

Office for Democratic Institutions and Human Rights



# ANNUAL REPORT 2008

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## Overview by the ODIHR Director

I am pleased to present ODIHR's Annual Report for the year 2008. 2008 was a challenging year for the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

It was overshadowed by the war in Georgia, the first armed conflict between OSCE participating States since the beginning of the decade and one of the worst breakdowns of human

security in the OSCE region.

At the request of the Finnish OSCE Chairmanship, ODIHR sent an expert team, which also included representatives of the OSCE High Commissioner on National Minorities, to assess the human rights situation in the war-affected areas in the aftermath of the conflict.

Although the assessment team only returned in mid-November, ODIHR was able to present

◀ Morten Kjaerum, Director of the EU Fundamental Rights Agency, listens to ODIHR Director Ambassador Lenarčič as he speaks at a conference on freedom of expression organized by the Agency in Paris on 8 December 2008.

a comprehensive report on its findings and a set of recommendations to the Ministerial Council in Helsinki in early December.

This assessment was just one example of how ODIHR continued to flexibly respond to requests for assistance.

Indeed, the year 2008 again tested ODIHR's capability to react rapidly and professionally to emerging challenges and opportunities across the entire spectrum of its activities.

In the field of **elections**, ODIHR deployed 10 needs assessment missions, seven full election observation missions, three limited election observation missions, and two election assessment missions, involving a total of 2,850 observers from 49 participating States. ODIHR observed elections across the entire OSCE region, in long-standing democracies as well as in countries in transition.

The seminar on elections, organized by the Finnish Chairmanship in July, confirmed the strong support ODIHR's election observation work enjoys among participating States, and provided an opportunity to review challenges to the implementation of commitments, to exchange good practices in following up on ODIHR recommendations.

In its election observation activities, ODIHR sought to work in partnership with the OSCE Parliamentary Assembly and other parliamentary groups, acknowledging the important contribution parliamentarians can make to joint efforts to assess electoral processes against OSCE commitments and other international standards. It was in this spirit that I met the President of the OSCE Parliamentary Assembly in Copenhagen in July in what was my first visit after taking over as Director of ODIHR.

As regards ODIHR's **democratization** work, a key achievement was the consolidation of the legal reform portfolio, where ODIHR has established a major role as a resource for states by

providing comments on draft legislation, often in co-operation with the Council of Europe's Venice Commission. In 2008 alone, ODIHR issued a total of over 20 legal reviews. Over the course of the year, the Office greatly extended its involvement with participating States in improving the process leading to the adoption of laws, in line with principles of effectiveness and transparency. ODIHR is actively engaged with a number of participating States that are carrying out law-making reforms. This emerging ODIHR priority was also the topic of a Supplementary Human Dimension Meeting in November 2008.

ODIHR continues to assist participating States in strengthening the rule of law. The Ministerial Council decision on the issue, adopted in December in Helsinki, will provide an important additional impetus for our work in this field. The role of constitutional justice in protecting human rights and upholding the rule of law was examined at last year's Human Dimension Seminar, held in Warsaw in May.

Following recommendations made at human dimension meetings during the year, ODIHR is refocusing and consolidating its work on democratic governance and participation in public

ODIHR Director Janez Lenarčič (centre) visits a village destroyed in the aftermath of the August 2008 conflict in Georgia, 18 October 2008.



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Ambassador Janez Lenarčič (Right), meeting with his predecessor, Ambassador Christian Strohal, 9 June 2008. Lenarčič took over as ODIHR director on 1 July.



OSCE/JENS ESCHENBACHER

affairs, with a special emphasis on women's participation.

In the area of **human rights**, the Georgia assessment mentioned above came in addition to a multitude of other activities carried out during the year.

For example, ODIHR extended its presence in Armenia following the observation of the February election to be able to keep the Chairmanship informed of developments in the aftermath of the violent post-election clashes in March. A report with recommendations was submitted to the Armenian authorities. ODIHR has also observed the trials of those indicted following the March violence, and engaged with Armenian authorities and civil society to improve the implementation of freedom of peaceful assembly commitments.

The second report on the situation of human rights defenders in the OSCE region, published in December, identified a number of alarming

trends, but also highlighted positive measures taken by States to support the work of defenders. ODIHR is conducting programmatic activities to assist in addressing these trends.

ODIHR published a number of new practical resources in 2008 that have already been used actively to promote human rights standards in the fight against terrorism, respect for the human rights of armed forces personnel, and the consideration of gender aspects in security sector reform. The Office also produced a study on compensation for victims of human trafficking; the OSCE Ministerial Council adopted a decision that included reference to this issue in Helsinki in late 2008.

ODIHR's work to assist participating States in strengthening **tolerance and non-discrimination** and combating hate crimes has progressed considerably during the year. The annual report on hate crimes in the OSCE region, published in October, identified a continued pattern of

attacks on specific groups and highlighted challenges States face in responding to such crimes, including a lack of accurate data.

In its work with state authorities to improve data collection and other responses, ODIHR cooperated closely with the three personal representatives of the OSCE Chairman-in-Office on promoting tolerance.

The need for strong and independent national institutions against discrimination was highlighted at a Supplementary Human Dimension Meeting in May, which focused on combating racism and xenophobia targeted at persons belonging to national minorities and migrants.

ODIHR's **Contact Point for Roma and Sinti Issues** in 2008 continued to assist participating States in implementing the 2003 OSCE Action Plan on improving the situation of Roma and Sinti in the region.

A status report published by ODIHR in October concluded that minimal progress had been made in closing the significant gaps that remain between mainstream society and Roma and Sinti communities in areas such as education, housing, employment and access to social services and justice.

The important role of local and regional authorities in promoting the integration of Roma and Sinti was stressed at a Supplementary Human Dimension Meeting organized by ODIHR in July.

During the year, consensus emerged on the need for better education, including pre-school education, of Roma and Sinti as a prerequisite for overcoming discrimination and marginalization. OSCE foreign ministers formally adopted this approach at the Ministerial Council in December.

Following a series of violent attacks on Roma and Sinti in Italy, ODIHR and the HCNM deployed an expert team in July to look into the situation and study the measures taken by the authorities. The report of the visit, which includes a number of recommendations, was published in early 2009.

Last year's **Human Dimension Implementation Meeting**, Europe's largest human rights

conference, again attracted over 1,000 government representatives, civil society groups and experts. In the working sessions, during special focus days and at a broad range of side events, participants reviewed the progress made by participating States in implementing their human dimension commitments.

In conclusion, I believe that ODIHR demonstrated during 2008 — also under the able leadership of my predecessor, Ambassador Christian Strohal — its ability to be a primary instrument at the disposal of participating States for providing assistance with turning commitments into reality.

For ODIHR to be able to continue its work in a fully effective way, we need the trust and support of all OSCE participating States, as well as their openness and willingness to request ODIHR assistance.

Under my leadership, ODIHR will continue to strive for enhanced engagement with all participating States, based on a spirit of trust and co-operation.

*Ambassador Janez Lenarčič*  
*Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR)*



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# 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

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) assists the OSCE participating States in conducting democratic elections in line with their OSCE Commitments. The office fulfils its election-related mandate through the deployment of election observation missions and by engaging in follow-up activities aimed at fostering the implementation of recommendations contained in reports by ODIHR observation missions. While the observation of elections has become its highest-profile activity, the Office also conducts a range of other election-related activities, including the review of electoral legislation, the publication of guidelines and handbooks on election issues, and the training of election observers.

In response to its specific mandate and tasks, ODIHR has developed a comprehensive methodology for election observation, based on a long-term approach involving an assessment of all key elements of the electoral process, including the legislative framework, electoral administration and the nature of the campaign in vital questions like access to the media. While ODIHR election-related activities in the 1990s focused primarily on supporting democratic transitions in post-Communist countries, recent years have seen the office significantly expand its geographical coverage to follow election issues in a wider range of OSCE participating States.

Assistance from ODIHR has contributed to progress in a number of states that have sought to bring their election legislation in line with OSCE commitments and in the conduct of democratic elections. The implementation of ODIHR recommendations continues, however, to be a challenge for some countries and, as a result, their electoral processes are not fully in line with OSCE commitments.

## Main Issues

**Democratic standards:** Much progress has been made in many OSCE participating States in bringing electoral practices in line with commitments based on the 1990 OSCE Copenhagen criteria, which serve as the basis for ODIHR's assessment of individual elections. While there have been improvements in the legal and administrative framework for elections, these improvements only make a difference if they affect actual practice. Therefore, ODIHR also continues to report serious flaws in the conduct of elections in a number of OSCE participating States. The list of shortcomings observed in one or more states is extensive, including the restriction of fundamental freedoms, limitations of the opportunity and right to run for public office, impediments to universal and equal suffrage resulting from inadequate voter registration, inequitable media access and biased coverage favouring particular candidates or parties, the abuse of state administrative resources, limitations on access for domestic and international observers, ineffectual complaints and appeals procedures, and fraud during the counting and tabulation of votes.

A ballot paper in braille for the 9 March 2008 parliamentary elections in Spain.



“ [The Ministerial Council] recognizes ODIHR’s expertise in assisting the participating States through its election-related activities, including reviewing election legislation and carrying out election observations.”

– Brussels 2006, *Strengthening the Effectiveness of the OSCE*

» **Implementing recommendations:** ODIHR’s election-related activities involved more than just observation, as the office provides constructive recommendations at the conclusion of any observation mission that focus on ways in which the electoral practices of a particular state could be improved. ODIHR continues to highlight the need for post-election dialogue and follow-up activities to strengthen the impact of observation and provide for the implementation of recommendations by OSCE participating States.

» **New voting technologies:** The switch to new technologies in the conduct of elections has gained momentum in recent years. While these technologies make the electoral process speedier and easier for both voters and those counting and tabulating votes, they also introduce new

issues with regard to transparency and accountability in the election process, as well as the ability of election observers to perform their role effectively. For new election technologies to be effective, it is vital that they enjoy public confidence, by meeting standards like secrecy of the vote and accountability and transparency of the voting and counting process that are the core democratic principles applied to traditional systems of voting. By including e-voting experts in the relevant election missions, ODIHR is able to examine the challenges associated with the introduction of these new technologies. This also allows ODIHR to continue to consider modifications to its election observation methodology to address rapid and constant changes in this field.

» **Challenges new and old:** Along with transparency, accountability and confidence in the electoral process, the need to ensure the universal right to participate for voters and candidates alike remains a challenge. Issues to be addressed in this area include the participation of women and national minorities, and access for disabled voters. Other groups that may also be more vulnerable to having their electoral rights curtailed include the sick or elderly, military personnel and people in detention. The nature and monitoring of campaign financing are also emerging challenges addressed by ODIHR in its activities.



Voter turnout was reasonably high at Serbian parliamentary elections, Belgrade, 11 May 2008.

## Activities

The monitoring of elections is only the most visible part of ODIHR’s elections mandate, with the insights generated in observation reports providing a valuable resource for its other programmes, as well as for the activities of other

An ODIHR election observer (left) speaks to officials at a polling station in Podgorica during the 6 April 2008 presidential election in Montenegro.



institutions and field operations. This includes further work to develop ODIHR's election observation methodology, the development and implementation of technical-assistance projects, and legislative reviews. In 2008, these activities concentrated on the following areas:

- 】 Election observation;
- 】 Follow-up to observation missions;
- 】 Reform of electoral legislation,
- 】 Development of election observation methodology;
- 】 Observer training.

### I. Election observation

In 2008, ODIHR assisted a broad range of OSCE participating States in efforts to conduct elections in line with OSCE commitments. This was achieved primarily through election observation activities, which are guided by two principal objectives: (1) to assess whether an election meets OSCE commitments and other international standards for democratic elections, and whether it is conducted in accordance with national legislation; and (2) to offer subsequent recommendations for consideration by the participating State in question to help improve its

electoral processes and legislation for subsequent votes.

The purpose of election observation is not to commend or criticize those countries in which ODIHR deploys observation missions. Instead, the Office offers constructive feedback and provides concrete recommendations to rectify shortcomings. Over the course of 2008, ODIHR published more than 50 election-related reports and statements, in line with the overriding objective of fulfilling its mandate in a transparent and accountable manner.

According to standard election observation methodology, the type and scope of ODIHR election observation missions is determined in the course of a Needs Assessment Mission (NAM), deployed several months before the election in question. Due to budgetary constraints, however, a NAM is not deployed in every case where an election is being held in a participating State.

The Office deployed 12 electoral missions within the OSCE region in 2008, including 10 Observation Missions, with a particular focus on votes in South-Eastern Europe and the South Caucasus. ODIHR also deployed two Election Assessment Missions to longer-established



A voter casts her ballot in Skopje during the 1 June 2008 parliamentary elections in the former Yugoslav Republic of Macedonia.

democracies, where the work of short- and long-term observers was not considered necessary. High levels of public confidence in the conduct of elections, better-tested electoral practices, and proven checks and balances, such as an independent judiciary, robust civil society and pluralistic media were all important considerations when making this decision. Elections

Assessment Missions make an overall assessment of the administrative and legal framework for the conduct of elections, and provide targeted recommendations based on the results. The development of these missions has allowed ODIHR to follow electoral issues across a broader range of OSCE participating States.

Occasionally, NAMs determine that no

### 2008 Election Observation and Assessment Missions

Country	Type of Election	Date	Type of mission
Georgia	Presidential	5 January	Observation
Serbia	Presidential	20 January & 3 February	Limited Observation
Armenia	Presidential	19 February	Observation
Spain	Parliamentary	9 March	Assessment
Montenegro	Presidential	6 April	Observation
Italy	Parliamentary	13-14 April	Assessment
Serbia	Parliamentary	11 May	Limited Observation
Georgia	Parliamentary	21 May	Observation
Former Yugoslav Republic of Macedonia	Parliamentary	1 June & 15 June	Observation
Belarus	Parliamentary	28 September	Observation
Azerbaijan	Presidential	15 October	Observation
United States	General	4 November	Limited Observation



ODIHR Director Janez Lenarčič (second left) visits a polling station during the 28 September 2008 parliamentary elections in Belarus.

assessment or observation activity is necessary for an election, as was the case after a 15 and 16 December 2008 mission in Liechtenstein ahead of parliamentary elections to be held in February 2009.

A total of 2,850 observers from 49 participating States were deployed by ODIHR in 2008. In order to increase the number of participating States represented in its election observation activities, the Office introduced a voluntary fund to support the participation of observers from countries that have not traditionally contributed observers. As a result, eight long-term and almost 80 short-term observers were financed through ODIHR's voluntary Fund for Enhancing the Diversification of Election Observation Missions in 2008. The support from OSCE participating States involved in the fund provides much appreciated assistance in bolstering the Office's resources and activities in this field.

Consistent with Ministerial Council decision 19/06, ODIHR regularly cooperated with parliamentary partners in 2008 to observe election-day proceedings in the context of joint International Election Observation Missions (IEOMs).

Partners in these missions included the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and, on occasion, the NATO Parliamentary Assembly.

#### **Key findings**

While a number of positive developments were observed in the context of ODIHR election observation missions over the course of 2008, some disturbing trends remained. These included:

▶ **Limitations to the right to be elected** – administrative rules were used to keep specific candidates and parties off the ballot or to de-register candidates during the campaign. In these instances, the right of citizens to seek political or public office without discrimination was not fully guaranteed.

▶ **Lack of a free campaign environment** – some participating States failed to create the necessary conditions allowing parties and candidates to campaign freely on an equal basis, thus failing to ensure a level playing field. It is the responsibility of governments to ensure that public and

Election commission members counting ballots during the 28 September 2008 parliamentary elections in Belarus.



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administrative resources, both material and human, are not abused in support of any particular parties or candidates during election campaigns.

▶ **Inequitable access to media** – individual candidates and parties frequently experienced difficulties gaining equitable access to media. This not only denied those running in elections the chance to convey their message to the electorate on an equal basis, but also withholds from voters the information they need to make an informed choice. State-controlled and public media have a special responsibility in this regard.

▶ **Lack of transparency and accountability during the counting and tabulation of votes** – non-transparent and even fraudulent procedures were observed during the counting of votes and the tabulation

of results in some instances. OSCE commitments require that votes be counted and reported honestly, and that the official results be made public.

▶ **Lack of confidence in bodies administering elections** – the work of individuals and institutions responsible for administering elections was not always transparent and free from government interference. To ensure genuinely democratic elections, those administering elections must provide for the effective organization of the vote and perform their duties in an impartial manner, so as to gain and maintain the confidence of parties and individual candidates.

▶ **Inadequate complaints and appeals procedures** – the election system did not always ensure the presence of and proper access to effective and

“ [The Ministerial Council] tasks 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.”

– 2003 Maastricht Ministerial Council



Ballot boxes at a polling station in Rome, for elections to the lower chamber of parliament, senate, provincial government, mayor and municipal council, 13 April 2008.

timely mechanisms for the protection of electoral rights at all stages in the election process, including: the registration of voters, political parties and candidates; the election campaign; the vote itself; and the counting of ballots and declaration of results. In particular, this often involved the absence of the opportunity to file complaints over a lack of equitable access to the media or the allocation of state resources.

#### **Support to OSCE field operations during elections and referenda**

In 2008, ODIHR deployed two Election Support Teams, comprising several experts each, to enhance the capacity of OSCE field presences to follow electoral events in cases where an ODIHR election observation or assessment mission was not deployed. Election Support Teams provide expert advice on electoral developments to OSCE field missions, which, in turn, report on the electoral event through their standard OSCE reporting channels. Expert teams of this type were deployed for local elections in Bosnia and Herzegovina (5 October) and parliamentary elections in Turkmenistan (14 December).

## **II. Follow-up to observation missions**

ODIHR is always ready to follow up on its election observation reports by providing assistance to participating States. In 2008, ODIHR continued

to conduct follow-up work on its observation activities and recommendations, and to lend assistance to states in implementing their commitment to follow up promptly ODIHR's election assessment and recommendations.

Where sufficient political will to improve the election process is present, the post-election period provides an opportunity for participating States to benefit from ODIHR election observation recommendations through an active follow-up process. These recommendations can assist participating States in meeting their commitments to conduct democratic elections.

ODIHR's follow-up work took a number of forms in 2008. In addition to publishing legal reviews, ODIHR representatives took part in a broad range of meetings, roundtables and seminars organized in a number of participating States. This included follow-up activities in Albania, Armenia, Azerbaijan, the former Yugoslav Republic of Macedonia, Georgia, Kazakhstan, Tajikistan and Ukraine. Some of these activities were initiated as part of visits by the ODIHR Director shortly after the publication of election observation mission reports.

In July 2008, follow-up issues were also discussed during an election seminar organized by the OSCE Chairman-in-Office in Vienna. Good practices and lessons learned were shared through the examination of concrete examples



Ballots are sorted at a polling station in Sakobo, Kakheti region, for the 21 May 2008 parliamentary elections in Georgia.

from OSCE participating States.

### III. Reform of electoral legislation

The conduct of elections in line with OSCE commitments requires a strong and effective legislative base. The review of electoral legislation, therefore, has become one of the most important elements of the follow-up process.

According to the established practice of assisting participating States with legislative reform in the field of elections, ODIHR continued to offer comments on and assessments of election legislation and relevant amendments. Legislative Alert, a voluntary fund established in 2001, has enabled the Office to provide advice on electoral reform initiatives. ODIHR experts regularly work with experts from the Council of Europe's Commission for Democracy through Law (the Venice Commission) to offer joint opinions on the legislative framework for elections.

ODIHR published six legal reviews in 2008,

containing recommendations for bringing legislation closer in line with OSCE commitments. Five of these were undertaken jointly with the Venice Commission.

### IV. development of election observation methodology

ODIHR has developed a comprehensive methodology for the long-term observation of elections that encompasses all elements of the election process, beginning with a review of the legal framework, and including assessment of the performance of election administration bodies; 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. This methodology is described in the *Election Observation Handbook*. First published in 1996, the handbook is now in its fifth edition, which was published in 2005. ODIHR continues to identify areas where observation methodology could be improved and, in this context, contributed in 2008 to the preparation of a seminar on election issues organized by the OSCE Chairman-in-Office in Vienna, and was an active participant in the seminar discussion.

#### *New voting technologies*

In recent years, ODIHR has paid special attention to new challenges, including the introduction of new voting technologies. An increased number of OSCE participating States are considering new voting technologies, including e-voting machines, vote scanners, and even systems for voting via the Internet.

Country	Document title
Turkmenistan	Assessment of the Election Legislation of Turkmenistan
Bosnia and Herzegovina	Joint Opinion on Amendments to the Election Law of Bosnia and Herzegovina
Azerbaijan	Joint Opinion on the Draft Law on Amendments and Changes to the Electoral Code of the Republic of Azerbaijan
Armenia	Joint Opinion on the Election Code of the Republic of Armenia as amended up to December 2007
Moldova	Joint Opinion on the Election Code of Moldova as of 10 April 2008
Georgia	Draft Joint Opinion on the Election Code of Georgia as revised up to July 2008

Recognizing that the observation of these technologies requires innovative approaches, ODIHR has hosted a number of expert meetings on the subject. In 2008, the Office proceeded with the drafting of a handbook for observing new voting technologies and, in this context, distributed a discussion paper as the forerunner to an eventual handbook on the topic. Representatives from election administration bodies and the relevant international organizations, as well as e-voting and legal experts, contributed to this effort.

ODIHR representatives also had the opportunity to discuss challenges related to new voting technologies during meetings organized in 2008 by the Council of Europe and the OSCE Chairman-in-Office.

The observation of the 2008 elections in the United States and a visit to the Russian Federation during an Internet voting experiment in Tula Region provided additional opportunities for ODIHR to expand its comparative experience with new voting technologies.

#### **Publication of guidelines**

ODIHR has published guidelines and handbooks providing detailed guidance for international and domestic observers on a variety of election-related subjects. In addition to the development of a handbook for observing new voting technologies, ODIHR also worked in 2008 on the development of guidelines for the observation of voter registration.

The Office also finished updating two of its existing publications: A revised edition of the *Handbook to Assist National Minority Participation in the Electoral Process* and *Guidelines for Reviewing a Legal Framework for Elections*.

#### **V. Observer training**

While it is primarily the responsibility of OSCE participating States to provide ODIHR with trained and experienced observers, the Office assists states by offering observer training. This training provides observers with necessary skills and underscores the need for a common approach to implementing the ODIHR election observation methodology.

In 2008, as in previous years, training courses for short-term observers were conducted at the OSCE Academy in Bishkek, as well as, for the first time, in Tirana. In addition, the Office continued to support national efforts by responding to requests from some participating States to provide training for their election observers, including co-operation with states that run their own training centres. ODIHR has a number of traditional partners in these training efforts: the German Centre for International Peace Operations (ZIF), the Norwegian Centre for Human Rights (NORDEM), the Russian Diplomatic Academy, the Austrian Study Center for Peace and Conflict Resolution (ASPR) and the London-based Electoral Reform International Services (ERIS), as well as the European Commission's Network of Europeans for Electoral and Democracy Support (NEEDS).



OSCE/KAROLINA SUORSKA

# 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

**T**he strengthening of democratic institutions and processes is vital to the support of human dimension commitments and a key objective in most, if not all, of ODIHR's activities.

ODIHR's democratization assistance focuses on longer-term programmes, aimed at generating results at the policy-level, rather than short-term projects. This work is based on an identification methodology that includes needs assessments before activities are undertaken to ensure that ODIHR's financial, human and time resources are used in the most effective way possible.

Recognizing that the OSCE's strength is in its unique field presence, ODIHR provides expertise to enable field operations to respond effectively to requests from participating States and bolster their work in support of the Organization's human dimension commitments. This often involves work in partnership with a broad range of state institutions and structures, including national parliaments, justice and interior ministries, central elections commissions and national human rights institutions.

## Main Issues

**Rule of law and legal reform:** The rule of law and democracy are mutually reinforcing. The rule of law is central to democratic development, underpinning the proper functioning of democratic institutions and procedures, and free and fair elections in particular. Democracy, meanwhile, bolsters the rule of law by ensuring that laws are perceived as legitimate, and not as instruments of control or oppression.

The development and safeguarding of the rule of law requires not only compliance with existing legislation, but also the fostering and maintenance of institutions responsible for and able

to ensure democratic law-making, the protection of human rights, and proper administration of justice.

Bearing the greatest responsibility for promoting compliance with and equality before the law, governments should lead by example. Where they don't, this undermines public trust in the government, law and justice.

**Democratic governance and participation in public affairs:** Effective institutions and laws are necessary, but not sufficient, for the development of true, functioning democracies. For democracy to be effective, the norms, rules and traditions of any society have to be integrated into a system aimed at achieving a common good through deliberation and consideration.

Civil society, involving the voluntary participation of citizens in community life, either directly or through organizations or institutions, is vital to this process. The extent to which this participation is transparent and effective is a measure of the quality of democratic governance within a country.

**Gender equality and women's participation in democratic processes:** Gender equality in the policy-making processes of any country is central to ensuring broad women's participation in governing structures and political and public life in general. In many instances, however, a lack of awareness on the part of the general public and the state prevents improvements in this area. Traditional patriarchal attitudes and behaviour in some OSCE participating States serve as a primary barrier to the promotion of gender equality, with the general public often not even considering these practices discriminatory. This ultimately limits women's participation in, and contribution to, democratization processes.

► **Migration and freedom of movement:** Increased population mobility has become a major characteristic of OSCE participating States. The collapse of the Soviet Union, the arrival of full freedom of movement within the European Union, and increased global migratory pressures have all made this an even greater issue. As people move both within and between countries, migration patterns are becoming ever more complex.

Regulated migration can be a positive factor contributing to democratization trends, bolstering economic and social development in both host and home countries.

## Activities

ODIHR democratization work continues to be informed by regular consultations with international experts and human dimension staff from OSCE field operations, and by a renewed focus on institutional memory and lessons learned. During the course of 2008, ODIHR significantly developed its capacity for the provision of expertise and technical assistance in the following fields: trial monitoring, torture prevention, consolidation of the legal profession, democratic lawmaking, capacity-building for war crimes tribunals, population registration and, most recently, legislation pertaining to political parties.

ODIHR's democratization programmes can be broken down into four basic areas, corresponding to the main issues, listed above, with which they deal:

- Rule of law and legal reform
- Democratic governance and participation
- Gender equality and women's participation
- Migration and freedom of movement

### I. Rule of law and legal reform

oDIHR's rule of law activities may be grouped into three clusters: (1) supplying policy makers with the information and tools necessary to ensure better implementation of OSCE commitments; (2) working with legal communities

and other actors to strengthen the rule of law; and (3) co-operating with OSCE field operations, international organizations and NGOs on advancing the rule of law by sharing strategies, methodologies and good practices.

ODIHR provides legislative assistance to participating States, usually in the form of reviews of draft legislation to ensure compliance with OSCE commitments and other international standards. The Office also maintains a free-of-charge online database ([www.legislationline.org](http://www.legislationline.org)), which contains more than 5,000 pieces of domestic and international legislation related to the human dimension, in areas such as human rights, elections, gender and rule of law. Also available in a full Russian-language mirror version, this has become an important source for lawmakers throughout the OSCE region. ODIHR also encourages transparent and inclusive legislative processes that enable all relevant stakeholders to provide input.



In addition to its programmatic work, ODIHR organized two mandated meetings in 2008 dealing specifically with rule of law and legislative issues: a human dimension Seminar on “Constitutional Justice” and a Supplementary Human Dimension Meeting on “Democratic Lawmaking”.

### Advancing criminal justice reform

The OSCE participating States have committed



OSCE/JAN HALL/EPSTEIN/PHOTO

themselves unequivocally to upholding the right to a fair trial and to ensuring the proper administration of their criminal justice systems. ODIHR supports exchanges of views and experience on policy and reform issues affecting the implementation of OSCE commitments, utilizing one of its main institutional strengths: its mandate to work across the OSCE area and facilitate the sharing of experiences between participating States.

In June 2008, ODIHR presented a preliminary report following a trial monitoring project focusing on jury trials in Kazakhstan. The Kazakh authorities acknowledged the value of the findings presented and the technical assistance provided by ODIHR in implementing the recommendations.

Kazakhstan also hosted the annual ODIHR Expert Forum on Criminal Justice in Central Asia (formerly the Summer School on Criminal Justice), which was held in September in the city of Zerenda. More than 40 criminal-justice practitioners, officials and experts from across

Central Asia met for three days to discuss criminal justice reform in the region. The participants considered new legislation for remand custody in Kazakhstan, Kyrgyzstan and Uzbekistan, as well as the challenges and prospects for the drafting of new criminal procedure legislation in Turkmenistan and Tajikistan. The forum also identified the need to assist governments in decriminalizing offences more commonly covered by administrative codes in other participating States or to provide appropriate criminal procedural safeguards for their investigation and adjudication.

ODIHR also supported the activities of the Legal Policy Research Centre, an Almaty-based NGO that has moved policy debate on criminal justice reform forward in Kazakhstan and throughout the region. The numerous events held and analytical reviews of draft legislation produced by the centre have raised the profile of reform issues in the criminal justice sector.

Following post-election violence in Yerevan in March 2008, ODIHR extended its presence

Participants at the Supplementary Human Dimension meeting on democratic lawmaking, in Vienna, 6 November 2008.



OSCE/PATRICK MARCOWSKI

Dominika Bychawska, a Polish lawyer (left), and Ekaterina Kouznetsova, Associate Professor, Belarusian State University, at a workshop on reform of the legal profession and access to justice, Krakow, Poland, 13 November 2008.

in the Armenian capital beyond the Election Observation Mission that had been operating there since 10 January. After a team of human rights experts from ODIHR travelled to and remained in Yerevan through March and April with the aim of keeping the OSCE Chairman-in-Office informed on the situation and advising on possible future activities, the Office launched a trial monitoring project to assist the Armenian authorities with the implementation of their international obligations and commitments concerning the right to a fair trial, and to develop recommendations for reforms in the criminal justice sector. The recommendations will be presented to the authorities in 2009.

**Supporting the adjudication of war crimes**

The investigation, prosecution and adjudication of war crimes continue to be a central issue on the agenda of many South-Eastern European

countries. The approaching closure of the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague heightens the need to assist these countries' legal systems in dealing with these cases according to international standards and practices.

In August 2008, ODIHR, together with the ICTY and the United Nations Interregional Crime and Justice Research Institute (UNICRI), and in close co-operation with relevant field operations, initiated a review of ICTY and OSCE knowledge-transfer activities to benefit South-Eastern European judiciaries, in order to assess the capacity-building needs of these judiciaries in adjudicating the war crimes cases sent back from the ICTY. This project will identify best practices and lessons learned, and will serve as a basis for future activities to enhance capacity in local jurisdictions.



Arkady Gutnikov (l), Director of the Centre for Clinical Legal Education, Saint Petersburg Institute of Law and Oksana Syroyid of the OSCE Project Co-ordinator in Ukraine, at a workshop on reform of the legal profession, Krakow, Poland, 13 November 2008.

#### **Assisting the prevention of torture and ill-treatment in custody**

ODIHR's rule of law programme paid special attention in 2008 to the prevention of torture and other ill-treatment of those in custody. ODIHR staff held a number of working meetings throughout the year with relevant international actors, including the UN Subcommittee for the Prevention of Torture. Work was finalized the publication *The Fight Against Torture: OSCE Experience*, which will be released in 2009. The manual presents best practices collected from the OSCE's extensive experience in this area, and provides guidance to the Office's field operations and other actors involved in the prevention of torture.

On 25 and 26 November 2008 in Prague, ODIHR, in co-operation with Bristol University School of Law, organized a conference bringing together representatives from government and civil society, national human rights institutions, OSCE field operations and experts from across the OSCE region. Participants shared information and experiences on the implementation of the Optional Protocol to the United Nations Convention against Torture (OPCAT). In particular, the conference focused on concrete discussion of the process for creating and designating

of National Preventive Mechanisms (NPMs) in various OSCE participating States at a time when many are engaged in the implementation of this relatively new protocol. State parties are required to create domestic monitoring mechanisms for places of detention under OPCAT. The model NPMs examined at the meeting will provide the basis for further regional meetings on OPCAT implementation in 2009.

#### **Strengthening the legal profession**

Lawyers play a special role in defending the right to a fair trial, ensuring access to justice and, more broadly, upholding the values of the OSCE's human dimension. The legal profession continues to face serious challenges in many participating States. Frequently reported problems include limited access to the bar for law-school graduates, insufficient numbers of qualified lawyers, the low quality and prohibitively high costs of legal services, and the lack of effective legal aid programmes.

ODIHR organized an expert workshop, "Reform of the Legal Profession and Access to Justice" on 13 and 14 November 2008 in Krakow, Poland, to discuss the challenges posed by these issues in the OSCE area and their solutions, with a special emphasis on the former



OSCE/AROUND SIBIRSKA

## 2008 Human Dimension Seminar on Constitutional Justice

The Human Dimension Seminar on Constitutional Justice, conducted by ODIHR in Warsaw on 14 and 16 May, brought together representatives of the participating States, experts and civil society actors to examine the role of constitutional justice in strengthening compliance with OSCE human dimension commitments. Seminar participants shared their experiences, discussed the challenges faced by constitutional courts in the OSCE region, and cited good practices to help address these challenges.

The emphasis was on the critical importance of effective constitutional review to maintaining the rule of law in the OSCE area. Reviews of this type can only be effective when delivered by impartial constitutional-review bodies that enjoy independence from external pressures. Constitutional courts are vulnerable to such pressure due to the often politically and socially sensitive nature of the issues they handle.

Constitutional courts are an integral part of a system of checks and balances to ensure that power is not exercised by the executive branch alone, but shared with an independent judiciary and a representative parliament. Constitutional courts are able to interpret and clarify the boundaries of authority between the executive and legislature, to ensure the accountability of state institutions, and to assist in maintaining the stability of constitutional order.

Seminar discussions stressed that the rule of law, as defined and understood in the OSCE human dimension, requires constitutional justices to interpret their national constitutional provisions in the spirit of what the OSCE's Copenhagen Document of 1990 termed "the supreme value of human personality". Participants emphasized that the protection of this higher set of values by constitutional courts is strengthened through regular dialogue

and the exchange of experiences among constitutional courts and international tribunals in the OSCE area.

Special emphasis was placed on access to and the accessibility of constitutional justice. Participants discussed a variety of models enabling individuals to address constitutional courts and debated their comparative advantages. The benefits accruing from the existence of other channels – such as *amicus curiae* submissions – that allow for civil society input in cases heard by constitutional courts was also highlighted. Greater transparency in court proceedings through the live broadcasting of hearings, the publication of transcripts, and press-conferences was also cited as good practice to foster greater public confidence in the justice system. The summary of the Seminar discussions is available in both English and Russian on the ODIHR website.



The presentation of a report on the OSCE Trial Monitoring Programme for the Republic of Moldova, in Chisinau 19 June 2008.

Soviet countries. Thirty experts from 19 countries attended the workshop. Background reports were commissioned by ODIHR to ensure an informed debate, and the summary report from the workshop contains recommendations to policy-makers and examples of good practices in the participating States. The expert seminar also strengthened ODIHR's capacity to systematically address reform of the legal profession. The workshop summary and background reports are available on the ODIHR website.

**Promoting co-operation and exchange of expertise**

Much of ODIHR's work is aimed at promoting co-operation and the sharing of expertise within and outside the OSCE. In encouraging and supporting compliance with OSCE commitments, ODIHR is attuned to the activities of OSCE field operations, international and bilateral organizations, and other assistance providers in the OSCE region. ODIHR staff seek opportunities to exchange experiences with these actors to enrich the organization's professional acumen, expand its expert network, and share its expertise with others.

May 2008 saw the launch of *Trial Monitoring: A Reference Manual for Practitioners*. This manual synthesizes the best practices and lessons learned from trial-monitoring programmes conducted by ODIHR and a large number of OSCE field operations. It is a practical resource for practitioners who are developing or running trial monitoring programmes, aimed at enhancing these programmes' quality and thereby strengthening compliance with fair trial standards in participating States. The Manual was published in English, and is currently available in English and Russian on the ODIHR website.

In November 2008, ODIHR organized a Trial Monitoring Conference, hosted by the OSCE Spillover Mission to the former Yugoslav Republic of Macedonia, in Skopje. Representatives of OSCE field operations discussed the reference manual and issues of mutual concern, including limitations on access to hearings and court files, confidentiality and ways to enhance the impact of trial monitoring through a stronger focus on advocacy and capacity building. Follow-up meetings with field operations are planned for 2009.

A reference manual for practitioners of trial monitoring



### **Legislative Support**

Legislative support is an indispensable component of any approach to assisting OSCE participating States in the implementation of their human dimension commitments. This has been an integral part of ODIHR's work from the outset. In 2004, ODIHR upgraded its capacity to respond to requests for assistance from lawmakers in OSCE participating States by establishing a pool of in-house experts to review draft legislation issues relating to human dimension commitments. These experts were tasked specifically with providing advice during the drafting of legislation to ensure that human dimension commitments and other relevant international standards are properly reflected. The advice includes sharing experiences and practices from other participating States that have dealt with similar issues.

Addressing the weaknesses of legislation on an individual basis, law-by-law, has highlighted the need to address the common underlying causes of these shortcomings. ODIHR now also offers assistance to participating States in the development of effective, open and transparent legislative processes. This legislative support is comprised of two integrated components: legislative reform capacity, by offering advice on individual laws; and improving legislative efficiency and transparency, by making recommendations for reforms to the system for drafting legislation. Over the past three years, ODIHR's responses to requests from OSCE participating States have combined advice on individual laws with assistance on issues of process.

### **Strengthening capacity for legislative reform**

In 2008, legislative reform continued to rate high on domestic agendas throughout the OSCE region. Whether as the result of commitments to meet international standards or as a reaction to emerging domestic or international issues and challenges, existing laws are continually being reassessed, reviewed and revised. New laws are also being drafted. Where a new issue is being dealt with, however, and expertise is not readily available, the capacity to

produce effective legislation is limited. Upon request, ODIHR lends assistance to participating States to bridge this capacity gap. This primarily consists of providing legal expertise over the course of the legislative process to assess compliance with relevant standards, making recommendations for improving draft legislation, and sharing good practices to help those drawing up laws explore options not originally considered. ODIHR's opinion on proposals for reforming Turkmenistan's Constitution, prepared at the request of the Turkmen authorities and released on 23 June, included references to strategies used in other OSCE participating States for undertaking a systematic review of their constitutions. In ODIHR's comments on an Albanian draft law setting up a fund for the development of civil society, fund mechanisms for civil society initiatives in Italy and Hungary are highlighted as possible sources of ideas for the Albanian lawmakers.

Another example was a request in January from Armenia's Ministry of Justice for an ODIHR opinion outlining the legal frameworks in place in a number of OSCE participating States on issues relating to compulsory detention on the grounds of mental illness, substance abuse and vagrancy, or to prevent infectious diseases. The [www.legislationline.org](http://www.legislationline.org) legislative database is instrumental in providing examples of this kind and making them widely accessible. The database, which also provides access to all ODIHR opinions and comments, as well as all of the Office's legislative guidelines, is continuously updated, and its Russian interface was considerably expanded over the course of 2008.

When legislators from multiple participating States need guidance on a particular issue, ODIHR often develops consolidated assistance materials in the form of guidelines. While not establishing new norms, these publications elucidate parameters for implementation consistent with OSCE commitments and other relevant international standards, taking advantage of good practices observed across the OSCE region.

In 2008, the ODIHR Expert Panel on Freedom of Assembly focused its work on the implementation of the 2007 ODIHR Guidelines on Freedom of Peaceful Assembly. The opinions drafted by the Panel on amendments to legislation on freedom of assembly in Armenia and Kyrgyzstan refer systematically to guidelines endorsed in June by the Venice Commission, which issued the opinions jointly with ODIHR. The example of Armenia illustrates the impact generated by this partnership approach, as most of the concerns raised by ODIHR and the Venice Commission in this case were eventually addressed in the revised law. In Azerbaijan, given the importance of proper implementation

of a new law that came into force in May, the Panel was asked by the OSCE Office in Baku to develop implementation guidelines that could serve as a working basis for further domestic initiatives aimed at facilitating implementation. Drafted within the framework of ODIHR co-operation with the Venice Commission, the implementation guidelines were released a few weeks before the presidential elections and, in line with the recommendation contained in the ODIHR Election Observation Report, follow-up measures are now under consideration.

Assistance with legislation does not end with the drafting stage. Due attention is given to following up on recommendations, both to

**In 2008, the following opinions (referred to as such when based on an official request), comments (when requested by an OSCE field operation) and other reviews were released. The list does not include reviews of election-related legislation, which were listed previously in the elections section.**

<b>Albania</b>	• Comments on the Draft Law of Albania on the Civil Society Development Fund (19 November)
<b>Armenia</b>	• Opinion Concerning the Implementation of ECHR Article 5(1)(e) in Domestic Law (18 February); • Joint OSCE, ODIHR and OSCE Representative on Freedom of the Media Opinion on the Draft Law on Information, Information Technologies and the Protection of Information (6 May); • Three consecutive Joint ODIHR and Venice Commission Opinions on Amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations (18 March, 16 May and 9 June).
<b>Azerbaijan</b>	• Guidelines on the Implementation of the Law on Freedom of Assembly (4 September).
<b>Former Yugoslav Republic of Macedonia</b>	• Comments on the Draft Anti-Discrimination Law (12 March).
<b>Kazakhstan</b>	• Opinion on the Draft Law on Equal Rights and Opportunities of Women and Men (18 June).
<b>Kyrgyzstan</b>	• OSCE/ODIHR and Venice Commission Joint Opinion on the Amendments to the Law on the Right of Citizens to Assemble Peaceably, without Weapons, to Freely Hold Rallies and Demonstrations (26 June).
<b>Moldova</b>	• Comments on the Draft Law on Preventing and Combating Discrimination (11 September).
<b>Turkmenistan</b>	• Comments on Constitutional Reform Proposals submitted on 22 May 2008 by the Constitutional Commission on Improvement of the Constitution (23 June).
<b>Uzbekistan</b>	• Summary of Good Practice with Regard to the Representation of Parties in Criminal, Civil and Commercial Proceedings in OSCE Participating States (11 July).

**The following comments have been prepared upon official requests by the ODIHR Advisory Council on Freedom of Religion or Belief (see section on Tolerance and Non-Discrimination):**

<b>Kazakhstan</b>	• Comments to "On Amendments and Additions to some legislative Acts on issues of Religious Freedom and Religious Organizations" (10 June); • Additional comments to "On Amendments and Additions to some Legislative Acts on Issues of Religious Freedom and Religious Organizations" (30 September).
<b>Kyrgyzstan</b>	• Comments on the Draft Law "On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic" (7 October).
<b>Tajikistan</b>	• Comments on the Draft Law "On Freedom of Conscience and Religious Associations" (19 December).

Workshop on Policy Development, Impact Assessment, Mechanics of Legislation, 14-15 May 2008, Ashgabat.



explain them to legislators and other relevant parties and, if necessary, to facilitate their incorporation into legislation. This follow-up can come in the form of consultations with the relevant authorities or roundtable discussions on draft legislation. For example, in April, experts from ODIHR took part in expert consultations in Yerevan, Armenia, on amendments to legislation regulating assemblies and rallies that were passed shortly after clashes between protestors and the police on 1 and 2 March. The aim of these consultations was to discuss how to revise the amended law to address concerns expressed in a joint opinion from ODIHR and the Venice Commission. As a result, a Memorandum of Understanding was prepared with the Armenian authorities, on the basis of which new amendments were drafted. While noting that not all of their concerns had been addressed, the ODIHR and Venice Commission assessment of the amendments was largely positive.

#### **Improving legislative efficiency and transparency**

Drafting good legislation is only half the work. The most effective and efficient laws are the result of a structured legislative process

including a number of key stages: policy analysis, regulatory impact assessment, evaluation of draft legislation and, when appropriate, public consultations. While reviewing individual laws, ODIHR has found that some, or even all, of these stages are often missing or not regulated properly. This results in inefficient legislative processes that lack transparency. These same omissions tend to be repeated, which suggests a need to address underlying causes.

The Supplementary Human Dimension Meeting on “Democratic Lawmaking”, which was held on 6 and 7 November in Vienna, drew attention to the marked interest of OSCE participating States in addressing these issues. Concerns about the quality and impact of legislation are universal, and the way in which legislation is prepared and enacted is increasingly the object of scrutiny throughout the OSCE region.

Since 2005, ODIHR has supported home-grown initiatives aimed at identifying legal and practical measures for strengthening the capacity of legislative systems. In May, at the request of the Turkmen authorities, the “Policy Development, Impact Assessment, Mechanics of Legislation” workshop enabled lawmakers and

other stakeholders to become acquainted with law-making techniques and procedures used in other OSCE participating States. This workshop was the first in a series of three planned for 2008 and 2009. How these issues relate to democratic lawmaking was also a central theme of the presentations by experts at the workshop.

In January, ODIHR submitted recommendations to authorities in the former Yugoslav Republic of Macedonia on its legislative system that were developed from a comprehensive assessment of the country's legal system that was carried out in 2007. After parliamentary elections in June, the Ministry of Justice and the government's General Secretariat moved forward with a strategy for implementing these recommendations. The strategy, which was agreed upon at an ODIHR roundtable in September, foresaw the formation of a group of local experts on lawmaking issues. Set up in October, this group agreed that the ODIHR recommendations would be discussed at a series of five workshops. The discussions are expected to result in a reform package to be submitted to the government and the parliament.

A similar approach was followed in Georgia, where the ODIHR assessment of the legislative system (initially completed in 2005, then updated in 2007) was to serve as a basis for a locally owned process of reflection on the reforms needed to implement the ODIHR recommendations. Due to developments in Georgia, however, the plan could not be implemented and activities have been postponed.

In Moldova, the initial assessment phase was divided into two parts: the first, a review of the legal framework governing the lawmaking process, the findings of which were discussed at a roundtable in Chisinau in October; while the second, a full-scale assessment, is expected to be carried out next year. All of these activities have been conducted jointly with the OSCE field operations in the respective participating States.

The methodology for preparing and conducting assessments of legislative systems has been consolidated over time, and ODIHR's recognized expertise in this field has resulted in an

increase in requests for assistance. The recommendations emerging from the Supplementary Human Dimension Meeting on "Democratic Lawmaking" have demonstrated the importance of this new focus. A group of leading experts on legislative systems, who met the day before the event, confirmed that, while the needs are critical, particularly in countries with an EU accession agenda, demand is still relatively low, due to a consistent underestimation of the problems faced. This meeting, which also included representatives of OSCE field operations, proved useful in consolidating ODIHR's network of expertise in this field and strengthening its capacity to better tailor its assistance to needs. Because a key component of this assistance is the exchange of good practices, ODIHR's legislative database ([www.legislationline.org](http://www.legislationline.org)) will be expanded to include a new section on these issues.

## II. Democratic governance and participation

In 2008, ODIHR assistance was directed to political parties, legislatures and legislators, reflecting the recommendations of recent human dimension events, beginning with the Human Dimension Seminar on "Democratic Institutions and Democratic Governance" (2004), as well as on detailed analysis of work by other actors. The Human Dimension Seminar "Effective Participation and Representation in Democratic Societies" (2007) highlighted the challenges facing political parties throughout the OSCE region, as well as the fact that they can learn much from each other.

### *Supporting political parties*

Responsive political parties are necessary if citizens are to receive effective representation. Political parties are indispensable instruments in democratic societies for aggregating and representing interests and priorities in a common policy platform.

Since 2006, ODIHR has been actively engaged in Georgia, developing the capacity for critical self-assessment within political parties to allow

them to strategize more effectively. ODIHR's joint interactive assessment project brought together the six main political parties and was facilitated by a leading Tbilisi think tank, the Caucasus Institute for Peace, Development and Democracy (CIPDD) and the Netherlands Institute for Multi-party Democracy (NIMD). The parties carried out a critical assessment of all aspects of their activities and identified ways to modernize and democratize their structures. They also examined interaction between parties. Recommendations on strategies to further cultivate effective political parties were developed, and served as a catalyst for refining discussions on political conditions.

Based upon these recommendations, ODIHR implemented a multi-pronged programme, in which the agenda and issues for discussion were set out by the political parties themselves, ensuring their active engagement in the process. A rigorous multi-party approach helped different parties gain awareness of their common interests in building an effective political party framework.

#### **Parliamentary assistance**

Since 2006, in a move to support domestic efforts to reform and strengthen parliamentary practices in Georgia, ODIHR has worked with the Georgian parliament and the OSCE Mission to Georgia in creating the Centre for Parliamentary Reform (CPR). Based within the parliament and staffed by Georgian experts, the Centre's main task is to formulate parliamentary reform strategies and keep the parliamentary leadership abreast of reform initiatives. The Centre is integrated into the management structure of the parliament in order to ensure that the reform process is genuinely locally owned. During its initial phase of capacity-building and consolidation, the Centre assisted the parliamentary leadership in the crucial task of donor co-ordination. After three years of close cooperation with ODIHR, the CPR has established itself as a key player and knowledge bank for the process of parliamentary reform.

In 2008, the Centre summarized and analyzed the main challenges and problems the Georgian parliament is facing by preparing and publishing the *Journal of Parliamentary Activities*. This publication is already serving as a reference point for new projects aimed at increasing the effectiveness and transparency of the legislative process.

Throughout 2008, the CPR also continued providing leadership in representing Georgia's parliament on the international stage, particularly through its continuing cooperation with the European Parliament.

### **III. Gender equality and women's participation**

#### **Increasing women's political participation**

ODIHR's work in support of increased participation by women in political processes and providing them with a greater place in decision-making builds on two key components. Firstly, ODIHR is engaged with representatives of civil society and members of political parties in providing the skills and expertise to allow them to work effectively at increasing the role and participation of women in decision-making. Secondly, ODIHR aims to strengthen interaction among elected officials and NGOs to enhance advocacy mechanisms for ensuring gender-sensitive policy-making.

In Georgia in 2008, ODIHR continued to assist the Women's NGO Coalition in undertaking targeted activities to promote public awareness of the importance of women's political participation. With ODIHR support, the Coalition raised its profile and forged new partnerships with other stakeholders during the run-up to parliamentary elections in May. ODIHR provided expertise and technical assistance to the Coalition as it conducted a public information campaign focused on advancing the role of women in decision-making and governance. The election witnessed an increase in the number of women candidates, and a notable level of activity among women voters, particularly

Participants at the Forum of Women Representatives of Local Councils in Ukraine meeting 6 June 2008 in Kyiv.



in the regions outside the capital. In addition, the Coalition members launched an awareness-raising campaign to gather support for amendments to electoral and political party legislation guaranteeing equal representation for men and women, and collected the 32,000 signatures from supporters of the amendments required by Georgian law to introduce a legislative initiative. The proposed amendment would mandate at least 40 percent representation for both sexes in the parliament, and would impose fines for political parties and other actors in the electoral process for violating this principle.

In Kyrgyzstan, ODIHR provided strategic advice to its main civil society partners, the Agency for Social Technologies (STA) and the Regional Women's Network, on a media and lobbying campaign in support of increasing women's political participation. ODIHR also supported the establishment of the Alliance for Women's Legislative Initiatives in March 2008, bringing together women MPs, civil society leaders and political parties. As a result of the Alliance's work, amendments to the Law

on State Guarantees of Gender Equality in the Kyrgyz Republic were adopted in June 2008. In addition, following the provision of gender expertise by the Alliance members, amendments were made to the legislation on political parties and various legal acts pertaining to the system of social security.

The members of the Alliance also actively participated in a media campaign conducted by the STA, beginning with public outreach activities across Kyrgyzstan on 8 March. At the end of August, the Alliance collected signatures for an appeal to the government and donor organizations for the full inclusion of gender considerations in identifying priorities for state policy in strategic areas. The appeal drew the support of more than 120 civil society organizations.

In Ukraine, ODIHR continued its activities to advance the role of women in political and public life on the local level. In Kiev in June, ODIHR co-operated with the Office of the OSCE Project Coordinator in Ukraine to host the Forum of Women Representatives of Local Councils in Ukraine, with the aim of identifying best

Participants discuss a strategy to monitor women's rights at a workshop organized by the OSCE Office for Democratic Institutions and Human Rights and the OSCE Centre in Astana, held in Almaty, on 4-8 February 2008.



practices and strategies for the promotion of women's leadership and participation in political life at the national and local levels.

The forum gathered women members of local councils from the regions of Chernivtsi, Zaporizhzhya and Kirovohrad, as well as members of the Verkhovna Rada (the national parliament), representatives of the State Chancellery, and various national governmental institutions working on the promotion of gender equality in political decision-making. The forum focused on Ukrainian state policy for the promotion of equal rights and opportunities among women and men, the work of locally elected councils in promoting gender equality, the role of political

parties in fostering women's participation in political processes and governance structures, and discussions of experiences in this area in other countries, such as Albania, Estonia and Kyrgyzstan.

The forum adopted a number of recommendations, including a call for the creation of a National Association of Women Members of Elected Councils. Other areas for co-operation identified included: the effective implementation of existing legislative provisions for promoting and upholding equal rights and opportunities for men and women in Ukraine; the introduction of amendments to national legislation that would create special mechanisms for increasing women's representation in elected bodies at different levels of government; and the development of an intra-party approach to gender-balanced candidate lists.



Kazakhstani police women join government officials and civil society representatives to discuss co-operation on promoting and monitoring women's rights, Almaty, 11 December 2008.

**Promoting the mainstreaming of gender equality into policy-making**

In order to strengthen the capacity of participating States to foster gender equality, ODIHR undertakes initiatives aimed at developing expertise, transparency and accountability in

national institutions mandated to promote the equality of rights and opportunities among women and men. ODIHR assistance includes support for capacity-building to help government bodies develop gender-sensitive policies and gender-budgeting.

In Armenia, ODIHR continued to provide assistance in promoting education on gender-equality issues. From April to November 2008, in co-operation with the Armenian Association of Women with University Education (AAWUE), ODIHR intensified dialogue with the Ministry of Education and, in particular, with its Institute of Education. This dialogue resulted in the development of recommendations for the integration of gender equality aspects into the civic education curriculum in high-schools and for the improvement of training modules for teachers and secondary school teaching materials from the point of view of gender equality. The curriculum and textbook developed by the ASWUE, *Introduction to Gender Equality*, still to be approved by the Ministry at the end of 2008, and is expected to be offered as an elective subject in schools across Armenia in 2009.

ODIHR also provided expertise for the development of legislative initiatives on gender equality issues in the OSCE region, including in Azerbaijan and Kyrgyzstan.

### **Combating domestic violence**

In many parts of the OSCE region, state authorities often lack the political will, necessary expertise and capacity to prevent or prosecute cases of domestic violence. This is particularly the case in those countries where domestic violence is traditionally viewed as a private issue, and where no legal measures exist for prosecuting perpetrators and protecting victims. ODIHR's approach in this work is based on three key areas: sensitizing law enforcement agencies towards the issue as a crime; building the capacity of law enforcement authorities to play an effective role in preventing and combating domestic violence; and promoting cooperation between law enforcement bodies and

NGOs on strategies and measures to prevent and combat this crime.

In Armenia, in partnership with the Women's Rights Centre, a local NGO, ODIHR supported the development of legislation to prevent and combat domestic violence. The draft law, produced through series of consultations with local experts, was in the process of being finalized at the end of 2008, and was to go to parliament for further discussion in spring 2009.

In Azerbaijan, ODIHR continued to support the training of regional police in methods for preventing and prosecuting cases of domestic violence. ODIHR also assisted in the development and piloting of the first course on preventing and combating domestic violence for some 200 police cadets and serving officers at the Police Academy, in Baku. As a result of the pilot course, training on the role of police in preventing and combating domestic violence has been made fully sustainable through its integration into the official teaching curricula of the Academy.

In Ukraine, in order to raise awareness about domestic violence and to develop practical skills in preventing and combating these crimes, ODIHR worked with representatives of police departments and other law-enforcement structures in the pilot regions of Chernivtsi, Zaporizhzhya and Kirovohrad to develop locally tailored activities and programmes. In October, ODIHR also organized a high-level meeting of law-enforcement officials from Ukraine and Georgia in Vienna, Austria, to exchange expertise and best practices with the Austrian Federal Police on the development of domestic violence curricula for law-enforcement agencies.

#### **IV. Migration and freedom of movement**

The scope and complexity of population movement, both within and across borders, continues to grow. Increased migration poses ever increasing challenges for countries of destination, origin and transit in tracking and managing population movements while maximizing the economic, social and cultural benefits of migration for their societies and for migrants themselves.

OSCE participating States have committed themselves to the creation of conditions facilitating the movement of people across borders, as well as within their own countries, and to the protection of migrants' human rights. Faced with increased migration flows, a number of participating States have taken steps to accommodate these migrants, but appropriate policy and legal frameworks for their protection are not always in place.

Restrictions still exist in many places to the cross-border and internal movement of citizens, while limited knowledge of best practices in migration management and a lack of active inter-state dialogue pose a challenge to citizens and governments alike. Moreover, misconceptions persist throughout the OSCE region regarding the impact of migration, and there is a limited understanding of the benefits it brings.

##### ***Internal migration - Assistance in reforming population-registration systems***

In a number of participating States in Eastern Europe and Central Asia, some remnants of the restrictive Communist-era *propiska* system still pose legal and administrative obstacles to the freedom of movement and choice of place of residence. As an individual's registered place of residence is linked to the provision of state services, internal migrants are often denied access to health care, education, the ability to vote, and even to the labour market. Although population-registration reforms have been introduced throughout the region, barriers to freedom of movement remain.

ODIHR provides assistance in developing a conceptual and legal basis for the reform of population registration systems, offers expertise in policy development, and reviews draft laws and regulations

In response to a request from OSCE field operations, ODIHR undertook a review of existing practices in the OSCE region and developed non-normative guidelines elucidating the main principles for the establishment and maintenance of a functional model of population registration. The *Guidelines on Population Registration* describe the criteria for developing efficient population registration systems that correspond to the needs of the participating States and their citizens. The guidelines outline the main elements of systems of this kind and highlight recognized good practices from across the OSCE area, while taking divergent administrative traditions into account. The guidelines will be presented and distributed in the first half of 2009.

In 2008, ODIHR continued to provide advisory assistance to the OSCE Presence in Albania on the implementation of a technical assistance project aimed at assisting the government in modernising its population registration and address systems. The population register that was developed as a result of the OSCE project significantly shortens the time needed for the creation of voter lists and facilitates better management of citizen data.

##### ***Cross-border migration - Promoting interstate co-operation for integration into host societies***

Strong economic growth and demographic changes have led to structural labour shortages in some OSCE participating States, while others are experiencing high levels of unemployment. Many migrant workers are unable to obtain registration and lawful employment due either to existing regulations or limited knowledge of their rights in their countries of destination. This leaves these migrants vulnerable to exploitation. There is a need to redouble efforts by both sending and receiving countries and to intensify inter-state dialogue in order to

reap the benefits of this process while preventing discrimination, ill-treatment and other violations of the rights of migrant workers.

ODIHR fosters the capacity of participating States to manage labour migration processes effectively in line with their OSCE commitments on the protection of the rights of migrants. In particular, ODIHR activities are aimed at promoting the development of efficient labour migration policies and legislation to ensure the protection of these rights. The Office also facilitates bilateral and multilateral dialogue between countries of origin, transit and destination on the sharing and collection of migration data, the enhancement of opportunities for legal migration, and the exchange of good practices in labour migration management.

In 2008, ODIHR continued to promote dialogue on these issues in the main former-Soviet destination countries for migrant workers: the Russian Federation and Kazakhstan. In the Russian Federation, ODIHR co-operated with the International Organization for Migration to complete a study on the enforcement of new migration legislation. The publication also included the proceedings from a conference on the topic held at the end of 2007, and gave local experts the opportunity to present detailed recommendations for further improvements to the legislative and policy framework.

Furthermore, in May 2008, ODIHR presented the findings of research on labour migration in Kazakhstan aimed at filling in the knowledge gaps regarding the scope and characteristics of this phenomenon. The Office teamed up with the UNESCO Cluster Office in Almaty and Kazakh authorities in carrying out the research. The research report, together with related materials, will be published in early 2009, and will be aimed at providing a basis for further policy discussions in the region.



# 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

Participating States have made extensive and detailed commitments in the area of human rights, and the monitoring and assessment of compliance with these commitments is a core activity for ODIHR. The effective implementation of these commitments remains a challenge in many areas, and for all participating States, so the Office, in co-operation with numerous partners including governments and civil society and international organizations, has developed specific tools to fulfil its mandate to support participating States in the implementation of their human dimension commitments.

ODIHR's human rights programmes addressing key issues in the OSCE region combine a thematic focus with a common approach, to provide monitoring and reporting on the implementation of commitments; to support their implementation; and to address key human rights issues.

The effective implementation of human dimension commitments in participating States depends on a combination of strong institutions, guarantees for a vigorous civil society, understanding the nature and importance of these commitments and, not least of all, political will.

## Main Issues

**Threats to human rights and fundamental freedoms:** One major facet of ODIHR's work is the provision of support for non-governmental organizations, including human rights defenders, in addressing the numerous obstacles and, sometimes, dangers they face in the course of their activities.

Equipping individuals and groups to translate human rights values into action locally is the focus of efforts in support of human rights education.

**Protecting human rights in the fight against terrorism:** The participating States have committed to maintaining full respect for human rights, fundamental freedoms and the rule of law while fighting terrorism. But this fight is being used as a pretext in some countries to unduly reinforce the power of the authorities and limit human rights and freedoms in contradiction of OSCE commitments.

Counter-terrorism measures that violate human rights commitments can be counter-productive, by bolstering terrorist recruitment strategies and creating conditions that could help terrorists win support.

**Human rights and the armed forces:** Armed forces personnel should enjoy the rights and freedoms guaranteed to all people in the commitments made by OSCE participating States, with certain limitations necessitated by the nature of military life and service. There is, however, a broad divergence across the OSCE region in the degree to which the human rights and fundamental freedoms of service personnel are protected. This situation can be the result of restrictions on the exercise of certain rights, legislative and regulatory shortcomings, or the absence of proper control mechanisms to protect and enforce these rights.

**Trafficking in human beings:** Trafficking in human beings is a global problem that affects all states in the OSCE region, whether as countries of origin, transit or destination. In essence, trafficking concerns the exploitation of human beings.

Until recently, participating States had focused almost exclusively on the exploitation of trafficked persons in the sex industry. They are now, however, registering a growing problem with trafficking for labour exploitation in traditionally low-wage employment sectors.

Participants at a freedom of assembly training programme in Yerevan in September 2008 taking part in a role-playing exercise.



A number of participating States have been slow to respond in this area, thus contributing to the failure to safeguard trafficked persons' rights to justice and protection.

» **Human rights, women and security:** While participating States recognize that promoting gender equality is vital to a comprehensive approach to security, insufficient attention is paid to women's rights and gender aspects in security-related areas like the development of conflict-prevention strategies and security-sector reform.

The role and situation of women in matters of security has been acknowledged in an international legal framework, spearheaded by United Nations Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325), which is applicable to all phases of a conflict.

## Activities

ODIHR's human rights activities in 2008 generally fell within the following areas:

- » Support for human rights defenders and institutions;
- » Human rights training and education;
- » Human rights and anti-terrorism;
- » Human rights and the armed forces;
- » Anti-trafficking;
- » Human rights, women and security; and
- » Ad-hoc response to conflict

### I. Support for human rights defenders and institutions

Human rights defenders and national human rights institutions (NHRIs) play a crucial role in promoting and protecting human rights. The ODIHR Focal Point on Human Rights Defenders and NHRIs seeks to advance the implementation of participating States' human dimension commitments in support of human rights defenders, civil society and NHRIs.

The Focal Point follows the situation of human rights defenders throughout the OSCE region. In December, ODIHR published the report *Human Rights Defenders in the OSCE region: Challenges and Good Practices*, which identified

A publication on human rights defenders in the OSCE region





Participants going over practical aspects at organizing peaceful assemblies at a freedom of assembly training programme in Yerevan in September 2008.

patterns of violations affecting human rights defenders in the OSCE area, as well as a number of good practices for protecting these people and organizations and creating an enabling environment for their work. The issues and practices highlighted in the report inform the elaboration of programmes to help participating States comply with their OSCE human dimension commitments.

An important part of the Focal Point's work involves furthering the implementation of ODIHR's *Guidelines on Freedom of Peaceful Assembly*. In co-operation with the OSCE Mission to Moldova and the Resource Center of Moldovan Non-Governmental Organisations for Human Rights (CReDO), ODIHR continued to build the capacity of human rights defenders in the country to improve their knowledge of human rights standards and skills in advocacy, monitoring and strategy formulation, as well as their general capacity to monitor and report on public assemblies. For six months, ending in May, 20 trained monitors observed 148 assemblies, as well as monitoring judicial proceedings and amendments to legislation. The monitors' findings were presented to the relevant authorities and NGOs, after which they were published in the report *Monitoring Freedom of Assembly*

*Policies in the Republic of Moldova*, which was finalized in January 2009. This project was successful in engaging police and municipal authorities raise awareness and improve standards related to freedom of assembly issues.

The findings and recommendations of this project were presented in September and October at six regional roundtables organized by the Centre for Human Rights of Moldova, with ODIHR support. The roundtables provided a forum for the enhancement of dialogue among human rights defenders, regional ombudsman offices, police representatives and regional administrations on ways to strengthen the protection and promotion of freedom of assembly at the national and local levels.

Following the positive results in Moldova, Armenia was identified as the second country in which to conduct a freedom of assembly capacity building project. ODIHR, in cooperation with the OSCE Office in Yerevan, the Council of Europe and its implementing partner, the Helsinki Committee of Armenia, an NGO, held a four-day training session in September. The session in Yerevan was attended by 23 human rights activists, who then launched a project to monitor the holding of public assemblies across the country for a period of six months.



ODIHR trainer Jonathan Cooper addressing participants at a training course on countering terrorism and protecting rights in Batumi on 9 July 2008.

## II. Human rights training and education

Raising awareness of existing OSCE commitments and equipping civil society and governmental officials with the skills to address human rights issues effectively is a fundamental ODIHR activity.

In October, the results of a monitoring report, *Protection of Children in General-Education Schools of Armenia from Violence*, prepared by ODIHR-trained civil society activists in Armenia, addressing the issue of violence against schoolchildren by teachers in secondary schools, was released to the public and shared with the relevant authorities.

After a year-long field test in Belarusian schools, July saw the printing of the pilot edition of the manual *Teaching Human Rights in School and Beyond*. The manual is based on the Belarusian context, and comprises detailed lesson plans on different human rights topics. The manual's next edition is under development, incorporating feedback from the Belarusian authorities and further experience from the ongoing pilot-project in schools.

In 2008, ODIHR, together with the Office of the United Nations High Commissioner for Human Rights, UNESCO and the Council of Europe, with support from Human Rights Education Associates, an international NGO,

continued compiling the resource *Human Rights Education in the School Systems of Europe, Central Asia and North America: a Compendium of Good Practice*. The resource will be completed in mid 2009 and consist of 100 examples of good practices in human rights education in primary and secondary schools and teacher training institutions in 38 OSCE participating States.

## III. Human Rights and Anti-Terrorism

Respect for human rights is crucial to successful strategies for combating terrorism. Counter-terrorism measures that do not respect human rights both violate states' international commitments and can be counter-productive, by winning support for terrorists. States are thus confronted with the complex challenge of understanding, developing and implementing human-rights-compliant policies and practices that counter and prevent acts of terrorism.

ODIHR offers OSCE-wide and specific, national-level projects to assist participating States in addressing and understanding challenges in a sensitive, responsive and appropriate way. In 2008, ODIHR training sessions for senior public figures working on counter-terrorism were held in Georgia and Ukraine. The ODIHR manual *Countering Terrorism, Protecting Human Rights*, a practitioner's guide

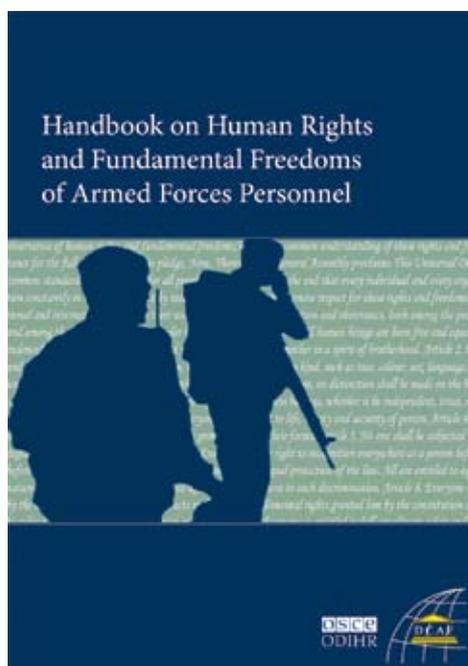
published in February, was well-received at these and other events.

Counter-terrorism measures increasingly integrate approaches geared towards prevention. In order to be effective, these strategies must be anchored in a comprehensive understanding of terrorism as a phenomenon and the conditions conducive to it. In July, ODIHR convened an Expert Meeting on Security, Radicalization and the Prevention of Terrorism. The meeting brought together approximately 60 participants and experts from across the OSCE region to discuss three concrete areas where religion and security intersect and have inspired particularly vigorous debate in the context of radicalization leading to terrorism: religion in prisons and detention centres; religious, ethnic and racial profiling; and surveillance and security regarding religious sites and communities. Within the context of the OSCE's comprehensive concept of security, the differences in state policies towards religion and security in the context of counter-terrorism highlight the crucial relationship between the political/military and human dimensions, and the need to pursue security through the protection of human rights and the rule of law. While all states face similar challenges in combating terrorism effectively and protecting human rights, one point emphasized at the meeting was that there is no universal solution. The discussions also exposed a crucial gap in knowledge with respect to understanding the processes and factors underlying radicalization that leads to terrorism, and underlined the vital need for continuing study in this area.

#### IV. Human rights and the armed forces

Following consultations with governments, experts and non-governmental organizations, ODIHR finalized the *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, published jointly with the Geneva Centre for the Democratic Control of Armed Forces (DCAF). The handbook provides recommendations to participating States, drawn from best practices across the OSCE area, on

how best secure the human rights of armed forces members.



The handbook was launched in May for audiences in Vienna (OSCE) and Geneva (DCAF Foundation Council). It was also presented at the UN Human Rights Council in Geneva in September, to a joint session of the OSCE FSC/PC in Vienna in October, and at the Congress of the European Organisation of Military Associations (Euromil) in Brussels in November. Further discussions were held with an audience of parliamentary staff in Belgrade in September, at a seminar co-organized by DCAF and the OSCE Mission to Serbia, and with Central Asian military officials at a CPC/Swiss government Seminar on the Code of Conduct on Politico-Military Aspects of Security in September in Almaty.

The first event to focus on this issue at the national level took place in June in Tbilisi, where government officials, members of parliament, ombudsman office officials and representatives of NGOs were among those brought together to discuss the human rights situation for Georgian armed forces personnel. An open discussion ensued, and was then resumed in December at the launch of a Georgian translation of the

Forged documents confiscated by the Spanish Police from immigrants exploited for labour purposes.



handbook. The translation was produced by a local human rights association, Justice and Liberty, in a joint project with the OSCE Mission to Georgia.

### V. Anti-trafficking

To further promote National Referral Mechanism (NRM) principles and the need for a human rights approach to trafficking, ODIHR contributed to a number of conferences and events in 2008. One of these was the United Nations Global Initiative to Fight Human Trafficking forum, held in Vienna in February, where ODIHR made a presentation on "Civil Society Cooperation with Law Enforcement". Representatives of international and non-governmental organizations and government officials discussed issues related to the protection of victims of trafficking.

To support the development of anti-trafficking policy in the Russian Federation, the concept of National Referral Mechanisms Assessments was presented and discussed in February during a conference co-organized with the Moscow office of the International Organization for Migration. The aim of the report was to raise awareness about good practices and gaps in the identification and protection of trafficked persons in Russia, with a special emphasis on the situation of exploited migrant workers.

The report was subsequently used by government officials and NGOs as a resource to help improve their anti-trafficking work.

Another important opportunity for ODIHR to evaluate how participating States have developed NRM systems came at a regional conference on the issue organized in October by *La Strada Moldova*, an NGO, with participants from Belarus, Bulgaria, Moldova, Romania, Russia, Turkey, the United Arab Emirates and Ukraine. A number of these states presented NRM reviews at the event. ODIHR contributed extensively to the development of the concept for the conference and its agenda, as well as providing support for the participation of NGOs from Russia. Of particular interest was the opportunity to assess how effective attempts to identify and assist trafficked persons have been.

To highlight the need for individual legal remedies for victims of trafficking and, more specifically, to ensure their right to compensation, ODIHR launched the publication *Compensation for Trafficked and Exploited Persons in the OSCE Region* in May in Vienna. Based on country profiles of eight OSCE participating States, the publication assesses different mechanisms for the compensation of trafficked persons, identifies good compensation practices, and offers recommendations for future action.

ODIHR also continued its support for anti-trafficking activities in Central Asia in 2008. To follow up on the findings from research conducted jointly with the UNESCO office in Kazakhstan, it developed a project in regions on both sides of the country's border with Uzbekistan. Through outreach work with migrants, the project provides legal assistance and counseling to address their lack of awareness and information about their rights and avenues for assistance and redress. The NGOs "Sana Sezim", in Kazakhstan, and "Istikbolli Avlod", in Uzbekistan, partnered with ODIHR in the project's implementation.

ODIHR has further supported efforts to assist and empower trafficked persons by funding the activities of three Albanian non-governmental organizations. These activities included consultations with more than 300 persons through a drop-in and documentation centre, outreach activities to Roma and Egyptian communities in the south of Albania to raise awareness of their rights in relation to the trafficking of persons, and direct legal counselling and assistance to trafficked persons and vulnerable groups.

The exchange of experience and best practices between those in origin and destination countries working to combat trafficking in people is important in ensuring an appropriate assessment of risk prior to returning trafficked persons to origin countries. ODIHR organized a study tour to Albania by a group of immigration lawyers from the Anti Trafficking Legal Project and the Poppy Project, both in Great Britain. The aim was to facilitate cooperation on individual trafficking cases, with a special focus on the issues of safe return, risk assessment and the re-trafficking of victims returned to Albania. Albanian lawyers requested that a training seminar be conducted by the British lawyers on bringing trafficking cases before the European Court of Human Rights, and ODIHR will follow up on this initiative.

Another exchange visit, to Italy, was organized by ODIHR in December for Serbian social service providers working with victims



Toolkit on Gender and Security Sector Reform

of trafficking. Italy is one of the main destination countries for Serbian nationals traveling abroad for work. The event facilitated an exchange of information on the implementation of outreach activities, as well as on practices for providing short and long-term assistance to trafficked persons. The Serbian participants gained information on existing practices for returning trafficked and exploited persons from Italy to Serbia, and were able to take part in discussions on how to co-operate better in cases of this type.

## VI. Human rights, women and security

The OSCE Action Plan for the Promotion of Gender Equality and the OSCE Ministerial Council Decision 14/05 on Women in Conflict Prevention, Crisis Management, and Post-Conflict Rehabilitation recognize UNSCR 1325 and call for OSCE structures and participating States to promote its implementation as appropriate and in accordance with their mandate.

UNSCR 1325 acknowledges that armed conflict impacts men and women differently, and emphasizes the need to protect against the violation of women's human rights. The resolution provides concrete ways to increase women's contributions throughout all phases of conflict, at all levels. UNSCR 1325 was followed up, in 2008, by the adoption of UNSCR 1820 on sexual violence in conflict, in order to address



more directly the potential violence, including rape, which women and girls may face in these situations.

Since 2005, ODIHR's Human Rights, Women and Security programme has been developing activities to support national-level implementation of UNSCR 1325 by establishing national networks, identifying priorities and producing practical resources to assist participating States. In 2008, ODIHR continued to attend and promote activities aimed at increasing awareness of UNSCR 1325 and supporting follow-up efforts.

In line with the programme's objective of integrating a gender perspective into the work of relevant security sector actors, in March ODIHR published the *Toolkit on Gender and Security Sector Reform*, in partnership with DCAF and the United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW).

The Toolkit addresses a broad pool of security-

sector institutions, including the armed forces, police and national parliaments, as well as providing insight into gender issues in the context of national security policy-making, justice reform and border management. It considers gender training for security-sector personnel and security-sector reform assessment, monitoring and evaluation with regard to gender.

A diverse audience, including national civil society and regional intergovernmental organizations, and representatives of participating States and OSCE field missions attended the launch of the Toolkit in October in Warsaw, co-convened with the Permanent Delegation of Sweden to the OSCE.

## VII. Ad-hoc response to conflict

### Georgia

In September, the OSCE Chairman-in-Office asked ODIHR and the OSCE High Commissioner on National Minorities (HCNM) to

Members of ODIHR's human rights assessment team visit a village that was destroyed during the conflict in Georgia, October 2008.

assess the human rights and minorities situation in war-affected areas following the August conflict between Georgia and the Russian Federation. A Human Rights Assessment Mission (HRAM) from ODIHR and the HCNM was in the field for most of the period from 11 October to 10 November 2008 to carry out this assignment.

The HRAM report, produced in November, aimed at providing a compendium of information from personal accounts and other sources demonstrating patterns of human rights violations in the war-affected areas. Based on this information, ODIHR formulated a list of recommendations to various actors highlighting the need for parties to the conflict to meet their OSCE and other human rights commitments and obligations to restore freedom of movement and create conditions for the voluntary return of displaced persons in safety and dignity; to provide adequately for the needs of the displaced until they can return; to investigate human rights violations that occurred during the conflict and its aftermath; to hold accountable the individuals responsible for human rights violations; and to begin a process of promoting reconciliation and confidence-building. The report was distributed to all participating States ahead of the Ministerial Council in December, and was subsequently released to the public.



OSCE/KAROLINA SKRIBSKA

# 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*

ODIHR's work in support of tolerance and non-discrimination represents a significant contribution to security across the OSCE region. Although OSCE participating States have undertaken numerous commitments to combat racism, xenophobia, anti-Semitism and other forms of intolerance, including against Muslims, Christians and members of other religions, violations of human rights and fundamental freedoms continue to threaten stability and security. Work must still be done to defend the freedom of thought, conscience, religion or belief, and eliminate manifestations of intolerance in order to build cohesive communities where diversity and pluralism are seen as assets to democratic and pluralistic societies.

Tolerance and non-discrimination have ranked high among the priorities of the past several OSCE chairmanships. Under Finland's leadership in 2008, the Chairman-in-Office re-appointed three personal representatives dedicated to particular aspects of tolerance and non-discrimination. The Supplementary Human Dimension Meeting (SHDM) held on 29 and 30 May in Vienna, focused on the role of national institutions in responding to and combating racism and xenophobia, particularly, where such cases involve persons belonging to national minorities or migrants. Participants provided recommendations related to the role and mandate of these institutions in order to ensure that they are able to provide protection from racism and xenophobia, and also contribute to the development of national strategies, policies and action plans. In follow-up to the Meeting, ODIHR developed a new project to provide technical support and assistance to national institutions in their efforts to address racism and xenophobia. During the annual OSCE Human Dimension Implementation Meeting (HDIM), a special day on freedom of

religion or belief was held, which provided an opportunity to review the implementation of OSCE commitments and national legislation in this area.

## Main Issues

**Hate-motivated crimes and violent manifestations of intolerance:** Hate crimes are the most violent manifestations of bias, and may take the form of assault, murder, threats or property damage, including arson, desecration or vandalism. In its annual report *Hate Crimes in the OSCE Region: Incidents and Responses for 2007*, ODIHR identified a continued pattern of brutal attacks on minorities, often intended to degrade or humiliate the victims. The report also highlighted continuing challenges states face in responding to hate crimes, including a lack of accurate data about the nature and extent of such crimes, which hampers law enforcement and criminal justice agencies in responding to hate crime effectively. Another remaining challenge is the absence of effective legislation on hate crimes, meaning that these cases are not distinguished from other criminal cases. Finally, even where legislation exists, there is often a lack of knowledge on the part of law enforcement and prosecuting bodies of techniques to prove bias motivation.

**Freedom of religion or belief:** Throughout the OSCE region, individuals, religious communities and participating States face a range of issues related to freedom of religion or belief.

Problems include infringements on the right to change, adopt and renounce a religion or a belief, as well as limitations on the right to manifest one's religion or belief. Limitations to manifestations of religion or belief include the disruption or prohibition of worship, even in

private homes, as well as attacks or restrictions on places of worship. Another barrier comes in the form of the requirement in some participating States of registration for the practise of a religion or a belief, which can be coupled with unnecessary burdensome procedures that are often abused. Censorship of religious literature and bans on the teaching of a religion or a belief are also being reported. In some participating States, those who object to military service on the grounds of religion or belief face restrictions and limitations to this right, and are punished with imprisonment.

Intolerant and discriminatory discourse about religion or belief groups is all too frequent, as is discrimination against individuals on grounds of religion or belief in the workplace or while accessing public services. In some instances, intolerance is religiously motivated and religious arguments are used to advance political objectives.

» **Challenging biases and prejudices through education:** Since negative stereotypes, often passed from generation to generation, are frequently causes of hate-motivated crime, educational efforts to promote mutual respect and understanding, to foster an appreciation of cultural, religious, and ethnic diversity, and to reinforce remembrance of the Holocaust can help eliminate such attitudes. While a number of participating States have undertaken such efforts, longer-term and more coherent approaches are needed if there is to be a real impact.

## Activities

ODIHR's overall aim in the area of tolerance and non-discrimination is to support OSCE participating States and civil society in their efforts to effectively respond to hate-motivated crimes, promote freedom of religion, and facilitate mutual respect and understanding. In this regard, ODIHR's work is focused on addressing specific forms of intolerance (including racism, xenophobia, anti-Semitism, discrimination

against Muslims, Christians and members of other religions, and other forms of intolerance) through cross-cutting programmatic areas (such as education, law enforcement, legislation, civil society capacity building, monitoring, and information collection and dissemination).

In 2008, activities were conducted in the following six areas:

- » Collecting and disseminating information about hate crime;
- » Improving responses to hate crimes;
- » Developing educational tools;
- » Supporting civil society;
- » Promoting freedom of religion or belief; and
- » Establishing increased co-operation between ODIHR and other key inter-governmental partners

### I. Collecting and disseminating information on hate crime

ODIHR has been assisting the efforts of states by serving as a collection point for information and statistics on hate crime and by making this information publicly available. In 2008, ODIHR published its second annual report on hate crime, *Hate Crimes in the OSCE Region: Incidents and Responses*. The report was presented and discussed in draft form at the annual meeting of the National Points of Contact (NPC) on Combating Hate Crime on 15 and 16 June in Helsinki. The official launch of the report took place during the HDIM. The report, which is based on information received from governments, international organizations and civil society, provides an overview of patterns and trends pertaining to hate-motivated incidents. It also presents examples of effective responses by OSCE states, as well as challenges that governments and civil society continue to face in their efforts to prevent and respond to hate-motivated incidents.

In order to ensure greater consistency in the information collected from participating States, ODIHR initiated the development of a standardized questionnaire to be used by NPCs when submitting data and information on hate crime.

Jo-Anne Bishop, Head of ODIHR's Tolerance and Non-Discrimination Department, at the launch of a report on hate crimes in the OSCE region, Warsaw, 6 October 2008.



An expert-level meeting with a smaller group of NPCs was convened on 25 and 26 November in Warsaw to discuss the draft questionnaire, which was then circulated to all NPCs for further input. The finalized questionnaire will now be used to develop the 2008 annual hate crime report.

ODIHR's Tolerance and Non-Discrimination Information System (TANDIS), was developed to serve as a repository of information received from state and non-state partners, and to support ODIHR's efforts to disseminate information and highlight practical initiatives.

The public website <http://tandis.odhr.pl> provides access to action plans, statistics, legislation and initiatives to combat intolerance and discrimination, as well as to international standards, reports and practical tools. New features in 2008 included the improvement and expansion of the "civil society corner" and the launch of a section dedicated to the Personal Representatives of the Chairman-in-Office on Tolerance. An updated layout has made navigation more user-friendly.

Besides being a digital library, the TANDIS website provides access to NGO reports and findings via HuriSearch, a search engine of HURIDOCs (Human Rights Documentation and Information Systems International). HURIDOCs developed a customized interface for HuriSearch to allow ODIHR to provide access to targeted information from the websites of more than 4,500 human rights organizations worldwide on the issues with which the Office deals.



## II. Improving responses to hate crime

### *Hate-crime legislation*

In order to provide practical advice and assistance to legislators, policy-makers and legal practitioners, the publication *Hate Crime Laws: A Practical Guide* was developed. Meetings of legal experts (academics, practitioners and civil



Nasrin Khan (left), co-drafter of the ODIHR's legislative guidelines on hate crime, discusses discrimination law with a colleague.

society) were convened to develop the guide and to ensure it would be relevant and applicable to all OSCE states. Legislative support was also provided to two participating States (the former Yugoslav Republic of Macedonia and Moldova), upon their request, through an ODIHR review of their draft anti-discrimination legislation. In one instance, comments were provided in close co-operation with the European Commission for Democracy through Law (the Venice Commission) after a joint assessment mission. ODIHR also continued to take active steps to update its database of relevant legislation from OSCE States and to make this available on Legislationline.org and TANDIS, through both English- and Russian-language interfaces.

#### **Data collection**

A lack of comprehensive and public data on hate crimes hinders the ability of governments to understand the nature and distribution of hate crimes, to identify their impact on targeted communities and society, and to channel relevant resources in order to effectively respond to hate crime patterns. In 2008, ODIHR established further contact with data-collection experts, who are expected to serve as members

of a future expert group on hate crime data that will provide technical support to government authorities in the collection and maintenance of reliable information about hate crime. The questionnaire developed by ODIHR and the NPCs will also help ensure greater consistency in the format of data submitted to ODIHR by OSCE states, thus enabling better analysis of this information.

#### **Training law enforcement officers**

The ODIHR Law Enforcement Officer Training Programme (LEOP) continued to provide support and technical assistance in 2008 to participating States in their efforts to strengthen the response of law enforcement officers to hate crime. Awareness-raising seminars and meetings among law enforcement experts were held in Bosnia and Herzegovina, the Czech Republic, Poland and Ukraine to discuss ways to further strengthen the response to hate crime and engagement with victim communities.

Several consultative meetings were organized with representatives of the Polish Ministry of Interior to facilitate and support the implementation of LEOP in Poland. ODIHR co-organized the "Police Training Seminar on Hate Crimes

Bosnia and Herzegovina's Deputy Minister of Security, Mijo Kresic (right) and ODIHR's First Deputy Director, Toralv Nordbo (left) at the signing of an agreement on training police in combating hate crime, Sarajevo, 1 September 2008.



and Discrimination” at the police academy in Slupsk from 23 to 26 October. The training seminar was attended by human rights advisors from 17 police districts, representatives of national minorities and other civil society representatives. The seminar was organized by the Polish Ministry of the Interior in co-operation with ODIHR and the Helsinki Foundation for Human Rights in Poland. Full implementation of the LEOP in Poland is scheduled for 2009.

In Bosnia and Herzegovina, the State Minister of Security committed to institutionalizing hate crime training for law enforcement officers through the signing of a Memorandum of Agreement with ODIHR on the implementation of the LEOP. The Agreement, which was signed on 1 September, outlines a framework for ODIHR to provide training and other assistance to Bosnian police on how to recognize and combat hate-motivated crimes.

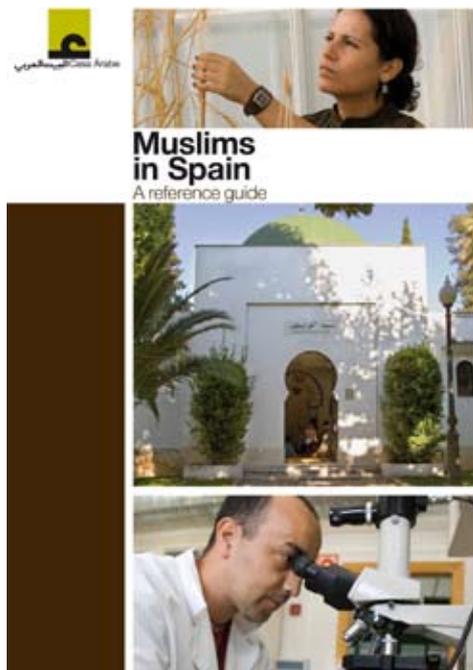
In Ukraine, consultations were held with representatives of various government bodies and non-governmental organizations on 18 and 19 November in Kiev in response to their interest in LEOP implementation and in co-operation between the Government of Ukraine and ODIHR in the area of hate crime response and prevention.

### III. Development of Educational Tools

Further country-specific tools and general recommendations based on compilations of good practices were developed in 2008 to support states in promoting mutual understanding and remembrance of the Holocaust.

ODIHR broadened the number of participating states for which it has developed country-specific teaching materials on historical and contemporary anti-Semitism, including the history of the persecution of Jews in Europe. The Office carried out implementation activities, such as teacher training, in co-operation with governments in several countries, and conducted train-the-trainer seminars in Germany, Lithuania and Ukraine. Guidelines with concrete practical suggestions for educators on how to respond to manifestations of anti-Semitism were translated into Croatian, German, Polish, Russian, Slovak and Spanish, and made available online. ODIHR also implemented and disseminated guidelines to help educators prepare and observe Holocaust memorial days. An overview of good governmental practices on Holocaust memorial days was also made available online.

In 2008, ODIHR also co-operated with Casa Arabe, a resource centre on Muslims and the



Islamic world affiliated with the Spanish Ministry of Foreign Affairs, in the development of a country-specific resource guide on Muslim communities in Spain. The guide aims to provide accurate information about Muslim communities, counter stereotypes and highlight the contribution of Muslims to Spanish society.

In order to assess the need for additional tools and resources for educators on how to address intolerance against Muslims, on 3 and 4 June, ODIHR convened an assessment meeting in Warsaw bringing together 25 experts from a range of backgrounds, including policy-making bodies, NGOs, academia, religious leadership, university research, school leadership and major inter-governmental organizations. The aim of the meeting was to identify challenges and recent developments, discuss lessons learned from international and national initiatives, and explore what value ODIHR could add in the educational field in addressing intolerance against Muslims. Special emphasis was placed on building on, rather than duplicating, work already being done by others.

In order to support the efforts of governments and civil society to promote a greater

understanding of and respect for different religions or beliefs and to fight prejudice, further roundtable events were held, where requested by participating States, to discuss and raise awareness about the *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools* and to identify areas where those states require assistance. Dissemination of the guiding principles was successfully completed through presentations, contributions to expert discussions and co-operation with other international actors working on teaching about religions and beliefs.

During these roundtables and dissemination events, the guiding principles were repeatedly commended and held up as a positive new tool for governments and religious communities by the UN Special Rapporteur on Freedom of Religion or Belief, as well as by other international and local actors. The Association for Supervision and Curriculum Development (ASCD), for instance, endorsed the Toledo principles at a symposium on 23 May in Washington D.C.

The guiding principles were translated into a number of languages and circulated widely to governments and NGOs.

#### IV. Supporting Civil Society

A resource guide and training programme were developed in 2008 in order to strengthen civil society's capacity to prevent and respond to hate crimes in the OSCE region. The draft resource guide was piloted during a training seminar for 30 civil society representatives from across the OSCE region in June in Warsaw. At the end of the seminar, 10 participants submitted small-scale project proposals to ODIHR. Upon the availability of funds, ODIHR will support the implementation of these projects, thus strengthening the capacity of civil society to address hate crimes.

ODIHR also facilitated the enhanced participation of civil society at OSCE events, namely the Supplementary Human Dimension Meeting in May and the Mediterranean Conference, in Amman, Jordan in October, through preparatory meetings, where participants exchanged



Ambassador Omur Orhun (L), the Personal Representative of the OSCE Chairman on Combating Intolerance and Discrimination against Muslims, at the NGO meeting on intolerance and discrimination against Muslims "Youth and Education", Vienna, 17 December 2008.

information and formulated recommendations that were presented during the opening sessions.

A meeting between civil society representatives and the three Personal Representatives of the OSCE Chairman-in-Office was also organized by ODIHR during the HDIM. The "civil society corner" on the TANDIS website continued to provide information to civil society about meetings of this type, as demonstrated by the frequency of visits to the site in the lead up to these events.

ODIHR also provided small-scale support to civil society organizations in translating their reports and data about hate crime incidents into English. The NGO roundtable "Youth and Education", on intolerance and discrimination against Muslims, was convened by ODIHR in Vienna on 17 December in cooperation with the OSCE Chairperson-in-Office's Personal Representative on Combating Intolerance and Discrimination against Muslims. During the meeting, the issues of youth and education in relation to anti-Muslim attitudes were discussed, and a series of concrete recommendations were developed. Civil society representatives also welcomed ODIHR's

initiative to develop new educational tools to confront intolerance against Muslims.

#### V. Promoting Freedom of Religion or Belief

ODIHR's 62-member Advisory Panel of Experts on Freedom of Religion or Belief, which counsels and consults with OSCE states in their efforts to advance religious freedom, continued to provide legislative and other legal assistance to individual states. Using the *Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief* as a basis, the panel's Advisory Council provided legislative reviews and offered expert opinions and technical assistance to participating States, OSCE field operations and religious and belief communities in 2008.

This activity consisted primarily of legislative reviews (in Albania, Kazakhstan, Kyrgyzstan and Tajikistan), ad hoc co-operation and participation in public roundtables. Legislative reviews were coupled with in situ visits and meetings with public officials and civil society, in accordance with the OSCE Panel Procedures in Preparation for Review of Draft Legislation. These activities highlighted the



ODIHR Director Ambassador Janez Lenarčič (left), Ambassador Ferdinand Trauttmansdorff of the Austrian Foreign Ministry and Prof. Yehuda Bauer at a meeting on combating anti-Semitism in the OSCE region, Vienna, 10 November 2008.

importance of consultations with participating States in the phases preceding and following legislative reviews. They were also made possible by the willingness of participating States to ask ODIHR for assistance and engage in a constructive dialogue. In order to further examine and raise awareness about manifestations of intolerance and discrimination against Christians, including violations of religious freedoms, ODIHR convened a small expert meeting to develop an agenda and framework for a larger roundtable meeting scheduled to take place in early 2009.

The Advisory Panel completed a training-seminar module on freedom of religion or belief for government officials, civil society and religious communities. Preparations were made to start assessment visits in participating States interested in holding training sessions or seminars on this issue.

In order to discuss the future work and priorities of the Advisory Panel, an annual meeting of the Advisory Council, which included an informal briefing for the delegations of the participating States, was held on 6-8 February in Vienna.

Members of ODIHR's Advisory Panel also participated in the HDIM, both by providing input to the sessions on freedom of religion or belief and to the discussion of OSCE commitments related to the right to the establishment, attendance and protection of places of worship. The experts also participated at key national and international meetings related to freedom of religion or belief to liaise with other relevant national and international organizations and agencies and to co-ordinate activities relating to freedom of religion or belief.

#### **VI. Establishing Increased Cooperation Between ODIHR and other Key Inter-Governmental Partners**

According to its tasking, ODIHR continued its close co-operation with other OSCE institutions. This included close collaboration with the Personal Representatives of the OSCE Chairman-in-Office in their efforts to raise awareness about OSCE commitments related to tolerance and non-discrimination, and through follow-up with governments on their implementation.

ODIHR also maintained close co-operation

with relevant inter-governmental organizations active in the field of tolerance and non-discrimination, in particular the Council of Europe's European Commission against Racism and Intolerance (ECRI), the European Union Agency for Fundamental Rights (FRA), and the UN Office of the High Commissioner for Human Rights (OHCHR). In this regard, ODIHR participated in high- and working-level inter-agency meetings to exchange information and co-ordinate activities. In order to send a unified message about the continued need to fight intolerance and discrimination, ECRI, ODIHR and the FRA issued a joint press statement on the occasion of the International Day for the Elimination of Racial Discrimination on 21 March 2008, calling on political leaders to fulfil their responsibilities in fighting intolerance and discrimination.

On 10 November 2008, ODIHR joined with the International Task Force on Holocaust Research, Remembrance and Education (ITF) to organize a commemorative event in Vienna to mark the 70th anniversary of the 9 November Pogrom in 1938. The UN, FRA, Council of Europe and UNESCO also took part in marking the anniversary. The event provided a basis for further inter-agency co-operation in the field of Holocaust remembrance and combating anti-Semitism.

The ODIHR Advisory Panel on Freedom of Religion or Belief and the Venice Commission continued their co-operation, notably in the area of joint legislative assessments, provided for the first time in 2008. Co-operation was also maintained with the Office of the UN Special Rapporteur on Freedom of Religion or Belief through informal meetings and the sharing of information and documents.



# 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." — "Charter for European Security", Istanbul, 1999

There are communities of Roma, Sinti, Travellers and other groups often referred to as *Gypsies* throughout the OSCE region, and in Central and South-Eastern Europe in particular.

These communities have been persecuted throughout their history, were victims of the Holocaust and, since the fall of communism, in many places have been the targets of hostility and even greater exclusion from mainstream society. Roma and Sinti have found themselves among the victims of a rise in the strength and violent manifestations of extremist movements in a number of OSCE participating States in recent years. ODIHR has been tasked with helping improve the situation of these communities within the OSCE area.

Whether in the form of passive intolerance or outright hatred, discrimination has pushed these communities to the fringes of society, where many of their members exist with limited access to life's basic necessities and rights, including food, water, a secure place of residence, education, health care and employment.

In Maastricht in 2003, the OSCE adopted the Action Plan on Improving the Situation of the Roma and Sinti within the OSCE Area, based on the understanding that societies split along ethnic lines defined by inequality, hatred and exclusion threaten individual human security.

## Main Issues

**Racism and discrimination:** The post-communist transition in Eastern and South-Eastern Europe has exposed divisions in societies in these regions, with the resulting tensions often expressed in terms of racism or discrimination against vulnerable communities, including Roma, Sinti and related groups. This has prevented these groups from gaining access to

employment, education, housing and health care, while leaving them increasingly vulnerable to being targeted with racially motivated crimes and abuse at the hands of the police. The inadequacy or outright absence of protection from the responsible authorities and relative impunity for those who commit crimes against the Roma and Sinti exacerbate the dangers and difficulties for these communities.

**Housing and living conditions:** Establishing a legal residence with secure living conditions is a prerequisite for access to basic rights. The inability to establish a legal address often makes it impossible for Roma and Sinti to register for public services or access the labour market. The lack of a secure residence leaves them vulnerable to forced evictions, makes it difficult for Roma and Sinti to gain land tenure or civil registration, and often makes it impossible to enrol in schools or benefit from adequate healthcare.

**Participation in public and political life:** The discrimination faced by Roma and Sinti prevents them from playing a significant role in the public and political life of the societies in which they live. A lack of awareness of many Roma





ODIHR Director Janez Lenarčič (right) launches a report on the situation of Roma and Sinti in Warsaw, 2 October 2008.

and Sinti of their ability to influence their own circumstances through political participation often compounds the problem. The most vulnerable groups among these communities, such as women, young people, internally displaced persons, refugees and returnees, are particularly affected.

】 **Trafficking in human beings:** Factors like endemic poverty, social marginalization, the collapse of institutional support structures, and widespread discrimination all make members of the Roma and Sinti communities particularly vulnerable to trafficking of human beings and the exploitation of children.

Activities in 2009 were concentrated on the following areas:

- 】 Assessing implementation of the Action Plan;
- 】 Enhancing access to and participation in public and political life;
- 】 Combating racism and discrimination;
- 】 Roma and Sinti in crisis and post-crisis situations; and
- 】 Combating trafficking in human beings

## I. Implementation and assessment of the action plan

Although the Action Plan on Improving the Situation of Roma within the OSCE Area was introduced in 2003, progress on meeting its objectives has been limited, and conditions have even grown worse in some areas. A major step towards assessing the implementation of the action plan came in the form of *Status Report 2008 on Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area*, which was launched at the annual OSCE Human Dimension Implementation Meeting in Warsaw.

In the process of developing the report — the first assessment of this kind by ODIHR — the Office developed a methodology for assessing the progress made by participating States in meeting their commitments to improving the situation of Roma and Sinti. The findings offer a reference point and resource for states, identifying best practices, trends and dilemmas faced in their efforts to achieve the objectives laid out in the Action Plan.

While identifying progress in some participating States, the report concludes that these improvements fall far short of representing a



ODIHR Director Janez Lenarčič (right) and First Deputy Director Toralv Nordbo (left) taking part in a session of the Supplementary Human Dimension Meeting on sustainable policies for Roma and Sinti integration on 10 July in Vienna.

breakthrough and highlights worrying developments in some areas within the OSCE region. Although many governments have succeeded in developing and adopting national strategies for improving the situation of Roma and Sinti, there are substantive shortcomings with regard to their effective implementation, especially at the local level. One particular area of concern is insufficient funding and the absence of institutional mechanisms to provide sustainable support for Roma and Sinti integration into the societies in which they live.

## II. Enhancing access to and participation in public and political life

ODIHR organized a Supplementary Human Dimension Meeting (SHDM) on sustainable policies for Roma and Sinti integration on 10 and 11 July in Vienna. The meeting brought together 244 participants, including 92 representatives of 69 different non-governmental organizations.

The meeting was broken down into three working sessions, covering the role and responsibility of regional and local authorities in assisting in Roma integration; examples from municipal administrations of good practices and major challenges in improving the situation of Roma at the local level; and effective policies for facilitating equal access for Roma and Sinti to public

services and education.

In addition to these working sessions, a roundtable for civil society on 10 July, before the start of the Supplementary Human Dimension Meeting, brought together some 50 Roma civil society representatives to give NGOs the opportunity to offer recommendations for each of the three sessions. The roundtable was organized with the clear understanding that Roma representatives must be engaged as partners in the planning and implementation of integration strategies if these efforts are to be successful.

One point emphasized by participants and organizers alike was that support for educational initiatives, and those for early education in particular, is crucial to fostering inclusion. Equal access to education is the first condition for increasing Roma and Sinti participation in the political, economic and social life of societies in the OSCE region, as it provides them with the opportunity to achieve equal status with the rest of the population. Specific recommendations were made for increasing access to education, and especially to early education, for Roma and Sinti children.

OSCE Ministerial Council Decision 6/08, adopted in Helsinki in December, reaffirmed OSCE commitments relating to Roma and Sinti. The Decision reinforced the importance of

education, calling on participating States to provide for equal access and to promote early education for Roma and Sinti children as an instrument for the prevention of social exclusion and marginalization, and to effect a long-term improvement in the situation for these communities. Active follow-up on the Decision will be a priority for ODIHR in 2009.

The CPRSI provided support for a survey conducted in Bulgaria between May and August, focusing on access to early education for Roma children in small towns and villages in north-eastern and south-eastern Bulgaria.

The survey identified the main obstacles faced by Roma families and communities trying to ensure access to pre-school education for their children. A brochure in Bulgarian was produced based on the survey's findings, and included a set of recommendations addressed to the authorities and policy-makers responsible for ensuring access to early and primary education.

In 2008, ODIHR also provided support to the Project on Ethnic Relations, an NGO, in the organization of a series of roundtables focusing on the situation of Roma, Ashkali and Egyptians (RAE) in Kosovo and their sustainable integration there and in other host countries. The first roundtable, held on 22 October 2008 in Vienna, provided an opportunity to bring together representatives of RAE communities to speak directly with authorities in Kosovo.

One point emphasized at the roundtable was that forced return to their former areas of residence would not be conducive to the integration of these communities. The UNHCR called on the relevant authorities to focus on voluntary, informed and assisted return in order to make integration sustainable. Participants encouraged host countries to regulate the status of members of these communities and to try to raise their living standards wherever they are. The importance of better consultation with the government and civil society in Kosovo prior to any returns was also stressed.

Participation in political life is central to full integration into public life and, although there has been an increase in participation by Roma

and Sinti in recent years, both as voters and as candidates, this remains disproportionately low across the OSCE region. This is particularly the case for Romani women and young people.

ODIHR continues to support and encourage Roma and Sinti to take part in electoral processes and make informed choices. The Office supported Yurom Centar, an NGO in Belgrade, and Luludi, an organization in Skopje focusing on the situation of Roma women and children there, in conducting information and voter education campaigns for Roma communities in Serbia and the Former Yugoslav Republic of Macedonia, respectively, including the distribution of flyers and posters related to voting procedures, the organization of community meetings and roundtables, and 'get out to vote' radio broadcasts at the local level.

ODIHR also provided support for a research project by Geordie Onlus, an Italian NGO, analysing social integration pathways for Roma and Sinti in Rome and the impact produced on their lives and conditions by policies implemented over the last 10 years. The study to be based on the research will describe good practices and lessons learned in this area, and will include a set of recommendations for the relevant authorities to assist them in their efforts to integrate these communities.

### III. Combating racism and discrimination

ODIHR provided support to the Ion Cioaba Foundation, a Roma social and cultural organization in Romania, for the production of a book about the Roma deported to Transdnestrria during World War II. The experience of Roma under the regime of Ion Antonescu during the war and the effects of the deportation have received very little recognition in Romania, with few works of literature or history portraying the Roma wartime experience. The book is of particular importance to education and raising awareness about the historical context of the challenges faced by this community today.

Another project, in the form of research by the Sociology Department of Barcelona University on the current situation of Roma migrants

in Spain, analyzed the policies and practices of the state towards these migrants and examined measures to combat the racism and discrimination with which they are confronted. A report based on the research will analyze emerging trends, challenges and prospects for integration and will be published in 2009. The findings and a set of recommendations for the integration of Roma migrants will be addressed both to the governments of Spain and the countries of origin.

#### IV. Roma and Sinti in crisis and post-crisis situations

Participants at the Human Dimension Implementation Meeting in Warsaw called on the OSCE to pay greater attention to the rising number of hate-motivated attacks against Roma.

These calls came just five months after a series of events in Italy, set in motion by the killing of an Italian woman in Rome by a Romanian Roma in November 2007 and culminating in May 2008 with the destruction of a Roma settlement by a local mob in Ponticelli, on the outskirts of Naples. The Italian government reacted by introducing a number of decrees and ordinances, including a census and identification operation in authorized and unauthorized settlements, to address the situation.

ODIHR responded to the events by organizing a field assessment visit to Italy, in co-operation with the Office of the OSCE High Commissioner on National Minorities. The purpose of the visit was to review the current situation and recent developments related to Roma and Sinti in the country, to assess policies and measures undertaken by the authorities, and to recommend ways to assist federal, regional and local authorities in providing effective protection for the human rights of Roma and Sinti and to promote their integration.

The delegation visited the municipalities of Milan, Naples and Rome, meeting with representatives from different levels of government, civil society and the Roma and Sinti communities, including Italian citizens and Roma from the former Yugoslavia and Romania, whether living



OSCE/ODIHR

in authorized or unauthorized settlements.

The field visit resulted in a report containing findings and recommendations, which was submitted to the Italian authorities and was to be finalized and published in early 2009. The report's findings and lessons learned from the lead-up and response to the events in Ponticelli will help ODIHR enhance its assistance to national, regional and local authorities in implementing the Action Plan on Roma and Sinti.

An OSCE expert team visiting Italy to assess the situation of Roma and Sinti, July 2008.

#### V. Combating trafficking in human beings

ODIHR continued its work on combating trafficking in human beings by providing support for an initiative by FBSH-DN, an Albanian NGO, to raise awareness of the trafficking and exploitation of Roma street children and to provide these children with greater protection. The project, implemented in Tirana, provided information and assistance to street children and their families to help them gain registration and access to education and health care. Training was provided to five Roma peer educators on these issues, as well as those related to the prevention of trafficking and exploitation. A mobile unit was also established that regularly monitored the living conditions of Roma street children within the framework of the project.

# Programmes and Projects

<b>Elections</b>		
<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Election Technical Assistance	OSCE region	Expert reviews of electoral legislation (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova and Turkmenistan)
Election Observation Development	OSCE region	<ul style="list-style-type: none"> <li>• ODIHR Election Observation Handbooks: <i>Handbook for Observing Voter Registration</i>; <i>Handbook for Observing Electronic Voting</i></li> <li>• Fund for Enhancing Diversification in Election Observation Missions</li> <li>• Enabling contributions from non-partisan domestic observers in OSCE mandated and expert meetings</li> </ul>
Election Observer Training	OSCE region	Training of Short-Term Election Observers from participating States eligible for the Fund for Enhancing the Diversification of Election Observation Missions
<b>Projects</b>		
Assistance to the African Union		Consultation with the Pan-African Parliament of the African Union

<b>Rule of Law</b>		
<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Rule of Law	OSCE region	<ul style="list-style-type: none"> <li>• Trial Monitoring</li> <li>• Reference Manual for Practitioners in Trial-Monitoring areas</li> <li>• Monitoring Places of Detention</li> <li>• Reforming and strengthening capacity of legal institutions</li> <li>• War Crimes (South-Eastern Europe)</li> </ul>

## Civil Society and Democratic Governance

<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Democratic Governance	Georgia	<ul style="list-style-type: none"> <li>Increasing knowledge of political party activists in the fields of policy development and implementation at the local level; the political party system; political finance regulations; strategic planning.</li> <li>Adaptation of the interactive web-based tool 'VoteMatch' to assist voters in getting more information on political parties</li> <li>Strengthening the Centre for Parliamentary Reform</li> </ul>

## Gender Equality

<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Increased Participation of Women in Democratic Processes	South Caucasus, Central Asia, Ukraine, former Yugoslav Republic of Macedonia	<ul style="list-style-type: none"> <li>Providing civil society and political parties with skills and expertise for increasing the role and participation of women in decision-making</li> <li>Strengthening interaction among elected officials and NGOs to enhance advocacy mechanisms for ensuring gender-sensitive policy-making</li> <li>Capacity-building of government bodies to develop gender-sensitive policies and gender-budgeting</li> <li>Combating domestic violence</li> </ul>
Human Rights, Women and Security	OSCE region	<ul style="list-style-type: none"> <li>Implementation of UNSCR 1325 at national levels</li> <li>Toolkit on Gender and Security Sector Reform, including new research and resource materials to guide practitioners</li> <li>Awareness raising, including a handbook for practitioners on integration of a gender perspective and consideration of women's rights in conflict prevention and early warning</li> </ul>

## Migration/Freedom of Movement

<i>Programmes</i>	<i>Region</i>	<i>Included work on:</i>
Migration and Freedom of Movement	OSCE region	<ul style="list-style-type: none"> <li>Protection of human rights of migrants and development of migration policy in line with OSCE commitments (the Russian Federation)</li> <li>Research on labour immigration (Kazakhstan)</li> <li>Promotion of the rights of Roma migrants (Italy)</li> <li>Guidelines on Population Registration</li> <li>Modernization of population registration and address system (Albania)</li> </ul>

<b>Legislative Support</b>		
<b>Programmes</b>	<b>Region</b>	<b>Included work on:</b>
Legislative Reform Assistance	OSCE region	<ul style="list-style-type: none"> <li>• Reviews of draft legislation with advice on compliance of domestic laws with OSCE commitments (Albania, Armenia, Azerbaijan, former Yugoslav Republic of Macedonia, Moldova, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan)</li> <li>• Assessments to promote legislative efficiency and transparency (former Yugoslav Republic of Macedonia, Georgia, Moldova, Turkmenistan)</li> <li>• Providing greater access to law through an improved database, including a Russian-language interface (<a href="http://www.legislationline.org">www.legislationline.org</a>)</li> </ul>

<b>Human Rights</b>		
<b>Programmes</b>	<b>Region/Country</b>	<b>Included work on:</b>
Human Rights and Anti-Terrorism	OSCE region	<ul style="list-style-type: none"> <li>• Manual on human rights in the context of terrorism</li> <li>• Training course on human rights and counter-terrorism for public officials (Georgia, Ukraine)</li> <li>• Providing an overview of the legal frameworks for international co-operation on counter-terrorism issues and practical issues of prosecuting terrorism at Counter-Terrorism Training Workshop for prosecutors and legal officers of the UNMIK/ Kosovo Special Prosecutor's Office (KSPO)</li> <li>• Organizing the Expert Meeting on Security, Radicalization and the Prevention of Terrorism (Turkey)</li> </ul>
Human Rights Education and Training	OSCE region	<ul style="list-style-type: none"> <li>• Strengthening capacity of civil society in OSCE states to effectively promote and protect human rights (Armenia, Belarus, Tajikistan)</li> <li>• Compendium of good practices in Human Rights Education (HRE)</li> <li>• Training on the protection, promotion and education of human rights, promotion of the HRE Manual "Teaching Human Rights in School and Beyond" (Belarus)</li> </ul>

## Human Rights (cont.)

<i>Programmes</i>	<i>Region/Country</i>	<i>Included work on:</i>
Support to Human Rights Defenders and National Human Rights Institutions	OSCE region	<ul style="list-style-type: none"> <li>• Training human rights defenders and National Human Rights Institutions to monitor and report on freedom of peaceful assembly (Moldova, Armenia)</li> <li>• Guidebook on Freedom of Association</li> <li>• Strengthening co-operation between National Human Rights Institutions and state officials, and partnerships with civil society (Moldova)</li> <li>• Assessment of the human rights situation in war-affected areas following the conflict in Georgia</li> </ul>
Human Rights and Armed Forces	OSCE region	<ul style="list-style-type: none"> <li>• Launch of the Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel</li> <li>• Expertise and assistance to participating States on implementing the practical recommendations of the Handbook (Georgia, Serbia)</li> </ul>

## Tolerance and Non-discrimination

<i>Programmes</i>	<i>Region</i>	<i>Included work on:</i>
Educational and Public Awareness-Raising Activities to Promote Tolerance, Respect and Mutual Understanding and Remembrance of the Holocaust	OSCE region	<ul style="list-style-type: none"> <li>• Testing, finalizing and printing of the teaching materials on anti-Semitism in Croatia, Denmark, Germany, Lithuania, Netherlands, Poland, Russian Federation, Slovakia, Ukraine, Spain</li> <li>• Presentation and dissemination of the Guidelines for educators "Addressing Anti-Semitism: Why and How" and "Overview of good governmental practices on Holocaust Memorial Days in the OSCE Region"</li> <li>• Finalization of the Spanish and English versions of "The Resource Guide on Muslims in Spain"</li> </ul>
Law Enforcement Officer Programme on Combating Hate Crime	OSCE region	<ul style="list-style-type: none"> <li>• Customization of the training curriculum for law enforcement officials to respond effectively to hate crimes (Bosnia and Herzegovina)</li> <li>• Post-implementation evaluation (Croatia)</li> </ul>
Building the Capacity of Civil Society to Combat Hate Crime and Violent Manifestations of Intolerance	OSCE region	<ul style="list-style-type: none"> <li>• Training on preventing and responding to hate-motivated crimes and incidents for civil society</li> </ul>
Freedom of Religion or Belief	OSCE region	<ul style="list-style-type: none"> <li>• Provision of legislative assistance to Kazakhstan and Kyrgyzstan</li> <li>• Introduction of the Toledo Guiding Principles on Teaching about Religions and Beliefs</li> </ul>
Hate Crime Legislative Assistance	OSCE region	<ul style="list-style-type: none"> <li>• Finalization of Hate Crime Laws: A Practical Guide</li> </ul>

## Contact Point for Roma and Sinti Issues

<i>Programme</i>	<i>Region/Country</i>	<i>Included work on:</i>
Assistance to Improve the Situation of Roma and Sinti	Bulgaria, Italy, Romania, Serbia (Kosovo)	<ul style="list-style-type: none"> <li>• Assessment of the Human Rights Situation of Roma and Sinti in Italy.</li> <li>• Support to a research study on the current situation of Roma migrants in Spain.</li> <li>• Civic education and civil registration among Roma communities (former Yugoslav Republic of Macedonia, Italy and Serbia).</li> <li>• Integration of Roma, Ashkali and Egyptians (RAE) of Kosovo.</li> <li>• Research on the integration of Roma and Sinti in the city of Rome, Italy.</li> <li>• Promotion of equal access of Roma and Sinti children to early education.</li> <li>• Raising awareness in Roma communities on the issue of trafficking in human beings (Albania)</li> </ul>

# Legislative Reviews

## *Elections*

In 2008, ODIHR issued five legislative reviews and opinions on election legislation, many conducted jointly with the Council of Europe's Commission for Democracy through Law (Venice Commission):

Country	Legislation
Turkmenistan	Assessment of the Election Legislation of Turkmenistan
Bosnia and Herzegovina	Joint Opinion on Amendments to the Election Law of Bosnia and Herzegovina
Azerbaijan	Joint Opinion on the Draft Law on Amendments and Changes to the Electoral Code of the Republic of Azerbaijan
Armenia	Joint Opinion on the Election Code of the Republic of Armenia as amended up to December 2007
Moldova	Joint Opinion on the Election Code of Moldova as of 10 April 2008
Georgia	Draft Joint Opinion on the Election Code of Georgia as revised up to July 2008

## *Legislative Support*

ODIHR provided the following legislative reviews and legal commentaries:

### **Albania**

- ▶ Comments on the Draft Law of Albania on the Civil Society Development Fund (19 November)

### **Armenia**

- ▶ Opinion Concerning the Implementation of ECHR Article 5(1)(e) in Domestic Law (18 February);
- ▶ Joint OSCE, ODIHR and OSCE Representative on Freedom of the Media Opinion on the Draft Law on Information, Information Technologies and the Protection of Information (6 May);
- ▶ Three consecutive Joint ODIHR and Venice Commission Opinions on Amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations (18 March, 16 May and 9 June).

### **Azerbaijan**

- ▶ Guidelines on the Implementation of the Law on Freedom of Assembly (4 September).

### **former Yugoslav Republic of Macedonia**

- ▶ Comments on the Draft Anti-Discrimination Law (12 March).

### **Kazakhstan**

- ▶ Opinion on the Draft Law on Equal Rights and Opportunities of Women and Men (18 June).

### **Kyrgyzstan**

› OSCE/ODIHR and Venice Commission Joint Opinion on the Amendments to the Law on the Right of Citizens to Assemble Peaceably, without Weapons, to Freely Hold Rallies and Demonstrations (26 June).

### **Moldova**

› Comments on the Draft Law on Preventing and Combating Discrimination (11 September).

### **Turkmenistan**

› Comments on Constitutional Reform Proposals submitted on 22 May 2008 by the Constitutional Commission on Improvement of the Constitution (23 June).

### **Uzbekistan**

› Summary of Good Practice with Regard to the Representation of Parties in Criminal, Civil and Commercial Proceedings in OSCE Participating States (11 July).

The following comments have been prepared upon official requests by the ODIHR Advisory Council on Freedom of Religion or Belief (*see section on Tolerance and Non-Discrimination*):

### **Kazakhstan**

- › Comments to “On Amendments and Additions to some legislative Acts on issues of Religious Freedom and Religious Organizations” (10 June);
- › Additional comments to “On Amendments and Additions to some Legislative Acts on Issues of Religious Freedom and Religious Organizations” (30 September).

### **Kyrgyzstan**

› Comments on the Draft Law “On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic” (7 October).

### **Tajikistan**

› Comments on the Draft Law “On Freedom of Conscience and Religious Associations” (19 December).

# Conferences and Meetings

<i>Name</i>	<i>Location</i>	<i>Date</i>	<i>Number of Participants</i>
<b>Human Dimension Events</b>			
Human Dimension Seminar on Constitutional Justice	Warsaw	14-16 May 2008	179
Supplementary Human Dimension Meeting on Sustainable Policies for Roma and Sinti Integration	Vienna	10 - 11 July 2008	244
Human Dimension Implementation Meeting Working Session on the Implementation of the OSCE Action Plan on Roma and Sinti	Warsaw	2 October 2008	70
Supplementary Human Dimension Meeting on Democratic Lawmaking	Vienna	6-7 November 2008	200
<b>Elections</b>			
OSCE Finnish Chairmanship Seminar on Election-related Issues	Vienna	21-22 July 2008	
<b>Democratization</b>			
Launch of the Macedonian Law Drafting and Regulatory Management Assessment Report	Skopje	15 – 16 January 2008	50
Regional Training: Bringing the Balkans Parliaments Closer to the European Union	Ohrid	21 – 23 April 2008	30
Roundtable on the Development of the Draft Law on Preventing and Combating Domestic Violence in Armenia	Yerevan	25 April 2008	40
Forum of Women Representatives of Local Councils of Ukraine	Kiev	6 – 7 June 2008	70
Expert Forum on Criminal Justice in Central Asia	Zerenda	17-19 September 2008	53
Roundtable on: Policy Development and Drafting of Good Legislation	Chisinau	14 – 15 October 2008	40
Expert Workshop for the OSCE-ODIHR/ICTY/UNICRI project: "Supporting the Transition Process: Lessons Learned and Best Practices in Knowledge Transfer"	The Hague	20-21 October 2008	31
Meeting of Experts on Better Legislation in the OSCE region: Improving Lawmaking Processes, Instruments and Techniques	Vienna	5 November 2008	20
Expert Workshop on Reform of the Legal Profession and Access to Justice	Krakow	13-14 November 2008	30
Conference "OPCAT in the OSCE region: What it is and how to make it work?"	Prague	25-26 November 2008	75
Roundtable on Integrating Gender-Equality in General Education Curricula	Yerevan	28-29 November 2008	40

<b>Human Rights</b>			
Launch event for the Toolkit on Gender and Security Sector Reform as a part of the 52nd Session of the Commission on the Status of Women	New York	3 March	50
Advanced training for trainers in human rights education for participants of the ODIHR 2005-2007 NGO Capacity Building projects for Armenian and Tajik civil society	Tbilisi	31 March-6 April	20
Launch event for the ODIHR/DCAF Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel	Geneva	15 May	50
	Vienna	28 May	50
Launch of the Study on Compensation for Trafficked and Exploited Persons	Vienna	26 May	50
Regional experts meeting on protection and promotion of human rights in local communities (advocacy)	Warsaw	2-3 July	17
Expert Meeting on Security, Radicalization and the Prevention of Terrorism	Istanbul	28-29 July	60
Implementation event on Human Rights and Fundamental Freedoms of Armed Forces Personnel	Tbilisi	16 June	35
Launch event of the Toolkit on Gender and Security Sector Reform	Warsaw	2 October	40
Regional human rights education experts meeting	Warsaw	2-4 October	10
Side event on compensation for trafficked and exploited persons during HDIM	Warsaw	8 October	50
Presentation on the Human Rights and Fundamental Freedoms of Armed Forces Personnel at the Joint FSC/PC Meeting	Vienna	29 October	70
Launch of the Report on <i>Human Rights Defenders in the OSCE Region: Challenges and Good Practices</i>	Vienna	15 December	35
<b>Tolerance and Non-discrimination</b>			
Assessment Meeting on Combating Intolerance against Muslims in the field of Education	Warsaw	3-4 June	25
Meeting of the National Points of Contact on Combating Hate Crime	Helsinki	16-17 June	65
Intolerance against Christians in the OSCE Area - Preparatory Meeting to Discuss Roundtable Event in 2009	Vienna	11 December	10
Roundtable with NGOs addressing Intolerance and Discrimination against Muslims	Vienna	17 December	40
<b>Contact Point for Roma and Sinti Issues</b>			
International Roundtable Roma, Ashkali and Egyptians of Kosovo: Challenges and Prospects of Sustainable Integration	Vienna	22 October 2008	45

# Publications Printed in 2008

	<b>Title</b>	<b>Languages</b>
1	Gender and Security Sector Reform Toolkit	English
2	Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel	English
3	Toledo Guiding Principles	Spanish
4	Trial-Monitoring: A Reference Manual for Practitioners	English
5	Legislative Assistance Factsheet	English
6	ODIHR Annual Report 2007	English
7	Compensation for Trafficked and Exploited Persons in the OSCE Region	English
8	2006 Annual Report on Hate Crime	Russian
9	Human Dimension Commitments	Arabic
10	Human Rights Education Manual for Belarus	Belarusian
11	Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel	Russian
12	ODIHR Annual Report 2007	Russian
13	Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area	English
14	The Death Penalty in the OSCE Area: Background Paper 2008	English
15	Hate Crimes in the OSCE Region – Incidents and Responses. Annual Report for 2007	English
16	The Death Penalty in the OSCE Area: Background Paper 2008	Russian
17	Human Rights Defenders in the OSCE Region: Challenges and Good Practices	Russian

All ODIHR publications are available online at <http://www.osce.org/odihr/publications.html>. They can be ordered, free of charge, by sending an e-mail to [publications@odihr.pl](mailto:publications@odihr.pl).

# Election Reports and Statements Released in 2008

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- 】 Pre-term parliamentary elections in Poland, 21 October 2007
  1. OSCE/ODIHR Election Assessment Mission Final Report
  
- 】 Parliamentary elections in Switzerland, 21 October 2007
  2. OSCE/ODIHR Election Assessment Mission Final Report
  
- 】 Parliamentary elections in Croatia, 25 November 2007
  3. OSCE/ODIHR Limited Election Observation Mission Final Report
  
- 】 Parliamentary elections in Kyrgyzstan, 16 December 2007
  4. OSCE/ODIHR Election Assessment Mission Final Report
  
- 】 Presidential election in Uzbekistan, 23 December 2007
  5. OSCE/ODIHR Election Assessment Mission Final Report
  
- 】 Extraordinary presidential election in Georgia, 5 January 2008
  6. Preliminary Statement by the International Election Observation Mission
  7. International Election Observation Mission Post-election Interim Report
  8. OSCE/ODIHR Election Observation Mission Final Report
  
- 】 Presidential election in Serbia, 20 January and 3 February 2008
  9. Limited Election Observation Mission Press Statement on the 1<sup>st</sup> round
  10. Limited Election Observation Mission Press Statement on the 2<sup>nd</sup> round
  11. OSCE/ODIHR Limited Election Observation Mission Final Report
  
- 】 Presidential election in Armenia, 19 February 2008
  12. Election Observation Mission Interim Report 1
  13. Election Observation Mission Interim Report 2
  14. Preliminary Statement by the International Election Observation Mission
  15. Election Observation Mission Post-election Interim Report
  16. OSCE/ODIHR Election Observation Mission Final Report
  
- 】 Parliamentary elections in Spain, 9 March 2008
  17. Needs Assessment Mission Report
  18. OSCE/ODIHR Election Assessment Mission Final Report

- 】 Presidential election in Montenegro, 6 April 2008
  - 19. Needs Assessment Mission Report
  - 20. Election Observation Mission Interim Report
  - 21. Preliminary Statement by the International Election Observation Mission
  - 22. OSCE/ODIHR Election Observation Mission Final Report
  
- 】 Parliamentary elections in Italy, 13-14 April 2008
  - 23. Needs Assessment Mission Report
  - 24. OSCE/ODIHR Election Assessment Mission Final Report
  
- 】 Parliamentary elections in Serbia, 11 May 2008
  - 25. Limited Election Observation Mission Interim Report 1
  - 26. Limited Election Observation Mission Interim Report 2
  - 27. Preliminary Statement by the International Election Observation Mission
  - 28. OSCE/ODIHR Limited Election Observation Mission Final Report
  
- 】 Parliamentary elections in Georgia, 21 May 2008
  - 29. Election Observation Mission Interim Report 1
  - 30. Election Observation Mission Interim Report 2
  - 31. Preliminary Statement by the International Election Observation Mission
  - 32. OSCE/ODIHR Election Observation Mission Final Report
  
- 】 Early parliamentary elections in former Yugoslav Republic of Macedonia, 1 June 2008
  - 33. Election Observation Mission Interim Report
  - 34. Preliminary Statement by the International Election Observation Mission
  - 35. Press Statement on the re-run elections by the International Election Observation Mission
  - 36. OSCE/ODIHR Election Observation Mission Final Report
  
- 】 Parliamentary elections in Belarus, 28 September 2008
  - 37. Needs Assessment Mission Report
  - 38. Election Observation Mission Interim Report 1
  - 39. Election Observation Mission Interim Report 2
  - 40. Preliminary Statement by the International Election Observation Mission
  - 41. OSCE/ODIHR Election Observation Mission Final Report
  
- 】 Local elections in Bosnia and Herzegovina, 5 October 2008
  - 42. Needs Assessment Mission Report
  
- 】 Presidential election in Azerbaijan, 15 October 2008
  - 43. Needs Assessment Mission Report
  - 44. Election Observation Mission Interim Report 1
  - 45. Election Observation Mission Interim Report 2
  - 46. Preliminary Statement by the International Election Observation Mission
  - 47. OSCE/ODIHR Election Observation Mission Final Report

- 】 General elections in Unites States of America, 4 November 2008
  - 48. Needs Assessment Mission Report
  - 49. Limited Election Observation Mission Interim Report
  - 50. Preliminary Statement by the International Limited Election Observation Mission
  
- 】 Early parliamentary elections in Turkmenistan, 14 December 2008
  - 51. Needs Assessment Mission Report
  
- 】 Presidential and municipal elections in the former Yugoslav Republic of Macedonia, March 2009
  - 52. Needs Assessment Mission Report

# ODIHR Structure and Budget



## ODIHR Programmes: 2008 Budget (all figures in euros)

Direction and Policy	1 292 900
Fund Administration Unit	1 480 300
Common Operational Costs	818 900
Human Dimension Meetings	761 500
Democratization	1 264 900
Human Rights	1 069 200
Elections	6 104 200
Tolerance and Non-discrimination	1 180 400
Roma and Sinti Issues	432 800
ODIHR augmentation	253 900
<b>TOTAL</b>	<b>14 659 000</b>

