



## **General Committee on Democracy, Human Rights and Humanitarian Questions**

# **Follow-Up on Recommendations in the OSCE PA's Belgrade Declaration**

### **Final Report for the 2012 Annual Session**

*Prepared by the OSCE PA International Secretariat for the Vice-Chair of the Committee, Mr. Alain Neri*

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## Introduction

Around 240 parliamentarians representing 52 OSCE participating States met in Belgrade from 6 to 10 July 2011 to assess developments and challenges relating to security and co-operation, focusing on the general theme of *Strengthening the OSCE's Effectiveness and Efficiency – A New Start After the Astana Summit*.

In addition to addressing the human dimension of the general theme, the General Committee on Democracy, Human Rights and Humanitarian Questions passed resolutions dealing with, *inter alia*, combating illicit trade in human organs, Belarus, international parental child abductions, women's representation at the OSCE Parliamentary Assembly and witness protection programmes.

This Final Report considers actions taken over the past year by the OSCE, including Institutions and field presences, and other members of the international community in relation to the OSCE PA's recommendations.

While the majority of the recommendations addressed here are found in the OSCE PA's Belgrade Declaration of July 2011, key themes from past Declarations have also been considered, to ensure greater continuity and scope. The International Secretariat appreciates the input on their work within these fields provided by the OSCE Secretary General, the Representative on Freedom of the Media and the Director of the Office for Democratic Institutions and Human Rights.

## **Strengthening Efforts to Combat Racism and Xenophobia and Foster Inclusion**

### **I. OSCE PA Recommendations**

Recognizing the need to develop a comprehensive strategy to address racism and xenophobia and foster inclusion in the OSCE region, the Belgrade Declaration called on the OSCE to work with the OSCE PA and affected communities to develop an action plan by 2013 to combat racism and xenophobia and foster inclusion across the OSCE region in concert with the OSCE Action Plan on Improving the Situation of Roma.

### **II. OSCE Initiatives**

#### *OSCE Supplementary Human Dimension Meeting*

The OSCE Supplementary Human Dimension Meeting on Combating Racism, Intolerance and Discrimination in Society through Sport was held in Vienna on 19-20 April 2012. The meeting, organized by the Irish Chairmanship and the OSCE Office for Democratic Institutions and Human Rights, addressed the topic with sessions and side events on racism, intolerance and discrimination; hate crimes; sporting events as confidence-building measures; and education of young people as a method of prevention of discrimination.<sup>1</sup>

The Chairperson of the OSCE Permanent Council, Ambassador Eoin O'Leary, noted that sporting events can serve as a mechanism to build confidence and mutual understanding, as well as promote tolerance and respect between different communities. Sporting events, he said, can help "promot[e] integration, equality and tolerance in society at large".<sup>2</sup>

Ambassador Janez Lenarčič, Director of ODIHR, said that "sport activities, ranging from the local to the national and international levels, and in both the amateur and professional spheres, can support the integration of migrants and persons belonging to minorities into society as a whole".<sup>3</sup>

A day prior to the meeting, on 18 April, the OSCE/ODIHR held a roundtable for civil society on hate crimes data collection and confronting intolerance. Civil society representatives discussed good practices in the monitoring and collection of data on hate crimes as well as the role of civil society in confronting contemporary forms of intolerance.<sup>4</sup>

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<sup>1</sup> Schedule of side events to take place during the Supplementary Human Dimension Meeting, <http://www.osce.org/odihhr/89561>

<sup>2</sup> OSCE Press Release: "OSCE meeting focuses on role of sport in combating intolerance", 19 April 2012 <http://www.osce.org/cio/89814>

<sup>3</sup> OSCE Press Release: "OSCE meeting focuses on role of sport in combating intolerance", 19 April 2012 <http://www.osce.org/cio/89814>

<sup>4</sup> "Roundtable for civil society on hate crimes data collection and confronting intolerance", 18 April 2012, <http://www.osce.org/odihhr/89369>

The OSCE Supplementary Human Dimension Meeting on Prevention of Racism, Xenophobia, and Hate Crimes Through Educational and Awareness-Raising Initiatives was held in Vienna on 10-11 November 2011. The meeting, organized by the Lithuanian OSCE Chairmanship and the OSCE/ODIHR, addressed the topic through the following three sessions: *Challenges and Perspectives for the Prevention of Racism and Xenophobia*; *Challenges in Combating Hate Crimes, Racism and Xenophobia: Role of Awareness-Raising Initiatives and Public Discourse*; and *Education for Tolerance and Mutual Respect and Understanding: Good Practices from IGOs, Governments and Civil Society*.<sup>5</sup> The meeting brought together representatives of OSCE participating States, OSCE Institutions and field operations, representatives of international governmental organizations, representatives of non-governmental organizations, and other civil society actors.<sup>6</sup>

Ambassador Renatas Norkus of Lithuania, the Chairperson of the OSCE's Permanent Council stressed the power of "education and awareness-raising initiatives" to combat racism and intolerance, noting that "it can prevent escalation and promote mutual respect and understanding".<sup>7</sup> In his closing address, Ambassador Lenarcic praised the various initiatives implemented by state authorities in preventing racism, xenophobia and hate crimes. He also called on political leaders to speak out against all forms of violence motivated by racial hatred or xenophobia.<sup>8</sup>

#### *OSCE Field Activities*

On 16 November 2011, Acting Head of the OSCE Mission to Bosnia and Herzegovina Andrea Cellino, marking the International Day for Tolerance, highlighted the continuing need to promote tolerance and non-discrimination in all spheres of life in the country. "Respect for the human rights of all citizens, particularly of vulnerable groups and minorities, is the cornerstone of a democratic, stable and peaceful society", said Cellino. "This requires the elimination of institutional and other forms of discrimination, as well as a swift response to violence and other criminal acts based on prejudice". The Mission continues to assist BiH authorities and civil society towards achieving a more inclusive educational system, combating discrimination in public services, respecting the rights of minorities, and responding more appropriately to bias-motivated crimes.<sup>9</sup>

The OSCE Centre in Bishkek, together with Kyrgyzstan's State Commission for Religious Affairs, organized an Iftar – the evening meal breaking the daily fast during the month of Ramadan – with local and regional state officials, police authorities, and members of different ethnic and religious communities. The Iftar was supported as part of an OSCE-

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<sup>5</sup> OSCE Supplementary Human Dimension Meeting on 'Prevention of Racism, Xenophobia and Hate Crimes Through Educational and Awareness-Raising Initiatives,' 10-11 November 2011, <http://www.osce.org/odihr/83956>

<sup>6</sup> OSCE Supplementary Human Dimension Meeting on 'Prevention of Racism, Xenophobia and Hate Crimes Through Educational and Awareness-Raising Initiatives,' 10-11 November 2011, <http://www.osce.org/odihr/83820>

<sup>3</sup> Opening Remarks by Ambassador Renatas Norkus, the Chairperson of the Permanent Council, 10 November 2011, <http://www.osce.org/odihr/84896>

<sup>4</sup> Closing Remarks by Ambassador Janez Lenarcic, 11 November 2011, <http://www.osce.org/odihr/84978>

<sup>9</sup> OSCE Press Release: "OSCE Mission to BiH concerned by manifestations of intolerance", 16 November 2011, <http://www.osce.org/bih/85109>

funded project on “enhancing dialogue by promoting freedom of religion as a basic human right”.<sup>10</sup>

A conference on National Minorities in School Curricula was organized by the OSCE Mission to Bosnia and Herzegovina on 1 December 2011 in Banja Luka. The event, attended by school administrators and educators from primary schools as well as representatives of the RS Ministry of Education, RS Pedagogical Institute, the Association of the National Minorities and the City Department of Social Affairs, addressed the level of interaction between schools and national minority groups in society. Diversity and tolerance promoting projects such as the Mission’s Index for Inclusion, Building Bridges, and History for the Future projects, were presented at the venue.<sup>11</sup>

The Mission offered a two-day training seminar on hate crimes and the Law on the Prohibition of Discrimination on 1-2 December 2011. In this context ten lesbian, gay, bisexual and transgender (LGBT) activists were trained on forms of discrimination and crimes motivated by bias, as well as on the legislative framework and procedures for filing complaints. An explanation given by a representative of the Institution of Human Rights Ombudsman in BiH on the institution’s individual complaint procedure completed the training.<sup>12</sup>

Under the motto ‘Speak Up – Stop Discrimination’, events were organized from 5 to 10 December 2011 in Banja Luka. Activities included a radio show with representatives of the Institution of Human Rights Ombudsman in BiH, the RS Association of the Blind and the Mission discussing legal and practical aspects of discrimination, school drama production and a debate at the University of Banja Luka on discrimination in BiH. In addition, a lecture on hate crimes was delivered to future police inspectors by the Mission. On International Human Rights Day, the Mission and the City of Banja Luka co-hosted a ‘Human Rights Hub’ that included events aimed on the ways to prevent various forms of discrimination and promote tolerance and human rights.<sup>13</sup>

On 19 December 2011 the OSCE Mission to Montenegro was welcomed to the closing ceremony of the 2011 edition of the school journal “*Djecja planeta*” (Children’s Planet), a project financed by the Mission since 2008. The journalism project’s aim is to promote the integration of different ethnicities and religions among children attending a multi-ethnic primary school.<sup>14</sup>

The OSCE Presence in Albania on 1 March 2012 helped organize a meeting of disabled youth, an initiative launched to further strengthen the social inclusion of young persons with disabilities. During the event the Head of Presence encouraged the forum members to

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<sup>10</sup> ODIHR Press Release: “OSCE supports reconciliation in southern Kyrgyzstan during month of Ramadan”, 25 August 2011, <http://www.osce.org/bishkek/81940>

<sup>11</sup> OSCE Mission to Bosnia and Herzegovina, Mission Bi-weekly Report No. 22/2011, 29 November – 12 December 2011, SEC.FR/680/11, 29 December 2011

<sup>12</sup> OSCE Mission to Bosnia and Herzegovina, Mission Bi-weekly Report No. 22/2011, 29 November – 12 December 2011, SEC.FR/680/11, 29 December 2011

<sup>13</sup> OSCE Mission to Bosnia and Herzegovina, Mission Bi-weekly Report No. 22/2011, 29 November – 12 December 2011, SEC.FR/680/11, 29 December 2011

<sup>14</sup> OSCE Mission to Montenegro, Activity Report No. 61, 1 December 2011 – 31 January 2012, SEC.FR/65/12, 10 February 2012

develop further ideas as part of the capacity-building programme focusing on empowering disabled young persons that is supported by the Presence.<sup>15</sup>

A workshop on “Pre-school education as a condition for successful integration in mainstream education” was organized on the occasion of International Day of Roma by the OSCE Mission to Skopje and the Skopje-based NGO Ambrela on 5 April 2012. The aim of the event was to provide a comparative analysis of parents’, teachers’ and NGOs’ experiences in relation to Roma children’s access to pre-school and primary education.<sup>16</sup>

On 11 April 2012, Ralf Breth, the Head of the OSCE Mission to Skopje, in the context of the Mission’s support to the Decade for Roma Inclusion, spoke at a regional conference on persons without documents and access to rights. Reinforcement of regional co-operation, exchange of good practices and measures of the Zagreb Declaration were the aims of the event.<sup>17</sup>

## **Combating Illicit Trade in Human Organs**

### **I. OSCE PA Recommendations**

The resolution on Combating Illicit Trade in Human Organs “invites the OSCE participating States to combat determinedly organized criminal groups dealing with illicit trade in human organs and human trafficking for the purpose of the removal of organs, and recommends for this purpose the establishment of closer co-operation, including exchange of information, and more efficient actions by the institutions of the OSCE participating States in combating illicit trade in human organs”.

In the resolution, the OSCE PA also “recommends that a comprehensive investigation be undertaken of abductions and crimes connected with the removal and sale of human organs allegedly committed in Kosovo during the armed conflicts in the territory of the Federal Republic of Yugoslavia in 1999 and immediately afterwards, and invites full co-operation with UNMIK and EULEX, as well as the relevant national institutions, and in particular the provision of all information, facts and documents on crimes concerning abductions and trade in human organs in the territory of Kosovo”. The PA proposed that the OSCE investigate and record the cases of illicit trade in human organs in the area of OSCE with the aim of preparing a study indicating the scope of this phenomenon.<sup>18</sup>

### **II. OSCE Initiatives**

On 20 April 2012, preliminary findings on “Trafficking in Human Beings for the Purpose of Organ Removal”, written by outside consultant Milbert Shin, were published by the Office by the Special Representative for and Co-ordinator for Combating Trafficking in Human Beings

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<sup>15</sup> OSCE Presence in Albania, Bi-weekly Report No. 362, 27 February – 11 March 2012, SEC.FR/123/12, 13 March 2012

<sup>16</sup> OSCE Mission to Skopje, Press Release, “OSCE Mission to Skopje marks International Roma Day”, 05 April 2012, <http://www.osce.org/skopje/89495>

<sup>17</sup> OSCE Mission to Skopje, Mission Activity Report No. 422, 2 -22 April 2012, SEC.FR/204/12, 1 May 2012

<sup>18</sup> OSCE Parliamentary Assembly, “Belgrade Declaration of the Parliamentary Assembly and Resolutions Adopted at the Twentieth Annual Session,” Belgrade, 6-10 July 2011, pp.38-39

and the Transnational Threats Department/Strategic Police Matters Unit. The internal report places emphasis on the characteristics of the phenomenon including the scope and scale of trafficking in human beings for the purpose of organ removal, the modus operandi, the victims, the perpetrators and key challenges to the subject.<sup>19</sup>

On 14 May 2012, representatives from governments, international organizations and civil society met in Warsaw for the Human Dimension Seminar on the Rule of Law Framework for Combating Trafficking in Human Beings organized by the Irish OSCE Chairmanship and the OSCE/ODIHR. Working sessions included topics focusing on the primacy of human rights and the rule of law in the fight against human trafficking, ways to promote the effective investigation and prosecution of trafficking cases, challenges faced in providing justice to and protecting the human rights of victims.<sup>20</sup>

#### *Special Representative and Co-ordinator for Combating Trafficking in Human Beings*

On 15 December 2011, Maria Giammarinaro, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, released the Annual Report for 2011 under the title “*An Agenda for Prevention: Activities and Challenges*”. The report highlights the work of the Office of the Special Representative with the participating States, OSCE structures, Institutions and field operations, as well as with international and non-governmental organizations regarding trafficking in human beings.

In 2011, the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) together with the Strategic Police Matters Unit (SPMU) initiated a joint research project into trafficking in human beings for the purpose of the removal of organs. According to the 2011 Annual Report, the research will help identify crime patterns, how criminal networks engage in this crime, and profiles of trafficked persons and perpetrators. The study also aims to identify obstacles to effective investigation and prosecution of this crime, including the lack of sufficient witness protection systems.<sup>21</sup>

During 2011, the Special Representative and Co-ordinator visited the United Kingdom, Canada and Moldova; and joined the Chairperson-in-Office's Special Representative on Gender Issues in a visit to Kyrgyzstan. During these visits, Giammarinaro held high-level meetings with representatives of the Ministries of Foreign Affairs, Internal Affairs, Immigration, Justice, Social and Labour Affairs and others. The joint country visit to Kyrgyzstan included a meeting with former President Roza Otunbayeva.

#### *OSCE Ministerial Conference*

In December at the 18<sup>th</sup> OSCE Ministerial Council in Vilnius, OSCE foreign ministers agreed to the Declaration on Combating all Forms of Human Trafficking. Ministers “declared their

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<sup>19</sup> “Trafficking in Human Beings for the Purpose of Organ Removal,” SEC.GAL/70/12, 20 April 2012

<sup>20</sup> “Timetable of the 2012 OSCE Human Dimension Seminar and Side Events as Submitted by Convenors”, Warsaw, 14-16 May 2012, <http://www.osce.org/odihr/90453>

<sup>21</sup> 2011 Annual Report of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, “*An Agenda for Prevention: Activities and Challenges*”, 15 December 2011, <http://www.osce.org/cthb/86292>



strong and unwavering determination to combat human trafficking in all its forms”.<sup>22</sup> Participants expressed deep concern that human trafficking for the removal of organs, for the purpose of sexual exploitation, and for the purpose of labour exploitation, including domestic servitude, remains a serious problem.

Special Representative Giammarinaro called the Vilnius Declaration “an important achievement for the OSCE as a whole, as it reconfirms the political commitment to fight trafficking as an integral part of OSCE efforts towards common and comprehensive security, which includes full respect of human rights”.<sup>23</sup> She told the ambassadors of OSCE participating States the declaration could underpin efforts to achieve more effective results in the fight against all forms of trafficking, including the least addressed, such as trafficking for the removal of organs, forced begging and forced criminality, while continuing to develop innovative approaches to prevent child trafficking, sexual and labour exploitation.<sup>24</sup>

## Belarus

### I. OSCE PA Recommendations

The OSCE PA's resolution on Belarus adopted in Belgrade aimed to renew dialogue with Minsk and called on the Belarusian authorities to release all political prisoners detained following the 19 December 2010 post-election protest in Minsk. The resolution called on Belarus to carefully review and implement the extensive recommendations in the OSCE Moscow Mechanism Report, to reconsider its decision to close the OSCE field presence in Minsk, to co-operate closely with the OSCE Representative on Freedom of the Media to resolve problems concerning the threatened closure of independent media outlets, and develop a media law in line with OSCE principles.

### II. OSCE PA Initiatives

The situation in Belarus was addressed at the 2012 Winter Meeting in Vienna with a special presentation by Iryna Bogdanova, sister of Andrey Sannikov, a former presidential candidate imprisoned in Belarus until April 2012. Bogdanova presented details on her brother's case, reporting on gross violations of human rights and asking for assistance for her brother and other political prisoners in the country.<sup>25</sup>

Andrey Sannikov and his associate Dimitry Bondarenko were released on 14 and 15 April 2012, respectively. In a statement, OSCE PA President Petros Efthymiou welcomed the release and called for the release of all other political prisoners in Belarus.<sup>26</sup>

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<sup>22</sup> OSCE Ministerial Declaration on Combating All Forms of Human Trafficking, 7 December 2011, <http://www.osce.org/mc/86373>

<sup>23</sup> OSCE Press Release: “OSCE Special Representative presents annual report, agenda for preventing trafficking for labour exploitation,” 15 December 2011, <http://www.osce.org/cthb/86276>

<sup>24</sup> Ibid.

<sup>25</sup> 2012 Winter Meeting Streaming Videos, available at <http://www.oscepa.org/meetings/winter-meetings/894-2012-winter-meeting-streaming-videos>.

<sup>26</sup> OSCE PA Press Release: “President Efthymiou welcomes amnesty for Sannikov and Bondarenko, calls for more releases from Belarusian prisons”, 17 April 2012, <http://www.oscepa.org/news-a-media/press-releases/936-president-efthymiou-welcomes-amnesty-for-sannikov-and-bondarenko-calls-for-more-releases-from-belarusian-prisons>.

The Chair of the OSCE Parliamentary Assembly Ad Hoc Working Group on Belarus, Uta Zapf, also welcomed Sannikov's release, recalling however that it was an overdue step. She reiterated the call to free all political prisoners, saying that the possibility for Belarus to normalize its relations with Europe is connected to the undertaking of clear steps towards democracy and rule of law.<sup>27</sup>

The Members of the PA's Working Group regularly meet with the Belarusian Delegation to the OSCE PA on the margins of OSCE meetings. Since the December 2010 events in Belarus, the Working Group has not been able to visit Minsk in line with its mandate.

### III. OSCE Initiatives

On 3 October 2011, the lower chamber of the Belarusian parliament adopted three draft amendments, including the draft law "on amendments to the law of the Republic of Belarus on bodies of state security of the Republic of Belarus", which aimed to extend the powers of the State Security Committee. Two others, which change crucial provisions of the Law on Mass Events and the Law on Public Associations, approved on 21 October, further restrict fundamental freedoms of assembly and impose criminal responsibility for foreign financing of NGOs.

OSCE Chairperson-in-Office and Lithuanian Foreign Minister Audronius Ažubalis condemned the adopted amendments to existing laws on public assemblies and the security services, saying they will further limit the fundamental freedoms of assembly and association in Belarus. "I am deeply concerned over these new restrictions on civil liberties in Belarus and call, once again, on the Belarusian President to allow a vibrant civil society and cease political persecutions", Ažubalis said. He added that by "systematically limiting fundamental freedoms, Belarus can only isolate itself further from the international arena".<sup>28</sup>

The OSCE published on 10 November a 114-page report on trial monitoring in Belarus from March to July 2011, which identified a number of shortcomings in the country's criminal justice system. The report presented findings from trials observed by ODIHR that involved a total of 41 defendants, including five presidential candidates, who were criminally charged in the aftermath of the election-related demonstrations in Minsk in December 2010. "Our monitoring revealed a number of significant concerns in the application of fair trial standards", Amb. Lenarcic said. "These concerns point to systemic shortcomings in Belarus' justice system that need to be addressed".<sup>29</sup>

"Significant concerns emerged over the right to the presumption of innocence, and the failure of judges to follow up allegations that statements were obtained under duress, intimidation, inhuman treatment and possibly torture. Defence motions to exclude evidence based on alleged maltreatment were ignored or denied", the ODIHR observers concluded.<sup>30</sup>

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<sup>27</sup> SPD-Bundestagsfraktion: "Freilassung von Andrej Sannikow war überfällig", 16 April 2012, [http://www.spdfraktion.de/cnt/rs/rs\\_dok/0,,60985,00.html](http://www.spdfraktion.de/cnt/rs/rs_dok/0,,60985,00.html).

<sup>28</sup> ODIHR Press Release: "Chairperson condemns new restrictions on freedom of assembly and association in Belarus." 24 October 2011, <http://www.osce.org/cio/84273>

<sup>29</sup> ODIHR Press Release: "Belarus trials highlight need for substantial justice reform, OSCE human rights chief says." 10 November 2011, <http://www.osce.org/odihr/84872>

<sup>30</sup> OSCE/ODIHR Report: Trial Monitoring in Belarus (March-July 2011), 10 November 2011, <http://www.osce.org/odihr/84873>

The Chairperson-in-Office, Irish Deputy Prime Minister Eamon Gilmore, on 24 January 2012 condemned the detention of the Belarusian human rights defender Ales Bialiatski and called for his immediate release, as well as the release of all other civil society activists and political opponents.<sup>31</sup> At the same time, the Chairperson-in-Office expressed satisfaction over the release of Andrei Sannikov. He called for additional releases as well, including that of former presidential candidate Nikolai Statkevich.<sup>32</sup>

### *Freedom of the media*

The OSCE Representative on Freedom of the Media, Dunja Mijatović, repeatedly criticized the continued harassment suffered by many journalists in the country. In particular, she issued a statement on the sentencing of Ales Barazanka in January 2012<sup>33</sup> and in May 2012, Mijatović appealed to President Aleksander Lukashenko to stop persecuting media, stating that “public officials should tolerate a higher degree of media criticism than ordinary citizens and allow for free debate on issues of public interest in Belarus and beyond”.<sup>34</sup>

The Representative’s concerns about the harassment that independent media and journalists continue to suffer in Belarus are also mirrored in the findings of the Regular Report to the Permanent Council.<sup>35</sup>

### *Human Dimension Implementation Meeting (HDIM)*

The situation in Belarus was actively discussed at the opening of the plenary session of the OSCE Review Conference in Warsaw on 26 September 2011. In his address to the HDIM, Matteo Mecacci, Chair of the OSCE PA Committee on Democracy, Human Rights and Humanitarian Questions, called on the Belarusian authorities to release all political prisoners. He mentioned the fact the Parliamentary Assembly’s Working Group on Belarus has been unable to visit Minsk and civil society representatives in the country since the December 2010 protests.<sup>36</sup>

## **International Parental Child Abductions**

### **I. Belgrade Declaration**

The resolution on International Parental Child Abductions urged those participating states, as well as OSCE Partners for Co-operation, who are not parties to the Hague Convention of 25

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<sup>31</sup> OSCE Press Release: “Bialiatski should be set free, says OSCE Chairperson”, 24 January 2012, <http://www.osce.org/cio/87183>

<sup>32</sup> OSCE Press Release: “OSCE Chairperson welcomes release of Belarusian opposition leader, calls on President to free others”, 15 April 2012, <http://www.osce.org/cio/89695>

<sup>33</sup> The Representative on Freedom of the Media Press Release: “OSCE media freedom representative protests jailing of journalist in Minsk”, 11 January 2012, <http://www.osce.org/fom/86949>

<sup>34</sup> The Representative on Freedom of the Media Press Release: “Belarus president should halt harsh policy towards media, says OSCE media freedom representative”, 10 May 2012, <http://www.osce.org/fom/90394>.

<sup>35</sup> OSCE Representative on Freedom of the Media: “29 March 2012 - Regular Report to the Permanent Council”, 30 March 2012, FOM.GAL/2/12/Rev.1

<sup>36</sup> ODIHR Press Release: “Press release issued by the OSCE Parliamentary Assembly”, 26 September 2011, <http://www.osce.org/pa/82879>

October 1980 on the Civil Aspects of International Child Abduction to ratify or accede to it and urged full implementation of its provisions. The resolution also urged that parental child abduction be considered at the 2011 OSCE Ministerial Council in Vilnius.

## **II. OSCE Initiatives**

On 4 October, the U.S. Delegation to the 2011 OSCE Human Dimension Implementation Meeting hosted a side event on the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction in Warsaw. The event, introduced by Ambassador David Johnson, Head of the U.S. Delegation, was also attended by Professor Ellen Teitz, First Secretary, Hague Conference on Private International Law from the Hague Permanent Bureau; Corrin Ferber, Attorney Advisor from the U.S. Department of State's Bureau of Consular Affairs; and Linda Hoover, Consul General from U.S. Embassy Warsaw.

The OSCE Office in Yerevan supported a regional NGO, Armenian Constitutional Right-Protective Centre (ACRPC), in hosting a three-week intensive course on human rights in Armenia. The course involving 30 secondary school teachers from many regions of Armenia focused on raising awareness of children's rights.<sup>37</sup>

In a U.S. Helsinki Commission hearing on 8 February featuring the OSCE Chair-in-Office, Irish Deputy Prime Minister Eamon Gilmore, the Head of the OSCE PA's U.S. Delegation Chris Smith reiterated the PA's recommendation regarding the issue of child abductions, and said that it is a key issue that the Helsinki Commission is focusing on in 2012.<sup>38</sup>

On 25 May 2012, International Missing Children's Day, the U.S. delegation to the OSCE called attention to the plight of missing and abducted children around the world.<sup>39</sup> The delegation recalled OSCE commitments on the matter of child abductions, as described in Ministerial Decisions 15/06, 8/07, and 9/07. The delegation urged state parties to the Hague Abduction Convention to achieve its full implementation it, as well as for OSCE participating States to sign it if they have not done so.

## **Women's Representation at the OSCE Parliamentary Assembly**

### **I. Belgrade Declaration**

The resolution on Women's Representation at the OSCE Parliamentary Assembly called on the national parliaments to improve the representation of women in the OSCE PA national delegations in order to promote women's empowerment.

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<sup>37</sup> OSCE Office in Yerevan "OSCE Office promotes human rights education in Armenia", 26 July 2011, <http://www.osce.org/yerevan/81298>

<sup>38</sup> OSCE PA Press Release, "Smith highlights Assembly work in Helsinki Commission hearing", 9 February 2012, <http://www.oscepa.org/news-a-media/press-releases/883-smith-highlights-assembly-work-in-helsinki-commission-hearing>

<sup>39</sup> OSCE – Delegation of United States of America to the OSCE: 'Statement on International Missing Children's Day', 24 May 2012, [http://osce.usmission.gov/may\\_24\\_12\\_missing\\_childrens\\_day.html](http://osce.usmission.gov/may_24_12_missing_childrens_day.html),

## **II. OSCE Parliamentary Assembly**

From 2011 to 2012, the number of women serving as heads of delegations has increased from ten to 11. The overall number of women appointed to serve as Members of the Assembly has also increased.

In February 2011, there were 73 female Members of the Assembly. According to the current OSCE PA statistics as of 7 June 2012:

- 85 out of 308 members of the Assembly are women.
- 39 women are alternate members of delegation.
- 11 women are heads of delegation.
- Two women are deputy heads of delegation.<sup>40</sup>

## **The Work of the Committee on the Human Dimension of the Permanent Council of the OSCE**

### **I. OSCE PA Recommendations**

The resolution on the work of the Human Dimension Committee encourages the Permanent Council to “further intensify its dialogue with the Committee on the Human Dimension in order to move towards full and complete implementation of the norms, principles and undertakings of the OSCE”. The resolution also urges the Committee on the Human Dimension to “intensify and institutionalize co-operation with the OSCE Parliamentary Assembly General Committee on Democracy, Human Rights and Humanitarian Questions”.

### **II. OSCE Initiatives**

#### *Meetings of the Human Dimension Committee*

The Human Dimension Committee (HDC) has held meetings on 17 January 2012, 7 February, 6 March, 27 March, 17 April, 9 May and 5 June. Another meeting is being held on 3 July.

The 17 January 2012 meeting<sup>41</sup> was chaired by the Swiss Ambassador to the OSCE, Dr. Thomas Greminger. He and the representative of the Chairmanship-in-Office welcomed the fact that the Committee had partly or fully achieved the goals that had been set at the beginning of 2011, but regretted it had not been possible to achieve concrete results at the ministerial level. The Chairperson of the OSCE Permanent Council, Ambassador Eoin O’Leary, presented the Chairmanship’s Human Dimension priorities and emphasized that Ireland would seek to focus attention on areas where existing commitments need updating.

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<sup>40</sup> For more information, see the OSCE PA’s 2012 Gender Balance Report.

<sup>41</sup> OSCE Permanent Council: ‘Report on the first meeting of the Human Dimension Committee - Tuesday, 17 January 2012’, 25 January 2012.

The second meeting of the HDC on 7 February 2012 addressed the topic of “Durable Solutions Initiative for Refugees and Displaced Persons in the Western Balkans”.<sup>42</sup> The Personal Envoy of the UN High Commissioner for Refugees, who gave a briefing with the title above-mentioned, gave information on the issue and called for attention on Western Balkans.

The Special Representative of the OSCE Chairperson-in-Office on Gender Issues, Ms. June Zeitlin, remarked that the challenge of under-representation of women in public office in the OSCE region should be addressed, possibly through the exchange of best practices among countries to help bring about an enhancement of women’s representation. The Ambassador Mira Beham said the significance of gender issues as part of a comprehensive approach to security seemed to be underestimated.

The 6 March meeting was presented by Representative on Freedom of the Media Dunja Mijatović,<sup>43</sup> who noted that freedom of the media was a priority of the 2012 Chairmanship. She also mentioned that Internet freedom was an issue of both security and freedom, and the existing need to increase the safety of working conditions of journalists. On the topic of decriminalizing defamation, her office would support governments in seeking to achieve results in that respect.

ODIHR Human Rights Adviser Pavel Chacuk presented a briefing on “Human rights education”, which he said should be a lifelong learning process for professional groups such as judges, government officials and officials of non-governmental organizations, doctors, policemen or teachers.

On 27 March, the Human Dimension Committee dealt with the topic “Tolerance and Non-Discrimination”.<sup>44</sup> Judge Catherine McGuinness and Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia, and Discrimination, observed that information on hate crimes in the OSCE region suffered from an overall lack of clear, reliable and detailed data on their nature and scope.

In the meeting on 17 April,<sup>45</sup> OSCE Director on Human Rights and Communities Susan K. Heintz and Chief of Security Monitoring Section in the OSCE Mission in Kosovo Kirsten Joppe presented a briefing on “Combating hate crime”. They considered the impact of hate crimes on the respective community’s perception of security, and the possible serious repercussions of failure to respond properly to crimes of this kind, as well as the mission’s approach and relevant projects of the mission.

The main topic of the 9 May meeting of the Human Dimension Committee was “Combating torture”.<sup>46</sup> On this issue, UN Special Rapporteur on Torture and Other Cruel, Inhuman or

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<sup>42</sup> OSCE Permanent Council: ‘Report on the second meeting of the Human Dimension Committee - Tuesday, 7 February 2012’, 22 February 2012.

<sup>43</sup> OSCE Permanent Council: ‘Report on the third meeting of the Human Dimension Committee - Tuesday, 6 March 2012’, 19 March 2012.

<sup>44</sup> OSCE Permanent Council: ‘Report on the third meeting of the Human Dimension Committee - Tuesday, 27 March 2012’, 23 April 2012.

<sup>45</sup> OSCE Permanent Council: ‘Report on the fifth meeting of the Human Dimension Committee - Tuesday, 17 April 2012’, 3 May 2012.

<sup>46</sup> OSCE Permanent Council: ‘Report on the sixth meeting of the Human Dimension Committee - Wednesday, 9 May 2012’, 6 June 2012.

Degrading Treatment or Punishment Juan Méndez, described several structural problems leading to the ongoing practice of torture:

- failures in the administration of justice;
- the lack of effective safeguards during arrest and detention;
- the practice of admitting evidence obtained under torture in judicial proceedings;
- impunity and lack of effective investigation of torture allegations.

Furthermore, he regretted the extraction of intelligence by torture in the context of the global fight against terrorism. The obligation of States to ensure that no statement made as a result of torture may be used as evidence must be respected, he said.

Finally, the Special Representative and Co-ordinator for Combating Trafficking in Human Beings Maria Grazia Giammarinaro presented the preliminary findings of her Office's study on the subject of trafficking in human beings amounting to torture and other forms of ill-treatment.

### *OSCE PA Engagement*

Chair of the OSCE Parliamentary Assembly's Committee on Democracy, Human Rights and Humanitarian Questions Matteo Mecacci addressed the seventh Human Dimension meeting on 5 June.<sup>47</sup> Mecacci sparked a lively debate by asking the committee how the OSCE can maintain relevance if it fails to take decisive action when specific crises emerge. He reiterated the Assembly's call for utilizing the OSCE's "Moscow mechanism", which provides tools for swift action to be taken on urgent human dimension matters. It was the second time in seven months that the PA human rights chair addressed the PA's counterpart committee in Vienna.

Swiss Ambassador and Chair of the Committee Thomas Greminger mentioned the Assembly's Belgrade resolution on the Human Dimension Committee and praised the close co-operation that has been developed between the two committees of the Parliamentary Assembly and the Permanent Council.

### *Other HDC Events*

With regard to other Human Dimension Committee events,<sup>48</sup> the First Supplementary Dimension Meeting was held in Vienna from 19 to 20 April 2012, on "Combating Racism, Intolerance and Discrimination in Society through Sport". The Second Supplementary Human Dimension Meeting is scheduled for 12-13 July, on "Democratic elections and election observation". The third Supplementary Human Dimension Meeting will take place in Vienna on 8 and 9 November, tackling "Freedom of Assembly and Association".

From 14 to 16 May, the Human Dimension Seminar in Warsaw focused on "Rule of Law framework for combating Trafficking in Human Beings". The selected topics for the HDIM expected from 24 September to 5 October, also in Warsaw, are "Freedom of Religion or Belief", "Empowerment of Roma Women" and "Rights of Persons Belonging to National Minorities".

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<sup>47</sup> *News from Copenhagen* 438: 'PA Human Rights Chair addresses Vienna counterpart committee', 13 June 2012.

<sup>48</sup> OSCE: 'Human Dimension Events during 2012', 21 March 2012.

### *Further Recommendations*

In its report to the Ministerial Council on 22 December 2011,<sup>49</sup> the Lithuanian Chairmanship listed the modernization of OSCE Human Dimension activities as one of its priorities. To this end, the Chair of the Human Dimension Committee commissioned an independent think tank, the Swiss NGO Ximpulse, to study the issue of modernization in order to determine ways to make human dimension events more relevant, effective and focused.

Ximpulse produced a two-part study entitled “The OSCE human dimension events: The way forward”.<sup>50</sup> According to the findings, the variety of activities carried out in the human dimension provides for regularity as well as flexibility in the review of commitments, but there is a certain lack of interconnectedness of events. For instance, there is insufficient time between Human Dimension Implementation Meetings (HDIMs) and Ministerial Councils with the aim of preparing substantial decisions based on outcomes of HDIMs.

Ximpulse noted that the time allotted for topics often limited the right to speak on controversial issues for each NGO to two minutes, and for the replying participating State to only one minute, a limit that can impede constructive dialogue. On the other hand, side events of HDIMs are perceived as less predictable and more dynamic, while the Supplementary Human Dimension Meetings are bolstered by having a thematic focus.

The final report by Ximpulse was published on 2 April 2012 and presented on 7 May at the first working session of the OSCE Ambassadorial Retreat held in Stegersbach, Austria. It laid the basis for the work of the Informal Working Group on the Review of Human Dimension Events, which was held on 22 May.

On 17 April the delegations of Canada and the USA welcomed in a joint statement the establishment of an Informal Working Group to work on enhancing the effectiveness of human dimension modalities for the OSCE.<sup>51</sup> In this regard, they proposed and developed a number of ideas, including holding HDIM earlier in the year and enhancing Parliamentary Assembly engagement in human dimension events.

On 12 June, the OSCE Delegation of the Russian Federation shared a non-paper on reform of the OSCE human dimension activities, recommending, *inter alia*, that economic, social and cultural rights play a more central role in the OSCE agenda. The Russian Delegation also offered recommendations on how to structure the HDIM, suggesting in particular a five-day comprehensive agenda.<sup>52</sup>

On 8 May the EU office to the OSCE offered additional ideas to improve the human dimension work, suggesting in particular:

- treating representatives of civil society as equal partners,
- taking advantage of modern social media technologies,

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<sup>49</sup> OSCE: Meaningful Steps: ‘Report on progress made during Lithuania’s Chairmanship of the OSCE, 2011’, 7 December 2011.

<sup>50</sup> Ximpulse: ‘The OSCE human dimension events: The way forward’, 8 March 2012.

<sup>51</sup> OSCE delegations of Canada and the United States of America: ‘Enhancing the effectiveness of Human Dimension modalities for the OSCE’, 17 April 2012.

<sup>52</sup> OSCE delegation of the Russian Federation: ‘On reform of the OSCE Human Dimension activities’, 12 June 2012.



- ensuring the recommendations made by civil society in the course of Human Dimension events are acted upon,
- introducing a HDIM with a fixed date rather than protracting negotiations over every detail and every date of every event,
- making more logical the cycle of events throughout the year, and developing a better system for capturing priority recommendations flowing from HD events.

## **Witness Protection Programmes: A Challenge to Justice and Reconciliation**

### **I. OSCE PA Recommendations**

In Belgrade, the Assembly called on the OSCE and other international organizations to strengthen their co-operation in order to optimize the financing, expertise and training programmes for witness protection in all vulnerable regions.

### **II. OSCE Initiatives**

In October 2011, the Helsinki Citizens' Assembly Vanadzor Office, with the support of the OSCE Office in Yerevan, presented the final report of a study on the protection of witnesses in Armenia.

Representatives of the Government of Armenia, the National Assembly, law enforcement, civil society and international organizations attended the presentation of the report. The OSCE-supported study provides a thorough analysis of national legislative arrangements in light of international standards and the European Court on Human Rights case law, and provides an overview of its practical implementation.

Recommendations include enabling witnesses with financial resources to make use of the services of the public defender during the preliminary investigation, widening the scope of the application of witness protection measures when necessary, and registering witnesses' visits to investigative departments.

According to Chair of the Helsinki Citizens' Assembly Vanadzor Office, Artur Sakunts, the study "helps to reveal the existing problems in this area". "Improving the witness protection system in Armenia will raise witnesses' trust in criminal justice system and hence will help prevent cases of human rights violations and corruption", he said.<sup>53</sup>

#### *OSCE Field Activities*

The OSCE Mission to Serbia facilitated the first meeting of the victim and witness support working group on 28 February 2012 in Belgrade. The working group, established by the High Judicial Council and including participants from the State Prosecutors' Council, is tasked with creating the legal and institutional framework that will provide support to victims and

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<sup>53</sup> OSCE Office in Yerevan "Report on Witness Protection in Armenia", 13 October 2011, <http://www.osce.org/hy/yerevan/83916>

witnesses of serious crimes. Similarly, it aims to establish similar services throughout Serbia's entire court network to ensure nationwide support for victims and witnesses.<sup>54</sup>

## Promoting Policies in Favour of the Roma Population

### I. Belgrade Declaration

The resolution "Promoting Policies in Favour of the Roma Population" emphasizes, *inter alia*, the need to make access to European Union Structural Funds conditional on desegregating policies.

### II. European Commission

A Summit of Mayors on Roma organized by the Congress of Local and Regional Authorities and the Special Representative of the Council of Europe Secretary General for Roma issues was held in Strasbourg, France on 22 September 2011.<sup>55</sup> The meeting brought together representatives of municipalities, regions and networks, Roma organizations as well as other relevant institutions, to create a co-operation framework that aims to improve the situation of Roma, the European Union's largest ethnic minority.

A sixth meeting of the European Roma Platform was held in Brussels on 17 November 2011 to continue the practice of including Roma in the policymaking process. EU Commissioner for Employment, Social Affairs and Inclusion László Andor said, "The inclusion of our Roma population is a challenge for the European Union as a whole, but progress depends on efforts at national and local level".<sup>56</sup> Participants discussed the macroeconomic context and Europe 2020 as the framework for national strategies; the Commission's contribution to making Roma inclusion a reality; and key requirements for the success of national Roma integration strategies.

On 15 December, the European Commission, the EU Delegation to Albania and Albania's Ministry of Labour, Social Affairs and Equal Opportunities, with the support of the Ministry of European Integration, held a seminar in Tirana, Albania, on the inclusion of Roma and Egyptian communities, in the context of Albania's integration with the EU.<sup>57</sup> The main objective was to bring together representatives of the Albanian national and local governments, non-governmental organizations and international actors to discuss challenges to the effective inclusion of Roma and Egyptian persons in Albania and to identify potential solutions.

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<sup>54</sup> OSCE Mission to Serbia Activity Report No. 133, 7 March 2012, SEC.FR/114/12

<sup>55</sup> The European Union Agency for Fundamental Rights (FRA) Press Release, 22 December 2011, [http://www.coe.int/t/congress/Sessions/20110922-Roma-Summit/default\\_en.asp](http://www.coe.int/t/congress/Sessions/20110922-Roma-Summit/default_en.asp)

<sup>56</sup> European Commission "Mr. László ANDOR EU Commissioner responsible for Employment, Social Affairs and Inclusion Getting Member States to draw up their Roma integration strategies – Opening of Roma Platform Sixth meeting of the European Roma Platform Brussels, 17 November 2011 <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/771&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>57</sup> European Commission "Albania: inclusion of Roma and Egyptian communities", 15 December 2011 [http://ec.europa.eu/enlargement/press\\_corner/whatsnew/news/111222\\_en.htm](http://ec.europa.eu/enlargement/press_corner/whatsnew/news/111222_en.htm)