



General Committee on Democracy, Human Rights and Humanitarian Questions

Follow-Up on Recommendations in the OSCE PA's Monaco Declaration

Final Report for the 2013 Annual Session

*Prepared by the OSCE PA International Secretariat for
the Vice-Chair of the Committee, Ms. Isabel Santos*



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Background

The Parliament of the Principality of Monaco hosted the 21st Annual Session of the OSCE Parliamentary Assembly from 5 to 9 July 2012 under the theme *The OSCE: Region of Change*. It concluded on 9 July with the adoption of the Monaco Declaration, a political document recommending plans of action for governments, parliaments and the OSCE, to address human rights, military transparency and the global economic crisis.

This Final Report was prepared by the OSCE PA International Secretariat for the Vice-Chair of the General Committee on Democracy, Human Rights and Humanitarian Questions, Isabel Santos (MP, Portugal). It considers actions taken in the human dimension over the last year by the OSCE, including Institutions and field presences, and other members of the international community, in relation to the OSCE PA's recommendations in the Monaco Declaration.

Human Dimension Reform and Civil Society Participation

I. OSCE PA Recommendations

The Monaco Declaration's recommendation regarding organizational reform "repeats its request to the Permanent Council to organize special meetings with regard to the violation of OSCE commitments in the Human Dimension, to conduct these meetings in a way that is open to the public, the media and the civil society representatives, and to undertake in this way the continuous monitoring of the condition of human rights and democracy in the OSCE region".

Moreover, the OSCE PA "calls on the OSCE to establish, under the aegis of the Chairmanship or other OSCE institutions, including the OSCE PA, a civil society advisory board, comprised of representatives of leading NGOs working on OSCE issues".

II. OSCE Initiatives

Review of Human Dimension Events – Chairmanship

The Irish Chair's Perception Paper on the Review of Human Dimension Events, circulated on 3 August 2012, contained the following elements:

1. Human Dimension Implementation Meeting

According to the Perception Paper, the HDIM could benefit from being reduced to seven and a half days. A standing agenda would be based on the existing provision contained in PC Decision 476 with some minor amendments. Each of the four fundamental freedoms would have a specialized working session. Two issues were renamed: "Promotion of Gender Equality" and "Combating Trafficking in Human Beings". The session on Human Dimension activities was revised to focus more on the role of civil society. Some working session at HDIM could be moderated discussion among a panel of no more than four experts. The Chairmanship would prepare a perception paper which would be circulated in advance to summarize the main findings and recommendation of HDIM and identify the key issues and topics.

2. NGO Participation

The Chair's proposals included that the OSCE/ODIHR make available venues and facilities for civil society meetings in the two and a half days immediately prior to the start of the HDIM and the meetings be organized by civil society organizations themselves. The participating States and NGOs would be invited to indicate at which session they want to speak, in order of preference. The Chair also encouraged greater use of new technologies.

3. Human Dimension Seminar and Supplementary Human Dimension Meetings

The Chair suggested eliminating the Human Dimension Seminar but retaining three SHDMs, which would take place in March, July and September. One would take place in Warsaw while the remaining SHDMs could be located either in Vienna or elsewhere. The selection of

topics for the SHDMs remains a prerogative of the CiO, but some flexibility would be allowed with regards to the location and length of SHDMs, providing for SHDMs of between one and a half and three days duration”.

On 12 September 2012, the Chair's proposals were discussed and two meetings were held in October.

The participating States agreed to expand the HDIM to eight days by splitting the Tolerance and Non-Discrimination (TND) item into two working sessions, reflecting the reality that the current TND session is by far the most oversubscribed in HDIM. The Working Sessions were slightly reordered to achieve a more cohesive flow of work and the opening Plenary Session was adjusted to allow for an open debate. In addition, the number of SHDMs was reduced from three to two, with a maximum duration of two and a half days. Further, the Chairperson-in-Office was formally obliged to consult with the participating States for the selection of the topics for the SHDMs.

On 14 December, the Chairmanship issued a Perception Paper on Priority Issues in the Human Dimension, with particular attention on the following thematic areas: Freedom of expression, including freedom of the media and Internet freedom, freedom of assembly and freedom of association, Human Rights Defenders, Tolerance and Non-Discrimination, Roma and Sinti, LGBT Persons, Elections and Rule of Law.

On 29 January 2013, Ambassador Prokopchuk presented the human dimension priorities of the Ukrainian Chairmanship to the Human Dimension Committee. He said the Chairmanship supports constructive engagement of civil society in achieving the goals and objectives of the OSCE, as well as dialogue among NGOs, OSCE institutions and the participating States, in accordance with 1992 Helsinki Document. The Chairmanship has put forth a package of events for the Human Dimension and it has planned to organize three supplementary Human Dimension meetings in 2013.¹²

Civil Society

During the OSCE PA's Annual Session in Monaco, the Civic Solidarity Platform submitted proposals regarding OSCE reform. The document presents recommendations on institutional

¹ OSCE, “Report on the meeting of the Human Dimension Committee”, 29 January 2013, PC.DEL/91/13, 13 February 2013.

² Main events in 2013: 29 January: Review of the Human Dimension Committee in 2012, Human Dimension in: Presentation of human dimension; 11 February: OSCE's cross-dimensional security- Protection of human rights in addressing security issues; 5 March: Freedom of the media, Presentation by Dunja Mijatovic, Representative on Freedom of the Media; 15 April: Special event devoted to the launching of publication “Rebuilding Lives: Regional Solution to Displacement in the Western Balkans”; 16 April: Combating trafficking in human beings - OSCE SR Maria Grazia Giammarinaro; 8 May: National human rights institutions; 29 May: Gender Equality- June Zeitlin, Special Representative of the OSCE Chairperson-in-Office on Gender Issues; 4 June: Protection of the rights of persons belonging to national minorities – HCNM Knut Vollebaek; 21 June: Social, economic and cultural rights; 9 July: Freedom of association and peaceful assembly; 11-12 July, 2nd SHDM on Rule of Law in the Promotion and Protection of Human Rights, Vienna; 3 September: Democratic elections and election observation; 23 Sep – 4 Oct: Human Dimension Implementation Meeting, Warsaw; 8 October: Combating intolerance and discrimination; 22 October: Freedom of movement; 5 November: Freedom of religion or belief; 7-8 Nov: 3rd Supplementary Human Dimension Meeting (SHDM) on Implementation of the Action Plan on Improving the Situation of Roma and Sinti, Vienna; 19 November: Addressing displacement in the OSCE region; 17 December: Empowerment of youth.

changes, prevention and response to emergency human rights situations and violent conflicts, OSCE interaction with other international organizations and OSCE engagement with civil society.

On 26 September 2012, the NGO coalition distributed a Discussion Paper on the Irish OSCE Chairmanship's Proposals for Review of Human Dimension Events.

The Civic Solidarity Platform organized the 2012 OSCE Parallel Civil Society Conference on the margins of the Dublin Ministerial Council meeting on 5 December 2012. It developed a set of documents with civil society recommendations. According to the coalition, the main directions of reform of the OSCE's human dimension activities should include:

1. Establishment of a regular annual cycle of human dimension events which should be more focused on the monitoring of implementation of commitments by participating States and a process of follow-up to discussions at human dimension events aimed at the elaborating practical, forward-looking recommendations and plans of actions addressing the identified problems.
2. "Emergency and crisis response": Develop a set of mechanisms and tools ensuring the OSCE's ability to effectively respond to emergency and crisis situations in the human dimension or prevent such situations from developing.
3. Strengthening the role of autonomous OSCE institutions, including ODIHR, the High Commissioner for National Minorities, the Representative on Freedom of the Media, the Special Representative on Human Trafficking, and the OSCE Parliamentary Assembly, and increasing the role of independent experts in both the human dimension meetings and the development of human dimension standards and guidelines.
4. Enhancing the role of civil society in all activities in the human dimension and in interaction with the full range of OSCE institutions.

Regarding the OSCE Parliamentary Assembly, the Civic Solidarity Platform (a coalition of NGOs) recommend that the Assembly should officially establish NGO engagement in its activities, moving from *de facto* NGO participation as observers at its plenary sessions and meetings of its committees, (as members of the public) and participation in side events to including NGOs as a separate, registered category and including NGO participation in its Rules of Procedure. Moreover, it asks for the establishment of a process of preparing its draft resolutions with input from civil society.³

OSCE PA

Addressing the OSCE Office for Democratic Institution and Human Rights' annual Human Dimension Implementation Meeting on 24 September 2012, President Riccardo Migliori called for a renewed focus on human rights in the organization. In order to prioritize the human dimension of the organization, Migliori urged formalizing the role of civil society

³ The Civic Solidarity Platform, "Civil society recommendations to the participants of the OSCE Ministerial Council meeting in Dublin, 6-7 December 2012".

within the OSCE, as called for in the OSCE PA's Monaco Declaration, by establishing an advisory board comprised of representatives from leading NGOs working on OSCE issues.⁴

Freedom of the Media

I. OSCE PA Recommendations

In the Monaco Declaration, the OSCE PA “strongly encourages the participating States to support the OSCE Representative on Freedom of the Media in efforts to strengthen and implement relevant OSCE principles and commitments”.

II. OSCE Initiatives

OSCE Representative on Freedom of the Media visits and events

Since the publication of the Third Committee Interim Report on the OSCE PA's Monaco Declaration, OSCE Representative on Freedom of the Media Dunja Mijatovic has continued a high level of activity, including participating in the OSCE PA's 12th Winter Meeting in Vienna. As she explained in an address to the Third Committee at the Winter Meeting,⁵ her Office does not actively seek geographical balance in its criticisms of violations of freedom of expression in the OSCE's participating States, but rather, strives to address the situation in the same way in all participating States, allocating the necessary resources to such States as required special attention.⁶

Mijatović called on all authorities in the OSCE region to refrain from using their regulatory and administrative leverage over providers to restrict access to information, and to introduce legislative guarantees to avoid similar blockages in the future.⁷

The OSCE Representative on Freedom of the Media called for an open and inclusive discussion on the challenges of Internet freedom as she opened the Internet 2013 conference in Vienna. The conference, “Internet 2013: Shaping policies to advance media freedom”, gathered more than 250 key policymakers and experts from throughout the OSCE region. During the two-day event the participants discussed a wide range of subjects regarding freedom of expression online, including blocking and filtering practices, copyright online, new media services and liability for comments on news sites.⁸

Mijatović has repeatedly expressed concern over recent developments that could further curb media freedom and threaten the safety of journalists in Turkey. She offered her Office's

⁴ OSCE PA, “Press Release - Migliori calls for renewed focus on human rights in the OSCE”, <http://www.oscepa.org/parliamentary-diplomacy/presidential-visits/1075-migliori-calls-for-renewed-focus-on-human-rights-in-the-osce>, (accessed on 10 January 2013).

⁵ Video of the Winter Meeting is available here: <http://www.oscepa.org/meetings/winter-meetings/1208-2013-winter-meeting-streaming-videos>

⁶ OSCE, “Report on the meeting of the Human Dimension Committee”, 5 March 2013, PC.DEL/203/13, 12 April 2013.

⁷ OSCE, “Press release - OSCE media freedom representative welcomes restored access to fergananews.com in Kyrgyzstan”, <http://www.osce.org/fom/100670>, (accessed on 17 May 2013).

⁸ OSCE, “Press release - OSCE media freedom representative calls for inclusive dialogue at Internet freedom conference in Vienna”, <http://www.osce.org/fom/99582>, (accessed on 17 May 2013).

continued assistance to the authorities for media law reforms,⁹ and urged the authorities to reform the anti-terrorism law.¹⁰ Mijatović said that any amendments should meet international standards and result in better protection of journalists.¹¹

Mijatović expressed concern over the excessive use of force against journalists in Baku in January during a protest. A training course was organized by her Office, and financed by the Government and held jointly with the Press Council of Azerbaijan, for police officers and journalists last November.¹² In May, Mijatović expressed deep concern about proposed amendments to the Criminal Code of Azerbaijan which would keep defamation as a criminal offence and extend its reach to online media.¹³ Moreover, she also expressed concern about the increasingly hostile situation for the media in Azerbaijan following moves to extend the criminalization of defamation to the Internet. She called on the authorities to release Zeynalli and other jailed journalists. Mijatović also noted the intimidation of a Radio Free Europe journalist, Khadija Ismayilova, and disproportional damage awards for defamation against the newspaper Azadliq.¹⁴

An agreement to establish an agency to regulate print media in the UK, established by royal charter, could force newspapers to issue apologies and impose fines, according to a statement by Mijatović on a defamation bill by the British Parliament.¹⁵ Moreover, she hailed the adoption of a defamation law by the British Parliament that would make it harder for lawsuits to be pursued against media.¹⁶

Mijatović, in a letter to the Georgian Foreign Minister, Maia Panjikidze, presented in March a legal review of amendments to the Georgian broadcasting law, emphasizing the need to ensure the full functioning of the public broadcaster during the transition period.¹⁷

In April, Mijatović voiced her concern about unannounced inspections of media NGOs in Russia. She called on the authorities to end these exceptional measures, and allow the NGOs to continue their essential work for the benefit of the media and the whole society.¹⁸

⁹ OSCE, "Press release - OSCE media freedom representative urges Turkish authorities to denounce threats to journalists, <http://www.osce.org/fom/98425>, (accessed on 17 May 2013).

¹⁰ OSCE, "Press release - OSCE media freedom representative concerned about continued arrests of journalists in Turkey, <http://www.osce.org/fom/98894>, (accessed on 17 May 2013).

¹¹ OSCE, "Press release - OSCE media freedom representative welcomes Turkish Government's reform pledge, stresses need to better protect journalists, <http://www.osce.org/fom/99177>, (accessed on 17 May 2013).

¹² OSCE, "Press release - OSCE media freedom representative criticizes police violence against journalists in Azerbaijan, offers assistance in prevention, <http://www.osce.org/fom/98747>, (accessed on 17 May 2013).

¹³ OSCE, "Press release - OSCE media freedom representative says Azerbaijan falls short on promise to decriminalize defamation, <http://www.osce.org/fom/101227>, (accessed on 17 May 2013).

¹⁴ OSCE, "Press release - OSCE media freedom representative concerned about increasing pressure on media in Azerbaijan following online defamation provisions, <http://www.osce.org/fom/101513>, (accessed on 17 May 2013).

¹⁵ OSCE, "Press release - New UK press regulator could pose a threat to freedom of expression, says OSCE media freedom representative, <http://www.osce.org/fom/100207>, (accessed on 17 May 2013).

¹⁶ OSCE, "Press release - OSCE media freedom representative lauds passage of defamation bill by British Parliament, <http://www.osce.org/fom/101063>, (accessed on 17 May 2013).

¹⁷ OSCE, "Press release - OSCE media freedom representative presents legal review of Georgian broadcasting law amendments, <http://www.osce.org/fom/100312>, (accessed on 17 May 2013).

¹⁸ OSCE, "Press release - Inspections of Russian media NGOs could affect media freedom, says OSCE representative, <http://www.osce.org/fom/100569>, (accessed on 17 May 2013).

On the 14th anniversary of the murder of prominent Serbian journalist Slavko Ćuruvija, Mijatović urged Serbian authorities to honour the pledge they made to investigate this and other killings of journalists.¹⁹

Mijatović, expressed concern about threats against journalists Predrag Lucić and Nebojša Vukanović in Bosnia and Herzegovina. She called on the authorities to condemn such threats and ensure journalists' safety.²⁰

The OSCE Representative on Freedom of the Media presented a legal review of Tajikistan's new law "On periodical print and other mass media" to the parliamentary working group that initiated the legislation. The new media law entered into force in Tajikistan in March.²¹

She also expressed concern over members of the Slovak judiciary seeking high damage awards in lawsuits against the media.²²

Mijatović expressed concern over a recent decision of the Constitutional Court that prevents the decriminalization of speech offenses in Romania and called for a Constitutional amendment to ban criminal defamation. The 29 April ruling of the Constitutional Court overturned a High Court of Cassation and Justice ruling that effectively decriminalized insult and libel.²³

On World Press Freedom Day, 3 May 2013, Mijatović called upon all 57 OSCE participating States to take real action to ensure journalists' safety. Mijatović pointed to OSCE commitments on free expression and free media and said that a joint effort is required to stop the rising number of imprisonments, detentions, beatings and murders of members of the media.²⁴

Mijatović said on 14 May she was distressed over revelations that in 2012 the United States Department of Justice secretly seized two months of office, home and cell phone records from up to 20 phone lines assigned to Associated Press reporters. Mijatović wrote a letter to U.S. Secretary of State John Kerry, calling for an investigation.²⁵ In a letter to the U.S. Helsinki Commission on 28 May, she reiterated her call for a shield law to protect journalists and their sources in light of recent disclosures of state surveillance of journalists' conversations. "Current developments, including the disclosures in the Associated Press and James Rosen (Fox) affairs, show the law is needed now more than ever," she said.²⁶

¹⁹ OSCE, "Press release - On 14th anniversary of Serbian journalist's killing, OSCE media freedom representative calls for end to impunity, <http://www.osce.org/fom/100637>, (accessed on 17 May 2013).

²⁰ OSCE, "Press release - OSCE media freedom representative concerned by threats against journalists in Bosnia and Herzegovina, <http://www.osce.org/fom/100777>, (accessed on 17 May 2013).

²¹ OSCE, "Press release - OSCE media freedom representative presents review of new media law in Tajikistan, <http://www.osce.org/fom/100853>, (accessed on 17 May 2013).

²² OSCE, "Press release - OSCE media freedom representative concerned about Slovak judiciary seeking high damage awards in defamation cases, <http://www.osce.org/fom/101240>, (accessed on 17 May 2013).

²³ OSCE, "Press release - OSCE media freedom representative urges Romanian authorities to finalize decriminalization of libel, <http://www.osce.org/fom/101287>, (accessed on 17 May 2013).

²⁴ OSCE, "Press release - OSCE media freedom representative calls on governments for immediate action to ensure journalists' safety, <http://www.osce.org/fom/101260>, (accessed on 17 May 2013).

²⁵ OSCE, "Press release - OSCE media freedom representative distressed about U.S. Justice Department seizure of reporters' phone records", <http://www.osce.org/fom/101453>, (accessed on 17 May 2013).

²⁶ OSCE, "Press release - OSCE media freedom representative calls for U.S. national shield law", <http://www.osce.org/fom/102051>, (accessed on 28 May 2013).

Mijatović also raised concern over parts of Denmark's new public information law that would restrict the public's access to information in the legislative process. In early May, she asked the members of the Danish Parliament to reconsider and to reject the two sections in the bill.²⁷

Italian journalists Andrea Marcenaro, Giorgio Mulé and Riccardo Arena were sentenced to prison by the Court of Milan in May on defamation charges after they published an article in the Italian weekly *Panorama* in 2010 about Palermo magistrate Francesco Messineo. Mijatović said she will continue to work closely with the authorities to promote decriminalization of defamation. She urged all other OSCE participating States with criminal libel laws to repeal them.²⁸

For the first time in three years, Mijatović visited Minsk to intensify dialogue and co-operation with her office. She appealed to the authorities to immediately end the practice of short-term detention of journalists and social media activists covering public events, and also said that the media legislation framework needs to be urgently liberalized and modernized. Mijatović noted the positive developments in the criminal prosecution cases of Andrzej Poczobut and Anton Syriapin and reiterated her demand that remaining criminal charges against Belarusian journalists be dropped. The Representative insisted on the urgent need to also engage civil society in the reforms.²⁹

Regular Report of the OSCE Representative on Freedom of the Media to the Permanent Council

On 29 November 2012, the OSCE Representative on Freedom of the Media presented her Regular Report to the Permanent Council. She said that despite her call two years ago for participating States to eliminate violence against media and impunity for those who attack journalists, there has been little progress in this regard. She added that in the last two years, criminal defamation charges have been filed against approximately 40 journalists. While an additional four States have decriminalized defamation, it still remains a threat to free journalism across the region, both east and west of Vienna.

Mijatović called on participating States to stop legislating Internet content and to ensure its survival as a forum for free expression. On a positive note, she said that she is encouraged by the number of participating States that have shown a willingness to engage in training and conference opportunities to raise the level of knowledge in media-related areas. She mentioned specifically the training in Moldova for journalists from that country along with Ukraine and Belarus.³⁰

Report of the OSCE Representative on Freedom of the Media to the Human Dimension Committee

²⁷ OSCE, "Press release - OSCE media freedom representative concerned about proposed public information law in Denmark", <http://www.osce.org/fom/101841>, (accessed on 28 May 2013).

²⁸ OSCE, "Press release - OSCE media freedom representative concerned over prison sentences for defamation in Italy, reiterates her call to decriminalize libel", <http://www.osce.org/fom/101969>, (accessed on 28 May 2013).

²⁹ OSCE, "Press release - OSCE representative welcomes enhanced media freedom dialogue with Belarus, urges improvements", <http://www.osce.org/fom/102341>, (accessed on 10 June 2013).

³⁰ OSCE, "Press release - OSCE Representative on Freedom of the Media, Regular Report to the Permanent Council", 29 November 2012, <http://www.osce.org/pc/97651>, (accessed on 17 May 2013).

Mijatović presented on 5 March an overview of her Office's activities and priorities in the pursuit of free media and free expression to the Human Dimension Committee. She expressed satisfaction with the outcomes of the recently organized conference "Internet 2013 – Shaping policies to advance media freedom," and stressed the issue of the protection of journalists. While recognizing the work of several governments in taking the lead and proactively addressing the problem in order to create safer conditions for the profession of journalism, she emphasized that many more countries could increase their efforts to ensure the prosecution of crimes against journalists. It was only without governmental interference and in a competitive environment that journalism could fulfil its function as a self-regulating public watchdog.³¹

OSCE PA

The fundamental principles of press freedom should be respected and reinforced in the entire OSCE region, OSCE Parliamentary Assembly President Wolfgang Grossruck said on the 20th anniversary of World Press Freedom Day. He underlined the valuable work of the OSCE Representative on Freedom of the Media in this field. "The Parliamentary Assembly is also concerned about Internet censorship," Grossruck said. "The emergence of new technologies and media should lead to greater freedom of expression and a more diverse free press, and it is unfortunate that some governments see these new technologies as new avenues for bullying independent voices." Grossruck further called on participating States to ensure that they take steps to implement their common commitments to press freedom.³²

Speaking at the OSCE Human Dimension Seminar in Warsaw on 13 May, OSCE PA Third Committee Vice-Chair Isabel Santos (MP, Portugal) called media freedom the background for the other commitments related to rights of expression, assembly, and fair elections. Referring to the OSCE's founding document, the 1975 Helsinki Final Act, Santos said, "The agreements made going on 40 years now must be upheld whether we are using a transistor radio or an iPhone. The platform was never the issue when debating media freedom – it was always the practice."³³ While in Warsaw, Santos met with Natalia Radina, editor of Charter 97 (Belarus), and RFE/Radio Liberty's Joanna Levison, to discuss potential approaches to the human rights situation in Belarus. She also met on the margins of the meeting with ODIHR Director Janez Lenarcic and had a full round of briefings at ODIHR headquarters.

Political Prisoners

I. OSCE PA Recommendations

The OSCE PA "emphasizes that there should not be any political prisoners in the OSCE area" and "urges participating States to ensure that the conditions in their detention centers

³¹ OSCE, "Report on the meeting of the Human Dimension Committee", 5 March 2013, PC.DEL/203/13, 12 April 2013.

³² OSCE PA, "Press Release - Grossruck calls for respect of press freedom online and off", 3 May 2013, <http://www.oscepa.org/news-a-media/press-releases/1259-grossruck-calls-for-respect-of-press-freedom-online-and-off>, (accessed on 17 May 2013)-

³³ OSCE PA, "News from Copenhagen - Santos calls for governmental action to protect media freedom", 15 May 2013 N. 477.

are in conformity with United Nations standards and to allow visits of international prison monitoring missions” in Chapter III of the Monaco Declaration.

II. International Initiatives

Definition

A definition of “political prisoner” has not been outlined by the OSCE and remains a matter of debate. The Parliamentary Assembly of the Council of Europe (PACE) however has endorsed a definition put forward by Rapporteur Christoph Strasser. On 3 October 2012, PACE adopted a resolution outlining the following definition of political prisoner:

“A person deprived of his or her personal liberty is to be regarded as a ‘political prisoner’:

- a. if the detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights and its Protocols (ECHR), in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association;
- b. if the detention has been imposed for purely political reasons without connection to any offence;
- c. if, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of;
- d. if, for political motives, he or she is detained in a discriminatory manner as compared to other persons; or,
- e. if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities.”³⁴

A plank in the OSCE PA's Committee on Democracy, Human Rights and Humanitarian Questions draft resolution to be debated in Istanbul welcomes the PACE resolution confirming the definition of political prisoners.³⁵

Political prisoners in Belarus

On 27 September 2012, the OSCE PA issued a press release applauding the release of political prisoner Siarhei Kavalenka of the Conservative Christian Party Belarusian Popular Front. Representatives of the Holy See in Belarus were granted permission to visit several political prisoners in September. This was the first visit of diplomatic corps in Belarus to prisoners since the December 2010 crackdown and subsequent arrests. Previous requests to visit political prisoners made by the OSCE PA and the diplomatic community in Belarus had been denied.³⁶ Frequent administrative detentions remain a common practice in the country, affecting media, bloggers, civil society, political movements and activists.

³⁴ PACE, “Report The definition of political prisoner”, 5 September 2012, <http://www.assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=18995&Language=EN#footnote-1630045>, (accessed on 10 January 2013).

³⁵ OSCE PA, Draft Resolution For The General Committee On Democracy, Human Rights And Humanitarian Questions, Istanbul, as of 30 May 2013.

³⁶ OSCE PA, “Press release - OSCE PA welcomes release of political prisoner, concerned about the fate of others still behind bars”, <http://www.oscepa.org/news-a-media/press-releases/1084-osce-pa-welcomes-release-of-political-prisoner-concerned-about-the-fate-of-others-still-behind-bars>, (accessed on 10 January 2013).

*Case of Yulia Tymoshenko*³⁷

On 30 October 2012, OSCE PA Vice-President Walburga Habsburg Douglas (MP, Sweden) and OSCE PA human rights committee chair Matteo Mecacci (MP, Italy) were denied access to a previously approved meeting with former Ukrainian Prime Minister Yulia Tymoshenko at a hospital in Kharkiv. Habsburg Douglas had intended to hand-deliver a copy of the preliminary statement from the international election observation mission and to discuss issues related to the parliamentary elections in Ukraine.³⁸ Since the elections, several European delegations, including diplomatic corps in Kyiv, have visited Tymoshenko in prison. The issue remains prominent in Ukraine-EU Association discussions.

Case of Yuriy Lutsenko

OSCE PA President Wolfgang Grossruck welcomed the decision by Ukrainian President Viktor Yanukovich to pardon jailed former Interior Minister Yuriy Lutsenko, former Environmental Protection Minister Heorhiy Filipchuk, and four others on 7 April.³⁹ This decision was well received in the European community, but concerns over Ukraine's democratic commitments, including rule of law and democratic elections, remain.

Optional Protocol to the Convention against Torture

I. OSCE PA Recommendations

The OSCE PA “calls on those participating States that have not already done so to ratify the Optional Protocol to the UN Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment”.

II. Background

As stated in the general principles of the Protocol, its objective “is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment”. It was adopted on 18 December 2002 at the 57th session of the General Assembly of the United Nations by resolution A/RES/57/199.⁴⁰

III. OSCE Participating States Initiatives

³⁷ Tymoshenko has not been officially recognized as a political prisoner by the OSCE.

³⁸ OSCE PA, “Press release - No food, no visitors -- OSCE PA again denied to visit Tymoshenko in Ukraine”, <http://www.oscepa.org/news-a-media/press-releases/1128-no-food-no-visitors-osce-pa-again-denied-to-visit-tymoshenko-in-ukraine>, (accessed on 10 January 2013).

³⁹ OSCE PA, “Press release - Grossruck welcomes the decision to pardon Lutsenko and others in Ukraine”, <http://www.oscepa.org/news-a-media/press-releases/1246-grossruck-welcomes-the-decision-to-pardon-lutsenko-and-others-in-ukraine>, (accessed on 16 May 2013).

⁴⁰ Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, <http://www2.ohchr.org/english/law/cat-one.htm>, (accessed on 17 May 2013).

On 4 December 2012, Austria ratified the Optional Protocol to the Convention against Torture and two days later, the National Council passed an amendment to the Criminal Code incorporating a provision on torture in Article 312a (effective as of 1 January 2013).⁴¹

Portugal ratified the Optional Protocol to the United Nations Convention against Torture on 15 January 2013 and it entered into force on 14 February 2013. Portugal is currently taking the necessary steps to nominate the Portuguese Ombudsman as the National Preventive Mechanism.⁴²

Italy ratified the Optional Protocol to the United Nations Convention against Torture on 3 April 2013.⁴³

List⁴⁴ of OSCE participating and partner States' statuses regarding the Optional Protocol:⁴⁵

Participant	Signature, Succession to signature (d)	Accession (a), Succession (d), Ratification
Albania		1 Oct 2003 a
Armenia		14 Sep 2006 a
Australia	19 May 2009	
Austria	25 Sep 2003	4 Dec 2012
Azerbaijan	15 Sep 2005	28 Jan 2009
Belgium	24 Oct 2005	
Bosnia and Herzegovina	7 Dec 2007	24 Oct 2008
Bulgaria	22 Sep 2010	1 Jun 2011
Croatia	23 Sep 2003	25 Apr 2005
Cyprus	26 Jul 2004	29 Apr 2009
Czech Republic	13 Sep 2004	10 Jul 2006
Denmark	26 Jun 2003	25 Jun 2004
Estonia	21 Sep 2004	18 Dec 2006
Finland	23 Sep 2003	
France	16 Sep 2005	11 Nov 2008
Georgia		9 Aug 2005 a
Germany	20 Sep 2006	4 Dec 2008
Greece	3 Mar 2011	
Hungary		12 Jan 2012 a
Iceland	24 Sep 2003	
Ireland	2 Oct 2007	
Italy	20 Aug 2003	3 April 2013
Kazakhstan	25 Sep 2007	22 Oct 2008
Kyrgyzstan		29 Dec 2008 a

⁴¹ United Nations Treaty Collection, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en, (accessed on 10 January 2013).

⁴² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, "Response of the Portuguese Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Portugal from 7 to 16 February 2012", 24 April 2013, <http://www.cpt.coe.int/documents/prt/2013-05-inf-eng.htm>, (accessed on 16 May 2013).

⁴³ United Nations Treaty Collection, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en, (accessed on 16 May 2013).

⁴⁴ Countries not appearing in this list have not signed, acceded to, and/or ratified the Protocol.

⁴⁵ United Nations Treaty Collection, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en, (accessed on 16 May 2013).

Liechtenstein	24 Jun 2005	3 Nov 2006
Luxembourg	13 Jan 2005	19 May 2010
Malta	24 Sep 2003	24 Sep 2003
Montenegro	23 Oct 2006 d	6 Mar 2009
Netherlands	3 Jun 2005	28 Sep 2010
Norway	24 Sep 2003	
Poland	5 Apr 2004	14 Sep 2005
Portugal	15 Feb 2006	15 Jan 2013
Republic of Moldova	16 Sep 2005	24 Jul 2006
Romania	24 Sep 2003	2 Jul 2009
Serbia	25 Sep 2003	26 Sep 2006
Slovenia		23 Jan 2007 a
Spain	13 Apr 2005	4 Apr 2006
Sweden	26 Jun 2003	14 Sep 2005
Switzerland	25 Jun 2004	24 Sep 2009
The former Yugoslav Republic of Macedonia	1 Sep 2006	13 Feb 2009
Tunisia		29 Jun 2011 a
Turkey	14 Sep 2005	27 Sep 2011
Ukraine	23 Sep 2005	19 Sep 2006
United Kingdom of Great Britain and Northern Ireland	26 Jun 2003	10 Dec 2003

Mandates for OSCE Field Operations

I. OSCE PA Recommendations

Regarding the OSCE field presences, the Monaco Declaration “urges the OSCE Ministerial Council to adopt full, effective and long-term, at least three-year, mandates for OSCE field missions that include monitoring and reporting activities in all spheres, including the areas of human rights and the Human Dimension”. The OSCE PA also “calls on the Permanent Council to re-open the OSCE field missions in Belarus and Georgia, whose mandates remain relevant today”.

II. OSCE Initiatives

All of the 15 OSCE field presences operational in 2012 have seen their mandates extended for another year.⁴⁶

As of May 2013, the OSCE field missions in Belarus and Georgia have not been re-opened, while OSCE field mission mandates in Azerbaijan and Kazakhstan are under threat, as host countries push for reducing the presences to the more technical model of the Project Co-ordinator Office (without a monitoring and reporting mandate). In his recent visit to Kazakhstan, OSCE PA President Grossruck expressed support for the full OSCE presence in Kazakhstan, including maintaining offices in Astana and Almaty.

⁴⁶ OSCE Permanent Council decisions: PC.DEC/1055, PC.DEC/1060, PC.DEC/1059, PC.DEC/1061, PC.DEC/1057, PC.DEC/1058, PC.DEC/1056.

Parliaments in Central Asia

I. OSCE PA Recommendations

The Monaco Declaration “calls for closer contacts with parliaments in Central Asia, in particular the multi-party parliament of Kyrgyzstan, including through greater and more consistent engagement with the OSCE field presence in both Bishkek and Osh”.

II. OSCE Initiatives

Since the publication of the Third Committee Interim Report on the OSCE PA's Monaco Declaration, several activities have been organized.

Contacts with the Parliament of Kyrgyzstan

In the framework of CiB's ongoing efforts to promote parliamentarianism in Kyrgyzstan, the CiB with its implementing partner Parliament of Political Parties organized a roundtable on improving education development. Members of Parliament, government officials, representatives of political parties and civil society, international organizations and mass media participated.⁴⁷

Representatives from the Parliament, the Government, Ministries, and various agencies were present at the interagency working group meetings on reform of the government press service in April in the CiB.⁴⁸

Four staff members from the OSCE Centre in Bishkek held three days of meetings in Copenhagen in April as part of a wider effort to build the capacity the Parliament of Kyrgyzstan. The OSCE PA's International Secretariat staff briefed the delegation in detail on the organizational modalities of the OSCE PA. The Kyrgyz delegation also met with staff of the Parliament of Denmark, who discussed the workings of the Parliament and practical aspects of supporting the work of OSCE PA's Danish Delegation. The delegation from Kyrgyzstan also held meetings with the Danish Institute for Human Rights.⁴⁹

Contacts with the Parliament of Tajikistan

The Office in Tajikistan supported the participation of the Chairperson of the International Relations Committee of Tajikistan's lower house of parliament, Olim Salimzoda in the OSCE PA Winter Meeting.⁵⁰

⁴⁷ OSCE Centre in Bishkek Activity Report No. 201 1-31 March 2013, SEC.FR/145/13, 9 April 2013.

⁴⁸ OSCE Centre in Bishkek Activity Report No. 202 1-30 April 2013, SEC.FR/190/13, 9 May 2013.

⁴⁹ OSCE PA, “News from Copenhagen - Delegation from the OSCE in Kyrgyzstan visits Copenhagen”, Number 474, 24 April 2013.

⁵⁰ OSCE Office in Tajikistan Activity Report 1-28 February 2013, SEC.FR/101/13/Rev.1, 8 March 2013.

A group of 11 women, politicians and parliamentarians, met with counterparts in Kyrgyzstan in April. The visit focused on ways to advance women as leaders, decision-makers and candidates, and was organized by the Office in Tajikistan and the OSCE Centre in Bishkek.⁵¹

The Office and the ODIHR brought together women and youth politicians from all political parties to engage with experts on how to expand participating in the democratic process on 22 - 24 April. The training by experts from Ukraine, Kazakhstan and Tajikistan included sessions on skills and strategies, and gender equality in political parties.⁵²

Contacts with the Parliament of Kazakhstan

From 30 January to 2 February, the OSCE Centre in Astana jointly with the Embassy of Norway organized a study trip to Oslo for parliamentarians and the head and members of the National Commission on Women's Affairs and Family Demographic Policy under the President of Kazakhstan. The visit was aimed at studying the Norwegian experience in strengthening parliamentarism and involvement of different factions in a law-making process, most notably in developing a legal basis for gender policy.⁵³

Contacts with the Parliament of Turkmenistan

The Centre in Ashgabat supported the participation of two members of the *Mejlis* in the OSCE PA Winter Meeting.⁵⁴

Contacts with the Parliament of Uzbekistan

The Parliament of Uzbekistan has not participated in OSCE PA activities and meetings for several years. Contacts remain limited.

⁵¹ OSCE Office in Tajikistan Activity Report 1-30 April 2013, SEC.FR/189/13, 8 May 2013.

⁵² OSCE Office in Tajikistan Activity Report 1-30 April 2013, SEC.FR/189/13, 8 May 2013.

⁵³ OSCE Centre in Astana, Activity Report 01/13, 1-31 January 2013, SEC.FR/43/13 12 October 2012.

⁵⁴ OSCE Centre in Ashgabat Activity Report 1-28 February 2013, SEC.FR/113/13/Rev.1, 15 March 2013.

Annex – Civil Society Recommendations on Reform of the OSCE Human Dimension Mechanisms

In addition to the main directions of reform of OSCE Human Dimension mechanisms presented in this report, please find below a summary of civil society proposals on reform of OSCE Human Dimension mechanisms, addressed to the participants of the OSCE Ministerial Council meeting in Dublin on 6-7 December 2012.⁵⁵

1) Main directions of reform of the OSCE's human dimension activities

The HD events should become more focused, more attractive, and more effective. A more logical annual cycle of human dimension events should be established, starting early in the year with HDIM and continuing with strong follow-up activities throughout the year. Activities throughout this annual cycle of human dimension events should focus on monitoring of implementation of commitments by participating States, adopting concrete recommendations, decisions and action plans. The role of independent OSCE institutions and independent experts should be strengthened. Civil society participation in human dimension events should be secured and civil society organizations' substantive input increased at all stages of the human dimension events cycle.

2) Changes in timing and order of the human dimension events

HDIM should be moved from autumn to spring, preferably as early as March. The Human Dimension Seminar should be abolished but three Supplementary HDMs should be retained. All three SHDMs should be held after HDIM and their topics should be chosen on the basis of issues raised at HDIM, taken each from one of the three pillars of the human dimension. A special assessment meeting at the end of each Chairmanship should also be held to assess progress made during the year in addressing the problems identified at HDIM.

3) Standing agenda of HDIM

A standing agenda for HDIM should be established, obviating the need for annual consensus decisions that hold back effective preparation for the meeting. The standing agenda should be based on the existing provision contained in PC Decision 476, with some minor amendments. Each of the fundamental freedoms should be allocated a dedicated working session. An agenda item explicitly focusing on "security of human rights defenders" should be added to the agenda. Items under the third pillar (Democratic Institutions and Rule of Law) should be moved up in the agenda so that they come immediately after fundamental freedoms.

⁵⁵ This summary covers a chapter on reform of OSCE Human Dimension mechanisms from civil society recommendations addressed to the participants of the OSCE Ministerial Council meeting in Dublin on 6-7 December 2012. These recommendations were adopted at OSCE Parallel Civil Society Conference, organised by the Civic Solidarity Platform on 5 December 2012. The document contains civil society analysis and recommendations on thematic priorities of the Irish OSCE Chairmanship (freedom of expression and racism and xenophobia), other alarming human dimension issues across the OSCE region, human dimensions issues in Ukraine in light of the country's OSCE Chairmanship, and civil society recommendations on reform of the OSCE human dimension process. In addition, the Parallel Civil Society Conference adopted a separate document, The Dublin Declaration, calling on OSCE to develop work on the issue of security of human rights defenders. Full text of civil society recommendations can be found at <http://civicsolidarity.org/content/civil-society-issues-recommendations-osce-ministerial-council-meeting> and the Dublin Declaration can be found at <http://civicsolidarity.org/content/security-human-rights-defenders-time-osce-act>.

4) A new format of HDIM sessions

HDIM should be focused less on presenting information and recommendations by reading prepared statements and more on discussing these recommendations and how to remove obstacles to their implementation. We suggest that NGOs and governments are asked to submit their information and recommendations as much as four weeks in advance of HDIM to allow for a shift of focus at HDIM. This would ensure better preparation for HDIM sessions. Discussions at HDIM could be prepared and moderated by independent experts. We suggest that those State delegations and NGOs that have submitted papers in advance should have priority in signing up to the speakers' list at each working session.

5) Focus on follow-up to HDIM

A regular review of shortcomings in the implementation of human dimension commitments should be done. We suggest that a reinforced Permanent Council meeting in Vienna be held a few weeks after HDIM specifically devoted to the implementation of human dimension commitments, with the participation of Human Rights Directors and relevant senior officials and heads of OSCE institutions. The Chairmanship should prepare a perceptions paper that would be circulated in advance of the Reinforced PC meeting. The meeting should be devoted to a forward-looking discussion with a view to fostering implementation of human dimension commitments as well as elaborating recommendations necessary to meet new risks and challenges.

6) Developing a more systematic monitoring of implementation of human dimension commitments

We encourage the development of mechanisms for regular monitoring of implementation of human dimension commitments. Action plans adopted as a follow-up to HDIM should be less vague and more specific, identifying countries concerned and encouraging them to voluntarily report. Participating States could be encouraged to voluntarily report on implementation of selected OSCE commitments and present implementation plans. We propose to move in the future towards mandatory reporting by participating States. A country that holds the OSCE Chairmanship should expect closer scrutiny of the way it fulfills its OSCE commitments and should have a particular responsibility to provide a good example to other participating States with regard to respecting these commitments. OSCE should introduce an official review mechanism to assess participating states for a potential Chairmanship role, including evaluating the candidate country's implementation of its OSCE human dimension commitments. Initially this could be done on a voluntary basis, in order to strengthen the international standing of the Chairmanship. The process of reviewing the implementation of human dimension commitments should include regular special meetings of the Permanent Council and/or the Human Dimension Committee focusing on specific human dimension issues across the OSCE region.

7) Crisis response, emergency and prevention

Wider application of non-consensual mechanisms in response to human rights emergencies and situations of persistent, large-scale human rights abuses or imminent threat of such violations, including application of the Berlin Mechanism in the human dimension field (not only in the first dimension), development of follow-up instruments to the Moscow Mechanism, actions by the Chairmanship in emergency human dimension situations, establishment of an emergency contact point in the OSCE Secretariat and the Taskforce of the Chairmanship.

8) Strengthening the role of autonomous OSCE institutions

The role of autonomous OSCE institutions, including ODIHR, the High Commissioner for National Minorities, the Representative on Freedom of the Media, the Special Representative on Human Trafficking, and OSCE Parliamentary Assembly, should be strengthened. The role of independent experts, including representatives of academia and civil society, in both the human dimension meetings and the development of human dimension standards and guidelines, should be increased. Expert groups on fundamental human rights comprised of experts from the academia and civil society, modeled after the ODIHR panel of experts on freedom of assembly, should be established at ODIHR or other OSCE institutions. These expert groups could elaborate human dimension standards, guidelines, and recommendations on implementation of existing human dimension commitments. In addition, these expert groups could be mandated to research and draft recommendations or guidelines on new OSCE commitments in response to emerging challenges in the human dimension, such as the issue of protection of human rights defenders.

9) Enhancing Civil Society Input in OSCE Human Dimension Activities

We suggest the following general principles for civil society involvement in the work of OSCE: inclusiveness and non-discrimination (excluding only those who support violence and terrorism); security for NGOs and activists engaged with the OSCE; recognition of the pluralistic and non-hierarchical nature of civil society; involvement of NGOs in all stages of human dimension activities and with all OSCE institutions; equality of NGO and non-NGO experts; and openness and responsiveness by OSCE institutions to civil society's proposals.

10) OSCE Parliamentary Assembly

The OSCE Parliamentary Assembly should officially establish NGO engagement in its activities, moving from de facto NGO participation as observers at its plenary sessions and meetings of its committees and working groups, and participation in side events to including NGOs as a separate registered category and explicitly including NGO participation in its Rules of Procedure. The OSCE PA should establish a process of preparing its draft resolutions with input from civil society.