



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

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

Helsinki +40

Interim Report for the 2014 Winter Meeting

Vienna, 13-14 February 2014

Prepared by the OSCE PA International Secretariat



Contents

Helsinki +40.....	2
Election Observation.....	2
Media Freedom	4
Ukrainian Chairmanship's work in the Human Dimension.....	7
Political Prisoners and Prison Visits	10
Trafficking in Human Beings	12
Civil Society Inclusion.....	14
Convention on the Rights of the Child	15
ODIHR Funding.....	18
Death Penalty.....	19
Interpol.....	20
Field Operations.....	23

Background

The Turkish Grand National Assembly hosted the OSCE Parliamentary Assembly's 22nd Annual Session in Istanbul from 29 June to 3 July 2013 under the theme *Helsinki +40*. The session's theme underlined the Assembly's support for the OSCE Ministerial Council decision in Dublin to launch a set of objectives aimed at strengthening the OSCE towards 2015, the 40th anniversary of the Helsinki Final Act.

The debates and votes of the Assembly during the session culminated in passage of the 2013 Istanbul Declaration to help shape OSCE and national policy. In the General Committee on Democracy, Human Rights and Humanitarian Questions, the Assembly adopted a wide-ranging resolution covering matters including media freedom, political prisoners, trafficking in human beings and the rights of children.

This Interim Report was prepared by the OSCE PA International Secretariat to provide information on actions taken in the human dimension over the past six months 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 Istanbul Declaration.

A Final Report will be issued in advance of the OSCE PA's 23rd Annual Session, to be held in Baku from 28 June to 2 July 2014 under the theme *Helsinki +40: Towards Human Security for All*.

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Helsinki +40

I. OSCE PA Recommendations

In the Istanbul Declaration adopted 3 July 2013, the OSCE PA encouraged participating States to benefit from the OSCE's Helsinki +40 process aimed at promoting the human dimension values at the core of the Helsinki Final Act.

II. OSCE Initiatives

The sixth meeting of the informal Helsinki +40 Working Group (IHWG) convened on 25 October under the theme "Addressing the Implementation of the OSCE commitments, in particular those belonging to the Human Dimension". The food-for-thought paper circulated at the discussion suggested that the OSCE should, inter alia, find ways to:

- strengthen the implementation of OSCE commitments, particularly in the human dimension;
- increase the effectiveness of OSCE mechanisms for promoting implementation of commitments by all participating States
- ensure effective follow-up to recommendations made by the OSCE Institutions

Recommendations from the meeting included the view that the OSCE should pay closer attention to the work of other international organizations in the human dimension, so as to enhance co-operation and avoid duplication. Numerous delegations referred to field operations being the "central pillars" for implementing commitments in the human dimension and how they would like their involvement in implementation review and the Helsinki +40 process to be strengthened.

There was strong consensus among delegations that the Human Dimension Implementation Meeting (HDIM) could be improved by implementing a more methodical role for NGOs, as well as a more "prudent and standardized criteria" for their selection.¹

Election Observation

I. OSCE PA Recommendations

The Istanbul Declaration reiterated the important role that parliamentarians play in leading OSCE election observation missions and called on the OSCE Office for Democratic Institutions and Human rights to support the leadership of the Parliamentary Assembly in

¹ OSCE PA, "Report on Progress Made Under the Helsinki +40 Process. July-December 2013", CIO.GAL/167/13/Rev.1.

election observation missions, as called for in the 1997 Co-operation Agreement. The PA further welcomed the decision by the Ukrainian Chairmanship to conduct a comparative analysis of electoral legislations in all OSCE participating States in 2013 and calls upon the OSCE/ODIHR and the OSCE PA to continue this process.

II. OSCE Initiatives

OSCE PA - OSCE/ODIHR co-operation

Since the Istanbul Session, the OSCE PA conducted three election observation missions (Azerbaijan, Georgia and Tajikistan) and one election assessment field visit (Turkmenistan). The Assembly and the OSCE/ODIHR worked together on these four endeavours. The three election observation missions were carried out on the basis of the 1997 Co-operation Agreement, which guides election observation in the OSCE and the way in which the ODIHR contributes to the work of the short-term OSCE observation mission led by a politician as Special Co-ordinator.

After an official invitation was extended to the OSCE PA to observe the 9 October presidential election in Azerbaijan, OSCE Chairman-in-Office Leonid Kozhara appointed Michel Voisin (MP, France), on the recommendation of former OSCE PA President Wolfgang Grossruck, as Special Co-ordinator to lead the short-term OSCE observation mission. OSCE PA President Ranko Krivokapic appointed Vice-President Doris Barnett to head the OSCE PA delegation. The Deputy Head of Delegation was the Chair of the OSCE PA's First General Committee, Makis Voridis (MP, Greece). There were 25 observers on the OSCE PA mission, including 16 MPs from 14 countries.

The OSCE PA was also officially invited to observe the 27 October presidential election in Georgia. On the recommendation of President Krivokapic, OSCE CiO Kozhara appointed Joao Soares (MP, Portugal) as Special Co-ordinator to lead the short-term OSCE observation mission. President Ranko Krivokapic appointed Ilkka Kanerva, the Head of Finland's Delegation to the OSCE PA, as head of the OSCE PA delegation.

An official invitation was extended to the OSCE PA to observe the 6 November presidential election in Tajikistan. On the recommendation of President Krivokapic, OSCE CiO Kozhara appointed Gordana Comic (MP, Serbia), Rapporteur of the OSCE PA's Third General Committee and Special Representative on National Minorities in Central and South-East Europe, as Special Co-ordinator to lead the short-term OSCE observation mission. President Krivokapic appointed Margareta Cederfelt (MP, Sweden) to lead the OSCE PA delegation.

The PA also received an official invitation to observe the 15 December parliamentary elections in Turkmenistan. President Krivokapic designated a group of parliamentarians to deploy an election assessment field visit to the country. The visit was led by James Walsh (MP, Ireland). The OSCE PA co-ordinated its efforts with the OSCE/ODIHR election

assessment mission. As opposed to previous election observation efforts in Turkmenistan, it was the first time that the OSCE observed elections in a format that included public reporting on the observance of the 1990 OSCE Copenhagen Document commitments.

Comparative analysis of electoral legislation

On 25 January, the Chairperson of the OSCE Permanent Council requested that the Director of the OSCE/ODIHR conduct an extra-budgetary project to review major areas of electoral legislation and practice in the OSCE participating States in view of their implementation of the provisions of the 1990 OSCE Copenhagen Document.

The OSCE/ODIHR published its “Review of Electoral Legislation and Practice in OSCE Participating States” on 15 October. The 58-page report concluded that following the review of participating States’ electoral legislation and practice, “certain positive elements with regard to compliance with OSCE commitments and other international standards were noted. However, shortcomings related to different areas of electoral legislation and practice were observed in a wide range of participating States, particularly in respect of inclusive candidate rights and registration, the ability to campaign on the basis of equal treatment, effective complaints and appeals mechanisms, and credible procedures for voting, counting, and tabulation”.²

On 1 October, the OSCE/ODIHR also published updated guidelines for assessing electoral legal frameworks. Entitled “ODIHR Guidelines for Reviewing a Legal Framework for Elections,” the document covers issues such as universal and equal suffrage, election administration, voter registration, equal treatment of political parties and their access to the media, and campaign finance. According to ODIHR, the guidelines are “intended to contribute to uniformity, reliability, consistency and accuracy in the review and preparation of electoral legislation”.³

Media Freedom

I. OSCE PA Recommendations

The Istanbul Declaration stressed “the urgent need to uphold freedom of the media in the OSCE area and to promote sound interaction between the political system and media representatives so as to encourage good governance and combat corruption through appropriate legislation that will ensure journalists’ fundamental human rights and the

² OSCE/ODIHR, “Review of Electoral Legislation and Practice in OSCE Participating States”, 15 October 2013. <http://www.osce.org/odihr/elections/107073>

³ OSCE/ODIHR, “ODIHR Guidelines for Reviewing a Legal Framework for Elections, Second Edition”, 1 October 2013. <http://www.osce.org/odihr/elections/104573>

unimpeded performance of their duties, as well as through the fostering of a culture of international standards and ethics for journalists”.

II. OSCE Initiatives

OSCE Representative on Freedom of the Media

The Office of the OSCE Representative on Freedom of the Media (RoFM), led by Dunja Mijatovic, has been particularly active in the reporting period. The RoFM monitors media developments in all 57 OSCE participating States, providing early warning on violations of freedom of expression and promotes full compliance with OSCE press freedom commitments. To mark its 15th anniversary on 28 November 2013, the Office set up a commemorative website,⁴ featuring guest blogs, a video gallery and thematic sections on, inter alia, Internet freedom and ensuring journalists' safety.

Since the Istanbul Annual Session, the RoFM has frequently issued statements of concern on a wide range of media freedom issues, highlighting a number of troubling cases in countries across the OSCE area. From North America to Western Europe to Eastern Europe to Central Asia, Mijatovic has consistently spoken out on issues including the safety of journalists,⁵ defamation laws,⁶ freedom of expression,⁷ legal proceedings against journalists,⁸ and press access to official events.⁹

Mijatovic also welcomed certain developments, such as proposed amendments to the

⁴ OSCE RoFM, “15th anniversary, The Representative on Freedom of the Media”, <http://www.rfom15.org>

⁵ See, for example: “OSCE media freedom representative strongly condemns shooting at French newspaper Libération”, 18 November 2013. <http://www.osce.org/fom/108454>; “OSCE Media Freedom Representative condemns beating of journalist in Kazakhstan, urges police to investigate”, 21 August 2013. <http://www.osce.org/fom/104354>; “OSCE media freedom representative concerned about disappearance of journalist in Uzbekistan”, 23 September 2013. <http://www.osce.org/fom/105392>; “OSCE media freedom representative calls on Azerbaijani authorities to stop imprisonment of journalists”, 27 September 2013. <http://www.osce.org/fom/105950>; “OSCE media freedom condemns yet another journalist murder in Russia”, 9 July 2013. <http://www.osce.org/fom/103415>; “OSCE media freedom representative condemns attack on Russian journalist, calls for thorough investigation”, 24 October 2013. <http://www.osce.org/fom/107416>; “OSCE media freedom representative concerned by magnitude of violence against journalists in Ukraine”, 2 December 2013. <http://www.osce.org/fom/109108>

⁶ See: “OSCE media freedom representative, on official visit to Denmark, urges for full decriminalization of defamation, blasphemy”, 21 November 2013. <http://www.osce.org/fom/108769>; “OSCE representative calls on President Yanukovich to veto legislation criminalizing speech, endangering media freedom in Ukraine”, 16 January 2014. <http://www.osce.org/fom/110347>; “OSCE media freedom representative calls on Romania not to re-criminalize free speech”, 12 December 2013. <http://www.osce.org/fom/109459>; “OSCE media freedom representative calls on Lithuania to decriminalize defamation, better protect confidential sources”, 17 December 2013. <http://www.osce.org/fom/109637>

⁷ See: “OSCE media freedom representative concerned proposed legislation in Iceland could limit freedom of expression”, 4 November 2013. <http://www.osce.org/fom/107789>; “OSCE media freedom representative welcomes legislative amendments in Moldova in support of media freedom”, 14 October 2013. <http://www.osce.org/fom/107062>

⁸ See: “Criminal prosecution of journalists in Turkey violates human right to free expression, says OSCE media freedom representative”, 5 August 2013. <http://www.osce.org/fom/104157>; “OSCE media freedom representative appalled by attempts to force US reporter to reveal sources”, 28 August 2013. <http://www.osce.org/fom/104429>; “OSCE media freedom representative alarmed by life sentences against journalists in Turkey, urges reform of Anti-Terror Law”, 5 November 2013. <http://www.osce.org/fom/107850>

⁹ See: “Photojournalists need to have full access to public events at the White House, OSCE media freedom representative says”, 22 November 2013. <http://www.osce.org/fom/108836>

information law in Belarus¹⁰ and improvements made by Italian authorities in the draft law on defamation, but pointed to problematic provisions that still needed to be amended.¹¹ Addressing the OSCE Permanent Council on 28 November, Mijatovic told participating States that while journalism has transformed since the OSCE Representative on Freedom of the Media was established 15 years ago, the threats to free media remain the same.

“My predecessors and I have appeared before this council since 1998 and time and again expressed grievances about the media freedom situation in the OSCE region”, Mijatovic said. “OSCE commitments on media freedom are still not respected in full by all participating States; too many still refuse to believe there are media freedom problems in their countries, and people are still put in jail because of what they write or say”.¹²

OSCE South Caucasus Media Conference

The 10th OSCE South Caucasus Media Conference entitled “Reflecting on OSCE media freedom commitments” took place in Tbilisi on 11-12 November. It addressed both the successes and challenges that have defined the South Caucasus of the past decade. It brought together governments, journalists and civil society representatives from Armenia, Azerbaijan and Georgia. The OSCE RoFM stated that more progress in media freedom in the region was needed in order to ensure full compliance with OSCE commitments. She referenced problems such as threats to the safety of journalists, lack of pluralism, deficient regulatory independence and the undermining of the integrity of public service broadcasters.¹³

South East Europe Media Conference

During the OSCE 3rd South East Europe Media Conference held in Tirana in September, a warning was issued regarding deteriorating media freedom in the region. Summarizing the issue, Mijatovic said: “Many problems are not being addressed, many questions not answered. Public broadcasters are not yet fully reformed; independence of the regulators is endangered or not guaranteed; digitalization of electronic media is behind schedule, putting media pluralism at risk; and the safety of journalists is threatened”.¹⁴

OSCE Ministerial Council

¹⁰ OSCE RoFM, “OSCE media freedom representative presents analysis of Belarusian information law and recommends improvements”, 10 September 2013. <http://www.osce.org/fom/104711>

¹¹ OSCE, RoFM, “To fully ensure free speech in Italy, further changes needed in draft defamation law, OSCE representative says”, 12 November 2013. <http://www.osce.org/fom/108180>

¹² OSCE RoFM, “No compromise acceptable on free expression and free media, says OSCE Representative to Permanent Council”, 28 November 2013. <http://www.osce.org/fom/109029>

¹³ OSCE RoFM, “Media freedom must be ensured in South Caucasus, says OSCE media freedom representative, in Georgia”, 11 November 2013. <http://www.osce.org/fom/108098>

¹⁴ OSCE RoFM, “Warning on media freedom in South East Europe as OSCE Tirana conference recommends improvements in the region”, 20 September 2013. <http://www.osce.org/fom/105311>

The OSCE participating States were unable to reach consensus on a decision on freedom of the media at the 20th Ministerial Council in Kyiv on 5-6 December.

Ukrainian Chairmanship's Work in the Human Dimension

I. OSCE PA Recommendations

The OSCE PA Istanbul Declaration encouraged the Ukrainian Chairmanship to continue efforts to reform the Human Dimension and increase participation of civil society, the public and the media in key meetings and in the decision-making process. It further called on the Ukrainian Chairmanship “to remind all OSCE participating States of their obligation to promote, and not impede, freedom of assembly, freedom of speech, free elections and free NGO activity, and to combat, and not promote, hate speech, persecution and mistreatment of imprisoned persons”.

II. OSCE Initiatives

Follow-up of the Ukrainian CiO's priorities for action

In its “Priorities for action” for 2013, the OSCE Ukrainian Chairmanship stated that promotion of the implementation of the Human Dimension commitments by all participating States would be at the top of its agenda. The Ukrainian Chairmanship intended to promote the fight against all forms of human trafficking, with a particular focus on trafficking for the purposes of sexual exploitation and forced labour, as well as support for victims of such crimes. It stated it would organize an international conference on the issue of combating trafficking in human beings.¹⁵

In support of this priority, the Ukrainian Chairmanship organized a high-level June conference in Kyiv on strengthening the OSCE participating States' responses to human trafficking.¹⁶ The conference reviewed the new forms of exploitation relating to trafficking in human beings, examining them through the lens of the “three Ps” of the OSCE Action Plan to Combat Trafficking in Human Beings: prosecution, prevention and protection. Emphasis was placed on child trafficking, taking into account the 2005 *addendum* to the OSCE Action Plan, “*Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance*”. A special session on international co-operation was held. The conference was

¹⁵ OSCE CIO, “Priorities for action. 2013 Ukraine's Chairmanship of the OSCE”, 14 January 2013. p. 5-6.

¹⁶ OSCE, “Participants at high-level OSCE conference in Kyiv call for stronger anti-trafficking action”, 10 June 2013.
<http://www.osce.org/cio/102521>

considered a preparatory event for an OSCE-wide discussion on the elaboration of an *addendum* to the OSCE Action Plan.¹⁷

Another priority area for the Ukrainian Chairmanship was the promotion of tolerance and non-discrimination through human rights education for youth, and it proposed to specifically dedicate an OSCE event to this issue.¹⁸ The Ukrainian Chairmanship organized the OSCE Youth Summit in Crimea, Ukraine, from 20 July to 1 August at the International Children's Center "Artek". This event brought together more than 500 young people from across the OSCE participating States and Partners for Co-operation, with the aim of promoting tolerance and non-discrimination, respect for diversity, and peaceful development and friendship. Opening the event, OSCE CiO Leonid Kozhara emphasized the added value of the youth in achieving the OSCE's goals and purposes and stressed the need to give them a voice.¹⁹

The Ukrainian Chairmanship, together with the OSCE Representative on Freedom in the Media and ODIHR, organized the Human Dimension Seminar on the legal framework for media freedom from 13-14 May. This provided a platform for an exchange of views among stakeholders on key aspects of the rule of law framework for media freedom and to share best practices and challenges in this area. It was also an opportunity to discuss the implementation of relevant OSCE commitments.²⁰ In addition, the Ukrainian Chairmanship said it would pay attention to several other themes of the Human Dimension agenda and support constructive civil society engagement in achieving the OSCE's goals and objectives.²¹ Similarly, the 2014 Swiss Chairmanship said it would continue to strengthen the involvement of civil society in the OSCE's work.²²

OSCE Ministerial Council

On 26 September, the Ukrainian Chairmanship released four draft decisions in the Human Dimension for the Kyiv Ministerial Council. The topics were "freedom of religion", "freedom of the media", "freedom of movement" and "Roma and Sinti". The draft decision on media freedom, which dealt specifically with the protection of journalists, made direct reference to and quoted the OSCE PA Resolution on "Strengthening OSCE Engagement on Freedom of Opinion and Expression" adopted in Vilnius in 2009.²³

The Kyiv Ministerial Council's Decision No. 7/13 on "Combating trafficking in human beings" endorsed the adoption of the *Addendum to the OSCE Action Plan to Combat*

¹⁷ OSCE CIO, "Concept paper. High-level Conference "Strengthening the OSCE response to trafficking in humab beings", 26 April 2013. <http://www.osce.org/cio/102094>

¹⁸ OSCE CIO, "Priorities for action. 2013 Ukraine's Chairmanship of the OSCE", 14 January 2013. p. 6.

¹⁹ OSCE, "OSCE Youth Summit opens in Ukraine with focus on diversity, peaceful development, stability", 20 July 2013. <http://www.osce.org/cio/103774>

²⁰ OSCE, "Human Dimension seminar on the media freedom legal framework". http://www.osce.org/event/hds_2013

²¹ OSCE CIO, "Priorities for action. 2013 Ukraine's Chairmanship of the OSCE", 14 January 2013. p. 6.

²² Priorities of the 2014 OSCE Swiss Chairmanship of the OSCE, p. 3: <https://www.osce.org/mc/109266?download=true>

²³ OSCE PA Liaison Office, "PC Brief Week 39, 2013".

Trafficking in Human Beings: One Decade Later by Permanent Council Decision No. 1107, and considered it to be an integral part of the 2003 OSCE Action Plan.²⁴

Decision No. 4/13 on “Enhancing OSCE efforts to implement the Action Plan on improving the situation of Roma and Sinti within the OSCE area, with a particular focus on Roma and Sinti women, youth and children” was adopted.²⁵ Decision No. 3/13 on “Freedom of thought, conscience, religion or belief” was also endorsed.²⁶ Unfortunately, no decision on freedom of the media was reached.

Activities for the promotion of tolerance and anti-discrimination

Ambassador Tetiana Izhevskaya, the Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, presented her report to the Permanent Council in November 2013.

Activities undertaken by the Personal Representative since the Istanbul Session included moderating group discussions on promoting and preventing violent extremism and radicalization at the OSCE Central Asian Youth Network Seminar on 3-4 September in Astana, entitled “The Pendulum swings: Empowering the CA youth against violent extremism”. From 29 September to 1 October, she participated in the inter-religious meeting for peace organized by the Community of St. Egidio where Prime Minister Enrico Letta was present, as well as religious representatives (Jews, Muslims and other religions). The issues discussed included the persecution of Christians, interreligious dialogue and violence against women. On 29 November, she attended a Conference organized in Rome by the Pontifical University of St. Thomas Aquinas entitled “Christians in the OSCE region: Intolerance and Discrimination”.²⁷

Rabbi Andrew Baker, the Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism, presented his report to the Permanent Council in November 2013. Following the Istanbul Session, Rabbi Baker participated in several high-level or prominent conferences on the subject of intolerance and anti-Semitism. He addressed the conference on “Jewish life and Anti-Semitism in contemporary Europe” held in Budapest on 1-2 October and organized by the Tom Lantos Institute. Rabbi Baker also attended the “International Conference on Anti-Semitism” held on 15-16 October in Kyiv, on the occasion of the Centenary of the Beilis Trial. He addressed the conference during a plenary session about the

²⁴ OSCE, “Decision No. 7/13 Combating Trafficking in Human Beings”, 6 December 2013. <http://www.osce.org/mc/109341>

²⁵ OSCE, “Decision No. 4/13 Enhancing OSCE efforts to implement the Action Plan on improving the situation of Roma and Sinti within the OSCE area, with a particular focus on Roma and Sinti women, youth and children”, 6 December 2013. <http://www.osce.org/mc/109340>

²⁶ OSCE, “Decision No. 3/13 Freedom of thought, conscience, religion or belief”, 6 November 2013. <http://www.osce.org/mc/109339>

²⁷ CIO.GAL/161/13, “Ambassador Tetiana Izhevskaya. Report to the OSCE Permanent Council”, 6 November 2013.

state of anti-Semitism in the OSCE region, the challenges in combating it and whether the OSCE participating States are fulfilling their commitments.²⁸

Ambassador Adil Akhmetov, the Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims, presented his report to the Permanent Council in November 2013. Since the Istanbul Session, Ambassador Akhmetov conducted several activities. For instance, he participated in the third roundtable meeting on “Challenging anti-Muslim prejudice and promotion of mutual understanding in multicultural societies through education” held on 5 July in the Council of Europe in Strasbourg.

The event was co-organized by the OSCE/ODIHR, UNESCO and the Council of Europe, and the discussion focused on the “Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education”, jointly published by the three institutions. The objective of the conference was to promote the Guidelines and discuss how they can be used to challenge anti-Muslim prejudice and promote mutual understanding in multicultural societies. The event also sought to foster the exchange of regional experiences among policy makers, representatives of Ministries of Education, educational institutions for professional development and teacher training programmes.²⁹

Ambassador Akhmetov also participated in the OSCE Central Asian Youth Network Seminar on 3-4 September in Astana entitled “The Pendulum swings: Empowering the CA youth against violent extremism”.³⁰

Political Prisoners and Prison Visits

I. OSCE PA Recommendations

The Istanbul Declaration strongly urged participating States to co-operate with international institutions such as the OSCE in allowing delegations to visit political prisoners, as well as to release and exonerate all political prisoners.

II. OSCE Initiatives

Since July 2013 three political prisoners³¹ were released in Belarus after completing full sentences. Belarusian political activist Alyaksandr Frantskevich, leader of the “Young Front”

²⁸ CIO.GAL/159/13, Rabbi Andrew Baker (...) Report to the OSCE Permanent Council, 6 November 2013.

²⁹ OSCE, “Challenging anti-Muslim prejudice and Promotion of mutual understanding in multicultural societies through education”, <http://www.osce.org/odihr/101183>

³⁰ CIO.GAL/158/13, “Address by Ambassador Adil Akhmetov. The OSCE Permanent Council”, 6 November 2013.

³¹ Although there is no single internationally agreed upon definition of what constitutes a political prisoner, the OSCE PA in its Istanbul Declaration welcomed the definition adopted by the Parliamentary Assembly of the Council of Europe in October 2012, which includes the following criteria: 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, in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association; the detention has been imposed for purely political reasons without connection to any offence; for political motives, the length of the detention

Dmitry Dashkevich and co-chairman of the unregistered Belarusian Christian Democratic Party Pavel Sieviaryniets were released on 28 August, 3 September and 19 October respectively.³² They have not been exonerated. Requests to visit those still incarcerated have not been answered.

Detentions and short-term administrative arrests of civil society and political figures continue. Further requests have been made to visit political figures incarcerated in Ukraine and Kazakhstan. The OSCE PA has also expressed concern regarding cases in Russia, Azerbaijan, and Tajikistan.

Mikhail Khodorkovsky's release

Mikhail Khodorkovsky was released from a Russian prison in the northwestern region of Karelia on 20 December 2013. Russian President Vladimir Putin announced his intention to pardon Khodorkovsky at a news conference in Moscow on 19 December and the information about the signing of the decree was released by the Kremlin on 20 December. Officially it is claimed that the pardon has been issued on humanitarian grounds, as Khodorkovsky's mother is ill. Khodorkovsky's prison term was due to expire at the end of August 2014. The lawyer for Platon Lebedev, who was also convicted of tax evasion and sentenced to a nine-year term in 2005, discussed his client's status in light of Khodorkovsky's release.³³

Visiting Yulia Tymoshenko

A European Parliament delegation led by the former Polish President Aleksander Kwasniewski and former European Parliament President Pat Cox visited Yulia Tymoshenko in Kharkiv Hospital several times during September-November 2013.³⁴

ODIHR visit to Guantanamo

or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of; for political motives, he or she is detained in a discriminatory manner as compared to other persons; or, if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities. See here: <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=19150&lang=EN>

³² Belsat, Aliaksandr Frantskevich freed from imprisonment, <http://belsat.eu/en/wiadomosci/a.15427.aliaksandr-frantskevich-freed-from-imprisonment-photos.html>

Charter97, Zmitser Dashkevich released, <http://charter97.org/en/news/2013/8/28/74641/>;

Palitviazni, Pavel Sieviaryniets released,

<http://palitviazni.info/%D0%BD%D0%B0%D0%B2%D1%96%D0%BD%D1%8B-en/2013/10/18162?lang=en>

³³ RFE, Russia's Khodorkovsky Released After Putin Pardon, <http://www.rferl.org/content/putin-release-khodorkovsky/25206920.html>

³⁴ RFE, EU Envoys Visit Tymoshenko In Hospital, <http://www.rferl.org/content/eu-tymoshenko-visit-ukraine/25095164.html>

Kyivpost, Cox, Kwasniewski arrive to visit Tymoshenko in Kharkiv hospital, <http://www.kyivpost.com/content/ukraine/cox-kwasniewski-arrive-to-visit-tymoshenko-in-kharkiv-hospital-331236.html>

EP envoys visit Yulia Tymoshenko in Kharkiv hospital,

http://www.tymoshenko.ua/en/article/yulia_tymoshenko_31_10_2013_01

Cox, Kwasniewski arrive to Kharkiv hospital to visit Tymoshenko, <https://www.kyivpost.com/content/ukraine/cox-kwasniewski-arrive-to-kharkiv-hospital-to-visit-tymoshenko-332305.html>

A delegation from the OSCE/ODIHR was in Washington, D.C. and Guantanamo Bay, Cuba, in August 2013 to gather information on proceedings before military commissions involving detainees at the Guantanamo Detention Facility. During the trip to Guantanamo, the delegation met the commander and other senior members of the Joint Task Force Guantanamo Command, which operates the prison, and visited parts of the detention centre and the Expeditionary Legal Complex created to prosecute some of the detainees.³⁵

Trafficking in Human Beings

I. OSCE PA Recommendations

On the issue of human trafficking, the PA called on parliamentarians to promote the ratification of the 2000 Protocol to Prevent, suppress and Punish Trafficking in Persons, especially Women and Children, as well as the United Nations Convention against Transnational Organized Crime, and the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. The Assembly further invited all participating States to take action regarding education and raising awareness of the issue of human trafficking and to co-operate fully with the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings and Relevant OSCE structures and Institutions, including field operations.

Recommendations were also made for participating States to implement a counter-trafficking databases that would allow each participating State to collect and analyze data on the causes, processes, trends and consequences of trafficking within a given participating State. The PA also urged participating States to establish national rapporteurs to ensure data collection, analysis and public debate on the effectiveness of anti-trafficking measures.

II. OSCE Initiatives

Adequate databases are still lacking across the OSCE area, hampering fulfillment of efforts to end human trafficking. A pilot-database in the Slovak Republic was however launched in December,³⁶ which could lead to a permanent database in the near future. Many OSCE participating States also have not appointed national rapporteurs to deal with human trafficking, including the United Kingdom, Denmark, Belgium, Luxemburg, Germany, Poland, Slovakia, Austria, Slovenia, Bulgaria, Greece, Ireland, Cyprus and Malta.³⁷

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

³⁵ OSCE/ODIHR, "OSCE/ODIHR delegation visits United States and Guantanamo Bay Detention Facility", 2 August 2013. <http://www.osce.org/odihr/104114>

³⁶ U.S. Department of State, "Country narratives". <http://www.state.gov/documents/organization/210738.pdf>

³⁷ European Commission, "National Rapporteurs". <http://ec.europa.eu/anti-trafficking/section.action?sectionPath=National+Rapporteurs§ionType=MAP&page=1&resetBreadcrumb=false>

The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, addressed a group of judges and prosecutors at an international conference in Lisbon on 25 October. She urged those gathered to criminalize human trafficking through national legislation and to enforce such laws where they exist.³⁸

On European Anti-Trafficking Day (18 October) in Geneva, Giammarinaro released a joint statement with UN and Council of Europe representatives on human trafficking. They declared that “Co-operation between origin, transit and destination countries, but also with regional and international mechanisms, as well as private stakeholders such as multinational corporations and civil society organizations, is essential for comprehensive responses to trafficking in persons”.³⁹ In her capacity as Special Representative, Giammarinaro has also conducted visits to Italy, Kazakhstan, Romania and Uzbekistan.⁴⁰

The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings has published numerous important documents during the reporting period. These include *Enhancing Co-operation to Prevent Trafficking in Human Beings in the Mediterranean Region*; *Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, following her visit to Bosnia and Herzegovina*; and *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region: Analysis and Findings*.⁴¹

OSCE field activities

Other OSCE structures, including field operations and the Office for Democratic Institutions and Human Rights, have also been active. ODIHR for example organized a seminar in Istanbul on 23-24 October to strengthen co-operation between legal practitioners in the field of human trafficking. The seminar brought together legal experts from Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan and Ukraine.⁴² OSCE field operations in Kazakhstan, Turkmenistan and Azerbaijan have all implemented programmatic activities to help combat human trafficking in the period following the Istanbul Annual Session.⁴³

OSCE Ministerial Council

On the second day of the Ministerial Council in Kyiv (6 December), the Ministerial Council of the OSCE adopted Decision No. 7/13 in Combating Trafficking in Human Beings. The Decision “[endorses] the adoption of the Addendum to the OSCE Action Plan to combat

³⁸ OSCE, “OSCE Special Representative urges prosecutors, judges to fully apply laws, protect human trafficking victims”, 25 October 2013. <http://www.osce.org/cthb/107569>

³⁹ OSCE, “European anti-trafficking day: ‘Human beings with human rights that must be protected’”, 18 October 2013 <http://www.osce.org/cthb/107232>

⁴⁰ OSCE, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, “Country visits”, <http://www.osce.org/cthb/88717>

⁴¹ OSCE, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, “Documents”. <http://www.osce.org/cthb/documents>

⁴² ODIHR, “ODIHR supports strengthening regional co-operation among anti-trafficking lawyers”, October 2013. <http://www.osce.org/odihr/107399>

⁴³ <http://www.osce.org/what/trafficking/top-stories?page=1>

Trafficking in Human Beings: One Decade Later” which is to be “an integral part of the 2003 OSCE Action Plan to Combat Trafficking in Human Beings”.⁴⁴

OSCE PA Special Representative on Human Trafficking Issues

On the eve of the OSCE Ministerial, the Kyiv Post published an article by Rep. Christopher Smith (United States), OSCE PA Special Representative on Human Trafficking Issues, entitled “Using Transit Workers to Stop Human Trafficking”.⁴⁵ In the article, Smith focused on the need for governments to work more closely with hotels and the transit industry on anti-trafficking training programmes. Hospitality personnel also have a critical chance to disrupt traffickers’ plans if they are equipped with the training to do so, Smith noted.

“The good news is that countries looking to take action are not alone”, Smith wrote. “Several industry leaders have emerged and developed best practices in the area of trafficking-victim watchfulness. Airlines such as Delta and American Airlines, British Airways and Virgin Atlantic, as well as several train service providers, have begun human-trafficking-prevention activities”.⁴⁶

III. International Initiatives

The Council of Europe Convention on Action against Trafficking in Human Beings came into force in Hungary in August 2013,⁴⁷ while the European Resource Center for the Prevention of Human Trafficking and Other Forms of Exploitation opened in Sarajevo in November. The latter is the first center of its kind in South-Eastern Europe.⁴⁸

On 31 December, U.S. President Barack Obama declared January 2014 to be National Human Trafficking Awareness Month in the United States.⁴⁹

Civil Society Inclusion

I. OSCE PA Recommendations

The OSCE PA’s Istanbul Declaration reiterated the need to include civil society, the public and the media in OSCE Human Dimension events and called upon OSCE PA delegations to

⁴⁴ OSCE Ministerial Council, “Decision no. 7/13. Combating trafficking in human beings”, 6 December 2013. <http://www.osce.org/mc/109341>

⁴⁵ Kyiv Post, “Using Transit Workers to Stop Human Trafficking”, 29 November 2013. <http://www.kyivpost.com/opinion/op-ed/using-transit-workers-to-stop-human-trafficking-332607.html>

⁴⁶ Ibid.

⁴⁷ Council of Europe, “Action against Trafficking in Human Beings”. http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Profiles/HUNGARYProfile_en.asp

⁴⁸ Sarajevo Times, “First in the region ‘European Resource Center for Prevention of Human Trafficking’ opened in Sarajevo”, 27 November 2013. <http://www.sarajevotimes.com/first-in-the-region-european-resource-center-for-prevention-of-human-trafficking-opened-in-sarajevo/>

⁴⁹ The White House Office of the Press Secretary, “Presidential Proclamation -- National Slavery and Human Trafficking Prevention Month, 2014”, 31 December 2013. <http://www.whitehouse.gov/the-press-office/2013/12/31/presidential-proclamation-national-slavery-and-human-trafficking-prevent>

include human rights NGOs, think tanks and academic institutes in their efforts to better monitor the implementation of OSCE commitments in the fields of human rights, democracy and rule of law.

II. OSCE Initiatives

Since the Istanbul Annual Session, OSCE field operations have incorporated civil society partners to varying degrees. Of particular note was the conference organized by the OSCE Project Co-ordinator in Ukraine on 27 September. This gathered together over 100 participants, many from civil society organizations (CSOs), in order to exchange views on how to improve civil society's role in governance.⁵⁰ ODIHR also continues to involve civil society actors in a broad range of its programmes.

Within the OSCE PA, the Third Committee has remained active in the field of civil society engagement. Interaction with CSOs is a regular part of the work of the Third Committee and consultations with civil society activists sets much of the committee's direction. The OSCE PA's Belarus Working Group has also sustained its engagement with civil society, as part of its mandate.

Election observation missions are another arena where the OSCE PA has a long-standing commitment to civil society inclusion, with representatives of NGOs regularly briefing OSCE PA election observation delegations. During the recent election observation mission to Tajikistan, OSCE PA delegates participated in an event with female politicians organized by the OSCE Office in Dushanbe.

Convention on the Rights of the Child

I. OSCE PA Recommendations

The OSCE PA called on all participating States to respect and implement the UN Convention on the Rights of the Child, in particular, article 19 on oppression, abuse or other forms of maltreatment of children. The PA further called for participating States to enforce a legal ban on hitting children, "in line with regulations in force in 11 European Union Member States".

II. International Initiatives

On the occasion of the 2013 UN Treaty Event held in September-October, the UN called on Member States to ratify the Convention on the Rights of the Child and its three Optional Protocols. Marta Santos Pais, the UN Special Representative on Violence against Children, stated that "the Treaty Event is an opportunity for Member States to reaffirm or to express their commitment to be accountable for the right of the child everywhere – all children under

⁵⁰ OSCE Project Co-ordinator in Ukraine, "Ways for improvement of practical co-operation between state institutions, civil society theme of OSCE-supported conference", September 2013. <http://www.osce.org/ukraine/105935>

their jurisdiction. It is also a way of recalling that ratification, while very important, is just the start of a very long process, and a continuous process of national implementation”.⁵¹

Ratification and implementation

The United States is the only OSCE participating State (indeed, one of only three countries in the world, the other two being Somalia and South Sudan) that has not acceded to or ratified the Convention. The U.S. Government, however, maintains that it is committed to its ratification and that most U.S. laws are consistent with its provisions.⁵² But as Human Rights Watch's Jo Becker pointed out in a recent article, “U.S. ratification is complicated only by the continued practice in the United States of sentencing child offenders to life in prison with no possibility of parole. The U.S. is the only country to impose this punishment, which the convention specifically prohibits”.⁵³

Also contentious for the United States could be the issue of “corporal punishment”, or the hitting of children as a means of discipline. “Although America has laws against child abuse, a third of states allow corporal punishment in schools and none bans it at home”, notes *The Economist*.⁵⁴

Article 32 prohibition of child labour

Article 32 of the Convention prohibits child labour,⁵⁵ which remains a concern for the international community, as reflected by the third Global Conference on Child Labour held on 8-10 October.⁵⁶ The Brasilia declaration adopted at the conference reiterated the importance of achieving universal ratification and effective implementation of ILO standards and of the UN Convention on the Rights of the Child and its Optional Protocols.⁵⁷

According to a civil society report based on accounts from human rights defenders in Uzbekistan, the government of Uzbekistan used child labour during the 2013 cotton harvest season (early September to mid-November). According to the report, it specifically forced minors between 15 and 18 years old to work under the threat of expulsion from school.⁵⁸

⁵¹ CRIN, “UN Issues call on Member States to ratify Convention on Rights of the Child”, 20 September 2013. <http://www.crin.org/resources/infoDetail.asp?ID=31776&flag=news>

⁵² The Economist, “Why won't America ratify the UN convention on children's rights”, 6 October 2013. <http://www.economist.com/blogs/economist-explains/2013/10/economist-explains-2>

⁵³ Human Rights Watch Dispatches, “Will US be Last to Endorse Child Rights Convention?”, 26 November 2013. <http://www.hrw.org/news/2013/11/26/dispatches-will-us-be-last-endorse-child-rights-convention>

⁵⁴ The Economist, “Why won't America ratify the UN convention on children's rights”, 6 October 2013. <http://www.economist.com/blogs/economist-explains/2013/10/economist-explains-2>

⁵⁵ UN, Convention on the Rights of the Child, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁵⁶ CRIN, “Child Labour: Urgent action needed to eradicate child labour by 2016, says senior UN official”, 9 October 2013. <http://www.crin.org/resources/infoDetail.asp?ID=31874&flag=news>

⁵⁷ CRIN, “Child Labour: Declaration adopted at global conference”, 14 October 2013. <http://www.crin.org/resources/infoDetail.asp?ID=31905&flag=news>

⁵⁸ Cotton Campaign, “Review of the 2013 cotton harvest in Uzbekistan: Stare forced-labour system continues”, p. 1-18. http://www.cottoncampaign.org/wp-content/uploads/2013/11/2013CottonHarvest_end_report.pdf

Furthermore, despite an official ban on child labour in Turkmenistan, the media reported evidence that children were similarly used as labour in the 2013 cotton harvest there.⁵⁹

Several OSCE countries took steps to tackle child labour following the Istanbul Session. On 1 October, Azerbaijan's Ministry of Labour and Social Protection of Population and State Committee for Family, Women and Children Affairs signed a joint action plan to eliminate child labour within the framework of the EU twinning project for 2013-2015.⁶⁰ On 29 October, Kazakhstan's Ministry of Labor and Social Protection of Population hosted a roundtable meeting that discussed the elimination of the worst forms of child labour. It is also worth noting that Kazakhstan drafted a national action plan for 2012-2014 on this issue.⁶¹

Optional Protocols

As for the "first Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict", all participating States (besides the U.S.) but one have ratified OP1 (Estonia signed on 24 September 2003 but has not ratified it).⁶² Since the Istanbul Annual Session, two participating States ratified the "second Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" (Czech Republic on 26 August and Russia on 24 September). All participating States but one have ratified OP2 (Ireland signed on 7 September 2000 but has yet to ratify it).⁶³

Regarding "third Optional Protocol to the Convention on the Rights of the Child on a communications procedure", on 14 January, UN Special Representative Marta Santos Pais welcomed its ratification by Costa Rica which paved the way for the Protocol's entry into force on 14 April 2014. The Protocol establishes an international system of complaints and allows the violation of children's rights to be examined by the Committee on the Rights of the Child.

Slovakia became the latest OSCE country to ratify the Protocol on 3 December, making it the sixth OSCE participating State to ratify it (the others being Albania, Germany, Montenegro, Portugal, Spain).⁶⁴ Sixteen other participating States have signed the OP3, the latest being Mongolia on 4 October (the other signatories are: Andorra, Austria, Belgium, Cyprus, Finland, Italy, Liechtenstein, Luxembourg, Malta, Poland, Romania, Serbia, Slovenia, FYR of Macedonia and Turkey).⁶⁵

⁵⁹ RFE/RL, "Children back at work in Turkmenistan's cotton fields", 18 October 2013. <http://www.rferl.org/content/cotton-child-labor-turkmenistan/25141281.html>

⁶⁰ ILO, "Azerbaijan to toughen measures in the fight against child labour", 1 October 2013. <http://www.ilo.org/public/english/region/eurpro/moscow/news/2013/1001.htm>

⁶¹ ILO, "Kazakhstan focuses attention on child labour", http://www.ilo.org/public/english/region/eurpro/moscow/news/2013/1029_2.htm

⁶² United Nations, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en

⁶³ United Nations, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en#4

⁶⁴ CRIN, "Complaints mechanism : Slovakia ratifies OP3", 6 December 2013. <http://www.crin.org/resources/infodetail.asp?id=32228>

⁶⁵ United Nations, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&lang=en

Legal ban on hitting children

So far, 23 OSCE participating States⁶⁶ have implemented a legal ban on hitting children in all circumstances including within the home.

Moreover, 14 participating States⁶⁷ have expressed commitments to legal reform, through accepting recommendations made during Universal Periodic Reviews (UPR) or in other public contexts. Domestic development within this group of participating States presents a divergent picture of sorts: most countries enforce only partial bans on hitting children, *i.e.* it is permitted in some settings and banned in others. Another 18 participating States⁶⁸ have not made a clear commitment to prohibiting all corporal punishment. In this group, hitting children is permitted in some settings and banned in others.⁶⁹

ODIHR Funding

I. OSCE PA Recommendations

The Istanbul Declaration called for an increase in funding and support for OSCE/ODIHR activities, in particular in the areas of democratic development, human rights, tolerance and non-discrimination and the rule of law.

II. OSCE Initiatives

The 2014 Unified Budget Proposal for ODIHR contains a request for a 29 per cent, or EUR 4.7 million, increase in funding from the 2013 period.⁷⁰ The proposed increases to the ODIHR budget for fiscal year 2014 will see significant increases in programmatic areas including democratic development, human rights, tolerance and non-discrimination and the rule of law.

Beginning with democratic development/democratization, a total programme budget increase of ten per cent has been requested. This would see the 2014 programme budget for democratization rise from EUR 290,500 to 299,200. Staff costs, which according to the 2014 Unified Budget Proposal account for around 81 per cent of the Democratization Programme

⁶⁶ Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Finland, Germany, Greece, Hungary, Iceland, Latvia, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Portugal, Moldova, Romania, Spain, Sweden, and Ukraine

⁶⁷ Armenia, Azerbaijan, Estonia, Lithuania, Mongolia, Montenegro, San Marino, Serbia, Slovakia, Slovenia, Tajikistan, former Yugoslav Republic of Macedonia, Turkey, and Turkmenistan

⁶⁸ Andorra, Belarus, Belgium, Bosnia and Herzegovina, Canada, Czech Republic, France, Georgia, Ireland, Kazakhstan, Kyrgyzstan, Malta, Monaco, Russia, Switzerland, United Kingdom, United States, and Uzbekistan

⁶⁹ Global Initiative to end all corporal punishment of children, "Global progress towards prohibiting all corporal punishment", November 2013. <http://www.endcorporalpunishment.org/pages/pdfs/GlobalProgress.pdf>

⁷⁰ 2014 Unified Budget Proposal, Office for Democratic Institutions and Human Rights. All information in this section is taken from this document.

UB, are projected to rise by EUR 143,600 (12 per cent). This will largely be due to updating Staff Standard Costs and converting a seconded Rule of Law Officer to a P3 contracted post. Operational Costs for democratic development are expected to rise by EUR 8,700 (three per cent). According to the 2014 Unified Budget Proposal this is in order to “continue its ongoing activities and meet requests by participating States and field operations for legislative assistance, expertise on issues in migration and freedom of movement, rule of law, political party regulation, parliamentary strengthening and gender”.

ODIHR's Human Rights department has similarly proposed a budget increase of EUR 138,000 (16 per cent) compared to 2013. This would take the total Programme Budget for Human Rights from the current budget of EUR 1,180,300 to EUR 1,318,300. ODIHR justifies these increases on the grounds potential alterations in staff categorization. The proposed increases are sought in order to achieve two primary outcomes: to assist participating States in fulfilling their human rights obligations, and to improve capacity in human rights protection across numerous sectors.

The Programme for Tolerance and Non-Discrimination is also seeking an increased budget, which “is due exclusively to an increase in Staff Costs”. This is intended to include updated Staff Standard Costs, the creation of a new post and the changing categories of another post.

Death Penalty

I. OSCE PA Recommendations

The Istanbul Declaration called on the two remaining OSCE participating States still practicing capital punishment, Belarus and the United States, to adopt a moratorium on all executions, leading to the complete abolition of the death penalty.

II. International Developments

Death penalty in Belarus

On 9 October, the UN Special Rapporteur on the situation of human rights in Belarus, Miklos Haraszti, noted that Belarus is the only European country that still retains the death penalty for certain crimes during times of peace and war. He stated that, in the course of 2013, three death sentences were imposed in murder cases. He urged the government of Belarus to declare a moratorium on all executions before conducting actual legal reform.⁷¹ A few days later, Belarusian President Alexander Lukashenko stated that death penalty was justified in exceptional cases. “We have not abolished the death penalty. I do not think it is good that we have the death penalty. But I am not the reason why it has not yet been abolished. There are

⁷¹ United Nations, “UN expert urges Belarus to stop executions after recent court rulings”, 9 October 2013. <http://www.unmultimedia.org/radio/english/2013/10/un-expert-urges-belarus-to-stop-executions-after-recent-court-rulings/>

still such cases in the country when you want to apply the death penalty”, he said.⁷² In 2013, Belarus reportedly executed three people, with more possible executions to come in 2014. Four people are currently reported to be on death row.

Death penalty in the USA

Despite an ongoing grassroots moratorium campaign, no U.S. state has abolished the death penalty since the state of Maryland did so in May 2013.⁷³ According to the U.S.-based Death Penalty Information Center, 39 executions were conducted in 2013 (38 lethal injections and one electrocution),⁷⁴ a marked decline from previous years. According to the annual report of the Center, 2013 marked only the second time in 19 years that the USA executed fewer than 40 people. One of the reasons cited for this decline was the inability of states to obtain lethal injection drugs due to an export ban on these drugs from Europe.

Just two U.S. states, Texas and Florida, were responsible for 59 per cent of executions (16 and seven executions, respectively). The number of death sentences (80) remained near record lows, and several major death penalty states, including Virginia, South Carolina, Tennessee, and Louisiana, imposed no death sentences in 2013.⁷⁵

In 2014, six executions have taken place so far,⁷⁶ including one in Texas over an objection by the U.S. State Department.

In a letter to Texas officials, U.S. Secretary of State John Kerry had urged a review of the conviction of Edgar Arias Tamayo, a Mexican national found guilty of murder. Tamayo was not notified of his right to contact the Mexican Consulate in violation of the Vienna Convention on Consular Relations, which the U.S. has signed and ratified.⁷⁷ Despite Secretary Kerry's intervention, Tamayo was executed on 22 January by lethal injection.

Interpol

I. OSCE PA Recommendations

The OSCE PA called on Interpol to continue reforms to improve its oversight mechanisms for detecting attempts to misuse its systems by OSCE participating States whose judicial

⁷² Belta, “Death penalty is justified in exceptional cases, Lukashenko says”, 11 October 2013.

<http://news.belta.by/en/news/president/?id=729151>

⁷³ CNN, “Maryland governor signs death penalty repeal”, 2 May 2013. <http://edition.cnn.com/2013/05/02/us/maryland-death-penalty/>

⁷⁴ Death Penalty Information Center, Execution list 2013, <http://www.deathpenaltyinfo.org/execution-list-2013>

⁷⁵ Death Penalty Information Center, “DPIC releases 2013 Report, showing marked decline in death penalty use”, 19 December 2013. <http://www.deathpenaltyinfo.org/dpic-releases-2013-report-showing-marked-decline-death-penalty-use>

⁷⁶ As of 5 February 2014.

⁷⁷ Death Penalty Information Center, “Secretary of State John Kerry Urges Texas to Reconsider Death Sentence of Mexican Citizen”, <http://www.deathpenaltyinfo.org/secretary-state-john-kerry-urges-texas-reconsider-death-sentence-mexican-citizen>

systems do not meet international standards, and to enable individuals unjustly targeted by politically motivated charges to speedily expose and end this abuse of Interpol.

II. International Developments

Since July 2013 there have been developments in at least two politically motivated cases related to the misuse of Interpol system.

Aleksandr Pavlov's case

On 8 November 2013, Spain's high court (*Audiencia Nacional*) approved an extradition request for Aleksandr Pavlov, the former head of security of Kazakh tycoon Mukhtar Ablyazov. Pavlov was arrested in Spain in December 2012 after his name was placed on Interpol's wanted list at the behest of Kazakhstan's authorities and his extradition requested. The extradition was initially authorized by the Second Criminal Section at the Audiencia Nacional on 23 July 2013, and was confirmed by the court's plenary on 8 November.⁷⁸

In Kazakhstan, Pavlov was charged with "expropriation or embezzlement of trusted property" in the amount of EUR 22.5 million and "plotting a terrorist attack". He and his lawyer claim these accusations are fabricated. Pavlov's lawyers accuse Kazakhstan of persecuting him for his connection to Ablyazov and have filed an appeal to the European Court of Human Rights against the Spanish court's ruling.

Amnesty International strongly opposed the decision. Julia Hall, the expert on counter-terrorism and human rights, said that "Kazakhstan's record of torture and ill-treatment has been well documented. Pavlov is at real risk of such abuse if he is sent back there. Spain has an absolute obligation under international law to stop this from happening".⁷⁹ Amnesty International stated its belief that the criminal prosecution of Pavlov is linked to his dissenting views and links to Mukhtar Ablyazov. According to the organization, both cases have been marred by procedural violations and political influence that have greatly determined the final judgments reached.

The final decision over Pavlov's extradition is expected to be made by the Spanish Council of Ministers, which has the power to disregard the court's position.

Isabel Santos (Portugal), Chair of the OSCE PA's Third, met with Aleksandr Pavlov on 30 December in Madrid and raised concerns publicly over his possible extradition to Kazakhstan. A group of Spanish MPs from four political groupings, including Ignacio Sánchez Amor, the Deputy Head of the Spanish Delegation to the OSCE PA, have been in

⁷⁸ Tengrinews, Spanish court confirms intention to extradite Ablyazov's Security Chief, 10 November 2013. <http://en.tengrinews.kz/crime/Spanish-court-confirms-intention-to-extradite-Ablyazovs-Security-Chief-23903/>

⁷⁹ Amnesty international, Spain set to extradite man to Kazakhstan despite torture risk, 8 November 2013. <http://www.amnesty.org/en/news/aleksandr-pavlov-extradition-2013-11-08>

contact with Mr. Pavlov's lawyers. They have sent the Ministry of Justice a letter asking that the extradition not take place.⁸⁰

Mukhtar Ablyazov's case

On 9 January 2014 the City Court of Aix-en-Provence has ruled that Kazakh tycoon and dissident Mukhtar Ablyazov should be extradited to Russia or Ukraine to face fraud charges. The decision was reached under the Ukrainian request for extradition. The Russian Federation and Kazakhstan also sent a request to extradite Mukhtar Ablyazov, however they are not being considered since France does not have an extradition agreement with Kazakhstan.

Former head of Kazakhstan's BTA bank Mukhtar Ablyazov was detained on 31 July 2013 near the city of Cannes in southern France on the basis of an Interpol 'red notice'.⁸¹ Ablyazov's lawyers claim that the evidence of their client's guilt was obtained in violation of the law and that the databases containing investigation materials on Ablyazov's case may have been hacked.⁸²

Ablyazov is being prosecuted in Kazakhstan for fraud, money laundering and embezzlement of BTA bank's funds through illegal financial schemes. He is accused of embezzling USD 5 billion in Russia and USD 400 million in Ukraine and may face 13 years of imprisonment with confiscation of property in Kazakhstan.

The court in Aix-en-Provence stated that it favored his extradition to Russia in view of the substantial sum involved. His defense team claims that extradition to Russia or Ukraine would be a first step to returning him to Kazakhstan and an uncertain fate. Human Rights Watch says that if returned to Kazakhstan, Ablyazov would be "at serious risk of ill-treatment and would face a flagrant denial of his fair trial rights". However, prosecutors argued at a hearing in December that there was no realistic possibility of Russia or Ukraine re-extraditing him as this would breach their respective extradition agreements with France.⁸³

On 26 November 2013, a UK court ruled that Ablyazov was required to pay almost USD 294 million to the Kazakh lender for a missing portfolio of AAA-rated securities which he allegedly stole. Judge Launcelot Henderson said the 2008 and 2009 transactions couldn't have taken place without Ablyazov's involvement, and rejected his explanations.⁸⁴

⁸⁰ OSCE PA human rights chair visits Aleksandr Pavlov, raises concerns about extradition, <http://www.oscepa.org/news-a-media/press-releases/1466-osce-pa-human-rights-chair-visits-aleksandr-pavlov-raises-concerns-about-extradition>

⁸¹ Tengrinews, Ablyazov appeals demanding to dismiss his extradition case, 19 November 2013.

<http://en.tengrinews.kz/crime/Ablyazov-appeals-demanding-to-dismiss-his-extradition-case-24097/>

⁸² Open Dialogue Foundation, Report on Misuse of the Interpol System, 27 September 2013.

http://odfoundation.eu/files/pdf/Report_Interpol_fin_Eng.pdf

⁸³ BBC, France to extradite Kazakh tycoon Mukhtar Ablyazov, <http://www.bbc.co.uk/news/world-europe-25664782>

⁸⁴ Bloomberg, "Ablyazov Must Pay BTA \$294 Million Over Lost Assets, Judge Says", 26 November 2013.

<http://www.bloomberg.com/news/2013-11-26/ablyazov-must-pay-bta-294-million-over-lost-assets-judge-says.html>

Field Operations

I. OSCE PA Recommendations

In the Istanbul Declaration, the PA opposed any attempts “to downgrade or eliminate OSCE field operations by host Governments that continue to violate their OSCE commitments in significant ways and are in clear need of field operations based on existing mandates.” The Assembly further urged the Permanent Council to reopen the field missions in Belarus and Georgia.

II. OSCE Initiatives

On 26 July 2013 the Permanent Council in Vienna announced, in Decision 1092, that the OSCE Office in Baku is to “transform” into an OSCE Project Co-ordinator.⁸⁵ The mandate for the Project Co-ordinator came into force on 1 January 2014. This change in mandate represents a downgrade in the capabilities of the OSCE presence in Azerbaijan in ensuring obligations to OSCE commitments.

The prospect of reopening an OSCE field operation in Georgia has also been raised during the reporting period. On 10 October Secretary General Zannier met with Foreign Minister of Georgia Maja Panjikidze during her trip to Vienna. Among the topics of discussion was ways in which to further strengthen Georgia's engagement with the OSCE, including OSCE activities on the ground.⁸⁶

Reopening OSCE field operations in Belarus has been postponed since the mission was closed on 31 December 2010, following election-related violence in the country. There is little prospect of re-opening a field presence in the near future, due to resistance of several participating States.⁸⁷ The question came in response to the activities of the Belarus Working Group of the OSCE PA. On 12 September 2013, the European Parliament said in a statement that Belarus should be encouraged to “allow the re-opening of the closed OSCE Office in Minsk”.⁸⁸

⁸⁵ OSCE Permanent Council, “963rd Plenary Meeting, PC Journal No. 963, Agenda item 3”.

⁸⁶ OSCE, “OSCE Secretary General discussed with Georgian Foreign Minister domestic situation, Organization's engagement with Georgia”, 10 October 2013. <http://www.osce.org/sg/106965>

⁸⁷ Charter 97, “Minsk refuses to open OSCE Office”, 16 October 2013. <http://charter97.org/en/news/2013/10/16/77776/>

⁸⁸ European Parliament, “EU policy towards Belarus. Recommendation to the Council, the Commission and the EEAS” (2013/2036(INI)). <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2013-382>