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Foreword

Throughout the OSCE's work in 2005, the two recurring themes of *reflection* and *reform* played a prominent role.

The coincidence of a number of important anniversaries — 60 years since the end of World War II and the liberation of Auschwitz-Birkenau; 30 years since the signing of the Helsinki Final Act, the Organization's founding document; 25 years since the beginning of the Solidarity movement in Poland, which played a major role in bringing an end to the rift that divided Europe and much of the world; and 15 years since the signing of the Charter of Paris for a New Europe, a milestone document that foresaw a new era of peace and stability in much of the OSCE region — provided opportunities throughout the year to look back on the events and individuals that shaped the Organization.

Each of these anniversaries marks an important link in a chain of events that has stretched across the OSCE region for the past sixty years, since long before the Organization was founded. Those links represent the values and principles — freedom, democracy, universal human rights — that the OSCE stands for, as well as the countless struggles, whether of individuals or of nations, to ensure that the rights and dignity of every man, woman, and child are recognized and protected.

These values and principles are found in the many commitments that the Organization's 55 participating States have undertaken since 1975. In order to mark the events commemorated in 2005, the ODIHR produced an updated version of its publication *OSCE Human Dimension Commitments*. Published in two volumes — organized thematically and chronologically — this collection demonstrates the significant body of political norms that have been developed by the OSCE community over the past

three decades, norms that have proven time and again the Organization's leading position with respect to the protection of human rights and the promotion of democracy.

The reform process

While reflection can be a valuable exercise under any circumstances, it can also provide a reference point for *reform*, which was the second major OSCE theme of 2005.

In the wake of calls by several participating States for a rebalancing of the OSCE's three dimensions, 2005 was, in many ways, dominated by this debate. In an Organization-wide context, a Panel of Eminent Persons was appointed to review proposals and make recommendations on how the OSCE could and should continue to function in the years ahead. One of its recommendations was that any strengthening of one part of the OSCE should not lead to the weakening of the Organization's institutions.

The ODIHR, the Organization's largest institution both in terms of personnel and scope of mandate, also responded to calls to reform its most-visible activity, election observation. A Supplementary Human Dimension Meeting provided a forum to discuss issues related to election technologies and procedures, and the Russian Central Election Commission also hosted an ODIHR expert meeting dedicated specifically to election observation. While the ODIHR has responded to calls for change by expanding its efforts to conduct observation or assessment missions in long-standing democracies, the debate over election observation has shown that the ODIHR's methodology is sound, transparent, and proven to be effective in helping states meet their election-related commitments, provided the necessary political will is maintained.

During the coming months, the OSCE should be able to conclude the process of internal reflection and, with the impetus from the Ministerial Council of Ljubljana, find practical ways to fulfil the mandate of the last Summit in Istanbul “to further increase the effectiveness of the Organization to deal with cases of clear, gross, and continuing violations of those principles and commitments”.

Here and now

With all of the reflection and reform, it would be easy to lose sight of the fact that the Organization continued its work, concentrating very much on helping people here and now.

The ODIHR continued to develop its programmatic activities within the framework of its five thematic programmes: Democratization, Elections, Human Rights, Tolerance and Non-discrimination, and Roma and Sinti Issues.

As Europe’s leading election observation agency, the ODIHR conducted eight observation missions, in addition to monitoring elections in longer-standing and post-transitional democracies in the OSCE region through the deployment of two assessment missions.

The Organization’s ability to react quickly to unfolding crises was tested in 2005. After the violent events in Andijan in May, the Chairman-in-Office felt compelled to inform the participating States of serious cases of alleged non-implementation of human dimension commitments, on the basis of information provided by the ODIHR. In Kyrgyzstan, the ODIHR was able to contribute to the OSCE’s efforts to stabilize the situation after the turbulent events in March following the flawed February elections.

Problems affecting human security continue to challenge the Organization and its participating States year after year: far too many peo-

ple are deprived of access to security because they are refugees or internally displaced persons, victims of trafficking in human beings, or human rights defenders and journalists who do not enjoy fundamental freedoms like those of expression, association or assembly; furthermore, the threat of terrorism is also threatening the balance between state power and individual rights and freedoms.

Despite some progress in these areas, much work remains to be done. We need to improve capacities to protect, prevent, and prosecute. We need to maintain an approach centred on the rights of individuals in order to be faithful to the commitments, and to the Organization’s security concept. We need to give effective redress to victims. And we need to keep the debate on target: implementing commitments effectively, throughout the region.

This report provides insights into the scope and impact of our activities. Together with our publications and website, it should be seen as an invitation for feedback.

I wish to thank our many partners throughout the OSCE region, including OSCE field missions, institutions, and the Secretariat, as well as other international organizations and participating States, for their continued support and co-operation. Special thanks go to Minister Rupel and his Chairmanship teams in Ljubljana and Vienna for their untiring support. And my warmest thanks go again to the dedicated staff of the ODIHR.



Ambassador Christian Strohal
ODIHR Director

Introduction

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

And they have confirmed their commitment to these principles on countless occasions:

■ “Full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation” (Copenhagen Document, 1990).

■ “Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government” (Charter of Paris for a New Europe, 1990).

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

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

The participating States have also agreed that

human dimension issues are not internal affairs but matters of immediate and legitimate concern to all other participating States. In fact, they have “categorically and irrevocably” declared that the “commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned” (Moscow Document, 1991).

The Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) is the main OSCE institution for the human dimension, meaning that it has the primary task of seeing that commitments such as those mentioned here are more than mere words. It does this both by monitoring their implementation by respective states and by conducting its own programmes that are aimed at helping states develop and uphold a democratic culture that will in and of itself respect and promote the ideals expressed in those commitments.

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

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

tion, and minority rights, including staff with both academic and hands-on field experience.

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

One example of how this works in practice is the use of experts and consultants with local knowledge and language skills, who provide a tremendous resource for implementing any programme, not only in terms of their expertise but also with respect to their ability to gain the trust of their target group, which more often than not includes individuals with similar backgrounds.

When conducting legal-reform activities in the Commonwealth of Independent States, for example, the ODIHR relies almost exclusively on lawyers with training and experience in the CIS, most of whom come from Russia. This practice has no doubt added to the effectiveness of our efforts.

But this rule applies equally to our full-time staff. Of the professional staff members, more than one-third come from countries of the CIS, while the rest come from all parts of Europe, as well as North America. This internal community of nations is a reflection of the make-up of the greater organization and represents the common values of all 55 of the OSCE's participating States.

Elections

"The will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of government." – Copenhagen 1990

Since its establishment in 1990 — originally as the Office for Free Elections — the OSCE's Office for Democratic Institutions and Human Rights has developed its support for democratic elections over more than a decade. While its observation of elections throughout the region might have become one of its most visible tasks, the Office is also active in a number of other election-related activities, including the regular review of electoral legislation in support of emerging democracies' efforts to meet their OSCE commitments and the publication of guidelines and handbooks about electoral issues. This, in turn, contributes to work in other areas designed to support strong democratic institutions.

The past fifteen years have witnessed major progress in a number of countries in terms of conducting democratic elections, while some others run a serious risk of remaining rooted in practices left over from the times prior to democratic transition in the early 1990s. At the same time, increased attention is being paid to the conduct of elections in longer-established democracies, showing that all countries can continue to improve their electoral practices no matter what their traditions.

Main Issues

» **Meeting standards for democratic elections:** The ODIHR has reported significant improvements in the legal and administrative framework for elections in a number of participating States. Structural improvements are not, however, a guarantee that elections will be genuinely democratic, even if the administrative aspects of the process have been properly conducted. Authorities must also show a commensurate level of political will to implement improved election procedures, which is still not being sufficiently

demonstrated by a number of OSCE participating States.

» **Translating principles into best electoral practice:** While the 1990 Copenhagen Document provides the fundamental principles for genuine democratic elections, translating those principles into practice has proven to be a challenge: overall, the past fifteen years have provided numerous examples of best electoral practices in various parts of the region. The ODIHR's task is to disseminate those experiences among the 55 participating States in order to help bring each and every country's electoral practices into line with their commitments.

» **Implementing recommendations:** Election observation is not an end in itself. At the conclusion of any observation or assessment mission, the ODIHR provides recommendations that address areas where the electoral practices of a particular state should, or could, be improved. While the ODIHR continues to emphasize the

Domestic observers in Baku discuss their observations during the 2005 parliamentary election in Azerbaijan with ODIHR Director Ambassador Christian Strohal (standing, second from the left).



“[The OSCE participating States] recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. (...) We agree to follow up promptly the ODIHR’s election assessment and recommendations.”

– Istanbul 1999, “Charter for European Security”

need for post-election dialogue and follow-up activities, the onus is on the participating States themselves to take the necessary steps to implement ODIHR recommendations and thus meet their commitments.

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

development, implementation, and observation of new voting technologies, such as electronic voting, in a manner that is both transparent and accountable.

】 **Domestic non-partisan election observation:** Observation by domestic non-partisan observer groups has become increasingly important in recent years and is likely to further gain in significance. However, while such groups continue to make progress in developing a professional, comprehensive, and systematic approach to election observation, their access to monitor the entire process is not always guaranteed, and obstacles to their effective observation still arise, contrary to OSCE commitments.

Activities

Observation is certainly the most visible aspect of the ODIHR’s election mandate, but it is just one part of a broad, integrated work plan that also includes technical-assistance projects and legislative reviews. Activities in 2005 concentrated on the following areas:

- 】 Election observation;
- 】 Technical assistance;
- 】 Methodological developments; and
- 】 Follow-up.

Confusion about voter lists and identification documents was evident at many polling stations during parliamentary elections in Albania on 3 July.



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

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

I. Election observation

The ODIHR's activities in the area of election observation have two principal objectives: (1) to assess to what degree a particular electoral process meets OSCE commitments and other international standards for democratic elections, and whether it is conducted in compliance with national legislation, which should reflect OSCE commitments; and (2) to offer recommendations, where necessary, to support governments in implementing improvements for future elections.

The importance of this second point should not be understated, as the purpose of election observation is not simply to commend those countries that conduct their elections well or to criticize those countries that fall short of meeting their commitments. Instead, the purpose is to offer proactive and constructive input, whereby the ODIHR not only calls attention to specific areas for possible improvement but also makes recommendations and provides assistance to rectify any shortcomings. Election observation has thus become an effective and invaluable service that is provided among OSCE participating States to enhance the integrity of electoral processes.

In order to meet these requirements, the Office has built its observation on a systematic, comprehensive, and verifiable methodology, encompassing all elements of the overall



electoral process (see pp. 13-15).

More than 3,400 observers were deployed to eight election observation missions and two assessment missions in 2005. In addition, 113 short-term and 19 long-term observers were financed through the ODIHR's voluntary Fund for the Diversification of Observation Missions, which was established to ensure more participation of nationals from 19 eligible participating

Voters in the 4 December presidential election in Kazakhstan before casting their ballots in the capital, Astana.

Election Observation and Assessment Mission Schedule

Country	Type of Election	Date
Kyrgyzstan	Parliamentary	27 February/13 March
Tajikistan	Parliamentary	27 February/13 March
Moldova	Parliamentary	6 March
Former Yugoslav Republic of Macedonia	Municipal	13 March/27 March/10 April
United Kingdom	General	5 May
Bulgaria	Parliamentary	25 June
Albania	Parliamentary	3 July/21 August
Kyrgyzstan	Early presidential	10 July
Azerbaijan	Parliamentary	6 November
Kazakhstan	Presidential	4 December

States that may not regularly second individuals for ODIHR observation missions.

Election assessment missions

Since 2002, the ODIHR has been deploying election assessment missions to longer-established or post-transition democracies. Such missions consist of a group of experts who visit a country for a period of time immediately prior to and during election day to make an overall assessment of the administrative and legal framework for the conduct of elections and to provide targeted recommendations. An assessment mission does not comment on the process in the same comprehensive manner as an observation mission, and it does not undertake any systematic

observation on election day. Two such missions were fielded in 2005 to the parliamentary elections in the United Kingdom and in Bulgaria.

Support to OSCE field missions in assessing elections and referenda

The ODIHR also fielded small teams of experts to support the assessment of elections by OSCE field missions in three cases where an observation mission was not deployed: parliamentary by-elections in Georgia, local government elections in Kyrgyzstan, and a municipal election in Moldova.

II. Technical assistance

Much of the ODIHR's election-related work is conducted out of the spotlight, through a range of technical-assistance projects. Some of these stem directly from recommendations made during observation missions; others are the result of specific requests from participating States.

Review of electoral legislation¹

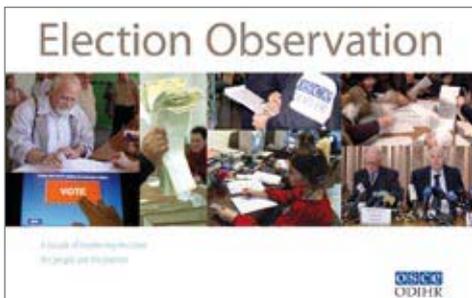
To address shortcomings in the election legislation of participating States, and to bring such legislation more closely into line with OSCE commitments, the ODIHR uses a voluntary fund to provide expert legal reviews and advice.

In 2005, the ODIHR issued a number of legislative reviews and opinions, many conducted jointly with the Council of Europe's Venice Commission:

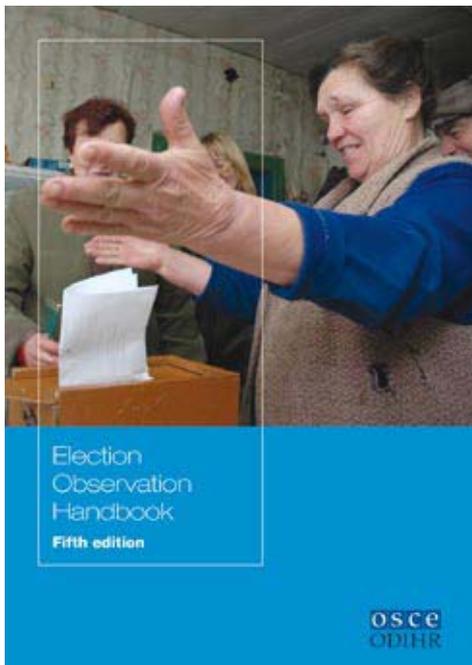
- 】 Amendments to Azerbaijan's Electoral Code;
- 】 Moldova's amended Election Code;
- 】 Ukraine's amended law on the election of members of parliament;
- 】 The draft law on the state election commission of Croatia;
- 】 Amendments to Armenia's Election Code;
- 】 Uzbekistan's parliamentary election law.

In addition, the ODIHR and the OSCE Secretariat jointly conducted two out-of-region activities in 2005: the deployment of a Training Needs Assessment Team to the Palestinian

¹ For more information about the ODIHR's activities in the area of legislative review, see Legislative Support, pp. 45-49.



A comprehensive but succinct overview of the ODIHR's election observation methodology is now available in a brochure that was published in December entitled *Election Observation: A decade of monitoring elections: the people and the practice*.



Available already in English, French, Russian, Serbian, and Ukrainian, the *Election Observation Handbook* will be published in a number of other languages in 2006.

Territories during the January presidential election; and the deployment of an Election Support Team to the September parliamentary elections in Afghanistan.

III. Methodological developments

In 1996, the ODIHR developed a methodology for long-term observation of elections that has stood the test of time. Its details have been made available in successive editions of the *Election Observation Handbook*. Now in its fifth edition, this handbook provides the guidelines that observers use to monitor all aspects of an electoral process, beginning with a review of the legal framework, and including the performance of the election administration; the conduct of the campaign; the media environment and equitable media access; the complaints and appeals process; voting, counting, and tabulation; and the announcement of results.

While this methodology has not been fundamentally altered since its introduction, the experience and insights gained over the past decade have led to refinements in some areas and expansion in others. For example, the Office has adapted the methodology to take more detailed account of issues such as the participation of women and the inclusion of national minorities in the electoral process. The ODIHR, the Council of Europe, and the European Commission have also been collaborating since 2004 on the further development of guidelines on media analysis during electoral campaigns.

Supporting domestic non-partisan election observation

Since 2001, the ODIHR has supported capacity-building efforts and exchanges of information with non-partisan domestic observer groups in recognition of their role in ensuring the transparency of election processes. In September, the ODIHR convened a meeting to share perspectives on 15 years of domestic election observation in the OSCE region with key domestic observer organizations from 14 participating States. The forum provided an opportunity to exchange experience and strengthen co-opera-



tion. Among other issues, participants discussed the following:

- 】 Co-operation between domestic and international observers;
- 】 Sustainability of domestic observation;
- 】 Credibility of domestic observers as non-partisan actors;
- 】 The obstacles and challenges that domestic observers sometimes face;
- 】 The importance of election follow-up; and
- 】 Regional co-operation.

Participants recognized the significant role that domestic non-partisan election observation can play in enhancing the transparency and the integrity of election processes while acknowledging their responsibility to establish credibility and maintain the non-partisan nature of their activities.

Further enhancing the delivery of election observation methodology

The ODIHR undertook a series of initiatives in 2005 to enhance the delivery of its observation methodology.

In November, the ODIHR organized an expert meeting in Moscow on election observation that gathered more than fifty participants from inter-governmental and non-governmental organizations, parliamentary assemblies involved in election observation, electoral

Kaare Vollan, who headed the ODIHR Election Assessment Mission to the UK general elections on 5 May, observes counting in Hackney, East London.

The ODIHR co-operated closely in 2005 with the United Nations Electoral Assistance Division, the National Democratic Institute for International Affairs, and the Carter Center, in sharing its rich election observation experience in the development of a *Declaration of Principles for Election Observation*.^{*} This was the first universal effort to outline a code of practice for safeguarding the integrity of objective and impartial election observation as a shared global activity. The document was endorsed at a ceremony at the United Nations headquarters by some 25 international organizations active in this field.

^{*} The complete text of the Declaration can be found on the ODIHR website at www.osce.org/documents/odihhr/2005/11/16968_en.pdf.

full consensus on a number of issues at stake, participants agreed on the importance of election observation while recognizing the need for refinements in observation methodologies.

The ODIHR and the Venice Commission developed a one-page generic election observation form in 2005 that will be made available in all relevant official OSCE languages. While this form provides the backbone of the ODIHR's election day questionnaire, it is regularly enhanced with additional questions formulated on a country-by-country basis to be answered by seconded short-term observers. In addition, the ODIHR has started to provide simultaneous translation of briefings for short-term observers in other OSCE languages.

management bodies, and a number of election practitioners who observe elections or comment on electoral legislation. The meeting provided a unique forum to exchange information, experiences, and views on election observation methodologies and to discuss challenges and concerns to credible, transparent, objective, and impartial election observation. Despite a lack of

New voting technologies

In recent years, new voting technologies applied to elections have been used with increasing frequency. These technologies can pose challenges to the perceptions of transparency and accountability of an election process, as well as challenges to observing electronic voting. Broad public

A voter casts her ballot during parliamentary elections in Albania on 3 July.



OSCE

confidence is considered a prerequisite for the introduction of new election technologies.

This issue was high on the agenda of the OSCE's Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures, held in April in Vienna. The participants recommended that, in order to address this challenge, the ODIHR convene a meeting of experts to discuss the relevant issues related to automated or electronic voting and Internet voting, with the aim of further developing observation methodology for such new technologies. Following up on this recommendation, the ODIHR will launch a project in 2006 that is aimed at developing guidelines for the observation of electronic voting.

Monitoring the participation of women in the electoral process

The ODIHR published Russian- and Serbian-language versions of its *Handbook for Monitoring Women's Participation in Elections* in 2005. This handbook sets out practical steps that each election observation mission can take to integrate a gender perspective into its work. It is intended to ensure that, when drawing conclusions about the extent to which an election process meets OSCE commitments and reflects universal principles, each election observation mission takes fully into account how the process affects both women and men. The ODIHR also sent gender experts to election observation missions to parliamentary elections in Albania, Azerbaijan, Kyrgyzstan, and Moldova.

IV. Follow-up

The ODIHR has been developing methods for engaging participating States on matters of post-election follow-up to facilitate implementation of recommendations contained in ODIHR final reports. The ODIHR has made it a regular practice for its Director to deliver final reports to the authorities, and the Office engages in constructive discussions with election stakeholders on the implementation of its recommendations. Follow-up visits at the expert level and round-table meetings also take place in order to address



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election-related issues, as well as to identify possible technical-assistance projects aimed at the improvement of election processes.

In addition to the legal reviews undertaken during the course of 2005, in response to specific invitations, the Office also actively followed up on implementation of recommendations in Albania, the former Yugoslav Republic of Macedonia, Ukraine, and the United States. The ODIHR remains prepared, upon invitation, to engage governments, political parties, and civil society in a dialogue on improvements to election processes. Modalities for such engagement may vary, to a degree, from one country to another, but the ultimate goal is the improvement of electoral practices with the aim of meeting OSCE commitments.

An important element of these efforts is the development of models for post-election engagement, which will facilitate the Office's efforts to

ODIHR Director Ambassador Christian Strohal (left) and Bruce George, President Emeritus of the OSCE Parliamentary Assembly, at a news conference in Vienna during the Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures, 21 April.

“[The Ministerial Council] tasks the ODIHR to consider ways to improve the effectiveness of its assistance to participating States in following up recommendations made in ODIHR election-observation reports and inform the Permanent Council on progress made in fulfilling this task.”
– Maastricht 2003



Election officials counting votes at a polling station in the southern town of Kulyab during parliamentary elections in Tajikistan, 27 February.

assess the implementation of its recommendations. In addition to conducting its own follow-up exercises, however, the ODIHR also plans to co-operate more closely with domestic non-partisan observer groups to build their capacity to advocate for electoral reform based on ODIHR recommendations. As election stakeholders, these groups could engage in advocacy activities for legal reform using ODIHR recommendations as benchmarks. The utility of follow-up activities will only be maximized, however, when the respective national authorities are publicly committed to implementing ODIHR recommendations.

As has been stated many times, sound legislative and administrative structures do not necessarily result in democratic elections, but they are a good place to start. The ODIHR's support for reform efforts in these areas can lead not only to improved electoral practices but can also enhance dialogue among all those groups interested in the conduct of elections, including government bodies, political parties, non-governmental organizations, and ordinary voters, and thus contribute to strengthening democratic institutions and processes.

Other Priorities

The ODIHR's chief election-related priority will remain what it is today: assisting participating States in their efforts to meet their commitments by conducting genuinely democratic elections.

In addition to this, the ODIHR plans to work in the following priority areas:

'Copenhagen Plus'

In the wake of issues discussed at Supplementary Human Dimension Meetings in 2004 and 2005, states have entered into a discussion on possible additional commitments to supplement existing ones, referred to as "Copenhagen Plus", which would provide participating States with an opportunity to enrich, reinforce, and

Programmes and Projects		
Programmes	Region	Components
Election Technical Assistance Programme	OSCE Region	1. Electoral Legislation Alert and Assistance 2. Voter Registration Best Practices
Election Observation Development Programme	OSCE Region	1. Domestic Observation Capacity-Building IV 2. Guidelines for Media Monitoring in Elections 3. Guidelines on Observation of Electronic Voting 4. Election Observers from Central and Eastern Europe and the Former Soviet Union (Fund for the Participation of Election Experts from Developing Democracies in ODIHR Observation Missions)
Projects		
Women's Participation in Political Life	OSCE Region	

Voters in Sofia, Bulgaria's capital, cast their ballots in parliamentary elections on 25 June.



amplify election-related commitments, with a focus on principles not expressly stated in the 1990 Copenhagen Document.

The ODIHR convened an expert meeting in September to consider the need for additional commitments, which resulted in an *Explanatory Note on Possible Additional Commitments for Democratic Elections* that was distributed among participating States. In the opinion of the ODIHR, three basic principles that are integral to democratic elections — transparency, accountability, and public confidence — could serve as the basis for additional commitments. This discussion will remain a priority for the ODIHR, which stands ready to assist participating States in furthering this dialogue.

Diversification of election observation missions

Since the ODIHR established its voluntary Diversification Fund in 2001, some 850 long- and short-term observers have had an opportunity to take part in ODIHR observation missions as a result. This has enabled the ODIHR to draw on a rich diversity of experience and

enhance relations with officials and NGO representatives from 19 OSCE states that may not regularly second observers.

Public outreach

The ODIHR supports national election observer training efforts as conducted on a regular basis by some OSCE participating States, by sending members of its Election Department to share the ODIHR's institutional experience. In addition, the ODIHR responds to some requests for ad hoc training, again through the deployment of its staff members and experts. The ODIHR will continue to support such training efforts, and is in the process of further developing its capacity to offer other training opportunities.

In addition, the ODIHR is engaged in other outreach initiatives, such as maintaining contacts with other inter-governmental bodies that have sought its experience, including the African Union.

Democratization

"The participating States] recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character." – Copenhagen 1990

In 2004, the ODIHR strengthened its focus in democratization assistance on longer-term programmes rather than short-term projects. In 2005, this approach was consolidated through the development of a project identification methodology based on the requirement for a needs assessment (see box on p. 20) prior to undertaking project activities. This ensures that the best use is made of the Organization's financial, human, and time resources.

Democratization assistance

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

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

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

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

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

Sound assessments

Key to successful democratization assistance programmes

Undertaking democratization activities generates medium-term commitments and builds expectations on the part of local and international partners. Democratization processes are by definition long-term. Once activities are initiated, there are legitimate expectations that they will be followed through. Interruption or early termination of activities could damage the reputation of the ODIHR and of the Organization as a whole.

Yet every activity carries an inherent risk of producing no results or, worse yet, causing harm to would-be beneficiaries. Careful analysis is required before committing funds and generating expectations. This is why the ODIHR has emphasized assessment missions as a necessary first step in its democratization work and is currently working on the further development of its assessment methodology.

Conducting an assessment is especially critical in three situations, when the activity contemplated is:

- (a) In a thematic area that is new for the Office;
- (b) In a participating State where the ODIHR has not worked before; or
- (c) In a participating State that has undergone major social changes.

Assessments are conducted by a small team of ODIHR staff and may also involve contracted experts. Activities — and therefore the commitment of participating States' money — cannot be based on the judgement of one person. Having different perspectives improves the quality of planning.

When conducting assessments, a small ODIHR team looks at the functioning of the three major branches of power, as well as the functioning of civil society. Coordination with OSCE field operations and other inter-

national actors is fundamental. As the critical factor for the success of activities is the political will of the authorities to meet OSCE commitments, meetings with key actors are organized to develop an approach that facilitates local ownership.

Before committing to an activity, expected results are formulated and similar activities of other international actors in comparable situations are examined. The risks of doing harm are weighed, alongside the risks of non-involvement. Not every good idea can find donor support, nor does the ODIHR have the capacity to turn every good idea into a democratization activity. Prioritization requires a realistic appraisal of financial or human resources and a keen sense of what the ODIHR does best and what others are in a better position to do. Quite clearly, an activity can be conducted if results are within realistic reach and can be achieved with the resources available to the ODIHR. It is often best not to start an activity rather than to generate unrealistic expectations or curtail a project due to insufficient financial resources or unavailability of appropriate expertise.

Activities should not depend on individual personalities — ODIHR staff, experts, or local partners. While there is sometimes no alternative to initially placing trust in particular persons, ODIHR activities are designed with the ultimate goal of strengthening institutions.

Consideration of strategies to conclude activities also forms part of this assessment process. International assistance should avoid the creation of dependency. A realistic assessment of the capacity of local partners to take ownership of reform processes is required. Genuine local ownership needs to be built into all stages of the process beginning with project inception. Building the capacity of local institutions to take charge of the reform of their own democratic processes is the ODIHR's ultimate objective.

Thematic Areas of Work

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

】 **Democratic governance:** The ODIHR takes a comprehensive approach to strengthening democratic practices, targeting both government institutions and civil society. The Office's strategy is to work with institutions of governance, political parties, and parliaments, as well as to assist civil society in making contributions to policy-making. The ODIHR also encourages transparent and inclusive legislative processes that enable all relevant stakeholders to provide input.

】 **Gender equality:** To promote gender equality, the ODIHR carries out targeted programmes and integrates gender aspects into all its work. Current programmes concentrate on three key areas: developing women's leadership and increasing the role of women in decision-mak-

ing; fostering government/civil society co-operation to promote gender equality; and building local gender expertise and networks.

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

】 **Legislative support:** The ODIHR provides legislative assistance to participating States, usually taking the form of a review of draft legislation to ensure compliance with international standards, particularly OSCE commitments. The Office also maintains a free-of-charge online database (www.legislationline.org) that contains more than 5,000 pieces of domestic and international legislation related to the human dimension, such as human rights, elections, gender, and rule of law. This has become an important source for lawmakers throughout the region.

In addition to its programmatic work, the ODIHR organized a number of mandated meetings in 2005 dealing with various democratization-related issues: the Human Dimension Seminar on Migration and Integration; the Supplementary Human Dimension Meeting on the Role of Defence Lawyers in Guaranteeing a Fair Trial, which was held in Tbilisi, Georgia, and was the first SHDM ever to take place outside of Vienna; and the special day on torture prevention during the Human Dimension Implementation Meeting in September.

The ODIHR's democratization work also facilitates co-operation and information exchanges among different partners within the Organization, making lessons learned from its ten years of institution-building work in South-Eastern Europe available to a wider range of partners. One such example was the ODIHR-organized Inter-Mission Trial Observation Meeting, which was held in Sarajevo and brought together OSCE field operations from South-Eastern Europe, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, and Moldova to discuss ongoing trial-monitoring activities and best practices. The six-monthly regional co-operation meetings of directors of Democratization Departments from field operations in South-Eastern Europe also serve to co-ordinate this process and ensure an appropriate focus for the ODIHR's assistance and support.

Democratization

Rule of Law

The fundamental principle underlying the notion of rule of law is the equitable treatment of individual human beings. A state can be said to recognize the rule of law only when a number of conditions are being met. First, individual citizens should be aware of their rights, meaning that laws have to be made public. Second, everyone must be equal under the law. In other words, all citizens should be treated fairly, and they should know what to expect from that treatment. It also means that no one should be given preferential treatment based on factors such as wealth or social status.

All OSCE participating States have undertaken international obligations and committed themselves to comply with a set of rules and principles in the administration of criminal justice. These rules ensure fairness of the proceedings and create safeguards to protect the human rights of people who are particularly vulnerable to the state's influence and pressure. Ultimately,

they ensure that criminal proceedings result in justice and uphold the rule of law.

Many countries in the OSCE region aspire to develop and strengthen the rule of law. This is by definition a long-term process that ultimately requires significant cultural and attitudinal changes. Thus, the ODIHR's work in the field of the rule of law involves ongoing, long-term programmes that take into account the need to ensure customized assistance specific to each country's history and current developments.

Main Issues

To have rule of law, all of the institutions that comprise a legal system must comply with the law, including international legal obligations. The judiciary, prosecutors, and defence lawyers must operate independently and under the law; police should be accountable. Understand-

The ODIHR supported a series of legal-skills seminars in April in Almaty, Kazakhstan.



ing that no part of the legal system stands alone, and that each institution is interconnected and interrelated, the ODIHR focuses on some key priority areas, including:

】 **Strengthening defence lawyers:** Access to a lawyer who can provide competent professional legal services is a fundamental part of ensuring protection of human rights, particularly the right to a fair trial. In many participating States, defence lawyers have insufficient procedural rights to effectively defend their clients. The ODIHR emphasizes the need to ensure access to legal counsel and to strengthen the role of defence lawyers in criminal proceedings throughout the OSCE area.

】 **Introduction of jury trials:** Several countries in the OSCE region have been discussing the possibility of introducing jury trials in criminal cases. This reform is seen by many in post-Soviet states as a catalyst for improving the professionalism of all elements in the criminal-justice system and ensuring equality of parties in criminal proceedings, presumption of innocence, and better protection from unlawful investigative actions. The ODIHR has facilitated discussions about jury trials and the sharing of experiences between participating States about different models of lay participation in criminal trials.

】 **Transferring authority to sanction arrest:** In some participating States, prosecutors, not judges, have the authority to sanction arrests. International human rights instruments and OSCE commitments require that the decision to keep someone in custody must be made by an independent judiciary. This is seen as an important fair-trial guarantee and a safeguard against potential mistreatment in custody.

Activities

The ODIHR conducted activities in 2005 under two main programmes:

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

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

The ODIHR also encourages exchanges of experience and expertise. For example, the formation of an Office of the Human Rights Defender in Armenia created an opportunity where an exchange of experience could have an immediate impact. The ODIHR organized exchange visits in 2005 for staff from the Armenian Office to the Office of the Polish Ombudsman and the Office of the Lithuanian Parliamentary Ombudsman.

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

I. Criminal-justice reform

In many states of the former Soviet Union and South-Eastern Europe, criminal-justice systems are being reformed in order to meet relevant international standards and OSCE commitments.

All reform efforts in the area of criminal justice should be comprehensive, since all the individual parts of the system must work together.

In 2005, the participating States recognized the importance of work in the area of criminal-justice reform through Ljubljana Ministerial Decision No. 12 on "Upholding Human Rights and the Rule of Law in Criminal Justice Systems". The participating States agreed to increase attention to this area in 2006.

Just as work in the area of criminal justice takes place at different levels — the working level of lawyers, prosecutors, judges, and law enforcement personnel, as well as the political level of criminal policy — so should reform assistance. In its approach to reform, the ODIHR does just this. At the working level, training is provided to judges and lawyers to help them improve their professional skills; opportunities to exchange experiences and skills are also created through the organization of seminars and conferences. And at the political level, the ODIHR provides advice and expertise to facilitate policy decisions to further uphold and strengthen the rule of law and human rights in criminal justice.

Justice and society

In the former Soviet Union, trials were decided by a judge who was typically joined by two so-called lay assessors, who were ordinary citizens, not legal professionals. Due to their penchant for agreeing with whatever the judge decided, these assessors became known as “noddors”. Seen as both expensive and ineffective, this system was dismantled during the first wave of judicial reforms in the early 1990s that took place in most post-Soviet states.

Following these initial changes, however, some of these countries began considering the idea of reintroducing lay assessors. In some cases, the argument for this return centred on a widespread distrust of the judiciary, allegations of corruption, judicial dependence on the executive branch, or on the lack of transparency in the making of judicial decisions. In Russia, the fact that jury trials were used prior to the 1917 Revolution also contributed to this renewed interest.

Russia was the first post-Soviet country to take such a step, reintroducing jury trials in 1993. As a result, there have been improvements: defence lawyers have better standing in criminal proceedings; there is more procedural balance between the defence and the judiciary; and rules related to the admissibility of evidence have begun to work in practice.

Since Russia's return to jury trials, other post-

Soviet countries — Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, and Ukraine — have also been considering the possibility of taking this step.

The reintroduction of lay participation in criminal proceedings can have a serious impact on the administration of justice and the rule of law. On the one hand, it can help to further democratize judicial systems that have often been viewed as corrupt and unjust. Reform, however, should avoid the return of the “noddors” system, which would further undermine trust. In addition, the reintroduction of lay participation needs to be seen in the broader context of its role in the entire criminal-justice system. If the prosecution and defence are not ensured equality of arms, if the judiciary depends on the executive, and if jurors or lay assessors are unable to make independent decisions, then such a system would hardly perform any better than its predecessor.

With this in mind, the ODIHR has been facilitating discussions in Kazakhstan and Kyrgyzstan on both the means of reintroducing lay participation and the possible consequences of doing so. These discussions have included the sharing of experiences from those OSCE states that have jury trials, including expertise from Russia.

Torture prevention

Prevention of torture, as well as other cruel, inhuman, or degrading treatment, is a topical issue in the OSCE area. Frequent instances of such treatment are symptoms of deficient criminal-justice systems that lack adequate safeguards for the protection of human rights. Such systems have implicit incentives that reward “solving crimes” at any cost. This leads to reliance by the police and prosecutors on confessions and witness testimonies obtained through pressure and illegal treatment, while courts often close their eyes to such illegally obtained evidence. Breaking this cycle requires the removal of flawed institutional incentives, greater professionalism, and a zero-tolerance policy towards abusers.

For these reasons, the ODIHR approaches torture prevention as an integral part of crim-

inal-justice reform, promoting political awareness and encouraging structural changes in criminal-justice systems.

In 2005, the ODIHR continued to advocate the transfer of power to authorize arrest from prosecutors to the judiciary. The ODIHR also continued to support the development of independent monitoring boards for places of detention and encouraged participating States to give early consideration to signing and ratifying the Optional Protocol to the Convention against Torture (OPCAT).

Torture prevention is also being enhanced through the focal point on torture at the ODIHR.

Transfer of judicial authorization of arrest to the judiciary

Most ill-treatment and torture take place against people held in custody. International human rights standards and OSCE commitments require that the decision on whether someone is to be held in custody be made by an independent judge. This is done through a procedure known as *habeas corpus*. The integration of this procedure into legislation puts both the defence and prosecution on a more equal footing when arguing their points before the court in an adversarial setting, as the prosecutor does not have the immediate advantage of deciding if a defendant remains in custody.

To date, prosecutors in six countries in the OSCE region retain the authority to place a person into custody: Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

At present, discussions on the transfer of powers of arrest from the prosecutor's office to the judiciary are prominent on the agenda in some countries of Central Asia. The ODIHR provides legislative advice and sharing of experience and expertise on how to implement this reform. In this context, the ODIHR, jointly with the parliament of Kazakhstan, held a conference in June on the transfer of powers of arrest from the prosecutor's office to the judiciary.



OSCE/COURTIS/BUKHARA

OPCAT and detention monitoring

In 2005, the ODIHR worked closely with NGOs and governmental partners to discuss ratification of the OPCAT. One aspect of the OPCAT that could be a powerful torture-prevention tool is the monitoring mechanism: the OPCAT provides for a worldwide monitoring body and constantly working independent and transparent *national* mechanisms.

The ODIHR provides assistance in the development of independent national monitoring mechanisms. In 2005, this assistance included activities in Armenia and Kazakhstan. The ODIHR supported the Armenian Monitoring Board in the development of regular and institutionalized monitoring of places of detention by civil society. The ODIHR translated the manual *Monitoring Places of Detention: A Practical Guide for NGOs* into Armenian to support the training and capacity-building activities of the Armenian Monitoring Board.

In Kazakhstan, the ODIHR followed up the adoption of the law that allowed public monitoring of places of detention in 2004 by working with other partners, such as Penal Reform International, to assist Kazakh authorities with official regulations on the creation and functioning of monitoring boards. The ODIHR is also closely following ongoing discussions on the establishment of monitoring boards in Kyrgyzstan.

Keynote speaker Sir Sydney Kentridge QC (left) with Ambassador Christian Strohal, at a meeting on the role of defence lawyers in guaranteeing a fair trial, Tbilisi, 3 November.

ODIHR takes the offensive in support of defence lawyers

Throughout a large part of the OSCE region, a person's ability to get a fair trial can be severely hindered by the lack of proper legal representation. This glaring weakness has never been adequately addressed by the international community, while the few domestic reform efforts have often foundered.

To help tackle this, the ODIHR hosted a meeting dedicated to the role of defence lawyers, in Tbilisi on 3-4 November. The meeting focused on access to legal counsel, structural issues relating to the defence bar, and equality of parties in criminal proceedings.

On the front line in defending human rights

"International actors have been slow in recognizing the importance of the defence lawyer, especially in states where there are concerns over other aspects of the judicial system," says Cynthia Alkon, Head of the ODIHR's Rule of Law Unit. "But defence lawyers are as important as judges and prosecutors in ensuring a fair trial and are often the first to learn about allegations of torture and mistreatment, before traditionally recognized human rights defenders such as non-governmental organizations."

Shortage of defence lawyers

One problem that affects many of the former Soviet states in particular is an acute shortage of defence lawyers. In Azerbaijan, for example, there are as few as 300 for a population of eight million, compared to the European Union average of one per thousand.

Defence lawyers in the Soviet Union joined mandatory defence bars, known as collegia of advocates. These bodies enjoyed considerable autonomy, but had tight control over the practice of their members. Reform of this system has taken different directions across the region, and the OSCE meeting discussed whether these reforms have resulted in strong defence bar structures and improved access to legal assistance for citizens.

Inadequate reform efforts

In some countries, the few reforms that have been made to the existing defence bar structure have produced systems that are restrictive and rife with nepotism. Admission pro-

cedures are obscure and bar exams lack transparency. And despite a steady supply of law graduates, defence bars are failing to replace even those retiring from their ranks.

Where there is no structured defence bar, on the other hand, the system can be chaotic. Admission to practice is usually controlled by the Ministry of Justice, or bodies created by it, which also leaves room for abuse. Defence lawyers lack the ability to lobby effectively as a professional association, and there is no framework for training, or for regulating competence. Lack of organization also means inadequate provision of legal aid, with frequent instances of collusion between police investigators and lawyers to the detriment of defendants.

Greater transparency and independence

Finding the right path to reform is not easy. Developing a professional bar structure that is transparent and independent requires the will of both the government and the legal profession. Issues such as responsibility for provision of legal aid must also be taken into account, as well as ensuring that whatever body regulates admission to practice and disciplinary proceedings is free from political interference.

"In Tajikistan, the defence bar is considered the least attractive option for law graduates. Lawyers need to push for reforms themselves, but many of the younger members of the collegium are afraid to lobby for change since they depend on older members for work," says Nigina Bakhrieva of the Tajik non-governmental organization Bureau of Human Rights and the Rule of Law.

"Lawyers want reform, but morale is low, and left to their own devices they can't initiate it. The state needs to take the lead in reform, but in close co-operation with members of the legal profession."

Raising awareness and networking

"The structural reforms needed to the defence bars in these countries will take many years of work, and the ODIHR will continue to press for reform, and offer legislative support," says Alkon.

"But our meeting had two short-term goals: to raise international awareness of the importance of the defence bar in ensuring fair trials, and to enable lawyers from the region, who work in difficult conditions, to network, exchange experiences, and provide mutual support."

It is expected that the OPCAT will enter into force in 2006 following its 20th ratification. The ODIHR will continue its involvement in this process.

II. Fair trials

The right to a fair trial involves a range of minimum standards that touch on nearly every aspect of the criminal-justice system: the independence of the judiciary; access to competent legal counsel; and certain procedural safeguards, such as granting the accused the right to a public trial within a reasonable period of time, granting the right to appeal, and informing the accused of any decisions taken.

A trial that fails to meet even one of these criteria may be deemed unfair. Thus, in its efforts to see that judicial systems are capable of guaranteeing fair trials, the ODIHR takes a comprehensive approach. The ODIHR offers assistance to states to ensure that their legislative frameworks are conducive to guaranteeing fair trials by enshrining all of the necessary safeguards. It also conducts activities aimed at reforming the defence bar and improving the professional skills of lawyers. The ODIHR also recognizes the positive role of trial-monitoring programmes in identifying and reporting systematic shortcomings in the administration of justice.

Reforming the defence bar

Where the defence bar is not an open institution that freely admits new members on a regular basis, there will inevitably not be enough lawyers to counsel those in need of legal assistance.

The ODIHR has been an advocate for bar reform in order to improve access to legal advice. Its assistance takes the form of expert recommendations, legislative review, or simply initiating much-needed discussion among all interested parties, including the non-governmental sector. In addition, the ODIHR has also encouraged the development of professional skills among lawyers.

In Azerbaijan, the ODIHR has been observing implementation of the new law on advocates. Along with the OSCE Centre in Baku and

the American Bar Association's Central European and Eurasian Law Initiative, the ODIHR initiated dialogue with partners in Azerbaijan to ensure that the law is implemented.

In Kyrgyzstan, the ODIHR made two assessments of the draft law on defence lawyers. In October, the ODIHR, together with the parliament and other interested parties, organized a roundtable to discuss the draft. Discussions focused on the status of advocates and ensuring independence of the proposed new bar while maintaining professional ethical standards and effective disciplinary procedures.

In Kazakhstan, the ODIHR also reviewed new amendments to the law on defence lawyers that concern reform of access to the bar, disciplinary proceedings, and the organizational structure of the bar. During the Supplementary Human Dimension Meeting on the Role of Defence Lawyers in Guaranteeing a Fair Trial, in November, a number of recommendations were made with respect to bar reform that could be implemented in Kazakhstan. The ODIHR plans to organize an international conference on reform of the bar in Kazakhstan in 2006.

In Armenia, the ODIHR followed the implementation of the new law on advocates and also monitored the unification of two former bodies into the newly established Chamber of Advocates.

Professional development

The ODIHR encourages the creation of continuing legal education programmes that allow defence lawyers to regularly update their professional knowledge and improve their skills. In 2005, the ODIHR worked with defence lawyers in Kazakhstan on improving the professionalism of bar members. A group of Kazakh trainers who completed an ODIHR training programme the year before conducted more than 90 hours of seminars to improve the professional legal skills of their less experienced colleagues in the Almaty City Collegium of Advocates. In Kyrgyzstan, the ODIHR provided support to the Youth Human Rights Group, a national NGO that implements an advanced training course

Another Step Towards Ensuring Fair Trials

ODIHR Facilitates Discussions on Abolishing the Practice of Further Investigation

Many of the problems related to criminal-justice reform in former Soviet countries are rooted in the legacy of Soviet criminal procedure. One of these problems is the authority of the courts to refer a case for "further investigation".

This power provides a court with three main options after a trial: to find a defendant guilty; to acquit the defendant; or to return the case to the prosecutor, providing an opportunity (and more time) to investigate the case and look for more evidence. When a court decides to send a case back for further investigation, it says, in effect, that there is insufficient evidence for a conviction. Fair-trial standards require that, if there is insufficient evidence to uphold a conviction, the court should make a finding of acquittal.

In practice, the power to return a case for further investigation allows prosecutors to bridge gaps and discrepancies in their case and often

excuses unprofessional prosecutorial work. This can translate into breach of evidence rules, at best, and ill-treatment or torture, at worst, to ensure that the next time the case goes through the system, it will result in a guilty verdict. Some cases go back and forth between the court and investigation for years, depriving the defendant of both a speedy trial and a final court decision.

Such authority of the court reinforces the accusatorial approach of the judiciary and is at odds with the presumption of innocence of the accused, as well as the principle of equality of arms. This also partially explains why some countries in the OSCE region have acquittal rates of only around 1 per cent.

The practice of further investigation violates the principles of adversarial procedure and the right to be tried without undue delay by an impartial tribunal. Due to the serious con-

sequences of this practice, the ODIHR has been facilitating discussions on the abolition of further investigation and assisting OSCE participating States that have expressed the intention to abolish this practice.

One recent example is Kazakhstan. In 2005, at the request of the Prosecutor's Office, the ODIHR helped organize a conference on the abolition of further investigation by providing best practices from other countries that have already carried out this reform and brought their legislation into conformity with Article 14 of the International Covenant on Civil and Political Rights, an international instrument that sets fundamental fair-trial standards. Obviously, this reform does not solve all the problems of the criminal-justice system, but without taking such important steps, overall progress towards implementing international fair-trial standards is not possible.

for lawyers on the International Covenant on Civil and Political Rights. Twenty-five lawyers will complete this programme in 2006.

*Trial observation*¹

Trial-observation programmes can be instrumental to promoting the right to a fair trial. The information gathered by observers often points to the most pressing reform needs and may provide a basis for reform discussions. In individual cases, the presence of observers in the courtroom may encourage the court and the parties to adhere to the procedural rules more vigorously.

When the ODIHR organized the first OSCE

¹ For more information on the ODIHR's activities in this field, see Human Rights, pp. 52-53.

Inter-Mission Trial Observation Meeting in 2002, trial observation was a relatively new activity for OSCE field operations, conducted primarily in the countries of South-Eastern Europe. A wealth of experience has been gained by those trial observers, who can offer experience to others who have begun to conduct trial observation in other parts of the OSCE region. The ODIHR organized two meetings in 2005 to provide such opportunities to exchange experiences and lessons learned. The fourth Inter-Mission Trial Observation Meeting was held in Sarajevo in the fall, with staff from 12 OSCE field missions attending. A smaller meeting followed this in Zagreb that was dedicated to observation of war-crimes cases.

Programmes and Projects

Programmes	Region/Country	Components
Criminal Justice	OSCE Region	
Fair Trials	1. South-Eastern Europe 2. Caucasus, Central Asia	1. War Crimes 2. Assistance in Developing and Promoting Fair-Trial Standards
Joint EC-ODIHR Programme on Advancing Human Rights and Democratization in Central Asia and Developing Guidelines for Media Monitoring in Elections	Caucasus, Central Asia	Basic Skills Training for Lawyers
Joint EC-ODIHR Programme: Promoting Legislation Reform and Criminal Justice in Central Asia	Central Asia	Criminal-Justice Reform
Projects		
Legislation Alert and Assistance	Central Asia	
Legislation Alert and Assistance	Caucasus	
Technical Assistance for National Human Rights Institutions Such as Ombudsman	Caucasus	
Legislative Assistance	Kyrgyzstan	
Prison Service Training	Kyrgyzstan	
Training on the International Covenant on Civil and Political Rights for Judges, Prosecutors, and Defence Lawyers	Kyrgyzstan	
Assistance to the Training Centre for the Judiciary	Kazakhstan	
Legal Assistance and Court Representation	Croatia	
Alternative Sentencing	Belarus	
Legislative Reform Assistance	Central Asia	
Monitoring Places of Detention	Caucasus, Central Asia	
Legislative Reform	Serbia and Montenegro (Montenegro)	
Anti-Torture	OSCE Region	
Regional Trial Monitoring	South-Eastern Europe	
Criminal Justice: Prosecutors in Armenia	Armenia	

Civil Society and Democratic Governance

For the ODIHR, the fundamental aspect of *civil society* is the voluntary participation of citizens in community life – both local and country-wide – either directly or through organizations or institutions. The extent to which this participation is transparent and effective is a measure of the quality of democratic governance within a given country. Over the past 15 years, the ODIHR has sought to strengthen this participation in line with the OSCE commitments on civil society in general and on NGOs in particular.

Since 2004, the ODIHR has taken a more comprehensive approach to strengthening democratic practices by developing and adopting an inclusive strategy characterized by working

simultaneously with civil society, political structures, and government institutions. Building on results of the 2004 Human Dimension Seminar on Democratic Institutions and Democratic Governance, the Office intends to complement other programmes aimed at strengthening institutions, legal reform, and promotion of the rule of law with this emphasis on strengthening democratic *processes* through increasing transparency and expanding participation in policy-making. Two new pilot projects conducted in 2005 are providing valuable insights to further develop this new approach.

In addition, the ODIHR continues to facilitate the participation of NGOs in major OSCE events.

Main Issues

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

» **Political representation:** International democratization programmes implemented in the OSCE region since the early 1990s have mainly targeted two sectors: government institutions and NGOs. Political parties have been involved in a much less systematic manner, despite the evident problems of weak political actors with poor representativeness and accountability. Political parties need to be effective in order to ensure the proper functioning of legislative structures, a necessary precondition for the promotion of inclusive democracy. Indeed, if political parties are to foster democratic governance effectively, they need to govern themselves democratically as well.

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

Activities

In 2005, the ODIHR carried out activities in the following areas:

- 】 Promoting the development of political parties as democratic institutions;
- 】 Improving capacity for parliamentary reform; and
- 】 NGO participation in OSCE events.

I. Promoting the development of political parties as democratic institutions

Democratic political parties are an integral part of a strong and healthy civil society and provide a natural venue for channelling citizens' political interests and priorities in order for them to be reflected in the way their society is governed. This can only be achieved if stable, legitimate means of expression in the political process are ensured. Political parties also help to protect individual rights and maintain orderly, lawful, and open government; by aggregating, deliberating, and negotiating among competing demands, they tend to produce more consensual and sustainable policies and, hence, greater governability and legitimacy.

While elections constitute the most visible expression of democratic choice, what happens *between* elections is crucial to sustaining and consolidating democracy. If elections provide legitimacy in form, they also mandate effective representation in substance. Effective representation can only be achieved if political frameworks provide a level playing field for competing parties and if parties themselves present participatory structures that allow their members — men and women — to be actively involved in their own governance on equal terms. Without this, there can be no competitive politics, and without competitive politics between elections, there is simply no democracy.

In 2004, the ODIHR focused on how to follow up constructively on the democratic opening and momentum offered by the so-called Rose Revolution in Georgia. Strengthening the



political framework in order to put an end to the cyclical nature of regime change in Georgia was seen as important. In this context, a multi-party effort in which all parties were ready to take a critical look at themselves and the way they interact could strengthen Georgia's democratic political framework. This recognition is what led to the ODIHR's "Political Parties Interactive Assessment" pilot project in Georgia.

Together with the Netherlands Institute for Multiparty Democracy (NIMD) and the Tbilisi-based Caucasus Institute for Peace, Development and Democracy (CIPDD), the ODIHR developed an analytical research methodology that would involve political parties in Georgia carrying out an interactive self-analysis.

Throughout 2005, Georgia's six main parties conducted, under close supervision and coaching by the three partners, a self-analysis exercise that concentrated on a variety of party-related issues. These included the *raison d'être* of their party, outreach and membership, women's participation and input into party programmes, public party finances, minority and geopolitical issues, relations between parties and factions in parliament, and relations between parties and the state.

This first year of activity in what is expected to be a long-term engagement by the ODIHR in

Marianne Mikko, an Estonian member of the European Parliament, at an ODIHR conference on the institutional development of political parties in Georgia, Tbilisi, 17 March 2006. This was the second and final multiparty conference of a pilot project that took place throughout 2005.

Ghia Nodia, Director of the Caucasus Institute for Peace, Democracy and Development, one of the ODIHR's partners in a pilot project on the institutional development of political parties in Georgia.



this work will result in the publication of an analytical report in 2006. This will include a thorough analysis and background of current political frameworks and also detail the strategic steps to be taken to strengthen the democratic practices of party structures.

This pilot project has already had a number of important first results:

- Political parties have been involved as full stakeholders in this process, thereby allowing them to assume ownership of its progress and success;
- The interactive assessment has led to an enhanced capacity among parties for internal critical thinking; and
- The exercise has effectively demonstrated that multi-party co-operation is not only possible but also seen as desirable.

This pilot project has already received the attention of other participating States and OSCE field operations. An assessment mission has already been carried out in Moldova, and other such missions are planned.

II. Improving capacity for parliamentary reform

Just as the democratic development of political parties can be rendered more challenging by local customs, traditions, and rules, parliamen-

tary reform entails more than a simple combination of capacity-building, developing rules and procedures, and training parliamentary staff and members of parliament. To be sustainable, it requires a well-developed *local* vision and strategy for both the mid- and long term. Parliaments want to develop more space and capacity to research and discuss their identity and position within society, including how they can best interact internally, as well as with external institutions and groups. Most important, parliaments undergoing reform should be in a position to develop their own roadmap and to retain full ownership of their reform processes. This strategic capacity is often weak in a number of parliaments in the OSCE region facing complex reform agendas.

To address this deficiency, the ODIHR, in a second pilot project in the field of democratic governance in 2005, assisted the Georgian parliament in setting up a Centre for Parliamentary Reform. Georgia was a clear choice for such an initiative for several reasons: the existence of strong local political will to see through an ambitious programme of parliamentary reform; a multitude of donors and international actors; and a relative lack of strong internal capacity for planning and co-ordinating reform.

The project was developed through an agree-

ment between the ODIHR, the OSCE Mission to Georgia, and the Georgian parliament. The innovation resides in the fact that the Centre for Parliamentary Reform is to be created *within* the parliament. It will answer to the Speaker's Office while being supported and monitored by the OSCE Mission and the ODIHR. The two Georgian staff recruited for the Centre have a background in parliamentary practice, law, and public administration and have also received further training in parliamentary reform. Their main task will be to advise the speaker and parliamentary leadership on parliamentary reform strategy and donor co-ordination. They will monitor the ongoing reform process and individual activities to see if objectives and deadlines are being met. In terms of fostering internal discussions on the identity and position of the parliament, the Centre's staff will closely engage members of parliament and parliamentary staff in the whole reform process.

Work on the Centre for Parliamentary Reform started in the second half of 2005 and culminated with its opening in January 2006.

III. NGO participation in OSCE events

The ODIHR is dedicated to maintaining close relations with non-governmental organizations. The relationships formed are valuable for both sides: the ODIHR needs the expertise and information from NGOs on the ground in order to provide a more complete picture of the implementation of OSCE commitments by partici-

pating States; at the same time, the ODIHR provides NGOs with a platform to engage partners in their respective issues. In addition, OSCE Human Dimension Meetings often provide a key opportunity for NGOs to inform their respective governments directly about the results of their activities, as well as to advocate more widely with regard to their individual issues and priorities.

In 2005, the ODIHR provided assistance to NGOs to take part in three Supplementary Human Dimension Meetings and the Human Dimension Seminar, as well as the two-week Human Dimension Implementation Meeting in Warsaw. In total, the Office facilitated the participation of some 753 participants from 542 NGOs in these events. Thanks to voluntary contributions of OSCE participating States, the ODIHR was in a position to finance the participation of such a large number of relevant civil society representatives in human dimension events throughout the year that otherwise would not have been able to attend and contribute.

Programmes and Projects

<i>Programmes</i>	<i>Region/Country</i>	<i>Components</i>
Democratic Governance	OSCE Region	
Joint EC-ODIHR Programme on Advancing Human Rights and Democratization in Central Asia and Developing Guidelines for Media Monitoring in Elections	Kyrgyzstan	Civic Dialogue
Projects		
Fund for NGO Participation in Human Dimension Events	OSCE Region	

Gender Equality

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

In a context where women are under-represented in decision-making and governance structures, women's organizations need to build networks and form strong alliances, from grassroots to central levels, both for their own empowerment and in order to constitute a representative partner for dialogue with government.

As part of this process, the ODIHR is developing a pool of national experts to advise and support governments in promoting equal rights and opportunities.

Through its work, the ODIHR is contributing to the implementation of the OSCE Action Plan for the Promotion of Gender Equality. In-house, gender issues are being mainstreamed throughout the Office's activities.

Main Issues

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

and opportunities for women and men in terms of wider democratic development.

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

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

» **National gender expertise:** Consultancy and advice on the promotion of gender equality in transitional countries are commonly provided by experts and academics from established democracies. However, external advice does not always result in sustainable local efforts to achieve gender equality. Therefore, experts with first-hand local knowledge are indispensable in developing tailor-made responses and in building local ownership of processes. Building the capacity of national experts as advisors to gender policy makers on the national and regional level is a priority.

Activities

The ODIHR has been conducting a long-term programme aimed at increasing women's participation in democratic processes. To achieve this goal, the ODIHR carries out specific activities aimed at strengthening the capacity of national stakeholders, from governments and civil society, in the South Caucasus and Central Asia to:

- (a) Increase awareness of the importance of equality of rights and opportunities among women and men; and
- (b) To develop and implement effective policies for the promotion of gender equality.

The overall strategy is to develop mechanisms of interaction between the public and governments and to strengthen the capacity of grassroots actors to oversee and monitor the democratic performance of their governments.

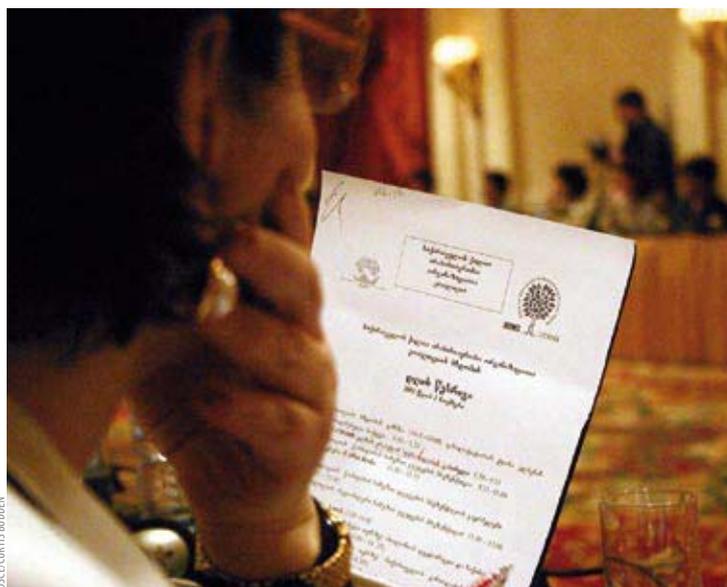
In 2005, the ODIHR conducted activities in the following areas:

- 】 Fostering co-operation among governments and civil society to promote gender equality;
- 】 Women's leadership development, coalition-building, and networking;
- 】 Preventing and combating domestic violence;
- 】 Development of national expertise on gender equality.

I. Fostering co-operation among governments and civil society to promote gender equality

In order to build co-operation between civil society and government, the ODIHR promotes the creation of networks and mechanisms to increase the participation of women in policy-making processes at both national and grassroots levels. Joint initiatives between governments and civil society have been developed, including the fostering of policy dialogue on measures to improve the level of women's empowerment and political participation.

In Kyrgyzstan, for example, not a single female candidate was elected to the national legislature in parliamentary elections held in early 2005.



OSCE/COURTIS BUDEN

But in the wake of political changes occurring shortly thereafter, the Women's Network established by the ODIHR used the opportunity to work with the new president for the establishment of a special representative to parliament on gender equality. The ODIHR continues to provide guidance and expertise to the Network and the special representative to ensure the inclusion of gender perspectives in legislation and to identify a common platform for action on reforms. In the framework of the ongoing constitutional reforms in Kyrgyzstan, the Network has been lobbying for inclusion of the principle of equality between women and men as one of the basic tenets of the constitution.

In Georgia, the Coalition of Women's NGOs supported by the ODIHR was able to mobilize the government to address gender equality in a comprehensive manner, through its commitment to establish institutional mechanisms for gender equality at the state level. The ODIHR provided expertise to the Coalition in its work to establish a High-Level Governmental Commission for Gender Equality under the Office of the Prime Minister with the mandate to elaborate a national action plan on gender equality. Based on a strategy developed jointly with the ODIHR, this Commission brings together high-

Charita Jashi, a member of the Georgian Women's NGO Coalition, at a meeting in Tbilisi, 2 November. The Coalition has been working to mobilize the Georgian government to address gender equality in a comprehensive manner.



Tiina Ilsen, Head of the ODIHR's Gender Unit, giving an interview on the sidelines of a meeting of the Georgian Women's NGO Coalition, in Tbilisi, 2 November. The ODIHR provided expertise to the Coalition in its work to establish a High-Level Governmental Commission for Gender Equality.

level representatives of key ministries and NGO Coalition members. The ODIHR is now providing expertise on the draft national action plan to the Commission and the NGO Coalition, which is utilizing its extensive women's network in all regions of Georgia.

In Armenia, the ODIHR provided both the methodology and strategy for a large-scale effort of local women's organizations to launch a public discussion with policy makers in government and parliament on ways of mainstreaming gender issues in the national education system. With the benefit of ODIHR expertise, this has developed into a programme for integrating specific and inter-disciplinary gender courses in secondary- and university-level curricula.

II. Women's leadership development, coalition-building, and networking

The ODIHR conducts activities in the areas of leadership development, coalition-building, and networking in order to increase the participation of women in decision-making processes. Such efforts, while largely concentrated on civil society actors, often involve building the skills and knowledge of women who are already in government positions in areas such as politi-

cal participation, governance, lobbying, and networking.

Throughout 2005, the ODIHR continued to provide skills training, capacity-building, and expertise to women's coalitions and regional networks in Azerbaijan, Georgia, and Kyrgyzstan.

In Azerbaijan, the ODIHR provided expertise to a regional women's network to conduct awareness-raising and leadership-building activities in 30 regions of the country. This has helped the network's members develop practical skills for promoting increased transparency of, and the involvement of women in, local government decision-making and for encouraging women's engagement in ongoing political processes at all levels, in particular the November 2005 parliamentary elections.

In Georgia, with the expertise and strategic guidance provided by the ODIHR, the Women's NGO Coalition and its thematic working groups actively contributed to ongoing reform processes by working to integrate gender aspects into the policy areas of education, health, economy, reform of local governance, peace-building, and environment- and media-related issues. The ODIHR also provided advice and consultancy to the regional members of the

Reet Laja, Chairperson of the Women's Training Centre of Estonia, at a meeting of the Georgian Women's NGO Coalition in Tbilisi, 2 November.



Coalition working in all 11 regions of Georgia to lobby for the establishment of gender focal points in ministries and local government. As a result, four regional members of the Coalition were appointed as gender focal points in their respective municipalities.

In an effort to promote women's participation in political processes, the ODIHR facilitated a joint initiative between Georgian civil society experts and political parties to assess the current state of development of political parties, the degree of democratic practices inside parties, and their impact on opportunities available to women members to achieve leading positions. The initial results of the assessment underlined the need for political parties to become more inclusive, transparent, and representative by expanding political opportunities and leadership roles for women.

In Kyrgyzstan, the Women's Network continues to utilize ODIHR expertise in its work with women in local governments to mainstream gender aspects in local policy-making. Following last year's successful campaign conducted by the Network to promote the election of women candidates as members of local councils, the ODIHR advised the Network to engage these

women in their new capacity and to carry out a series of training workshops for them on gender mainstreaming. While the overall number of elected women in Kyrgyzstan remains low, this first experience of promoting women in elected public office, resulting in a 27 per cent increase in the representation of women in local self-government structures, constitutes a considerable achievement of the programme.

The women's leadership networks created and supported by the ODIHR have promoted local democratization processes through increasing women's participation in decision-making processes. The networks have enabled women leaders from the grassroots level to engage authorities in community initiatives to improve municipal administration and are increasingly holding local governments accountable, thus helping to transform substantial parts of these communities into active citizens.

III. Preventing and combating domestic violence

Domestic violence is a major obstacle to women's expression of their free will and to their full participation in public life. It can ultimately exclude women from decision-making and inhibit their

effective engagement in democratic processes. Creating conditions in which women feel secure and where domestic violence is recognized and addressed by the state as a crime is fundamental to women's ability to effectively participate in social, economic, and political life.

The ODIHR's approach to this work is based on three key areas: sensitizing law enforcement agencies to the fact that domestic violence is a crime; building the capacity of law enforcement authorities to play an effective role in preventing and combating domestic violence; and promoting co-operation between law enforcement bodies and NGOs on strategies and measures to prevent and combat this crime.

In 2005, the ODIHR provided strategic guidance and expertise to its local civil society partners in Georgia and Azerbaijan in identifying areas of engagement in addressing domestic violence. These efforts concentrated on improving awareness of the issue among police and medical professionals. Special efforts to build awareness among the law enforcement and medical workers in regions outside the capitals were a key component, designed to ensure that the programme had a widespread impact. Specific activities in both countries included training workshops conducted by civil society experts

for law enforcement and medical professionals, compiling practical guidelines and working manuals for police and medical workers, and providing support for the establishment of a training and medical diagnosis centre that will provide information and access to vital medical resources to those treating victims of domestic violence and to victims themselves.

In addition to awareness-raising, the ODIHR assists civil society organizations in their support of victims through the maintenance of shelters and the provision of legal advice and counselling. The ODIHR facilitates partnerships between law enforcement and civil society actors, resulting in information-sharing, the joint collection of statistics, and intervention in cases of domestic violence. The process of drafting legislation on violence against women has been initiated in Georgia and is underway in Azerbaijan, involving a broad range of national stakeholders, such as law enforcement officials, prosecutors, judges, medical professionals, social workers, and civil society organizations.

IV. Development of national expertise on gender equality

Competent national experts capable of influencing developments at the local, national, and

Programmes and Projects		
Programmes	Region/Country	Components
Increased Participation of Women in Democratic Processes	1. Armenia 2. Azerbaijan 3. Georgia 4. Ukraine 5. Central Asia and South Caucasus 6. Central Asia and South Caucasus 7. South Caucasus	1. Women's Rights Education and Leadership 2. Women's Leadership Development and Political Participation 3. Women's Leadership and NGO Coalition-Building 4. Increased Participation of Women in Democratic Processes 5. Women's Leadership Development/Prevention of Violence against Women 6. Integration of Gender Aspects into the Work of Government Structures 7. Prevention of Violence against Women
Projects		
Women's Leadership and NGO Coalition	Georgia	
Women's Rights Education and Leadership	Armenia	

international levels with first-hand expertise in gender issues and knowledge of existing needs in the local context are crucial to the sustainability of the ODIHR's programmes. The ODIHR views the development of the expertise of these local actors as fundamental to achieving a real and long-lasting impact in the field of promoting gender equality. To this end, the ODIHR created an NGO Expert Panel to develop a pool of national experts, trained to the level of their international counterparts, who combine this with first-hand knowledge of local situations and languages.

This NGO Expert Panel on Gender Equality, comprising 15 civil society experts from Central Asia and the South Caucasus, works to promote women's leadership and increased participation of women in decision-making across the region. All Panel members represent organizations that are long-standing partners of the ODIHR and are prominent civil society leaders in their own right.

The Panel is a cross-regional initiative, first launched in 2004 and designed to foster development of strong and self-sustainable national expertise, ensuring that best practices in promoting women's increased participation are effectively transferred among the countries of the South Caucasus and Central Asia.

In 2005, the ODIHR provided expertise and skills training to the Panel by organizing several strategy-development seminars and best-practices workshops, where members elaborated joint activities for utilizing their respective experiences and lessons learned. For example, the Georgian and Azeri members of the Panel worked together on the promotion of women's economic empowerment in Azerbaijan, while the Kyrgyz Panel members served as facilitators in the process of strengthening the regional network in Georgia. Moreover, the ODIHR organized training workshops on women's participation in political parties in Ukraine, using the expertise of the Panel members from Kyrgyzstan. Panel members substantively contributed to the high-level meetings conducted by the UN Economic Commission of Europe on gender aspects

in economy held in Astana and Geneva. Similar initiatives of the Expert Panel will continue in order to consolidate existing best practices and exchange of expertise between the countries.

Future Priorities

In order to build on current achievements and underpin its long-term engagement strategy, the ODIHR will continue to emphasize the strengthening of the national expertise necessary to promote gender equality. The following priorities have been identified for the upcoming year:

- ▶ Building the capacity of national experts beyond theoretical knowledge to develop, implement, and run self-sustainable programmes promoting women's equal participation in democratization processes;
- ▶ Facilitating and supporting civil society/government co-operation to increase the role of women in decision-making and to promote their full participation in political and public life at all levels;
- ▶ Raising awareness and building the capacity of law enforcement officers, medical professionals, and civil society to address, prevent, and combat domestic violence, including through legislative measures; and
- ▶ Assisting OSCE participating States in the development and implementation of national strategies for promoting gender equality.

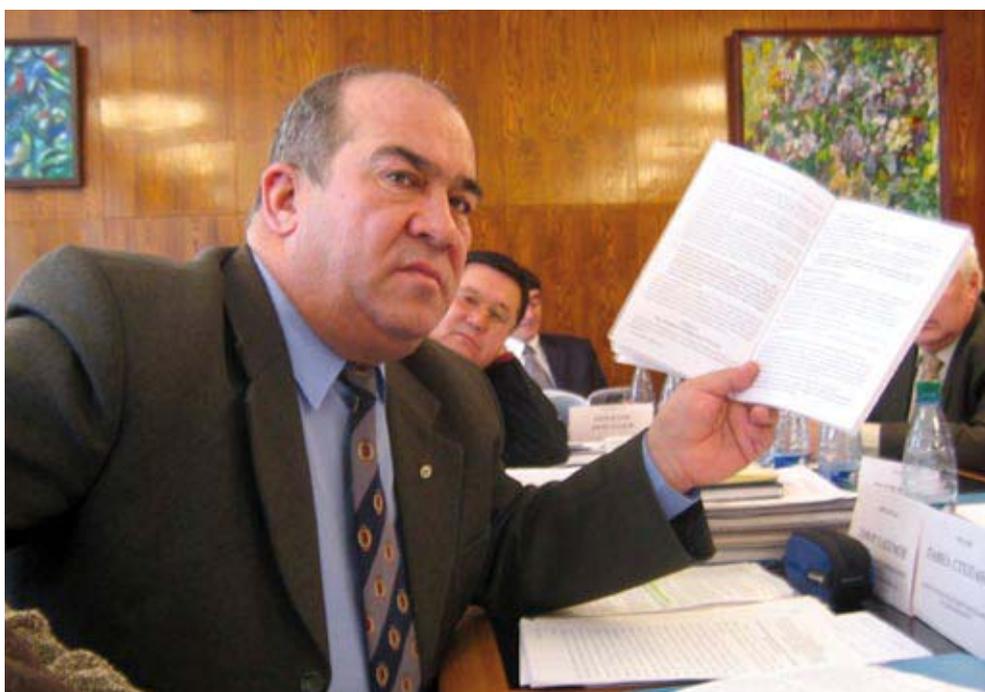
Migration/Freedom of Movement

Population mobility is an increasingly common phenomenon throughout the world. As people in the OSCE region move both within their countries and between countries, migration patterns are becoming more complex than ever. Migration can be a positive factor in economic and social development and can contribute to understanding among cultures and to democratization trends. But migrants can also become victims of negative stereotyping, intolerance, and violations of human rights.

The OSCE has developed a number of important commitments to facilitate the movement of people across borders, as well as within their own countries. The ODIHR assists participating States in their efforts towards further compliance with OSCE commitments on migration, freedom of movement, treatment of migrant workers, and treatment of citizens of other participating States.

There remain serious obstacles to protecting the human rights of migrants in the OSCE region. Restrictions still exist in many places on the movement of citizens within their own country and between countries, while the lack of information on migration laws and the policies of other participating States poses a challenge to citizens and governments alike. Moreover, there are persistent misconceptions throughout the OSCE region about the impact of migrants and a lack of understanding of the benefits of migration.

Migration and integration have also increasingly received attention from participating States in the OSCE context, as the Economic Forum and the Human Dimension Seminar, as well as the Mediterranean Seminar, in 2005 were devoted to these issues.



Zafar Khakimov, Director of the Kyrgyz Migration Service Department, at an ODIHR-supported meeting between the authorities of Kyrgyzstan and Russia's Sverdlovsk Region in February.

Main Issues

】 The right to free choice of place of residence:

Despite the collapse of the Soviet Union more than fifteen years ago, Soviet-era civil registration regulations, known as *propiska*, remain largely unchanged in a number of countries in Eastern Europe and Central Asia. *Propiska*-based systems restrict the freedom of individuals to choose their place of residence within their own country. This leads to the possible denial of social services, and impedes access to jobs and education. They also obstruct the participation of migrants in election processes. Moreover, the *propiska* system poses a significant barrier to finding durable solutions for the integration into society of migrant workers and internally displaced persons and the protection of their rights.

】 Integration of migrant workers into host societies:

The number of migrant workers in the OSCE region is increasing. In addition to crossing borders, citizens also move to richer and more economically developed regions of their own countries and larger cities in search of jobs and better living conditions. Intolerance on the part of host societies or communities towards migrants can cause conflict and resentment, which is sometimes exacerbated by the lack of adequate legal mechanisms to guarantee protection of their rights. In many countries, the successful integration of migrant workers is further hampered by the absence of ways to regularize their situation.

】 Cross-border co-operation on labour migration:

Many migrant workers are unaware of their rights in countries of destination, which makes them vulnerable to exploitation and mistreatment. Furthermore, a lack of dialogue between countries of origin and destination means that governments are unaware of the extent of migration flows between their countries and, consequently, have inadequate migration policies in place. There is a need for co-operative mechanisms among OSCE participating States

on the issue of labour migration to prevent discrimination, ill-treatment, and other violations of the rights of migrant workers. There is also need for continued exchanges of information between countries of origin and destination so that appropriate migration policies can be developed.

Activities

In 2005, the ODIHR's activities focused on the following areas:

I. Internal migration:

- 】 Assistance in reforming the *propiska* system;
- 】 Promoting the development of integration policies.

II. Cross-border migration:

- 】 Promoting interstate co-operation on labour migration, migration-related information, and human rights of migrants.

I. Internal migration

Assistance in reforming the propiska system

The Soviet-era *propiska* system — legal and administrative restrictions on the freedom of movement and the choice of place of residence, including the stamping of a citizen's internal passport to indicate his or her permanent address — still remains a civil registration instrument in many countries of the former Soviet Union. The system requires every individual who wishes to change his or her place of residence within a particular country to obtain written permission from the state to do so. Those changing their residence without this permission can find themselves denied access to state services and may also find it impossible to exercise a number of rights, including the right to work, to enrol in a school or institution of higher education, or even the right to get married. Such restrictions clearly violate both domestic and international laws. They contravene the fundamental rights to freedom of movement and choice of place of residence enshrined in OSCE commitments.

In a number of states, the *propiska* system played an important role in the transition to a

“The participating States will remove all legal and other restrictions with respect to travel within their territories for their own nationals and foreigners, and with respect to residence for those entitled to permanent residence, except those restrictions which may be necessary and officially declared for military, safety, ecological or other legitimate government interests, in accordance with their national laws, consistent with CSCE commitments and international human rights obligations. The participating States undertake to keep such restrictions to a minimum.”

— Document of the Moscow Meeting of the Conference of the Human Dimension of the CSCE, 1991

market economy. Proof of regional residence was used for privatization programmes and in some states it was used in making decisions on citizenship or the granting of residency permits. But now, in addition to contravening fundamental human rights, the remaining application of the *propiska* system constitutes a barrier for the development of labour markets and market economies.

While some countries of the former Soviet Union have been undertaking reforms of the *propiska* system with varying degrees of success, it remains in force or has changed only in name in others. This lack of progress on its removal stems, in part, from a lack of knowledge about alternative registration systems that do not restrict freedom of movement, as well as from the lack of an understanding of the value of modern civil registration systems for public-policy purposes, such as social insurance, providing education or other services, or compiling voter registers.

The ODIHR has provided assistance in developing a conceptual and legal basis for the reform of population registration, and offers expertise in drafting new laws and regulations. In 2005, the ODIHR continued its work in this area in Belarus and Moldova.

In Belarus, after a new concept for a draft law on population registration had been elaborated, the ODIHR organized a seminar for represent-

atives of relevant government agencies to discuss the concept. Later, the ODIHR organized training visits for Belarusian government officials to Latvia, Estonia, and Sweden in order to study technical, legal, and conceptual aspects of the population registration systems in those countries. After the study visits, the concept was amended, improved, and discussed at a seminar organized by the ODIHR.

In Moldova, the ODIHR organized training visits for Moldovan government officials to Latvia, Estonia, and Finland to learn about the system of registration of permanent residents and foreigners in those countries. The ODIHR also provided an expert opinion on Moldova's new draft law on the protection of personal data.

The ODIHR also organized a number of conferences, seminars, and technical workshops to disseminate alternative concepts and to discuss draft laws on reforming population registration that resulted in new laws on internal migration, freedom of movement, and choice of place of residence.

The ODIHR conference “Exchange of Experience on Reform of Population Registration Systems”, held in Kyrgyzstan in July, brought together policy-makers and experts from CIS countries and the Baltic states. It was the first event of its kind devoted to population registration issues, and it served as a forum for presenting new ideas and showcasing achievements in reforming population registration systems and creating population data management systems. Participants agreed that there is a need to create stable, efficient, and transparent population registration systems, independent of political priorities, and recognized the importance of improving national legislation on registration issues, focusing on real, not formal, places of residence.

Promoting the development of integration policies

In addition to ordinary citizens, *propiska*-related restrictions on freedom of movement affect all categories of migrants and are an obstacle to

ODIHR Migration Officer Nadzeya Zhukava (left) discusses the situation of migrant workers in Russia with Ibragim Abdulaev of the Tajik Labour Ministry in Yekaterinburg, Russia, December 2004. Russia continues to be the main destination for migrant workers in the former Soviet Union, including a growing number from Central Asia.

integration. The implementation of registration systems that do not restrict freedom of movement is therefore the first step in the development and improvement of integration policies that ensure the protection of human rights of migrants and their efficient and harmonious integration, and would benefit both the receiving society and migrants.

A Human Dimension Seminar on migration and integration of migrants by receiving countries was organized by the ODIHR in 2005, in co-operation with the Slovenian Chairmanship of the OSCE. The seminar provided a forum for an exchange of ideas and lessons learned, as well as for discussions on migration issues and on actions that states, NGOs, trade unions, migrant organizations, and other non-governmental institutions can take to improve the protection of the human rights of migrants and to facilitate their integration.

Particular attention was paid to integration as a two-way process that affects both the newcomers and the host population. Participants indicated the need for changes in the receiving society in this process, as well as the responsibility of public institutions to take steps to open societies to newcomers, enabling them to participate fully in political, social, cultural, and economic life.

There was general consensus among the seminar's participants that both sending and receiving countries can benefit from migration if they take positive steps to combat discrimination and acts of intolerance against migrants and ensure that conditions are created for them to integrate without losing their identities. Participants called on OSCE participating States to cooperate on migration management and to iden-



tify applicable and effective measures to facilitate the integration of migrants; they also called on OSCE institutions to strengthen initiatives on inter-state co-operation in search of mutually beneficial solutions.

II. Cross-border migration

Promoting interstate co-operation on labour migration, migration-related information, and human rights of migrants

Changes to the demographic, economic, and social structures in post-Soviet countries mean that some of these countries have a need for foreign workers and professionals, while others are experiencing economic decline and high unemployment rates. Over the last decade, the Russian Federation has become the main destination country for migrant workers in the region, mostly citizens of the countries of the former Soviet Union, including a growing number from Central Asia. Findings by Russian population experts clearly demonstrate that immigration to Russia is inevitable and indispensable for a growing economy faced with a decreasing population. Most of the migrant workers in the Russian Federation are irregular migrants. Due to strict regulations, most migrant workers end up living without registration and without rights to legal employment. The improvement of migra-

Programmes

<i>Programmes</i>	<i>Region</i>
Internal Migration: Assistance in Implementation of International Human Rights Standards on Freedom of Movement and the Right to Free Choice of Place of Residence within the Borders of a State	OSCE Region
Programme on Cross-border Migration: Promoting International Co-operation on Migration Issues and Rights of Migrants	OSCE Region

tion management systems and effective co-operation between sending and receiving countries and relevant governmental institutions would bring benefits to both migrant workers and host states. Replacing irregular migrant flows with orderly, regular migration is in the best interests of all governments.

In 2005, the ODIHR continued the implementation of its pilot project on cross-border co-operation on labour-migration issues between Kyrgyzstan and Russia's Sverdlovsk Region — an area with relative economic prosperity close to the border with Kazakhstan. As a result of ODIHR studies on the practical implementation of existing legislation and other mechanisms for labour-migration management, the Migration and Employment Services of the Sverdlovsk Region and Kyrgyzstan signed protocols on co-operation.

Future Priorities

The Office will continue its assistance in the development of new legislation on internal freedom of movement and free choice of place of residence and in the reform of the *propiska* system. In particular, it will increase its focus on assistance in the development of new civil registration systems and centralized population registers. While continuing its work in the countries of the former Soviet Union, the Office will also offer its expertise to the countries of South-Eastern Europe. In addition, the ODIHR will continue to share information on the experience gained during the process of civil registration

reform among the countries in those regions by organizing expert meetings, training visits, and workshops.

The Office will also continue to work on issues related to the integration of migrants through analysing the practical work of government bodies dealing with labour-migration issues and migrant workers and through training and capacity-building programmes for law enforcement and migration officials. Training programmes, workshops, and seminars will also be organized in order to raise awareness among relevant government officials, law enforcement personnel, and the general public of the international and domestic human rights standards on the treatment of migrants, as well as of the enriching contribution of migrants and migrant workers to society.

The ODIHR will also continue to facilitate interstate dialogue and co-operation on labour-migration issues and the human rights of migrants between countries of origin, transit, and destination.

Democratization

Legislative Support

All OSCE states face the challenge of ensuring that the laws they pass measure up to the purposes for which they were conceived. In addition to ensuring compliance with the relevant international standards, this also implies the process of developing legislation as well as the adequate tools for their application. This requires in turn that laws be prepared, drafted, adopted, and publicized through several clearly defined stages and within a pre-determined time frame. Only such a properly managed process allows for thorough discussions of the draft at each of its steps, as well as the performance of certain verifications. Ultimately, the real test of a law's effectiveness is its implementation: how it is treated by law enforcement, how it is interpreted by the courts, and how it is respected or implemented by the target population.

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

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

Work in the area of legislative processes is continuously being developed by the ODIHR. In addition to providing advice on the substantive drafting of legislation, the Office has also begun

assisting states in the development of effective, open, and transparent legislative processes.

Main Issues

】 **Insufficient knowledge of international standards:**

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

】 **Lack of resources and technical knowledge:**

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

】 **Inefficient and non-transparent legislative processes:**

In a number of countries, there is insufficient awareness of the need to manage the legislative process in its entirety, as opposed to relying on fragmented rules and inadequately co-ordinated procedures. Often, laws are adopted without the involvement of those who will eventually be affected by the law. Or a law will be hastily adopted without first being evaluated at the drafting stage. More often than not, the result is ineffective legislation that fails to fulfil the purpose for which it was adopted.

Activities

In 2005, the ODIHR's activities focused on the following areas:

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

I. Strengthening capacity for legislative reform

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

Upon request, the ODIHR lends assistance to states to make up part of such a capacity gap. This primarily consists of providing legal expertise to assess compliance with relevant standards, making recommendations to improve draft legislation, and sharing good practices that may help law drafters explore options other than those originally considered. In terms of sharing good practices, the ODIHR's legislative database (www.legislationline.org) is a powerful tool for all those involved in legislative reform.

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

Assistance does not, however, end at the law-drafting stage. Due attention is given to following up on recommendations both to clarify them for legislators and other relevant parties and, if necessary, to help incorporate them into the draft legislation under consideration. Such follow-up may take the form of conducting consultations with authorities and holding roundta-

Participants at a forum in Astana discuss Kazakhstan's draft law on national security, 22 April. Nikolai Belorukov, a member of Kazakhstan's Constitutional Court, is on the left.



In 2005, the ODIHR provided legislative reviews* and legal commentaries on the following:

Armenia

- ♦ Draft amendments to the Constitution;
- ♦ Draft amendments to the Criminal Procedure Code;
- ♦ Draft amendments to the law on the human rights defender with regard to the legal status of the staff of the Office of the Human Rights Defender;
- ♦ Draft amendments to the law on conducting meetings, assemblies, rallies, and demonstrations and to related provisions of the Criminal Code;
- ♦ Law on terrorism.

Azerbaijan

- ♦ Law on fighting trafficking in human beings.

Belarus

- ♦ Draft amendments to the law on non-governmental organizations;
- ♦ Guiding principles on freedom of association, with an emphasis on non-governmental organizations;
- ♦ Decree of the president on measures aimed at combating trafficking in human beings;
- ♦ Aspects of the draft law on population registration related to data protection.

Georgia

- ♦ Draft amendments to the Constitution;
- ♦ Draft law on preventing and combating trafficking in human beings and on the protection, assistance, and rehabilitation of victims of trafficking in human beings.

Kazakhstan

- ♦ Draft law on measures aimed at combating extremism;
- ♦ Draft law on national security;
- ♦ Draft law on the activities of branch or representative offices of international or foreign non-profit organizations; on amendments to several legislative acts concerning non-profit organizations;
- ♦ Note on the relationship between the norms of international treaties and domestic legislation;
- ♦ Draft law on prevention of money laundering (and related amendments to other acts).

Kyrgyzstan

- ♦ Draft amendments to the Constitution;
- ♦ Decree on NGO-government partnership.

Moldova

- ♦ Draft law on the processing of personal data.

Serbia and Montenegro

- ♦ Draft law on freedom of worship, churches, religious communities, and religious associations (Republic of Serbia);
- ♦ Draft Police Act and the draft Parliamentary Police Oversight Act (Republic of Serbia).

Turkmenistan

- ♦ Draft Code of Criminal Procedure.

Ukraine

- ♦ Amendments to the Criminal Code: Article 8 on extraterritorial jurisdiction, Article 149 criminalizing trafficking in human beings, and Article 303 on involving an individual in prostitution and trading in prostitution;
- ♦ Amendments to Article 149-1 of the Criminal Code on inducing a person into exploitation;
- ♦ Draft law on compensation for victims of violent crimes.

Uzbekistan

- ♦ Draft law on civil society organizations and on guarantees for the activities of non-governmental, non-profit organizations.

Former Yugoslav Republic of Macedonia

- ♦ Draft law on religious communities and religious groups;
- ♦ Draft law on equal opportunities of women and men.

* The ODIHR also conducted a number of reviews in the area of electoral legislation. For more information, see Elections, p. 12.

Case Study: Freedom of Assembly in Armenia

Armenia's development of new legislation on freedom of assembly provides a good example of how the ODIHR's legislative support works in practice.

Legislative context

Freedom of assembly is a fundamental human right with broad implications, encompassing all sorts of meetings and gatherings, including demonstrations and protests, and often overlapping with freedom of expression.

When a government decides to draft legislation on this issue, legislators need to take a variety of issues into account, such as the potential for public disorder and the risk that demonstrations will become violent. In considering these risks, however, lawmakers must also keep the principle of proportionality in mind, meaning that any provisions that restrict this freedom or allow for discretionary powers must be carefully phrased in order to avoid possible circumvention of rights in the practical implementation of the law.

Assessment

The ODIHR first recommended that changes be made to Armenia's legislation on freedom of assembly in 2003. Shortly thereafter, in March 2004, the Armenian parliament requested that the ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission) provide an assessment of Armenia's draft law on gatherings, meetings, rallies, and demonstrations.

That assessment suggested that many of the law's provisions were ambiguous or restrictive. Of particular concern were clauses relating to spontaneous demonstrations and notification requirements, as well as a ban on holding demonstrations within a specified distance from a number of locations.

The assessment also noted that the draft legislation was at variance

on several counts with relevant OSCE and international standards and lacked "a strong presumption that demonstrations are a legitimate activity and indeed are an essential characteristic of a healthy democracy".

Expert consultations

Following the original assessment, the ODIHR conducted expert consultations with the Armenian authorities and civil society on the development of this legislation. In June, a roundtable gathering government officials, parliamentarians, NGO advocates, law professionals, high-ranking police officers, and representatives from municipal authorities took place at the initiative of the ODIHR, the OSCE Office in Yerevan, and the Venice Commission. Taking into account the views exchanged during the roundtable, legal opinions were prepared and shared with the Armenian authorities. Close attention was paid not only to the content of the law but also to the process by which it was drafted and adopted. The ODIHR's view throughout the entire process was that a democratic approach to freedom of assembly should be developed and supported with the participation of a broad spectrum of Armenian society.

Adoption of the law

The positive response to this process by the Armenian stakeholders led to considerable amendments of the draft legislation. The law, as eventually promulgated in November 2005, improves the legal framework governing freedom of assembly in comparison with that provided by previous legislation. How this law is interpreted and implemented, however, will ultimately be the test of its effectiveness.

As suggested by experts from the ODIHR and the Venice Commission, it is now important that the application of the law be properly monitored and that it be kept under review, in consultation with civil society representatives and other interested parties.

ble discussions on draft legislation. In November 2005, at a public hearing convened by a parliamentary committee in Ukraine, the ODIHR was afforded an opportunity to present its views on draft amendments to the Criminal Code that criminalized trafficking in human beings and addressed other related matters.

Prior to this event, the ODIHR worked consistently with the Ukrainian authorities and also issued a series of opinions regarding the proposed amendments. This was followed up by further consultations in the same vein.

Similarly, the ODIHR undertook a series of consultations at the beginning of 2005, based also on prior issued opinions, with Azerbaijan's Justice Ministry with respect to the development of a law on fighting trafficking in human beings.

II. Improving legislative efficiency and transparency

A successful piece of legislation usually goes through a number of stages from conception to adoption. Schematically outlined, it begins with

Programmes

Programmes	Region
Legislative Reform Assistance	OSCE Region
Joint EC-ODIHR Programme: Promoting Legislation Reform and Criminal Justice in Central Asia	Central Asia

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

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

In response, the ODIHR has developed a pilot methodology that aims to make legislative processes more efficient, open, and transparent. The first step is to survey a particular country's entire legislative process, including the structure and interaction of the institutions involved. A subsequent analysis is carried out to identify weaknesses or gaps that need to be rectified. Finally, depending on the outcome of the previous stages, a series of workshops bringing together those involved in the legislative process in order to find solutions to the identified problems may be considered.

The first stage of this new methodology was conducted in Georgia and Ukraine in 2005, with planning underway for the remaining stages to be carried out in 2006.

III. Further strengthening [legislationline.org](http://www.legislationline.org)

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

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

Future Priorities

The ODIHR plans to increase its focus on legislative efficiency, first by conducting in-depth assessments of legislative processes in OSCE participating States and then by recommending ways to make the process more efficient. In 2006, depending on whether certain preconditions are met, it is anticipated that the first stage of the new methodology for conducting such assessments will be carried out in Kyrgyzstan and Kazakhstan. Similar assessments might also be conducted in Armenia and Moldova.

Legislationline will be redesigned and gradually translated into Russian, and more information about legislative procedures in OSCE countries will be made available.

Throughout the past year, the ODIHR conducted an evaluation of its own legislative reviews in an attempt to improve its methodology and design a strategy to improve the impact of its legislative-assistance work. This process will continue in 2006.

Human Rights

"Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government."-- Charter of Paris for a New Europe, 1990

The ODIHR assists participating States in fulfilling their obligations to protect and promote human rights as they are set out in OSCE commitments and other relevant international standards. It monitors compliance with OSCE commitments on human rights and fundamental freedoms and provides advice and assistance, including training and capacity-building. In practice, this involves working on a broad spectrum of issues, from the fundamental freedoms of assembly, association, and speech to sensitive and topical issues like capital punishment and respect for human rights in the fight against terrorism.

In broader terms, monitoring provides indicators for the ODIHR's institution-building activities by revealing areas where improvements to legislation or the functioning of state bodies could result in better protection of human rights for everyone. Thus, the ODIHR's activities also contribute to early warning and conflict prevention as an integral part of the Organization's comprehensive approach to security.

Main Issues

】 **Threats to fundamental freedoms:** In some countries, the fight against terrorism and extremism is being used as a pretext to reinforce the power of the authorities and to restrict human rights. Some governments have been restricting particularly the activities of human rights defenders, who are faced with a variety of obstacles while trying to conduct their activities, including restrictions on their freedoms of association, speech, and peaceful assembly.

】 **Protection of human rights in the fight against terrorism:** Since 11 September 2001, countries throughout the OSCE region have instituted new anti-terrorism measures. This security

environment potentially puts at risk a number of fundamental rights and freedoms, including the right to life, the absolute prohibition on torture, the right to a fair trial, the right to privacy, freedom of association, and freedom of religion or belief.

】 **Trafficking in human beings:** The fight against trafficking in human beings has to include adequate protection, support, and assistance for victims. A number of states fail to address the human rights of trafficking victims effectively, instead focusing on other issues, such as immigration control and priorities of law enforcement agencies. A weak commitment to a human rights approach is reflected in the inadequacy of anti-trafficking structures within states, insufficient inclusion of civil society and relevant state authorities in the development and implementation of anti-trafficking policies, and the disparity between the numbers of presumed trafficking cases and actual prosecutions for trafficking.

ODIHR human rights officers speak to Uzbek refugees in Kyrgyzstan following the 13 May events in Andijan.



ERIC GOURLIAN

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

】 **Fair trials¹:** In some countries of the OSCE region, there are persisting concerns with regard to compliance with international fair-trial standards that are raised by national and international actors. These concerns relate to the independence of the judiciary from executive authorities, the effectiveness of legal representation and access to legal aid, and compliance with the principle of equality of arms during trial proceedings, in particular the need for lawyers and prosecutors to ensure the adversarial nature of proceedings. There are also concerns about public access to trials: available reports highlight widespread problems with public access to trial schedules, to venues where trials are conducted, and to final court decisions.

Activities

In the field of human rights, the ODIHR has three structural objectives:

1. To collect, analyse, and disseminate information with regard to implementation of OSCE commitments relating to human rights and fundamental freedoms, and through this process

¹ Please see Rule of Law on pp. 27-28 for more information on the ODIHR's work on fair trials.

to contribute to early warning, conflict prevention, and improving the human rights situation across the OSCE region;

2. To strengthen and support national structures and institutions tasked to promote and protect human rights in OSCE participating States; and

3. To strengthen the capacity of the OSCE as an organization to assist the participating States in protecting human rights and fundamental freedoms by providing support and expertise to OSCE structures, including field operations.

The ODIHR conducted activities in the following areas in 2005:

- 】 Monitoring compliance with human dimension commitments;
- 】 Ensuring respect for human rights in the fight against terrorism;
- 】 Human rights training and education;
- 】 Trafficking in human beings: respecting victims' rights; and
- 】 Women's rights and security.

I. Monitoring compliance with human dimension commitments

Trial-monitoring

Trial monitors assess the fairness of court proceedings and whether they comply with OSCE commitments and other international standards. Trial-monitoring is concerned only with the fairness of a trial, not with the guilt or innocence of the accused. The information gathered through monitoring trials can form a basis for reform efforts, as well as feed into institution-building projects conducted by the ODIHR and other international organizations.

In 2005, the ODIHR continued trial-monitoring activities in Kazakhstan and Kyrgyzstan as part of a two-year project funded by the European Commission that was launched in 2004. Since their initial training, monitors have been observing criminal cases in local and regional courts in both countries in order to gather information about the compliance of court practices with fair-trial guarantees, particularly the right to a fair and public hearing, equality of arms,

After the violent events in Andijan, Uzbekistan, on 13 May, the ODIHR received varying reports about what happened, including allegations of gross violations of human rights. As reporting of the events was sporadic and contradictory, the ODIHR, in consultation with the Chairman-in-Office, sent a team of human rights experts to Kyrgyzstan to interview witnesses to these events who had sought refuge there.

The ODIHR produced a report based on 44 in-depth interviews with refugees in the Suzak Camp, near the Uzbek-Kyrgyz border, between 26 May and 2 June. As no positive response to requests for visas to travel to Uzbekistan was received, this report did not aspire to give a full account of the events; rather, it was intended to serve as a basis for asking the Government of Uzbekistan to co-operate with an international, independent, and impartial investigation. A number of recommendations for follow-up were provided in the report.

The ODIHR also supported the efforts of the OSCE Centre in Tashkent with respect to monitoring trials related to the Andijan events. The ODIHR sent a trial-monitoring team to Tashkent to observe the trial of 15 defendants between 20 September and 14 November. A report on the compliance of this trial with international and national fair-trial standards will be released in 2006.

presumption of innocence, and the right to adequate and effective legal defence. After further training, and as the final phase of the project, the information gathered by the monitors will be presented to the authorities and others in 2006.

In February, the ODIHR issued a report from the trial-monitoring project that was conducted in Azerbaijan in 2003-2004, focusing on the trials of those individuals who were detained or arrested during demonstrations that came in the wake of the presidential election in October 2003. The report was based on the observations of 19 trial monitors who had been trained by the ODIHR in 2003-2004 and who, from January to October 2004, observed 125 cases of individuals charged with crimes following the election.

The report concluded that, in general, Azerbaijan's legislative framework recognizes the rights and protections required for the conduct of fair trials in compliance with international standards. The actual legal proceedings in the cases monitored, however, were not always conducted in a manner that would guarantee the protection of these rights. In particular, the trials did not meet certain safeguards, including the right to legal counsel, the right to an impartial and independent tribunal, the right to a fair hearing, and the right to a reasoned judgement.

In April, the ODIHR hosted a meeting with representatives of Azerbaijan's government

and civil society, as well as with international experts, to discuss ways to implement the recommendations contained in the ODIHR's report. The results, however, were not as positive as expected, and the ODIHR suspended its involvement in the group's work.

In 2005, the ODIHR assisted the OSCE Mission to Moldova in planning a trial-monitoring project. The Office also contributed to the elaboration of a trial-monitoring manual that, among other issues, included a special focus on monitoring trials that involve crimes of trafficking.

Human rights defenders/freedoms of assembly and association

Although all OSCE participating States are committed to guaranteeing citizens the freedom of assembly and association, these commitments are not always met in practice. In some cases, new laws aimed at fighting terrorism or combating extremism have prevented people from gathering or holding peaceful demonstrations or imposed new requirements on NGO registration and reporting. In other cases, individuals have been prevented from forming or registering political parties, especially when in opposition. The curtailing of these freedoms impairs the development of democracy, including by undermining democratic elections — a necessity for the legitimacy of any government — and by having a harmful effect on the growth of civil

society and on the activities of human rights defenders in particular.

Non-governmental organizations often face excessive and unjustified restrictions on their activities, including the application of restrictions on the freedoms of assembly and association. There is a need in some countries to replace restrictive authorization procedures for holding assemblies and registering NGOs with a requirement to provide notification of a planned assembly.

Another obstacle faced by human rights defenders is their portrayal by some authorities as unpatriotic or as traitors, in an attempt to sway public opinion against the activities of groups or even against individuals themselves. There are examples of such tactics not only in relation to human rights defenders trying to deal with recent human rights violations but also to those who are trying to uncover past violations. Moreover, female human rights defenders who work on women's human rights often face the additional charge that they are destroying the traditional fabric of society. The ODIHR follows cases involving harassment and persecution of individual human rights defenders and

intervenes with government authorities where appropriate.

The ODIHR supports efforts to protect the freedoms of assembly and association in a number of ways, including by offering expert legal advice to governments and OSCE field operations and by organizing meetings that provide a forum to discuss problem areas and suggest relevant solutions.

In March, for example, the ODIHR organized a regional conference in Almaty on freedom of assembly and association in Central Asia. Conference participants (governmental and non-governmental representatives, but no government officials from Uzbekistan or Turkmenistan took part in the conference) adopted a set of recommendations, which include the following points for states to consider:

- ▶ Taking steps to allow informal association, i.e., unregistered groups;
- ▶ Simplifying the NGO registration procedure;
- ▶ Abolishing the mandatory re-registration of NGOs;
- ▶ Replacing procedures that require prior authorization for public assemblies with a requirement for prior notification only;

A young woman carries a bucket of water back to her tent at a camp for Uzbek refugees who fled to Kyrgyzstan following a violent clash with security officers in Andijan on 13 May.



- 】 Recognizing the need for state bodies to provide security for assembly participants;
- 】 Considering the possibility of introducing legislative provisions that would allow for mediation of disputes related to assemblies; and
- 】 Ensuring transparency in all stages of the legislative process by publishing draft laws related to the freedoms of assembly and association.

To follow up on the conference, the ODIHR funded a small project in Kazakhstan through which civil society representatives received training in how to monitor peaceful assemblies and draft reports that could be used as the basis for preparing recommendations to the government on ways to improve national laws regulating freedom of assembly.

Death penalty

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

The ODIHR produces an annual publication, *The Death Penalty in the OSCE Area*, which is released at the Human Dimension Implementation Meeting. This publication provides a com-



States of public emergency

"When a state of public emergency is declared or lifted in a participating State, the State concerned will immediately inform the [ODIHR] of this decision, as well as of any derogation made from the State's international human rights obligations. The [ODIHR] will inform the other participating States without delay."

— *Moscow Document, p. 28.10*

In November, the Government of France informed the ODIHR that a state of public emergency had been declared following continued urban violence in parts of the country.

parative overview of the use of the death penalty throughout the OSCE region based primarily on information provided by the participating States. The publication is distributed to targeted recipients in the OSCE area, including government officials, NGOs, international organizations, OSCE field presences, universities, research centres, and libraries.

The use of capital punishment in the OSCE region continues to decrease. In 2005, Greece fully abolished the death penalty, Tajikistan introduced life imprisonment as an alternative to capital punishment, Uzbekistan committed to abolish the death penalty as of 1 January 2008, and the United States abolished the death penalty for minors. Thus, as of December 2005, nine participating States still retained the death penalty in some form, while only Belarus, the United States, and Uzbekistan were still carrying out executions.

In 2005, the ODIHR continued its efforts to facilitate an exchange of information on the death penalty and its alternatives among officials and civil society in Central Asia. The ODIHR, in co-operation with the OSCE Centre in Almaty, the Kazakh Foreign Ministry, the European Commission, Penal Reform International, and the Kazakh organization Charter for Human Rights, organized an international conference in November on alternatives to the death penalty in Central Asia. The conference, which brought together 85 governmental and non-governmental actors from Kaza-

ODIHR Director Christian Strohal (left) with Lyudmila Alekseeva, Chairperson of the Moscow Helsinki Group, in Warsaw, 19 September, where they both took part in Europe's largest human rights and democracy conference, the OSCE's Human Dimension Implementation Meeting.



khstan, Kyrgyzstan, Tajikistan, and Uzbekistan, addressed such issues as international standards and the practices of long-term and life imprisonment, provided an overview of relevant legislation and practice in Central Asia, and saw arguments presented for various alternatives to the death penalty. Recommendations stemming from the conference covered the following areas:

- 】 The need for improved legislation;
- 】 The continuation of public-awareness campaigns;
- 】 The improvement of prison conditions and the treatment of prisoners; and
- 】 The involvement of non-governmental organizations in monitoring places of detention.

II. Ensuring respect for human rights in the fight against terrorism

Participating States from across the OSCE region face difficult questions related to human

rights issues raised by the fight against terrorism. One is how to balance the obligation to protect populations from terrorist attacks with the obligation to ensure that counter-terrorism measures do not themselves undermine the very rights that they seek to protect. The ODIHR provides assistance to states in the development of counter-terrorism strategies that are effective and comply with international human rights standards.

A core part of this programme in 2005 was the development of a manual and training programme on human rights and counter-terrorism aimed at senior public officials involved in counter-terrorism. Two pilot training courses were held to advance this project: a national course in Kyrgyzstan in November and a regional course involving Austria, Bulgaria, Croatia, Romania, Serbia and Montenegro, and Turkey, in Vienna in December. The second course was hosted by the Austrian Interior Ministry and organized in co-operation with the Council of Europe. The

purpose of the training was to provide a practical insight into the major issues relating to human rights in counter-terrorism through the use of scenarios/cases that support an interactive approach. It is hoped that these pilot courses will provide the basis for developing an extensive and practical training programme across the OSCE region in 2006.

Work on the rights of victims of terrorism in 2005 concentrated on research on national legislation in order to be included in the Legislationline (www.legislationline.org) database, and on preparations for an expert-level meeting to develop best practices scheduled for 2006.

The Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism, held in Vienna in July, put human rights and counter-terrorism firmly on the OSCE agenda with a two-day meeting to discuss issues arising in relation to protecting human rights and fundamental freedoms in the fight against terrorism, in particular, the prohibition on torture, the right to freedom of religion, and the role of civil society in the fight against terrorism. These topics were dealt with in a lively debate, highlighting the fact that these issues are relevant and problematic right across the OSCE region.

A number of substantive background papers were prepared that dealt with key issues such as extradition, the right to life, and diplomatic assurances within the context of counter-terrorism, casting light on the problems and seeking ways to advance the debates.

The ODIHR has been working in co-operation with other parts of the OSCE involved in counter-terrorism to ensure that the OSCE approach is truly multi-dimensional. To this end, the ODIHR and the Representative on Freedom of the Media produced a joint paper for a seminar organized by the OSCE's Action against Terrorism Unit (ATU) on combating the use of the Internet for terrorist purposes (Vienna, 13-14 October). The ODIHR also provided expertise in presentations at events organized by the ATU and the Office of the Co-ordinator of Economic and Environmental Activities.

III. Human rights training and education

Education and training in the field of human rights encourage respect for the dignity of all human beings. Training activities increase knowledge, strengthen values, promote solidarity, change attitudes, encourage critical thinking, and develop skills that contribute to respect for, and protection of, human rights.

While education and training on human rights issues constitute an element of a broad variety of ODIHR activities, the Office, in 2005, also focused on two specific areas: strengthening the ability of civil society to monitor human rights; and providing training in human dimension issues to OSCE staff.

Supporting civil society

The ODIHR considers civil society to be a partner on an equal footing with governments; however, the former often lacks the capacity to perform one of its main functions effectively: namely, to serve as a watchdog, and interlocutor, with respect to government actions.

Therefore, the ODIHR provides training for organizations monitoring the human rights situation in their own countries. With the necessary skills and right approach, these organizations can conduct an objective and professional assessment of the human rights situation, thus providing an informed basis for change, where needed.

Throughout 2005, the ODIHR continued implementation of a regional project in Central Asia focusing on human rights in pre-trial detention, an issue of concern throughout the region. Project participants — 22 members of NGOs and four governmental representatives

"(...) the promotion of human rights through education and training in the whole OSCE area could be viewed in the context of the OSCE's comprehensive concept of security and is vital for the strengthening of respect for human rights and fundamental freedoms, as well as for the promotion of tolerance and non-discrimination."

— *Ljubljana Ministerial Council Decision No. 11, 2005*

A refugee camp was set up in Kyrgyzstan for Uzbek citizens fleeing from Andijan following a clash with security forces on 13 May.



from Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan — took part in two training sessions on monitoring human rights in places of detention: the first in December 2004 and the second in March 2005. The second seminar broke new ground since, in addition to classroom training, it included monitoring visits to a police detention centre and a pre-trial detention centre in Almaty, the first real monitoring visits for many of the participants. As this was the first time that Kazakhstan allowed places of detention under the police to be visited by public monitors, this could represent the first stage of even more openness in the future.

Following the training, the participants put their skills into practice by monitoring places of detention in their own countries. The four best monitoring projects submitted by participants received support from the ODIHR. Reports from these projects will be presented and discussed at an NGO-government seminar in 2006.

Often, it is not easy for new NGOs to receive international assistance, especially when they are working in regions outside of the capital cities of many OSCE states. In an attempt to improve this situation, the ODIHR began two other projects

— in Armenia and Tajikistan — last year that are aimed specifically at human rights NGOs in the regions of these countries. The two main objectives are to increase the capacity of these organizations to monitor the human rights situation and also to improve the organizational aspects of their work. Project participants will take part in three training sessions: (1) Basics of Human Rights; (2) Strategic Human Rights Monitoring; and (3) Developing a Sustainable Human Rights NGO. As part of this project, the participants will implement their own monitoring projects and receive advice on how to do so effectively. Afterwards, the best participants will get practical experience in leading Armenian and Tajik NGOs.

Training OSCE staff

In 2005, the ODIHR continued offering a quarterly course for OSCE field staff working in the areas of human rights, rule of law, democratization, and elections. Four three-day courses were held in Warsaw, covering a range of human dimension issues, including an overview of the international human rights system, human rights monitoring, human rights prin-

principles in the fight against terrorism, rule of law, anti-trafficking, Roma and Sinti issues, democratic governance, legislative assistance, gender mainstreaming, and elections. Ninety-five staff members from 16 field operations participated in the four courses.

In addition to this human dimension course, the ODIHR offers a variety of thematic training courses for OSCE staff. One area is human rights education. OSCE staff responsible for implementing projects in this field often lack detailed expertise with respect to ensuring the effectiveness of their efforts. In response, the ODIHR facilitated a workshop aimed at building the capacity of OSCE field operations to develop and implement human rights education projects. This was the first occasion for OSCE staff who work on implementing such projects, or who plan to work in this area, to discuss and share experiences and to address challenges and needs for developing such activities. The workshop brought together representatives of 16 field operations, the ODIHR, and one member of the Slovenian Chairmanship.

IV. Trafficking in human beings: respecting victims' rights

The OSCE, in particular the ODIHR, has been at the forefront of the promotion of international human rights standards in addressing trafficking since the late 1990s. This has most recently been expressed by the adoption of the Action Plan to Combat Trafficking in Human Beings (2003), which takes a comprehensive approach to tackling trafficking and gives equal importance to the prosecution of traffickers, the prevention of trafficking, and the protection of the rights of victims. The subsequent creation of a Special OSCE Representative on Trafficking has contributed to further highlighting the scope of the issues involved and the need for comprehensive action at the national and international level. Yet despite much progress, people continue to be trafficked, and there is little evidence to suggest that the scale of the problem is diminishing.

Recognizing the role the ODIHR has devel-

oped in the domain of victim protection and the promotion of rights, its new multi-year programme aims to draw attention to, and strengthen action on, a number of key concerns that continue to undermine victim protection.

Issues to address

The full realization of states' commitment to the protection and promotion of the rights of trafficking victims is often complicated by governmental priorities concerned with immigration control and law enforcement. Substantial disparities persist in many cases between the numbers of presumed trafficking cases and actual prosecutions for trafficking. More efforts are needed to ensure that states recognize that protection of the rights of trafficking victims is central to combating trafficking. The establishment of National Referral Mechanisms is one means of making progress on this front.

Trafficking victims still elude identification; instead, they are often deported as "illegal migrants" without access to protection, assistance, justice, or compensation in the countries in which they are exploited. Persons trafficked for forced labour, alongside other groups such

Palermo Protocol

"Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

— The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially in Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

as Roma, are often not integrated into anti-trafficking initiatives. Current identification and assistance strategies need to be examined, more opportunities to self-identify provided, and gaps stopped.

Finally, although most OSCE participating States have adopted anti-trafficking legislation in keeping with their commitments under the Palermo Protocol, many trafficked persons do not seek justice for violations of their human rights. In many states, they do not benefit from legal representation or witness protection and can be detained and returned to countries where their safety is jeopardized and they are at risk of being re-trafficked. All these factors contribute to undermining action to encourage the claiming and implementation of trafficked persons' rights, and they need to be tackled.

Establishing National Referral Mechanisms

A starting point for much of the ODIHR's work in promoting a human rights approach to trafficking is a series of National Referral Mechanism assessments in the OSCE region. The aim of such assessments is to evaluate national anti-trafficking structures alongside policies and practices on the identification of trafficked persons, the protection of their rights, and their access to justice. The recommendations provided under the OSCE Action Plan and in the ODIHR's handbook on National Referral Mechanisms provide the main criteria against which these evaluations are made. This work builds on experience from previous assessments conducted under the *SEE Rights* project, the final report from which was published in 2005, with a geographic focus on South-Eastern Europe. Lessons learned from that project and other referral mechanism assessments have contributed to the design of the current activity. Assessments have been completed or are currently underway in Armenia, Belarus, Georgia, Kazakhstan, Russia, Turkey, and the United Kingdom.

Efforts are also being made to ensure that those responsible for anti-trafficking action from both the governmental and non-govern-

mental sectors will act on the findings from these assessments. In Kazakhstan, the assessment of anti-trafficking structures was presented at a roundtable in September, gathering relevant governmental and civil society participants who had participated as interviewees for the research. Opportunities were given over the course of the two days to contribute to the analysis of the findings and develop recommendations. These recommendations contributed directly to the drafting of Kazakhstan's National Action Plan. To further consolidate an understanding of the human rights approach, a three-day training course was designed with the collaboration of La Strada Moldova for law enforcement and NGOs on good practices in identification and referral of victims. Further training is being planned to build the capacity of Kazakh NGOs in a lobbying and advocacy role in the development of anti-trafficking policy in keeping with the spirit of National Referral Mechanisms.

Protection starts with identification and access to assistance

The importance of adequate identification and assistance and enhanced co-operation between countries of destination and origin was the focus of an ODIHR conference entitled "Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking", held in September 2004. The ODIHR's current focus on strengthening identification and protection builds on, and draws from, the discussions and practices shared at that conference. In particular, the NRM assessments so far completed have helped to identify gaps in identification and the provision of assistance. In Armenia, a roundtable on victim identification, in October, brought together expertise from the UK on identification and familiarized participants with good practices on identification and referral between law enforcement and NGOs from numerous countries.

To ensure that victims of labour exploitation or Roma victims are included in identification and assistance strategies, the ODIHR

has supported an assessment on trafficking for forced labour in Kazakhstan, and on the identification of trafficked children in Romania. To raise awareness of the issue of labour exploitation, the ODIHR organized a side event during the Human Dimension Seminar on Migration and Integration, in May, on labour exploitation in Western Europe and invited a prominent researcher on trafficking for forced labour from Oxford University to the meeting for anti-trafficking focal points from the

various OSCE missions and structures organized in May. Subsequent to these meetings, a number of missions have requested assistance in reporting trafficking for forced labour in their countries.

Protecting rights and claiming rights

In support of a trial-monitoring project in Moldova that will monitor protection of the rights of trafficked persons during criminal proceedings, the ODIHR produced an over-

Programmes

Programmes	Region/Country	Components
Human Rights and Armed Forces	OSCE Region	Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel
Human Rights Training and Education	1. Countries with OSCE Field Missions 2. Countries with OSCE Field Missions 3. Armenia and Tajikistan 4. Central Asia	1. ODIHR Human Dimension Course for OSCE Field Staff 2. Human Rights Education Workshop for OSCE Field Staff 3. NGO Capacity-Building in Human Rights Monitoring 4. Central Asia Regional Human Rights Monitoring Training
Trial Monitoring	Kyrgyzstan, Azerbaijan, Kazakhstan, Moldova	Fair-Trial Standards
Human Rights, Women and Security	1. OSCE Region 2. Moldova	1. Women's Rights, Early Warning and Conflict Prevention 2. Addressing Domestic Violence
Joint EC-ODIHR Programme on Advancing Human Rights and Democratization in Central Asia and Developing Guidelines for Media Monitoring in Elections	1. Kazakhstan, Kyrgyzstan 2. Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan 3. Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	1. Fair Trials Project 2. Death Penalty 3. Human Rights Monitoring Training
Death Penalty	1. OSCE Region 2. Central Asia	1. Publication of <i>The Death Penalty in the OSCE Area</i> 2. Regional Conference "Right to Life: Alternatives to the Death Penalty"
Anti-Trafficking	OSCE Region	1. Development of National Referral Mechanisms 2. Victim Identification and Assistance 3. Victims' Access to Justice and Remedies 4. Implementation of Anti-Trafficking Laws
Human Rights and Anti-Terrorism	OSCE Region	1. Manual on Counter-Terrorism and Human Rights 2. Training Module on Counter-Terrorism and Human Rights 3. Victims of Terrorism Project
Freedom of Assembly and Association	Caucasus and Central Asia	



Since 2004, the ODIHR has been conducting quarterly training courses for OSCE field staff that cover the whole range of human dimension issues.

view of international standards on the protection of the rights of trafficking victims for a trial-monitoring manual. The trial-monitoring programme in Moldova will become operational in early 2006.

The ODIHR also organized a side event on the right to *non-refoulement* in the return of trafficked persons to countries of origin during the Human Dimension Implementation Meeting in September. The event brought together practitioners from countries of destination and origin to share experiences of the manner in which risk to returnees is assessed in countries of destination and the outcomes of return for trafficking victims. The ideas and contacts generated during the event led to an increased awareness of the right to *non-refoulement* of trafficked persons among numerous actors.

Co-operation on anti-trafficking work

The ODIHR has pursued good working relations with OSCE anti-trafficking actors based in Vienna and the field through regular contact and exchange of information. It aims to ensure that important issues identified through the country visits of the Special Representative on Trafficking in Human Beings are incorporated into the ODIHR's programme work and

that the Special Representative is party to the ODIHR's concerns and initiatives.

The ODIHR organized a two-day workshop with OSCE anti-trafficking focal points in May to strengthen working relations and promote consistency in anti-trafficking work in the OSCE region. The ODIHR provided training and awareness-raising for focal points on current issues, including the implementation of National Referral Mechanisms and trafficking for forced labour. The ODIHR followed up the workshop with visits to numerous missions, including those in Albania, Armenia, Belarus, Georgia, Kazakhstan, and Kyrgyzstan, to provide advice on anti-trafficking strategy and to develop joint initiatives. Joint projects are currently underway or in the final stages of planning with the missions in Albania, Armenia, Belarus, and Kazakhstan, and others are to be pursued in 2006 with Georgia, Kyrgyzstan, Moldova, Tajikistan, and Ukraine.

A number of joint activities have also been pursued with the Contact Point for Roma and Sinti Issues, specifically on raising awareness of trafficking among Roma and strengthening the role of Roma NGOs in anti-trafficking work.

The ODIHR maintains good relations with

other international organizations in the field of anti-trafficking and regularly supports the participation of NGOs and key anti-trafficking actors in OSCE-sponsored events to strengthen its networks in the entire OSCE region.

V. Women's rights and security

Recognizing that protecting the human rights of both women and men is essential to peace, security, and stability, the ODIHR established a new programme in 2005 that focuses on women's rights in relation to conflict prevention, early-warning mechanisms, and post-conflict reconstruction. The programme was initiated with the intention of strengthening the connection between women's rights and issues related to the promotion of security.

In December, a consultation meeting on women's rights and early-warning indicators was held in Vienna. Bringing together participants from throughout the OSCE, as well as other organizations, the meeting provided participants with an opportunity to present their work and to discuss how the indicators already developed can be improved and how they can be used in an OSCE context. The ODIHR is planning for a wider follow-up conference to this meeting next year.

In an effort to tackle domestic violence in Moldova, the ODIHR organized a roundtable on the draft law on preventing and combating domestic violence, which resulted in a joint set of recommended amendments.

Future Priorities

The ODIHR plans to continue to develop its activities in the five programmatic areas outlined above, while maintaining a balance between monitoring compliance with commitments and conducting its assistance programmes.

The ODIHR will continue monitoring implementation of OSCE commitments relating to freedom of assembly and association, with a particular focus on human rights defenders. It will also continue to monitor developments in the

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

The ODIHR's programme on anti-trafficking will focus on assisting participating States in the adoption of inclusive National Referral Mechanisms, strengthening the identification and protection of all trafficked persons, enhancing their access to justice and remedies, and supporting participating States in protecting the human rights of trafficked persons.

The ODIHR will be active in terms of ensuring that methods used for combating terrorism comply with international human rights standards. In 2006, particular attention will be devoted to the elaboration of best practices in relation to the protection of the rights of victims of terrorism. Moreover, the Training Programme on Human Rights and Counter-Terrorism will be operational across the whole OSCE region.

The Women's Rights and Security programme will focus on activities to enhance implementation of UN Security Council Resolution 1325 on Women, Peace and Security in the Balkans. Building on its meeting on women's rights and early warning, the Office also plans to develop guidelines on women's rights and conflict prevention.

The ODIHR's programme on Human Rights and Armed Forces, launched in 2005, aims to assist participating States in ensuring respect for the human rights of armed forces personnel. The primary component of this programme will be the publication of a handbook on the human rights and fundamental freedoms of armed forces personnel, which is expected to be completed in the spring of 2007. Other planned activities in 2006 include a number of roundtables on various topics related to the human rights of armed forces personnel. The roundtables are intended as stand-alone activities, but their outcome will also feed into the work on the handbook.

Tolerance and Non-discrimination

"Aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism create ethnic, political and social tensions within and between States. They also undermine international stability and worldwide efforts to place universal human rights on a firm foundation." – Rome 1993

Violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, and manifestations of hate and intolerance threaten stability and security in the OSCE region. While OSCE participating States have undertaken numerous commitments since 1990 to combat racism, xenophobia, anti-Semitism, and related intolerance, including against Muslims, much work remains to be done to foster democratic and pluralistic societies, where ethnic, cultural, and religious diversity is not only tolerated, but is truly respected and valued.

Tolerance and non-discrimination have been among the priorities developed under each of the two previous OSCE chairmanships. Bulgaria headed the Organization in 2004, a year that saw three high-level conferences in this field, as well as the appointment of three Personal Representatives of the Chairmanship dedicated to particular aspects of tolerance and non-discrimination, and the creation of a separate Tolerance and Non-discrimination Programme at the ODIHR. Under Slovenia's leadership in 2005, the Chairman-in-Office reappointed the three Personal Representatives for another year. The OSCE also organized a high-level conference on anti-Semitism and other forms of intolerance, where implementation of OSCE commitments pertaining to tolerance and non-discrimination was reviewed.

Main Issues

» **Hate-motivated crimes and violent manifestations of intolerance:** Hate crimes, the most insidious manifestation of intolerance and discrimination, involve violent expressions of biases that may take the form of assault, murder, threats, or property damage, such as arson, desecration, or

vandalism. Responding to hate crimes is problematic for a number of reasons. To begin with, most states lack accurate data about the nature and extent of hate crimes, which means that law enforcement and criminal-justice agencies are not armed with the information needed to combat such crimes. This is often compounded by an absence of legislation specifically on hate crimes, making it difficult to prosecute such cases.

» **Freedom of religion or belief:** Across the OSCE region, many individuals and groups face restrictions on their right to freedom of religion or belief. Problems include discrimination against individuals in the workplace and public services, defamation campaigns against minority religions or belief groups, the disruption or prohibition of worship even in private homes, censorship of religious literature, and imprisonment of those who object to military service on religious grounds. These restrictions may be a direct result of state legislation and policies, or, in other cases, they may arise as a result of a lack of protective action from state authorities, often in the face of a dominant religious

From left: ODIHR Director Amb. Christian Strohal; Amb. Janez Lenarcic, representing the OSCE Chairman-in-Office; Amb. Carlos Sanchez de Boado, representing the host government; and Amb. Omur Orhun, Personal Representative of the Chairman-in-Office on Combating Intolerance and Discrimination against Muslims, at a press conference during the OSCE Conference on Combating Anti-Semitism and Other Forms of Intolerance, which was held on 8-9 June in Cordoba, Spain.



majority. Throughout the Commonwealth of Independent States and elsewhere, registration rules and procedures continue to be systematically abused to infringe on the rights of entire faith communities.

】 **Education:** Since hate-motivated crime is often the result of negative stereotypes, often passed on from generation to generation, educational efforts aimed at promoting respect and diversity can help eliminate such attitudes. While a number of participating States have undertaken such efforts, more long-term and coherent approaches are needed to have a real impact.

Activities

Just how widespread is the problem of discrimination? How frequently are hate crimes committed? Where do they occur, and who are the victims? What steps are being taken by law enforcement agencies and by governments? Answers to such basic questions are needed before anyone can make a serious effort to combat hate in all its manifestations. For that reason, one of the most important parts of the

Throughout 2005, the ODIHR collected statistics, legislation, and information on practical initiatives from OSCE participating States, inter-governmental and non-governmental organizations, and other specialized bodies in order to develop an online library and information system. By the end of the year, this system included the following three databases:

- 】 Documents such as action plans, government reports, and country reports from inter-governmental organizations;
- 】 Information about practical initiatives to combat intolerance and discrimination; and
- 】 Information about partner organizations, NGOs, specialized bodies, etc.

This information system will be made publicly available in the course of 2006.

ODIHR's work in this field is its role as a collection point for relevant information, including statistics from states and police agencies, as well as examples of good practices from a wide variety of sources, including governmental and non-governmental organizations.

The collection and analysis of such information has allowed the ODIHR to identify where good practices exist and where there are gaps in implementation of OSCE commitments related to tolerance and non-discrimination. This knowledge is the foundation for all the ODIHR's activities in this field and has provided the basis for its ability to offer states and NGOs technical assistance, expert-to-expert training, and opportunities to exchange information and best practices. It has also provided the basis for the creation of regional partnerships and the development of joint strategies that recognize hate-motivated crimes and acts for what they are: namely, a problem that is not confined within borders and that demands an international response.

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

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

In 2005, activities were conducted in the following four areas in particular:

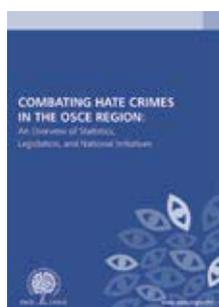
- 】 Improving responses to hate crimes;
- 】 Developing educational tools;
- 】 Supporting civil society; and
- 】 Promoting freedom of religion or belief.

I. Improving responses to hate crimes

Data collection

One of the major obstacles to combating hate crime is the lack of accurate statistics in many

states. Because most countries have not established mechanisms to identify perpetrators or victims of hate crime, it is difficult to know how extensive the problem is or where to target resources to combat it. The ODIHR began, in 2004, to collect legislation, statistics, and good practices from OSCE states, which it used to prepare a comprehensive report called *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*. As a result of the information received, the ODIHR identified gaps and deficiencies in



the collection of data and developed tools, including working definitions and a police reporting form, to support states in their efforts to strengthen data collection and legislation related to hate crime.

Training law enforcement officers

The ODIHR's Law Enforcement Officer Programme on Combating Hate Crime was developed to increase the capacity of law enforcement officials to identify and respond effectively to hate crime and engage with affected communities. It was designed and delivered *by* police officers *for* police officers from six OSCE states — Canada, France, Hungary, Spain, the United Kingdom, and the United States — and it was piloted in Spain and Hungary in May 2005.

The implementation of the programme resulted in an increased awareness by both countries of the need to address the issue of hate crime and to co-operate closely with affected communities. This was evident in the evaluation of the training by the participants, as well as in the follow-up actions taken by authorities in both countries to incorporate elements of the hate crime training curriculum into the existing national law enforcement training programmes. An evaluation process was also initiated to assess the impact of mainstreaming hate-crime-specific training into national law enforcement training curricula. Plans are now under way to

Results of the Law Enforcement Officer Programme on Combating Hate Crime

- › A curriculum was developed for training law enforcement officers on hate crimes by other law enforcement experts from across the OSCE region;
- › The curriculum has been institutionalized in police academies in both pilot states: Hungary and Spain;
- › An informal international network of law enforcement agencies was created to support the development of officer training, data collection and analysis, and database development for information-sharing and intelligence-gathering; and
- › A template for monitoring incidents motivated by hate and for collecting such data was developed for the use of law enforcement agencies in the OSCE region.

conduct the programme in Croatia and Ukraine, and in other participating States.

II. Developing educational tools

Education on the Holocaust and anti-Semitism

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

In order to assess existing programmes, highlight good practices among OSCE states, and identify any gaps in the area of Holocaust education, the ODIHR produced a study in 2005 called *Education on the Holocaust and on Anti-Semitism: An Overview and Analysis of Educational Approaches*. To follow up on the study and to assist participating States in fulfilling their commitments, the ODIHR developed technical-assistance programmes in co-operation with a number of partners, including the Task Force for International Cooperation on Holocaust Education, Remembrance and Research; Yad Vashem in Israel; and the Anne Frank House in Amster-

dam, as well as with experts from throughout the OSCE region. Together with these partners, the ODIHR initiated the development of guidelines and teaching tools for educators to support their efforts to improve teaching about the Holocaust and address contemporary anti-Semitism.

Practical guidelines for educators on how to commemorate Holocaust memorial days were developed as a result of an expert seminar organized by Yad Vashem and the ODIHR, which brought together leading experts in Holocaust education from 12 OSCE participating States.

The ODIHR also worked closely last year with the Anne Frank House and education experts to begin the development of country-specific teaching materials on anti-Semitism for five OSCE states. The materials, which will be made available in 2006, will enable secondary schools in the five countries to pilot a project to teach about anti-Semitism and other forms of discrimination. The purpose of the project is to contribute to a better understanding of the role of Jews in European society, both today and historically; to provide insight into anti-Semitism as a historical phenomenon; and to make links between historical and contemporary forms of anti-Semitism.

The ODIHR also held the first of a series of expert roundtables in Warsaw with governmental and non-governmental experts and with the Polish Chairmanship of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research.

Education to promote respect and diversity

Within the wider context of tolerance education, a programme called Education to Promote Respect and Diversity was developed during the second half of 2005. The programme, which will be implemented in 2006, will result in an assessment and evaluation of existing educational strategies and initiatives currently in place throughout the OSCE region. Based on the collected good practices and identified gaps, the ODIHR will facilitate exchanges of information between experts and develop technical-

assistance projects to support states in their efforts to intensify educational programmes to promote mutual respect and understanding.

III. Supporting civil society

Domestic non-governmental organizations are often in the best position to monitor and report on hate-motivated acts in their respective countries. The ODIHR thus promotes co-operation and partnerships among organizations working in this field. Meetings and roundtables with representatives of a variety of groups were organized throughout 2005 to identify the needs and potential areas of co-operation in the field of monitoring, as well as to share best practices. Assistance was also provided for non-governmental organizations to attend OSCE conferences and to enhance co-operation with state authorities.

The ODIHR initiated a number of activities in 2005 to support the efforts of civil society throughout the region. To begin with, a comprehensive mapping exercise of organizations working in the field of tolerance and non-discrimination was conducted in order to determine areas where training and support were required, such as in monitoring and reporting on hate-motivated incidents.

In June, the ODIHR teamed up with the UK Monitoring Group and Human Rights Information and Documentation Systems International (HURIDOCs) to design and implement a pilot training programme for non-governmental organizations from Eastern Europe and Central Asia on monitoring and reporting on hate-motivated incidents. Following the pilot training sessions, some of the participating organizations put their new skills to the test by initiating activities to monitor and report on hate-motivated incidents, while others conducted training courses for their colleagues or other NGOs.

IV. Promoting freedom of religion or belief

The ODIHR's 57-member Panel of Experts on Freedom of Religion or Belief, which serves as an advisory and consultative body to OSCE



James J. Nolan, from West Virginia University, discusses different definitions of hate crimes during a meeting of law enforcement experts in Warsaw in April.

states in their efforts to advance religious freedom, provides legislative assistance to individual states and also comments on specific cases.



Using the newly developed *Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief* as a basis, the Panel responded to requests for legislative reviews from five participating States in

2005. The ODIHR also translated the guidelines into Russian in order to facilitate their increased use throughout the OSCE region.

The Panel's activities have also had another important, though indirect, effect on the legislative process in some countries. By including non-governmental organizations and faith communities in roundtables with Panel experts,

these same groups have found themselves increasingly engaged in the process of legislative development.

Future Priorities

Building on these activities, the ODIHR will focus on the following six areas in 2006:

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

The ODIHR will focus its efforts on providing technical assistance to OSCE states to increase the quality, availability, and accessibility of data on hate crimes. In this regard, the ODIHR will develop a standardized template for states to use when submitting data on hate crimes and convene a technical-level expert meeting with

ODIHR Director Ambassador Christian Strohal hands a certificate to a Hungarian police officer who completed an ODIHR-sponsored training programme on combating hate crimes, Budapest, 5 May.



the nationally appointed contact points on hate crime.

The ODIHR will launch its online library and information system to support its efforts to collect and disseminate information and best practices.

The ODIHR will continue to monitor and report on issues and trends in hate crimes across the OSCE region, as well as on responses by participating States.

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

The project Education on the Holocaust and Anti-Semitism in the OSCE Area will be continued with technical-level workshops for international experts to discuss and analyse the results of the evaluation and to produce a framework for the development of curricula on Holocaust/anti-Semitism education.

In follow-up to the ODIHR's assessment and evaluation of existing educational strategies and initiatives of OSCE states to promote mutual respect and understanding, the ODIHR will facilitate exchanges of information between

experts and initiate technical-assistance projects to support states in their efforts to intensify such educational programmes.

The ODIHR's Panel of Experts on Freedom of Religion or Belief will continue to work on issues of interfaith and intercultural dialogue with a view to promoting respect and mutual understanding.

3. Legislative assistance

The ODIHR will continue to collect and assess existing legislation that deals with crimes motivated by hate throughout the OSCE region.

As part of the needs assessment process of the Law Enforcement Officer Programme on Combating Hate Crime, consultations will be held with judges and officials from the office of the chief prosecuting authority in host countries on their views with respect to the effectiveness of their respective country's hate crimes legislation. Similar consultations will occur with the prosecutors attending the training. When such consultations reveal substantial dissatisfaction with existing hate crimes legislation, the ODIHR will offer to assist the judiciary and prosecuting authorities in making their views

Programmes

<i>Programmes</i>	<i>Region</i>
Freedom of Religion or Belief	OSCE Region
Law Enforcement Officer Programme on Combating Hate Crime	OSCE Region
Building the Capacity of Civil Society to Combat Hate Crimes and Violent Manifestations of Intolerance	OSCE Region
Tolerance and Non-discrimination	OSCE Region
Educational Activities to Promote Tolerance, Respect, and Mutual Understanding and Remembrance of the Holocaust	OSCE Region
Hate Crime Legislative Assistance	OSCE Region

known to executive and legislative authorities. The ODIHR will also offer to review possible legislative proposals using the guidelines for the review of hate crimes legislation that will be developed in the course of 2006.

4. Civil society

The ODIHR will organize training seminars for NGOs in order to support their efforts and increase their capacity to monitor, report on, and respond to hate-motivated crimes and incidents.

The ODIHR will also intensify its efforts to support civil society to monitor and report on hate-motivated acts by developing a standard training curriculum on the monitoring and reporting of hate crimes in co-operation with a group of experts, implementing a training programme, providing toolkits for complaints bureaux, and supporting small-scale monitoring projects.

Furthermore, the Office will continue its outreach activities aimed at representative NGOs of those communities most impacted by intolerance and discrimination. Manifestations of intolerance and discrimination against particular groups in the context of the fight against terrorism will be a key issue.

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

The ODIHR will continue to implement its Law Enforcement Officer Programme on Combat-

ing Hate Crime in more OSCE states in 2006, including Croatia and Ukraine. In addition, a component for prosecutors and investigating magistrates is being added to the programme, which, as originally piloted, was aimed solely at police investigators.

The ODIHR will bring together experts in the areas of legislation, law enforcement, and data collection in order to develop a task force that will be ready to assist participating States in their efforts to prevent and respond to hate crimes in a comprehensive manner.

6. Freedom of religion or belief

The ODIHR will work with the Panel of Experts on Freedom of Religion or Belief to continue its efforts to support participating States in reviewing their laws pertaining to freedom of religion or belief, using the newly developed legislative guidelines as a basis. The Panel of Experts will also finalize an education module to support monitoring and reporting efforts of civil society (NGOs/faith communities) and to increase understanding within civil society and among state authorities of international standards of freedom of religion or belief. This module will be used to pilot training seminars on freedom of religion or belief for civil society and possibly for state authorities in Central Asia, the Caucasus, and South-Eastern Europe.

Contact Point for Roma and Sinti Issues

"We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them." – Istanbul 1999, "Charter for European Security"

Throughout the OSCE region, particularly in Central and South-Eastern Europe, there are communities of Roma, Sinti, and other groups who, though ethnically distinct, are linked together under the term *Gypsies*. In addition to ethnic, linguistic, and cultural ties, many of these communities are bound by the overwhelming effects of discrimination in all aspects of their lives. Whether in the form of passive intolerance or outright hatred, discrimination has pushed these communities to the fringes of society, where many exist with limited access to life's basic amenities, including food, water, and shelter; education; and security. Societies that are split on ethnic lines, defined by inequality, hatred, and exclusion, threaten individual human security, as well as greater regional stability.

The ODIHR works in close co-operation with other international organizations, as well as non-governmental organizations, and national and local governments to try to unite divided communities, to include everyone in public and political life, and to ensure that the dignity of every individual is respected by promoting and protecting their civil and political rights.

The main guidelines for supporting the specific rights and opportunities of Roma and related communities are found in the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, which was adopted in 2003. In this document, the 55 participating States pledged to take steps to ensure that Roma, Sinti, and other groups are able to participate in all aspects of public and political life, effectively eliminating the obstacles caused by discrimination.

With respect to the Action Plan, the ODIHR's role is twofold: it is tasked with conducting its own activities aimed at improving the situation of Roma and Sinti; and it is also responsible for reporting on how participating States have been fulfilling the promises made in the Action Plan.

Main Issues

» **Racism and discrimination:** Periods of profound political change can expose divisions in society, and the resulting tensions are often expressed in terms of racism or discrimination against other communities. In Eastern and South-Eastern Europe, the transition of the past fifteen years has often seen a rise in hostility aimed at Roma, Sinti, and related groups. As a result, some Roma and Sinti have been prevented access to employment, education, housing, and health care. In several countries, Roma and Sinti have been the

Roma women washing clothes in wheelbarrows in the settlement of Deponija, in Belgrade.



MILAN BRADONIC



Women filling up jugs of water in the Roma settlement of Deponija, Belgrade.

victims of racially motivated crimes and have suffered abuse at the hands of the police.

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

】 **Trafficking in human beings:** A reported increase in trafficking in Roma and Sinti communities, particularly of children, can be linked to four factors: endemic poverty, social marginalization, the collapse of institutional support structures, and widespread discrimination.

】 **Exclusion from public and political life:** The discrimination faced by Roma and Sinti populations has prevented them from playing a significant role in the public and political life of the

communities in which they live. This is often compounded by a lack of awareness among Roma and Sinti of their ability to influence their own circumstances through political participation. Particularly affected are the most vulnerable groups within Roma and Sinti communities, including internally displaced persons, refugees, young people, and women.

Activities

The ODIHR conducted activities in the following areas in 2005:

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

In addition to conducting specific programmes, the ODIHR is also a clearing house for information on Roma and Sinti issues, including on the implementation of Roma-related commitments by participating States.

Examples of best practices across participating States are collected and shared, as are lessons learned from challenges that arise when implementing national Roma-related strategies at the local level.

The ODIHR encourages greater interaction among OSCE structures, governments, international organizations, and Roma or Roma-focused non-governmental organizations to develop a common approach to programmes and projects. This is done by collecting information from OSCE countries on legislative and other measures related to improving the situation of Roma and Sinti and making this available to relevant actors.

As a mechanism for early warning, the ODIHR has been effective in signaling instances of increased tensions between Roma and Sinti and majority populations and calling for crisis management in cases where the potential for conflict exists.

In implementing its programmes and projects, the ODIHR pays special attention to the advancement of fundamental human rights for Roma and Sinti, including those agreed upon by OSCE participating States and elaborated in the Action Plan, through an integrated strategy. The objective is to eliminate the disparities that affect Roma and Sinti populations' ability to participate fully in political and public life, to gain access to social services on equal terms, and to enjoy the same economic opportunities as others. In October 2005, the ODIHR hosted and co-organized an international conference to discuss ways of encouraging the participating States to implement the OSCE Action Plan as well as national strategies for Roma and Sinti.

I. Combating racism and discrimination

Racism and discrimination against Roma and Sinti — sometimes called “*anti-gypsyism*” — has been on the rise in the last decade and a half. The deep-rooted types of racism that emerged after the collapse of the communist bloc persist, while new forms of hostility, rejection, and hate speech continue to be expressed across the OSCE region. As a result of this discrimi-

A young girl holds a child near a dilapidated shack in Deponija, a Roma settlement in Belgrade.



MILAN GBRADYIC

nation, many Roma and Sinti communities have developed strong group-centred identities that can lead, in certain countries, to a sense of marginalization and alienation. On the other hand, groups that are linguistically and culturally assimilated to the majority population can find themselves defined as Gypsies for purely racial reasons.

Such attitudes and racial stereotyping are often reflected in the mass media, where the majority of news items and headlines about Roma and Sinti are linked with criminality and “otherness”. In contrast, Roma and Sinti victims of racist attacks receive virtually no media coverage. In 2005, the ODIHR commissioned a report to examine the possible correlation between anti-gypsyism in European mass media and popular anti-Roma sentiments. The study also examines how, in some countries, the media have been calling for certain actions to be taken against Roma and Sinti, such as evictions,

which could be compared to media behaviour during the genocide of Jews and Roma and Sinti during World War II. The report is scheduled for release in 2006.

Discrimination at the hands of the police is another area of concern, particularly since the police should protect Roma and Sinti communities and ensure their equal treatment under the law. Roma and Sinti representatives continue to report frequent instances of police brutality, a lack of police intervention to protect Roma and Sinti victims, and continued mistrust between the police and their communities.

The ODIHR organized workshops in Poland, Romania, and Russia for high-level law enforcement officials and Roma and Sinti NGOs to support the respective states in undertaking an assessment of their policing practices in relation to international human rights standards, focusing on the practices of law enforcement bodies towards Roma and Sinti communities. By promoting consultation with Roma and Sinti communities, this initiative aims to foster institutional change within the police forces in these countries and to assist in transforming the police into a provider of protection and prevention services. The ODIHR intends to extend this initiative to other countries in South-Eastern Europe.

II. Addressing social issues

Roma, Sinti, and related communities face an overwhelming array of social problems, including a lack of adequate housing, denial of access to education and health care, an increase in trafficking in human beings, as well as problems related to centuries-old traditions, such as early marriages and the use of children for income-generating activities. While the international community has taken steps to address many of these issues, an essential factor in eventually overcoming them is the development of capable domestic organizations that can carry on this work at the local level. Such organizations exist, but they often lack awareness of the complexity of the issues they face, or they simply do not have the resources to combat them adequately.

The ODIHR's strategy has been to conduct activities that help these organizations and individual activists achieve better results, first by ensuring that they are better prepared to face the difficult tasks at hand. One of the first steps is to make sure that community activists are armed with sufficient knowledge of the problems they face. The ODIHR does this by organizing local and regional meetings where both international and domestic organizations can gather and exchange knowledge and best practices on a range of issues.

In 2005, for example, the ODIHR presented the findings of an ODIHR-sponsored regional roundtable held in Belgrade in October 2004 on trafficking in human beings in Roma and Sinti communities. Recommendations put forward from these findings include the need for better co-ordination among Roma and non-Roma anti-trafficking organizations and for Roma activists to raise awareness within their communities of some of the internal factors that can make Roma and Sinti vulnerable to trafficking in human beings, such as early marriages and child begging. In addition, it was recommended that OSCE participating States include ethnicity when compiling statistics on trafficking in order to better target preventative action, and to include Roma in this research and analysis process.

The Office commissioned a report through a Roma non-governmental organization to evaluate protection measures for **unaccompanied minors**, in particular those who have been victims of trafficking who are then repatriated from European Union member states to Romania. Its recommendations emphasize the need to incorporate specific support mechanisms for unaccompanied minors into Romania's social-service structures.

In addition, a project was launched in cooperation with a Roma NGO representing traditional Roma communities to encourage discussion on **early marriages** within these communities. Emphasis was placed on protecting the rights of children and identifying ways to maintain traditions while observing the rule of law.

A series of local meetings with Roma Calderas communities was organized in four municipalities of Romania. Topics discussed ranged from how to preserve cultural practices as part of group identity while confronting the influence of modernity, to how early marriages affect the education levels of Roma girls and boys.

The last decade has seen a continuation of **inadequate living conditions** for many Roma and Sinti communities living in countries such as Albania, Bulgaria, the Czech Republic, Greece, Romania, and Slovakia. They often lack secure land tenure, are subject to forced evictions, and have no access to adequate alternative housing. Secure residence is often a necessary condition to exercise other social and political rights. Without an address, it can be impossible to register for public services and earn a living in a lawful way.

The ODIHR has launched a number of project initiatives that deal specifically with **legalizing informal settlements**. This has included commissioning a report that analyses the obstacles to integrating Roma and Sinti settlements into urban plans, engaging local authorities to provide public services to Roma and Sinti settlements, and ensuring that Roma and Sinti residents are registered with the proper civil authorities. The report recommends including Roma and Sinti in the conceptual and implementation phases of housing development, including the upgrading of existing informal settlements where minimal living conditions need to be met. The ODIHR will follow up on this report with the publication of best-practice guidelines.

Lack of **civil registration** has a negative impact in a number of areas, including access to public services, trafficking in human beings, and political participation. In conjunction with the Serbian Government and the OSCE Mission to Serbia and Montenegro, the ODIHR organized a regional conference on the civil registration of Roma in South-Eastern Europe in late 2005. Participants discussed the legal and administrative obstacles Roma and Sinti encounter when attempting to register and put forward recommendations to overcome them. The Office plans



A young child wearing an oversized shoe walks through the muddied streets in the Roma settlement of Deponija, Belgrade.

to set up task forces in the participating States of South-Eastern Europe that will work with local and national authorities to implement these recommendations, and it has already established a task force for the particular issues confronting the Roma and Sinti communities of Kosovo.

III. Enhancing participation in public and political life

Roma and Sinti populations do not have a long history of political participation, either as voters or as candidates for office. This is partly a result of the severe discrimination they continue to face and their general marginalization in society. But another factor is a lack of awareness among Roma and Sinti both of how to exercise their political rights and of the influence that political participation can have on their own lives. Although such communities have begun to participate more actively in society in recent years, participation in elections remains disproportionately low. By encouraging Roma and Sinti to take part in elections and make informed choices at the ballot box, the Office aims to increase their representation in political and public institutions, as well as to ensure that Roma and Sinti issues are put on the agendas of mainstream political parties.

Anna Papadopoulou (right), a human rights investigator from the Office of the Greek Ombudsman, speaks with a Roma woman in the settlement of Votanicos, in central Athens, in November.



The ODIHR is working to increase the participation of Roma and Sinti in public life at all levels and stages of the decision-making process, in particular when dealing with initiatives that concern them. This is done through promoting dialogue between Roma and Sinti communities and policy-makers in local, regional, and national authorities. Local and regional task forces of Roma representatives have been created to work with local, regional, and national elected officials, in particular to promote awareness and implementation of the OSCE Action Plan.

For several years, the ODIHR has been helping Roma and Sinti to participate in OSCE election observation missions as both long- and short-term observers. This serves the dual purpose of diversifying election missions and helping Roma representatives gain an in-depth understanding of the electoral process. The fact that these individuals are now regularly seconded to OSCE election observation missions points to the success of this project in mainstreaming Roma into the election observation process. For the first time, a Roma analyst for national minorities was also part of the core team during election obser-

vation missions to the parliamentary elections in Albania, Bulgaria, and Moldova.

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

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

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

involved in negotiations of long-term arrangements to solve the post-crisis situations of the multi-ethnic communities in Kosovo with large Roma and Sinti populations by conducting a series of seminars, workshops, and training sessions on such topics as civil registration and lobbying elected officials.

In addition, a number of projects have been continued from previous years. For instance, the ODIHR, in co-operation with the OSCE Mission in Kosovo, the UN Mission in Kosovo, and local NGOs, continues to aid IDPs from northern Kosovo in their efforts to return to Mitrovica, where the informal settlement homes of seven thousand were destroyed in 1999. One thousand of these IDPs are currently living in crisis conditions in temporary centres contaminated with lead. In 2005, the ODIHR supported the opening of a branch of the Roma and Ashkali Documentation Centre in Pristina to deal specifically



with these communities. That centre is now collaborating closely with local authorities to support community stability and social integration after relocation.

This settlement near the centre of Athens is populated mainly by Roma from Albania, who have been living here for several years.

Programmes and Projects

Programmes

Joint EC-ODIHR Programme: Roma Under the Stability Pact: Roma, Use Your Ballot Wisely

Region/Country

South-Eastern Europe

Projects

Combating Discrimination and Confidence-Building in Access of Roma to Legal Housing and Non-Segregated Residence in the OSCE Space, in Particular in Central and South-Eastern Europe

South-Eastern Europe/Central and Eastern Europe

Police and Roma: Towards Safety for Multi-Ethnic Communities

Central and Eastern Europe

Awareness-Raising for Roma Women Activists on the Issue of Trafficking in Human Beings

South-Eastern Europe/Central and Eastern Europe

Best Practices: Methodology of Pre-School Care for Roma Children

OSCE Region

Political Rights of Roma and Sinti

OSCE Region

Promoting Mutual Understanding

Slovakia

Educating Roma NGOs about AIDS and Drug Abuse

OSCE Region

Best Practices Involving Roma and Sinti Activities of Local and Regional Administrations/Self-Government Bodies within the OSCE Region

OSCE Region

Roma in the Media

OSCE Region

Human Rights and Minority Rights of Roma/Set-up of a Kosovar Non-Profit Office in Pristina

OSCE Region

Programmes and Projects

Elections		
Programmes	Region	Components
Election Technical Assistance Programme	OSCE Region	1. Electoral Legislation Alert and Assistance 2. Voter Registration Best Practices
Election Observation Development Programme	OSCE Region	1. Domestic Observation Capacity-Building IV 2. Guidelines for Media Monitoring in Elections 3. Guidelines on Observation of Electronic Voting 4. Election Observers from Central and Eastern Europe and the Former Soviet Union (Fund for the Participation of Election Experts from Developing Democracies in ODIHR Observation Missions)
Projects		
Women's Participation in Political Life	OSCE Region	

Rule of Law		
Programmes	Region/Country	Components
Criminal Justice	OSCE Region	
Fair Trials	1. South-Eastern Europe 2. Caucasus, Central Asia	1. War Crimes 2. Assistance in Developing and Promoting Fair-Trial Standards
Joint EC-ODIHR Programme on Advancing Human Rights and Democratization in Central Asia and Developing Guidelines for Media Monitoring in Elections	Caucasus, Central Asia	Basic Skills Training for Lawyers
Joint EC-ODIHR Programme: Promoting Legislation Reform and Criminal Justice in Central Asia	Central Asia	Criminal-Justice Reform
Projects		
Legislation Alert and Assistance	Central Asia	
Legislation Alert and Assistance	Caucasus	
Technical Assistance for National Human Rights Institutions such as Ombudsman	Caucasus	
Legislative Assistance	Kyrgyzstan	
Prison Service Training	Kyrgyzstan	

Projects (cont.)

Training on the International Covenant on Civil and Political Rights for Judges, Prosecutors, and Defence Lawyers	Kyrgyzstan
Assistance to the Training Centre for the Judiciary	Kazakhstan
Legal Assistance and Court Representation	Croatia
Alternative Sentencing	Belarus
Legislative Reform Assistance	Central Asia
Monitoring Places of Detention	Caucasus, Central Asia
Legislative Reform	Serbia and Montenegro (Montenegro)
Anti-Torture	OSCE Region
Regional Trial Monitoring South-Eastern Europe	South-Eastern Europe
Criminal Justice: Prosecutors in Armenia	Armenia

Civil Society and Democratic Governance

Programmes	Region/Country	Components
Democratic Governance	OSCE Region	
Joint EC-ODIHR Programme on Advancing Human Rights and Democratization in Central Asia and Developing Guidelines for Media Monitoring in Elections	Kyrgyzstan	Civic Dialogue
Projects		
Fund for NGO Participation in Human Dimension Events	OSCE Region	

Gender Equality

Programmes	Region/Country	Components
Increased Participation of Women in Democratic Processes	<ol style="list-style-type: none"> 1. Armenia 2. Azerbaijan 3. Georgia 4. Ukraine 5. Central Asia and South Caucasus 6. Central Asia and South Caucasus 7. South Caucasus 	<ol style="list-style-type: none"> 1. Women's Rights Education and Leadership 2. Women's Leadership Development and Political Participation 3. Women's Leadership and NGO Coalition-Building 4. Increased Participation of Women in Democratic Processes 5. Women's Leadership Development/Prevention of Violence against Women 6. Integration of Gender Aspects into the Work of Government Structures 7. Prevention of Violence against Women

Programmes and Projects

Projects

Women's Leadership and NGO Coalition	Georgia
Women's Rights Education and Leadership	Armenia

Migration/Freedom of Movement

Programmes	Region
Internal Migration: Assistance in Implementation of International Human Rights Standards on Freedom of Movement and the Right to Free Choice of Place of Residence within the Borders of a State	OSCE Region
Programme on Cross-border Migration: Promoting International Co-operation on Migration Issues and Rights of Migrants	OSCE Region

Legislative Support

Programmes	Region
Legislative Reform Assistance Programme	OSCE Region
Joint EC-ODIHR Programme: Promoting Legislation Reform and Criminal Justice in Central Asia	Central Asia

Human Rights

Programmes	Region/Country	Components
Human Rights and Armed Forces	OSCE Region	Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel
Human Rights Training and Education	1. Countries with OSCE Field Missions 2. Countries with OSCE Field Missions 3. Armenia and Tajikistan 4. Central Asia	1. ODIHR Human Dimension Course for OSCE Field Staff 2. Human Rights Education Workshop for OSCE Field Staff 3. NGO Capacity-Building in Human Rights Monitoring 4. Central Asia Regional Human Rights Monitoring Training
Trial Monitoring	Kyrgyzstan, Azerbaijan, Kazakhstan, Moldova	Fair-Trial Standards
Human Rights, Women and Security	1. OSCE Region 2. Moldova	1. Women's Rights, Early Warning and Conflict Prevention 2. Addressing Domestic Violence
Joint EC-ODIHR Programme on Advancing Human Rights and Democratization in Central Asia and Developing Guidelines for Media Monitoring in Elections	1. Kazakhstan, Kyrgyzstan 2. Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan 3. Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	1. Fair Trials Project 2. Death Penalty 3. Human Rights Monitoring Training

Programmes (cont.)	Region/Country	Components
Death Penalty	1. OSCE Region 2. Central Asia	1. Publication of <i>The Death Penalty in the OSCE Area</i> 2. Regional Conference "Right to Life: Alternatives to the Death Penalty"
Anti-Trafficking	OSCE Region	1. Development of National Referral Mechanisms 2. Victim Identification and Assistance 3. Victims' Access to Justice and Remedies 4. Implementation of Anti-Trafficking Laws
Human Rights and Anti-Terrorism	OSCE Region	1. Manual on Counter-Terrorism and Human Rights 2. Training Module on Counter-Terrorism and Human Rights 3. Victims of Terrorism Project
Freedom of Assembly and Association	Caucasus and Central Asia	

Tolerance and Non-discrimination

Programmes	Region
Freedom of Religion or Belief	OSCE Region
Law Enforcement Officer Programme on Combating Hate Crime	OSCE Region
Building the Capacity of Civil Society to Combat Hate Crimes and Violent Manifestations of Intolerance	OSCE Region
Tolerance and Non-discrimination	OSCE Region
Educational Activities to Promote Tolerance, Respect, and Mutual Understanding and Remembrance of the Holocaust	OSCE Region
Hate Crime Legislative Assistance	OSCE Region

Contact Point for Roma and Sinti Issues

Programmes	Region/Country
Joint EC-ODIHR Programme: Roma Under the Stability Pact: Roma, Use Your Ballot Wisely	South-Eastern Europe
Projects	
Combating Discrimination and Confidence-Building in Access of Roma to Legal Housing and Non-Segregated Residence in the OSCE Space, in Particular in Central and South-Eastern Europe	South-Eastern Europe/Central and Eastern Europe
Police and Roma: Towards Safety for Multi-Ethnic Communities	Central and Eastern Europe
Awareness-Raising for Roma Women Activists on the Issue of Trafficking in Human Beings	South-Eastern Europe/Central and Eastern Europe
Best Practices: Methodology of Pre-School Care for Roma Children	OSCE Region

Programmes and Projects

Projects (cont.)	
Political Rights of Roma and Sinti	OSCE Region
Promoting Mutual Understanding	Slovakia
Educating Roma NGOs about AIDS and Drug Abuse	OSCE Region
Best Practices Involving Roma and Sinti Activities of Local and Regional Administrations/Self-Government Bodies within the OSCE Region	OSCE Region
Roma in the Media	OSCE Region
Human Rights and Minority Rights of Roma/Set-up of a Kosovar Non-Profit Office in Pristina	OSCE Region

Public Affairs

Projects	Region
Publication of the Second Edition of <i>OSCE Human Dimension Commitments</i>	OSCE Region

Joint EC-ODIHR Programmes

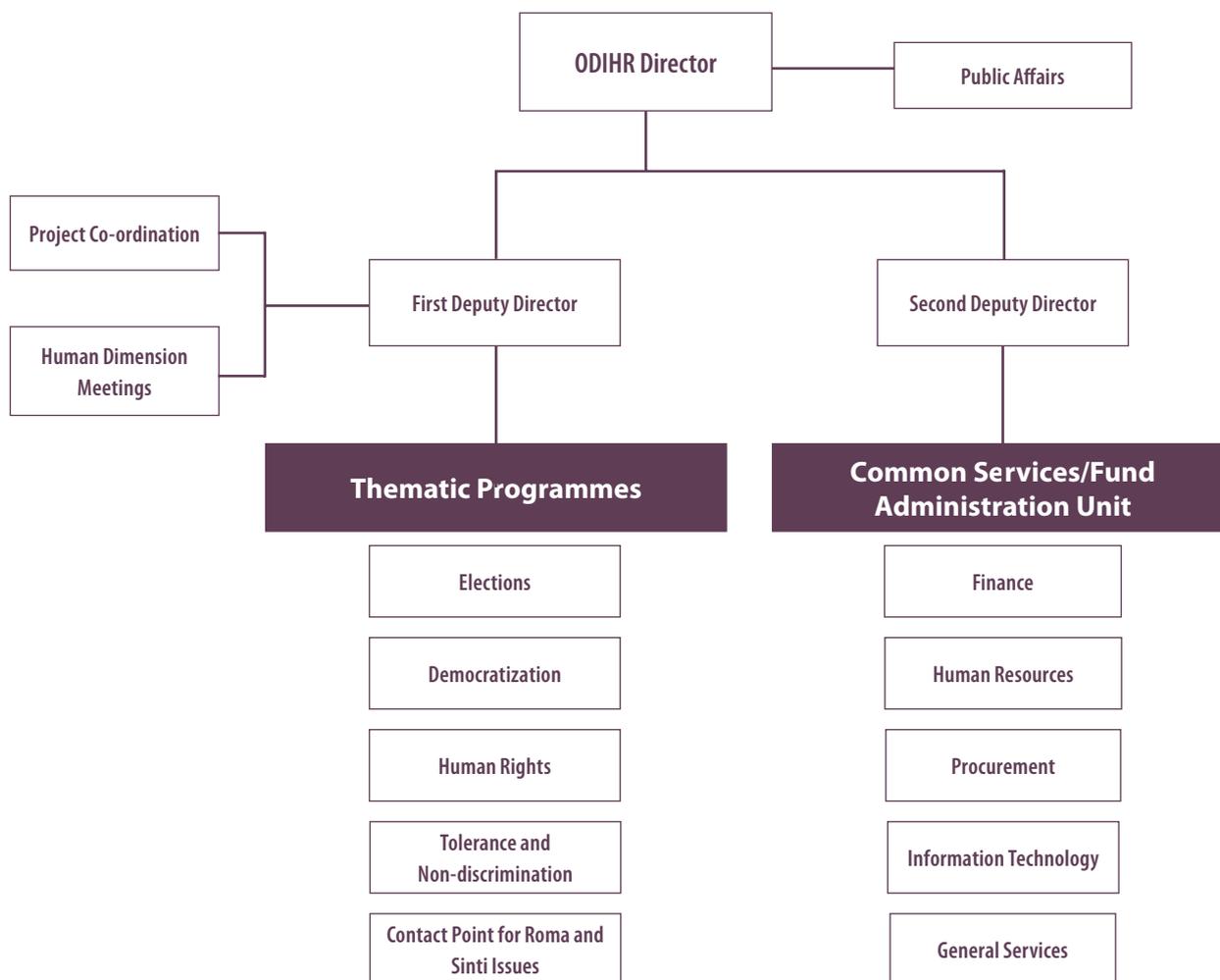
Programmes	Components	Thematic Area	Region/Country
Promoting Legislation Reform and Criminal Justice in Central Asia	1. Promoting Legislative Reform 2. Criminal-Justice Reform	1. Legislative Support 2. Rule of Law	Central Asia
Advancing Human Rights and Democratization in Central Asia and Developing Guidelines for Media Monitoring in Elections	1. Fair Trials Project 2. Basic Skills Training for Lawyers 3. Death Penalty Programme 4. Human Rights Monitoring Training 5. Civic Dialogue 6. Guidelines for Media Monitoring in Elections	1. Human Rights 2. Rule of Law 3. Human Rights 4. Human Rights 5. Democratic Governance 6. Elections	1. Kazakhstan, Kyrgyzstan 2. Kazakhstan, Kyrgyzstan 3. Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan 4. Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan 5. Kyrgyzstan 6. OSCE Region
Roma Under the Stability Pact: Roma, Use Your Ballot Wisely		Roma and Sinti	South-Eastern Europe

Main ODIHR Conferences

<i>Event</i>	<i>Location</i>	<i>Date</i>	<i>Number of Participants</i>
Human Dimension Events			
Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures	Vienna	21-22 April	200
Human Dimension Seminar on Migration and Integration	Warsaw	11-13 May	162
Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism	Vienna	14-15 July	118
Human Dimension Implementation Meeting	Warsaw	19-30 September	945
Supplementary Human Dimension Meeting on the Role of Defence Lawyers in Guaranteeing a Fair Trial	Tbilisi	3-4 November	279
Elections			
Expert Meeting on Additional Commitments on Elections to Supplement Existing Ones	Warsaw	5-7 September	11
15 Years of Domestic Election Observation in the OSCE Region: Shared Perspectives	Warsaw	17-18 September	20
Expert Meeting on Election Observation	Moscow	22-23 November	55
Rule of Law			
OSCE Inter-Mission Trial Observation Meeting	Sarajevo	13-14 September	More than 20 participants from 12 OSCE missions
Introducing Jury Trials in Kazakhstan: Choice of an Optimal Model of Lay Participation in the Administration of Justice	Astana	11 October	70
Civil Society and Democratic Governance			
Political Parties in Georgia's New Democracy: (1) Political Parties and the State - The Independence of Institutions; (2) Respective and Shared Responsibilities of State and Political Parties in Promoting Women's Participation	Tbilisi	31 May	63
Gender Equality			
Women's NGO Coalition of Georgia - Review Conference	Tbilisi	2 November	80-90
Migration/Freedom of Movement			
International Conference on the Exchange of Experience on Reform of Population Registration Systems	Issyk-Kul Lake, Kyrgyzstan	20-22 July	41

Event	Location	Date	Number of Participants
Human Rights			
Human Dimension Induction Training		1. 2-4 February 2. 1-3 June 3. 7-9 September 4. 30 November - 2 December	1. 24 2. 22 3. 23 4. 26
Regional Seminar on Monitoring Pre-Trial Detention in Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan	Almaty	15-19 March	24
Conference on the Legal Framework for Freedom of Association and Freedom of Assembly in Central Asia	Almaty	30-31 March	80
Workshop on Building the Capacity of OSCE Field Operations in Developing and Implementing Human Rights Education Projects in Formal Education in the OSCE Participating States	Warsaw	5-6 April	24
Meeting for OSCE Anti-Trafficking Focal Points	Warsaw	19-20 May	20
Roundtable on the Kazakh Draft National Action Plan and Development of National Referral Mechanisms	Astana	20-21 September	60
Right to Life: Alternatives to the Death Penalty	Almaty	7-8 November	85
Women's Rights and Early Warning - Consultative Meeting of Practitioners	Vienna	8 December	19
Tolerance and Non-discrimination			
OSCE Conference on Anti-Semitism and on Other Forms of Intolerance	Cordoba	8-9 June	Several hundred
Roundtable Meeting with NGOs Addressing Intolerance and Discrimination against Muslims	Warsaw	27 September	44
International Forum of Experts on Anti-Semitism and Holocaust Education	Jerusalem	8-11 October	12
Contact Point for Roma and Sinti Issues			
Joint International Conference on the Implementation of Policies/ Action Plans for Roma, Sinti and Travellers, and Measures Against the Anti-Gypsyism Phenomenon in Europe	Warsaw	20-21 October	180
Regional Conference on the Civil Registration of Roma in South-Eastern Europe	Belgrade	28 November	89

Organigram of the Office for Democratic Institutions and Human Rights



ODIHR Programmes: 2005 Budget

(all figures in euros)

Direction and Policy	1,620,900
Fund Administration Unit	1,506,900
Common Operational Costs	888,500
Democratization	1,229,000
Human Rights	998,600
Elections	4,666,100
Tolerance and Non-discrimination	641,400
Contact Point for Roma and Sinti	411,500
Total	11,962,900
Kosovo Augmentation	
ODIHR Human Dimension	295,400

