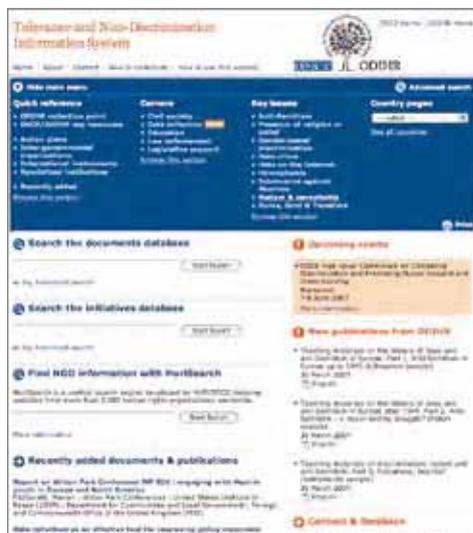
With regard to political discourse, participants stressed that politicians should be careful to avoid discriminatory elements in public discourse and should engage a wide and representative set of voices from Muslim communities in consultative discussions on policies that affect them. Participants also suggested that Muslim communities must take steps to become more involved in the political process.

#### IV. Promoting freedom of religion or belief

The ODIHR's 60-member Advisory Panel of Experts on Freedom of Religion or Belief, which serves as an advisory and consultative body to OSCE states in their efforts to advance religious freedom, provides legislative assistance to individual states and also comments on specific cases. Using the *Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief* as a basis, the Panel responded to requests for legislative reviews from five participating States in 2006.

The Panel offers its expert assistance and support to participating States where infringements of religious freedom take place. In November, for example, the Panel expressed its concern regarding the Hare Krishna community in the Karasai District of Kazakhstan, where several homes had been destroyed in a state-sponsored action. The Panel expressed its willingness to meet with the authorities to discuss the situation and to extend its good offices to assist in finding a resolution.

The Panel also continued its efforts to develop training materials on issues pertaining to standards of international law on freedom of religion or belief.



## V. Developing the Tolerance and Non-Discrimination Information System

The ODIHR's Tolerance and Non-Discrimination Information System was developed to serve as a repository of information received from state and non-state partners and to support the ODIHR's efforts to disseminate information and best practices.

A public website (<http://tandis.odihr.pl>) that was launched at the Human Dimension Implementation Meeting in Warsaw in October provides access to action plans, statistics, legislation, and initiatives to combat intolerance and discrimination, as well as international standards, reports, and practical tools to promote tolerance and non-discrimination.

Besides being a digital library, the website provides access to the reports and findings of NGOs via HuriSearch, a search engine developed by Human Rights Documentation and Information Systems International (HURIDOCS). HURIDOCS developed a customized interface for HuriSearch for the ODIHR to be able to provide access to targeted information on the issues that the ODIHR deals with from more than 3,000 human rights organizations worldwide.

Through *Legislationline*, the ODIHR's legislative database, the website provides access to information on existing hate crime legislation in the OSCE region.

## Future Priorities

Building on these activities, the ODIHR will focus on the following seven areas in 2007:

### *1. Monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents*

The ODIHR will focus its efforts on providing technical assistance to OSCE participating States to increase the quality, availability, and accessibility of data on hate crimes. An informal working group of experts will be created to offer technical assistance to OSCE participating States in strengthening their collection of data on hate crime. The experts will also explore the possibility of developing a template for reporting data on hate crime to be used by participating States for the purpose of communicating their information and statistics to the ODIHR.

### *2. Educational activities to promote tolerance, respect, and mutual understanding, and to promote remembrance of the Holocaust*

Projects on Holocaust education and remembrance, as well as on developing teaching material on combating anti-Semitism, will continue to be a focus. While the suggestions for educators on preparing Holocaust memorial days will be translated into additional languages, a second set of guidelines for educators on how to react to expressions of anti-Semitism in schools will be developed. Furthermore, there are plans to produce a brochure on good practices of governments on how they highlight Holocaust memorial days and commemorate victims within their countries. The teaching materials on anti-Semitism will be adapted for three more participating States.

In follow-up to the ODIHR's assessment of existing educational strategies and initiatives of OSCE states to promote mutual respect and understanding, the ODIHR will facilitate exchanges of information between experts and support national initiatives to intensify educational programmes on diversity education.

Dr. James Zogby of the Arab American Institute at a meeting on the representation of Muslims in public discourse, Warsaw, 9 May.



The ODIHR will support the development of a series of handbooks on Muslim communities in the OSCE region. The handbooks will provide information on different aspects of Islam and Muslim life and culture with the intention of promoting a fuller understanding of the contribution and participation of Muslim communities in their respective states. This will be a particularly valuable resource for policy makers, public officials, journalists, and educators. The books will initially be developed for four participating States — France, Germany, the Netherlands, and Spain — with the intention of developing a second series for other countries in 2008. Each handbook will be developed with national experts and customized for each country.

### 3. Legislative assistance

The ODIHR will continue to collect and assess existing legislation that deals with crimes motivated by hate throughout the OSCE region. As part of the needs assessment process of the Law Enforcement Officer Programme on Combating Hate Crime, consultations will be held with judges and officials from the office of the chief prosecuting authority in host countries on their views with respect to the effectiveness of their respective countries' hate crimes legislation. Similar consultations will occur with the prosecutors attending the training. When such consultations reveal substantial dissatisfaction with existing hate crimes legislation, the ODIHR

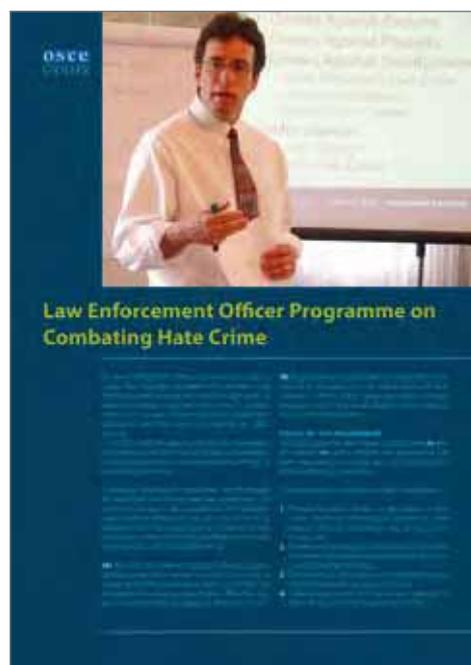
will offer to assist the judiciary and prosecuting authorities in making their views known to executive and legislative authorities.

### 4. Civil society

The ODIHR and a board of experts will develop a training curriculum for NGOs on how to address hate-motivated incidents. Since the training should be a resource for NGOs throughout the OSCE region, its content will reflect the diversity of possible activities and strategies chosen by civil society to combat hate-motivated violence. For example, the curriculum will contain modules on standard techniques for monitoring incidents, on assistance to victims, and on relationships with law enforcement authorities. Once the curriculum has been developed, the ODIHR will also offer training for civil society representatives on a national or regional basis. Participants will be granted financial and technical support to carry out small projects.

### 5. Assistance for law enforcement and judicial officials in combating hate crime

In 2007, the ODIHR will continue the implementation of its Law Enforcement Officer Programme on Combating Hate Crime in OSCE



participating States that have demonstrated interest in the programme. After the needs assessment in Poland in 2006, the programme will be adapted and translated into Polish, and implemented in the course of 2007. In Serbia, the ODIHR plans to continue its evaluation, followed by the adaptation of the programme to the needs of Serbian law enforcement officers.

Following the training-of-trainers seminar in Paris, several OSCE participating States expressed interest either in the assessment of their law enforcement officers' needs in raising awareness regarding various aspects of hate crimes or in the full implementation of the programme in their respective countries. The ODIHR's expert team will continue to maintain its informal information network for police officers and will provide training and assistance accordingly.

#### ***6. Freedom of religion or belief***

In addition to continuing to provide expert opinions and assistance to governments and civil society, the Advisory Panel of Experts on Freedom of Religion or Belief will also develop guidelines on teaching about religion in state schools in the OSCE region. The guidelines will offer practical guidance for preparing curricula for teaching about religion, preferred procedures for assuring fairness in the structuring of curricula, and standards for the implementation of such procedures. The guidelines will be finalized by the end of 2007.

#### ***7. Developing the Tolerance and Non-Discrimination Information System to support particular user groups***

To support the Law Enforcement Officer Programme on Combating Hate Crime, special sections of the website will be developed with information of particular relevance for prosecutors and investigating magistrates, and for hate crime data experts.

The website will also be made available in Russian in 2007.



# Contact Point for Roma and Sinti Issues

“We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.”

—“Charter for European Security”, Istanbul, 1999

Throughout the OSCE region, particularly in Central and South-Eastern Europe, there are communities of Roma, Sinti, Travellers and other groups who are often referred to as *gypsies*. In addition to ethnic, linguistic, and cultural ties, many of these communities are bound by the overwhelming effects of discrimination they encounter in all aspects of their lives. Whether in the form of passive intolerance or outright hatred, discrimination has pushed these communities to the fringes of society, where many exist with limited access to life's basic necessities, including food, water, and secure residence; education; health care; and employment. Societies that are split on ethnic lines, defined by inequality, hatred, and exclusion, threaten individual human security, as well as greater regional stability. In recognition of this threat, OSCE states adopted, in 2003, an Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.

## Main Issues

**Racism and discrimination:** Periods of profound political change can expose divisions in society, and the resulting tensions are often expressed in terms of racism or discrimination against vulnerable communities. In Eastern and South-Eastern Europe, the transition of the past fifteen years has often seen a rise in hostility aimed at Roma, Sinti, and related groups. As a result, Roma and Sinti have been prevented from gaining access to employment, education, housing, and health care. They are also increasingly the victims of racially motivated crimes, and often suffer abuse at the hands of the police. Such crimes are often exacerbated by the refusal of the responsible authorities to protect Roma and by the relative impunity of the perpetrators, who go unreported or receive mild sentences.

**Security of residence:** For many Roma, obtaining a legal residence with secure living conditions is a prerequisite to the recognition and fulfilment of other rights. Without an address, it is often impossible to register for public services or engage in lawful income-generating activities. Problems that have resulted from insecure residence include forced evictions, lack of secure land tenure, lack of civil registration, and the inability of children to attend school.

**Trafficking in human beings:** Factors such as endemic poverty, social marginalization, the collapse of institutional support structures, and widespread discrimination make Roma and Sinti communities particularly vulnerable to trafficking in human beings.

**Participation in public and political life:** The discrimination faced by Roma and Sinti populations has prevented them from playing a significant role in the public and political life of the societies in which they live. This is often compounded by a lack of awareness among Roma and Sinti of their ability to influence their own circumstances through political participation and the benefits that could be achieved through participation. Particularly affected are the most vul-



Insecure residence has often prevented Roma children from enrolling in schools.

nerable groups within Roma and Sinti communities such as women, young people, internally displaced persons, refugees, and returnees.

## Activities

The ODIHR conducted activities in 2006 in the following areas:

- ▶ Implementation and assessment of the Action Plan;
- ▶ Combating racism and discrimination;
- ▶ Addressing social issues;
- ▶ Enhancing participation in public and political life; and
- ▶ Ensuring that the fundamental rights of Roma and Sinti are respected in crisis and post-crisis situations.

### I. Implementation and assessment of the Action Plan

The main guidelines for supporting the rights and opportunities of Roma and related communities are found in the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. In this document, the participating States pledged to take steps to ensure that Roma, Sinti, and other groups are able to participate in all aspects of public and political life, effectively eliminating the obstacles caused by discrimination.

The Action Plan provides the participating States with comprehensive recommendations and a range of possible measures to be undertaken as a remedy to existing challenges. It also underlines the fact that Roma and Sinti themselves should be actively involved in any actions targeting their communities.

The ODIHR's role in relation to the Action Plan is threefold: it is tasked with assisting the participating States in implementing the provisions of the Action Plan; it conducts its own activities aimed at improving the situation of Roma and Sinti; and it is also responsible for reporting on how participating States have been fulfilling the commitments made in the Action Plan.

To promote implementation of the Action Plan, the ODIHR works with other international organizations, as well as non-governmental organizations and national and local governments, to harmonize Roma and Sinti-related policy-making processes and initiatives. In 2006, for example, the ODIHR organized a second conference, in Bucharest, on the implementation and harmonization of national policies on Roma, Sinti and Travellers, under the auspices of the OSCE Chairmanship, together with the Council of Europe, the European Monitoring Centre on Racism and Xenophobia, and the European Commission, including the European Roma and Travellers Forum, in follow-up to a similar conference held in Warsaw in 2005.

As a step towards assessing implementation of the Action Plan, the ODIHR sent a questionnaire to all participating States to elicit feedback on initiatives that had been launched under the Plan, as well as on challenges that states had encountered in implementation. The Office is preparing a report that analyses the information received as part of a broader effort to develop a methodology for reviewing and assessing implementation of the Action Plan.

The ODIHR used the occasion of the Human Dimension Implementation Meeting to discuss the development of this methodology with interested partners. During the meeting, the ODIHR also facilitated a number of side events on various aspects of the Action Plan, including gender issues; policing in multiethnic societies; formalizing informal settlements; facilitating Roma integration into labour markets; and policies concerning Roma, Ashkali, and Egyptians in the framework of Kosovo's political status.

A leaflet explaining the OSCE's Roma and Sinti Action Plan.



The overall objective of the OSCE's Roma and Sinti Action Plan is to "reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti people are able to play a full and equal part in our societies, and at eradicating discrimination against them."

— Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, 2003

Nicolae Gheorghe (left), then-Head of the ODIHR's Contact Point for Roma and Sinti Issues, listens as consultant Robin Oakley addresses a meeting on Roma and Sinti communities and the police, Skopje, 13 June.



## II. Combating racism and discrimination

Racism and discrimination against Roma and Sinti — also known as *anti-gypsyism* — have been on the rise in the last decade and a half. Deep-rooted forms and expressions of racism have become more visible since the collapse of the communist bloc. And new forms of hostility, rejection, and hate continue to be expressed freely across the OSCE region, including within national parliaments, the European Parliament, and by leaders belonging to extremist political parties.

Discrimination at the hands of the police is an area of concern, particularly since the police should protect Roma and Sinti individuals and ensure their equal treatment under the law. Roma and Sinti representatives continue to report frequent instances of police brutality; the use of unjustified and disproportionate force, including against women and minors; a lack of timely and effective police intervention to protect Roma and Sinti against collective violence from majority populations; and continued mistrust between the police and Roma and Sinti communities.

The ODIHR continued a project on policing in Roma communities in 2006 that calls for consultations between law enforcement agencies and Roma and Sinti communities. This initiative aims to foster institutional change within police forces and to assist in transforming the police into a provider of protection and prevention services for all. International workshops and roundtables were organized in Romania and the United Kingdom that brought together high-level law enforcement officials and Roma NGOs in an effort to assess states' policing practices in relation to Roma and their compliance with international human rights standards.

The Romanian police produced a report in 2006 that reviews their policies and practices in relation to Roma. Based on a self-assessment that began in 2005, the report outlines lessons learned from the assessment and identifies areas where the police need to take action in order to uphold policing standards and to ensure that the rights of Roma are respected. The ODIHR plans to publish the report to encourage police forces in other participating States to undertake similar assessments as the basis for institutional reform.

A participant at a meeting of Roma representatives in Skopje watches a television interview on gender issues given by Nadire Selman from the former Yugoslav Republic of Macedonia.



### III. Addressing social issues

Roma, Sinti, and related communities face an overwhelming array of socioeconomic problems, including human trafficking, a lack of adequate housing, denial of access to quality non-segregated education and health care, as well as problems related to traditional practices such as early marriages and the use of children in income-generating activities. While the international community has taken steps to address many of these issues, an essential factor in eventually overcoming them is the effective implementation by local authorities of existing policies and the development of capable domestic organizations that can carry on this work at the local level.

#### **Trafficking in human beings<sup>11</sup>**

In 2006, the ODIHR produced a position paper outlining the issue of trafficking in human beings and its effects on Roma communities. The paper suggests that there is a need for better co-ordination between Roma and non-Roma anti-trafficking organizations and that Roma activists need to raise awareness within their commu-

<sup>11</sup> For more on the ODIHR's work in the field of anti-trafficking, see "Human Rights", pp. 58-61.

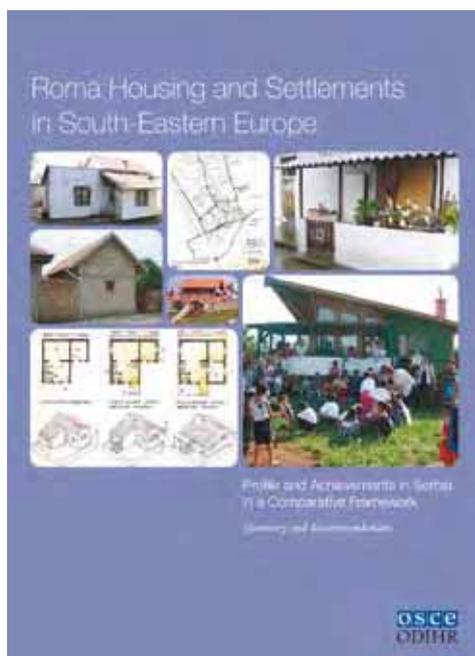
nities about both external and internal factors that contribute to the vulnerability of Roma to trafficking.

The ODIHR also organized a regional roundtable in Tirana, Albania, "Making Prevention in Trafficking in Human Beings in Roma Communities More Effective: Building Regional and Local-Level Capacity". Anti-trafficking NGOs and Roma activists from over a dozen countries attended.

To follow up on the recommendations coming out of the roundtable, the ODIHR plans to provide funding for a number of small-scale projects aimed at fostering co-operation between Roma NGOs and anti-trafficking NGOs to raise awareness and to enhance the capacity of the former to deal with trafficking in human beings in the countries of South-Eastern Europe.

#### **Poor living conditions**

Roma and Sinti communities continue to live in inadequate conditions in many of the countries of South-Eastern and Eastern Europe. To address this issue, the ODIHR has supported a number of project initiatives on legalizing informal settlements. For example, the ODIHR commissioned a report on integrating Roma and



A publication on Roma housing settlements and urban planning in Serbia.

Sinti settlements into urban-development plans. The complete report was published in Serbian in 2006, and a separate summary and recommendations were published in English. This formed the basis of the ODIHR's contribution to a conference in Belgrade in November on "Consolidation and Legalization of Roma Settlements and Housing".

#### IV. Enhancing participation in public and political life

Roma and Sinti populations have a rather short history of political participation, both as voters and as candidates. This fact is rooted in the long history of marginalization and discrimination that Roma and Sinti have been confronted with. Another factor that contributes to this situation is the lack of awareness among Roma and Sinti both of how to exercise their political rights and of the positive influence that political participation can have for them. Although there has been an increase in the participation of Roma and Sinti in public life in recent years, participation in elections remains disproportionately low. By encouraging Roma and Sinti to take part in elec-

tions and to make informed choices when voting, the Office promotes greater representation of Roma and Sinti in political and public institutions, which may help ensure that pertinent issues end up on the platforms of mainstream political parties.

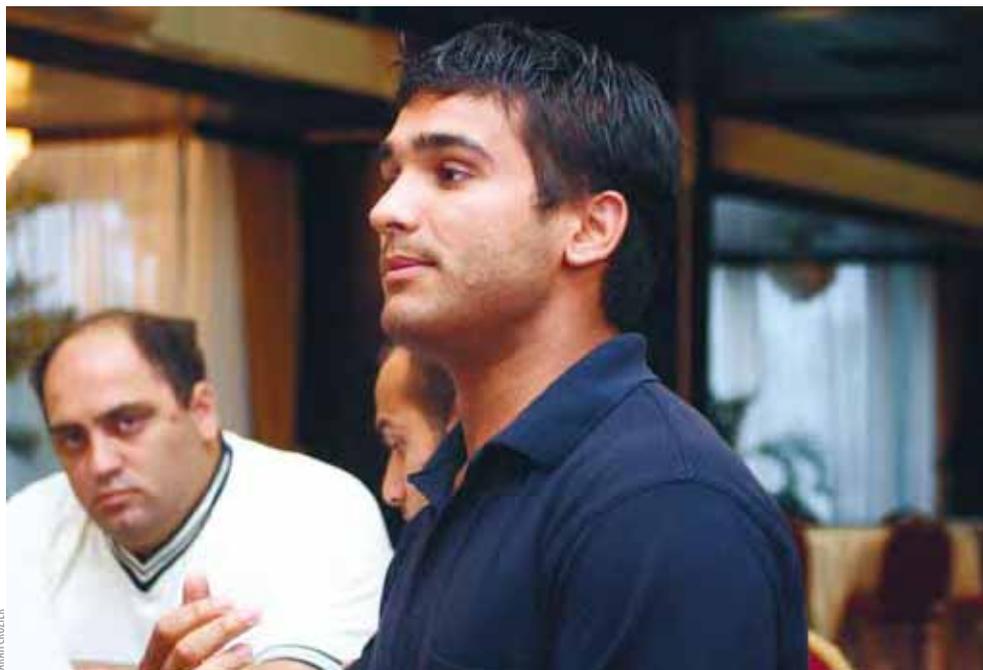
In 2006, the ODIHR completed a three-year project with the EU that was aimed at enhancing the participation of Roma and Sinti in public and political life as a means of helping citizens exercise their basic rights. The project was implemented in most of the countries of the former Yugoslavia and included a variety of activities ranging from civil and voter registration, voter education, and go-to-vote campaigns, to coalition-building roundtables, training for candidates, and support for establishing co-operation at the local level between Roma representatives and elected local authorities. A particular focus was placed on Roma and Ashkali internally displaced persons (IDPs), refugees, asylum-seekers, and returnees.

For several years, the ODIHR has been helping Roma and Sinti participate in ODIHR election observation missions as both long- and short-term observers. This serves the dual purpose of diversifying election missions and helping Roma representatives gain an in-depth understanding of the electoral process. The fact that these individuals are now regularly seconded to OSCE election observation missions points to the success of this activity in mainstreaming Roma into the election observation process.

A traditional Roma caravan – part of an exhibition on Roma culture – on display outside the hotel Sofitel Victoria in Warsaw, venue of the 2006 Human Dimension Implementation Meeting.



Sebastijan Serifovic of the Roma and Ashkali Documentation Centre in Kosovo speaks about the situation of Roma refugees and IDPs at a meeting of Roma representatives from South-Eastern Europe in June.



SARAH GÖZLER

## V. Ensuring that the fundamental rights of Roma and Sinti are respected in crisis and post-crisis situations

Roma and Sinti communities in crisis and post-crisis situations often face discrimination while they are IDPs, asylum-seekers, or refugees, which can translate into unacceptable living conditions, inadequate access to health and education facilities, and a lack of representation when decisions are made that affect their right to safe and sustainable return to their country of origin or to integration in the countries they are currently living in.

The ODIHR is engaged in a number of projects that seek to involve Roma and Sinti representatives and communities in relations with local authorities in crisis and post-crisis situations. Special emphasis has been placed on ensuring that proper consultation takes place in decision-making matters that affect their lives. Project activities focus on Kosovo and the particular set of issues faced by IDPs and refugees. In particular, the ODIHR has supported Roma and Sinti NGOs and community representatives involved in negotiations of long-term arrangements to solve the post-crisis situations of the

multi-ethnic communities in Kosovo with large Roma and Sinti populations by conducting a series of seminars, workshops, and training sessions, including regarding issues of civil registration and lobbying elected officials.

### *Roma in Kosovo*

More than 150,000 Roma were caught in the 1998-1999 conflict, when many were targeted by ethnic Albanian forces who considered them Serb collaborators, while the Serbian army routed Roma from Kosovo Albanian villages. More than 120,000 fled Kosovo and are currently IDPs in Serbia or are living in the European Union.

Prior to the war, one of the most prosperous Roma communities in the Balkans was the Mitrovica *Mahalla*,<sup>12</sup> with some 8,000 inhabitants. Now, the thousand or so people who remain are living in IDP camps in Northern Mitrovica that are contaminated with lead.

<sup>12</sup> A *Mahalla* is an old settlement inhabited by Roma, usually at the periphery of a municipality. It is often situated on non-residential land that is not included in urban plans, which makes it an informal settlement, lacking basic infrastructure or connections with nearby communities. Houses in a *Mahalla* are built, partially or completely, without proper authorization.

Vera Kurtic, one of the ODIHR's local contacts on Roma issues in Serbia, at a meeting in Skopje in June.



In 2006, the ODIHR continued a number of projects in this regard from previous years. For example, the Office lent support to the Roma and Ashkali Documentation Centre in Pristina and its Mitrovica Office. The Centre helps Roma IDPs in camps in Northern Mitrovica and returnees present their interests and requests to the authorities that are responsible for addressing their problems. The Pristina Centre also facilitates communication between the representatives of IDP camps and the UNMIK personnel in charge of the implementation of the Return to Roma Mahalla Project.

The ODIHR also supported the organization of several meetings of Roma IDPs from Kosovo and asylum-seekers in South-Eastern Europe and the European Union in order to share information and debate different perspectives on the reconstruction of the Roma *Mahalla* and prospects for return and integration into Kosovar society. The goal of the meetings was for Roma representatives in Kosovo and Roma from Kosovo who are currently living in EU countries to reach a common position regarding the above-mentioned issues. Participants drafted a common declaration with requests and recom-

mendations that was sent to the authorities in Kosovo.

The ODIHR also provided support to the Kosovo Roma and Ashkali Forum, a network comprising most of the Roma and Ashkali organizations in Kosovo, to organize a series of meetings to develop a political position and to make a contribution to international talks on the status of Kosovo and to the initiative to elaborate a comprehensive strategy for the integration of the Roma, Ashkali, and Egyptian communities into Kosovar society.

# Legislative Reviews

## *Elections*

In 2006, the ODIHR issued 13 legislative reviews and opinions, many conducted jointly with the Council of Europe's Commission for Democracy through Law (Venice Commission):

Country	Legislation
Armenia	Joint Opinion on Draft Amendments to the Electoral Code of Armenia
Croatia	Joint Opinion on the Draft Law on the State Election Commission of the Republic of Croatia
Georgia	Joint Opinion on the Electoral Code of Georgia
Georgia	Joint Opinion on the Electoral Code of Georgia (as amended through 24 July 2006)
Kyrgyzstan	Assessment of the Election Code of the Kyrgyz Republic
Kyrgyzstan	Review of the State Programme of Enhancement of the Electoral System
Former Yugoslav Republic of Macedonia	Joint Opinion on the Draft Electoral Code of the former Yugoslav Republic of Macedonia
Former Yugoslav Republic of Macedonia	Joint Opinion on the Electoral Code of the former Yugoslav Republic of Macedonia
Moldova	Joint Opinion on the Electoral Code of Moldova
Serbia (Serbia and Montenegro)	Joint Recommendations on the Laws on Parliamentary, Presidential and Local Elections and Electoral Administration in the Republic of Serbia
Tajikistan	Assessment of the Law on Election of the President of the Republic of Tajikistan
Ukraine	Joint Opinion on the Draft Law on the State Register of Voters of Ukraine
Ukraine	Joint Opinion on the Law on Elections of People's Deputies of Ukraine

## *Legislative support*

The ODIHR provided legislative reviews and legal commentaries on the following:

### **Albania**

- ▶ Law on Gender Equality
- ▶ Agreement concluded between the Council of Ministers of the Republic of Albania and the religious community on establishing mutual relations

### **Armenia**

- ▶ Draft amendments to the Criminal Code (related to trafficking in human beings)
- ▶ Draft Law on Lobbying Activities

### **Azerbaijan**

- ▶ Law on Freedom of Assembly

## **Belarus**

- › Draft Law on Counter-extremism

## **Georgia**

- › Draft Amendments to the Laws on Regulation of the Activities of Tourist, Resort, Advertising and Employment Agencies and Operators for the Purpose of Combating Trafficking in Human Beings

## **Kazakhstan**

- › Draft Legislation on Combating Money Laundering and the Financing of Terrorism
- › Draft Law on Benefaction and Charitable Activity
- › Draft Amendments to Selected Legislative Acts Concerning Public Order and Safety

## **Kyrgyzstan**

- › Law on State Guarantees for Ensuring Gender Equality

## **Republic of Serbia**

- › Law on Freedom of Worship, Churches, Religious Communities and Religious Associations

## **Tajikistan**

- › Draft Law on Civil Society Organizations
- › Draft Law on Freedom of Conscience and Religious Associations

## **Turkmenistan**

- › Law on Migration

## **Ukraine**

- › Draft Law on Public Assemblies
- › Draft Law on Freedom of Conscience and Religious Organizations
- › Law on Domestic Violence

## **Former Yugoslav Republic of Macedonia**

- › Revised version of the Draft Law on Equal Opportunities
- › Two alternative drafts of the Law on the Legal Status of Churches, Religious Communities and Religious Groups.

# Programmes and Projects

## Elections

<i>Programmes</i>	<i>Region</i>	<i>Included work on:</i>
Election Technical Assistance	OSCE region	<ul style="list-style-type: none"> <li>• Electoral Legislative Alert and Assistance</li> <li>• Voter registration guidelines</li> </ul>
Election Observation Development	OSCE region	<ul style="list-style-type: none"> <li>• Domestic observer capacity-building</li> <li>• Guidelines for media monitoring in elections</li> <li>• Guidelines for observation of e-voting</li> <li>• Fund for Enhancing the Diversification of Election Observation Missions</li> <li>• Women's participation in political life</li> </ul>
Election Observer Training	OSCE region	<ul style="list-style-type: none"> <li>• Training of short-term election observers from participating States eligible for the Fund for Enhancing the Diversification of Election Observation Missions</li> </ul>

## Rule of Law

<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Criminal Justice	OSCE region	<ul style="list-style-type: none"> <li>• Assistance to the Training Centre for the Judiciary (Kazakhstan)</li> <li>• Anti-torture programme</li> <li>• Central Asian summer school on criminal justice</li> <li>• Monitoring places of detention (Caucasus, Central Asia)</li> <li>• Prosecutors programme (Armenia)</li> <li>• War crimes (South-Eastern Europe)</li> </ul>
Fair Trials	South-Eastern Europe, Caucasus, Central Asia	<ul style="list-style-type: none"> <li>• Assistance in developing and promoting fair-trial standards</li> <li>• Training on the International Covenant on Civil and Political Rights for judges, prosecutors, and defence lawyers (Kyrgyzstan)</li> <li>• War crimes (South-Eastern Europe)</li> <li>• Regional trial monitoring (South-Eastern Europe)</li> </ul>

## Projects

Legislation Alert and Assistance	Caucasus
Technical Assistance for National Human Rights Institutions such as Ombudsmen	Caucasus
Legislative Assistance	Kyrgyzstan
Legal Assistance and Court Representation	Croatia
Legislative Reform	Montenegro

## Civil Society and Democratic Governance

<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Democratic Governance	OSCE region	<ul style="list-style-type: none"> <li>• Democratic institutional development of political parties (Georgia)</li> <li>• Centre for Parliamentary Reform (Georgia)</li> <li>• Building local capacity for political analysis (Kyrgyzstan)</li> </ul>

## Gender Equality

<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Increased Participation of Women in Democratic Processes	South Caucasus, Central Asia, Ukraine, former Yugoslav Republic of Macedonia	<ul style="list-style-type: none"> <li>• Developing women's leadership and coalition-building (South Caucasus and Central Asia)</li> <li>• Civil society and government co-operation to enhance women's political participation (South Caucasus, Central Asia, Ukraine, former Yugoslav Republic of Macedonia)</li> <li>• Strengthening national expertise on gender equality and gender mainstreaming in government decision-making (South Caucasus, Central Asia, former Yugoslav Republic of Macedonia)</li> <li>• Preventing and combating domestic violence (South Caucasus, Central Asia, Ukraine)</li> </ul>
Human Rights, Women and Security	South-Eastern Europe, Central Asia, Moldova	<ul style="list-style-type: none"> <li>• Implementation of United Nations Security Council Resolution 1325 on women, peace and security (Central Asia, South-Eastern Europe)</li> <li>• Addressing domestic violence (Moldova)</li> </ul>

## Migration/Freedom of Movement

<i>Programmes</i>	<i>Region</i>	<i>Included work on:</i>
Internal Migration: Assistance in Implementation of International Human Rights Standards on Freedom of Movement and the Right to Free Choice of Place of Residence Within the Borders of a State	OSCE region	<ul style="list-style-type: none"> <li>• Development of new legislation on citizenship/legal assistance for related issues (Kyrgyzstan)</li> <li>• Practical commentary on the law governing freedom of movement and free choice of place of residence (Ukraine)</li> </ul>
Cross-Border Migration: Promoting International Co-operation on Migration Issues and Rights of Migrants	OSCE region	<ul style="list-style-type: none"> <li>• Support to programmes for the regularization of migrants (Kazakhstan and Russian Federation)</li> <li>• Assistance to develop a framework for admission, employment and legal status of migrant workers in the region</li> <li>• Protection of human rights of migrants/development of migration policy in line with OSCE commitments (Kazakhstan)</li> <li>• Further development of the Data-Sharing Mechanism (Eastern Europe, Central Asia)</li> </ul>

<b>Legislative Support</b>		
<b>Programmes</b>	<b>Region</b>	<b>Included work on:</b>
Legislative Reform Assistance Programme	OSCE region	<ul style="list-style-type: none"> <li>• Monitoring legislative developments</li> <li>• Legal advice to strengthen compliance of domestic laws with OSCE commitments</li> <li>• Recommendations to improve legislation and legislative processes (Georgia, Armenia, Moldova, Ukraine, former Yugoslav Republic of Macedonia)</li> <li>• Legislative guidelines on the freedom of assembly</li> <li>• <a href="http://www.legislationline.org">www.legislationline.org</a> website, including Russian-language interface</li> </ul>

<b>Human Rights</b>		
<b>Programmes</b>	<b>Region/Country</b>	<b>Included work on:</b>
Human Rights and Anti-Terrorism	OSCE region/requesting participating States	<ul style="list-style-type: none"> <li>• Training modules and manual on human rights and anti-terrorism</li> <li>• Preparations for a multidisciplinary roundtable on the prevention of violent extremism</li> <li>• Expert-level workshop on "Human Rights and International Co-operation in Counter-Terrorism"</li> <li>• Promotion of solidarity with victims of terrorism</li> </ul>
Human Rights Education and Training	OSCE region	<ul style="list-style-type: none"> <li>• Human dimension course for OSCE field operations</li> <li>• Human rights education</li> <li>• NGO capacity-building for human rights monitoring (Armenia, Tajikistan)</li> <li>• Regional NGO capacity-building project "Monitoring Human Rights in Places of Detention" (Central Asia)</li> </ul>
Human Rights and Armed Forces	OSCE region	<ul style="list-style-type: none"> <li>• Handbook on human rights and fundamental freedoms of armed forces personnel</li> <li>• Series of roundtables on thematic issues related to the human rights of armed forces personnel</li> </ul>
Trial Monitoring	Kazakhstan, Kyrgyzstan, Moldova	<ul style="list-style-type: none"> <li>• Monitoring criminal trials (Kazakhstan, Kyrgyzstan)</li> <li>• Reports on results of trial monitoring (Kazakhstan, Kyrgyzstan)</li> <li>• Support to the OSCE Mission to Moldova's trial-monitoring programme</li> </ul>
Anti-Trafficking	OSCE region	<ul style="list-style-type: none"> <li>• Further development of National Referral Mechanisms (Albania, Belarus, France, Georgia, Kazakhstan, Russia, Turkey, Spain, United Kingdom)</li> <li>• Victim identification and assistance</li> <li>• Victims' access to justice and remedies</li> <li>• Implementation of anti-trafficking laws</li> </ul>

Death Penalty	OSCE region	<ul style="list-style-type: none"> <li>• Publication of <i>The Death Penalty in the OSCE Area</i></li> <li>• Raising awareness of human rights issues related to the death penalty (Uzbekistan)</li> </ul>
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## Tolerance and Non-discrimination

<i>Programmes</i>	<i>Region</i>	<i>Included work on:</i>
Educational and Public Awareness-Raising Activities to Promote Tolerance, Respect and Mutual Understanding and Remembrance of the Holocaust	OSCE region	<ul style="list-style-type: none"> <li>• Teaching/learning materials on anti-Semitism (Croatia, Denmark, Germany, Lithuania, Netherlands, Poland, and Ukraine)</li> <li>• Teacher-training model/practical guidelines on Holocaust memorial days and contemporary anti-Semitism</li> <li>• Methodology, curricula, and material for education promoting respect and diversity</li> </ul>
Law Enforcement Officer Programme on Combating Hate Crime	OSCE region	<ul style="list-style-type: none"> <li>• International training-of-trainers seminar (attended by experts from 14 OSCE participating States)</li> <li>• Provision of information and support tools to aid national implementation teams (Croatia)</li> <li>• Needs assessment visits (Serbia, Poland)</li> <li>• Addressing the lack of accurate information on hate crime, encompassing a dedicated tolerance implementation meeting that included the perspective and experience of law enforcement officers</li> </ul>
Building the Capacity of Civil Society to Combat Hate Crime and Violent Manifestations of Intolerance	OSCE region	<ul style="list-style-type: none"> <li>• NGO preparatory meetings for OSCE tolerance implementation meetings</li> <li>• Supporting NGOs as they assist participating States to implement their commitments</li> <li>• Supporting efforts to restore confidence in affected communities and to improve authorities' responses to hate crimes (South-Eastern Europe, Eastern Europe, Central Asia)</li> </ul>
Freedom of Religion or Belief	OSCE region	<ul style="list-style-type: none"> <li>• Supporting faith communities and civil society in monitoring and reporting on standards relating to freedom of religion or belief (including a training module)</li> <li>• ODIHR Panel of Experts on Freedom of Religion or Belief</li> <li>• Legislative reviews, comments on draft legislation (Armenia, Tajikistan, former Yugoslav Republic of Macedonia, Ukraine, Romania)</li> </ul>

## Contact Point for Roma and Sinti Issues

<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Assistance to Improve the Situation of Roma and Sinti	South-Eastern Europe, Romania, Bulgaria, Moldova, United Kingdom	<ul style="list-style-type: none"> <li>• Provision of information and assistance to Roma, Ashkali, and Egyptian internally displaced persons (Kosovo)</li> <li>• Combating discrimination and building confidence regarding access of Roma to legal housing and non-segregated residence in the OSCE space (former Yugoslav Republic of Macedonia; Serbia, including Kosovo; Montenegro)</li> <li>• Awareness raising for Roma women activists on the issue of trafficking in human beings (South-Eastern Europe, Albania, Serbia, former Yugoslav Republic of Macedonia)</li> <li>• Police and Roma: towards safety for multi-ethnic communities (Romania, United Kingdom)</li> </ul>

# Conferences and Meetings

<i>Name</i>	<i>Location</i>	<i>Date</i>	<i>Number of Participants</i>
<b>Human Dimension Events</b>			
Supplementary Human Dimension Meeting on Human Rights Defenders and National Human Rights Institutions: Legislative, State and Non-State Aspects	Vienna	30-31 March	252
Human Dimension Seminar on Upholding the Rule of Law and Due Process in Criminal Justice Systems	Warsaw	11-13 May	192
Supplementary Human Dimension Meeting on Freedom of the Media: Protection of Journalists and Access to Information	Vienna	13-14 July	246
Human Dimension Implementation Meeting	Warsaw	2-13 October	1,031
Supplementary Human Dimension Meeting on Democratization: Strengthening Democracy Through Effective Representation	Vienna	2-3 November	160
<b>Elections</b>			
Expert Meeting on Observation of Electronic Voting	Warsaw	13-14 July	15
Roundtable Discussion on Ministerial Council Decision 17	Warsaw	8 October	33
Expert Meeting on Observation of Voter Registration	Warsaw	7-8 December	21
<b>Rule of Law</b>			
Torture Prevention Roundtable	Chisinau	24-25 May	30
Conference on Abolition of Further Investigation	Astana	26-27 August	80
Seminar on Legal Defence in War Crimes Cases in Bosnia and Herzegovina, Croatia, and Serbia	Sarajevo	30-31 October	46
<b>Civil Society and Democratic Governance</b>			
Multiparty Conference on Political Parties for Georgia's New Democracy	Tbilisi	17 March	46
Multiparty Conference on Regional Politics	Gudauri, Georgia	13-15 July	37
Multiparty Workshop on Strategic Planning and Internal Organization	Tbilisi	12-15 December	39
<b>Migration/Freedom of Movement</b>			
International Experience in Conducting Migration Regularization Programmes: Issues and Solutions	Moscow	27-28 March	54
<b>Gender Equality</b>			
International Conference on Increasing Women's Participation in Democratic Processes	Tbilisi	22-23 May	120

## Conferences and Meetings

<b>Human Rights</b>			
Regional Seminar on Preventing Human Rights Abuse in Places of Detention: Central Asian Perspectives	Almaty	16-17 February	64
Regional Roundtable on Implementation of UNSCR 1325 on Women, Peace and Security in South-Eastern Europe (Phase I, West Balkan Region)	Sarajevo	27 March	23
Regional Roundtable on Implementation of UNSCR 1325 on Women, Peace and Security in South-Eastern Europe (Phase II, East Balkan Region)	Sarajevo	20-21 September	43
Regional Roundtable on Implementation of UNSCR 1325 on Women, Peace and Security in Central Asia	Almaty	27-28 September	21
Regional Conference on Best Practices of Drafting and Enforcing Domestic Violence Laws	Chisinau	4-5 December	80
Technical Workshop on Solidarity With Victims of Terrorism	Oñati, Spain	9-10 March	23
Workshop on Human Rights and International Co-operation in Counter-Terrorism	Vaduz, Liechtenstein	15-17 November	49
OSCE Anti-Trafficking Focal Points Meeting	Warsaw	18-19 May	21
<b>Tolerance and Non-discrimination</b>			
Third OSCE Tolerance Implementation Meeting: Addressing the Hate Crime Data Deficit	Vienna	9-10 November	60
NGO Preparatory Meeting for the OSCE Tolerance Implementation Meeting: Addressing the Hate Crime Data Deficit	Vienna	8 November	30
Second OSCE Tolerance Implementation Meeting on the Promotion of Inter-cultural, Inter-religious, and Inter-ethnic Understanding	Dubrovnik	23-24 October	NA
First OSCE Tolerance Implementation Meeting on Promoting Inter-Cultural, Inter-Religious and Inter-Ethnic Understanding	Almaty	12-13 June	NA
NGO Preparatory Meeting for the Tolerance Implementation Meeting on Promoting Inter-cultural, Inter-religious and Inter-ethnic Understanding	Almaty	11 June	70
Roundtable on the Representation of Muslims in Public Discourse	Warsaw	9 May	50
<b>Contact Point for Roma and Sinti Issues</b>			
Awareness-Raising for Roma Women Activists on the Issue of Trafficking in Human Beings	Tirana	18-20 September	60
Roma Survivors Searching for the Truth: Deportation of Roma from Romania to Transnistria During World War II	Sibiu, Romania	6-7 October	60
Policing in Relation to Roma, Gypsy and Traveller Communities	Derbyshire, United Kingdom	27-28 November	35

# International Co-operation

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## United Nations

The ODIHR worked with a number of UN agencies throughout 2006 in all of its main programmatic areas. In some cases, co-operation took the form of regular exchanges of information and experience. In others, it involved co-organization of events or work on joint projects.

The ODIHR regularly shares information with the UN's Electoral Assistance Division with respect to election monitoring. The two were also among a number of organizations that supported the development of the *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*. In the field of legislative support, the ODIHR exchanges information and resources with a variety of UN bodies, particularly with respect to interpretation of United Nations legal instruments.

The Office of the UN High Commissioner for Human Rights (OHCHR) co-organized a technical workshop with the ODIHR on human rights and international co-operation in counter-terrorism that took place in Vaduz, Liechtenstein, in November.

The OHCHR also contributed to the establishment of an ODIHR Focal Point for Human Rights Defenders and National Human Rights Institutions in order to ensure that their respective activities were complementary, as well as to formulate a programme that includes joint activities.

The ODIHR and the UN's Office on Drugs and Crime (UNODC) co-operated on criminal-justice reform, combating corruption, and anti-terrorism. ODIHR staff contributed to the UNODC's development of a Criminal Justice Assessment Toolkit, and the Office co-sponsored seminars in Moscow on international standards on ethics and accountability for prosecutors and judges. Officials from the UNODC took part in ODIHR training courses on human

rights and anti-terrorism, and they were also consulted on the development of a manual on human rights protection and counter-terrorism. Meanwhile, ODIHR staff gave presentations at UNODC workshops on international co-operation in combating terrorism.

The ODIHR co-operated with a number of UN bodies in 2006 in the fields of gender equality and women and security. The ODIHR contributed to the activities of the UN's Economic Commission for Europe at a roundtable on "Gender Equality and Growth Prospects for the SPECA Region" in Baku in June. In Georgia, the members of the NGO Coalition on Promoting Gender Equality worked with the local UNIFEM office to strengthen co-operation with the Parliamentary Committee on Gender Equality. In Kyrgyzstan, the ODIHR and the UN Development Programme continued to implement a joint programme providing training on women's rights and gender-sensitive approaches to governance for members of women's councils within local-government structures. The ODIHR and UNIFEM CIS held a regional roundtable in Almaty in September on the implementation of UN Security Council Resolution 1325.

The UNESCO Almaty Cluster Office is one of the ODIHR's partners in a research project to provide assistance in developing Kazakhstan's migration policy.

At the Human Dimension Implementation Meeting, the ODIHR co-organized a side event with the Warsaw Office of UN Habitat called "Building Coalitions among Roma Representatives to Formalize Informal Settlements: Towards a Regional Roma Housing Support Center". This brought together Roma representatives to discuss initiatives, lessons learned, and what action is needed to legalize and consolidate Roma housing and settlements in particular communities.

## Council of Europe

The ODIHR has a history of close working relations with a variety of bodies of the Council of Europe, involving regular information-sharing and co-ordination of activities.

In the field of election observation, two Council bodies regularly participate in ODIHR election observation missions: the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe. In addition, the ODIHR and the Council's Commission for Democracy through Law (Venice Commission) have established a formal framework for reviewing election-related legislation.

At the same time, joint reviews of legislation with the Venice Commission extend beyond the field of elections. The ODIHR and the Commission regularly review constitutional matters and other legislation in the area of the OSCE's human dimension. For example, the two have reviewed legislation on freedom of assembly, and members of the Venice Commission have attended roundtables organized by the ODIHR aimed at preparing guidelines on legislation pertaining to freedom of assembly.

The ODIHR has close working relations with three of the Council's directorates-general: the Human Rights Directorate-General, which is involved in counter-terrorism activities and contributed to the establishment of an ODIHR Focal Point for Human Rights Defenders and National Human Rights Institutions and in developing a programme that includes joint activities in this area; the Directorate-General on Education for Citizenship and Human Rights Education, which has agreed to work with the ODIHR on the development of a compendium of best practices in human rights and diversity education; and the Directorate-General on Legal Affairs, which is involved in issues related to counter-terrorism and gender equality. Co-operation in the sphere of counter-terrorism involves keeping the Council of Europe's Committee of Experts on Terrorism abreast of OSCE activities and co-ordinating work, especially with respect to victims of terrorism. ODIHR

staff also regularly attend meetings organized by the Sub-Committee on Human Rights in the Fight against Terrorism.

The ODIHR and the Council of Europe have established an informal framework for the co-ordination of future activities on issues related to gender equality and women's participation in democratic processes and have also established channels for regular exchanges of information. The ODIHR has been granted formal observer status at the proceedings of the Steering Committee for Equality between Women and Men. In this capacity, the ODIHR took part in the 36th meeting of the Committee in November. Observer status enables the two organizations to exchange information and ideas about relevant activities, thus ensuring a complementary approach and avoiding the duplication of work. The ODIHR also co-operates with the Directorate on Legal Affairs and the Gender Equality Division, where information is exchanged and joint or parallel reviews are drafted on legislation regarding matters of common interest.

In the field of democratic governance, the ODIHR is an active participant in the Council's Forum for the Future of Democracy, which was most recently held in Moscow in October. The ODIHR also attended, for the second time, the Ad Hoc Committee on E-democracy as an observer.

The ODIHR is also invited as an observer to meetings of the Steering Committee on Local and Regional Democracy and works closely with the Directorate of Co-operation for Local and Regional Democracy in implementing the OSCE-Council of Europe Co-operation Agreement on Local Government Assistance in South-East Europe.

In the implementation of its Criminal-Justice Reform and Fair Trials programmes, the ODIHR regularly consults and co-ordinates its activities with the relevant bodies of the Council of Europe. This long-standing co-operation has been tested over the years in a broad range of areas from support to national human rights institutions and penal-policy reform to issues such as reform of the defence bar, access to jus-

tice, capacity-building for legal professionals, and enhancing monitoring schemes for places of detention. In designing and implementing its programmes, the ODIHR regularly consults the reports of Council of Europe institutions such as the Committee for the Prevention of Torture and the Human Rights Commissioner.

In the field of tolerance and non-discrimination, the ODIHR and counterparts in the Council of Europe formalized their co-operation in order to discuss priorities and means of supporting representatives of civil society and to explore areas for further co-operation.

The ODIHR has a long history of co-ordinating practical initiatives with the Council of Europe that support Roma communities. For example, the two organized a roundtable in Thessaloniki, Greece, in November called "The Greek Roma: The Long Way to Recognition". This meeting focused on Greek Roma as actors in the country's political and social history, and it also linked their situation with developments in the rest of Europe.

## European Union

Delegations from the European Parliament regularly take part in ODIHR election observation missions. In addition, the ODIHR, the European Commission, and the Council of Europe have been developing guidelines on media analysis during electoral campaigns.

The ODIHR's Legislative Assistance Programme for Central Asia involves co-operation with, and funding from, the European Union. Through this programme, the ODIHR has been monitoring and assisting legislative reform in Central Asia, as well as redesigning the Legislationline ([www.legislationline.org](http://www.legislationline.org)) website and translating its content into Russian.

The ODIHR has established a working relationship with the European Commission and the Council of the European Union on issues related to counter-terrorism. Officials from the European Commission and Council made presentations in 2006 at events organized by the ODIHR on victims of terrorism and on inter-

national co-operation to combat terrorism. In addition, ODIHR staff took part in consultations with both bodies on how to develop work on victims of terrorism.

In the field of tolerance and non-discrimination, the ODIHR co-operates with EU agencies in a number of areas, including education, information-sharing, and reporting. In October, the ODIHR, the European Monitoring Centre on Racism and Xenophobia (EUMC), and the European Commission against Racism and Intolerance (ECRI) organized a working-level meeting on issues pertaining to the lack of data on hate crimes. The same agencies participated in the tolerance implementation meeting "Addressing the Hate Crimes Data Deficit", which was organized by the ODIHR in November in Vienna. In addition, the ODIHR provides input for ECRI policy recommendations on a regular basis.

The ODIHR regularly provides the European Commission with input on various countries' progress in the area of civil and political rights of Roma. In addition, the ODIHR completed a project in 2006 called "Roma, use your ballot wisely!" that enjoyed the financial support of the European Commission. The purpose of the project was to enhance Roma and Sinti participation in public and political life in several countries of South-Eastern Europe.

## Other International Organizations

The ODIHR has co-operated closely with the International Organization for Migration (IOM) for the last seven years. In 2006, the ODIHR and the IOM office in Moscow finalized a project on the provision of information and expert support to the state programme on regularization of migrants. In March, the ODIHR and IOM Moscow organized a workshop for the Russian Migration Agency and representatives of other relevant government agencies. The purpose of the workshop was to present the results of surveys conducted among migrants, employers, and state officials on their readiness for the planned regularization programme. At the same

time, participants familiarized themselves with international experience in conducting migration regularization programmes in Canada, Italy, Spain, and the United States.

The ODIHR co-operates closely with the Stability Pact for South Eastern Europe and participates actively in Working Table I, which deals with issues related to democratization and human rights.

The ODIHR and the Geneva Centre for Democratic Control of Armed Forces collaborated throughout 2006 on the development of a handbook on the human rights of armed forces personnel. One expert from the ODIHR and another from DCAF are drafting the handbook, which will be a reference tool on issues related to the human rights of armed forces personnel, including military personnel, as well as civilian personnel at defence ministries, parliamentarians, representatives of ombudsman institutions, military and civilian judges and lawyers, and civil society organizations and the media.

The ODIHR and DCAF also organized two roundtables on the human rights of armed forces personnel that provided a forum for sharing experiences and legislation and identifying replicable practices from among the OSCE participating States.

The ODIHR collaborated with two groups in 2006 on the development of educational materials. As a result of co-operation with Yad Vashem in Israel, the ODIHR developed a document called "Preparing Holocaust Memorial Days. Suggestions for Educators", which is now available in 12 languages. The ODIHR and the Anne Frank House in Amsterdam worked with national experts in seven states to develop country-specific teaching materials on anti-Semitism. In addition, the ODIHR works closely with the Task Force for International Cooperation on Holocaust Education, Research and Remembrance, where it has permanent-observer status.

## NGOs and Academic Institutions

Co-operation with civil society in general and NGOs in particular is a vital part of all of the ODIHR's democratization activities. In 2006, for example, the ODIHR co-operated with numerous NGOs and continued to support coalitions of women's organizations and regional civil society networks in the South Caucasus and Central Asia with the aim of increasing the participation of women in democratic processes, advancing awareness on gender equality, and mobilizing national expertise to undertake necessary policy measures in this field.

In order to build sustainable partnerships between national civil society experts on gender equality, the ODIHR created an NGO Expert Panel consisting of 15 NGO representatives from Central Asia and the South Caucasus. The Panel participates in an ODIHR training programme to provide national experts with the knowledge, skills, networks, and status needed to lead and/or support women's movements and to develop, conduct, and run their respective national programmes at all levels of society.

To provide national stakeholders with knowledge based on best practices and lessons learned, the ODIHR continued to engage the European Women's Lobby, the Estonian Women's Roundtable, and the Netherlands Institute for Multiparty Democracy on issues such as increasing women's political participation, civil society coalition-building, and co-operation with governments.

In addition, the ODIHR works closely with a number of international NGOs in its gender work in order to avoid duplication of efforts, for example, with the American Bar Association's Central European and Eurasian Law Initiative (ABA CEELI), the Open Society Institute, and others.

In carrying out its activities on the democratic institutional development of political parties, the ODIHR works with the Netherlands Institute for Multi-party Democracy (NIMD), which is managing an ODIHR-sponsored project jointly with

a Georgian research team. The ODIHR also co-operates closely with the Institute for Public Policy in Bishkek in order to strengthen the local capacity for political research and analysis in Kyrgyzstan.

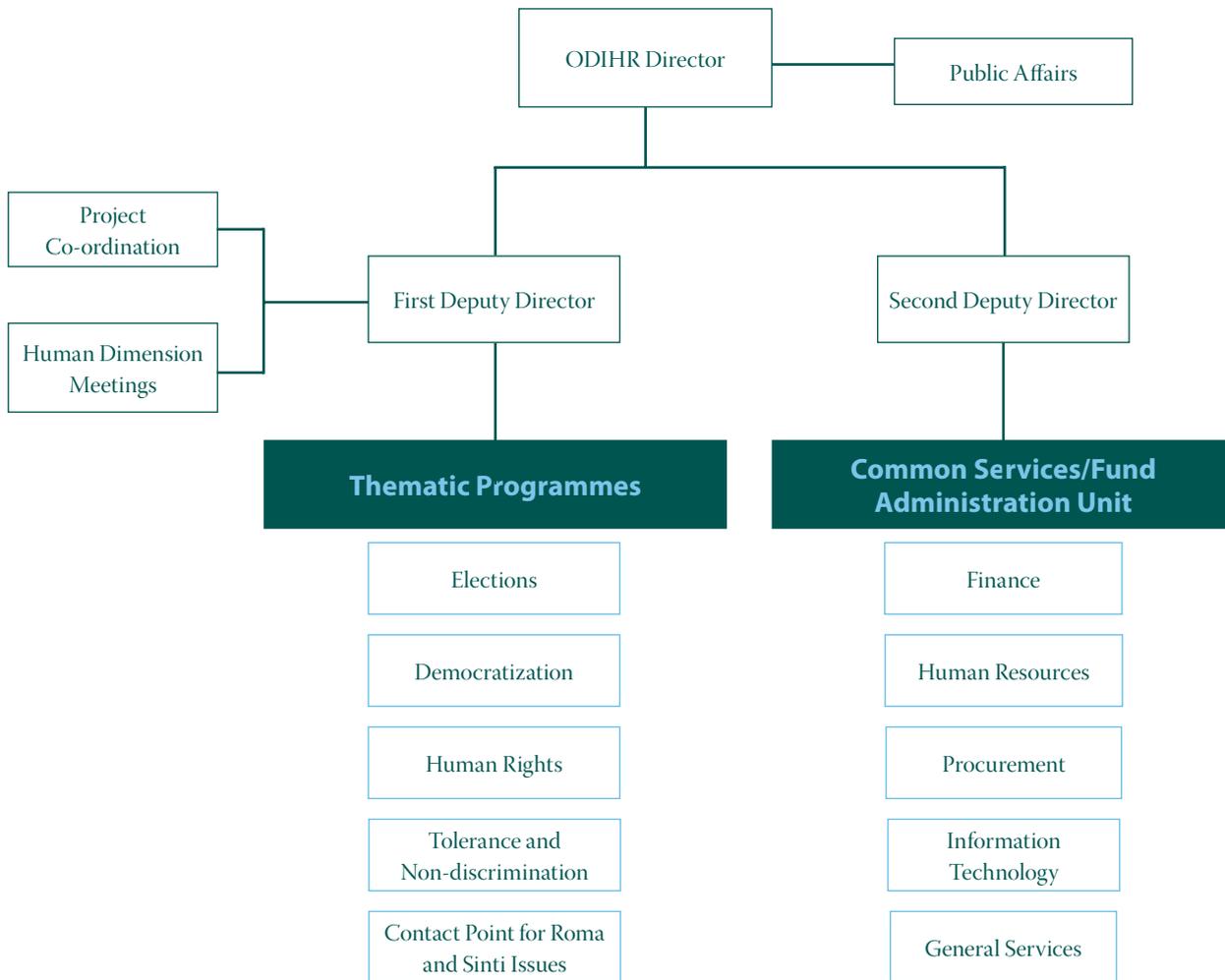
The ODIHR frequently draws upon expertise from various academic institutions in the OSCE region in its legislative support work, for instance from Poland, the Russian Federation, the United Kingdom, and the United States, among others, in order to assist in the review of draft legislation or provide peer reviews for the ODIHR's recommendations to participating States.

The ODIHR frequently co-operates with the ABA CEELI. For example, the Office co-sponsored a publication with the ABA CEELI Office in Moscow called *Lawyer: Skills for Professional Development*, which focuses on professional skills training for practicing lawyers. Seventeen Russian academics and practitioners contributed to this publication, which covers a broad range of legal skills and serves as a tool for professional legal training programmes.

Many of the ODIHR's project activities in the area of Roma issues are conducted with the assistance of Roma and non-Roma organizations, including the Open Society Institute, the European Roma Rights Center, European Dialogue, the European Roma Information Office, the European Roma and Travellers Forum, and the National Democratic Institute. Project activities range from assessing participation of Roma in political and public life in South-Eastern and Central European countries to improving access to education and examining relations between the police and Roma communities.

The ODIHR assists Roma civil society, especially women's initiatives. For instance, the ODIHR provided support to the Roma and Ashkali Documentation Centre in Pristina, Kosovo. This NGO has been able to raise the profile of issues affecting Roma and Ashkali and establish itself as a partner with the provisional authorities of Kosovo and with international organizations working in the region (e.g., the United Nations Mission in Kosovo).

# Organigram and Budget



## ODIHR Programmes: 2006 Budget

*(all figures in euros)*

Direction and Policy	1,245,100
Fund Administration Unit	1,447,400
Common Operational Costs	871,800
Human Dimension Meetings	788,000
Democratization	1,368,700
Human Rights	1,076,000
Elections	5,770,700
Tolerance and Non-discrimination	853,700
Contact Point for Roma and Sinti Issues	434,200
Kosovo Augmentation	290,000
<b>Total</b>	<b>14,145,600</b>