



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

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

### **Interim Report for the 2011 Winter Meeting**

*Prepared by the International Secretariat  
for the Vice-Chair of the Committee, Mr. Robert Aderholt*

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

### **Resolutions and Recommendations**

#### **Introduction**

Around 250 parliamentarians from 43 OSCE participating States met in Oslo from 6 to 10 July 2010 to assess developments and challenges relating to security and co-operation, focusing on the general theme of *Rule of Law: Combating Transnational Crime and Corruption*. In addition to addressing the human dimension of the general theme, the Third General Committee on Democracy, Human Rights and Humanitarian Questions passed resolutions dealing with, *inter alia*, religious freedom, the protection of investigative journalists, national minorities in interstate relations, women's rights and reproductive health, the death penalty and human trafficking.

This Interim Report considers actions taken by the OSCE, including Institutions and field missions over the past six months, and other members of the international community in relation to the OSCE PA's recommendations. Developments within participating States relating to the Oslo Declaration's recommendations will be made available for the Annual Session in Belgrade.

While the majority of the recommendations addressed here are found in the OSCE PA's Oslo Declaration of July 2010, 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.

#### **The Astana Summit**

In December 2010, Heads of State and Government assembled in Astana in the first OSCE Summit meeting in 11 years, as had been called for by the OSCE parliamentarians in Oslo. The meeting was intended to bring renewed political impetus to the OSCE process. In a commemorative declaration, the leaders of the OSCE participating States reaffirmed their adherence "to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith." While no specific new agreements were reached, participating States reiterated their commitment to comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations.

The Astana Summit was preceded by an OSCE Review Conference held in Warsaw, Vienna and Astana, which considered implementation of a wide range of OSCE commitments.

## **Religious Freedom and the Separation between Religious Communities and the State**

### **I. Oslo Declaration**

Recognizing freedom of religion as a fundamental human right, the Oslo Declaration called for an extension of freedom of religion for individuals and communities, especially in light of increased religious diversity in the OSCE area, and due to the greater cultural diversity brought about, to a large extent, by migration flows. The resolution stressed that religious freedom is “essentially connected to the respect for human dignity and reaffirming the value of the right to freedom of religion, as well as of the related rights to freedom of opinion and expression, assembly and association,” and called on participating States “to ensure within their societies a peaceful coexistence based on the principle of respect; a political order configured according to the principle of separation between religious communities and the State; and relations between public administrations and religious faiths inspired by the principle of co-operation.”

### **II. OSCE Initiatives**

#### *OSCE Supplementary Human Dimension Meeting*

The OSCE Supplementary Human Dimension Meeting on Freedom of Religion or Belief was held in Vienna on 9-10 December 2010. In three focused sessions, the meeting dealt with topics such as *OSCE Commitments on Freedom of Religion or Belief: Emerging Issues and Challenges*; *Education and Religion or Belief*, and *Religious Symbols and Expression*. The meeting brought together OSCE officials, members of civil society and high-level representatives of the United Nations’ Office of the High Commissioner on Human Rights as well as the Council of Europe’s Venice Commission.<sup>1</sup>

On the opening day of the meeting, Janez Lenarcic, the Director of the OSCE Office for Democratic Institutions and Human Rights, and Heiner Bielefeldt, the UN Special Rapporteur on Freedom of Religion or Belief, called on States to remove undue restrictions on the fundamental freedom of religion or belief. Lenarcic and Bielefeldt warned that in many countries, individuals and communities still face impediments in enjoying freedom of religion or belief. The ODIHR Director noted that some participating States have a tendency of promoting tolerance and mutual understanding among major faith groups while neglecting their commitment to respect religious rights for all. “Fostering tolerance and dialogue among mainstream religions is to be

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<sup>1</sup> “Schedule of Side Events to Take Place During the Supplementary Human Dimension Meeting on: ‘Freedom of Religion or Belief’,” 9-10 December 2010, <http://www.osce.org/odihr/73963>

encouraged,” he said, “but it cannot substitute for the protection of the freedom of religion or belief of all members of society, including smaller and less popular groups.”<sup>2</sup>

### *OSCE Review Conference*

Session Two of the human dimension part of the OSCE Review Conference, held in Warsaw on 1 October 2010, was devoted to fundamental freedoms including freedom of thought, conscience, religion or belief. In numerous interventions during this session, participants commended the advances made in protecting the freedom of religion or belief since the last such OSCE Review Conference in 1999. It was noted, however, that violations of religious freedom continued to take place in the OSCE area. The European Union, in its statement, noted that “One of the most persistent problems in some OSCE participating states is the curtailment of the freedoms of religion or belief in light of security concerns.” While acknowledging that these concerns are often legitimate and that countering extremism continues to be a challenge for all OSCE countries, the EU recalled that restrictions on the freedom of religion or belief must be narrowly defined and extremely limited.<sup>3</sup>

### *Lithuanian Chairmanship’s Priorities*

In its Work Programme for 2011, the Lithuanian Chairmanship deals specifically with the prevention of hate crimes, suggesting particular emphasis on educational measures, including through both formal and informal programmes, awareness-raising initiatives from or for the media, civil society, political or community leaders as well as inter-religious, inter-ethnic or inter-cultural initiatives. The Chairmanship stresses that it will provide political guidance to, and support for the initiatives and activities of, the three CiO Personal Representatives on tolerance and non-discrimination, within their respective mandates.<sup>4</sup>

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<sup>2</sup> OSCE Press Release: “Ahead of Human Rights Day, OSCE human rights chief, UN Special Rapporteur call for removing undue restrictions on religious freedom,” 9 December 2010, <http://www.osce.org/odihr/74525>

<sup>3</sup> OSCE Review Conference, Warsaw, 1 October 2010: “EU Statement – Session 2: Fundamental Freedoms I (1)”

<sup>4</sup> “Programme of Lithuania's chairmanship 2011,” <http://esbo.urm.lt/index.php?1860759643>

## Protection of Investigative Journalists

### I. Oslo Declaration

The OSCE PA's Resolution on the Protection of Investigative Journalists underlines the vital role played by independent media and investigative journalists in exposing corruption and contributing to the strengthening of democratic society. Noting that investigative journalists are frequently targeted by the authorities, the resolution calls on participating States to ensure that their laws, regulations and policies promote the free flow of information as well as the public's access to information. It further calls on governments to carry out prompt and thorough investigations into threats and physical attacks against investigative journalists and to vigorously prosecute all of those responsible for the murder of investigative journalists.<sup>5</sup>

### II. OSCE Initiatives

#### *Chairmanship's 2011 Work Programme*

According to the Lithuanian Chairmanship's Work Programme for 2011, the "safety of journalists needs to be seriously addressed, taking into account the large number of cases of threats and violence against media workers in the OSCE area." The Chairmanship has placed a particular priority on work within the field of media freedom, and urges an open and inclusive discussion among politicians, media and civil society, which should help promote agreement on recommendations that need to be taken in order to improve the security of journalists. The Lithuanian Chairmanship plans to hold a conference devoted to safety of journalists in June in Vilnius.

#### *OSCE Representative on Freedom of the Media*<sup>6</sup>

The OSCE Representative on Freedom of the Media, Dunja Mijatovic, organized a number of seminars and workshops highlighting the need for the 56 participating States to uphold media freedom commitments, including the obligation to provide safety to journalists. The OSCE Representative on Freedom of the Media made several public statements in efforts to combat violence and harassment against media professionals in various countries, including Turkey,<sup>7</sup> Russia,<sup>8</sup> Serbia,<sup>9</sup> Belarus,<sup>10</sup> Greece,<sup>11</sup> the United States of America,<sup>12</sup> Azerbaijan,<sup>13</sup> and Kyrgyzstan.<sup>14</sup>

<sup>5</sup> OSCE Parliamentary Assembly, "Oslo Declaration of the Parliamentary Assembly and Resolutions Adopted at the Nineteenth Annual Session," Oslo, 6 July to 10 July 2010, 63

<sup>6</sup> More information on the Representative on Freedom of the Media activities please find in Regular Report to the Permanent Council FOM.GAL/5/10/Rev.1, 16 December 2010

<sup>7</sup> OSCE Press Release, "OSCE Media Freedom Representative calls upon Turkey to release imprisoned journalists, reform media legislation," 14 September 2010, <http://www.osce.org/item/46057.html>

<sup>8</sup> OSCE Press Release: "Представитель ОБСЕ по вопросам свободы СМИ шокирована очередным нападением на журналиста в России," 8 November 2010, <http://www.osce.org/fom/74104>

<sup>9</sup> OSCE Press Release: "OSCE media freedom representative strongly condemns brutal attack on Serbian journalist," 26 July 2010, <http://www.osce.org/fom/72108>

### *South Caucasus Media Conference*

The seventh South Caucasus Media Conference, organized by the Representative on Freedom of the Media, with the assistance of the OSCE Offices in Baku and Yerevan, was held in Tbilisi on 11-12 November 2010. It brought together more than 80 journalists, media experts, government officials, parliamentarians, scholars and civil society representatives from Georgia, Armenia and Azerbaijan. The two-day event offered participants an opportunity to discuss issues related to access to information, the free flow of information on the Internet and regional media developments with international media experts.<sup>15</sup>

Conference participants adopted a declaration that “urges governments not to prosecute or imprison journalists for possessing or publishing classified information when the publication is deemed to be in the public interest”. It further “calls on governments to facilitate, without discrimination, the freer and wider dissemination of information, including the use of modern technologies, including the Internet, to ensure wide access by the public to government-held information.”<sup>16</sup>

### *OSCE Review Conference*

During meetings in Warsaw and Astana of the OSCE Review Conference, attention was focused on breaches of freedom of expression and of freedom of the media, including violent acts committed against journalists. In line with calls by the OSCE Parliamentary Assembly, participating States were called upon to provide security for journalists, to fight the climate of impunity, and to ensure the thorough investigation of recent and unresolved past cases of attacks on media professionals and the bringing of offenders to justice.<sup>17</sup> The OSCE Representative on Freedom warned that there had been an alarming increase in violent attacks against journalists, often with impunity enjoyed by perpetrators, and passivity on the part of the authorities in investigating and publicly condemning such acts.

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<sup>10</sup> OSCE Press Release: “Представитель ОБСЕ по вопросам свободы СМИ призвала к проведению тщательного и независимого расследования смерти директора оппозиционного интернет-сайта в Беларуси,” 6 September 2010, <http://www.osce.org/node/72216>

<sup>11</sup> OSCE Press Release: “OSCE media freedom representative condemns murder of Greek political blogger,” 19 July 2010, <http://www.osce.org/fom/72091>

<sup>12</sup> OSCE Press Release: “OSCE media freedom representative condemns arrest of journalists covering protest at U.S. military base,” 23 November 2010, <http://www.osce.org/fom/74197>

<sup>13</sup> OSCE Press Release: “OSCE media freedom representative welcomes release of Azerbaijani blogger and calls for release of other two imprisoned journalists,” 18 November 2010, <http://www.osce.org/fom/74166>

<sup>14</sup> OSCE Press Release: “OSCE media freedom representative calls on new Parliament in Kyrgyzstan to decriminalize defamation, continue media reform,” 10 November 2010, <http://www.osce.org/fom/74117>

<sup>15</sup> OSCE Press Release, “OSCE media freedom representative calls on South Caucasus states to fully implement access to information laws,” 11 November 2010, <http://www.osce.org/node/74140>

<sup>16</sup> OSCE Declaration on 7th South Caucasus Media Conference  
[http://www.osce.org/documents/rfm/2010/11/47629\\_en.pdf](http://www.osce.org/documents/rfm/2010/11/47629_en.pdf)

<sup>17</sup> OSCE: “2010 Review Conference. Consolidated Summary,” RC10EW215, [RC.GAL/37/10](http://www.osce.org/gal/37/10), 17 December 2010.

*Field Activities*

OSCE field presences have remained actively engaged in promoting freedom of the media and protection of journalists. For example, the OSCE Mission to Serbia and the OSCE Mission in Kosovo organized a two-day seminar on investigative journalism focusing on coverage of organized crime in November. Officials from Serbia's Interior Ministry, Justice Ministry, Public Prosecutor's Office, Anti-Corruption Agency and Council for fight Against Corruption took part in seminar panel discussions, along with leading representatives of international and local non-governmental organizations.<sup>18</sup>

The OSCE Mission to Bosnia and Herzegovina issued a report on "Media Regulators under Pressure" which expresses concern on laws regulating the media and on rising number of cases of violence against journalists. The report also "calls on government institutions to improve their transparency when engaging with the media sector in BiH."<sup>19</sup>

### **III. Other International Action**

The 60th World Congress of the International Press Institute was held in Bratislava on 15-16 September. The aim of the event was to draw attention to the vital role played by journalists in strengthening democracy. The issues discussed covered a wide range of topics concerning media freedom and elimination of administrative impunity that hinder investigative journalists to undertake their professional activities.<sup>20</sup>

The International Federation of Journalists has been active in advocating for protections of journalists and pressing for local authorities to carry out thorough investigations into physical attacks against journalists in range of countries. The European Federation of Journalists developed a set of guidelines for unions and journalists to better secure these rights facing the increasing challenges in the protection of journalists' authors' rights.<sup>21</sup>

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<sup>18</sup> OSCE Press Release, 25 November 2010, <http://www.osce.org/serbia/74207>

<sup>19</sup> OSCE Press Release, 23 September 2010, <http://www.osce.org/bih/72333>

<sup>20</sup> International Press Institute Press Release, 11 September 2010, <http://www.freemedia.at/singleview/5143/>

<sup>21</sup> European Federation of Journalists: "Guidelines for Fair creative Competition," October 2010, <http://europe.ifj.org/assets/docs/180/137/ee537b4-9885d89.pdf>

# National Minorities in Inter-State Relations

## I. Background

### *Oslo Declaration*

Recalling previous recommendations made by the OSCE High Commissioner on National Minorities, the Council of Europe's Venice Commission, and the United Nations, the Oslo Declaration recommended that OSCE participating States "adopt a political declaration endorsing the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations and agree to adhere to their principles."<sup>22</sup> It called upon States to refrain from taking unilateral steps, including "extending benefits to foreigners on the basis of ethnic, cultural, linguistic, religious and historical ties that have the intention or effect of undermining the principle of territorial integrity, and from providing direct or indirect support for similar initiatives undertaken by non-State actors."<sup>23</sup>

### *The OSCE Framework on National Minorities*<sup>24</sup>

The 1990 Copenhagen Conference agreed that the participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments to the relevant conventions (as stated in Paragraph 38). The protection of residence rights and the limitation of the circumstances in which an individual can be expelled from a state are part of European human rights commitments in particular through the European Convention on Human Rights.

## II. OSCE Initiatives

### *Astana Summit*

At the Astana Summit in December 2010, the heads of OSCE institutions on human rights and democratic institutions, media freedom and national minorities stressed that respect for human rights and fundamental freedoms must underpin sustainable security in the Euro-Atlantic and Eurasian area. In this respect, OSCE High Commissioner on National Minorities Knut Vollebaek said: "The OSCE area still faces threats to stability stemming from tensions in state-minority relations, interethnic strife and unresolved conflicts. What is needed is the political will to implement existing recommendations and commitments to effectively address these challenges. We must strengthen the capacity of States to fulfil their responsibilities with respect to the

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<sup>22</sup> OSCE Parliamentary Assembly, 2010, "Resolution on National Minorities in Interstate Relations", *Oslo Declaration*, p. 65.

<sup>23</sup> Ibid.

<sup>24</sup> Information based on Cahn, C. and Guild, Prof. E., 2010, "OSCE/ Commissioner for Human Rights: A Study on Recent Migration of Roma in Europe", *OSCE Publications*, p. 44.

protection of human rights, including those of minorities, for the sake of our collective security in the OSCE area.”<sup>25</sup>

### *Lithuania’s 2011 Chairmanship Priorities*

According to its Work Programme, the Chairmanship will work with the field presences to review effective project management and foster the continuation of support for human and minority rights, especially in Eastern and Southeastern Europe as well as in South Caucasus and Central Asia.<sup>26</sup> In pursuit of these objectives, the Chairmanship will support the activities of, and closely co-operate with, OSCE Institutions including the High Commissioner on National Minorities.<sup>27</sup> It will also encourage co-operation with other international organizations in addressing challenges in these regions.<sup>28</sup>

### *OSCE Field Activities*

In a number of countries, OSCE field missions work to improve the situation of national minorities and awareness regarding the difficulties that they sometimes face. For example, in Bosnia and Herzegovina, students from fifth to ninth grades took part in the Kaleidoscope school competition, held from 1 April to 19 November 2010, by submitting over 100 school projects that taught fellow students about national minorities and the country’s shared heritage.<sup>29</sup> On 8 December 2010, three schools received cash prizes as the OSCE Mission to Bosnia and Herzegovina announced winners of the a nationwide school competition in which participants shared their views on national minorities, democratic values and diversity. Seventeen school representatives, symbolizing the number of recognized national minorities in Bosnia and Herzegovina, were awarded prizes for their projects on different approaches to the idea of inclusion in schools.

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<sup>25</sup> OSCE Press Releases, “OSCE heads of institutions emphasize importance of rights in discussions on Euro-Atlantic and Eurasian security”, 1 December 2010, [http://www.osce.org/hcnm/item\\_1\\_48005.html](http://www.osce.org/hcnm/item_1_48005.html)

<sup>26</sup> Lithuania’s OSCE Chairmanship Website, “Programme of Lithuania's chairmanship 2011”, <http://esbo.urm.lt/index.php?1860759643>.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> OSCE Press Release, “OSCE Mission to Bosnia and Herzegovina announces winners in school competition on national minorities”, 8 December 2010, <http://www.osce.org/item/48138.html>

## Internally Displaced Persons and Refugees

### I. Oslo Declaration

In Oslo, OSCE parliamentarians passed a resolution that deals with the importance of providing aid and assistance to refugees in need. Stressing “the need to seek to relieve the hardship and suffering of those who are already bearing the brunt of a genuine material, physical and psychological distress as they have been forced to leave their own countries and sever their family and social ties due to such serious causes as armed conflicts, natural and environmental disasters, or famine” the resolution urges participating States “to negotiate amongst themselves agreements and procedures allowing for a more equitable sharing of the flow of refugees who have been or are to be admitted.”

### II. OSCE Initiatives

The situation of refugees in the OSCE area was addressed during Working Session 6 of the OSCE Review Conference in Warsaw in September 2010. A representative of the UN High Commissioner for Refugees reported during the meeting that at the end of 2009, globally, around 43.3 million people were forcibly displaced, which included 15.2 million refugees, while the total number of IDPs as a result of armed conflict was estimated at 27.1 million. Of that number, 4.8 million persons are in the OSCE region.<sup>30</sup> Among these 4.8 million people, there are 2.5 million refugees and asylum seekers, 1.4 million internally displaced persons and more than 880,000 returnees, stateless and other persons of concern.<sup>31</sup> Particular concern was expressed regarding the statelessness of 692,000 persons in the OSCE area in 2009.

The UNHCR has continued to closely co-operate with the OSCE in supporting governments that are amending their laws to align their national legislation with international refugee law, standards and good practice. Noting that many OSCE countries host stateless persons, it is expected that their identification and registration will help facilitate the acquisition of nationality for these people, such as the large-scale projects that exist in Ukraine, the Russian Federation, Bosnia and Herzegovina, Montenegro, Serbia, and the former Yugoslav Republic of Macedonia. There are successful examples of OSCE-UNHCR co-operation in Southeastern Europe, Southern Caucasus, parts of Central Asia, and in Eastern Europe.

The UNHCR representative explained that resettlement is a key protection tool, but only benefits one per cent of the refugees. 2009 had the lowest global return figure of IDPs in two decades worldwide, and long-term forced displacement remains a problem also in the OSCE region. The UNHCR estimated for 2010 that some 203,000 persons will require resettling, many of whom reside within the OSCE area.<sup>32</sup>

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<sup>30</sup> “Refugee Protection and Displacement in the OSCE Region – Commitments for Protection and Solutions”, UNHCR Contribution to Working Session 6 of the OSCE Review Conference, Warsaw, 30 September to 8 October 2010

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

## Women's Rights and Reproductive Health

### I. Oslo Declaration

Recognizing that reproductive health problems remain the leading cause of ill health and death for women of childbearing age worldwide and that the Millennium Development Goal (MDG) 5, sets a target of reducing maternal mortality by 75 per cent by 2015, the OSCE Parliamentary Assembly passed a resolution in Oslo urging OSCE participating States to promote and protect women's sexual and reproductive rights. The resolution calls on participating States to address maternal mortality, HIV/AIDS, gender inequalities and discrimination against women and girls in the OSCE area by strengthening their political efforts and partnerships between States, civil society and the private sector.<sup>33</sup>

### II. OSCE Initiatives

#### *OSCE Field Activities*

The OSCE Centre in Astana co-organized a two-day roundtable meeting to discuss the implementation, monitoring and reporting on the Convention on the Elimination of All Forms of Discrimination against Women. The event brought together some 40 representatives of different government ministries, the National Human Rights Centre and the National Commission on Women and Family Policy, as well as various non-governmental and international organizations. Participants discussed achievements and challenges in the field protection and promotion of women's rights.<sup>34</sup>

### III. Other International Action

#### *European Society of Contraception and Reproductive Health*

The European Society of Contraception and Reproductive Health held an educational workshop in the field of contraception, sexually-transmitted infections, abortion and reproductive health on 5-8 November 2010 in Budapest, Hungary. Participants from 14 countries in Central and Eastern Europe were present.<sup>35</sup>

#### *International AIDS Conference*

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<sup>33</sup> OSCE Parliamentary Assembly, "Oslo Declaration of the Parliamentary Assembly and Resolutions Adopted at the Nineteenth Annual Session," Oslo. 6 July to 10 July 2010, 67

<sup>34</sup> OSCE Press Release, 23 September 2010, <http://www.osce.org/astana/72325>

<sup>35</sup> European Society of Contraception and Reproductive Health, "Excellent example of collaboration in the field of contraception, sexually-transmitted infections, abortion and reproductive health," 23 November 2010, <http://www.euro.who.int/en/what-we-do/health-topics/Life-stages/sexual-and-reproductive-health/news/news/2010/11/excellent-example-of-collaboration-in-the-field-of-contraception,-sexually-transmitted-infections,-abortion-and-reproductive-health>

The International AIDS Conference was held in Vienna on July 18-23. Discussions during the IAC broadened the scope around women living with HIV, recognizing their experiences as individuals, as well as their particular health needs. The issues concerning management of complications of abortion, and equipping and training health service providers to ensure access to safe abortions were given particular attention during the event.<sup>36</sup>

### *World Health Summit*

The World Health Summit was held in Berlin on 10-12 October. Participants discussed the progress in achieving MDGs 3 (on promoting gender equality and empowering women), 4 (reducing child mortality) and 5 (improving maternal health) and current state of reproductive health in Europe and existing challenges.<sup>37</sup> The outcome of the event was the publication of “Standards for Sexuality Education in Europe,” which gives women and young people access to comprehensive reproductive and sexual health information and services.<sup>38</sup>

Shortly after the release of this publication, consultations were held with representatives of state and civil society organizations working in the field of reproductive health in Eastern Europe and Central Asia. The WHO’s Regional Office for Europe organized a range of events in various countries in order to share best practices in reducing preventable infant and maternal mortality and HIV/AIDS and to discuss ways of implementing evidence-based recommendations made by the WHO.

### *United Nations Work*

With three core areas of work – reproductive health, gender equality and population and development strategies – the United Nations Population Fund (UNFPA) works closely on the issue of reproductive health in many OSCE countries.<sup>39</sup> In its report “Sexual and Reproductive Health for All,” published in September 2010, the UNFPA notes that there has been “mixed progress in access to sexual and reproductive health,” pointing to a wide disparity between access to reproductive healthcare between the wealthy and “those excluded by poverty ... or other forms of marginalization.”<sup>40</sup>

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<sup>36</sup> International AIDS Society, Report on the XVIII International AIDS Conference, October 2010, [http://www.iasociety.org/Web/WebContent/File/AIDS2010\\_Impact\\_Report.pdf](http://www.iasociety.org/Web/WebContent/File/AIDS2010_Impact_Report.pdf)

<sup>37</sup> World Health Organisation, “Sexual and reproductive health – still a major challenge in the 21st Century. World Health Summit 2010,” 12 October 2010, <http://www.euro.who.int/en/what-we-do/health-topics/Life-stages/sexual-and-reproductive-health/news/news/2010/10/sexual-and-reproductive-health-still-a-major-challenge-in-the-21st-century.-world-health-summit-2010>

<sup>38</sup> World Health Organization, Standards for Sexuality Education in Europe, [http://www.fsrh.org/admin/uploads/WHO\\_BZgA\\_Standards.pdf](http://www.fsrh.org/admin/uploads/WHO_BZgA_Standards.pdf)

<sup>39</sup> The UNFPA has offices in Albania, Kazakhstan, Romania, Armenia, Kosovo (Serbia), the Russian Federation, Azerbaijan, Kyrgyzstan, Serbia, Belarus, Latvia, Tajikistan, Bosnia and Herzegovina, Lithuania, Turkey, Bulgaria, the former Yugoslav Republic of Macedonia, Turkmenistan, Estonia, Moldova, Ukraine, Georgia, Poland and Uzbekistan.

<sup>40</sup> United Nations Population Fund, “Sexual and Reproductive Health for All,” September 2010, [http://www.unfpa.org/webdav/site/global/shared/documents/publications/2010/uarh\\_report\\_2010.pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2010/uarh_report_2010.pdf)

Reaching the 2015 MDG target for reducing maternal mortality would require an annual decrease in maternal mortality of roughly 5.5 per cent worldwide, the UNFPA notes. However, the current rate of reduction is under one per cent globally and a mere 0.1 per cent in sub-Saharan Africa. The UNFPA report stresses the importance of education and providing valuable reproductive health information.<sup>41</sup>

## The Death Penalty

### I. Oslo Declaration

Recalling previous OSCE PA resolutions on the death penalty passed in Paris in 2001 and in Vilnius in 2009, the Oslo Declaration expressed deep concern that people are still being sentenced to death and executions carried out in Belarus and in the United States of America. Condemning executions wherever they take place, the resolution on the death penalty called on participating States applying the death penalty to declare an immediate moratorium on executions. It further urges participating States that have not abolished the death penalty to respect safeguards protecting the rights of those facing the death penalty, as laid down in the United Nations Economic and Social Council Safeguards.

### II. OSCE Initiatives

#### *ODIHR Report*

The OSCE Office for Democratic Institutions and Human Rights published its 11<sup>th</sup> annual background paper on “The Death Penalty in the OSCE Area.”<sup>42</sup> Covering the period 1 July 2009 to 30 June 2010, the paper is based primarily on information provided by the participating States and highlights developments that have occurred since the last publication. The report provides detailed information on the legal status of capital punishment in each of the OSCE’s 56 participating States, noting that two OSCE participating States – the United States and Belarus – continued to carry out executions during the reporting period. In addition, Kazakhstan passed a law expanding the list of crimes for which the death penalty can be imposed as a sentence by one, from eight to nine.

#### *OSCE Review Conference*

Working Session 5 of the human dimension part of the 2010 OSCE Review Conference, held in Warsaw from 30 September to 8 October 2010, included an exchange of views on the question of the abolition of capital punishment. In its statement, the European Union pointed to Article 2 of the EU Charter of Fundamental Rights, which states that no one shall be condemned to the death

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<sup>41</sup> Ibid.

<sup>42</sup> “The Death Penalty in the OSCE Area: Background Paper 2010,” Office for Democratic Institutions and Human Rights, <http://www.osce.org/odihr/71484>

penalty or executed. All European Union Member States are fully committed to these provisions, the EU delegate pointed out, and also implement them in practice.<sup>43</sup>

The U.S. delegation reported that capital punishment is used in the United States only as a measure of last resort and is reserved for particularly heinous crimes, and administered only after due process has been followed.<sup>44</sup> Further, the United States Mission pointed out that capital punishment is not prohibited under any international law, and does not violate any OSCE commitments. “The International Covenant on Civil and Political Rights recognizes its legitimacy,” said the U.S. ambassador, “and our Constitution has vested individual states with the authority to take decisions on this matter.”

## Human Trafficking

### I. Oslo Declaration

The Resolution on Stepping Up the Struggle Against Human Trafficking for Purposes of Sexual Exploitation in OSCE Countries calls on OSCE participating States “to step up their efforts in the struggle against this scourge, defined by the United Nations as 21<sup>st</sup> century slavery.” It encourages the active engagement of OSCE in order to ensure “full and effective application of the instruments for effectively combating trafficking in human beings,” recommending several specific measures that can be taken to improve the legal frameworks of participating States.

In the Resolution on Combating Demand for Human Trafficking and Electronic Forms of Exploitation the OSCE Parliamentary Assembly presented a number of recommendations intended to improve co-operation and communication in the fight against trafficking in human beings. Parliamentarians encouraged the OSCE and participating States to take immediate steps to promote the aggressive prosecution of purchasers of human trafficking victims.<sup>45</sup>

### II. OSCE Initiatives

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

On 29 October 2010, Maria Grazia Giammarinaro, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, engaged in the (co-)elaboration and the (co-)deliver of targeted oriented training courses for professional working in the anti-trafficking field, especially law-enforcement personnel, to raise their skills in the their anti-trafficking efforts. This was done, in the majority of cases, in close co-operation with the OSCE field operations.<sup>46</sup> In addition, in 2010 the Special Representative commissioned research to produce a two-part background paper on codes of conduct. The first part looks at the implementation and

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<sup>43</sup> European Union Statement, OSCE Review Conference, Warsaw, 5 October 2010, RC.DEL/72/10

<sup>44</sup> United States Mission to the OSCE, OSCE 2010 Review Conference Session 5: Rule of Law II, 5 October 2010, RC.DEL/104/10

<sup>45</sup> OSCE Parliamentary Assembly, “Oslo Declaration of the Parliamentary Assembly and Resolutions Adopted at the Nineteenth Annual Session,” Oslo. 6 July to 10 July 2010, 80-81

<sup>46</sup> Communication from OSCE Secretary General, 7 February 2011

enforcement of codes of conduct in the private sector to reduce demand for the services of or goods produced by people who have been trafficked. The second part focuses on the implementation and enforcement of codes of conduct, zero-tolerance policies and other policies that address the demand for exploitative labour and commercial sex in military and international organizations. The research will be published in 2011.<sup>47</sup>

The Special Co-ordinator, in co-operation with the ODIHR and relevant OSCE field operations, held a Regional Meeting of National Anti-Trafficking Co-ordinators in Vienna. The meeting brought together representatives of 14 OSCE participating States from Southeastern Europe, the South Caucasus, and a few other countries with experience in the fight against trafficking. The meeting provided an opportunity to have an open and fruitful exchange of experiences and practices and to establish contacts and network with each other.

The Special Representative took part on the UN General Assembly on the occasion of the High-Level meeting to formally launch the United Nations Global Plan of Action against Trafficking in Persons. She called for UN Member States “to redouble their efforts and resources to effectively and fully implement the UN Anti-trafficking Protocol and other international instruments to combat this crime.”<sup>48</sup> During the fourth Meeting of the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (Strasbourg, 13 September 2010), the SR placed strong emphasis on the importance of partnership among public institutions, non-governmental organizations, and international organizations to enhance the fight against trafficking in human beings.<sup>49</sup>

#### *OSCE Parliamentary Assembly*

The OSCE PA’s Fall Meetings in Palermo included discussions on human trafficking. Participants stressed the need for increased political commitment of participating States and the adoption of a common approach that co-ordinates concrete actions for the protection of victims and the prosecution of traffickers. Addressing the meetings, the PA’s Special Representative on Human Trafficking Issues, United States Congressman Chris Smith focused on the importance of the Palermo Convention’s Protocol on Trafficking in Persons. In the past decade, he said, progress has been made in combating human trafficking, notably in the area of victim identification. Mr. Smith also emphasized the problem concerning the misuse of the internet for trafficking purposes and child pornography – an area in which participating States must develop appropriate measures to ensure that “freedom of speech does not turn into freedom to exploit and abuse”.

#### *OSCE Strategic Police Matters Unit*

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<sup>47</sup> Ibid.

<sup>48</sup> OSCE Press Release: “OSCE Special Representative, in address to UN General Assembly, says human rights of victims must be a priority in fight against trafficking,” 31 August 2010, <http://www.osce.org/cthb/72195>

<sup>49</sup> OSCE Press Release: “OSCE Special Representative calls for enhanced partnership among international organizations and civil society to better tackle human trafficking,” 13 September 2010, <http://www.osce.org/cthb/72265>

The OSCE Strategic Police Matters Unit (SPMU) has organized regular discussions among experts from police, judicial authorities and civil society on how better to combat the use of the internet for sexual exploitation of children. In all these activities a salient conclusion was that the police, prosecutors and judges need more training in relation to the obtaining, handling and use in court of electronic evidence. Among the staff of the SPMU an expert on investigation of trafficking in human beings is also tasked with the implementation of mandates related to child sexual exploitation.<sup>50</sup> In 2011 the SPMU plans to implement a project devoted to combating sexual exploitation of children on the internet. The first activity is an online workshop on “new challenges in investigation and prosecution of sexual abuse of children on the internet” (February-March 2011). It will be followed by a training session for law enforcement and prosecutors in Vilnius (June 2011).<sup>51</sup>

The SPMU held a workshop dedicated to anti-trafficking issues on 19 November in Vienna. The conclusions from this event are to be included to the “Guidebook on Identification of Potential and Presumed Victims of Trafficking in Human Beings for Community Policing Practitioners,” which is being prepared by the SPMU in 2011.<sup>52</sup> Also, the SPMU continued enhancing the portal on countering sexual exploitation of children on the Internet, including new links and events. It further develops this thematic portal on the POLIS (Policing OnLine Information System) through the organization of online discussion forums and conferences on the topic.

### *OSCE Field Activities*

OSCE field missions are particularly active in working to combat trafficking in human beings. Work includes enhancing awareness of the issue, improving co-ordination of measures against trafficking on a national level, and enhancing co-operation in the field of police and judicial operations.

OSCE-supported human trafficking awareness courses to strengthen law enforcement capacities have been held in a number of participating States, including Uzbekistan and Kazakhstan in the past year. In addition, OSCE Field Missions, working closely with the national Inter-Agency Committees on Trafficking in Human Beings and various local and international NGOs, supported development of National Action Plans to Combat Human Trafficking in OSCE Participating States, such as Armenia, Tajikistan, and Ukraine.

A national forum on the implementation of the Armenian national referral procedure of trafficked victims, organized by the Anti-Trafficking Support and Resource Unit (funded by the Governments of Sweden, France, Germany, and the United States) and the OSCE Office in Yerevan took place in December. Participants discussed ways of improving inter-agency co-operation and existing challenges in combating trafficking, addressing in particular labour migration and forced labour.<sup>53</sup>

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<sup>50</sup> Communication from OSCE Secretary General, 7 February 2011

<sup>51</sup> Ibid.

<sup>52</sup> OSCE Press Release: “Methods to identify trafficking victims focus of OSCE-organized expert discussion in Vienna,” 19 November 2010

<sup>53</sup> OSCE Press Release: “OSCE supports preventing human trafficking, assisting victims in Armenia,” 14 December 2010.

The OSCE Project Co-ordinator in Ukraine held seminars dedicated to the issues of child labour, with a particular focus on how social workers can help protect labour migrants' children from trafficking. The event became a part of a project to strengthen local authorities' capacity so that they can provide adequate assistance to victims of trafficking and their families.<sup>54</sup> In November, officials from Ukrainian law enforcement agencies started an OSCE-supported study in Germany on sharing knowledge of how to develop strategies and measures to minimize the risk of trafficking during the 2012 UEFA European Football Championship Finals. The study was organized by the OSCE Strategic Police Matters Unit together with the German Foreign and Interior Ministries.<sup>55</sup>

The OSCE Mission in Tajikistan prepared the curriculum on Human Trafficking Crimes Investigation course for the Police Academy. Four Academy instructors, who completed the training-of-trainers, teaching methodology and course development process taught segments of the course to Police Academy cadets. Their teaching was observed by an OSCE expert who provided immediate feedback to ensure application of interactive methodologies and to make any final adjustments to the course material that might emerge in a test run with students.

A High-Level Dialogue on Human Trafficking was held in Tajikistan in August. It brought together state authorities, representatives of civil society, international organizations and diplomatic missions to discuss the results of the Government's Action Plan to Combat Trafficking in Persons. The dialogue continues on a quarterly basis.<sup>56</sup>

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<sup>54</sup> OSCE Press Release: "OSCE Project Co-ordinator supports seminar to prevent trafficking of labour migrants' children," 14 October 2010

<sup>55</sup> OSCE Press Release: "OSCE Project Co-ordinator helps Ukraine combat human trafficking during sports events," 16 November 2010, <http://www.osce.org/ukraine/74148>

<sup>56</sup> OSCE Office in Tajikistan, Activity Report: 01 – 31 August 2010, SEC.FR/488/10, 13 September 2010